

CHAPTER 216

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 10-1381

BY REPRESENTATIVE(S) Ferrandino, Pommer, Lambert, Todd;
also SENATOR(S) White, Keller, Tapia.

AN ACT

CONCERNING THE USE OF TOBACCO REVENUES FOR HEALTH-RELATED PURPOSES DURING A STATE FISCAL EMERGENCY, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 24-22-117 (2) (c) (IV), (2) (d) (V) (B), (2) (f), and (6) (b), Colorado Revised Statutes, are amended, and the said 24-22-117 (2) (d) (V) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration - repeal. (2) There are hereby created in the state treasury the following funds:

(c) (IV) (A) Notwithstanding the provisions of subparagraph (III) of this paragraph (c), and pursuant to the declaration of a state fiscal emergency as described in SUBPARAGRAPH (I) OF paragraph (b) of subsection (6) of this section, for the 2009-10 fiscal year, in addition to the purposes described in sub-subparagraphs (A) and (B) of subparagraph (III) of this paragraph (c), the moneys in the tobacco education programs fund may be appropriated for any health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program at the programs' respective levels of enrollment as of January 1, 2005.

(B) ~~This subparagraph (IV) is repealed, effective July 1, 2011.~~
NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), AND PURSUANT TO THE DECLARATION OF A STATE FISCAL EMERGENCY AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION, FOR THE 2010-11 FISCAL YEAR, IN ADDITION TO THE PURPOSES DESCRIBED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), THE MONEYS IN THE TOBACCO EDUCATION PROGRAMS FUND MAY BE APPROPRIATED FOR ANY HEALTH-RELATED PURPOSE AND TO SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN AND THE COLORADO MEDICAL ASSISTANCE PROGRAM AT THE PROGRAMS' RESPECTIVE LEVELS OF ENROLLMENT AS OF JANUARY 1, 2005.

(C) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1, 2012.

(d) (V) (B) Notwithstanding the provisions of sub-subparagraph (A) of this subparagraph (V), and pursuant to the declaration of a state fiscal emergency as described in SUBPARAGRAPH (I) OF paragraph (b) of subsection (6) of this section, for the 2009-10 fiscal year, in addition to the purposes described in sub-subparagraph (A) of this subparagraph (V), the moneys in the prevention, early detection, and treatment fund may be appropriated for any health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program at the programs' respective levels of enrollment as of January 1, 2005. This sub-subparagraph (B) is repealed, effective July 1, 2011.

(C) NOTWITHSTANDING THE PROVISIONS OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (V), AND PURSUANT TO THE DECLARATION OF A STATE FISCAL EMERGENCY AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION, FOR THE 2010-11 FISCAL YEAR, IN ADDITION TO THE PURPOSES DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (V), THE MONEYS IN THE PREVENTION, EARLY DETECTION, AND TREATMENT FUND MAY BE APPROPRIATED FOR ANY HEALTH-RELATED PURPOSE AND TO SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN AND THE COLORADO MEDICAL ASSISTANCE PROGRAM AT THE PROGRAMS' RESPECTIVE LEVELS OF ENROLLMENT AS OF JANUARY 1, 2005. THIS SUB-SUBPARAGRAPH (C) IS REPEALED, EFFECTIVE JULY 1, 2012.

(f) (I) The health disparities grant program fund to be administered by the department of public health and environment. Moneys shall be transferred to the health disparities grant program fund as described in subparagraph (III) of paragraph (d) of this subsection (2). All interest and income derived from the deposit and investment of moneys in the health disparities grant program fund shall be credited to the health disparities grant program fund; except that all interest and income derived from the deposit and investment of moneys in the health disparities grant program fund during the 2008-09, 2009-10, 2010-11, and 2011-12 fiscal years shall be credited to the general fund. Any unexpended or unencumbered moneys remaining in the health disparities grant program fund at the end of the fiscal year shall remain in the fund and shall not be credited to the general fund or any other fund. The moneys in the health disparities grant program fund shall be annually appropriated by the general assembly to the department of public health and environment for allocation by the department of public health and environment consistent with the provisions of paragraph (d) of this subsection (2).

(II) (A) NOTWITHSTANDING ANY PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) TO THE CONTRARY, AND PURSUANT TO THE DECLARATION OF A STATE FISCAL EMERGENCY AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (b)

OF SUBSECTION (6) OF THIS SECTION, FOR THE 2010-11 FISCAL YEAR, THE MONEYS IN THE HEALTH DISPARITIES GRANT PROGRAM FUND MAY BE APPROPRIATED FOR ANY HEALTH-RELATED PURPOSE AND TO SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN AND THE COLORADO MEDICAL ASSISTANCE PROGRAM AT THE PROGRAMS' RESPECTIVE LEVELS OF ENROLLMENT AS OF JANUARY 1, 2005.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2012.

(6) (b) (I) The general assembly, pursuant to section 21 (7) of article X of the state constitution and Senate Joint Resolution 09-035, which was approved by a two-thirds majority vote of the members of the general assembly and signed by the governor, declares a state fiscal emergency for the 2009-10 fiscal year.

(II) ~~This paragraph (b) is repealed, effective July 1, 2011.~~ THE GENERAL ASSEMBLY, PURSUANT TO SECTION 21 (7) OF ARTICLE X OF THE STATE CONSTITUTION AND SENATE JOINT RESOLUTION 10-010, WHICH WAS APPROVED BY A TWO-THIRDS MAJORITY VOTE OF THE MEMBERS OF THE GENERAL ASSEMBLY AND SIGNED BY THE GOVERNOR, DECLARES A STATE FISCAL EMERGENCY FOR THE 2010-11 FISCAL YEAR.

(III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 2. Appropriations - adjustments in 2010 long bill.

(1) Appropriations in the annual general appropriation act to the department of health care policy and financing, for the fiscal year beginning July 1, 2010, shall be adjusted as follows:

(a) The general fund appropriation for medical services premiums is decreased by twenty-five million six hundred ninety-one thousand four hundred eighteen dollars (\$25,691,418).

(b) The cash funds appropriation is increased by twenty-one million two hundred thousand nine hundred eighty-three dollars (\$21,200,983). Of said appropriation, fifteen million five hundred twenty-one thousand six hundred twenty-five dollars (\$15,521,625) shall be from the tobacco education programs fund created in section 24-22-117 (2) (c) (I), Colorado Revised Statutes, and five million six hundred seventy-nine thousand three hundred fifty-eight dollars (\$5,679,358) shall be from the prevention, early detection, and treatment fund created in section 24-22-117 (2) (d) (I), Colorado Revised Statutes.

(c) The reappropriated funds appropriation is increased by four million four hundred ninety thousand four hundred thirty-five dollars (\$4,490,435) from the health disparities grant program fund created in section 24-22-117 (2) (f), Colorado Revised Statutes.

(2) Appropriations in the annual general appropriation act of reappropriated funds from the health disparities grant program fund created in section 24-22-117 (2) (f), Colorado Revised Statutes, to the department of public health and environment, administration and support, special health programs, health disparities program, for the fiscal year beginning July 1, 2010, shall be adjusted as follows:

(a) The operating expenses appropriation is decreased by thirty thousand dollars (\$30,000).

(b) The health disparities grants appropriation is decreased by four million four hundred fifty thousand four hundred thirty-five dollars (\$4,450,435).

(3) The appropriation in the annual general appropriation act of cash funds to the department of public health and environment, center for health and environmental information, health statistics and vital records, for operating expenses, is decreased by the sum of forty thousand dollars (\$40,000). Of said sum, twenty thousand dollars (\$20,000) shall be from the prevention, early detection, and treatment fund created in section 24-22-117 (2) (d) (I), Colorado Revised Statutes, and twenty thousand dollars (\$20,000) shall be from the tobacco education programs fund created in section 24-22-117 (2) (c) (I), Colorado Revised Statutes.

(4) Appropriations in the annual general appropriation act of cash funds from the prevention, early detection, and treatment fund created in section 24-22-117 (2) (d) (I), Colorado Revised Statutes, to the department of public health and environment, prevention services division, prevention programs, programs and administration, for the fiscal year beginning July 1, 2010, shall be adjusted as follows:

(a) The personal services appropriation is decreased by thirty thousand dollars (\$30,000).

(b) The operating expenses appropriation is decreased by sixty thousand dollars (\$60,000).

(c) The cancer, cardiovascular disease, and pulmonary disease grants appropriation is decreased by five million five hundred twenty-four thousand three hundred fifty-eight dollars (\$5,524,358).

(5) Appropriations in the annual general appropriation act of cash funds from the tobacco education programs fund created in section 24-22-117 (2) (c) (I), Colorado Revised Statutes, to the department of public health and environment, prevention services division, prevention programs, tobacco education, prevention, and cessation, for the fiscal year beginning July 1, 2010, shall be adjusted as follows:

(a) The personal services appropriation is decreased by thirty-five thousand dollars (\$35,000).

(b) The operating expenses appropriation is decreased by seventy-five thousand dollars (\$75,000).

(c) The tobacco education, prevention, and cessation grants appropriation is decreased by fifteen million three hundred forty-six thousand six hundred twenty-five dollars (\$15,346,625).

SECTION 3. Effective date. This act shall take effect only if Senate Joint Resolution 10-010 is approved by a two-thirds majority vote of the members of both houses of the general assembly and is signed by the governor. This act shall take

effect either upon passage or upon the date Senate Joint Resolution 10-010 is signed by the governor, whichever is later.

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, and safety.

Approved: May 6, 2010