

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0676.03 Jason Gelender x4330

HOUSE BILL 25-1025

HOUSE SPONSORSHIP

Feret,

SENATE SPONSORSHIP

Jaquez Lewis,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE STATE STOCKPILE OF ESSENTIAL MATERIALS, AND,
102 IN CONNECTION THEREWITH, BROADENING THE CIRCUMSTANCES
103 IN WHICH DISTRIBUTIONS FROM THE STOCKPILE ARE ALLOWED.

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 state maintains a stockpile of essential materials (stockpile), including personal protective equipment, that the division of homeland security and emergency management (division), in consultation with the department of public health and environment, is authorized to distribute in response to a declared disaster emergency to any state agency, school,

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.

local public health agency, hospital, primary care provider, other health-care provider, or any other entity or individual (eligible recipient) that the director of the division (director) determines is in need as a result of a declared disaster emergency. The bill broadens the authority of the director over the stockpile so that the director or the director's designee may distribute essential materials from the stockpile:

- Without formal consultation with the department of public health and environment; and
- After the governor has declared a disaster emergency;
- When the director or the director's designee determines that there are other circumstances in which there is a need for or benefit to distribution; or
- When the director or the director's designee determines that their distribution will enhance the ability of eligible recipients and their community partners to respond to future disaster emergencies or other circumstances in a way that would help protect public health or safety, including the distribution of essential materials for the purposes of ensuring that they can be used in normal, nonemergency times before their useful life ends. While included under current law as "any other entity", the bill also explicitly adds "nonprofit organizations" and "faith-based organizations" to the statutory list of eligible recipients.

The bill also requires the department of public safety to annually include, as part of its presentation during its "SMART Act" hearing, specified information concerning the acquisition of essential materials for and distribution of essential materials from the stockpile.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1621,
3 **amend** (2)(b) and (3); and **add** (9) as follows:

4 **24-33.5-1621. Essential materials - stockpile - rotation -**
5 **emergency stockpile rotation cash fund - creation - annual report -**
6 **legislative declaration - definitions.** (2) As used in this section, unless
7 the context otherwise requires:

8 (b) "Essential materials" means personal protective equipment,
9 ventilators, and any other items that the director OR THE DIRECTOR'S
10 DESIGNEE determines are necessary to respond to a disaster emergency OR

1 OTHER CIRCUMSTANCES IN WHICH THERE IS A NEED FOR OR BENEFIT TO
2 DISTRIBUTION OR THAT ENHANCE THE ABILITY OF STATE AGENCIES,
3 SCHOOLS, LOCAL PUBLIC HEALTH AGENCIES, HOSPITALS, PRIMARY CARE
4 PROVIDERS, NONPROFIT ORGANIZATIONS, FAITH-BASED ORGANIZATIONS,
5 OR OTHER ENTITIES OR INDIVIDUALS AND THEIR COMMUNITY PARTNERS TO
6 RESPOND TO CURRENT OR FUTURE DISASTER EMERGENCIES OR OTHER
7 CIRCUMSTANCES IN A WAY THAT WOULD HELP PROTECT PUBLIC HEALTH OR
8 SAFETY.

9 (3) (a) The division shall procure and maintain a stockpile of
10 essential materials that are available for distribution after the governor
11 has declared a disaster emergency in accordance with section 24-33.5-704
12 (4), WHEN THE DIRECTOR OR THE DIRECTOR'S DESIGNEE DETERMINES THAT
13 THERE ARE OTHER CIRCUMSTANCES IN WHICH THERE IS A NEED FOR OR
14 BENEFIT TO DISTRIBUTION, OR WHEN THE DIRECTOR OR THE DIRECTOR'S
15 DESIGNEE DETERMINES THAT THEIR DISTRIBUTION WILL ENHANCE THE
16 ABILITY OF STATE AGENCIES, SCHOOLS, LOCAL PUBLIC HEALTH AGENCIES,
17 HOSPITALS, PRIMARY CARE PROVIDERS, NONPROFIT ORGANIZATIONS,
18 FAITH-BASED ORGANIZATIONS, OR OTHER ENTITIES OR INDIVIDUALS AND
19 THEIR COMMUNITY PARTNERS TO RESPOND TO CURRENT OR FUTURE
20 DISASTER EMERGENCIES OR OTHER CIRCUMSTANCES IN A WAY THAT
21 WOULD HELP PROTECT PUBLIC HEALTH OR SAFETY. DISTRIBUTION OF
22 ESSENTIAL MATERIALS FOR THE PURPOSE OF ENSURING THAT THEY CAN BE
23 USED IN NORMAL, NONEMERGENCY TIMES BEFORE THEIR USEFUL LIFE ENDS
24 IS A USE OF SUCH MATERIALS IN A WAY THAT WOULD HELP PROTECT
25 PUBLIC HEALTH OR SAFETY. Subject to available appropriations, the
26 division shall attempt to ensure that, in the event of a national public
27 health emergency, the stockpile has a sufficient supply of personal

1 protective equipment to bridge the gap until the national supply chain can
2 increase production to meet the demand for such items.

3 (b) The division ~~in consultation with the department of public~~
4 ~~health and environment~~, may distribute the essential materials to state
5 agencies, schools, local public health agencies, hospitals, primary care
6 providers, ~~or~~ other health-care providers, NONPROFIT ORGANIZATIONS,
7 FAITH-BASED ORGANIZATIONS, or any other ~~individual or~~ entity OR
8 INDIVIDUAL OR COMMUNITY PARTNER OF ANY OF THE FOREGOING that the
9 director OR THE DIRECTOR'S DESIGNEE determines is in need as a result of
10 ~~the~~ A disaster emergency, IN OTHER CIRCUMSTANCES IN WHICH THE
11 DIRECTOR OR THE DIRECTOR'S DESIGNEE DETERMINES THAT THERE IS A
12 NEED FOR OR BENEFIT TO SUCH DISTRIBUTION, OR WHEN THE DIRECTOR OR
13 THE DIRECTOR'S DESIGNEE DETERMINES THAT DISTRIBUTION WILL
14 ENHANCE THE ABILITY OF ANY SUCH ENTITY, INDIVIDUAL OR COMMUNITY
15 PARTNER TO RESPOND TO CURRENT OR FUTURE DISASTER EMERGENCIES OR
16 OTHER CIRCUMSTANCES IN A WAY THAT WOULD HELP PROTECT PUBLIC
17 HEALTH OR SAFETY.

18 (9) BEGINNING IN JANUARY 2027, AND IN JANUARY EVERY YEAR
19 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
20 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
21 SECTION 2-7-203, INFORMATION CONCERNING THE ACQUISITION OF
22 ESSENTIAL MATERIALS FOR AND DISTRIBUTION OF ESSENTIAL MATERIALS
23 FROM THE STOCKPILE OF ESSENTIAL MATERIALS PROCURED AND
24 MAINTAINED BY THE DIVISION PURSUANT TO SUBSECTION (3)(a) OF THIS
25 SECTION. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION FOR
26 EACH ACQUISITION OR DISTRIBUTION:

27 (a) THE DATE OF THE ACQUISITION OR DISTRIBUTION;

1 (b) THE TYPE AND QUANTITY OF ESSENTIAL MATERIALS ACQUIRED
2 OR DISTRIBUTED;

3 (c) THE ENTITY OR INDIVIDUAL THAT PROVIDED OR RECEIVED A
4 DISTRIBUTION OF ESSENTIAL MATERIALS;

5 (d) IN THE CASE OF AN ACQUISITION, THE REASON OR REASONS FOR
6 AND COST OF THE ACQUISITION;

7 (e) IN THE CASE OF A DISTRIBUTION, THE REASON OR REASONS FOR
8 THE DISTRIBUTION; AND

9 (f) ANY OTHER INFORMATION THAT THE DEPARTMENT OR THE
10 DIRECTOR OR DIRECTOR'S DESIGNEE DEEMS APPROPRIATE.

11 **SECTION 2. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.