

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 24-0652.03 Yelana Love x2295

SENATE BILL 24-181

SENATE SPONSORSHIP

Priola and Hansen, Winter F., Buckner, Cutter, Exum, Fields, Gonzales, Jaquez Lewis, Marchman, Michaelson Jenet

HOUSE SPONSORSHIP

deGruy Kennedy and Amabile, Bacon, Brown, Epps, Hernandez, Herod, Kipp, Mabrey, Willford

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COLORADO ALCOHOL IMPACT**
102 **AND RECOVERY ENTERPRISE, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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 creates the Colorado alcohol impact and recovery enterprise (enterprise) in the department of revenue to:

- Collect a fee from manufacturers and wholesalers that distribute alcohol within Colorado; and
- Use the fee for alcohol and related substance use disorder

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.*

prevention, early intervention, treatment, harm reduction, and recovery services and programs in communities throughout the state.

The bill exempts small manufacturers and wholesale distributors of alcohol based on production and distribution level amounts for which a manufacturer or distributor may pay reduced tax or claim an exemption under federal law.

The bill also:

- Creates the alcohol impact enterprise board and specifies membership and duties of the board; and
- Requires the state auditor to conduct an audit of the enterprise in the 2030-31 state fiscal year and every fourth state fiscal year thereafter.

The bill also exempts the enterprise from the prohibition on an enterprise receiving more than \$100,000,000 in revenue in fees in the enterprise's first 5 fiscal years without first receiving voter approval.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 2 to title
3 44 as follows:

4 **ARTICLE 2**

5 **Colorado Alcohol Impact and Recovery Enterprise**

6 **44-2-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 2 IS THE
7 "COLORADO ALCOHOL USE IMPACT AND RECOVERY FEE ACT".

8 **44-2-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 FINDS AND DECLARES THAT:

10 (a) THE EXCESSIVE USE AND RELATED HARMS OF ALCOHOL
11 CONTRIBUTE DETRIMENTALLY TO PUBLIC HEALTH AND IMPOSE HIGH
12 FINANCIAL COSTS TO THE STATE SYSTEMS FOR PHYSICAL HEALTH,
13 BEHAVIORAL HEALTH, SOCIAL SERVICES, PUBLIC SAFETY, AND EDUCATION;

14 (b) ANNUALLY, AN AVERAGE OF TWO THOUSAND SIX HUNDRED
15 TWENTY-THREE DEATHS IN COLORADO ARE ATTRIBUTABLE TO EXCESSIVE
16 ALCOHOL USE;

1 (c) COLORADO TAXPAYERS SPENT OVER FIVE BILLION DOLLARS AS
2 A RESULT OF EXCESSIVE ALCOHOL USE IN 2010; ADJUSTED FOR INFLATION,
3 THIS IS EQUIVALENT TO SIX BILLION NINE HUNDRED MILLION DOLLARS IN
4 2023 OR TWO DOLLARS AND EIGHTY-NINE CENTS PER DRINK CONSUMED;

5 (d) IN 2021, BOTH THE PER CAPITA ALCOHOL CONSUMPTION AND
6 THE PERCENTAGE OF ADULTS WHO REPORTED BINGE DRINKING IN THE PAST
7 THIRTY DAYS IN COLORADO WERE HIGHER THAN THE NATIONAL AVERAGE;

8 (e) IN 2019, PROSECUTORS IN COLORADO FILED OVER TWENTY-SIX
9 THOUSAND CASES WITH AT LEAST ONE CHARGE OF DRIVING UNDER THE
10 INFLUENCE. OF CASES WITH A CONVICTION FOR DRIVING UNDER THE
11 INFLUENCE, THIRTY-SEVEN PERCENT OF THE DEFENDANTS HAD AT LEAST
12 ONE PRIOR ARREST FOR DRIVING UNDER THE INFLUENCE.

13 (f) IN 2021, THE NATIONAL HIGHWAY TRAFFIC SAFETY
14 ADMINISTRATION REPORTED THAT TWO HUNDRED SIXTEEN PEOPLE WERE
15 KILLED ON COLORADO ROADS BY ALCOHOL-IMPAIRED DRIVERS, AN
16 INCREASE OF THIRTY TWO PERCENT FROM 2019;

17 (g) DATA FROM THE 2021 HEALTHY KIDS COLORADO SURVEY
18 FOUND THAT:

19 (I) OVER TWENTY-THREE PERCENT OF YOUTH REPORTED USING
20 ALCOHOL IN THE PREVIOUS MONTH;

21 (II) OVER FOURTEEN PERCENT OF YOUTH REPORTED BINGE
22 DRINKING ONE OR MORE TIMES IN THE PREVIOUS MONTH; AND

23 (III) OVER FIFTY-THREE PERCENT OF YOUTH FELT IT WOULD BE
24 EASY TO OBTAIN ALCOHOL IF THEY WANTED TO;

25 (h) IT IS ESTIMATED THAT ONE IN TWENTY SCHOOL CHILDREN IN
26 THE UNITED STATES HAVE FETAL ALCOHOL SPECTRUM DISORDERS, WHICH
27 CAN LEAD TO:

1 (I) PROBLEMS WITH THE HEART, KIDNEYS, AND OTHER ORGANS;

2 (II) BEHAVIORAL HEALTH AND INTELLECTUAL DISABILITIES; AND

3 (III) INCREASED RISK OF DEVELOPING A SUBSTANCE USE
4 DISORDER;

5 (i) ALCOHOL IS THE MOST PREVALENT POTENTIALLY DAMAGING
6 SUBSTANCE USED BY PREGNANT WOMEN, INCREASING THE RISK FOR FETAL
7 ALCOHOL SPECTRUM DISORDER AND ASSOCIATED HEALTH IMPACTS ON
8 INFANTS;

9 (j) THE HIGHEST NUMBER OF SUBSTANCE USE TREATMENT
10 ADMISSIONS IN COLORADO FROM 2022 AND 2023 WERE FOR ALCOHOL USE
11 DISORDER, WITH OVER SIXTY-FIVE PERCENT OF ALL ADMISSIONS
12 INCLUDING ALCOHOL USE DISORDER;

13 (k) THERE IS A STRONG LINK BETWEEN ALCOHOL USE AND
14 SUBSTANCE USE DISORDERS. IN 2016, ABOUT ONE IN FIVE EMERGENCY
15 DEPARTMENT VISITS ASSOCIATED WITH THE MISUSE OF PRESCRIPTION
16 MEDICINES ALSO INVOLVED ALCOHOL. IN 2017, ABOUT ONE IN SEVEN
17 OPIOID-RELATED DEATHS INVOLVED DRINKING ALCOHOL WITHIN A FEW
18 HOURS OF USING AN OPIOID, AND THE PROPORTION OF OPIOID OVERDOSE
19 DEATHS INVOLVING ALCOHOL RANGED FROM SEVEN TO TWENTY-NINE
20 PERCENT, VARYING ACROSS THE STATES. ADDITIONALLY, OPIOID
21 OVERDOSE DEATHS WHERE ALCOHOL CONTRIBUTED TO THE DEATH
22 INCREASED FORTY-ONE PERCENT FROM 2019 TO 2020.

23 (l) BECAUSE OF THE LINK BETWEEN ALCOHOL USE AND THE USE OF
24 OTHER SUBSTANCES, IT IS DIFFICULT TO TREAT AN ALCOHOL USE DISORDER
25 WITHOUT ALSO ADDRESSING OTHER CO-OCCURRING SUBSTANCE USE
26 DISORDERS.

27 == ==

1 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

2 (a) THE INTENT OF THIS ARTICLE 2 IS TO ESTABLISH AN ENTERPRISE
3 TO COLLECT FEES FROM THE MANUFACTURERS AND DISTRIBUTORS OF
4 ALCOHOL TO PAY FOR ALCOHOL AND RELATED SUBSTANCE USE DISORDER
5 PREVENTION, EARLY INTERVENTION, TREATMENT, RECOVERY, OR HARM
6 REDUCTION PROGRAMS AND SERVICES;

7 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
8 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
9 P.2d 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT
10 WITH ENTERPRISE STATUS PURSUANT TO SECTION 20 OF ARTICLE X OF THE
11 STATE CONSTITUTION, AND IT IS THE CONCLUSION OF THE GENERAL
12 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS A FEE,
13 NOT A TAX, BECAUSE THE FEES ARE IMPOSED FOR THE SPECIFIC PURPOSE
14 OF ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING
15 ALCOHOL AND RELATED SUBSTANCE USE DISORDER PREVENTION, EARLY
16 INTERVENTION, TREATMENT, RECOVERY, OR HARM REDUCTION PROGRAMS
17 AND SERVICES RELATED TO THE MANUFACTURING AND DISTRIBUTION OF
18 ALCOHOL; AND

19 (c) MANUFACTURERS AND WHOLESALE DISTRIBUTORS OF ALCOHOL
20 SHOULD BEAR SOME OF THE INCREASED COSTS FOR ALCOHOL AND
21 RELATED SUBSTANCE USE DISORDER PREVENTION, EARLY INTERVENTION,
22 TREATMENT, RECOVERY, OR HARM REDUCTION SERVICES.

23 **44-2-103. Definitions.** AS USED IN THIS ARTICLE 2, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "ALCOHOL" MEANS FERMENTED MALT BEVERAGES OR MALT,
26 VINOUS, OR SPIRITUOUS LIQUORS; EXCEPT THAT "ALCOHOL" DOES NOT
27 INCLUDE CONFECTIONERY CONTAINING ALCOHOL WITHIN THE LIMITS

1 PRESCRIBED BY SECTION 25-5-410 (1)(i)(II).

2 (2) "ALCOHOL USE DISORDER" MEANS THE RECURRENT USE OF
3 ALCOHOL THAT CAUSES CLINICALLY AND FUNCTIONALLY SIGNIFICANT
4 IMPAIRMENT, SUCH AS HEALTH PROBLEMS, DISABILITY, AND FAILURE TO
5 MEET MAJOR RESPONSIBILITIES AT WORK, SCHOOL, OR HOME.

6 (3) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
7 THE BEHAVIORAL HEALTH ADMINISTRATION IN THE STATE DEPARTMENT
8 OF HUMAN SERVICES ESTABLISHED PURSUANT TO SECTION 27-50-102.

9 (4) "BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
10 ORGANIZATION" OR "BHASO" MEANS AN ORGANIZATION SELECTED BY
11 AND CONTRACTED WITH THE BEHAVIORAL HEALTH ADMINISTRATION
12 PURSUANT TO SECTION 27-50-401 TO MANAGE A NETWORK OF PROVIDERS
13 TO DELIVER A CONTINUUM OF BEHAVIORAL HEALTH SERVICES AND CARE
14 COORDINATION IN THE BHASO'S REGION.

15 (5) "BOARD" OR "ENTERPRISE BOARD" MEANS THE ALCOHOL
16 IMPACT ENTERPRISE BOARD CREATED PURSUANT TO SECTION 44-2-110.

17 (6) "ELIGIBLE ENTITY" MEANS A NONPROFIT ORGANIZATION THAT
18 PROVIDES PREVENTION, EARLY INTERVENTION, TREATMENT, RECOVERY,
19 OR HARM REDUCTION SERVICES FOR MILD, MODERATE, OR SEVERE
20 ALCOHOL OR RELATED SUBSTANCE USE DISORDERS OR FOR FETAL
21 ALCOHOL SPECTRUM DISORDERS. ==

22 (7) "ENTERPRISE" MEANS THE COLORADO ALCOHOL IMPACT AND
23 RECOVERY ENTERPRISE CREATED IN SECTION 44-2-104.

24 (8) "FEE" MEANS THE ALCOHOL IMPACT FEE DESCRIBED IN SECTION
25 44-2-105.

26 (9) "FUND" MEANS THE COLORADO ALCOHOL IMPACT ENTERPRISE
27 FUND CREATED IN SECTION 44-2-106.

1 (10) "HARM REDUCTION SERVICES" MEANS A SET OF
2 EVIDENCE-BASED STRATEGIES WITH THE AIM TO REDUCE
3 ALCOHOL-RELATED PROBLEMS AND DANGERS ASSOCIATED WITH ALCOHOL
4 USE AND TO IMPROVE QUALITY OF LIFE.

5 (11) "MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR"
6 MEANS ANY PERSON:

7 (a) HOLDING ANY OF THE FOLLOWING LICENSES ISSUED BY THE
8 DEPARTMENT PURSUANT TO ARTICLE 3 OF THIS TITLE 44:

9 (I) MANUFACTURER'S LICENSE;

10 (II) LIMITED WINERY LICENSE;

11 (III) WHOLESALER'S LIQUOR LICENSE;

12 (IV) WHOLESALER'S BEER LICENSE;

13 (V) BREW PUB LICENSE;

14 (VI) DISTILLERY PUB LICENSE; OR

15 (VII) VINTNER'S RESTAURANT LICENSE; AND

16 (b) THAT MANUFACTURED OR DISTRIBUTED ALCOHOL
17 BEVERAGES IN THE PREVIOUS CALENDAR YEAR IN AMOUNT GREATER
18 THAN:

19 (I) ONE HUNDRED THOUSAND PROOF GALLONS OF DISTILLED
20 SPIRITS;

21 (II) ONE HUNDRED THIRTY THOUSAND GALLONS OF WINE; OR

22 (III) ONE HUNDRED EIGHTY-SIX MILLION GALLONS OF BEER.

23 (12) "PRIORITY POPULATIONS" MEANS CHILDREN, YOUTH, PEOPLE
24 FROM UNDERSERVED COMMUNITIES, AND POPULATIONS THAT HAVE BEEN
25 DISPROPORTIONATELY AFFECTED BY ALCOHOL AND RELATED SUBSTANCE
26 USE DISORDERS AND AS FURTHER DEFINED BY THE ENTERPRISE BOARD.

27 (13) "RECOVERY PROVIDER" MEANS A RECOVERY COMMUNITY

1 ORGANIZATION, AS DEFINED IN SECTION 27-80-126, OR A RECOVERY
2 SUPPORT SERVICES ORGANIZATION, AS DEFINED IN SECTION 27-60-108,
3 WHEN SUCH ORGANIZATION IS UNDER CONTRACT WITH A BHASO TO
4 PROVIDE RECOVERY SERVICES.

5 (14) "SUBSTANCE USE DISORDER" MEANS THE RECURRENT USE OF
6 ALCOHOL, DRUGS, OR MULTIPLE SUBSTANCES CONCURRENTLY THAT
7 CAUSES SIGNIFICANT CLINICAL AND FUNCTIONAL IMPAIRMENT, SUCH AS
8 HEALTH PROBLEMS, DISABILITY, AND FAILURE TO MEET MAJOR
9 RESPONSIBILITIES AT WORK, SCHOOL, OR HOME.

10 (15) "TREATMENT PROVIDER" MEANS A SUBSTANCE USE
11 TREATMENT PROVIDER LICENSED BY THE BHA AND UNDER CONTRACT
12 WITH A BHASO.

13 **44-2-104. Colorado alcohol impact and recovery enterprise -**
14 **creation - powers and duties - repeal.** (1) (a) THE COLORADO ALCOHOL
15 IMPACT AND RECOVERY ENTERPRISE IS CREATED IN THE DEPARTMENT. THE
16 PRIMARY BUSINESS PURPOSE OF THE ENTERPRISE IS TO REDUCE AND
17 MITIGATE THE ADVERSE IMPACTS OF ALCOHOL BEVERAGES
18 MANUFACTURED OR DISTRIBUTED IN THE STATE. TO ALLOW THE
19 ENTERPRISE TO ACCOMPLISH THIS BUSINESS PURPOSE, THE ENTERPRISE
20 SHALL PROVIDE:

21 (I) BUSINESS-RELATED SERVICES FOR ALCOHOL AND RELATED
22 SUBSTANCE USE DISORDER PREVENTION, EARLY INTERVENTION,
23 TREATMENT, RECOVERY, AND HARM REDUCTION; AND

24 (II) A SUSTAINABLE SOURCE OF MONEY TO PAY FOR THE
25 PROGRAMS AND SERVICES DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS
26 SECTION THAT ARE NOT OTHERWISE COVERED BY PUBLIC OR PRIVATE
27 INSURANCE OR ANOTHER GOVERNMENTAL PROGRAM OR SERVICE.

1 (b) THE ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED
2 BUSINESS WITHIN THE DEPARTMENT FOR THE PURPOSES OF:

3 (I) CHARGING, COLLECTING, AND EXPENDING MONEY FROM THE
4 ALCOHOL IMPACT FEE PURSUANT TO SECTION 44-2-105; AND

5 (II) UTILIZING THE MONEY COLLECTED FROM THE FEE TO
6 EQUITABLY DISTRIBUTE THE MONEY TO:

7 (A) SUPPORT TREATMENT, RECOVERY, AND HARM REDUCTION
8 PROGRAMS AND SERVICES FOR ALCOHOL AND RELATED SUBSTANCE USE
9 DISORDERS IN COMMUNITIES THROUGHOUT THE STATE BASED ON THE
10 IDENTIFIED NEEDS OF EACH COMMUNITY;

11 (B) SUPPORT PROGRAMS THAT PREVENT AND DETER DRIVING
12 UNDER THE INFLUENCE, DRIVING WHILE ABILITY IMPAIRED, AND
13 UNDERAGE DRUNK DRIVING; AND

14 (C) SUPPORT PROGRAMS THAT HELP PREVENT ALCOHOL AND
15 RELATED SUBSTANCE USE DISORDERS, INCLUDING UNDERAGE DRINKING.

16 (2) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
17 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION WHILE IT
18 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
19 THAN TEN PERCENT OF ITS TOTAL REVENUE IN GRANTS FROM ALL
20 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. AS LONG AS IT
21 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE
22 ENTERPRISE IS NOT SUBJECT TO ANY PROVISIONS OF SECTION 20 OF
23 ARTICLE X OF THE STATE CONSTITUTION.

24 (3) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE:

25 (a) TO CHARGE AND COLLECT THE FEE;

26 (b) TO EXPEND FEE REVENUE, MATCHING FEDERAL MONEY, AND
27 ANY OTHER MONEY FROM THE FUND;

1 (c) BY RESOLUTION OF THE BOARD, TO AUTHORIZE AND ISSUE
2 REVENUE BONDS THAT ARE PAYABLE ONLY FROM THE MONEY IN THE
3 FUND, WHICH REVENUE BONDS MAY BE ISSUED TO PAY FOR SERVICES
4 PROVIDED BY OR TO ELIGIBLE ENTITIES OR FOR THE EXPENSES OF THE
5 ENTERPRISE;

6 (d) (I) TO HIRE STAFF AND CONTRACT WITH ANY PUBLIC OR
7 PRIVATE ENTITY, INCLUDING STATE AGENCIES, CONSULTANTS, AND THE
8 ATTORNEY GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL
9 ASSISTANCE, OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND
10 OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
11 ENTERPRISE. THE BOARD SHALL ENCOURAGE DIVERSITY IN APPLICANTS
12 FOR CONTRACTS AND SHALL GENERALLY AVOID USING SINGLE-SOURCE
13 BIDS.

14 (II) THE ENTERPRISE SHALL PAY A FAIR MARKET RATE TO ANY
15 PUBLIC ENTITY, PRIVATE ENTITY, CONTRACTOR, OR CONSULTANT, WHICH
16 MAY INCLUDE A STATE AGENCY, THE ATTORNEY GENERAL'S OFFICE, OR
17 THE DEPARTMENT, THAT IS HIRED BY THE ENTERPRISE TO PERFORM DUTIES
18 PURSUANT TO SUBSECTION (3)(d)(I) OF THIS SECTION.

19 (e) TO ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION
20 OF THE ENTERPRISE'S AFFAIRS AND THE CONDUCT OF ITS BUSINESS
21 CONSISTENT WITH THIS SECTION.

22 (4) THE ENTERPRISE IS A **TYPE 2** ENTITY AS DEFINED IN SECTION
23 24-1-105 AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES UNDER
24 THE DEPARTMENT.

25 (5) (a) ON JANUARY 1, 2025, OR AS SOON AS POSSIBLE
26 THEREAFTER, THE STATE TREASURER SHALL TRANSFER SIX HUNDRED FIFTY
27 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND FOR THE

1 PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE
2 IT RECEIVES REVENUE FROM THE FEE OR REVENUE BOND PROCEEDS.
3 NOTWITHSTANDING ANY OTHER LAW, THE ENTERPRISE MAY ACCEPT AND
4 EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
5 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
6 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
7 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE STATE TREASURER
8 TO THE ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT
9 FOR PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
10 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). LOAN
11 LIABILITIES THAT ARE RECORDED IN THE FUND BUT ARE NOT REQUIRED TO
12 BE PAID IN THE CURRENT STATE FISCAL YEAR SHALL NOT BE CONSIDERED
13 WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE FOR
14 PURPOSES OF SECTION 24-75-109.

15 (b) NO LATER THAN JULY 1, 2027, THE ENTERPRISE SHALL REPAY
16 THE LOAN OF FOUR HUNDRED FIFTY-FOUR THOUSAND DOLLARS RECEIVED
17 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION AND ACCUMULATED
18 INTEREST FROM THE FUND. INTEREST ACCRUES ON THE MONEY BORROWED
19 AT A RATE EQUIVALENT TO THE RATE PER ANNUM ON THE MOST RECENTLY
20 ISSUED TEN-YEAR UNITED STATES TREASURY NOTE, ROUNDED TO THE
21 NEAREST ONE-TENTH OF ONE PERCENT, AS REPORTED BY THE "WALL
22 STREET JOURNAL", AS OF THE DATE THE TRANSFER REQUIRED BY
23 SUBSECTION (5)(a) OF THIS SECTION IS MADE. INTEREST ACCRUES AT THE
24 RATE SPECIFIED IN THIS SUBSECTION (5)(b) BEGINNING ON THAT DATE AND
25 UNTIL THE DATE ON WHICH THE MONEY IS REPAID.

26 (c) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2029.

27 **44-2-105. Alcohol impact fee - alcohol impact enterprise**

1 **collection fund - rules.** (1) FOR THE STATE FISCAL YEAR COMMENCING
2 JULY 1, 2025, AND FOR EACH STATE FISCAL YEAR THEREAFTER, UNLESS
3 ADJUSTED PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE
4 ENTERPRISE IS AUTHORIZED TO CHARGE AND COLLECT AN ALCOHOL
5 IMPACT FEE THAT IS REASONABLY CALCULATED BASED ON THE COSTS OF
6 THE SERVICES PROVIDED BY THE ENTERPRISE FROM EVERY
7 MANUFACTURER OR WHOLESAL ALCOHOL DISTRIBUTOR OF:

8 (a) \$0.0267 ON EVERY GALLON OF MALT LIQUOR AND HARD CIDER
9 DISTRIBUTED IN COLORADO;

10 (b) \$0.0240 ON EVERY LITER OF WINE EXCEPT HARD CIDER
11 DISTRIBUTED IN COLORADO; AND

12 (c) \$0.2000 ON EVERY LITER OF SPIRITUOUS LIQUOR DISTRIBUTED
13 IN COLORADO.

14 (2) (a) THE EXECUTIVE DIRECTOR SHALL COLLECT, ADMINISTER,
15 AND ENFORCE THE FEE IMPOSED BY SUBSECTION (1) OF THIS SECTION IN
16 THE SAME MANNER AS THE COLLECTION, ADMINISTRATION, AND
17 ENFORCEMENT OF STATE ALCOHOL EXCISE TAXES PURSUANT TO SECTION
18 44-3-503. A MANUFACTURER OR WHOLESAL ALCOHOL DISTRIBUTOR THAT
19 PAYS THE FEE AS REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL
20 REMIT THE FEE TO THE DEPARTMENT AT THE SAME TIME AND IN THE SAME
21 MANNER IN WHICH THE MANUFACTURER OR WHOLESAL ALCOHOL
22 DISTRIBUTOR REMITS THE STATE ALCOHOL EXCISE TAXES COLLECTED BY
23 THE MANUFACTURER OR WHOLESAL ALCOHOL DISTRIBUTOR AS REQUIRED
24 BY SECTION 44-3-503. THE DEPARTMENT MAY PROMULGATE RULES TO
25 IMPLEMENT THIS SECTION.

26 (b) THE ENTERPRISE MAY REQUEST TO INCREASE OR DECREASE
27 THE FEE AS PROVIDED IN SUBSECTION (5) OF THIS SECTION.

1 (c) WHEN COLLECTING THE FEE, THE DEPARTMENT SHALL RETAIN
2 AN AMOUNT THAT DOES NOT EXCEED THE TOTAL COST OF COLLECTING,
3 ADMINISTERING, AND ENFORCING THE FEE AND SHALL TRANSMIT THE
4 AMOUNT RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO
5 THE ALCOHOL IMPACT ENTERPRISE COLLECTION FUND, WHICH IS CREATED
6 IN THE STATE TREASURY. ALL MONEY IN THE ALCOHOL IMPACT
7 ENTERPRISE COLLECTION FUND IS CONTINUOUSLY APPROPRIATED TO THE
8 DEPARTMENT TO DEFRAY THE COSTS INCURRED BY THE DEPARTMENT IN
9 COLLECTING, ENFORCING, AND ADMINISTERING THE FEE.

10 (d) THE DEPARTMENT SHALL TRANSMIT ALL FEE REVENUE, LESS
11 ANY AMOUNT RETAINED PURSUANT TO SUBSECTION (2)(c) OF THIS
12 SECTION, TO THE STATE TREASURER, WHO SHALL CREDIT THE NET
13 REVENUE TO THE COLORADO ALCOHOL IMPACT ENTERPRISE FUND.

14 (3) ON OR BEFORE JULY 1, 2026, EACH SELF-DISTRIBUTING
15 MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR SHALL:

16 (a) PAY THE FEE ON ALL ALCOHOL DISTRIBUTED IN COLORADO FOR
17 THE PERIOD BEGINNING JULY 1, 2025, AND ENDING JUNE 30, 2026; AND

18 (b) REPORT TO THE ENTERPRISE, IN A FORM AND MANNER
19 DETERMINED BY THE ENTERPRISE, THE AMOUNT OF ALCOHOL DISTRIBUTED
20 IN COLORADO FOR THE PERIOD BEGINNING JULY 1, 2025, AND ENDING
21 JUNE 30, 2026.

22 (4) ON OR BEFORE JULY 1, 2027, AND ON OR BEFORE JULY 1 OF
23 EACH YEAR THEREAFTER, EACH MANUFACTURER OR WHOLESALE ALCOHOL
24 DISTRIBUTOR SHALL:

25 (a) PAY THE FEE ON ALL ALCOHOL DISTRIBUTED IN COLORADO FOR
26 THE PREVIOUS STATE FISCAL YEAR; AND

27 (b) REPORT TO THE ENTERPRISE THE AMOUNT OF ALCOHOL

1 DISTRIBUTED IN COLORADO FOR THE PREVIOUS STATE FISCAL YEAR.

2 (5) IF THE ENTERPRISE FINDS THE FEE NEEDS TO BE INCREASED OR
3 DECREASED, THE ENTERPRISE SHALL RECOMMEND THE FEE INCREASE OR
4 DECREASE TO THE HOUSE OF REPRESENTATIVES FINANCE COMMITTEE AND
5 THE SENATE FINANCE COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, NO
6 LATER THAN DECEMBER 15 PRIOR TO THE STATE FISCAL YEAR DURING
7 WHICH THE ADJUSTMENT WILL BECOME EFFECTIVE. THE
8 RECOMMENDATION MUST INCLUDE PROPOSED INFLATIONARY CHANGES,
9 ANY CHANGES BASED ON THE COSTS OF THE BUSINESS SERVICES PROVIDED
10 BY THE ENTERPRISE, AND ANY OTHER INFORMATION DEEMED RELEVANT
11 BY THE BOARD. THE ENTERPRISE SHALL NOT ADJUST THE FEE UNLESS
12 APPROVED BY THE GENERAL ASSEMBLY ACTING BY BILL.

13 **44-2-106. Colorado alcohol impact enterprise fund - creation.**

14 (1) THERE IS CREATED IN THE STATE TREASURY THE COLORADO ALCOHOL
15 IMPACT ENTERPRISE FUND. THE FUND CONSISTS OF MONEY CREDITED TO
16 THE FUND PURSUANT TO SECTION 44-2-105 AND ANY GIFTS, GRANTS, OR
17 DONATIONS RECEIVED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

18 (2) THE MONEY IN THE FUND MUST NOT BE DEPOSITED INTO OR
19 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. THE STATE
20 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
21 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY
22 UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND MUST
23 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER
24 FUND.

25 (3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
26 ENTERPRISE FOR THE PURPOSES OF:

27 (a) PAYING FOR ANY DIRECT AND INDIRECT ADMINISTRATIVE

1 EXPENSES INCURRED BY THE ENTERPRISE, NOT TO EXCEED FIVE PERCENT
2 OF THE AMOUNT OF MONEY IN THE FUND; AND

3 (b) CARRYING OUT TO THE PURPOSES OF THIS ARTICLE 2.

4 (4) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
5 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
6 THIS SECTION, AS LONG AS THE COMBINATION OF GRANTS FROM STATE AND
7 LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S
8 TOTAL REVENUE. ANY MONEY RECEIVED PURSUANT TO THIS SUBSECTION
9 (4) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
10 THE MONEY TO THE FUND.

11 **44-2-107. Colorado alcohol treatment, recovery, and harm**
12 **reduction affordability grant program - creation - reporting.**

13 (1) THERE IS CREATED IN THE ENTERPRISE THE COLORADO ALCOHOL
14 TREATMENT, RECOVERY, AND HARM REDUCTION AFFORDABILITY GRANT
15 PROGRAM TO AWARD GRANTS TO BEHAVIORAL HEALTH ADMINISTRATIVE
16 SERVICES ORGANIZATIONS THROUGHOUT THE STATE THAT PROVIDE
17 MONEY TO RECOVERY PROVIDERS, TREATMENT PROVIDERS, AND ELIGIBLE
18 ENTITIES THAT PROVIDE HARM REDUCTION SERVICES. UNLESS ADJUSTED
19 PURSUANT TO SECTION 44-2-110 (6)(h), THE ENTERPRISE SHALL ALLOCATE
20 FIFTY PERCENT OF THE MONEY IN THE FUND TO SUPPORT TREATMENT
21 PROVIDERS, TWENTY PERCENT OF MONEY IN THE FUND TO SUPPORT
22 RECOVERY PROVIDERS, AND FIVE PERCENT OF THE MONEY IN THE FUND TO
23 SUPPORT ELIGIBLE ENTITIES THAT PROVIDE HARM REDUCTION SERVICES.

24 (2) (a) THE ENTERPRISE SHALL AWARD GRANTS TO BHASOs IN
25 THE STATE TO ENSURE THAT TREATMENT PROVIDERS, RECOVERY
26 PROVIDERS, AND ELIGIBLE ENTITIES THAT PROVIDE HARM REDUCTION
27 SERVICES FROM ACROSS THE STATE, INCLUDING RURAL, FRONTIER, AND

1 URBAN REGIONS, HAVE EQUITABLE ACCESS TO MONEY FROM THE GRANT
2 PROGRAM.

3 (b) BHASOs THAT RECEIVE GRANTS SHALL PRIORITIZE FUNDING
4 FOR PRIORITY POPULATIONS. IN COLLABORATION WITH THE BHA, THE
5 ENTERPRISE BOARD SHALL FURTHER DEFINE PRIORITY POPULATIONS,
6 WHICH MAY INCLUDE POPULATIONS BY REGION IF COMMUNITY NEEDS
7 DIFFER, AND SHALL ANNUALLY UPDATE THE PRIORITY POPULATION
8 DEFINITION, IF NEEDED.

9 (3)(a) BHASOs THAT RECEIVE GRANTS SHALL ENSURE THAT EACH
10 TREATMENT PROVIDER AND RECOVERY PROVIDER ESTABLISHES A SLIDING
11 FEE SCALE TO PROVIDE SUBSTANCE USE DISORDER TREATMENT OR
12 RECOVERY SERVICES TO AN INDIVIDUAL WITH A SUBSTANCE USE
13 DISORDER, REGARDLESS OF THE INDIVIDUAL'S ABILITY TO PAY.

14 (b) A BHASO THAT RECEIVES A GRANT THROUGH THE PROGRAM
15 SHALL NOT REFUSE TO PROVIDE FINANCIAL SUPPORT TO A TREATMENT
16 PROVIDER, RECOVERY PROVIDER, OR ELIGIBLE ENTITY THAT PROVIDES
17 HARM REDUCTION SERVICES BASED SOLELY ON:

18 (I) THE PROVIDER'S TREATMENT OF AN INDIVIDUAL'S
19 CO-OCCURRING SUBSTANCE USE DISORDER OR MENTAL HEALTH
20 CONDITION; OR

21 (II) WHERE THE INDIVIDUAL WHO NEEDS TREATMENT LIVES OR THE
22 INDIVIDUAL'S REFERRAL TYPE, INCLUDING A REFERRAL FROM THE
23 CRIMINAL JUSTICE SYSTEM.

24 (c) A BHASO THAT RECEIVES A GRANT MAY USE THE GRANT
25 MONEY TO:

26 (I) PROVIDE TREATMENT SERVICES TO INDIVIDUALS WHO HAVE
27 ALCOHOL USE DISORDER OR WHO HAVE ALCOHOL USE DISORDER AND

1 ANOTHER CO-OCCURRING SUBSTANCE USE DISORDER;
2 (II) FOR HARM REDUCTION PROGRAMS AND SERVICES RELATED
3 ONLY TO ALCOHOL USE; AND
4 (III) FOR PROGRAMS AND SERVICES RELATED TO RECOVERY FROM
5 ALCOHOL USE DISORDER AND RECOVERY FROM ALCOHOL USE DISORDER
6 WITH CO-OCCURRING SUBSTANCE USE DISORDERS.
7 (4) EACH BHASO SHALL REPORT ANNUALLY TO THE BHA AND
8 THE ENTERPRISE BOARD ON THE USE OF THE MONEY, IN A MANNER THAT
9 COMPLIES WITH PROTECTING PATIENT HEALTH INFORMATION, INCLUDING:
10 (a) THE AMOUNT OF MONEY DISTRIBUTED TO EACH TREATMENT
11 PROVIDER, RECOVERY PROVIDER, AND ELIGIBLE ENTITY THAT PROVIDES
12 HARM REDUCTION SERVICES;
13 (b) THE NUMBER OF INDIVIDUALS SERVED AND THEIR
14 DEMOGRAPHIC DATA;
15 (c) THE NUMBER OF INDIVIDUALS SERVED IN EACH PRIORITY
16 POPULATION CATEGORY, AS DEFINED BY THE ENTERPRISE BOARD
17 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION; AND
18 (d) FOR EACH INDIVIDUAL SERVED:
19 (I) WHETHER THE MONEY WAS USED FOR A COPAYMENT,
20 DEDUCTIBLE, OR OTHER COST NOT OTHERWISE COVERED BY INSURANCE;
21 (II) IF THE INDIVIDUAL WITH A SUBSTANCE USE DISORDER
22 REQUIRED MONEY BECAUSE OF LACK OF INSURANCE COVERAGE,
23 INFORMATION ON THE INDIVIDUAL'S TYPE OF INSURANCE AND THE LEVEL
24 AND TYPE OF CARE NEEDED; AND
25 (III) THE REFERRAL SOURCE.
26 **44-2-108. Colorado alcohol use prevention and early**
27 **intervention grant program - creation - reporting - definition.**

1 (1) THERE IS CREATED IN THE ENTERPRISE THE COLORADO ALCOHOL USE
2 PREVENTION AND EARLY INTERVENTION GRANT PROGRAM TO BEGIN
3 PROVIDING GRANTS NO LATER THAN JANUARY 1, 2026, FOR PURPOSES
4 RELATED TO THE PREVENTION AND EARLY INTERVENTION OF ALCOHOL
5 AND RELATED SUBSTANCE USE DISORDERS. UNLESS ADJUSTED PURSUANT
6 TO SECTION 44-2-110 (6)(h), THE ENTERPRISE SHALL USE APPROXIMATELY
7 FIFTEEN PERCENT OF THE MONEY IN THE FUND FOR THE PURPOSE OF
8 AWARDING GRANTS TO:

9 (a) ELIGIBLE ENTITIES THAT INCREASE THE AVAILABILITY AND USE
10 OF SCREENING, BRIEF INTERVENTION, AND REFERRAL TO TREATMENT
11 PROGRAMS;

12 (b) ELIGIBLE ENTITIES THAT WORK TO PREVENT YOUTH SUBSTANCE
13 USE DISORDERS, INCLUDING UNDERAGE DRINKING PREVENTION AND
14 RELATED SUBSTANCE USE; AND

15 (c) ELIGIBLE ENTITIES THAT PROVIDE ALCOHOL AND RELATED
16 SUBSTANCE USE DISORDER PREVENTION SERVICES IN AREAS OF HIGHEST
17 NEED, INCLUDING COMMUNITY-ORIENTED, CHILDREN-ORIENTED,
18 YOUTH-ORIENTED, AND FAMILY-ORIENTED PREVENTION SERVICES; AND

19 (d) ELIGIBLE ENTITIES THAT INCREASE THE AVAILABILITY AND USE
20 OF SCREENING, EARLY INTERVENTION, AND REFERRAL TO SERVICES FOR
21 FETAL ALCOHOL SPECTRUM DISORDERS.

22 (2) EACH ELIGIBLE ENTITY THAT RECEIVES A GRANT THROUGH THE
23 GRANT PROGRAM SHALL REPORT TO THE ENTERPRISE, IN A FORM AND
24 MANNER DETERMINED BY THE ENTERPRISE, ON THE USE OF AND OUTCOMES
25 ASSOCIATED WITH THE USE OF THE GRANT PROGRAM MONEY.

26 **44-2-109. Colorado alcohol-related impaired driving**
27 **prevention and deterrence grant program - creation.** (1) THERE IS

1 CREATED IN THE ENTERPRISE THE COLORADO ALCOHOL-RELATED
2 IMPAIRED DRIVING PREVENTION AND DETERRENCE GRANT PROGRAM.
3 UNLESS ADJUSTED PURSUANT TO SECTION 44-2-110 (6)(h), THE
4 ENTERPRISE SHALL DISTRIBUTE APPROXIMATELY FIVE PERCENT OF THE
5 MONEY IN THE FUND FOR PROVIDING GRANTS TO NONPROFIT
6 ORGANIZATIONS TO PROVIDE EDUCATION ABOUT, DETERRENCE OF, AND
7 SUPPORT FOR VICTIMS OF ALCOHOL-RELATED IMPAIRED DRIVING.

8
9 (2) AN ELIGIBLE ENTITY THAT RECEIVES A GRANT THROUGH THE
10 GRANT PROGRAM SHALL REPORT TO THE ENTERPRISE, IN A FORM AND
11 MANNER DETERMINED BY THE ENTERPRISE, ON THE USE OF AND OUTCOMES
12 ASSOCIATED WITH THE USE OF THE GRANT PROGRAM MONEY.

13 **44-2-110. Alcohol impact enterprise board - creation - duties**
14 **- report.** (1) THERE IS CREATED IN THE ENTERPRISE THE ALCOHOL IMPACT
15 ENTERPRISE BOARD THAT CONSISTS OF:

- 16 (a) THE FOLLOWING NONVOTING, EX OFFICIO MEMBERS:
- 17 (I) THE COMMISSIONER OF THE BEHAVIORAL HEALTH
18 ADMINISTRATION, OR THE COMMISSIONER'S DESIGNEE;
- 19 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
20 HEALTH AND ENVIRONMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
- 21 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE,
22 OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND
- 23 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
24 CARE PLANNING AND FINANCING, OR THE EXECUTIVE DIRECTOR'S
25 DESIGNEE; AND
- 26 (b) THE FOLLOWING VOTING MEMBERS APPOINTED BY THE
27 GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE:

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(I) AN INDIVIDUAL WITH EXPERTISE IN ALCOHOL USE DISORDER PREVENTION PROGRAMS AND SERVICES;

(II) AN INDIVIDUAL WITH EXPERIENCE PROVIDING ALCOHOL USE DISORDER TREATMENT PROGRAMS AND SERVICES;

(III) AN INDIVIDUAL WITH EXPERIENCE PROVIDING ALCOHOL USE DISORDER RECOVERY PROGRAMS AND SERVICES;

(IV) AN INDIVIDUAL REPRESENTING YOUTH MENTAL HEALTH PROFESSIONALS, SUCH AS A SOCIAL WORKER, A CHILD AND ADOLESCENT PSYCHIATRIST, OR OTHER PROFESSIONAL SPECIALIZING IN CARING FOR YOUTH, WITH EXPERTISE IN YOUTH ALCOHOL USE PREVENTION, TREATMENT, OR RECOVERY;

(V) A MEMBER OF LAW ENFORCEMENT WITH EXPERIENCE IN IMPAIRED DRIVING PREVENTION AND DETERRENCE;

(VI) A REPRESENTATIVE OF A FEDERALLY RECOGNIZED INDIAN TRIBE WITH JURISDICTION IN COLORADO WHO HAS EXPERTISE IN ALCOHOL USE DISORDER PREVENTION, TREATMENT, OR RECOVERY;

(VII) AN INDIVIDUAL WHO HAS EXPERIENCED AN ALCOHOL USE DISORDER;

(VIII) AN INDIVIDUAL WHOSE FAMILY HAS BEEN AFFECTED BY A FAMILY MEMBER WITH AN ALCOHOL USE DISORDER OR FETAL ALCOHOL SPECTRUM DISORDERS;

(IX) AN INDIVIDUAL REPRESENTING AN INSTITUTION OF SECONDARY OR HIGHER EDUCATION THAT PROVIDES ALCOHOL USE DISORDER PREVENTION PROGRAMS TO STUDENTS;

(X) AN INDIVIDUAL REPRESENTING AN ADVOCACY ORGANIZATION FOR PEOPLE WITH MENTAL HEALTH CONDITIONS AND ALCOHOL AND

1 RELATED SUBSTANCE USE DISORDERS; AND

2 (XI) FOUR INDIVIDUALS REPRESENTING THE ALCOHOL INDUSTRY,
3 INCLUDING ONE INDIVIDUAL REPRESENTING THE VINOUS LIQUOR
4 INDUSTRY, ONE INDIVIDUAL REPRESENTING THE SPIRITUOUS LIQUOR
5 INDUSTRY, ONE INDIVIDUAL REPRESENTING THE MALT LIQUOR INDUSTRY,
6 AND ONE INDIVIDUAL REPRESENTING A MANUFACTURER OR DISTRIBUTOR
7 THAT IS NOT SUBJECT TO THE ALCOHOL IMPACT FEE.

8 (2) IN MAKING THE APPOINTMENTS DESCRIBED IN SUBSECTION
9 (1)(b) OF THIS SECTION, THE GOVERNOR SHOULD ATTEMPT TO INCLUDE
10 INDIVIDUALS WHO:

11 (a) HAVE EXPERIENCE PROVIDING SERVICES ACROSS THE
12 CONTINUUM OF CARE FOR ALCOHOL AND RELATED SUBSTANCE USE
13 DISORDERS;

14 (b) REFLECT THE ETHNIC, RACIAL, CULTURAL, GENDER,
15 IMMIGRATION STATUS, WEALTH, ABILITY, AND GEOGRAPHIC DIVERSITY OF
16 THE STATE; AND

17 (c) TO THE EXTENT PRACTICABLE, HAVE LIVED EXPERIENCE WITH
18 AND HAVE RECEIVED SERVICES ACROSS THE CONTINUUM OF CARE FOR
19 ALCOHOL AND RELATED SUBSTANCE USE DISORDERS.

20 (3) (a) VOTING MEMBERS OF THE ENTERPRISE BOARD SERVE AT
21 THE PLEASURE OF THE GOVERNOR. ALL TERMS ARE FOR FOUR YEARS;
22 EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED BY THE GOVERNOR,
23 SIX SHALL SERVE AN INITIAL TERM OF TWO YEARS AS DESIGNATED BY THE
24 GOVERNOR. A MEMBER WHO IS APPOINTED TO FILL A VACANCY SERVES
25 THE REMAINDER OF THE UNEXPIRED TERM OF THE FORMER MEMBER.

26 (b) IF A VOTING BOARD MEMBER HAS A CONFLICT OF INTEREST
27 WITH RESPECT TO ANY MATTER SCHEDULED FOR HEARING BEFORE THE

1 BOARD, THE MEMBER SHALL RECUSE THEMSELVES FROM ANY DISCUSSION
2 AND DECISIONS ON THE MATTER UNLESS, AFTER FULL DISCLOSURE OF THE
3 FACTS GIVING RISE TO THE CONFLICT, THE BOARD AGREES TO WAIVE THE
4 CONFLICT. FOR PURPOSES OF THIS SUBSECTION (3)(b), A BOARD MEMBER
5 HAS A CONFLICT OF INTEREST IF THE BOARD MEMBER HAS A CONFLICT
6 THAT WOULD CALL INTO QUESTION THE MEMBER'S ABILITY TO RENDER AN
7 UNBIASED DECISION.

8 (4) THE MEMBERS OF THE ENTERPRISE BOARD SHALL ELECT A
9 CHAIR AND VICE-CHAIR FROM AMONG THE MEMBERS OF THE ENTERPRISE
10 BOARD APPOINTED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

11 (5) MEMBERS OF THE ENTERPRISE BOARD SERVING IN A
12 PROFESSIONAL CAPACITY SERVE WITHOUT COMPENSATION BUT MUST BE
13 REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY
14 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO
15 THIS SECTION. A MEMBER OF THE ENTERPRISE BOARD SERVING DUE TO THE
16 MEMBER'S LIVED EXPERIENCE MUST BE OFFERED A PER DIEM AS
17 ESTABLISHED BY THE ENTERPRISE BOARD AND DISTRIBUTED FROM MONEY
18 IN THE FUND AND MUST BE REIMBURSED FROM MONEY IN THE FUND FOR
19 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF
20 THEIR DUTIES PURSUANT TO THIS SECTION.

21 (6) THE ENTERPRISE BOARD SHALL, AT A MINIMUM:

22 (a) REVIEW CURRENT STATE PLANS RELATED TO ALCOHOL AND
23 RELATED SUBSTANCE USE DISORDER PREVENTION, EARLY INTERVENTION,
24 TREATMENT, RECOVERY, AND HARM REDUCTION SUPPORT SERVICES IN
25 ORDER TO FORMULATE RECOMMENDATIONS FOR USES OF THE FEE;

26 (b) REVIEW AND APPROVE AN ANNUAL BUDGET FOR THE
27 ENTERPRISE;

1 (c) ESTABLISH FUNDING ALLOCATION MODELS FOR BHASOs AND
2 DETERMINE PRIORITY POPULATIONS FOR PURPOSES OF THE COLORADO
3 ALCOHOL TREATMENT, RECOVERY, AND HARM REDUCTION AFFORDABILITY
4 GRANT PROGRAM CREATED IN SECTION 44-2-107.

5 (d) REVIEW AND APPROVE RECOMMENDATIONS FOR ALLOCATION
6 OF MONEY IN THE FUND;

7 (e) REVIEW THE OUTCOMES OF THE MONEY AWARDED;

8 (f) REVIEW AND APPROVE AN ANNUAL REPORT OF EXPENDITURES
9 AND SERVICES PROVIDED PURSUANT TO THIS SECTION;

10 (g) ADMINISTER THE GRANT PROGRAMS CREATED IN THIS ARTICLE
11 2, INCLUDING CREATING A GRANT APPLICATION PROCESS FOR EACH GRANT
12 PROGRAM, MAKING THE GRANT APPLICATION PROCESS PUBLICLY
13 AVAILABLE PRIOR TO ACCEPTING APPLICATIONS, AND BEGINNING TO
14 ACCEPT GRANT APPLICATIONS NO LATER THAN JANUARY 1, 2026. A GRANT
15 APPLICATION CREATED PURSUANT TO THIS SUBSECTION (6)(g) MUST, AT A
16 MINIMUM, REQUIRE THE APPLICANT TO INCLUDE THE FOLLOWING
17 INFORMATION:

18 (I) AN APPLICATION NARRATIVE THAT DESCRIBES HOW THE
19 ELIGIBLE ENTITY WILL USE THE GRANT, INCLUDING HOW THE GRANT WILL
20 ADDRESS ALCOHOL USE OR ALCOHOL USE DISORDER AND HOW THE
21 ELIGIBLE ENTITY WILL ENSURE THAT THE FUNDS ARE NOT USED SOLELY
22 FOR NONALCOHOL-RELATED SUBSTANCE USE DISORDERS;

23 (II) THE PROVIDERS WHO WILL RECEIVE GRANT FUNDS, INCLUDING
24 INFORMATION ABOUT THEIR HISTORY, MISSION, LOCATIONS, AND
25 LEADERSHIP;

26 (III) A PROPOSED BUDGET AND WHETHER THE PROPOSED PROGRAM
27 OR SERVICES MEET THE REQUIREMENTS SPECIFIED IN THIS SECTION; AND

1 (IV) THE AMOUNT OF IN-KIND CONTRIBUTIONS MADE OR
2 MATCHING FUNDS CONTRIBUTED, IF ANY, TO THE PROJECT BUDGET FROM
3 THE APPLICANT OR OTHER SOURCES OUTSIDE OF THE GRANT.

4 (h) EVALUATE THE PROPORTION OF MONEY IN THE FUND AWARDED
5 THROUGH EACH GRANT PROGRAM CREATED IN THIS ARTICLE 2 AND ADJUST
6 THE PROPORTIONS AS NECESSARY.

7 (7) (a) ON OR BEFORE JUNE 15, 2027, AND ON OR BEFORE JUNE 15
8 EACH YEAR THEREAFTER, THE ENTERPRISE BOARD SHALL SUBMIT A
9 WRITTEN REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF
10 THE SENATE, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
11 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES; THE JOINT
12 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY; THE OFFICE OF THE
13 ATTORNEY GENERAL; AND THE GOVERNOR. THE REPORT MUST INCLUDE,
14 BUT NEED NOT BE LIMITED TO:

15 (I) THE RECOMMENDATIONS FORMULATED PURSUANT TO
16 SUBSECTION (6)(a) OF THIS SECTION;

17 (II) A DESCRIPTION OF HOW THE FEE IS CALCULATED AND THE
18 PROCESS BY WHICH THE FEE IS ASSESSED AND COLLECTED;

19 (III) AN ITEMIZATION OF THE TOTAL AMOUNT OF THE FEE PAID BY
20 EACH MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR BY SPECIFIC
21 ALCOHOL BEVERAGE SOLD;

22 (IV) AN ITEMIZATION OF THE COSTS INCURRED BY THE ENTERPRISE
23 IN IMPLEMENTING AND ADMINISTERING THE FEE;

24 (V) THE PERCENTAGE OF MONEY THAT WAS ALLOCATED TO EACH
25 OF THE GRANT PROGRAMS CREATED IN THIS ARTICLE 2;

26 (VI) FOR MONEY DISTRIBUTED PURSUANT TO SUBSECTION
27 44-2-107 (1), AN ITEMIZATION OF SERVICES AND PROJECTS FUNDED

1 THROUGH THE ENTERPRISE, INCLUDING:

2 (A) DATA REPORTED FROM BHASOs;

3 (B) THE AMOUNT OF MONEY DISTRIBUTED TO EACH PROVIDER AND
4 ELIGIBLE ENTITY, AS DESCRIBED IN SECTION 44-2-107 (1), BY AMOUNT
5 AND PROVIDER AND ELIGIBLE ENTITY;

6 (C) THE NUMBER OF INDIVIDUALS SERVED, INCLUDING THEIR
7 DEMOGRAPHIC DATA;

8 (D) FOR EACH INDIVIDUAL SERVED, IF THE MONEY WAS USED FOR
9 A COPAYMENT, DEDUCTIBLE, OR OTHER COST NOT OTHERWISE COVERED
10 BY INSURANCE;

11 (E) FOR EACH INDIVIDUAL SERVED, IF THE INDIVIDUAL WITH AN
12 ALCOHOL OR RELATED SUBSTANCE USE DISORDER REQUIRED MONEY
13 BECAUSE OF LACK OF INSURANCE COVERAGE, INFORMATION ON THE
14 INDIVIDUAL'S TYPE OF INSURANCE AND THE LEVEL AND TYPE OF CARE
15 NEEDED;

16 (F) THE NUMBER OF INDIVIDUALS SERVED IN EACH PRIORITY
17 POPULATION CATEGORY, AS DEFINED BY THE ENTERPRISE BOARD
18 PURSUANT TO SECTION 44-2-107 (2)(b); AND

19 (G) FOR EACH INDIVIDUAL SERVED, THE REFERRAL SOURCE;

20 (VII) FOR ALL GRANT PROGRAMS ADMINISTERED THROUGH THE
21 ENTERPRISE, THE NAME OF EACH ENTITY THAT RECEIVED A GRANT
22 THROUGH EACH GRANT PROGRAM, THE AMOUNT OF MONEY AWARDED TO
23 EACH ENTITY, AND THE USE OF AND OUTCOMES ASSOCIATED WITH THE USE
24 OF THE MONEY; AND

25 (VIII) TRENDS IN ALCOHOL-RELATED MORBIDITY AND MORTALITY
26 IN THE PREVIOUS CALENDAR YEAR.

27 (b) THIS SUBSECTION (7) IS EXEMPT FROM SECTION 24-1-136

1 (11)(a)(I), AND THE PERIODIC REPORTING REQUIREMENT OF THIS
2 SUBSECTION (7) REMAINS IN EFFECT UNTIL CHANGED BY THE GENERAL
3 ASSEMBLY ACTING BY BILL.

4 **44-2-111. Audit of Colorado alcohol impact and recovery**
5 **enterprise - notice to revisor of statutes - repeal.** (1) DURING THE
6 2030-31 STATE FISCAL YEAR, AND DURING EVERY FOURTH STATE FISCAL
7 YEAR THEREAFTER, THE STATE AUDITOR SHALL CONDUCT AN AUDIT OF
8 THE ENTERPRISE ESTABLISHED PURSUANT TO THIS ARTICLE 2. THE
9 ENTERPRISE SHALL PAY THE COSTS OF THE AUDIT OF THE ENTERPRISE. THE
10 STATE AUDITOR SHALL REPORT THE FINDINGS FROM THE AUDITS, ALONG
11 WITH ANY COMMENTS AND RECOMMENDATIONS, TO THE GOVERNOR AND
12 TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND
13 THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
14 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE STATE AUDITOR
15 HAS CONTINUING AUTHORITY TO CONDUCT AUDITS OF THE ENTERPRISE AS
16 THE STATE AUDITOR DEEMS APPROPRIATE. THE ENTERPRISE SHALL PAY
17 THE COSTS OF ANY SUBSEQUENT AUDIT OF THE ENTERPRISE.

18 (2) (a) AS PART OF THE AUDIT CONDUCTED DURING THE 2042-43
19 STATE FISCAL YEAR, THE STATE AUDITOR SHALL ALSO CONSIDER WHETHER
20 IT IS NECESSARY TO CONTINUE TO CONDUCT THE AUDITS REQUIRED BY
21 SUBSECTION (1) OF THIS SECTION. IF THE STATE AUDITOR DETERMINES
22 THAT IT IS NO LONGER NECESSARY TO CONDUCT THE AUDITS, THE STATE
23 AUDITOR MUST PROVIDE WRITTEN NOTICE TO THE REVISOR OF STATUTES
24 OF SUCH A DETERMINATION BY E-MAILING THE NOTICE TO
25 REVISOROFSTATUTES.GA@COLEG.GOV.

26 (b) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30 FOLLOWING
27 THE RECEIPT OF THE NOTICE AUTHORIZED BY SUBSECTION (2)(a) OF THIS

1 SECTION.

2 **SECTION 2.** In Colorado Revised Statutes, 24-1-117, **add** (4.5)
3 as follows:

4 **24-1-117. Department of revenue - creation.** (4.5) THE
5 DEPARTMENT OF REVENUE INCLUDES THE COLORADO ALCOHOL IMPACT
6 AND RECOVERY ENTERPRISE CREATED IN SECTION 44-2-104 (1)(a), WHICH
7 IS A **TYPE 2** ENTITY.

8
9 **SECTION 3.** Appropriation. (1) For the 2024-25 state fiscal
10 year, \$98,583 is appropriated to the department of revenue. This
11 appropriation is from the general fund. To implement this act, the
12 department may use this appropriation as follows:

13 (a) \$21,785 for tax administration IT system (GenTax) support;

14 (b) \$11,104 for use by the taxation business group for personal
15 services related to taxation services;

16 (c) \$8,085 for use by the executive director's office for personal
17 services related to administration and support; and

18 (d) \$57,609 for the purchase of legal services.

19 (2) For the 2024-25 state fiscal year, \$57,609 is appropriated to
20 the department of law. This appropriation is from reappropriated funds
21 received from the department of revenue under subsection (1)(d) of this
22 section and is based on an assumption that the department of law will
23 require an additional 0.3 FTE. To implement this act, the department of
24 law may use this appropriation to provide legal services for the
25 department of revenue.

26 **SECTION 4. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.