

CHAPTER 177

GOVERNMENT - STATE

HOUSE BILL 22-1352

BY REPRESENTATIVE(S) Mullica, Amabile, Bernett, Bird, Boesenecker, Caraveo, Cutter, Daugherty, Duran, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Lindsay, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Ricks, Snyder, Sullivan, Valdez A., Valdez D., Weissman;
also SENATOR(S) Jaquez Lewis, Buckner, Fields, Hansen, Lee, Moreno, Winter, Fenberg.

AN ACT

CONCERNING A STOCKPILE OF ESSENTIAL MATERIALS THAT MAY BE UTILIZED IN THE EVENT OF A DECLARED DISASTER EMERGENCY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-1621 as follows:

24-33.5-1621. Essential materials - stockpile - rotation - emergency stockpile rotation cash fund - creation - legislative declaration - definitions. (1) (a) **THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:**

(I) **AT THE OUTSET OF THE COVID-19 PANDEMIC, THERE WAS A SHORTAGE IN THE STATE OF VENTILATORS AND PERSONAL PROTECTIVE EQUIPMENT THAT COULD HELP SLOW THE SPREAD OF THE VIRUS, BUT THE DIVISION HAS SINCE ACQUIRED A STOCKPILE OF THESE ITEMS USING FEDERAL MONEY;**

(II) **THE DIVISION HAS DISTRIBUTED THESE MATERIALS, ALONG WITH OTHER ITEMS SUCH AS SHELF-STABLE FOODS AND PERSONAL HYGIENE SUPPLIES, DURING THE CURRENT PUBLIC HEALTH EMERGENCY; AND**

(III) **IT IS IMPORTANT FOR THE STATE TO MAINTAIN THIS STOCKPILE TO RESPOND TO THE CURRENT PANDEMIC AND FOR ANY FUTURE DISASTER EMERGENCIES.**

(b) **THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:**

(I) **ACQUIRING AND MAINTAINING A RESERVE OF ESSENTIAL MATERIALS THAT MAY**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

BE DISTRIBUTED IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY OR FUTURE DISASTER EMERGENCIES IS A CRITICAL GOVERNMENT SERVICE FOR THE STATE TO PROVIDE TO THE CITIZENS OF THIS STATE; AND

(II) THEREFORE, IT IS APPROPRIATE TO USE MONEY IN THE REVENUE LOSS RESTORATION CASH FUND FOR THIS PURPOSE.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CASH FUND" MEANS THE EMERGENCY STOCKPILE ROTATION CASH FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

(b) "ESSENTIAL MATERIALS" MEANS PERSONAL PROTECTIVE EQUIPMENT, VENTILATORS, AND ANY OTHER ITEMS THAT THE DIRECTOR DETERMINES ARE NECESSARY TO RESPOND TO A DISASTER EMERGENCY.

(c) "PERSONAL PROTECTIVE EQUIPMENT" MEANS FACE COVERINGS, GOWNS, FACE SHIELDS, AND GLOVES.

(d) "REVENUE LOSS RESTORATION CASH FUND" MEANS THE REVENUE LOSS RESTORATION CASH FUND CREATED IN SECTION 24-75-227 (2)(a).

(3)(a) THE DIVISION SHALL PROCURE AND MAINTAIN A STOCKPILE OF ESSENTIAL MATERIALS THAT ARE AVAILABLE FOR DISTRIBUTION AFTER THE GOVERNOR HAS DECLARED A DISASTER EMERGENCY IN ACCORDANCE WITH SECTION 24-33.5-704(4). SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIVISION SHALL ATTEMPT TO ENSURE THAT, IN THE EVENT OF A NATIONAL PUBLIC HEALTH EMERGENCY, THE STOCKPILE HAS A SUFFICIENT SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT TO BRIDGE THE GAP UNTIL THE NATIONAL SUPPLY CHAIN CAN INCREASE PRODUCTION TO MEET THE DEMAND FOR SUCH ITEMS.

(b) THE DIVISION, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MAY DISTRIBUTE THE ESSENTIAL MATERIALS TO STATE AGENCIES, SCHOOLS, LOCAL PUBLIC HEALTH AGENCIES, HOSPITALS, PRIMARY CARE PROVIDERS, OR OTHER HEALTH-CARE PROVIDERS, OR ANY OTHER INDIVIDUAL OR ENTITY THAT THE DIRECTOR DETERMINES IS IN NEED AS A RESULT OF THE DISASTER EMERGENCY.

(4) IN ORDER TO ENSURE THAT THE ESSENTIAL MATERIALS IN THE STOCKPILE ARE ROTATED PRIOR TO THEIR APPLICABLE EXPIRATION DATES, STATE AGENCIES SHALL, TO THE EXTENT POSSIBLE, PROCURE ESSENTIAL MATERIALS FROM THE DIVISION. IN ADDITION, THE DIVISION MAY DONATE OR SELL ESSENTIAL MATERIALS AS NECESSARY TO AVOID HAVING STOCK THAT IS PAST ITS EXPIRATION DATE. ANY PROCEEDS FROM THE SALE OF THE ESSENTIAL MATERIALS ARE CREDITED TO THE CASH FUND.

(5) THE DIRECTOR MAY CONTRACT WITH A THIRD-PARTY ENTITY TO PROCURE, MAINTAIN, ROTATE, AND DISTRIBUTE THE STOCKPILE OF ESSENTIAL MATERIALS AS REQUIRED BY THIS SECTION.

(6)(a) THE EMERGENCY STOCKPILE ROTATION CASH FUND IS HEREBY CREATED

IN THE STATE TREASURY. THE CASH FUND CONSISTS OF THE PROCEEDS OF SALES OF ESSENTIAL MATERIALS CREDITED TO THE CASH FUND IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE CASH FUND.

(b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE EMERGENCY STOCKPILE ROTATION CASH FUND TO THE CASH FUND.

(c) MONEY IN THE CASH FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR USE BY THE DIVISION AS REQUIRED BY THIS SECTION.

(7) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES, INCLUDING FROM THE FEDERAL GOVERNMENT, FOR THE PURPOSES OF THIS SECTION.

(8) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DEPARTMENT FOR USE BY THE DIVISION FOR THE PURPOSES OF THIS SECTION. IN ADDITION, FOR EXPENDITURES THAT ARE MADE PRIOR TO DECEMBER 31, 2024, THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE REVENUE LOSS RESTORATION CASH FUND FOR THE SAME PURPOSES, NOTWITHSTANDING THE LIMITATION IN SECTION 24-75-227 (3)(c).

SECTION 2. In Colorado Revised Statutes, 25-1-108, **amend** (1)(c)(VI) as follows:

25-1-108. Powers and duties of state board of health. (1) In addition to all other powers and duties conferred and imposed upon the state board of health by this part 1, the board has the following specific powers and duties:

(c) (VI) To adopt rules and to establish such standards as the board may deem necessary or proper to assure that hospitals; other acute care facilities; county, district, and municipal public health agencies; and trauma centers are prepared for an emergency epidemic, as defined in section 24-33.5-703 (4), that is declared to be a disaster emergency, including the immediate investigation of any case of a suspected emergency epidemic, THE MAINTENANCE OF AN ADEQUATE STOCKPILE OF PERSONAL PROTECTIVE EQUIPMENT FOR INFECTION CONTROL, AND STAFF PROFICIENCY IN USING THE PERSONAL PROTECTIVE EQUIPMENT;

SECTION 3. Appropriation. (1) For the 2022-23 state fiscal year, \$1,881,727 is appropriated to the department of public safety. This appropriation is from the revenue loss restoration cash fund created in section 24-75-227 (2)(a), C.R.S., and is of money the state received from the federal coronavirus state fiscal recovery fund. To implement this act, the department may use this appropriation as follows:

(a) \$64,388 for use by the executive director's office for personal services, which amount is based on an assumption that the division will require an additional 1.1 FTE;

(b) \$7,685 for use by the executive director's office for operating expenses; and

(c) \$1,809,654 for use by the division of homeland security and emergency management for program administration related to the office of emergency management.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 18, 2022