

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0992.02 Richard Sweetman x4333

HOUSE BILL 26-1418

HOUSE SPONSORSHIP

Zokaie and Camacho,

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Amabile and Roberts,

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF SERVICES TO YOUNG PEOPLE, AND, IN
102 CONNECTION THEREWITH, REQUIRING CERTAIN SOCIAL MEDIA
103 PLATFORMS THAT PROVIDE ONLINE GAMING SERVICES,
104 PRODUCTS, AND FEATURES TO YOUNG PEOPLE TO IMPOSE A FEE
105 ON EACH ADD-ON TRANSACTION AND REMIT THE FEE TO THE
106 YOUTH MENTAL HEALTH SERVICES ACCESS ENTERPRISE, WHICH
107 ENTERPRISE IS CREATED IN THE BILL, AND DIRECTING THE
108 ENTERPRISE TO USE THE FEE REVENUE TO OPERATE AND FUND
109 CERTAIN PROGRAMS THAT PROVIDE MENTAL HEALTH SERVICES
110 TO YOUNG PEOPLE.

Bill Summary

(Note: This summary applies to this bill as introduced and does

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires each covered social media platform (covered platform) to impose a fee on each add-on transaction that occurs on the covered platform. The bill creates the youth mental health services access enterprise (enterprise) in the behavioral health administration (BHA) to use the fee revenue to operate and fund programs that provide youth mental health services. The enterprise constitutes an enterprise for purposes of section 20 of article X of the state constitution.

A "covered platform" means a sole proprietorship, a partnership, a limited liability company, a corporation, an association, or another legal entity, or an affiliate thereof, that:

- Conducts business in this state;
- Generates a majority of its annual revenue from online services;
- Makes available online gaming services, products, or features that are reasonably likely to be accessed by a youth;
- Collects users' personal data or has users' personal data collected on its behalf by a processor; and
- Solely or jointly with others determines the purposes and means of the processing of users' personal data.

"Add-on transaction" means an online transaction through which a player or participant in an online gaming service, product, or feature acquires:

- An item or ability that provides the player or participant an advantage over other players or participants; or
- A feature that alters or enhances the online gaming service, product, or feature.

After deducting its administrative expenses, the enterprise is required to allocate the remaining fee revenue as follows:

- 40% to operate and fund the youth mental health peer navigator grant program, which program is created in the bill (see below);
- 35% to operate and fund the crisis resolution team program, which program is created in the bill (see below); and
- 25%, beginning July 1, 2027, to operate the existing youth mental health services program (see below).

The initial amount of the fee is 5% of the amount of the add-on transaction. On and after October 1, 2027, the enterprise may adjust the amount of the fee.

1 THEY ARE EXPOSED TO ADULT-THEMED CONTENT, SEXUAL PREDATORS,
2 AND UNSCRUPULOUS MARKETERS;

3 (II) YOUNG PEOPLE ARE ESPECIALLY VULNERABLE TO THREATS
4 THAT EXIST ON THE INTERNET BECAUSE YOUNG PEOPLE LACK EXPERIENCE
5 AND BECAUSE THERE ARE INDIVIDUALS AND OTHER ENTITIES THAT TARGET
6 YOUNG PEOPLE ON THE INTERNET FOR PREDATORY PURPOSES;

7 (III) IT IS WELL-DOCUMENTED THAT THE BRAINS OF CHILDREN AND
8 JUVENILES ARE NOT FULLY DEVELOPED AND THAT, FOR MANY YOUNG
9 PEOPLE, THE CONSTANT AND OVERWHELMING PRESENCE OF SOCIAL MEDIA
10 AND THE INTERNET EXACERBATES THE DIFFICULTIES OF THE TRANSITION
11 FROM CHILDHOOD TO ADULTHOOD;

12 (IV) MANY YOUNG PEOPLE WHO DEVELOP COMPULSIVE USE
13 DISORDERS OR WHO ARE OTHERWISE HARMED BY SOCIAL MEDIA WEBSITES
14 OR THE INTERNET CAN BENEFIT FROM PROGRAMS THAT OFFER MENTAL
15 HEALTH SERVICES; AND

16 (V) IT IS IN THE BEST INTEREST OF THE STATE TO REQUIRE CERTAIN
17 INTERNET WEBSITES THAT MARKET AND PROVIDE GAMING OPPORTUNITIES
18 TO CHILDREN AND JUVENILES AND PROFIT FROM SUCH VENTURES TO
19 IMPOSE AND COLLECT A FEE ON EACH ADD-ON TRANSACTION TO BE
20 CREDITED TO THE YOUTH MENTAL HEALTH SERVICES ACCESS ENTERPRISE
21 FUND CREATED IN THIS PART 6, FROM WHICH FUND THE YOUTH MENTAL
22 HEALTH SERVICES ACCESS ENTERPRISE MAY AWARD GRANTS TO MENTAL
23 HEALTH AGENCIES THAT PROVIDE MENTAL HEALTH SERVICES TO YOUNG
24 PEOPLE, AS DESCRIBED IN THIS PART 6;

25 (b) BY SUPPORTING YOUTH MENTAL HEALTH SERVICES AS
26 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE ENTERPRISE
27 ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN,

1 OR LIVELIHOOD AND THEREFORE OPERATES AS A BUSINESS;

2 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
3 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
4 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
5 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
6 X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES
7 THAT THE FEE IMPOSED BY THE ENTERPRISE IS A FEE, NOT A TAX, BECAUSE
8 THE FEE IS IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
9 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE BENEFITS AND
10 SERVICES SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION TO YOUTH
11 USERS OF SOCIAL MEDIA PLATFORMS, AND THE FEE IS IMPOSED AT A RATE
12 THAT IS REASONABLY CALCULATED TO OFFSET THE DIRECT AND INDIRECT
13 COSTS OF THE SERVICES RECEIVED BY YOUTH USERS OF SOCIAL MEDIA
14 PLATFORMS;

15 (d) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
16 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
17 REVENUE FROM THE FEE IMPOSED BY THE ENTERPRISE IS NOT STATE FISCAL
18 YEAR SPENDING, AS DEFINED IN SECTION 24-77-102, OR STATE REVENUES,
19 AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT
20 AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY
21 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS
22 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I); AND

23 (e) NO OTHER ENTERPRISE CREATED SIMULTANEOUSLY OR WITHIN
24 THE PRECEDING FIVE YEARS SERVES PRIMARILY THE SAME PURPOSE AS THE
25 ENTERPRISE, AND THE ENTERPRISE WILL GENERATE REVENUE FROM FEES
26 OF LESS THAN ONE HUNDRED MILLION DOLLARS TOTAL IN ITS FIRST FIVE
27 FISCAL YEARS. ACCORDINGLY, THE CREATION OF THE ENTERPRISE DOES

1 NOT REQUIRE VOTER APPROVAL PURSUANT TO SECTION 24-77-108.

2 **27-60-603. Definitions.**

3 AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (1) "ADD-ON TRANSACTION" MEANS AN ONLINE TRANSACTION
6 THROUGH WHICH A PLAYER OR PARTICIPANT IN AN ONLINE GAMING
7 SERVICE, PRODUCT, OR FEATURE ACQUIRES:

8 (a) AN ITEM OR ABILITY THAT PROVIDES THE PLAYER OR
9 PARTICIPANT AN ADVANTAGE OVER OTHER PLAYERS OR PARTICIPANTS; OR

10 (b) A FEATURE THAT ALTERS OR ENHANCES THE ONLINE GAMING
11 SERVICE, PRODUCT, OR FEATURE.

12 (2) "COVERED PLATFORM" MEANS A SOLE PROPRIETORSHIP, A
13 PARTNERSHIP, A LIMITED LIABILITY COMPANY, A CORPORATION, AN
14 ASSOCIATION, OR ANOTHER LEGAL ENTITY, OR AN AFFILIATE THEREOF,
15 THAT:

16 (a) CONDUCTS BUSINESS IN THIS STATE;

17 (b) GENERATES A MAJORITY OF ITS ANNUAL REVENUE FROM
18 ONLINE SERVICES;

19 (c) MAKES AVAILABLE ONLINE GAMING SERVICES, PRODUCTS, OR
20 FEATURES THAT ARE REASONABLY LIKELY TO BE ACCESSED BY A YOUTH;

21 (d) COLLECTS USERS' PERSONAL DATA OR HAS USERS' PERSONAL
22 DATA COLLECTED ON ITS BEHALF BY A PROCESSOR; AND

23 (e) SOLELY OR JOINTLY WITH OTHERS DETERMINES THE PURPOSES
24 AND MEANS OF THE PROCESSING OF USERS' PERSONAL DATA.

25 (3) "ENTERPRISE" MEANS THE YOUTH MENTAL HEALTH SERVICES
26 ACCESS ENTERPRISE CREATED IN SECTION 27-60-604.

27 (4) "FEE" MEANS THE YOUTH MENTAL HEALTH SERVICES ACCESS

1 FEE IMPOSED BY COVERED PLATFORMS PURSUANT TO SECTION 27-60-605.

2 (5) "FUND" MEANS THE YOUTH MENTAL HEALTH SERVICES ACCESS
3 ENTERPRISE FUND CREATED IN SECTION 27-60-604 (6).

4 (6) "ONLINE GAMING SERVICE, PRODUCT, OR FEATURE" MEANS AN
5 ONLINE SERVICE, PRODUCT, OR FEATURE, AS DEFINED IN SECTION 6-1-1303
6 (16.8), THAT IS INTENDED TO FACILITATE ONLINE GAMING.

7 (7) "PROCESS" OR "PROCESSING" HAS THE MEANING SET FORTH IN
8 SECTION 6-1-1303 (18).

9 (8) "PROCESSOR" HAS THE MEANING SET FORTH IN SECTION
10 6-1-1303 (19).

11 (9) "REASONABLY LIKELY TO BE ACCESSED BY A YOUTH" MEANS
12 THAT AN ONLINE GAMING SERVICE, PRODUCT, OR FEATURE IS REASONABLY
13 LIKELY TO BE ACCESSED BY A YOUTH BASED ON ANY OF THE FOLLOWING
14 INDICATORS:

15 (a) THE ONLINE GAMING SERVICE, PRODUCT, OR FEATURE IS
16 DIRECTED TO CHILDREN, AS DESCRIBED BY THE FEDERAL "CHILDREN'S
17 ONLINE PRIVACY PROTECTION ACT OF 1998", 15 U.S.C. SECS. 6501 TO
18 6506, AND THE ASSOCIATED RULES OF THE FEDERAL TRADE COMMISSION;

19 (b) THE ONLINE GAMING SERVICE, PRODUCT, OR FEATURE IS
20 DETERMINED, BASED ON COMPETENT AND RELIABLE EVIDENCE REGARDING
21 AUDIENCE COMPOSITION, TO BE ROUTINELY ACCESSED BY AN AUDIENCE
22 THAT IS COMPOSED OF AT LEAST TWO PERCENT YOUTHS WHO ARE TWO
23 THROUGH SEVENTEEN YEARS OLD;

24 (c) THE AUDIENCE OF THE ONLINE GAMING SERVICE, PRODUCT, OR
25 FEATURE IS DETERMINED, BASED ON INTERNAL COMPANY RESEARCH, TO
26 BE COMPOSED OF AT LEAST TWO PERCENT YOUTHS WHO ARE TWO
27 THROUGH SEVENTEEN YEARS OLD; OR

1 (d) A COVERED PLATFORM KNEW OR SHOULD HAVE KNOWN THAT
2 AT LEAST TWO PERCENT OF THE AUDIENCE OF THE COVERED PLATFORM'S
3 ONLINE GAMING SERVICE, PRODUCT, OR FEATURE IS COMPOSED OF YOUTHS
4 WHO ARE TWO THROUGH SEVENTEEN YEARS OLD; EXCEPT THAT, IN
5 MAKING THIS ASSESSMENT, THE COVERED PLATFORM SHALL NOT COLLECT
6 OR PROCESS ANY PERSONAL DATA THAT IS NOT REASONABLY NECESSARY
7 TO PROVIDE AN ONLINE GAMING SERVICE, PRODUCT, OR FEATURE WITH
8 WHICH A YOUTH IS ACTIVELY AND KNOWINGLY ENGAGED.

9 (10) "YOUTH" HAS THE MEANING SET FORTH IN SECTION 27-60-109
10 (1)(e).

11 **27-60-604. Youth mental health services access enterprise -**
12 **created - board - powers and duties - rules and policies - fund -**
13 **repeal.**

14 (1)(a) THE YOUTH MENTAL HEALTH SERVICES ACCESS ENTERPRISE
15 IS CREATED IN THE BEHAVIORAL HEALTH ADMINISTRATION. THE
16 ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS
17 WITHIN THE BHA FOR THE BUSINESS PURPOSE OF COLLECTING FEES
18 IMPOSED BY COVERED PLATFORMS PURSUANT TO SECTION 27-60-605 AND
19 UTILIZING THE FEE REVENUE TO OPERATE AND FUND PROGRAMS THAT
20 PROVIDE YOUTH MENTAL HEALTH SERVICES. THE ENTERPRISE IS A **TYPE 1**
21 ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS POWER AND
22 PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE BHA.

23 (b) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
24 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
25 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
26 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL
27 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT

1 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (1), THE
2 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
3 CONSTITUTION.

4 (c) THE ENTERPRISE SHALL BE DIRECTED BY A BOARD OF
5 INDIVIDUALS TO BE APPOINTED BY THE GOVERNOR.

6 (2) THE ENTERPRISE, ACTING THROUGH THE BOARD, MAY:

7 (a) ENTER INTO CONTRACTS NECESSARY FOR PROFESSIONAL AND
8 TECHNICAL ASSISTANCE AND ADVICE AND TO SUPPLY OTHER SERVICES
9 RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE, WITHOUT
10 REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE
11 24;

12 (b) BY RESOLUTION, AUTHORIZE AND ISSUE REVENUE BONDS THAT
13 ARE PAYABLE ONLY FROM THE MONEY IN THE FUND;

14 (c) ADOPT RULES AS NECESSARY TO CARRY OUT THIS PART 6; AND

15 (d) ADOPT POLICIES FOR THE REGULATION OF ITS AFFAIRS AND THE
16 CONDUCT OF ITS BUSINESS CONSISTENT WITH THIS PART 6.

17 (3) THE ENTERPRISE SHALL:

18 (a) RECEIVE THE FEES IMPOSED BY COVERED PLATFORMS ON
19 ADD-ON TRANSACTIONS PURSUANT TO SECTION 27-60-605;

20 (b) OPERATE AND FUND THE YOUTH MENTAL HEALTH PEER
21 NAVIGATOR GRANT PROGRAM AS REQUIRED BY SECTION 27-60-606;

22 (c) OPERATE AND FUND THE CRISIS RESOLUTION TEAM PROGRAM
23 AS REQUIRED BY SECTION 27-60-607; AND

24 (d) BEGINNING JULY 1, 2027, OPERATE AND FUND THE YOUTH
25 MENTAL HEALTH SERVICES PROGRAM CREATED IN SECTION 27-60-109.

26 (4) (a) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
27 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", PART 4 OF

1 ARTICLE 6 OF TITLE 24.

2 (b) THE ENTERPRISE IS SUBJECT TO THE "COLORADO OPEN
3 RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24. FOR PURPOSES OF THE
4 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24,
5 AND EXCEPT AS MAY OTHERWISE BE PROVIDED BY FEDERAL LAW OR
6 REGULATION OR STATE LAW, THE RECORDS OF THE ENTERPRISE ARE PUBLIC
7 RECORDS, AS DEFINED IN SECTION 24-72-202, REGARDLESS OF WHETHER
8 THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL
9 REVENUE IN GRANTS, AS DEFINED IN SECTION 24-77-102, FROM ALL
10 COLORADO STATE AND LOCAL GOVERNMENTS.

11 (c) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF THE
12 "SUPPLEMENTAL PUBLIC SECURITIES ACT", PART 2 OF ARTICLE 57 OF
13 TITLE 11.

14 (5) THE BHA SHALL PROVIDE OFFICE SPACE AND ADMINISTRATIVE
15 STAFF TO THE ENTERPRISE PURSUANT TO A CONTRACT ENTERED INTO
16 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

17 (6)(a) THE YOUTH MENTAL HEALTH SERVICES ACCESS ENTERPRISE
18 FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
19 CREDITED TO THE FUND IN ACCORDANCE WITH THIS PART 6; ANY MONEY
20 RECEIVED FROM THE ISSUANCE OF REVENUE BONDS, AS DESCRIBED IN
21 SUBSECTION (2)(b) OF THIS SECTION; AND ANY OTHER MONEY THAT THE
22 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

23 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
24 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
25 FUND TO THE FUND.

26 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
27 ENTERPRISE. THE ENTERPRISE MAY EXPEND MONEY FROM THE FUND FOR

1 THE PURPOSES OF THIS PART 6, SUBJECT TO THE REQUIREMENTS OF
2 SECTION 27-60-605 (4).

3 (7) (a) SECTION 24-77-108 DOES NOT APPLY TO THE ENTERPRISE
4 BECAUSE THE TOTAL AMOUNT OF MONEY CREDITED OR APPROPRIATED TO
5 THE FUND AS FEE REVENUE SHALL NOT EXCEED ONE HUNDRED MILLION
6 DOLLARS IN THE FIRST FIVE FISCAL YEARS OF THE ENTERPRISE'S
7 EXISTENCE.

8 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2033.

9 (8) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
10 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
11 THIS SECTION, SO LONG AS THE COMBINATION OF GRANTS FROM STATE AND
12 LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S
13 TOTAL ANNUAL REVENUE.

14 **27-60-605. Youth mental health services access fee -**
15 **established - collection by covered platforms - remittance to**
16 **department of revenue.**

17 (1) ON AND AFTER JANUARY 1, 2027, EACH COVERED PLATFORM
18 SHALL IMPOSE AND COLLECT A FEE ON EACH ADD-ON TRANSACTION THAT
19 OCCURS ON THE COVERED PLATFORM AND REMIT THE ENTIRE AMOUNT OF
20 THE FEE TO THE DEPARTMENT OF REVENUE.

21 (2) (a) THE INITIAL AMOUNT OF THE FEE IS FIVE PERCENT OF THE
22 AMOUNT OF THE ADD-ON TRANSACTION. ON AND AFTER OCTOBER 1, 2027,
23 THE ENTERPRISE MAY ADJUST THE AMOUNT OF THE FEE. THE ENTERPRISE
24 SHALL PUBLISH THE FEE AMOUNT ON THE BHA'S PUBLIC WEBSITE.

25 (b) THE AMOUNT OF THE FEE MUST BE REASONABLY CALCULATED
26 TO RECOUP THE DIRECT AND INDIRECT COSTS OF THE SERVICES RECEIVED
27 BY YOUTH THROUGH THE YOUTH MENTAL HEALTH SERVICES PROGRAM

1 CREATED IN SECTION 27-60-109, THE YOUTH MENTAL HEALTH PEER
2 NAVIGATOR GRANT PROGRAM CREATED IN SECTION 27-60-606, AND THE
3 CRISIS RESOLUTION TEAM PROGRAM CREATED IN SECTION 27-60-607.

4 (c) IN ADJUSTING THE AMOUNT OF THE FEE, THE ENTERPRISE SHALL
5 CONSIDER THE LIMITATIONS DESCRIBED IN SECTION 24-77-108.

6 (3) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
7 REVENUE SHALL TRANSFER MONEY COLLECTED AS FEES BY COVERED
8 PLATFORMS TO THE STATE TREASURER TO BE CREDITED TO THE FUND.

9 (b) MONEY THAT THE DEPARTMENT OF REVENUE COLLECTS
10 PURSUANT TO THIS SECTION IS CUSTODIAL MONEY HELD TEMPORARILY BY
11 THE DEPARTMENT OF REVENUE AND THE STATE TREASURER SOLELY FOR
12 THE PURPOSE OF TRANSFERRING THE MONEY TO THE FUND FOR USE BY THE
13 ENTERPRISE.

14 (4) THE ENTERPRISE MAY SPEND NO MORE THAN THREE PERCENT
15 OF THE ANNUAL FEE REVENUE FOR THE ENTERPRISE'S ADMINISTRATIVE
16 EXPENSES. AFTER DEDUCTING ITS ADMINISTRATIVE EXPENSES, THE
17 ENTERPRISE SHALL ALLOCATE THE REMAINING FEE REVENUE AS FOLLOWS:

18 (a) FORTY PERCENT FOR THE YOUTH MENTAL HEALTH PEER
19 NAVIGATOR GRANT PROGRAM CREATED IN SECTION 27-60-606;

20 (b) THIRTY-FIVE PERCENT FOR THE CRISIS RESOLUTION TEAM
21 PROGRAM CREATED IN SECTION 27-60-607; AND

22 (c) TWENTY-FIVE PERCENT FOR THE YOUTH MENTAL HEALTH
23 SERVICES PROGRAM CREATED IN SECTION 27-60-109.

24 **27-60-606. Youth mental health peer navigator grant program**
25 **- created - eligible entities - report - definitions.**

26 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) "ELIGIBLE ENTITY" MEANS AN ENTITY THAT SATISFIES THE
2 CRITERIA DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

3 (b) "GOVERNOR'S COMMISSION ON COMMUNITY SERVICE" MEANS
4 THE GOVERNOR'S COMMISSION ON COMMUNITY SERVICE CREATED IN
5 SECTION 24-20-501 AND COMMONLY KNOWN AS "SERVE COLORADO".

6 (c) "GRANT PROGRAM" MEANS THE YOUTH MENTAL HEALTH PEER
7 NAVIGATOR GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS
8 SECTION.

9 (d) "YOUNG ADULT" MEANS AN INDIVIDUAL WHO IS EIGHTEEN
10 YEARS OLD OR OLDER BUT YOUNGER THAN TWENTY-FIVE YEARS OLD.

11 (2) (a) THE YOUTH MENTAL HEALTH PEER NAVIGATOR GRANT
12 PROGRAM IS CREATED TO AWARD GRANTS TO ENTITIES THAT RECRUIT AND
13 TRAIN YOUNG ADULTS TO PROVIDE PREVENTION SERVICES, PEER SUPPORT,
14 AND SYSTEM NAVIGATION TO YOUTH IN SCHOOLS OR COMMUNITY-BASED
15 SETTINGS.

16 (b) THE ENTERPRISE SHALL OPERATE AND FUND THE GRANT
17 PROGRAM IN ACCORDANCE WITH THIS SECTION. THE ENTERPRISE SHALL
18 CONSULT WITH THE BHA AND THE GOVERNOR'S COMMISSION ON
19 COMMUNITY SERVICE IN THE OPERATION OF THE GRANT PROGRAM.

20 (3) THE ENTERPRISE SHALL ADOPT AND POST ON THE BHA'S
21 PUBLIC WEBSITE POLICIES, PROCEDURES, AND GUIDELINES FOR THE GRANT
22 PROGRAM THAT INCLUDE, AT A MINIMUM:

23 (a) PROCEDURES AND TIMELINES BY WHICH AN ELIGIBLE ENTITY
24 MAY APPLY FOR A GRANT;

25 (b) CRITERIA FOR DETERMINING GRANT ELIGIBILITY AND THE
26 AMOUNT OF GRANT AWARDS; AND

27 (c) REPORTING REQUIREMENTS FOR GRANT RECIPIENTS, WHICH

1 REQUIREMENTS INCLUDE REPORTING THE USE OF A GRANT AWARD.

2 (4) TO BE ELIGIBLE FOR A GRANT AWARD, AN ENTITY MUST BE AN
3 INDIAN TRIBE; AN INSTITUTION OF HIGHER EDUCATION; A LOCAL
4 GOVERNMENT, INCLUDING A SCHOOL DISTRICT; A STATE GOVERNMENT
5 AGENCY; OR A NONPROFIT ORGANIZATION AND MUST PROVIDE MENTAL
6 HEALTH PROGRAMMING IN SCHOOLS OR COMMUNITY-BASED SETTINGS,
7 WHICH PROGRAMMING INCLUDES:

8 (a) MAKING REFERRALS TO MENTAL HEALTH RESOURCES;

9 (b) IDENTIFYING AND REMOVING BARRIERS TO MENTAL HEALTH
10 SERVICES;

11 (c) DEVELOPING ACTION PLANS FOR MENTAL HEALTH TRENDS IN
12 SCHOOLS;

13 (d) COORDINATING MENTAL HEALTH CARE;

14 (e) PROVIDING CASE MANAGEMENT AND CULTURAL MEDIATION;
15 AND

16 (f) OFFERING MENTAL HEALTH EDUCATION.

17 (5) (a) TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST SUBMIT A
18 GRANT APPLICATION TO THE GOVERNOR'S COMMISSION ON COMMUNITY
19 SERVICE.

20 (b) THE GOVERNOR'S COMMISSION ON COMMUNITY SERVICE SHALL
21 REVIEW EACH GRANT APPLICATION AND MAKE RECOMMENDATIONS TO THE
22 ENTERPRISE CONCERNING WHETHER A GRANT SHOULD BE AWARDED AND,
23 IF SO, THE AMOUNT OF THE GRANT.

24 (c) AFTER CONSIDERING THE RECOMMENDATIONS OF THE
25 GOVERNOR'S COMMISSION ON COMMUNITY SERVICE, THE ENTERPRISE
26 SHALL AWARD AND DETERMINE THE AMOUNT OF EACH GRANT.

27 (6) AN ELIGIBLE ENTITY THAT RECEIVES A GRANT SHALL USE THE

1 GRANT AWARD ONLY FOR ONE OR MORE PURPOSES DESCRIBED IN
2 SUBSECTION (4) OF THIS SECTION.

3 (7) (a) ON OR BEFORE JANUARY 31, 2028, AND ON OR BEFORE
4 JANUARY 31 OF EACH YEAR THEREAFTER, THE ENTERPRISE SHALL SUBMIT
5 A REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN
6 SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES
7 COMMITTEE, OR ANY SUCCESSOR COMMITTEES, WITH INFORMATION ABOUT
8 THE GRANT PROGRAM'S ACTIVITIES DURING THE PRECEDING YEAR. THE
9 ENTERPRISE SHALL ALSO POST THE ANNUAL REPORT ON THE BHA'S PUBLIC
10 WEBSITE. THE REPORT MUST INCLUDE THE NUMBER AND TOTAL AMOUNT
11 OF GRANTS AWARDED BY THE GRANT PROGRAM, THE RECIPIENT AND
12 AMOUNT OF EACH GRANT AWARDED, AND THE USES OF EACH GRANT
13 AWARD.

14 (b) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
15 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
16 SUBSECTION (7) CONTINUES INDEFINITELY.

17 **27-60-607. Crisis resolution team program - created - report**
18 **- definitions.**

19 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) "CAREGIVER" MEANS A PARENT, A FOSTER PARENT, KIN, A
22 GUARDIAN, OR A LEGAL CUSTODIAN.

23 (b) "CRISIS RESOLUTION TEAM PROVIDER" MEANS A SERVICE
24 PROVIDER THAT SUPPORTS YOUTH WHO ARE EXPERIENCING BEHAVIORAL
25 HEALTH CRISES AND WHO MAY BENEFIT FROM INTENSIVE, SHORT-TERM,
26 IN-HOME SERVICES AND ONGOING SUPPORT.

27 (c) "PROGRAM" MEANS THE CRISIS RESOLUTION TEAM PROGRAM

1 CREATED IN THIS SECTION.

2 (2) (a) THE CRISIS RESOLUTION TEAM PROGRAM IS CREATED TO
3 PROVIDE COMMUNITY-BASED DE-ESCALATION AND STABILIZATION
4 SERVICES TO YOUTH WHO ARE EXPERIENCING HIGH-ACUITY BEHAVIORAL
5 HEALTH CRISES AND TO THEIR CAREGIVERS. THE ENTERPRISE, IN
6 COLLABORATION WITH THE BHA, SHALL ADMINISTER THE PROGRAM AND
7 CONTRACT WITH CRISIS RESOLUTION TEAM PROVIDERS TO OFFER THE
8 SERVICES DESCRIBED IN THIS SECTION.

9 (b) A YOUTH IS ELIGIBLE TO RECEIVE SERVICES FROM THE
10 PROGRAM IF THE YOUTH:

11 (I) HAS EXPERIENCED HIGH-ACUITY BEHAVIORAL HEALTH CRISES
12 AS IDENTIFIED BY THE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM OR
13 AN EMERGENCY DEPARTMENT; AND

14 (II) IS SAFE TO REMAIN IN THE YOUTH'S HOME OR COMMUNITY
15 WHILE RECEIVING INTENSIVE, SHORT-TERM STABILIZATION
16 INTERVENTIONS.

17 (c) A CRISIS RESOLUTION TEAM PROVIDER SHALL OFFER THE
18 FOLLOWING SERVICES TO YOUTH AND THEIR CAREGIVERS:

19 (I) COUNSELING OR THERAPY;

20 (II) CASE MANAGEMENT TO SUPPORT MEETING TREATMENT PLANS;

21 (III) PEER SUPPORT OR FAMILY SKILLS COACHING TO FOSTER
22 CONNECTEDNESS, GOAL SETTING, AND NEW ROUTINES TO ACHIEVE
23 POSITIVE, LASTING CHANGE;

24 (IV) MEDICATION MANAGEMENT; AND

25 (V) CARE COORDINATION TO PROVIDE TAILORED SUPPORT AND
26 CONNECTION THROUGH THE USE OF ADDITIONAL COMMUNITY RESOURCES.

27 (d) A CRISIS RESOLUTION TEAM PROVIDER SHALL OFFER SERVICES

1 TO A YOUTH AT LEAST THREE DAYS PER WEEK WITH A VARIETY OF
2 SERVICES OFFERED DAILY DEPENDING ON THE YOUTH'S CLINICAL NEEDS.
3 SERVICES MUST BE OFFERED TO THE YOUTH FOR AT LEAST FOUR WEEKS,
4 UP TO A MAXIMUM OF SIX WEEKS DEPENDING ON THE YOUTH'S CLINICAL
5 NEEDS.

6 (3) (a) TO CONTRACT WITH THE ENTERPRISE PURSUANT TO
7 SUBSECTION (2)(a) OF THIS SECTION, A CRISIS RESOLUTION TEAM
8 PROVIDER MUST:

9 (I) PROVIDE SUPPORT AND STABILIZATION SERVICES ACCORDING
10 TO THE TIME FRAMES DESCRIBED IN SUBSECTION (2)(d) OF THIS SECTION;
11 AND

12 (II) ENTER INTO COMMUNITY COORDINATION PARTNERSHIPS AS
13 DESCRIBED IN SECTION 27-60-104 (6).

14 (b) A CRISIS RESOLUTION TEAM PROVIDER MAY LOCATE WITHIN
15 THE FACILITY OF A COMMUNITY-BASED ORGANIZATION OR PARTNER.

16 (c) A CRISIS RESOLUTION TEAM PROVIDER THAT ENTERS INTO A
17 CONTRACT WITH THE ENTERPRISE PURSUANT TO SUBSECTION (2)(a) OF
18 THIS SECTION SHALL COLLECT DATA AND OUTCOMES ON THE FOLLOWING:

19 (I) THE NUMBER OF YOUTH SERVED BY THE CRISIS RESOLUTION
20 TEAM PROVIDER, DISAGGREGATED BY GENDER, RACE, GRADE LEVEL,
21 DISABILITY, ENGLISH LANGUAGE LEARNER STATUS, AND UNHOUSED
22 STATUS TO THE MAXIMUM EXTENT POSSIBLE IN COMPLIANCE WITH THE
23 "COLORADO PRIVACY ACT", PART 13 OF ARTICLE 1 OF TITLE 6;

24 (II) THE ORGANIZATIONS THAT REFER YOUTH TO THE CRISIS
25 RESOLUTION TEAM PROVIDER;

26 (III) THE NUMBER OF YOUTH HOSPITALIZED WHILE RECEIVING
27 SERVICES FROM THE CRISIS RESOLUTION TEAM PROVIDER;

1 (IV) THE NUMBER OF REFERRALS FOR YOUTH TO OUT-OF-HOME
2 PLACEMENTS WHILE RECEIVING SERVICES FROM THE CRISIS RESOLUTION
3 TEAM PROVIDER; AND

4 (V) THE NUMBER AND TYPES OF SERVICES AND SUPPORTS THAT
5 YOUTH AND THEIR CAREGIVERS RECEIVE.

6 (4) TO ADMINISTER THE PROGRAM, THE ENTERPRISE SHALL:

7 (a) USE EXISTING COMMUNITY COORDINATION PARTNERSHIPS AS
8 DESCRIBED IN SECTION 27-60-104 (6) TO MAINTAIN RELATIONSHIPS WITH
9 THE FOLLOWING COMMUNITY PARTNERS:

10 (I) LOCAL COMMUNITY MENTAL AND BEHAVIORAL HEALTH
11 PROVIDERS;

12 (II) COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES;

13 (III) ORGANIZATIONS THAT SERVE JUSTICE-INVOLVED YOUTH;

14 (IV) SCHOOL DISTRICTS;

15 (V) ORGANIZATIONS THAT SERVE YOUTHS WITH INTELLECTUAL
16 AND DEVELOPMENTAL DISABILITIES;

17 (VI) LOCAL HOSPITALS AND EMERGENCY DEPARTMENTS;

18 (VII) LOCAL LAW ENFORCEMENT AGENCIES; AND

19 (VIII) PUBLIC HEALTH DEPARTMENTS;

20 (b) CONDUCT OUTREACH AND EDUCATE COMMUNITY PARTNERS
21 REGARDING CRISIS RESOLUTION TEAM SERVICES AVAILABLE THROUGH THE
22 PROGRAM;

23 (c) PROVIDE TECHNICAL ASSISTANCE TO CRISIS RESOLUTION TEAM
24 PROVIDERS REGARDING SPECIALIZED TRAINING AND THE USE OF
25 SCREENING AND ASSESSMENT TOOLS FOR YOUTH;

26 (d) COLLECT DATA AND OUTCOMES FROM CRISIS RESOLUTION
27 TEAM PROVIDERS AS DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION;

1 AND

2 (e) CONDUCT, OR CONTRACT WITH A THIRD-PARTY EVALUATOR TO
3 CONDUCT, AN ANNUAL EVALUATION OF THE PROGRAM USING THE DATA
4 AND OUTCOMES COLLECTED FROM CRISIS RESOLUTION TEAM PROVIDERS
5 PURSUANT TO SUBSECTION (4)(d) OF THIS SECTION.

6 (5) BEGINNING IN JANUARY 2028, AND IN JANUARY EVERY YEAR
7 THEREAFTER, THE STATE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
8 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
9 SECTION 2-7-203, INFORMATION CONCERNING THE CRISIS RESOLUTION
10 TEAM PROGRAM.

11 **SECTION 2.** In Colorado Revised Statutes, 27-60-109, **amend**
12 (1)(a), (2)(a), (2)(b), (3)(a) introductory portion, (3)(a)(III), (3)(b), (4)(a)
13 introductory portion, (4.5)(a) introductory portion, (4.5)(b) introductory
14 portion, (4.5)(c), and (5); and **add** (1)(a.7) and (2)(a.5) as follows:

15 **27-60-109. Youth mental health services program - established**
16 **- report - rules - definitions - repeal.**

17 (1) As used in this section, unless the context otherwise requires:

18 (a) ~~"Portal" means the website or web-based application described~~
19 ~~in subsection (4) of this section that facilitates the program~~ "ENTERPRISE"
20 MEANS THE YOUTH MENTAL HEALTH SERVICES ACCESS ENTERPRISE
21 CREATED IN SECTION 27-60-604.

22 (a.7) "PORTAL" MEANS THE WEBSITE OR WEB-BASED APPLICATION
23 DESCRIBED IN SUBSECTION (4) OF THIS SECTION THAT FACILITATES THE
24 PROGRAM.

25 (2) (a) There is established in the ~~behavioral health administration~~
26 STATE DEPARTMENT the youth mental health services program to facilitate
27 access to mental health services, including substance use disorder

1 services, for youth to respond to mental health needs identified in an
2 initial mental health screening through the portal. The program
3 reimburses providers for up to ~~three~~ SIX mental health sessions with a
4 youth.

5 (a.5) (I) ON AND AFTER JULY 1, 2027, THE ENTERPRISE SHALL
6 FUND THE PROGRAM AND OPERATE THE PROGRAM, IN COLLABORATION
7 WITH THE BHA. ON AND AFTER JULY 1, 2027, THE POWERS, DUTIES, AND
8 FUNCTIONS OF THE ENTERPRISE INCLUDE THE POWERS, DUTIES, AND
9 FUNCTIONS REGARDING THE PROGRAM THAT WERE VESTED IN THE BHA
10 PRIOR TO THAT DATE.

11 (II) ON AND AFTER JULY 1, 2027, WHENEVER THE FUNCTIONS OF
12 THE STATE DEPARTMENT OR THE BHA RELATING TO THE PROGRAM ARE
13 REFERRED TO OR DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN
14 CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE
15 ENTERPRISE ON JULY 1, 2027, THE REFERENCE OR DESIGNATION IS DEEMED
16 TO APPLY TO THE ENTERPRISE.

17 (b) The ~~BHA shall~~ PROGRAM MUST reimburse providers who
18 participate in the program for each mental health session with a youth,
19 either in-person or by telehealth, up to a maximum of ~~three~~ SIX sessions
20 per youth client; except that, subject to available money, the ~~BHA~~
21 PROGRAM may reimburse a provider for additional sessions. To be eligible
22 for reimbursement from the program, a provider must be available to
23 provide ~~three~~ SIX mental health sessions to each youth the provider
24 accepts as a client.

25 (3) (a) The ~~BHA~~ ENTERPRISE shall:

26 (III) Implement a statewide public awareness and outreach
27 campaign about the program. The general assembly encourages the ~~BHA~~

1 ENTERPRISE to involve schools, neighborhood youth organizations,
2 health-care providers, faith-based organizations, and any other
3 community-based organizations that interact with youth on the local level
4 in disseminating information about the program.

5 (b) The state board may ~~promulgate~~ ADOPT rules necessary for the
6 administration of this section, including rules to protect the privacy of
7 youth who receive services through the program. THE STATE BOARD
8 SHALL CONSULT WITH THE ENTERPRISE WHEN ADOPTING THE RULES. ALL
9 RULES OF THE STATE BOARD PURSUANT TO THIS SECTION ISSUED BEFORE
10 JULY 1, 2027, CONTINUE TO BE EFFECTIVE AND SHALL BE ENFORCED BY
11 THE ENTERPRISE UNTIL SUPERSEDED, REVISED, AMENDED, REPEALED, OR
12 NULLIFIED PURSUANT TO LAW.

13 (4) (a) The ~~BHA~~ ENTERPRISE shall enter into an agreement with
14 a vendor to create A, or use an existing, website or web-based application
15 as a portal available to youth and providers to facilitate the program. The
16 portal must:

17 (4.5) (a) On or before June 1 of each year, the vendor described
18 in subsection (4) of this section shall deliver to the ~~BHA~~ ENTERPRISE any
19 of the following, collected during the prior year:

20 (b) The ~~BHA~~ ENTERPRISE shall conduct a survey of each provider
21 who participates in the program that solicits feedback about the
22 following:

23 (c) This subsection (4.5) does not authorize the ~~BHA~~ STATE
24 DEPARTMENT, THE BHA, THE ENTERPRISE, a provider, a vendor, or any
25 other person to violate applicable federal or state patient privacy laws.

26 (5) On or before June 30 of each year, the state department shall
27 report to the house of representatives ~~public and behavioral~~ health and

1 human services committee and the senate health and human services
2 committee, or ~~their~~ ANY successor committees, regarding the number of
3 youth who received services under the program, excluding any personally
4 identifiable information in accordance with state and federal law;
5 information in aggregate about the services provided to youth under the
6 program; other relevant information regarding the program; and the
7 information reported to the ~~BHA~~ ENTERPRISE by the vendor pursuant to
8 subsection (4.5) of this section.

9 **SECTION 3. Act subject to petition - effective date.** Section
10 27-60-109, Colorado Revised Statutes, as amended in section 2 of this
11 act, takes effect July 1, 2027, and the remainder of this act takes effect at
12 12:01 a.m. on the day following the expiration of the ninety-day period
13 after final adjournment of the general assembly (August 12, 2026, if
14 adjournment sine die is on May 13, 2026); except that, if a referendum
15 petition is filed pursuant to section 1 (3) of article V of the state
16 constitution against this act or an item, section, or part of this act within
17 such period, then the act, item, section, or part will not take effect unless
18 approved by the people at the general election to be held in November
19 2026 and, in such case, will take effect on the date of the official
20 declaration of the vote thereon by the governor; except that section
21 27-60-109, Colorado Revised Statutes, as amended in section 2 of this
22 act, takes effect July 1, 2027.