



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1220: REGULATION OF MEDICAL NUTRITION THERAPY

Prime Sponsors:

Rep. McCormick; Hartsook
Sen. Pelton B.; Mullica

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Published for: House Health & Human Services**Drafting number:** LLS 25-0441**Version:** Initial Fiscal Note**Date:** February 19, 2025**Fiscal note status:** This fiscal note reflects the introduced bill.

Summary Information

Overview. The bill establishes the regulation of dietitians and nutritionists by the newly created State Board of Dietetics and Nutrition in the Department of Regulatory Agencies.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures
- State Revenue
- TABOR Refunds

Appropriations. For FY 2025-26, the bill requires an appropriation of \$100,934 to the Department of Regulatory Agencies.

Table 1
State Fiscal Impacts

Type of Impact¹	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$593,050	\$366,582
State Expenditures	\$112,089	\$538,416	\$330,666
Transferred Funds	\$0	\$0	\$0
Change in TABOR Refunds	\$0	\$560,425	not estimated
Change in State FTE	0.7 FTE	4.2 FTE	2.7 FTE

¹ Fund sources for these impacts are shown in the tables below.

**Table 1A
State Revenue**

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28
General Fund	\$0	\$0	\$0
Cash Funds	\$0	\$593,050	\$366,582
Total Revenue	\$0	\$593,050	\$366,582

**Table 1B
State Expenditures**

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28
General Fund	\$0	\$0	\$0
Cash Funds	\$100,934	\$465,194	\$284,696
Federal Funds	\$0	\$0	\$0
Centrally Appropriated	\$11,155	\$73,222	\$45,970
Total Expenditures	\$112,089	\$538,416	\$330,666
Total FTE	0.7 FTE	4.2 FTE	2.7 FTE

Summary of Legislation

The bill enacts the Dietetic and Nutrition Practice Act, which establishes the regulation of dietitians and nutritionists in the Department of Regulatory Agencies (DORA).

State Board

The State Board of Dietetics and Nutrition is created in the Division of Professions and Occupations (DPO) in DORA to regulate and oversee the professions of dietician and nutritionist. The Governor must appoint a seven-member board consisting of licensed dietitians and nutritionists, a licensed physician, and an unlicensed member of the public.

By May 2026, the board must begin meeting at least four times per year to adopt licensure standards, review applications, levy fees, administer continuing education requirements, and enforce regulatory provisions, among other duties.

Licensure

The bill requires all practicing dietitians and nutritionists to become licensed by September 1, 2026. Applicants for licensure must meet educational requirements, complete at least 1,000 hours of supervised practice, and pass an approved examination. Alternatively, an

applicant for dietetic licensure may submit proof of third-party registration to be eligible, and, an applicant for nutrition licensure may submit proof of three years of employment and six months of unsupervised practice to be eligible.

All applicants must also submit an application, pay relevant fees, and undergo a fingerprint-based background check conducted by the Colorado Bureau of Investigation.

Supervision

Upon filing an application, the board may issue provisional licenses, which permits a dietician or nutritionist to practice under the supervision of a licensed professional for up to one year. The bill establishes the requirements of supervising professionals for medical nutrition therapy, including qualifications, scope of practice, and exemptions.

Enforcement

The bill authorizes the board to take disciplinary action against licensed individuals under certain circumstances. The bill also makes practicing as a dietician or nutritionist without a license a class 2 misdemeanor.

The regulation of dietitians and nutritionists repeals on September 1, 2035, following a sunset review by DORA.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior Conviction Data and Assumptions

This bill creates the new offense of practicing as a dietician or nutritionist without a license, a class 2 misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of practicing massage therapy without a license as a comparable crime. From FY 2021-22 to FY 2023-24, two offenders have been sentenced and convicted for this existing offense. Based on this small number of prior cases, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Assumptions

The fiscal note assumes that the costs of regulating the new professions will be paid through an annual fee levied on all licensed dietitians and nutritionists in the state. Based on DORA's sunrise review of dietitians and nutritionists, it is assumed that approximately 2,850 dietitians and 50 nutritionists operate in the state and will require licensure in the first year of implementation.

Data from the [U.S. Bureau of Labor and Statistics](#) projects the professions of dietitian and nutritionist to grow by 7 percent over the next ten years, which equates to 20 additional applicants per year beginning in FY 2027-28. Some revenue and expenditures could shift between fiscal years if participation differs from these assumptions.

Costs to administer the program begin in FY 2025-26, but DORA will not collect fee revenue until FY 2026-27. The fiscal note assumes that the DPO Cash Fund will cover the expenditures incurred in FY 2025-26 until fee revenue is collected in FY 2026-27 to cover administrative costs. If the DPO Cash Fund cannot support these expenditures, a General Fund appropriation to DORA would be required in the first year.

State Revenue

The bill increases cash fund revenue by about \$593,000 in FY 2026-27 to the Division of Professions and Occupations Cash Fund in DORA to cover the costs of implementing and administering the new regulatory program, and to the Department of Public Safety (DPS) for background checks. On an ongoing basis, revenue will increase by about \$367,000 per year, assuming the licensing fees are charged annually. These impacts are shown in Table 2A and 2B, and discussed in more detail below.

Table 2A
Fee Impact on Dietitians and Nutritionists
FY 2026-27

FY 2026-27	Estimated Fee	Number Affected	Total Fee Impact
Registration Fee	\$165	2,900	\$478,500
Renewal Fee	\$125	0	\$0
CBI Background Check Fee	\$39.50	2,900	\$114,550
Total Fee Revenue – FY 2026-27			\$593,050

Table 2B
Fee Impact on Dietitians and Nutritionists
FY 2027-28 and Future Years

FY 2027-28	Estimated Fee	Number Affected	Total Fee Impact
Registration Fee	\$165	20	\$3,292
Renewal Fee	\$125	2,900	\$362,500
CBI Background Check Fee	\$39.50	20	\$790
Total Fee Revenue – FY 2027-28²			\$366,582

² Revenue will increase further in future years as the regulated population grows. Fees will be set to cover costs.

Fee Impact Dietitians and Nutritionists

Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. The bill increases licensing fees and background check fees on dietitians and nutritionists, as shown in Tables 2A and 2B above.

License Fees

In FY 2026-27, DORA will collect \$479,000 in initial registration fees from 2,900 assumed applicants. Beginning in FY 2027-28 and every year thereafter, DORA will collect about \$3,000 in new registration fees and \$363,000 in renewal fees from dietitians and nutritionists. As shown in Table 2A and 2B, the fiscal note estimates a registration fee of \$165 and a reduced renewal fee of \$125 to cover implementation and ongoing costs to administer the program. These proposed fees are estimates only; actual fees will be set administratively by DORA based on cash fund balance, estimated program costs, and the number of licensees subject to the fee.

Background Check Fees – DPS

This bill increases state cash fund revenue from fingerprint-based criminal history background checks to the CBI Identification Unit Cash Fund in the DPS by about \$115,000 in FY 2026-27. This assumes 2,900 checks will be conducted in FY 2026-27, when the state begins regulating dietitians and nutritionists. Revenue will minimally increase in future years for new licensees. The current fee for background checks is \$39.50, which includes \$11.25 for a Federal Bureau of Investigation (FBI) fingerprint-based checks, which is passed on to that federal agency. The federal portion of this fee is excluded from the state TABOR limit, meaning \$81,925 is subject to TABOR. The background check is required only upon initial registration.

State Expenditures

The bill increases state expenditures by about \$112,000 in FY 2025-26, \$538,000 in FY 2026-27, and \$331,000 in future years. These costs will be incurred in DORA and DPS, as shown in Table 3 and described in the sections below. Costs are paid from the DPO Cash Fund and the CBI Identification Unit Cash Fund. Workload may also minimally increase in the Judicial Department and Department of Personnel and Administration.

**Table 3
State Expenditures
All Departments**

Department	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28
Department of Regulatory Agencies	\$112,089	\$430,400	\$330,666
Department of Public Safety	\$0	\$108,016	\$0
Total Costs	\$112,089	\$538,416	\$330,666

Department Regulatory Agencies

DORA will incur costs to support the State Board, administer the regulatory program, and enforce agency rules beginning in FY 2025-26, paid from the DPO Cash Fund and shown below in Table 3A.

State Board

Starting in FY 2025-26, DORA requires 1.0 FTE Program Management II to staff the State Board, establish plans and objectives, liaise with external stakeholders, and represent the Board in disciplinary hearings. Beginning in FY 2026-27, DORA requires an additional 1.0 FTE Technician III to provide technical assistance to the Board for compliance and enforcement, as well as manage applications referred to the Board. Staff costs and FTE are prorated in the first year based on a start date of January 1, 2026.

The Board is also entitled to per diem reimbursement for each quarterly meeting. Assuming all seven members attend the minimum four meetings required per year at a rate of \$50 per meeting, per diem costs increase by \$1,400 on an ongoing basis. Costs are prorated in the first year to comply with the bill’s requirement that the Board begin meeting by May 2026.

Administration

In FY 2026-27 only, DORA requires 0.1 FTE Marketing and Communications Specialist to conduct education and outreach to practicing dietitians and nutritionists and 0.7 FTE Technician III to process initial licensing applications.

Enforcement

Beginning in FY 2026-27, DORA requires 0.4 FTE Criminal Investigator III to conduct witness interviews, gather evidence, and generate reports from increased complaints related to unlicensed and noncompliant dieticians and nutritionists. The fiscal note assumes that 38 complaints will be referred to the Office of Investigation and require an average of 23 hours to resolve each. DORA also requires an estimated \$3,000 per year to hire an investigative consultant to assist with at least two formal complaints.

Legal Services

DORA requires 300 hours of legal services in FY 2025-26, 775 hours in FY 2026-27, and 675 hours in future years for rulemaking, program implementation, and disciplinary actions. The fiscal note assumes that at least two complaints will be referred to the Attorney General annually and require 300 hours of legal service per complaint. Legal services are provided by the Department of Law at a rate of \$133.74 per hour.

**Table 3A
State Expenditures
Department of Regulatory Agencies**

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$53,152	\$242,601	\$187,077
Operating Expenses	\$640	\$4,096	\$2,944
Capital Outlay Costs	\$6,670	\$13,340	\$0
Board Per Diem Reimbursement	\$350	\$1,400	\$1,400
Consultant Fees	\$0	\$3,000	\$3,000
Legal Services	\$40,122	\$103,649	\$90,275
Centrally Appropriated Costs	\$11,155	\$62,314	\$45,970
FTE – Personal Services	0.5 FTE	3.2 FTE	2.3 FTE
FTE – Legal Services	0.2 FTE	0.4 FTE	0.4 FTE
Total Costs	\$112,089	\$430,400	\$330,666
Total FTE	0.7 FTE	3.6 FTE	2.7 FTE

Department of Public Safety

The bill increases overall expenditures from the CBI Identification Unit Cash Fund in DPS by about \$108,000 in FY 2026-27, as described below. Actual costs may vary and depend on the number and timing of dieticians and nutritionists requesting fingerprint-based background checks.

Staff

In FY 2026-27, DPS requires 0.4 FTE Fingerprint Examiner II and 0.2 FTE Technician II to process an assumed 2,900 fingerprint background applications. A Fingerprint Examiner II can process 8,250 requests per year, and a Technician II 16,500. Training costs for this FTE are included.

FBI Pass Through

The DPS passes \$11.25 of every application on to the federal government. With 2,900 applications, this equates to \$32,625 per year.

Processing Costs

There are the following costs associated with each background check application: \$6.10 dedicated to equipment maintenance; \$1.55 for print digitization; \$0.88 to access the Colorado Crime Information Center for information pertinent to the background check; and \$0.58 printing and postage costs.

**Table 3B
State Expenditures
Department of Public Safety**

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$0	\$37,151	\$0
Operating Expenses	\$0	\$768	\$0
FBI Pass Through	\$0	\$32,625	\$0
Processing Costs	\$0	\$26,564	\$0
Centrally Appropriated Costs	\$0	\$10,908	\$0
Total Costs	\$0	\$108,016	\$0
Total FTE	0.0 FTE	0.6 FTE	0.0 FTE

Other Agency Impacts

Starting in FY 2026-27, trial courts in the Judicial Department may experience an increase in workload to adjudicate civil cases or appeals for occupational noncompliance. The bill may also increase workload in the Department of Personnel and Administration for administrative law judges in the Office of Administrative Courts to hear cases challenging disciplinary actions by DORA. This workload is expected to be minimal and no change in appropriations is required.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in the expenditure table(s) above.

TABOR Refunds

The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts shown in the State Revenue section above. This estimate assumes the December 2024 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2026-27. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will reduce the amount of General Fund available to spend or save.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to offenses committed on or after this date.

State Appropriations

For FY 2025-26, the bill requires an appropriation of \$100,934 from the Division of Professions and Occupations Cash Fund to the Department of Regulatory Agencies, and 0.5 FTE. Of this amount, \$44,122 is reappropriated to the Department of Law with an additional 0.2 FTE.

State and Local Government Contacts

Governor	Law
Information Technology	Public Safety
Judicial	Regulatory Agencies

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).