

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0759.01 Shelby Ross x4510

**SENATE BILL 21-027**

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**SENATE SPONSORSHIP**

**Pettersen,**

**HOUSE SPONSORSHIP**

**Gonzales-Gutierrez and Tipper,**

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING EMERGENCY SUPPLIES FOR COLORADO BABIES AND**  
102              **FAMILIES, AND, IN CONNECTION THEREWITH, PROVIDING**  
103              **DIAPERING ESSENTIALS THROUGH DIAPER DISTRIBUTION**  
104              **CENTERS AND MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does 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 the department of public health and environment to select one or more nonprofit organizations to administer diaper distribution centers that provide diapering essentials to eligible

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

individuals. Diapering essentials must be made available to all Colorado residents.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Prior to the COVID-19 pandemic, one in three families  
5 reported needing more diapering essentials and with unprecedented  
6 unemployment rates due to the pandemic, this need is drastically higher.  
7 With 202,608 children under the age of three in Colorado, 67,536 of them  
8 experienced the negative effects of diapering-essential needs.

9 (b) The National Diaper Bank Network has seen the demand for  
10 diapering essentials increase by as much as 300 percent in some areas of  
11 the country and Colorado diaper banks report seeing four times the need  
12 for diapering essentials due to the COVID-19 pandemic's impacts on  
13 families;

14 (c) Thirty-five percent of Coloradans reported finding it difficult  
15 or somewhat difficult to pay for basic necessities after the COVID-19  
16 pandemic began, and parents are having to cut back on necessities such  
17 as food and rent in order to afford diapering essentials;

18 (d) According to the National Diaper Bank Network, it costs at  
19 least \$80 a month to diaper a child and diapering essentials cannot be  
20 purchased through other public assistance programs such as the  
21 supplemental nutrition assistance program or the women, infants, and  
22 children program. Diaper banks' distribution of diapers to low-income  
23 families is associated with increases in the personal income of recipients,  
24 the elimination of medical expenses, and increases in state tax revenue.

25 (e) Parents report reusing disposable diapers, plastic bags, and

1 toilet paper when they run out of money for diapering essentials, leading  
2 to painful diaper rash and health complications for children; and

3 (f) An adequate supply of diapers may prove to be a tangible way  
4 of reducing parenting stress, which is a critical factor that influences child  
5 health and development.

6 (2) Therefore, the general assembly finds and declares that it is  
7 imperative to provide emergency diapering essentials to Colorado babies  
8 and families in need.

9 **SECTION 2.** In Colorado Revised Statutes, **add 26-2-140 as**  
10 **follows:**

11 **26-2-140. Colorado diaper distribution program - diapering**  
12 **essentials - report - rules - definitions - repeal. (1) AS USED IN THIS**  
13 **SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

14 (a) **"DIAPER DISTRIBUTION CENTER" MEANS A COMMUNITY-BASED**  
15 **DIAPER BANK OR DISTRIBUTION CENTER OPERATING IN COLORADO, A**  
16 **PUBLIC HEALTH AGENCY CREATED PURSUANT TO SECTION 25-1-506, OR A**  
17 **COLORADO NONPROFIT ORGANIZATION WITH A MINIMUM OF THREE YEARS**  
18 **EXPERIENCE DISTRIBUTING BABY OR TODDLER PRODUCTS.**

19 (b) **"DIAPERING ESSENTIALS" INCLUDES DIAPERS, WIPES, AND**  
20 **DIAPER CREAMS.**

21 (c) **"ELIGIBLE INDIVIDUAL" MEANS A PARENT, GUARDIAN, OR**  
22 **FAMILY MEMBER OF A CHILD WHO WEARS DIAPERS AND RESIDES IN**  
23 **COLORADO.**

24 (d) **"PROGRAM" MEANS THE COLORADO DIAPER DISTRIBUTION**  
25 **PROGRAM CREATED IN SECTION SUBSECTION (2) OF THIS SECTION.**

26 (2) **THERE IS CREATED IN THE STATE DEPARTMENT THE COLORADO**  
27 **DIAPER DISTRIBUTION PROGRAM TO PROVIDE DIAPERING ESSENTIALS TO**

1 ELIGIBLE INDIVIDUALS.

2 (3) NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF  
3 THIS SECTION, THE STATE DEPARTMENT SHALL SOLICIT INTEREST AND COST  
4 DISTRIBUTION PROPOSALS FROM DIAPER DISTRIBUTION CENTERS TO  
5 ADMINISTER THE PROGRAM. UPON THE STATE DEPARTMENT'S APPROVAL,  
6 THE DIAPER DISTRIBUTION CENTERS MAY SUBCONTRACT MONEY RECEIVED  
7 PURSUANT TO THIS SECTION TO THEIR PARTNERS AS NECESSARY TO SERVE  
8 ELIGIBLE INDIVIDUALS. THE SELECTED DIAPER DISTRIBUTION CENTERS  
9 MUST BE OPERATIONAL NO LATER THAN THIRTY DAYS AFTER ENTERING  
10 INTO A CONTRACT WITH THE STATE DEPARTMENT. THE SELECTION  
11 PROCESS DESCRIBED IN THIS SUBSECTION (3) IS NOT SUBJECT TO THE  
12 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

13 (4) THE STATE DEPARTMENT MAY PROMULGATE RULES FOR THE  
14 IMPLEMENTATION OF THIS SECTION.

15 (5) FOR THE 2021-22 STATE FISCAL YEAR, THE STATE DEPARTMENT  
16 SHALL SUBMIT A PRELIMINARY REPORT, AND BEGINNING IN STATE FISCAL  
17 YEAR 2022-23, AND EACH FISCAL YEAR THEREAFTER, THE STATE  
18 DEPARTMENT SHALL REPORT TO THE PUBLIC THROUGH THE ANNUAL  
19 HEARING, PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE,  
20 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2  
21 OF ARTICLE 7 OF TITLE 2. AT A MINIMUM, THE REPORT MUST INCLUDE:

22 (a) THE TOTAL NUMBER OF DIAPER DISTRIBUTION CENTERS  
23 CONTRACTED WITH THE STATE DEPARTMENT PURSUANT TO SUBSECTION  
24 (2) OF THIS SECTION, INCLUDING ANY SUBCONTRACTORS;

25 (b) THE TOTAL AMOUNT OF MONEY AWARDED TO EACH DIAPER  
26 DISTRIBUTION CENTER;

27 (c) THE LOCATION OF EACH DIAPER DISTRIBUTION CENTER AND THE

1 COUNTIES SERVED; AND

2 (d) THE TOTAL NUMBER OF ELIGIBLE INDIVIDUALS WHO RECEIVED  
3 DIAPERING ESSENTIALS EACH YEAR, DISAGGREGATED BY EACH MONTH.

4 (6) (a) FOR STATE FISCAL YEARS 2021-22 AND 2022-23, THE  
5 GENERAL ASSEMBLY SHALL APPROPRIATE TWO MILLION DOLLARS FROM  
6 THE GENERAL FUND TO THE STATE DEPARTMENT FOR USE BY THE DIAPER  
7 DISTRIBUTION CENTERS FOR THE IMPLEMENTATION OF THIS SECTION. THE  
8 STATE DEPARTMENT MAY USE UP TO ONE HUNDRED THOUSAND DOLLARS  
9 OR SEVEN AND A HALF PERCENT OF ANY MONEY APPROPRIATED BY THE  
10 GENERAL ASSEMBLY FOR ADMINISTRATIVE COSTS INCURRED BY THE STATE  
11 DEPARTMENT PURSUANT TO THIS SECTION.

12 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2024.

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14 **SECTION 3. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, or safety.