

PRELIMINARY DIGEST

June 1, 2023

**SENATE AND HOUSE BILLS ENACTED
BY THE
SEVENTY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO**

2023 - First Regular Session

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Includes 258 digests of the 299 bills
that have been passed by
the General Assembly and acted on by the Governor

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The first date appearing after each digest entry is the date on which the Act was approved by the Governor or, if noted, became law without his signature; the second date is the effective date of the Act. At the time of publication, some measures that do not contain a safety clause will appear with a notation that it is effective on the 91st day after sine die. The official date for these bills will appear in the final digest that is published in June. Vetoed bills are designated and marked "VETOED".

Bills are in categorical order. This digest is intended to direct the user to the text of specific bills and does not purport to be exhaustive of the contents of the bills.

Compiled by the
Office of Legislative Legal Services

ADMINISTRATIVE RULE REVIEW

S.B. 23-102 Continuation of 2022 rules of executive agencies. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules that were adopted or amended on or after November 1, 2021, and before November 1, 2022, with the exception of the following rules listed in the act:

- The rule of the administrator of the "Uniform Consumer Credit Code" and commission on consumer credit concerning the "Colorado Student Loan Equity Act"; and
- The rules of various regulatory bodies in the department of regulatory agencies concerning prohibiting a regulator from taking adverse action against a regulated professional relating to the consumption, possession, cultivation, and processing of marijuana.

Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2023, on the grounds that the rules conflict with statute.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

AGRICULTURE

S.B. 23-50 Agricultural future loan program - expansion of eligibility - extension of program indefinitely. The act expands the scope of the Colorado agricultural future loan program by amending the following definitions as follows:

- Includes in the definition of "eligible business" entities that will be in operation in the near future;
- Includes in the definition of "eligible farmer or rancher" farmers and ranchers that will own or operate a farm or ranch; and
- Includes in the definition of "farm-to-market infrastructure loan" the development or manufacturing of technology designed to benefit farmers and ranchers.

The act also removes the repeal of the loan program.

APPROVED by Governor March 22, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-92 Agrivoltaics - agricultural drought and climate resilience office project grants - property tax exemption - floatovoltaics - Colorado water conservation board study - agricultural greenhouse gas reduction and carbon sequestration study - appropriation. In support of the use of agrivoltaics, which is the integration of solar energy generation facilities with agricultural activities, the act authorizes the agricultural drought and climate resilience office (office) to award grants for new or ongoing demonstration or research projects that demonstrate or study the use of agrivoltaics.

The Colorado water conservation board (board), in consultation with the state engineer, the Colorado energy office, and the Colorado water institute, is required to study the feasibility of using floatovoltaics, which are solar energy generation facilities placed over, near, or floating on irrigation canals or reservoirs. On or before January 1, 2025, the board shall submit a written report of its findings and conclusions from the study to the legislative committees of reference with jurisdiction over agricultural matters.

The director of the division of parks and wildlife is required to consult on the impacts on wildlife of:

- Any research projects for which the office awards money to study the use of agrivoltaics; and
- A project that the board finances to study the feasibility of using floatovoltaics in the state.

The act exempts certain agrivoltaic equipment from property taxation if the equipment

is used in the required manner and amends the statutory definition of "solar energy facility", used in determining the valuation of public utilities for property tax purposes, to include agrivoltaics and floatovoltaics.

The act requires the commissioner of agriculture (commissioner) to study greenhouse gas reduction and carbon sequestration opportunities in the agricultural sector, including soil health management practices, the use of dry digesters, and the potential for creating and offering a certified greenhouse gas offset program and credit instruments in the agricultural sector. To perform the study, the commission must consult with the Colorado energy office, the air quality control commission, the natural and working lands task force, the Colorado state forest service, and an institution of higher education with expertise in climate change mitigation, adaptation benefits, and other environmental benefits related to agricultural research. On or before October 1, 2024, the commissioner shall submit to the general assembly a progress report on the study and, on or before October 1, 2025, a final report, which must include any legislative and regulatory recommendations.

The commissioner, in consultation with the Colorado energy office and the air quality control commission, may adopt rules to implement recommendations from the study that do not require legislative changes. Any greenhouse gas offset program or other greenhouse gas reduction and carbon sequestration program or mechanism that the commissioner establishes in rule must not mandate participation by agricultural producers.

The act appropriates \$611,870 for the 2023-24 state fiscal year from the general fund to the department of agriculture for use by the commissioner's office and administrative services, with \$500,000 of the money appropriated for agrivoltaic project grants.

APPROVED by Governor May 18, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-152 Custom processing of meat animals act - sunset process - continue for 9 years. The act implements the recommendations of the department of regulatory agencies, as contained in the department's 2022 sunset review of the "Custom Processing of Meat Animals Act", by:

- Continuing the act for 9 years, to September 2032;
- Repealing obsolete provisions that concern the use of a stakeholder process to develop poultry labeling requirements;
- Consolidating statutory provisions imposing civil penalties for a violation into one provision;
- Standardizing criminal penalties by reducing the penalty for a violation of the act or a rule promulgated under the act from a class 2 misdemeanor with a fine of \$750 and up to 364 days imprisonment to a petty offense, which is up to a \$300 fine or 10 days in jail; and

- Directing that civil penalties be credited to the general fund.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-185 Noxious weed advisory committee - sunset continuation. The act implements the recommendation of the department of regulatory agencies in its sunset review and report on the state noxious weed advisory committee. The act continues the noxious weed advisory committee until September 1, 2034.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-266 Commissioner - pesticide regulation - rules designating neonicotinoid pesticides as limited-use pesticides - exemptions. The act requires that, on or before January 1, 2024, the commissioner of agriculture adopt rules requiring neonicotinoid pesticides to be designated as limited-use pesticides and authorizing only licensed dealers to sell them. Products containing neonicotinoid active ingredients used in academic research are exempted from the limited-use pesticide designation, as are the following products that contain neonicotinoid active ingredients and for which the product label includes an intended use as:

- A pet care product;
- A veterinary product;
- An indoor pest control product;
- A personal care product used for preventing, destroying, repelling, or mitigating lice;
- A product used in structural insulation;
- A preserved wood product or product used in the manufacturing of wood preservatives;
- A bait product; or
- An insect strip.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-273 Local government - urban renewal - urban renewal area - agricultural land. Currently, an urban renewal area cannot contain agricultural land unless the land falls within certain exceptions. One exception for including agricultural land is if the land was included in an approved urban renewal plan prior to June 1, 2010.

The act updates the exception to specify that agricultural land may be included in an urban renewal area if the agricultural land is in an existing urban renewal plan that was originally approved or modified to include the agricultural land prior to June 1, 2010, and if the land still remains in that same urban renewal plan.

VETOED by Governor May 23, 2023

H.B. 23-1094 Department of agriculture - agricultural workforce development program. The act extends the duration of internships under the agricultural workforce development program from up to 6 months to up to one year. The act also extends the repeal date of the program by 5 years, to July 1, 2029.

APPROVED by Governor April 25, 2023

EFFECTIVE April 25, 2023

H.B. 23-1179 Agricultural products inspection cash fund - reserve limit. Colorado law limits the amount of uncommitted money that may remain in a cash fund at the end of a state fiscal year to 16.5% of the amount spent during the fiscal year. The act exempts the agricultural products inspection cash fund from the 16.5% uncommitted balance limit and instead imposes a limit of 50% of the amount spent from the fund during the fiscal year.

APPROVED by Governor April 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1264 Livestock health act - commissioner of agriculture's authority - inspection, testing, and quarantine - condemnation and destruction - appraisal - health certificates. Current law authorizes the inspection, testing, quarantine, condemnation, and destruction of livestock when there is an outbreak of an infectious or contagious disease. The act:

- Removes the requirement that the inspection, testing, and quarantine of livestock occur pursuant to rules promulgated by the commissioner of agriculture (commissioner); and
- Changes the appraisal process that is required before livestock may be condemned and destroyed.

The act gives the commissioner the authority to investigate all buildings, yards, pens, pastures, and other areas in which any animals are kept, handled, or transported to ensure compliance with the "Livestock Health Act". The commissioner may:

- Administer oaths and take statements;
- Issue administrative subpoenas requiring the attendance of witnesses and the production of all books, memoranda, papers, and other documents, articles, or instruments; and
- Compel the disclosure by witnesses of all facts known to them that are relevant to the matters under investigation.

Under current law, it is an unlawful act to alter or falsify a health certificate issued for

the import of livestock into the state. The act makes it an unlawful act to alter or falsify a health certificate issued for the export of livestock out of the state.

APPROVED by Governor May 18, 2023

EFFECTIVE May 18, 2023

AIRCRAFT AND AIRPORTS

H.B. 23-1156 Aeronautics - airports - public airport authorities. The Public Airport Authority Law authorizes a county or a municipality, or a combination of counties and municipalities, to create an airport authority to operate an airport located within the county or municipality or the combination of counties and municipalities. The act modernizes the Public Airport Authority Law by:

- Clarifying the extent of the power of a county, a municipality, or a combination of counties and municipalities, to terminate an airport authority. The act requires a terminating county, municipality, or combination to assume the terminated authority's outstanding financial and contractual obligations, maintain the airport that the airport authority previously operated, and receive and hold title to the land on which the airport is located.
- Specifying that members of an airport authority's board of commissioners (board) do not receive compensation for their services, are local government officials, and are subject to the statutory ethics and conflict of interest provisions that apply to local government officials;
- Clarifying that a member of a board who was appointed to fill a vacancy may be appointed to serve a successive term, and that board meetings are subject to statutory open meetings requirements;
- Changing the requirement that 60% of board members be present for a quorum to 50%;
- Clarifying that the majority vote of all members of a board is required for questions involving the inclusion in or exclusion from an airport authority of a municipality or county and for authorizing an expenditure greater than \$250,000;
- Modifying the process by which a board procures contracts, including updating the process for a board to award a contract to the lowest bidder after soliciting an invitation for bids and clarifying that the process to award a contract to the lowest bidder applies only to capital improvement projects and the purchase of new vehicles and equipment;
- Clarifying an airport authority's powers to remove hazards and encroachments, impose fees on airport users to defray the cost of operating an airport, and regulate commercial activities conducted at an airport;
- Clarifying that an airport authority must follow local zoning regulations when erecting structures within an airport authority and that an airport authority may invest surplus money in a local government investment pool;
- Allowing an airport authority to request that a county or municipality within which the airport authority is located levy a tax for the airport authority's benefit or modify or adopt certain local zoning regulations; and
- Clarifying that tenants or users of an airport that an airport authority operates are not entitled to any of the tax exemptions that apply to airport authorities.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

APPROPRIATIONS

S.B. 23-112 Supplemental appropriations - department of agriculture. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of agriculture. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-113 Supplemental appropriations - department of corrections. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund and cash funds portions of the appropriation were increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-114 Supplemental appropriations - department of early childhood. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of early childhood. The general fund portion of the appropriation is increased.

House Bill 22-1295, concerning the department of early childhood and universal preschool program, is amended to balance and make adjustments to the amount appropriated to the department of early childhood. The general fund portion of the appropriation is decreased and the cash funds and reappropriated funds are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-115 Supplemental appropriations - the department of education. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of education. The general fund and cash funds of the appropriation are increased and the reappropriated funds is decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-116 Supplemental appropriations - offices of the governor, lieutenant governor, and state planning and budgeting. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund and the reappropriated funds portion of the appropriation are increased.

Amends House Bill 21-1289, concerning broadband deployment, to decrease the appropriation to the office of the governor for use by the office of information technology for use by the Colorado broadband office.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-117 Supplemental appropriations - department of health care policy and financing. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general fund, cash funds, and reappropriated funds of the appropriation are decreased and the federal funds are increased.

A new appropriation to the department for overexpenditures of line item appropriations in the 2021 long bill is made.

House Bill 22-1295, concerning department early childhood and universal preschool program, is amended to decrease the amount appropriated to the department for use by the executive director's office, transfers to/from other departments and it is subject to the (M) notation defined in the general appropriation act. The amount the department will receive in federal funds is increased.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-118 Supplemental appropriations - department of higher education. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of higher education. The general fund and the reappropriated funds portions of the appropriation are decreased and the cash funds portion is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-119 Supplemental appropriations - department of human services. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

House Bill 22-1278 is amended to adjust the amount appropriated to the department of human services for use by the executive director's office.

APPROVED by Governor March 6, 2023

EFFECTIVE March 6, 2023

S.B. 23-120 Supplemental appropriations - judicial department. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general fund and cash funds portions are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-121 Supplemental appropriations - department of labor and employment. The 2022 general appropriations acts is amended to balance and make adjustments to the total amounts appropriated to the department of labor and employment. The general fund, cash funds, reappropriated, and federal funds portions of the appropriation are decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-122 Supplemental appropriation - department of law. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of law. The general fund, cash funds, and reappropriated funds portions of the appropriation are decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-123 Supplemental appropriation - department of legislature. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of legislature. The general fund portion of the appropriation is decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-124 Supplemental appropriations - department of local affairs. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of local affairs. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-125 Supplemental appropriations - department of military and veterans affairs. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of military and veterans affairs. The general fund portion of the appropriation is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-126 Supplemental appropriations - department of natural resources. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of natural resources. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-127 Supplemental appropriations - department of personnel. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of personnel. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

The 2021 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of personnel. The reappropriated funds portion of the appropriation is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-128 Supplemental appropriations - department of public health and environment. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of public health and environment. The general fund and cash funds portions of the appropriation are increased and the reappropriated funds portion is decreased.

An appropriation made in House Bill 22-1358, concerning measures to eliminate the presence of lead in the drinking water of certain facilities where children are present, is amended to further appropriate the amount appropriated from the general fund portion for the 2023-24 fiscal year for the same purpose.

An appropriation made in House Bill 22-1358, concerning measures to eliminate the presence of lead in the drinking water of certain facilities where children are present, is amended to further appropriate the amount appropriated from the reappropriated funds portion for the 2025-26 fiscal year for the same purpose.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-129 Supplemental appropriations - department of public safety. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of public safety. The general fund, cash funds, and federal funds portions of the appropriation are increased and the reappropriated funds portion is decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-130 Supplemental appropriations - department of regulatory agencies. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of regulatory agencies. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-131 Supplemental appropriations - department of revenue. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of revenue. The general fund portion of the appropriation is decreased and cash funds portion is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-134 Supplemental appropriations - department of the treasury. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of the treasury. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-135 Supplemental appropriations - capital construction projects. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated for capital construction projects. The capital construction fund and cash funds portions of the appropriation are increased.

Supplemental appropriations are made for capital construction projects.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-197 Legislative appropriation - 2023-24 state fiscal year - legislative department expenses. The act appropriates \$67,254,584 to the legislative department for the payment of expenses in the 2023-24 state fiscal year. Of this amount, \$65,524,678 is from the general fund, \$90,000 is from cash funds, and \$1,639,906 is from reappropriated funds.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

CHILDREN AND DOMESTIC MATTERS

S.B. 23-39 Incarcerated parents - reduce family separation - report - appropriations. The act requires the department of human services to promulgate rules that facilitate communication and family time between children and their parents who are incarcerated.

The act requires the court to appoint counsel for a respondent parent who is incarcerated, unless the court determines the respondent is able to financially secure counsel or chooses to proceed without counsel.

The act requires the court and the prison or jail where the parent is incarcerated to facilitate the parent's attendance and participation in proceedings for the parent's dependency and neglect case.

Under current law, after an order of adjudication in a dependency and neglect case, the court holds a dispositional hearing. The act requires, except in instances when the proposed disposition is termination of the parent-child legal relationship, if a child's parent is incarcerated, that the county department of human services include information in the report that details the services and treatment available to a parent at the facility or jail where the parent is incarcerated.

Under current law, the court may terminate the parent-child legal relationship based on statutorily created circumstances. The act eliminates the parent's incarceration and related conditions as a basis for terminating the parent-child relationship.

Under current law, if the court finds that there is not a substantial probability that the child will be returned to a parent or legal guardian within 6 months and the child satisfies criteria for adoption, the court may require the county department of human services to show cause why it should not file a motion to terminate the parent-child legal relationship. The act states that such cause may exist if the parent is incarcerated, detained by the United States department of homeland security, or deported and has maintained a meaningful and safe relationship with the child while incarcerated, detained, or deported. If a child's parent is incarcerated and the parent has maintained a meaningful and safe relationship with the child while incarcerated, the court shall make findings regarding whether a permanent placement for the child exists that permits the parent to maintain a relationship with the child, including guardianship or allocation of parental responsibilities, giving primary consideration to the child's mental, physical, and emotional needs.

The act requires the department of corrections to:

- Develop opportunities and promulgate policies to facilitate continued relationships between children and their parents who are incarcerated;
- Designate a family services coordinator, who is responsible for duties related to children and their parents who are incarcerated; and
- Create and submit an annual report to the judiciary committees of the senate and house of representatives concerning parents who are incarcerated, and make the report publicly available.

The act requires each sheriff to designate one individual responsible for communicating between the jail and county department of human services concerning children subject to an open dependency and neglect case whose parents are incarcerated in

the jail.

For the 2023-24 state fiscal year, the act appropriates:

- \$31,110 to the department of corrections from the general fund;
- \$15,111 to the department of human services from the general fund, and assumes the department of human services will receive \$4,481 in federal funds; and
- \$7,425 to the judicial department from the general fund for use by the trial courts.

APPROVED by Governor May 15, 2023

EFFECTIVE January 1, 2024

S.B. 23-210 Administrative entities - elimination of youth services community boards and child dependency and neglect citizen review panels. Section 1 of the act repeals the statute that:

- Creates in each region of the division of youth services a community board to promote transparency and community involvement in division of youth services' facilities within the region, provide opportunities for youth to build positive relationships with adult role models, and promote youth involvement within the community; and
- Specifies the number, manner of appointment, and required qualifications of community board members and meeting requirements for a community board.

Section 2 modifies the process for the resolution of grievances filed against county departments of human and social services (county department) concerning the conduct of county department personnel in the performance of their duties relating to children who may be neglected or dependent by:

- Repealing the requirement that a citizen review panel be created consisting of citizens who are representative of the community, have demonstrable personal or professional knowledge and experience with children, and are not employees or agents of the department of human services (state department) or any county department;
- Requiring referral of grievances that are currently referred to a citizen review panel to instead be referred to the office of the child protection ombudsman (child ombudsman) for review;
- Repealing grievance review processes and requirements relating to citizen review panels;
- Requiring each county department to post information about the grievance process on its public website or otherwise provide information concerning the grievance process to individuals involved in the county child welfare system; and
- Clarifying that the grievance resolution process allows a person who wishes to file a grievance to do so directly to the child ombudsman.

Section 3 specifies that if fewer than all the 17 members of the law enforcement community services grant program committee created in the division of local government of the department of local affairs (department) provided for by statute are appointed as of June

30, 2023, the executive director of the department shall determine the number of members of the committee; except that the committee must consist of at least 9 members.

Sections 4 through 14 clarify existing provisions relating to compensation and reimbursement of expenses for members of specific boards and commissions that focus on functions related to human and social services.

APPROVED by Governor May 24, 2023

EFFECTIVE May 24, 2023

S.B. 23-211 Indian Child Welfare Act - adopted as state law. The act adopts federal regulations concerning the "Indian Child Welfare Act of 1978" as state law so that Colorado will continue to ensure that Indian children are protected in cases of guardianship and adoption.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-217 Records and reports cash fund - fee for background checks for child abuse or neglect. Current law authorizes the department of human services to establish and collect a fee for background checks for child abuse or neglect (background checks). That fee then is required to cover the direct and indirect costs of the background check and the direct and indirect costs of administering the appeals process and release of information for a person who is found to be responsible in a confirmed report of child abuse or neglect (appeals processes). The act eliminates the requirement that the fee for background checks cover the direct and indirect costs associated with the appeals processes.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

H.B. 23-1012 Juvenile competency to proceed - evaluation and services - appropriation. The act addresses issues related to a determination of juvenile competency to proceed (competency) and restoration of competency (restoration). The act allows:

- The district attorney, defense attorney, guardian ad litem, department of human services, a competency evaluator, a restoration treatment provider, and the court, without written consent of the juvenile or further order of the court, to access competency evaluations and restoration evaluations, including all second evaluations; information and documents related to competency evaluations; the competency evaluator, for the purpose of discussing the competency evaluation; and the providers of court-ordered restoration services for the purpose of discussing such services;
- Parties to exchange names, addresses, reports, and statements of physicians or psychologists who examined or treated the juvenile for competency;
- The court or any party to raise, at any time, the issue of a need for a restoration evaluation of the juvenile's competency; and
- A juvenile to be examined by a competency evaluator of the juvenile's own choice and to request a second evaluation in response to a court-ordered competency evaluation or a court-ordered restoration evaluation.

If the court determines that the juvenile is incompetent to proceed and unlikely to be restored to competency in the reasonably foreseeable future, a time frame is set forth for the dismissal of charges based on the severity and type of charge.

For the 2023-24 state fiscal year, \$120,000 is appropriated to the judicial department from the general fund. The judicial department may use this appropriation for mandated costs for the office of the state public offender and the office of the alternate defense counsel.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1026 Grandparent or great-grandparent family time - best interests of a child - legal representative of a child. Current law allows a grandparent or great-grandparent to seek a court order granting the grandparent or great-grandparent the right to visit grandchildren or great-grandchildren when there is or has been a child custody case or a case concerning the allocation of parental responsibilities relating to that child. The act allows a court to appoint a child's legal representative to represent the child's best interests in a matter seeking to grant grandparents or great-grandparents family time (family time) with grandchildren or great-grandchildren.

The act clarifies that in determining the best interests of a child for the purpose of family time, the court shall presume that any parental determination regarding family time is in the best interests of the child. A grandparent or great-grandparent may overcome the presumption by proving through clear and convincing evidence that the family time is in the child's best interests.

The act changes the term "visitation rights" to "grandparent or great-grandparent family time".

APPROVED by Governor May 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1042 Juvenile custodial interrogations - statements or admissions obtained - admissibility as evidence - training - appropriation. The act makes any statement or admission obtained during a juvenile custodial interrogation by a law enforcement official or agent who knowingly communicated any untruthful information or belief to the juvenile to be presumptively inadmissible against the juvenile at trial, unless the prosecution, in an evidentiary hearing prior to trial, proves by a preponderance of the evidence and based on the totality of the circumstances that the statement or admission was made voluntarily, despite the untruthful information or belief used to obtain the statement or admission or that the law enforcement official agent in good faith reasonably believed the information or belief was true at the time it was used. In assessing the totality of the circumstances, the court shall consider all evidence presented concerning the juvenile's vulnerability to any untruthful information or belief used during the custodial interrogation.

The act requires law enforcement officials or agents to electronically record all juvenile custodial interrogations. Law enforcement agencies are encouraged to adopt and follow national model policies that are included in P.O.S.T. rules concerning law-enforcement-conducted interrogations involving a juvenile.

The act directs the P.O.S.T. board to develop a live, virtual, training program for peace officers on the enforcement of laws related to custodial interrogation of juveniles to ensure uniform interpretation of the law. The state shall cover any local law enforcement agency costs associated with the training.

For the 2023-24 state fiscal year, \$37,500 is appropriated to the department of law from the P.O.S.T. board cash fund for peace officers standards and training board support.

APPROVED by Governor May 18, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1043 Placements with relative or kin - procedures - fingerprint-based criminal history record check - rules. The act clarifies the procedures for emergency and nonemergency continuing placement of a child or youth that a county department of human or social services (county department) or a local law enforcement agency (law enforcement) with custody of the child or youth shall follow before making the emergency or nonemergency continuing placement of a child or youth with a relative or kin.

For emergency placements, the county department or law enforcement shall perform an initial criminal history record check (initial check) on the relative or kin and any adult who resides at the home (adults) using Colorado and federal databases. If the initial check reveals certain criminal convictions, the county department or law enforcement shall not place the child or youth in that home on an emergency basis. If the initial check does not reflect certain criminal convictions on the part of the adults, the child or youth may be placed in the home on an emergency basis.

If the child or youth has been placed with a relative or kin on an emergency basis, the adults shall, no more than 14 days after the placement, submit a complete set of fingerprints to the county department or another designated third party to conduct a state and national fingerprint-based criminal history record check. If the results of the fingerprint-based criminal history record check reveal a felony conviction, the child or youth must be immediately removed from the placement unless there is a motion regarding placement pending before the court. A court may review the placement and affirm or deny placement of the child or youth with the relative or kin.

The act sets forth the criminal offenses or other matters that qualify for the denial of placement of a child or youth with the relative or kin.

A county department may make a placement with a relative or kin who would otherwise be disqualified if such placement conforms with rules promulgated by the state board of human services or if a court affirms the placement.

The state board of human services is granted authority to promulgate rules concerning

emergency and nonemergency, continuing placement of children and youth with relatives or kin.

APPROVED by Governor March 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1145 Juveniles in adult facilities - timelines while awaiting trial. The act aligns the timelines for hearings in Colorado law for a juvenile already ordered to be held in an adult facility while awaiting trial with the timelines in the federal "Juvenile Justice and Delinquency Prevention Act".

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

H.B. 23-1157 Child custody - unlawful transfer of child custody. The act enacts the "Uniform Unregulated Child Custody Transfer Act" (act), drafted by the uniform law commission.

The act applies to the parent, guardian, or custodian of a child, or an individual with whom a child has been placed for adoption, who wishes to terminate the parent-child relationship and is not transferring custody to family or friends. The act prohibits soliciting or advertising to transfer custody or transferring custody of a child by means other than a legal adoption or guardianship proceeding, a judicial award of custody, other judicial or tribal action, or Colorado's safe haven law.

The act applies to the placement for adoption of a child who has been or is in foster care or institutional care, has previously been adopted, or is in the process of being adopted. The act requires child placement agencies facilitating an adoption to:

- Provide prospective adoptive parents with general information about adopting children, specific information about the prospective adoptee, and guidance and instruction on meeting the needs of the adoptee; and
- Upon the request of a child placed for adoption or the child's adoptive parents, provide information on accessing certain post-placement and post-adoption support services to the adoptee and parent to help preserve the adoption.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 23-37 Colorado consumer protection act - solicitations related to the secretary of state - required disclosures - prohibited acts - unfair or deceptive trade practice. The act requires a person who solicits a fee for filing a document with, or retrieving a public record from, the secretary of state to include specific disclosure language in the solicitation. The person must also include information on where the document can be filed directly with the secretary of state, or where the public record can be retrieved, and the name and physical address of the person who is soliciting.

The act also prohibits the use of any form, deadline dates, or other language that makes the document used for solicitation appear to be issued by a state agency or local government or that appears to impose a legal duty on the person being solicited.

Violation of these requirements is an unfair or deceptive trade practice.

APPROVED by Governor April 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-90 Uniform commercial code - definitions related to emerging technologies - secured transactions - controllable electronic records - transition. The act incorporates the 2022 amendments to the "Uniform Commercial Code" (UCC), drafted by the Uniform Law Commission.

The 2022 amendments update the UCC to account for emerging technologies by:

- Amending the definitions of "conspicuous", "send", and "sign";
- Adding the definition of "electronic"; and
- Changing current references to "writing" or "written" to refer instead to a "record".

The 2022 amendments update the provisions of the UCC related to secured transactions by:

- Addressing security interests and rights to payment related to controllable electronic records;
- Specifying how to perfect security interests in controllable accounts and controllable payment intangibles;
- Updating the definition of "chattel paper" to distinguish between a right to payment and the record evidencing the right to payment;
- Creating a new definition of "assignee" and "assignor".

The act creates a new article within the UCC that governs controllable electronic records, including the transfer of property rights in certain intangible digital assets that have been or may be created and may involve the use of new technologies.

The act provides guidance for which laws apply during the transition from the current UCC to the UCC as amended by the act.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-93 Medical debt - statutory cap of 3% per annum - validation of debt - payment plans - collection of debt - deceptive trade practice - self-pay estimates. The act:

- Caps the rate of interest on medical debt at 3% per annum;
- Defines "medical debt", for purposes of a statutory cap on interest rates and fair debt collection practices, to include medical debt arising from the receipt of health-care services or medical products or devices, excluding debt charged to a credit card;
- Upon the consumer's written request, requires a debt collector or collection agency collecting on medical debt to cease collection on the medical debt until the debt collector or collection agency provides to the consumer an itemized statement concerning the medical debt and allows the consumer to dispute the validity of the medical debt;
- Establishes requirements relating to payment plans for medical debt, including written documentation of the payment plan between the consumer and the debt collector or debt collection agency; notice to the consumer if the payment plan will be accelerated or declared in default or inoperative due to nonpayment; and the opportunity to renegotiate the payment plan;
- Prohibits a debt collector or collection agency, during an internal or external review or other appeal of a health insurance decision, from collecting on the medical debt, reporting the medical debt to a consumer reporting agency, or selling the medical debt to a debt buyer;
- Requires a creditor, debt collector, or collection agency that files a legal action to collect medical debt to include the identity of the original creditor, an itemization of the charges and, prior to the entry of a default judgment against the creditor, provide evidence of the medical debt;
- Makes it a deceptive trade practice to violate provisions relating to billing practices, surprise billing, and balance billing laws; and
- Requires a health-care provider or health-care facility to provide, upon request of a prospective patient, an estimate of the total cost of a health-care service (service) to a person who intends to self-pay for the service (self-pay estimate). The act includes requirements for the self-pay estimate and caps the amount by which the final, total cost of the service may exceed the self-pay estimate to the lesser of 15% of the self-pay estimate or \$400, with exceptions for emergency or unforeseen, medically necessary services required during the service. The act makes it a deceptive trade practice to violate provisions relating to the self-pay estimate.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

H.B. 23-1011 Consumer protection - deceptive trade practice - right to repair agricultural equipment - manufacturer to facilitate owner or third-party repairs. Usually, an owner of

agricultural equipment must seek diagnostic, maintenance, or repair services of the equipment from the agricultural equipment manufacturer (manufacturer).

Starting January 1, 2024, the act requires a manufacturer to provide parts, embedded software, firmware, tools, or documentation, such as diagnostic, maintenance, or repair manuals, diagrams, or similar information (resources), to independent repair providers and owners of the manufacturer's agricultural equipment to allow an independent repair provider or owner to conduct diagnostic, maintenance, or repair services on the owner's agricultural equipment. A manufacturer's failure to comply with the requirement to provide resources is a deceptive trade practice.

The act folds agricultural equipment into the existing consumer right-to-repair statutes and adds data to the list of resources that a manufacturer must provide to independent repair providers or owners. An independent repair provider or owner is not authorized to make any modifications to agricultural equipment that deactivates a safety notification system or brings the equipment out of compliance with safety or emissions laws or to engage in any conduct that would evade emissions, copyright, trademark, or patent laws.

If an agricultural equipment manufacturer enters into a nationwide memorandum of understanding regarding right-to-repair agricultural equipment, the manufacturer is still obligated to meet the requirements of this act.

If Congress enacts federal legislation regarding the right to repair agricultural equipment, this act will be repealed.

APPROVED by Governor April 25, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

CORRECTIONS

S.B. 23-157 Offender reentry and education grant programs - recidivism tracking and reporting - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies to continue to the offender reentry and education programs (programs) until September 1, 2028, subject to sunset review by the department of regulatory agencies. The act also requires the department of corrections to track the long-term recidivism rates of persons who were formerly incarcerated who participated in the programs. Finally, the act requires the department of corrections to report recidivism rates and data on all individuals who participate in reentry services and programs to the judiciary committees of the house and senate.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-242 Financial audit - department of public safety - division of criminal justice - community corrections programs - appropriation. Starting no later than January 1, 2024, The act requires the division of criminal justice (division) in the department of public safety (department) to contract with a third party every 5 years to conduct a financial audit of community corrections programs and report findings to the joint budget committee and the division of criminal justice by July 1, 2025.

\$100,000 is appropriated to the department from the general fund for use by the division for administrative services.

APPROVED by Governor April 17, 2024

EFFECTIVE August 7, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1037 Earned time - credit for education program completion. The act requires the department of corrections (department) to, for an inmate who was sentenced for a nonviolent felony offense, deduct earned time from the inmate's sentence for each accredited degree or other credential awarded by an institution of higher education to the inmate while the inmate is incarcerated or on parole, in the following amounts:

- 18 months of earned time for a master's degree and 2 years of earned time for a doctoral degree;
- One year of earned time for receiving an associate or baccalaureate degree; and
- 6 months of earned time for receiving a certificate or other credential that requires completion of at least 30 credit hours.

The act requires the department to designate up to six regionally accredited institutions of higher education that may award a degree or credential to an inmate for which earned time must be deducted.

The act requires the general assembly to annually appropriate to the department of higher education the savings incurred during the prior state fiscal year as a result of the

release of inmates from correctional facilities because of earned time granted for completion of a higher education degree or credential. The appropriation to the department of higher education is for allocation to institutions of higher education that offer accredited programs in correctional facilities.

APPROVED by Governor April 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1268 Offender supervision - convicted out-of-state - living out-of-state - treatment requirements. Colorado participates in an interstate compact that allows a person convicted of a crime in another state to have the person's probation or parole supervised in Colorado (supervised person) and allows a person convicted in another state who is not required to be supervised to complete the person's court-ordered treatment in Colorado (unsupervised person). The act clarifies the process for treating a supervised or unsupervised person into a private treatment program in Colorado for substance use treatment, sex offender management services, or domestic violence services (program). The act directs the program to assist supervised and unsupervised persons with registering with the interstate compact administrator. The department of corrections (department) is required to complete a criminal history records check of each supervised and unsupervised person to verify that the person is a supervised or unsupervised person. The act specifies requirements for programs when the participant is a supervised person.

Current law subjects a program or supervised person to a misdemeanor for violating the provisions of the interstate compact. The act states that a violation may be reported to the program's appropriate licensing, certifying, or approving agency for potential corrective action. The act requires the department to periodically update the out-of-state offender questionnaire used by private treatment program providers.

Current law requires a person serving a supervision sentence for a domestic violence-related offense to complete a treatment program that conforms with the standards of the domestic violence offender management board. The act directs a person whose supervision is transferred to another state pursuant to the interstate compact for the supervision of adult offenders to follow the requirements for a treatment program of the state where the person is being supervised.

APPROVED by Governor May 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

COURTS

S.B. 23-168 Firearms and ammunition manufacturers - standards of conduct - cause of action. Current law limits product liability actions against manufacturers of firearms and ammunition to situations in which there was a defect in the design or manufacture of a firearm or ammunition. The act repeals that limitation.

The act defines the terms "firearm industry member" (industry member) and "firearm industry product" (industry product) and requires each industry member that is engaged in the manufacture, distribution, importation, marketing, or wholesale or retail sale of an industry product in Colorado to establish and implement reasonable controls and precautions related to the industry product in its control.

An industry member shall not knowingly engage in conduct, through acts or omissions, that violates statutory firearms provisions or the "Colorado Consumer Protection Act".

If an industry member's knowing violation of the provisions of the act creates a reasonably foreseeable risk of harm, the violation is presumed to be the proximate cause of the harm in an action brought pursuant to the act. An intervening act by a third party, including unlawful misuse of an industry product, does not protect an industry member from liability. A cause of action may be brought within 5 years after the date that the violation or harm occurs.

APPROVED by Governor April 28, 2023

EFFECTIVE October 1, 2023

S.B. 23-170 Extreme risk protection orders - additional petitioners - public education campaign - appropriation. The act repeals and reenacts the statutory article related to extreme risk protection orders.

Under current law a family or household member and a law enforcement officer or agency can petition for an extreme risk protection order. The act expands the list of who can petition for an extreme risk protection order to include licensed medical care providers, licensed mental health-care providers, licensed educators, and district attorneys.

The act requires the office of gun violence prevention to expend funds annually on a public education campaign regarding the availability of, and the process for requesting, an extreme risk protection order.

The act appropriates:

- \$140,462 from the general fund to judicial department to implement the act; and
- \$238,846 from the general fund to the department of public safety.

APPROVED by Governor April 28, 2023

EFFECTIVE April 28, 2023

S.B. 23-227 Contract attorney time - annual increase. The act creates a mechanism to set the hourly rate for attorney time for attorneys who contract with the office of alternate

defense counsel, the office of the child's representative, or the office of the respondent parents' counsel. The rate for fiscal year 2023-24 is \$100 per hour. The hourly rate must be increased annually by no more than \$5 each year until it is at least 75% of the rate set in the federal "Criminal Justice Act Revision of 1986" for indigent representation in federal court. The hourly rate may be adjusted in subsequent fiscal years to maintain the hourly rate at or above 75% of the rate set in the federal "Criminal Justice Act Revision of 1986".

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-230 Twenty-third judicial district - county reimbursement - appropriation. The act directs the state court administrator's office to reimburse counties located in the eighteenth judicial district for expenses related to establishing a district attorney's office in the new twenty-third judicial district.

The act appropriates \$668,600 to the judicial department.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-282 Jury appreciation day - creation. The act establishes an annual jury appreciation day on September 5 of each year. The total number of legal holidays in a state fiscal year available to an employee of a state agency is not changed by adding annual jury appreciation day.

APPROVED by Governor May 24, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1108 Victim and survivor awareness and responsiveness training for judicial personnel - task force - report - appropriation. The act creates a task force to study victim and survivor awareness and responsiveness training requirements for judicial personnel (task force) in the office for victims programs in the division of criminal justice. The task force consists of members who have experience representing victims and survivors of domestic violence, sexual assault, or other crimes; lived experience as a victim or survivor of domestic violence, sexual assault, or other crimes; or are members of the judicial community. The task force is required to analyze current training provided to judicial personnel around the country on topics of domestic violence, sexual assault, and other crimes, in order to determine best practices and training requirements for judicial personnel in the state.

The act requires the task force to establish a working group to analyze and determine training standards for judicial personnel regarding issues relevant to domestic relations cases and must consider data provided to the working group by the office of the state court administrator. The office of the state court administrator must provide the working group with the described data not later than November 1, 2023.

The task force is required to convene by July 15, 2023, and is required to meet at least 4 times but not more than 10 times no later than January 15, 2024. The task force is required

to submit a report with its findings and recommendations to the house of representatives judiciary committee and the senate judiciary committee, or their successor committees, and the judicial department by February 1, 2024. The task force is repealed, effective July 1, 2024.

The act appropriates \$11,900 from the general fund to the department of public safety for use by the division of criminal justices for administrative services.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

H.B. 23-1178 Domestic violence - court proceedings - training. To comply with the federal "Keeping Children Safe From Family Violence Act" (federal act), the act requires courts that hear parental allocation proceedings involving domestic violence or child abuse, including child sexual abuse, to consider the admission of expert testimony and evidence if the expert demonstrates expertise and experience working with victims of domestic violence or child abuse. Courts are also required to consider evidence of past sexual or physical abuse committed by the accused party, any restraining orders against the accused party, arrests or convictions of the accused party, and any other documentation of abuse, such as letters to landlords to break leases or medical records.

The act prohibits a court from removing a child from or restricting contact between a child and a protective party who is competent, protective, not physically or sexually abusive, and with whom the child is bonded or attached solely in order to improve a deficient relationship with the accused party.

The act provides that a court shall not order reunification treatment (treatment) that is predicated on cutting off the relationship between a child and a protective party with whom the child is bonded and attached. If a court orders treatment, the treatment must be generally accepted and there must be scientifically valid proof of the safety, effectiveness, and therapeutic value of the treatment.

The act directs the task force created in House Bill 23-1108 to study victim and survivor awareness and responsiveness training requirements to make recommendations for any judge or magistrate who presides over parental responsibility proceedings.

The act requires child and family investigators, parental responsibilities evaluators, and legal representatives of children who do not contract with the office of the child's representative (office) to complete initial and ongoing training on domestic violence and child abuse. A trainer with experience assisting survivors of domestic violence or child abuse is required to conduct the training.

The act requires the judicial branch to apply to the federal department of justice's office of the attorney general for a grant increase to comply with the federal act.

Section 14-10-127.5 (2)(d) and (4), as enacted in section 1 of this act, takes effect only if House Bill 23-1108 becomes law.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

NOTE: House Bill 23-1108 took effect May 25, 2023.

H.B. 23-1222 Municipal ordinance that criminalizes domestic violence - requirements for municipal court - report. Beginning January 1, 2024, the act requires a municipality that has a municipal ordinance that criminalizes an act of domestic violence to adopt an ordinance establishing:

- Protections and rights for victims, victims' families, and witnesses; sentencing guidelines; conditions of probation; conditions of release on bond; and guidelines and standards that are consistent with similar provisions for prosecuting an act of domestic violence in district court; and
- A requirement that the prosecuting attorney who initially meets with the victim after the charges are filed makes a reasonable effort to remain as the prosecuting attorney throughout the proceeding.

In a case involving an alleged violation of a municipal ordinance that criminalizes an act of domestic violence, the act requires a municipal court to issue a protection order; report or cause to be reported the alleged violation to the Colorado bureau of investigation (CBI) and enter the information into the Colorado crime information center (CCIC) database and the national crime information center (NCIC) database; and search the CBI, CCIC database, and the NCIC database to determine if the respondent has a history of domestic violence.

The act states that any case involving an alleged violation of a municipal ordinance that criminalizes an act of domestic violence is a misdemeanor for the purposes of complying with federal law.

The act authorizes any affected person to enforce compliance with the act by notifying the crime victim services advisory board of any noncompliance. If the board determines that the report of noncompliance has a basis in fact and cannot be resolved, the act requires the board to refer the report to the governor, who shall request that the attorney general file suit to enforce compliance.

Beginning January 2025 and each year thereafter until January 2029, the act requires the department of public safety to report during the department's "SMART Act" hearing the total number of reports and inquiries submitted to CBI, the CCIC database, and the NCIC database.

APPROVED by Governor May 25, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

CRIMINAL LAW AND PROCEDURE

S.B. 23-95 Aircraft - unlawful use of a laser device. The act creates the offense of unlawfully aiming a laser device at an aircraft (offense), which is a class 6 felony. A person commits the offense when the person knowingly points, focuses, or aims a laser device at an aircraft while the aircraft is occupied and the incident is reported to law enforcement by the pilot or crew member of the impacted aircraft.

The act provides exemptions for a person who points a laser device at an aircraft under certain circumstances.

APPROVED by Governor March 23, 2023

EFFECTIVE July 1, 2023

S.B. 23-169 Offenses related to firearms - unlawful purchase of a firearm if less than 21 years of age. Current law allows a person who is 18 years of age or older to knowingly possess or purchase a firearm. The act increases the age to legally purchase a firearm to 21 years of age or older.

The act makes the unlawful purchase of a firearm by a person who is less than 21 years of age a class 2 misdemeanor and makes it unlawful for a licensed or unlicensed gun dealer to facilitate such a sale. Exceptions include:

- The person is an active member of the United States armed forces; or
- The person is a peace officer or certified by the P.O.S.T. board.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1143 Peace officer certification eligibility - law enforcement agency firearms policy - eligible immigrants - rules. The act permits the peace officers standards and training (P.O.S.T.) board to promulgate rules concerning persons who have deferred action status from the federal immigration and naturalization service or who have applied for asylum status (eligible immigrants) to be a certified peace officer or reserve peace officer.

The act permits every law enforcement agency to amend its written firearms policy to allow an eligible immigrant to possess a firearm, so long as the firearms policy complies with federal requirements. The act authorizes an eligible immigrant to enroll in a training academy if the immigrant is employed by a law enforcement agency that has a firearms policy that allows an eligible immigrant to possess a firearm.

APPROVED by Governor April 27, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1151 Bond hearings - 48-hour hearing requirement. Current law requires an individual who is in jail to be brought before a judge for a bond hearing within 48 hours of arriving at the jail. The act clarifies the circumstances when the 48-hour requirement does

not apply when the individual is unable to attend court. When an arrestee is unable to attend court within the 48-hour requirement, the sheriff shall create a list of those individuals, the date of the individual's arrest, and the location where the individual is in custody. The sheriff shall document the length of the delay, the reason for the delay, and the efforts to abate a delay caused by an emergency. As soon as an emergency has sufficiently abated, the act requires the sheriff to make the in-custody arrestee available to appear.

The act also clarifies that the 48-hour requirement applies regardless of whether:

- The individual is held in custody in a jurisdiction other than the one that issues the arrest warrant;
- Money bond was previously set ex parte; or
- The in-custody arrestee did not appear for a first appearance.

APPROVED by Governor April 20, 2023

EFFECTIVE October 1, 2023

H.B. 23-1155 Custodial interrogation - admissibility - advisement of Miranda rights. The act requires that, for a statement made during a custodial interrogation to be admissible against the defendant in a criminal proceeding, the defendant must be advised of the following prior to making the statement:

- You have the right to remain silent;
- Anything you say can and will be used against you in a court of law;
- You have the right to consult a lawyer prior to questioning and have the lawyer present during questioning;
- If you cannot afford to hire a lawyer, a lawyer will be appointed to represent you before any questioning if you request one; and
- You can stop the interview and request to remain silent or request a lawyer at any time before or during questioning.

APPROVED by Governor May 15, 2023

EFFECTIVE July 1, 2023

H.B. 23-1214 Commutation of criminal sentence - application procedure - appropriation. The act formalizes and establishes details concerning the process for an incarcerated individual (applicant) to apply for a commutation of sentence. The process includes the creation of a new position of an executive clemency representative. The executive clemency representative is responsible for coordinating all aspects of the applicant's application, including gathering information from the district attorney who prosecuted the applicant's case. The district attorney is responsible for notifying the victim and victim's family of the application. A list of factors is set forth that executive clemency board may consider when evaluating the applicant's application. The governor retains the ultimate decision-making authority whether to commute a sentence.

The act appropriates \$28,221 to the office of the governor from the general fund to implement the act.

VETOED by Governor May 16, 2023

H.B. 23-1219 Firearm sales - waiting period. The act establishes a waiting period before a firearms seller may deliver a firearm to a purchaser. The waiting period is the later in time of 3 days after the initiation of a required background check of the purchaser or when the purchase is approved following any background check. Delivering a firearm prior to the expiration of the waiting period is a civil infraction, punishable by a \$500 fine for a first offense and a \$500 to \$5,000 fine for a second or subsequent offense.

The waiting period does not apply to the sale of an antique firearm or a curio or relic; the sale of a firearm by a person serving in the armed forces who will be deployed outside of the United States within the next 30 days to any family member; or a firearm transfer for which a background check is not required pursuant to state or federal law.

APPROVED by Governor April 28, 2023

EFFECTIVE October 1, 2023

NOTE: This act was passed without a safety clause.

EARLY CHILDHOOD PROGRAMS AND SERVICES

S.B. 23-216 Department of early childhood - Colorado universal preschool program. Current law requires the general assembly to transfer money to the preschool programs cash fund from the general fund or the state education fund in the 2023-24 and 2024-25 state fiscal years. Beginning in the 2024-25 state fiscal year, the amount transferred is required to increase by the rate of inflation.

The act repeals those requirements and instead requires the general assembly to appropriate money to the department of early childhood (department) for the 2023-24 state fiscal year for purposes of the Colorado universal preschool program. Beginning in the 2024-25 state fiscal year, and each year thereafter, the amount appropriated must increase annually by the rate of inflation.

APPROVED by Governor April 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

EDUCATION - PUBLIC SCHOOLS

S.B. 23-4 School-based therapists - eligibility. Under current law, a mental health professional must be licensed by the department of education (department) in order to work in a school. The act authorizes a school or school district, the state charter school institute, a board of cooperative services that operates a school, or the division of youth services to employ school-based therapists who are not licensed by the department but hold a Colorado license for their profession to work in coordination with licensed special service providers to coordinate mental health supports for students. Before being employed, the school-based therapists must satisfy certain requirements for nonlicensed school employees, including a fingerprint-based criminal background check. Any school-based therapists may be supervised by a mentor special services provider or a licensed administrator. If an eligible school-based therapist provides services to a student related to the student's individualized education program, the eligible school-based therapist must have qualifications consistent with the student's individualized education program.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-8 Youth involvement state education standards - appropriation. The act creates several opportunities for youth, defined as the age of eligibility for membership in the Colorado youth advisory council, to be involved in the review of the state's education standards. Youth representatives are appointed as follows:

- The commissioner of education (commissioner) shall appoint youth representatives from nominations submitted by schools throughout the state to participate in the standards development process, which includes community engagement;
- The commissioner shall appoint 2 youth representatives to any regional educator meetings; and
- Each local education provider shall appoint 2 youth representatives to any review committees for local education providers.

In each instance, the appointing authority shall select the youth representatives from nominations submitted by schools throughout the state, and, when possible, one must be from an urban area and one must be from a rural area.

Youth representatives may be reappointed pursuant to each committee's process. The department of education (department) may compensate youth representatives for actual expenses incurred with participation, and, if appropriate, provide a stipend in an amount determined by the department.

The department shall promote the opportunities for youth involvement and request schools nominate youth to participate.

For the 2023-24 state fiscal year, the act appropriates \$7,650 to the department of

education from the general fund. The department may use this appropriation for content specialists.

APPROVED by Governor April 26, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-23 High school - CPR training. The act encourages all public high schools and all high schools that participate in the Colorado comprehensive health education program in the state to provide instruction on cardiopulmonary resuscitation and the use of an automated external defibrillator to students in grades 9 through 12.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-65 Career development success program - requirement changes - boards of cooperative services eligible - repeal - appropriation. For the career development success program (program), the act removes the requirement for successful completion of a qualified industry pre-apprenticeship program and the requirement for successful completion of a qualified industry apprenticeship. The act adds boards of cooperative services to the program.

Current law requires the general assembly to annually appropriate \$1 million to the department of education for the program. Beginning in the 2023-24 budget year, and each budget year thereafter, the act increase the appropriation to \$9.5 million.

The act requires a school district or charter school participating in the program to receive 120% of the per-pupil amount for each pupil who is eligible for free or reduced-price lunch and who successfully earned an industry certificate by completing a qualified industry-credential program, a qualified workplace training program, or a qualified advanced placement course.

The act authorizes a participating school district or participating charter school to contract with a third party to provide specified services under the program.

The act extends the repeal date from September 1, 2024, to September 1, 2034.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-70 Safe2tell - training for school resource training - operational survey. Beginning on or before August 1, 2024, the act requires the department of law to annually convene a

training for school resource officers and school officials to discuss best practices in responding to safe2tell reports, including defining roles, communication about a report, outcome reporting, and training resources to improve school resource officers' support of students and school staff. Safe2tell may conduct a survey to collect data and discussions regarding its operations.

APPROVED by Governor April 27, 2023

EFFECTIVE April 27, 2023

S.B. 23-86 Student leaders institute - change to department oversight - appropriation. The act continues the Colorado student leaders institute program and changes responsibility for the program from the department of higher education to the department of education. This change shifts oversight of the program from a governor-appointed executive board to the state board of education.

The act transfers the long bill appropriation for the program from the department of higher education to the department of education. The bill appropriates \$8,184 from the general fund to department of education to implement the act.

APPROVED by Governor April 27, 2023

PORTIONS EFFECTIVE June 30, 2023

PORTIONS EFFECTIVE July 1, 2023

S.B. 23-87 Teacher licensure and authorizations - teacher degree apprenticeship program - appropriation. As an alternative route to teacher licensure, the act creates a teacher degree apprenticeship program (apprenticeship program). The apprenticeship program builds on elements of current alternative teacher licensure programs, including a bachelor's degree requirement, training programs approved by the state department of education (CDE), and structured on-the-job training. The apprenticeship program is run collaboratively with the United States department of labor office of apprenticeship (DOL office) and the state apprenticeship office (state office) and utilizes apprentice mentor teachers and teacher apprenticeship program sponsors (sponsor).

The act allows CDE to issue a teacher apprenticeship authorization (authorization) to a person (apprentice) who is employed by a school district, board of cooperative services, charter school, or institute charter school (school) who is actively registered in an apprenticeship program, and who is actively enrolled in an affiliated bachelor's degree program from an accredited institution. The authorization is valid for 4 years while the apprentice completes the bachelor's degree requirement of the program. CDE may renew the authorization for up to 2 successive terms, in increments of 2 years, as necessary for the apprentice to fulfill the apprenticeship requirements. An authorization is invalid if the apprentice withdraws from any part of the apprenticeship program or fails to make satisfactory progress.

Upon application from an entity with expertise in apprenticeship or teacher preparation, CDE shall authorize the entity to serve as a sponsor. Applications to serve as a

sponsor must include a proposed work process schedule and related instruction plan required by the DOL office and state office. CDE shall review each application and approve or disapprove the sponsor. If approved, the sponsor may apply to CDE for approval of an apprenticeship program.

An apprenticeship program must meet the following criteria:

- Be registered with the DOL office or state office;
- Incorporate a bachelor's degree program from an accredited institution in a related field of study relative to the licensure type; and
- Incorporate on-the-job training in meaningful and time-saving ways.

Every 5 years after apprenticeship program approval, CDE shall consult with the DOL office or state office concerning the federally required audit of the apprenticeship program to ensure the apprenticeship program continues to meet requirements.

The state board of education is authorized to promulgate rules for the implementation of the apprenticeship program.

For the 2023-24 state fiscal year, \$116,134 is appropriated from the general fund to the department of education.

For the 2023-24 state fiscal year, \$26,435 is appropriated to the department of law from reappropriated funds received from the department of education. The department of law may use this appropriation to provide legal services for the department of education.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-94 Colorado school transportation modernization task force - report - appropriation. The act creates the Colorado school transportation modernization task force (task force) in the department of education (department) to create a report containing findings and recommendations to improve school transportation services for students. The department is required to provide relevant data to the task force to inform its duties. The report must be publicly published and submitted to the education committees of the senate and house of representatives, the board of education, and the governor by December 1, 2024.

The act specifies task force membership, including the commissioner of education or the commissioner's designee, and members appointed by the commissioner.

For the 2023-24 budget year, \$95,313 is appropriated from the general fund to the department to implement the act.

APPROVED by Governor May 16, 2023

EFFECTIVE May 16, 2023

S.B. 23-99 School finance - special education services - children with disabilities - appropriation. The act increases the required annual appropriation to the department of education from the state education fund or the general fund by an additional \$40,203,671 for children who have one or more disabilities and who receive special education services from a school district, board of cooperative services, a charter school network, a charter school collaborative, or the state charter school institute that is providing educational services to exceptional children.

APPROVED by Governor May 15, 2023

EFFECTIVE May 15, 2023

S.B. 23-136 School funding - adjustments for the 2022-23 school year - reducing an appropriation. The general assembly recognizes that the actual funded pupil count was lower and the at-risk pupil count was higher than expected when the appropriation amount for the state share of total program funding was established during the 2022 legislative session, resulting in an overall increase in total program funding for the 2022-23 budget year.

In addition, the local property tax revenue and specific ownership tax revenue are higher than anticipated, resulting in an increase in the local share of total program funding.

The act declares the general assembly's intent to maintain the budget stabilization factor at the amount of the original appropriation for the 2022-23 budget year.

The act decreases the appropriation for the state share of total program funding by \$76,383,372 in cash funds from the state education fund and adjusts the 2022-23 state fiscal year long bill accordingly.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-218 School transformation grant program - repeal administrative cap - appropriation. The act repeals the cap on the amount of money the department of education (department) may expend on administrative costs for the school transformation grant program.

For the 2023-24 budget year, \$115,785 is appropriated from the general fund to the department for the school transformation grant program.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-219 Facility schools - specialized day school - accrediting measures -shared operational services grant program - technical assistance center- appropriation. Current law allows approved facility schools (approved schools) to include day treatment centers, residential child care facilities, facilities licensed by the department of human services, or hospitals licensed by the department of public health and environment. The act creates the

specialized day school as a type of approved school. The facility schools board (board) shall promulgate rules for a facility to become authorized to operate as a specialized day school.

Current law requires the board to adopt accountability measures. The act requires the board to adopt accountability and accreditation measures for approved schools. Beginning December 1, 2026, the state board of education shall begin accrediting approved schools based on recommendations of the board. The act requires the board to create an accreditation outcome report for each approved school. The office of facility schools (office) must publish the reports annually.

The act requires the department of education (department), department of human services, the department of health care policy and financing, and the department of public health and environment to collaborate and create an interagency resource guide to provide assistance to facilities that are pursuing licensing or authorization to operate as an approved school. The act requires the state agencies to identify and recommend legislation and changes to each department's respective rules and administrative processes to facilitate licensing, authorization, and approval processes for facilities seeking to operate as approved schools.

The act creates the shared operational services grant program (grant program) to award grants to eligible applicants to contract for 2 years with an organization that coordinates shared operational services. An approved school in conjunction with one or more schools may apply to the grant program for a grant to procure shared operational services that support schools, such as food services, janitorial services, shared office spaces, billing, technical assistance on medicaid services, technology, security, transportation, or purchasing. An organization that provides or coordinates services for approved schools or an agency that oversees approved schools may also apply to the grant program.

The act creates the technical assistance center (center) in the office to provide technical assistance support to school districts and related administrative units, with a priority to serve rural and remote school districts and related administrative units. Beginning in the 2023-24 budget year, the center is required to assess the needs of school districts and related administrative units. Beginning in the 2024-25 budget year, the center shall provide technical assistance support to school districts and related administrative units and prioritize service to rural and remote school districts.

The act creates additional responsibilities for the facility school work group (work group). The work group shall monitor the implementation of changes to the facility school system and educational services for students with exceptionally severe or specialized needs. The act expands work group participation to include parents, guardians, and legal custodians of students with exceptionally severe or specialized needs and therapeutic facilities for students with exceptionally severe or specialized needs that are not approved schools. The act requires the office to contract with a qualified third-party evaluator (evaluator) to evaluate and report whether the work group recommendations resulted in more effective services and better access to those services for students with exceptionally severe and specialized needs.

The act requires the department of health care policy and financing to recommend a

plan to provide guidance to approved schools on the eligibility standards required to request and receive medicaid reimbursement funding for therapeutic services to the maximum extent feasible.

The act creates a new baseline funding model for approved schools. The act requires reporting on the new baseline funding model for approved schools.

For the 2023-24 state fiscal year, \$18,780,654 is appropriated to the department from the state education fund to implement this act.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-220 Public school capital construction assistance funding - air quality grants - capital construction assistance supplemental grants - financial capacity factors - transfers - appropriation. During the 2021 legislative session, the general assembly transferred \$10 million from the general fund to the public school capital construction assistance fund (fund) and appropriated this money for air quality improvement grants for schools. Of the money transferred and appropriated for air quality improvement grants, \$4,705,220 remains in the fund and has not been distributed. The appropriation for fiscal year 2021-22 has expired. The act specifies that the unspent money transferred and appropriated for air quality improvement grants must not be used for air quality improvement grants and instead must be used for financial assistance as provided in the "Building Excellent Schools Today Act".

During the 2022 legislative session, the general assembly scheduled a transfer of \$30 million from the marijuana tax cash fund to the fund for June 1, 2023. The act repeals this scheduled transfer before it occurs.

For state fiscal year 2023-24, the act requires the public school capital construction assistance board (board) to allocate \$49,705,220 from public school capital construction assistance board cash grants to be used for supplemental grants at schools experiencing capital construction project cost overruns as a result of COVID-19 inflationary pressure.

The act changes the financial capacity factors for evaluating the match requirement for public school capital construction projects for school districts and boards of cooperative services. The new factors apply to grants awarded on or after September 1, 2023, and funded on or after July 1, 2024.

The act transfers \$15 million from the state education fund to the fund on June 1, 2023. \$10 million in royalties and other payments for depletion or extraction of natural resources on state lands is credited to the fund for the 2022-23 state fiscal year. The act provides for a reduction of \$294,780 in cash funds appropriated from the fund to the department of education for board cash grants in the 2023 long bill.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

S.B. 23-287 School finance - per pupil funding - budget stabilization factor repeal - public school finance task force creation - appropriations. The act:

- Increases the statewide base per pupil funding for the 2023-24 budget year by \$598.25, to account for inflation;
- Sets as the new statewide base per pupil funding amount \$8,076.41 for the 2023-24 budget year; and
- Sets the target number for the 2023-24 budget year at not less than \$9,101,600,922.

The act repeals the budget stabilization factor, effective July 1, 2024.

Current law includes a 5-year averaging provision, which determines a district's pupil count for each budget year by determining the greater of the funded pupil count for the applicable budget year or an average of one to 4 of the prior budget years. The act provides a similar averaging provision for the institute charter schools on a per-school basis.

For the 2023-24 budget year, the act appropriates \$30 million for distribution to large rural districts and small rural districts, including district charter schools and each institute charter school whose accounting district is a large or small rural district. Large rural districts receive 55% of the appropriation, and small rural districts receive 45% of the appropriation. The act uses the districts' funded pupil count for the 2022-23 budget year.

For the 2023-24 budget year, a district's at-risk funding is the greater of the district's at-risk funding amount for the 2022-23 budget year or the 2023-24 budget year.

The act amends eligibility criteria for the mill levy override match program to exclude an otherwise eligible school district from receiving a state-funded override mill match if the sum of the district's override mills is equal to or greater than the district's override mill capacity, as defined by statute. For the 2023-24 budget year, the act transfers \$23,376,536 from the state education fund to the mill levy override match fund.

For the 2023-24 budget year, the act appropriates \$300,000 from the state education fund to the department of education (department) for the purpose of reimbursing schools for expenses related to replacing an American Indian mascot.

For the 2023-24 budget year, the act appropriates \$10 million from the state education fund to be distributed to preschool providers that are a school of a school district, a district charter school, or an institute charter school, subject to requirements.

For the 2023-24 budget year, the act appropriates \$1,058,115 from the state education fund to support universal screening to identify gifted children through second grade.

The act specifies that for the purpose of any law, with certain exceptions, that applies to or exempts a public entity or a public official, a charter school has the same status as a school district, and certain persons affiliated with the charter school have the same status as

a complementary counterpart in a school district. Furthermore, the act clarifies the application of certain laws to charter schools.

The act permits the department, school districts, and institute charter schools to consider life-cycle costs when contracting for technology.

Under current law, every 3 years, the department is required to prepare a report and evaluation on the successes or failures of charter schools, school reform efforts, and suggested changes to laws affecting charter schools. The act makes this an annual requirement starting in the 2023-24 budget year.

Under current law, a new at-risk measure in the public school funding formula must be implemented in the 2023-24 budget year. The act extends the implementation of this requirement to the 2024-25 budget year and requires the department to conduct pre-implementation modeling and testing using the new at-risk measure and report modeling and testing findings to the education committees of the senate and house of representatives and the joint budget committee.

The act creates a public school finance task force for the purpose of examining and making recommendations concerning school finance. The task force is required to submit a report to the education committees of the senate and house of representatives and the joint budget committee by January 31, 2024. Furthermore, the task force is required to set parameters to examine the adequacy of school finance in Colorado, and the department is required to contract with 2 independent entities to report their findings by January 3, 2025. For the 2023-24 budget year, the act appropriates \$408,625 from the state education fund for administration related to the implementation of the task force.

The act amends certain requirements for a charter school's application for financial assistance for public school capital construction.

The act extends child nutrition school lunch protection program funding to be used to offset the costs incurred by a facility school in providing lunch to students who are placed in the facility and eligible to participate in the program.

The act excludes the costs associated with providing for an independent evaluation from the 20% of the money appropriated to the Colorado imagination library program to be used by the contractor for operating costs.

Starting in the 2024-25 budget year, the act creates a formula for the funding of mill levy equalization for all institute charter schools.

For the 2023-24 budget year, the act appropriates:

- \$2.5 million to the mill levy equalization fund from the general fund;
- \$10 million to the department for state aid for charter school facilities; and
- \$500,000 to the department for the purpose of translating individualized

education program documents, contingent upon House Bill 23-1263 becoming law.

Makes an appropriation made in section 25 of the act effective only if House Bill 23-1263 becomes law.

APPROVED by Governor May 15, 2023

EFFECTIVE May 15, 2023

NOTE: House Bill 23-1263 became law, effective May 25, 2023.

H.B. 23-1009 Secondary school student substance use committee - report - appropriation. The act creates the secondary school student substance use committee (committee) in the department of education (department) to develop a practice, or identify or modify an existing practice, for secondary schools to implement that identifies students who need substance use treatment, offers a brief intervention, and refers the students to substance use treatment resources.

The department is required to publicly publish a report of the committee's findings and submit the report to the superintendent of every school district and chief administrator of every institute charter school that is a secondary school.

For the 2023-24 budget year, \$49,950 is appropriated from the general fund to the department to implement the act.

APPROVED by Governor April 26, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1025 Charter schools - application timeline - optional timeline for rural school districts. The act extends the timeline from 12 months to 18 months before a charter school is set to open for a prospective charter school to submit to the local board of education an application to become a charter school. The act allows a local board of education to apply to the state board of education for modifications to the timeline set forth in this act. The act creates an optional charter school application timeline for a rural or small rural school district that allows charter school applications outside of the 18-month timeline upon notice to the department of education and public notice on the school district's website.

APPROVED by Governor April 25, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1089 Public schools - continuing services when students in foster care move residences - special education services - working group. Current law designates that a

student in an out-of-home placement is a resident of the school district where the placement is located, even if that student continues to attend a school in another school district. The act designates students in out-of-home placements as residents of the school district of their school of origin as long as the student attends the school of origin, other than an approved facility school, or a state-licensed day treatment facility.

The act requires the state department of human services (department) to organize a working group to identify and address issues related to foster youth education, transportation, and stability and requires the department to provide written recommendations to the general assembly before the 2025 regular legislative session.

APPROVED by Governor April 25, 2023

EFFECTIVE April 25, 2023

H.B. 23-1168 Special education - due process complaints - legal representation - appropriation. Current law entitles a parent, guardian or legal custodian of, or entity with educational decision-making authority for (parent), a student with a disability, or a student who may be eligible for special education services, to file a state complaint in the event of a dispute with an administrative unit or a state-operated program (education provider). If the parent prevails in a state complaint decision, the education provider may file a due process complaint against the parent regarding the issues disputed in the state complaint.

The act requires the department of education (department) to enter into a service agreement with a nonprofit organization (organization) to create and maintain a list of attorneys qualified to represent a parent in a due process complaint filed by an education provider in response to a state complaint filed by the parent in which the parent prevailed. The service agreement is for 5 years. A parent may contact the organization for an attorney appointment.

The act requires the department to include information on attorney appointments in the procedural safeguard notice and in other materials distributed to parents describing due process complaint procedures.

The act requires the organization to report to the department on or before September 1, 2024, and each September 1 through September 1, 2028, on the number of attorneys appointed to parents in due process complaint cases, the costs associated with each due process complaint case, and the amount of unspent money the organization retains at the end of each budget year.

The act requires the department to annually provide the organization \$20,000 to pay attorneys and to create, maintain, and administer the list of attorneys.

The act appropriates \$33,260 from the general fund to the department for legal representation for due process complaints.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

H.B. 23-1231 Mathematics literacy - interventions - grant programs - appropriation. The act requires the department of education (department), by January 2024, to offer free optional trainings in evidence-informed practices in mathematics, including a training specifically designed for elementary school educators and a training specifically designed for secondary school mathematics educators. Each training must include instruction on interventions for students who are below grade level or struggling in mathematics, children with disabilities, and students who are English language learners. Trainings must be available to relevant staff of school districts, related administrative units, district charter schools, institute charter schools, boards of cooperative services, and community-based organizations.

School district boards of education and institute charter schools are strongly encouraged to adopt procedures for schools to provide support to students in pre-kindergarten through twelfth grade and their families to improve mathematics outcomes. Procedures may include:

- Identifying students who are below grade level or struggling in mathematics based on academic assessments;
- Notifying the parents, guardians, or legal custodians if a student is below grade level or struggling in mathematics;
- Providing parents, guardians, or legal custodians with a list of interventions and acceleration strategies to assist with mathematics at home, including a state-advisory list of curricula, referrals for tutoring, or other intervention opportunities, if applicable;
- Publishing mathematics curricula annually, including supplemental curricula or interventions; and
- Implementing train-the-trainer or train-the-parent framework plans to improve mathematics achievements for students.

The act creates the Colorado academic accelerator grant program (grant program). The purpose of the grant program is to create community learning centers that:

- Provide opportunities for free academic enrichment and support, which must include tutorial services to help students meet rigorous academic standards and to increase proficiency in mathematics outcomes; and
- Offer families opportunities for engagement in students' education.

Eligible entities that apply to the grant program are selected for a grant that runs for a period of 3 years. The department shall prioritize eligible entities that:

- Adopt intervention strategies;
- Use evidence-informed programs that build student skills in STEM and mathematics;
- Use digital math accelerator programs;
- Serve high-needs students, as determined by the department;
- Have an established presence and relationship in the community; and

- Demonstrate in the application how they will meet the needs of diverse student populations.

The act requires school districts, public schools, the state charter school institute, and institute charter schools that are on an improvement plan, priority improvement plan, or a turnaround plan to identify strategies to address the needs of students who are below grade level or struggling in mathematics and set or revise, as appropriate, ambitious but attainable targets that the public school shall attain in reducing the number of students who are below grade level or struggling in mathematics to increase the number of students who achieve grade-level expectations in mathematics.

The act adjusts the ninth-grade success grant program to prioritize applicants that propose programming focused on evidence-informed mathematics skills, acceleration strategies, and intervention strategies, including a focus on students who are below grade level or struggling in mathematics and have academic achievement levels in mathematics that are consistently ranked the lowest for public high schools in the state, as determined by the department.

The act includes a requirement that candidates for an elementary education endorsement, a middle school mathematics endorsement, or a secondary mathematics endorsement be trained in evidence-informed practices in mathematics, including interventions to help students who are below grade level or struggling in mathematics, children with disabilities, and students who are English language learners.

The act adds developmentally appropriate early numeracy to continuing professional development requirements for teachers employed by a preschool, and requires the department of early childhood to include developmentally appropriate early numeracy as a subject matter area in the resource bank of preschool curricula for use by preschool providers.

The act appropriates \$26,694,530 from the general fund to the department as follows:

- \$594,530 for math educator training and improvement planning;
- \$24,500,000 for the grant program; and
- \$1,600,000 for the ninth-grade success grant program.

APPROVED by Governor May 15, 2023

EFFECTIVE May 15, 2023

H.B. 23-1263 Special education - individualized education program - translation services.

The act permits the multidisciplinary team that creates an individualized education program (IEP) for a child, who may be eligible for special education services, to translate or contract with a translation services provider to translate the IEP draft documents into the dominant language spoken in the home of the child's parent, guardian, or legal custodian (parent). Upon request of the child's parent, the multidisciplinary team is required to translate or contract with a translation services provider to translate the final IEP document into the dominant language spoken in the home of the child's parent. The IEP team shall verbally

inform the child's parent of the right to request translation services.

APPROVED by Governor May 25, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

EDUCATION - POSTSECONDARY

S.B. 23-224 Western interstate commission on higher education - student exchange programs. If the Colorado commission on higher education (commission) enters into a professional student exchange program through the western interstate commission on higher education (WICHE), then, subject to available appropriations, the commission shall establish policies to maximize the benefit of the exchange program to Colorado residents. The policies may include, but need not be limited to:

- Policies for Colorado residents seeking postsecondary optometry degrees at institutions in other states. Beginning in the 2024-25 academic year, the commission shall ensure that any student who enters the postsecondary optometry program, as a part of the student's post-educational service commitment, shall agree to provide services to Coloradans enrolled in programs established pursuant to the "Colorado Medical Assistance Act".
- Policies that promote the provision of services in underserved areas. Such policies may include reducing the service requirement for an individual to meet the individual's post-educational service requirement by serving in areas that have insufficient access to optometry services.

The act aligns Colorado law with the current operation of WICHE professional student exchange programs.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1001 Educator retention - assessment of professional competencies - stipend programs - loan forgiveness. The act expands student eligibility for the educator preparation stipend programs by increasing students' expected family contribution from no more than 200% to no more than 250% of the maximum federal Pell-eligible expected family contribution. For the 2022-23 and 2023-24 state fiscal years, expected family contribution is temporarily expanded to no more than 300% of the maximum federal Pell-eligible expected family contribution.

The act allows a student who is eligible for the student educator stipend program to be placed as a student educator in a school- or community-based setting in Colorado or within 100 miles of the Colorado state border.

The act modifies the Colorado commission on higher education considerations of student eligibility for the educator preparation stipend programs specific to funds appropriated for the programs from the economic recovery and relief cash fund.

The act broadens the temporary educator loan forgiveness program (forgiveness program) requirements to allow applicants to be principals or special service providers in

addition to teachers.

The act extends the forgiveness program through July 2023, removes requirements that a school's at-risk student population must exceed 60% in order for an educator to be eligible for the forgiveness program, and expands qualified positions to include positions in any public school, board of cooperative services, or facility school in Colorado. The act also changes how the program prioritizes applicants for the program.

The act directs a portion of the appropriation for the 2022-23 state fiscal year to the department of education for a portfolio management system to facilitate the multiple measures approach to the assessment professional competencies.

APPROVED by Governor April 10, 2023

EFFECTIVE April 10, 2023

H.B. 23-1007 Suicide prevention - student identification card information. The act requires public and private higher education institutions to print Colorado and national crisis and suicide prevention contact information on student identification cards. If an institution does not use student identification cards, the act requires the school to distribute Colorado and national crisis and suicide prevention contact information to the student body each semester or trimester.

APPROVED by Governor March 17, 2023

EFFECTIVE March 17, 2023

H.B. 23-1093 Faculty sabbaticals - staff sabbaticals. Current law allows higher education faculty to take a sabbatical if the governing board of the institution where the faculty member works approves the sabbatical. The act extends sabbatical opportunities to staff of an institution of higher education who serve in a management position or similar capacity.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1237 Emergency communication - study to provide bilingual alerts and interpret 911 calls - appropriation. The act requires the university of Colorado's natural hazards center to conduct a study by July 1, 2024, to determine what municipalities, sheriff's offices, counties, fire districts, and local 911 agencies need to be able to provide emergency alerts in minority languages, and what local 911 agencies need in order to provide live interpretation during a 911 call. The study must:

- Identify the components of multi-hazard early warning systems that are necessary in order to reach residents and visitors without requiring an opt-in, as well as opt-in options, outputs for emergency alert systems, and the ability to provide emergency alerts in minority languages;

- Survey state agencies, counties, municipalities, sheriff's offices, fire districts, fire authorities, and local 911 agencies to identify the capabilities of existing emergency alert systems in Colorado compared to the identified essential components;
- Identify gaps in the capabilities of existing emergency alert systems requiring correction;
- Identify resources, including federal funding opportunities, to implement a grant program to assist municipalities, sheriff's offices, counties, fire districts, and local 911 agencies in obtaining emergency response technology systems that can provide emergency alerts in minority languages;
- Determine best practices, which may be identified by reviewing programs in other states, for hiring multilingual and multicultural staff;
- Determine best practices for engaging local community organizations with connections to populations that speak a minority language; and
- Present research regarding effective emergency alerts for people with disabilities after consultation with a statewide organization that advocates for people with disabilities.

The university of Colorado's natural hazard center shall submit its study report to the division of homeland security and emergency management in the department of public safety and to the general assembly by January 8, 2024.

The act appropriates \$77,009 from the general fund to the department of higher education to implement the study.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

H.B. 23-1246 In-demand career workforce - financial support programs - reports - appropriations. The act directs the state board of community colleges and occupational education (board) to administer the in-demand short-term credentials program (program) to support the expansion of the number of available and qualified professionals who are able to meet Colorado's in-demand workforce needs. Under the program, the board is required to allocate funds to community and technical colleges, area technical colleges, local district colleges, and Colorado Mesa university to provide assistance to students for eligible expenses that support their enrollment in eligible programs. If unexpended resources exist, the funds must be used to pay for a student's housing, transportation, child or dependent care, or food expenses. The act requires the Colorado commission on higher education to submit a report regarding the program to the house of representatives and senate education committees during its annual "SMART Act" hearing.

The act requires the office of future work (office) to provide grants to registered apprenticeship programs that provide training in the building and construction trade at no cost to apprentices (grant program). The act requires the office to submit a report regarding the grant program to the house of representatives business affairs and labor committee and senate business, labor, and technology committee during its annual "SMART Act" hearing.

In the 2022-23 state fiscal year, the general assembly appropriated \$10 million to the department of public health and environment (department) for the purpose of recruitment and re-engagement efforts with health-care professionals with licenses and staffing. The act extends the authority for the department to use the appropriation through December 30, 2024.

In the 2022-23 state fiscal year, the general assembly appropriated \$3 million to the department for the school nurse grant program, which provides grants for hiring school nurses for public schools. The act extends the authority for the department to use the appropriation through December 30, 2024.

For the 2023-24 state fiscal year, \$43,600,000 is appropriated from the general fund to the department of higher education, of which:

- \$38,600,000 for the program; and
- \$5,000,000 to establish 2 new short-term degree nursing programs at community or technical colleges.

For the 2023-24 state fiscal year, \$1,400,000 is appropriated from the general fund to the department of labor and employment for the grant program.

APPROVED by Governor May 16, 2023

EFFECTIVE May 16, 2023

H.B. 23-1261 Remove requirement for selective service for enrollment. Current law requires a male person who is applying for enrollment or reenrollment to a state-supported institution of higher education (institution) and who is at least 17 years and 9 months of age but younger than 26 years of age (applicant) to provide the institution with a statement of registration compliance for the United States selective service system (selective service). The act removes the requirement that an applicant register for selective service to enroll in an institution but requires institutions to provide information about selective service to eligible males prior to registration.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

GENERAL ASSEMBLY

S.B. 23-10 Water resources and agriculture review committee - removal of outdated references - meetings. The act removes a reference to the water resources and agriculture review committee (committee) being an interim committee and removes an outdated reference to past legislation in the legislative declaration. The act also removes limitations on the number of meetings and the number of field trips the committee may hold in a calendar year and requires the committee to meet at least 4 times during each calendar year.

APPROVED by Governor March 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

GOVERNMENT - COUNTY

S.B. 23-57 County treasurers - no longer ex officio treasurers for drainage, irrigation, and internal improvement districts. County treasurers have been ex officio district treasurers for drainage districts, irrigation districts, and internal improvement districts that provide services related to drainage and ditches (collectively, district). The act removes the duty of the county treasurer to be the ex officio district treasurer and requires district treasurers to be appointed by the board of directors of the district. The act also clarifies that the former duties of the county treasurer as the ex officio district treasurer are now solely duties of the district treasurer.

Additionally, the act clarifies that irrigation district assessments and internal improvement district assessments are distributed in alignment with current law for the distribution of assessments collected by county treasurers and updates the amount of fees a county treasurer can charge and receive for collecting drainage and irrigation district assessments to 0.25% upon all money collected by the county treasurer for assessments beginning on and after January 1, 2026.

APPROVED by Governor April 3, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

S.B. 23-68 Public health - county hospitals - public hospital board of trustees - number of trustees and terms - powers - acquisition of property - incurring indebtedness - products and services offered - county general fund appropriations. The act makes the following changes regarding county public hospitals:

- Allows the board of county commissioners of a county with a population of less than 3,000 to determine, by a resolution of the board of county commissioners, that the public hospital board of trustees (hospital board) will consist of 7, rather than 5, citizens at large and specifies the length of the terms of the additional hospital board trustees in a manner that staggers the terms;
- Authorizes real property to be in the name of either the county or the hospital, rather than only in the name of the county;
- Clarifies that any indebtedness incurred by a hospital board is an obligation of the hospital board and not an obligation of the board of county commissioners;
- Specifies that a hospital board needs the approval of the board of county commissioners before incurring indebtedness only if the repayment of the indebtedness is dependent on tax money received for hospital purposes from the board of county commissioners;
- Allows a hospital board to offer to the general public products and services of any health-care organization, association, partnership, or corporation to the extent that the products and services are consistent with the powers and duties of a county public hospital; and
- Removes the annual 5% limit on appropriations from a county's general fund

for the improvement or enlargement of any public hospital established in the county and also allows such money to be used for the operation of a public hospital.

APPROVED by Governor April 3, 2023

EFFECTIVE April 3, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1139 County category modification - county officer salary increases. Current law categorizes each county for purposes of establishing the salaries of elected officials in the county. The statutory salary amounts are adjusted every 2 years for inflation and take effect for terms commencing after any change is made. The bill modifies the categories of 9 counties (Archuleta, Delta, Eagle, Grand, Las Animas, Ouray, Pitkin, Saguache, and Summit) with an accompanying percentage increase in salary for the counties' elected officials.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

GOVERNMENT - MUNICIPAL

S.B. 23-52 Municipal powers - lien for costs of removing weeds, brush, and other rubbish from property - recording notice of lien and certifying amount of lien - collection of lien.

The law allows a municipality to levy a lien against real property for costs associated with removing weeds, brush, and other rubbish from the property. Such a lien has priority over other liens, except liens for general taxes and prior special assessments imposed by a municipality. A municipal clerk may certify such a lien to a county treasurer for collection. The act requires a county treasurer to accept such a municipal lien for collection if a municipality records a notice of lien within 4 months of abating the nuisance and certifies the amount of the unpaid assessment for which the lien was levied to the county treasurer within one year of recording the notice of lien.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

GOVERNMENT - SPECIAL DISTRICTS

S.B. 23-110 Metropolitan districts - service plan to include maximum mill levy and maximum debt to be issued - metropolitan district board annual meeting - statement of registered municipal advisor prior to issuing debt - disclosure by sellers. For a proposed metropolitan district that submits a service plan to one or more boards of county commissioners or one or more governing bodies of a municipality on or after January 1, 2024, the service plan is required to include:

- The maximum mill levy that may be imposed for the payment of general obligation indebtedness, as determined by the board of county commissioners of each county that is approving the service plan or the governing body of each municipality that is approving the service plan, as applicable; and
- The maximum debt that may be issued by the metropolitan district, as determined by the board of county commissioners of each county that is approving the service plan or the governing body of each municipality that is approving the service plan, as applicable.

In addition to any other meetings held by the board of directors of a metropolitan district (board), beginning in the 2023 calendar year, the board is required to hold an annual meeting if the metropolitan district was organized after January 1, 2000, has residential units within its boundaries, and is not in inactive status. The board is prohibited from taking any official action at the annual meeting and shall ensure that the annual meeting includes a presentation from the metropolitan district regarding the status of public infrastructure projects within the metropolitan district and outstanding bonds, if any, a review of unaudited financial statements showing the year-to-date revenue and expenditures of the metropolitan district in relation to its adopted budget for that calendar year, and an opportunity for members of the public to ask questions about the metropolitan district. In addition, the board is required to provide a public comment period during the separate meeting at which the board adopts the annual budget for the metropolitan district.

Prior to issuing debt to a director of a metropolitan district or to an entity with respect to which a director of a metropolitan district must make a disclosure pursuant to current law, the board is required to receive a statement of a registered municipal advisor certifying that specified limits on the maximum interest rate of the debt have been met.

On and after January 1, 2024, the seller of residential real property that is located within a metropolitan district is required to provide the purchaser of the property with the official website established by the metropolitan district. The seller is required to provide the information on the Colorado real estate commission approved seller's property disclosure.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1005 Colorado new energy improvement district - resiliency and water efficiency improvements - notice requirement. The commercial property assessed clean energy program (C-PACE) is part of the new energy improvement program. C-PACE allows owners of eligible real property to apply to the Colorado new energy improvement district (district) to finance certain energy efficiency improvements. The act allows owners to also apply to the district to finance resiliency improvements and water efficiency improvements.

Additionally, when the district approves a C-PACE application, an owner consents to the district levying a special assessment on an owner's eligible real property. Current law requires the district to notify district members and existing lienholders about the special assessment and the availability of a hearing to resolve any complaints or objections. After a hearing, current law further requires the district to pass a resolution resolving any complaints or objections. The act eliminates the requirements for the district to give notice about a hearing, conduct a hearing, and pass a resolution resolving complaints or objections. Instead of notifying district members and existing lienholders about the availability of a hearing, the act requires the district to send a notice of assessment, which specifies the amount of the special assessment to be levied on the eligible real property and explains that the special assessment constitutes a lien against the eligible real property.

APPROVED by Governor March 8, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1023 Special district construction contracts - notice threshold - inflation adjustment. Public notice for bids on special district construction contracts is currently required when the contract cost is \$60,000 or more. The act increases the notice threshold to \$120,000 or more and requires the amount to be adjusted for inflation every 5 years.

APPROVED by Governor March 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1062 Metropolitan district - parks or recreational facilities or programs - funding with sales tax. The act allows a metropolitan district, which has existing authority to levy a sales tax to fund safety protection, street improvement, transportation, and fire protection services, to also levy a sales tax to provide parks or recreational facilities or programs within the district in which the tax is levied.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

GOVERNMENT - STATE

S.B. 23-6 Office of economic development - rural opportunity office - creation - duties - appropriation. The act codifies the rural opportunity office (office), which began its work in the office of economic development in 2019. The director of the office is designated by and reports to the director of the office of economic development.

The office is required to serve as Colorado's central coordinator of rural economic development matters with certain staff physically located in rural communities across Colorado, work with coal transitioning communities to explore unique business and economic development opportunities, make recommendations that inform the governor's policy on rural economic development matters, and measure the success of program outreach and determine whether Colorado's rural communities receive more statewide funding as a result of the efforts of the office.

For the 2023-24 state fiscal year, \$299,193 is appropriated from the general fund to the office of the governor for use by economic development programs for implementation of the act.

APPROVED by Governor May 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-13 Fire investigation - wildland fires - reporting - creation of cash fund - appropriation. The act directs the director of the division of fire prevention and control (division) within the department of public safety to report on the investigation of wildland fires in the state and creates the fire investigation fund to fund fire investigations. The money in the fund is subject to annual appropriation by the general assembly, and the division must prioritize money in the fund for wildland fire investigations.

For the 2023-24 state fiscal year, \$2,764,021 is appropriated to the fire investigation fund from the general fund and the money is reappropriated to the department of public safety for vehicle lease payments, personal services, operating expenses, and local fire investigation reimbursements.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

S.B. 23-20 Death certificates - timely issuance. The act changes the time frame required to file a certificate of death with the state registrar from 5 days after a death occurs to 72 hours after the funeral director assumes custody of a dead body, stillborn fetus, or dead fetus unless the individual responsible for completing the medical certification for the death certificate is unable to complete the medical certification for the death certificate within the required

time frame, additional inquiry into the cause and manner of death is required by current law, or a coroner, a medical examiner, a forensic pathologist, or other qualified individual determines that additional time is required to determine the cause and manner of death, in which case the certificate of death must be completed and signed as soon as practicable. Any individual, other than a family member of the decedent or other individual acting in a non-professional capacity as the funeral director for the decedent, who is required to initiate, complete, respond to, or file a death certificate must use the electronic death registration system (EDRS) used by the department of public health and environment (department) and the state registrar; except that, a physician who is not yet registered to use the EDRS is not required to use it until March 1, 2024, or the date the physician is registered, whichever is earlier. The department is required to ensure that all physicians are registered to use the EDRS on or before March 1, 2024.

The physician responsible for completing the medical certification for a death certificate must do so within 72 hours after receipt of an EDRS request unless current law requires additional inquiry into the cause and manner of death. If a death is or may be due to unnatural causes, a physician required to complete a medical certification for a death certificate shall notify the coroner or the medical examiner when current law requires an inquiry or an autopsy to be performed.

The act requires the state registrar to provide a monthly report to the department of regulatory agencies (DORA) that identifies any death certificates for which a medical certification was not completed in a timely manner, and DORA is required to promptly provide the report to the Colorado medical board. DORA is also required to report annually to its legislative oversight committees regarding the number of complaints that DORA received and the number of disciplinary actions taken against a licensee. On and after March 1, 2024, the act defines as "unprofessional conduct" for purposes of the "Colorado Medical Practices Act" repeated or willful failure without reasonable cause to comply with the requirements of completing a medical certification for a death certificate in accordance with any applicable deadline.

The act generally requires a decedent's established primary care physician to complete the medical certification for the decedent's death certificate if the death appears to be due to natural causes and is determined as such with a reasonable degree of medical certainty, the decedent received medical care from the primary care physician within a year of the death, the death occurred when the decedent was not under the direct care of another physician charged with the decedent's care during the illness or condition that resulted in death, and an inquiry into the death is not required. However, if within a year of the death, the decedent had been treated by a physician other than the decedent's established primary care physician for a chronic condition or terminal illness related to the decedent's death, the death appears to be due to natural causes and is determined as such with a reasonable degree of medical certainty, and an inquiry into the death is not required, that physician is responsible for completing the medical certification for the death certificate.

Any deadline in the act by which an individual is required to complete an action relating to a certificate of death or a medical certification for a certificate of death is extended

by one day per day of closure if the business or facility at which the individual is employed is actually closed for an entire calendar day that is a weekend day or a legal holiday.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-48 Higher education non-tenure track - contracts. The act extends the maximum length of an employment contract between a state system of higher education, or a campus of a state institution of higher education, and an individual who has a non-tenure-track classroom teaching or librarian appointment from 3 years to 5 years.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-66 Colorado office of economic development - advanced industries acceleration grant program - advanced industry export acceleration program - eligibility criterion. The act extends the advanced industry export acceleration program, which was scheduled to end on January 1, 2025, and the advanced industries acceleration grant program, which was scheduled to end on July 1, 2024, by 10 years. Through March 1, 2023, the state treasurer annually credited to the advanced industries acceleration cash fund an amount equal to one-half of the bioscience and clean technology income tax withholding growth. The act extends this funding mechanism by 2 years.

Additionally, the advanced industry export acceleration program allows a qualifying business that meets certain eligibility criteria to receive an international export development expense reimbursement. The act removes the eligibility criterion that requires a qualifying business to show a profit during the last fiscal year.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-74 Human trafficking prevention training - sunset review. The act implements the recommendations of the department of regulatory agencies (department), as contained in the department's 2022 sunset review of the human trafficking prevention training (training). The act continues the training for 7 years, until September 1, 2030.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-137 General fund - transfer to Colorado economic development fund - reporting requirement. The act requires the state treasurer to transfer \$5 million from the general fund to the Colorado economic development fund and requires the Colorado office of economic development (office) to use the transferred money in connection with the federal "Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act of 2022". The act also requires the office to submit an annual report to the joint budget committee detailing how the office is expending the transferred money.

APPROVED by Governor March 6, 2023

EFFECTIVE March 6, 2023

S.B. 23-141 General fund transfers for capital construction. For the 2022-23 state fiscal year, the act transfers from the general fund:

- \$5,592,930 to the capital construction fund;
- \$4,908,395 to the real estate proceeds account that is used, subject to annual appropriation, by the adjutant general of the state for capital construction related to armories; and
- \$499,500 to the information technology capital account of the capital construction fund.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-142 Information technology projects - budget requests - appropriations from information technology account within the capital construction fund - review and oversight by joint technology committee upon request of joint budget committee. With exceptions for the departments of law, state, and the treasury, an executive branch agency and, for a project that is state-funded only, a state-supported institution of higher education is required to submit a budget request for an information technology project to the joint technology committee (JTC) as part of the budget process. In addition, the joint budget committee (JBC) may ask the JTC to review any budget request for an information technology project that was not required to be submitted to the JTC and instead was submitted directly to the JBC.

The act clarifies that a review by the JTC as requested by the JBC may include a request for an information technology project submitted to the JBC by the legislative or judicial department, the department of law, the department of state, or the department of the treasury. The act requires the JTC to oversee any such information technology project that receives an appropriation from the information technology account (account) within the capital construction fund.

The act also clarifies that the general assembly may appropriate money in the account for information technology projects that are not subject to review by the JTC and instead are

submitted directly to the JBC by the legislative or judicial department, the department of law, the department of state, or the department of the treasury.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-143 Retail delivery fees - voluntary retailer payments - processing cost waiver - qualified business exemption. Currently, the state and several state enterprises impose fees on retail sales of taxable tangible personal property delivered by motor vehicle to a location in the state. These fees are collectively known as the retail delivery fee (RDF), and a retailer who makes a retail delivery is required to add the RDF to the price of the retail delivery, collect it from the purchaser, and pay the RDF revenue to the department of revenue (department), which distributes the revenue to the appropriate cash funds.

The department generally administers the RDF in the same manner as the state sales and use tax. The act modifies this administration by permitting a retailer to pay the RDF on behalf of the purchaser. If the retailer elects to pay the RDF, then the retailer is:

- Not required to add the RDF to the price of the retail delivery, separately itemize the RDF, or collect the RDF from the purchaser, who is not liable or the amount nor eligible for a refund of an erroneously paid RDF; and
- Required to remit the RDF on the date that would be required if the RDF had been received from the purchaser on the date of the retail delivery.

The department is required to waive any processing costs for a retailer's electronic payment by automated clearing house (ACH) debit of the RDF if the charges would exceed the amount of the RDF revenue being remitted.

The act creates an exemption from the RDF for a retail delivery by a qualified business, which is a business that has \$500,000 or less of retail sales in the prior year or is new, that applies retroactively to when RDFs were first imposed. A purchaser is not eligible for a refund of any RDF that is collected and remitted to the department by a qualified business prior to the effective date of the act.

The act also creates a primary definition for "retail delivery" that is cross-referenced in other RDF provisions, and related to this change, a definition of "retail sale" is repealed where the cross reference makes it unnecessary.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-153 Regulation of notaries - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies, as specified in the department's sunset review of the "Revised Uniform Law on Notarial Acts" (law), as follows:

- Continues the law for 9 years, until September 1, 2032;

- Repeals the requirement that a certificate evidencing a notarial act performed by a notary public indicate the date of expiration of the notary public's commission; and
- Increases the maximum statutory fees from \$5 to \$15 for each document attested by a person before a notary public and from \$10 to \$25 for the notary public's electronic signature.

The act also:

- Establishes requirements and limitations for the use of interpreters in the facilitation of notarial acts, including a prohibition against the use of an interpreter who has a disqualifying interest, as described in the act, in the transaction for which a notarial act is being performed;
- Limits the liability of a notarial officer for errors in interpretation made in the facilitation of a notarial act; and
- Appropriates \$96,568 for the 2023-24 state fiscal year from the department of state cash fund to the department of state.

APPROVED by Governor May 17, 2023

PORTIONS EFFECTIVE May 17, 2023
PORTIONS EFFECTIVE September 1, 2023

S.B. 23-161 Transfer of money from general fund to Colorado firefighting air corps fund - purchase of fire hawk helicopter. The act directs the state treasurer to transfer \$26 million from the general fund to the Colorado firefighting air corps fund for use by the division of fire prevention and control to purchase a fire hawk helicopter configured for wildfire and other public safety response needs.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

S.B. 23-166 Model wildfire resiliency codes - wildfire resiliency code board - wildfire resiliency code board cash fund - appropriation. The act establishes a wildfire resiliency code board (board) in the division of fire prevention and control (division) within the department of public safety (department) for the purposes of ensuring community safety from and more resiliency to wildfires by reducing the risk of wildfires to people and property through the adoption of statewide codes and standards. The board consists of 21 appointed voting members with specific government or industry qualifications and 3 non-voting members. The board is required to promulgate rules concerning the adoption of codes and standards for the hardening of structures and reducing fire risk in the defensible space surrounding structures in the wildland-urban interface in Colorado, including rules that:

- Define the wildland-urban interface and identify areas of the state that are within it;
- Adopt minimum codes and standards based on best practices to reduce the risk to life and property from the effects of wildfires;

- Identify hazards and types of buildings, entities, and defensible space around structures to which the codes apply; and
- Establish a process for a governing body to petition the board for a modification to the codes and establish the criteria and process for the board to grant or deny an appeal from a decision of the board on a petition for modification.

The act also creates the wildfire resiliency code board cash fund (cash fund) and, subject to annual appropriation by the general assembly, the department shall use money in the fund to implement the provisions of the act. The state treasurer is required to transfer \$250,000 from the general fund to the cash fund on July 1, 2023.

The act requires a governing body with jurisdiction in an area within the wildland-urban interface that has the authority to adopt building codes or fire codes to adopt and enforce a code that meets or exceeds the minimum standards of the codes adopted by the board within 3 months of the date the board adopts its codes. Enforcement of the governing body's adopted codes is done in accordance with the rules and regulations for code enforcement adopted by the governing body and the period to comply with a governing body's adopted codes must be in accordance with the governing body's rules and regulations or within 3 months of adoption, whichever is sooner. If the governing body does not have rules and regulations for code enforcement, the governing body may request support from the division to enforce the code.

For the 2023-24 state fiscal year, the act appropriates \$9,302 from the general fund to the cash fund and reappropriates the money to the department of public safety for use by the division for the board and for vehicle lease payments. An additional \$250,000 is appropriated to the department for use by the division from the cash fund for the board.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

S.B. 23-180 Department of personnel - state employee payroll - pay periods. The majority of state employees who are paid through the state's payroll system (state employees) are paid monthly and some state employees are paid biweekly. In 2015, in anticipation of the implementation of a new payroll system for state employees, the general assembly enacted an act to require that all state employees be paid twice a month for pay periods that began on or after July 1, 2017. Because the payroll system that would have paid state employees twice a month was not implemented, the act:

- Repeals the requirement that state employees be paid twice a month and restores the monthly and biweekly pay periods;
- Repeals the one-time loan program that would have allowed any state employee to apply to the department of personnel for a loan to assist the employee in July 2017, when the transition to the twice a month payroll system would have created a 2-week lag in state employees' pay; and
- Repeals the state personnel director's authority to delay the date by which state

employees would be paid twice a month, as the state personnel director no longer intends to implement a twice a month payroll system.

In addition, state employee salaries that are paid on a monthly basis are paid on the last working day of the month; except that the salary for the month of June is paid on the first working day of July (pay-day shift). The act codifies current practice by specifying that the pay-day shift does not apply to institutions of higher education.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-205 Higher education scholarships - scholarships for in-demand or high-priority postsecondary pathways and apprenticeships - appropriation. The act establishes the universal high school scholarship program (program) in the office of economic development (office) to provide scholarships for the 2024-25 academic year to students who pursue an in-demand or high-priority postsecondary pathway, including degrees, certificates, and registered apprenticeships, with a provider on the eligible training provider lists disseminated by the department of labor and employment, a provider in the Colorado state apprenticeship resource directory, a public or private institution of higher education operating in Colorado, or an organization approved by the office (service providers).

The office, or a vendor contracted by the office, administers the program. The office shall develop policies and procedures necessary to administer the program.

A student is eligible for the program if the student graduated from a Colorado high school or was awarded a high school equivalency credential during the 2023-24 academic year; completes the free application for federal student aid or the Colorado application for state financial aid; and did not receive a grant from the Colorado opportunity scholarship initiative.

Scholarships are awarded in the following priority: First, to all eligible students who intend to enroll at a service provider to pursue an in-demand or high-priority postsecondary pathway, then to other eligible students who intend to enroll at a service provider. The office or vendor determines the amount of each scholarship award, up to a maximum \$1,500. Scholarship money is distributed to the service provider for use by the student for tuition, fees, and books.

The act requires the office to contract with vendors to provide postsecondary and career advising at schools identified by the office. The office shall make efforts to identify a diversity of schools in rural and urban areas of the state to receive postsecondary advising support.

The act requires the state treasurer to transfer \$25 million from the general fund to the universal high school scholarship cash fund (cash fund). The act appropriates \$25 million

from the cash fund to the office of the governor for the program.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-209 Small business loan program - definition of eligible borrower - technical correction. The "Colorado Loans for Increasing Main Street Business Economic Recovery Act" (CLIMBER Act) provides small business recovery loans to Colorado businesses affected by the COVID-19 pandemic. In 2022, the general assembly amended the CLIMBER Act by requiring that the determination as to whether a business has sufficient financial viability to be an "eligible borrower" be based on the business's current financial condition rather than, as had been the case, the business's financial condition as of February 29, 2020, but in doing so failed to delete all the obsolete statutory references to "February 29, 2020". The act corrects that omission by deleting the remaining obsolete reference to "February 29, 2020,".

APPROVED by Governor May 24, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-215 State employee reserve fund - general fund - transfer. On July 1, 2023, the state treasurer is required to transfer \$4,913,753 from the state employee reserve fund to the general fund.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-234 Paid Family and Medical Leave Insurance Act - employer premiums - termination of prepayment by the state for state employee coverage - transfer from family and medical leave insurance fund to revenue loss restoration cash fund. The act terminates the state's prepayment of insurance premiums for state employee coverage under the paid family and medical leave insurance program based on the state's advance payment of \$57 million to the family and medical leave insurance fund from the revenue loss restoration cash fund in May 2022. The act terminates such prepayment at the end of fiscal year 2023-24 and requires the state treasurer to transfer \$35 million back to the revenue loss restoration cash fund on or as soon as possible after the date on which the balance of the family and medical leave insurance fund reaches \$100 million.

The act further requires that, on or as soon as possible after the date the state controller publishes the comprehensive annual financial report of the state for fiscal year 2023-24, the state treasurer shall transfer any actual additional unexpended amount of the state's \$57 million advance payment from the family and medical leave insurance fund to the revenue loss restoration cash fund. The act makes a conforming amendment to the statute in

which the revenue loss restoration cash fund is created.

APPROVED by Governor April 24, 2023

EFFECTIVE April 24, 2023

S.B. 23-235 Litigation management funds - unanticipated legal needs. The act permits the department of law to use money appropriated to the department for litigation management to address unanticipated state legal needs. The department is prohibited from using that money for employee salary increases, promotions, reclassifications, or bonuses, or to offset personal services deficits in the department.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-241 Department of public safety - office of school safety - school safety resource center - grant programs related to school safety - appropriation. The act creates the office of school safety (office) within the office of the executive director in the department of public safety. The office oversees the school safety resource center (center), which assists schools in preventing, preparing for, responding to, and recovering from emergencies and crisis situations by offering training and other supportive services. Among other duties, the center is responsible for providing information and resources related to school safety, school emergency response planning and training, and interoperable communications to the division of fire prevention and control in the department of public safety for distribution to school districts and schools. The act clarifies that this responsibility does not permit the provision of firearms to schools districts or schools.

The director of the office is required to appoint the director of the center and appoint a grants manager to assist schools in obtaining funding related to school safety. The act also creates the crisis response unit within the office to assist schools in responding to a crisis or emergency and creates a youth violence prevention grant program within the office.

Currently, the school access for emergency response grant program (SAFER) is administered by the division of homeland security and emergency management in the department of public safety. The act moves the administration of SAFER to the office.

The act specifies that eligible entities may use money received from the school security disbursement program to implement school resource officer programs and co-responder programs.

For the 2023-24 state fiscal year, \$25,798,091 is appropriated to the department of public safety for use by the office. This appropriation consists of \$20,401,600 from the general fund, \$5,000,000 from the school access for emergency response grant program cash fund, \$250,000 from the marijuana tax cash fund, and \$146,491 from the school safety resource center cash fund. To implement the act, the office may use this appropriation as follows:

- \$5,524,916, which consists of \$274,916 from the general fund, \$5,000,000 from the school access for emergency response grant program cash fund, and \$250,000 from the marijuana tax cash fund, for administrative services, which amount is based on an assumption that the office will require an additional 1.8 FTE;
- \$1,825,744, which consists of \$1,679,253 from the general fund and \$146,491 from the school safety resource center cash fund for the center, which amount is based on an assumption that the office will require an additional 11.2 FTE;
- \$1,144,023 from the general fund for the crisis response unit, which amount is based on an assumption that the office will require an additional 3.7 FTE;
- \$303,408 from the general fund for threat assessment, which amount is based on an assumption that the office will require an additional 0.5 FTE;
- \$16,000,000 from the general fund for the school security disbursement program; and
- \$1,000,000 from the general fund for the youth violence prevention program.

For the 2023-24 state fiscal year, \$313,951 is appropriated to the department of public safety for use by the office of the executive director of the department of public safety. This appropriation is from the general fund. To implement the act, the office of the executive director may use this appropriation as follows:

- \$108,422 for personal services, which amount is based on an assumption that the office of the executive director will require an additional 0.9 FTE;
- \$80,761 for health, life, and dental;
- \$1,141 for short-term disability;
- \$35,571 for amortization equalization disbursement;
- \$35,571 for supplemental amortization equalization disbursement;
- \$9,135 for operating expenses;
- \$10,800 for vehicle lease payments; and
- \$32,550 for leased space.

APPROVED by Governor April 27, 2023

EFFECTIVE April 27, 2023

S.B. 23-243 Capital construction - transfers from general fund to capital construction fund. The act requires transfers to be made on July 1, 2023, from the general fund and the general fund exempt account of the general fund to the capital construction fund and the information technology capital account of the capital construction fund as follows:

- \$233,361,030 from the general fund to the capital construction fund;
- \$60,308,481 from the general fund to the information technology capital account of the capital construction fund; and
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-245 Transfer - digital inclusion grant program fund- revenue loss restoration cash fund. The act requires the state treasurer to transfer \$8 million from the digital inclusion grant program fund to the revenue loss restoration cash fund on June 1, 2023.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-250 Transfer from severance tax operational fund to capital construction fund. On July 1, 2023, the state treasurer is required to transfer \$10 million from the severance tax operational fund to the capital construction fund. The money is to be used by state-supported institutions of higher education in energy impacted counties for energy-related programs or projects.

For fiscal year 2023-24, the act appropriates \$6 million from the capital construction fund and \$3,108,609 in cash funds from Colorado Mesa university institutional reserves and donations to expand the university's campus-wide geothermal exchange system. For fiscal year 2023-24, the act appropriates \$4 million to Western Colorado university to provide additional teaching and laboratory space for the university's petroleum geology program and to generally allow for the expansion of the natural and environmental sciences department.

APPROVED by Governor April 28, 2023

EFFECTIVE April 28, 2023

H.B. 23-1053 Department of veterans affairs and department of public safety - authority to accept and expend gifts, grants, and donations. Currently, the division of veterans affairs (division) is authorized to accept gifts, grants, contributions, and donations to the western slope military veterans' cemetery fund but is not authorized to expend such gifts, grants, contributions, or donations. The act gives the division such authority to expend.

Current law also allows certain programs housed within the department of public safety (department) to accept and expend gifts, grants, and donations for each program's specific purpose. However, the department does not have authority to accept or expend gifts, grants, or donations generally. The act authorizes the department to accept and expend gifts, grants, and donations for the purposes of the department and creates the department of public safety gifts, grants, and donations fund. The act does not affect existing programs within the department that are authorized to accept and expend gifts, grants, and donations for their specific purposes.

APPROVED by Governor March 10, 2023

EFFECTIVE March 10, 2023

H.B. 23-1064 Interstate teacher mobility compact - notice - repeal. The act creates the "Interstate Teacher Mobility Compact," which is designed to make it easier for teachers from member states, especially active military members and eligible military spouses, to receive

a teacher's license from other member states. The compact becomes effective when 10 or more states enact it.

APPROVED by Governor March 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1075 Office of emergency management - wildfire risk areas - emergency management plans - study efficacy and feasibility of integrating evacuation and clearance time modeling - appropriation. The act requires the office of emergency management (office) to study the efficacy and feasibility of local or interjurisdictional emergency management agencies with jurisdiction in a wildfire risk area to integrate evacuation and clearance time modeling into the emergency management plans that such an agency is required to adopt for its area. The report must be completed on or before December 1, 2023, and the office must report the findings of the study to specific committees of the general assembly during the 2024 legislative session.

For the 2023-24 state fiscal year, \$45,000 is appropriated from the general fund to the department of public safety for program administration related to the office of emergency management.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

H.B. 23-1087 State fiscal rules - authorized advance payment - purchase of state agricultural products by charitable food organization. The act creates an additional exception to the general prohibition on advance payment in the state's fiscal rule by directing the controller to promulgate rules providing for advance payment for the purchase of state agricultural products by a charitable food organization using state grant money.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1106 The fire and police pension association - cost of living adjustments - noncompounding. Current law authorizes the board of the fire and police pension association (FPPA) to grant compounding cost of living adjustments (COLAs). The act authorizes the board of FPPA, within certain limits, to also grant noncompounding COLAs.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1141 State historical society - authority to sell real property no longer within the mission of the state historical society - proceeds to be credited to state museum cash fund. The act grants the state historical society, also known as history Colorado, the authority to sell 3 properties that no longer fit within the mission of history Colorado.

Specifically, the act grants history Colorado the authority to sell the following:

- The real property known as the McFarlane House in Central City;
- The real property known as the Pearce-McAllister Cottage in Denver; and
- The real property known as the Pueblo Museum Support Center, which was used as a storage facility by history Colorado until the artifacts housed at the facility were recently moved to a more northern storage facility for better access by history Colorado staff.

The act specifies that the proceeds of the sales are to be credited to the state museum cash fund to be used in connection with the acquisition or construction of a consolidated collections care and storage facility or for controlled maintenance.

APPROVED by Governor March 31, 2023

EFFECTIVE March 31, 2023

H.B. 23-1232 Division of housing - scope of authority related to certain types of grants - clarification. Sections 1 and 4 of the act clarify that money that was transferred from the general fund or the affordable housing and home ownership cash fund to the Colorado heritage communities fund on June 27, 2021, or as soon as was practicable thereafter, must be expended before July 1, 2025.

Section 2 clarifies that money that was transferred from the general fund to the housing development grant fund on June 27, 2021, must be expended before July 1, 2025.

Section 3 clarifies that the division of housing may award multiple grants to multiple grant recipients for multiple regional navigation campuses in the Denver metropolitan area to respond to and prevent homelessness.

APPROVED by Governor May 17, 2023

EFFECTIVE May 17, 2023

H.B. 23-1234 Colorado energy office - streamlined solar permitting and inspection grant program - creation - appropriation. The act creates the streamlined solar permitting and inspection grant program (program) in the Colorado energy office (office), which will grant money to local governments to implement free automated permitting and inspection software for residential solar projects. To fund the program, the act creates the streamlined solar permitting and inspection cash fund (fund), which is annually appropriated to the office, and appropriates \$992,709 from the general fund to the fund for fiscal year 2023-24.

The act requires the office to administer the program by developing procedures to

award money to applicants, establishing a process for applicants to apply for money, requiring applicants to demonstrate expected costs to implement the automated permitting and inspection software, and beginning to approve applicants no later than June 30, 2024. A grantee is encouraged to implement the free automated permitting software within 180 days of receipt of grant money. Grantees are required to report to the office the implementation status of the free automated permitting software one year after being granted the money, and are encouraged to voluntarily report the same information each year thereafter for 4 years. The office is required to report to the house of representatives energy and environment committee, the senate transportation committee, and the joint budget committee the progress of the grant program yearly beginning on January 1, 2025, and continuing until the repeal of the program on July 1, 2034, or until 5 years after the last grant is awarded, whichever comes first.

APPROVED by Governor May 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1247 Colorado energy office - assessment of electric transmission and advanced energy solutions technologies in rural Colorado - studies - report - appropriation. The director of the Colorado energy office or the director's designee (director) is required to conduct studies of electric transmission and advanced energy solutions technologies in rural Colorado. One study must consider ways to assist northwestern and west end of Montrose county, Colorado as it transitions to producing advanced firm dispatchable energy resources. The other study must consider the potential for the development of new energy resources in southeastern Colorado. The act specifies information that the director is required to consider in the studies.

On or before July 1, 2025, the director is required to submit the director's findings and conclusions of both studies to the legislative committees of reference with jurisdiction over energy matters and to the just transition office.

The act appropriates \$50,000 from the just transition cash fund to the office of the governor for use by the Colorado energy office to implement the act.

APPROVED by Governor May 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1273 Division of fire prevention and control - wildfire resilient homes grant program - creation - wildfire resilient homes grant program cash fund - appropriation. The act creates the wildfire resilient homes grant program (program) within the division of fire prevention and control (division). The program allows homeowners to apply to receive a grant for retrofitting or improving a house or other structure on the homeowner's property

with strategies and technologies for structure hardening in order to make the house or structure more resilient to the risk of wildfire.

The act also creates the wildfire resilient homes grant program cash fund (fund) for use by the division to award grants and to promote best practices for structure hardening, and on August 15, 2023, the state treasurer is required to transfer \$100,000 from the general fund to the fund. The division is required to annually report to the wildfire matters review committee on expenditures made from the fund and grants that are awarded pursuant to the program.

For the 2023-24 state fiscal year, \$100,000 is appropriated from the wildfire resilient homes grant program cash fund to the division of fire prevention and control for the wildfire resilient homes grant program.

APPROVED by Governor May 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1296 Persons with disabilities - task force on the rights of Coloradans with disabilities - appropriation. The act creates the task force on the rights of Coloradans with disabilities (task force) in the Colorado civil rights commission. The task force shall create a minimum of 4 subcommittees to study and make recommendations on specific issues related to persons with disabilities:

- The rewrite subcommittee, which must study and make recommendations concerning the various issues related to the rewrite and modernization of the Colorado Revised Statutes concerning civil rights of persons with disabilities;
- The outdoors subcommittee, which must study and make recommendations related to the basic accessibility of outdoor spaces for persons with disabilities;
- The housing subcommittee, which must study and make recommendations related to the affordability, accessibility, and attainability of housing for persons with disabilities; and
- The government subcommittee, which must focus on basic physical and programmatic accessibility within state and local government.

Minimum mandatory membership and reporting requirements are outlined for the task force and each subcommittee. The task force shall produce a final report, including recommendations, to submit to the governor and general assembly on or before January 30, 2025.

For the 2023-24 state fiscal year, the act appropriates \$289,568 from the general fund

to the department of regulatory agencies for use by the civil rights division to implement the act.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

HEALTH AND ENVIRONMENT

S.B. 23-016 Greenhouse gas emissions reduction measures - investment disclosures - Colorado energy office powers - thermal energy equipment - statewide greenhouse gas pollution reduction goals - class VI injection well regulation - residential use of heat pump systems - electric-powered lawn equipment tax credit - transmission facilities - distributed generation electricity interconnections - maximum penalty for utilities violations - recovered methane as a clean heat resource - appropriation. Section 1 of the act requires, beginning in 2024, each insurance company issued a certificate of authority to transact insurance business that reports more than \$100 million on its annual schedule T filing with the National Association of Insurance Commissioners (NAIC) to participate in and complete the NAIC's "Insurer Climate Risk Disclosure Survey" or successor survey or reporting mechanism.

Section 2 updates the powers and duties of the Colorado energy office, including requiring the office to make progress toward eliminating greenhouse gas (GHG) pollution from electricity generation, gas utilities, and transportation and to support the implementation of clean heat plans, beneficial electrification, and sustainable land-use measures to reduce energy consumption and GHG pollution.

Section 3 requires the public employees' retirement association (PERA) to include as part of its annual investment stewardship report, which report is posted on the PERA board's website, a description of climate-related investment risks, impacts, and strategies.

Section 4 adds wastewater thermal energy equipment to the definition of "pollution control equipment", which is equipment that the division of administration (division) in the department of public health and environment (CDPHE) may certify. Similarly, section 7 adds wastewater thermal energy to the definition of "clean heat resource", which is a resource that a gas distribution utility includes in its clean heat plan filed with the public utilities commission (PUC).

The air quality control commission (AQCC) is required to establish by rule a fee per ton of GHG based on GHG emissions reported through air pollution emission notices. Section 5 authorizes the fee to be based on other reporting that the commission requires of GHG-emitting entities regarding emissions.

A task force convened by the director of the Colorado energy office is required to develop recommendations, and the AQCC is required to adopt rules based on the recommendations, for the establishment of performance standards with which owners of certain buildings must comply. Under current law, the AQCC is tasked with adopting the rules on or before June 1, 2023. Section 6 extends the deadline for the AQCC's performance standards rules to September 1, 2023.

Section 8 updates the statewide GHG emission reduction goals to add a 65% reduction goal for 2035, a 75% reduction goal for 2040, and a 90% reduction goal for 2045 when compared to 2005 GHG pollution levels. Section 8 also increases the 2050 GHG emission reduction goal from 90% of 2005 GHG pollution levels to 100%.

Section 9 gives the oil and gas conservation commission (COGCC) authority over class VI injection wells (wells) used for sequestration of GHG if the governor and COGCC determine, in accordance with a study that the COGCC conducted in 2021, that the state has sufficient resources to ensure the safe and effective regulation of the sequestration of GHG. If the governor and the COGCC determine there are sufficient resources, the COGCC may seek regulatory primacy under the federal "Safe Drinking Water Act" (primacy) and, when granted, may issue and enforce permits for wells. The COGCC shall require, as part of its regulation of wells, that operators of the wells maintain adequate financial assurance until the COGCC approves the closure of a well site.

Section 9 further provides that:

- A proposal to site a well in a disproportionately impacted community must be denied if the COGCC determines that the proposal will negatively impact the community;
- In issuing and enforcing a well permit, the COGCC must hold a public hearing and determine that the well complies with the siting requirements of the local government with jurisdiction over the proposed location of the well, the division of administration in the CDPHE has issued an applicable air permit for the well, the operator of the well has received the consent of any surface owner of land where the well would cause a surface disturbance, and the COGCC has added terms and conditions for the well permit to ensure that any public health and environmental impacts from the well are avoided, minimized, or mitigated;
- The COGCC, in consultation with the CDPHE, may adopt rules to establish a process to certify the quantity and demonstrated security of carbon dioxide stored in a well;
- On or before February 1, 2024, the COGCC, in consultation with the CDPHE, shall conduct a study to analyze the safety of wells, including the potential for carbon dioxide releases from wells and methods to limit such potential releases, and, on or before March 1, 2024, shall present its findings and conclusions from the study, including any legislative recommendations, to certain legislative committees. The COGCC shall not provide a permit for a well until the study has been completed and presented to the legislative committees.
- A well must not be sited within 2,000 feet of a residence, school, or commercial building, but the COGCC may adjust the 2,000 foot setback by rule after evaluating the impacts arising from at least 4 wells that have been in place in the state for at least 4 years; and
- The COGCC may conduct a study to determine if the state should seek primacy for all subsurface injection classes of wells that are included in the federal environmental protection agency's underground injection well program.

Sections 10 and 11 prohibit a homeowners' association from disallowing the use of a heat pump system on a residential property located within the common interest community governed by the homeowners' association.

Section 12 establishes a state income tax credit in an amount equal to 33% of the purchase price for new, electric-powered lawn equipment for purchases made in income tax years 2024 through 2026. A seller of new, electric-powered lawn equipment that registers with the department of revenue as a qualified retailer (qualified retailer) and demonstrates that it provided a purchaser a 30% discount from the purchase price of new, electric-powered lawn equipment may claim the tax credit and may retain from the credit allowed an administrative fee not to exceed 3% of the purchase price of the equipment sold.

Sections 13 and 14 extend a \$5,000,000 appropriation made to the division of local government in the department of local affairs in state fiscal year 2020-21 for use for the renewable and clean energy initiative program to allow the division to use the appropriation until it is fully expended.

Section 16 requires the PUC, when reviewing an electric utility's plan for the construction or expansion of transmission facilities, to consider the need for expanded transmission capacity in the state, including the ability to expand capacity through construction of new transmission lines, improvements to existing lines, or connections to an organized wholesale market.

Section 17 increases the reserve margin for the Colorado electric transmission authority from 15% to 50%.

Section 18 requires retail electric utilities to provide timely service to customers seeking interconnection of the customer's retail distributed generation resource to the utility's grid and requires the PUC to establish, as part of its interconnection rules, timelines for timely interconnection. The PUC, after a hearing on a complaint regarding an alleged violation of the requirements for timely interconnection of a customer's retail distributed generation resource, may fine a retail electric utility up to \$2,000 per day for each day the PUC determines that the violation continued. A retail electric utility may recover its prudently incurred costs to facilitate timely interconnection, including the costs of equipment needed for future upgrades for interconnection. Section 15 defines terms related to interconnection.

Section 19 authorizes an electric public utility to recover its prudently incurred costs for facilitating an electric vehicle charging service connection for a customer, including costs for equipment to allow for future upgrades for such service connections.

Section 20 raises the maximum penalty that the PUC may assess against a utility for a violation of the "Public Utilities Law" from \$2,000 for each offense to \$20,000 per offense for each day that the offense continues. Section 20 also establishes factors that the PUC is required to consider in assessing a penalty against a utility, including the size of the utility, the utility's previous history of any similar violations, remediation measures, and any factors that may mitigate the harm to the utility's customers.

A gas distribution utility in the state is required to comply with clean heat targets by demonstrating the use of clean heat resources. Recovered methane, including biomethane,

that meets a documented set of procedures and requirements that the AQCC establishes is such a clean heat resource. Section 21 amends the definition of "biomethane" to include operations for dairy cows, beef cattle, poultry, swine, or sheep and the definition of "recovered methane protocol" to include a protocol that the AQCC adopts to include the use of manure from beef cattle operations.

Sections 22 and 24 incorporate projects to renovate or recondition existing utility transmission lines into the "Colorado Electric Transmission Authority Act", allowing the Colorado electric transmission authority (authority) to finance and renovate, rebuild, or recondition existing transmission lines in order to update and optimize the transmission lines. Section 23 requires that, on and after July 1, 2024, the authority operate on a fiscal year that aligns with the state fiscal year.

Section 25 requires the authority to study the need for expanded transmission capacity, including the ability to expand capacity through construction of new transmission lines, improvements to existing lines, or connections to an organized wholesale market. The authority is required to present an initial report of its study to the PUC on or before September 1, 2024, and a final report to the joint committee of the legislative committees with jurisdiction over energy matters on or before January 31, 2025. Section 27 requires a local government to expedite, as practicable, its review of a land-use application that proposes a project to renovate, rebuild, or recondition existing transmission lines.

Section 26 authorizes local governments, as part of their land-use authority, to regulate the surface impacts of wells, including the regulation of the location and siting of wells and the imposition of fees to cover emergency response capabilities arising from potential carbon dioxide releases from wells.

For the 2023-24 state fiscal year, the act appropriates:

- \$338,270 from the oil and gas conservation and environmental response fund to the department of natural resources for use by the COGCC to implement this act, including \$317,122 for program costs and \$21,148 for legal services;
- \$14,706 from the general fund to the CDPHE for use by the air pollution control division for personal services related to stationary sources; and
- \$21,148 to the department of law, from reappropriated funds received from the department of natural resources, to provide legal services for the department of natural resources.

APPROVED by Governor May 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-140 Independent study of impact and implementation of House Bill 22-1326 - deadline extended - appropriation extended. The act extends the deadline from January 1, 2023, to October 1, 2023, for when the department of public health and environment

(department) must contract with an independent entity to conduct a study concerning House Bill 22-1326.

The act extends the authority for the department to use the appropriation received in the 2022-23 state fiscal year to pay for the independent study through the 2024-25 state fiscal year.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-150 Disposable wipes - labeling required - violations. Starting December 31, 2023, the act requires each entity described below to label packages of premoistened, nonwoven disposable wipes (covered product) with the phrase "Do Not Flush":

- A manufacturer of a covered product that is sold or offered for sale in this state; and
- A wholesaler, supplier, or retailer that is responsible for the labeling or packaging of a covered product.

The act outlines the parameters to which the labeling must adhere in order to comply with state and federal requirements, as applicable, and specifies that a violation of the requirements of the act is a deceptive trade practice under the "Colorado Consumer Protection Act".

APPROVED by Governor April 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-151 Department of public health and environment - office of health equity - health equity commission - continuation under sunset law. The health equity commission created in the office of health equity in the department of public health and environment is scheduled to repeal on September 1, 2023. Pursuant to the recommendation in the department of regulatory agencies' sunset review and report, the act extends the repeal date of the health equity commission to September 1, 2029.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

S.B. 23-160 Community crime victims grant program - continuation under sunset law - use of appropriations. The act extends the community crime victims grant program (grant program) 5 years from the current repeal date of September 1, 2023, to September 1, 2028, and requires a sunset review of the grant program before the grant program's future repeal. The act allows the department of public health and environment to use money appropriated

to the community crime victims grant program cash fund for the 2022-23 state fiscal year in the 2023-24 state fiscal year.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-188 Protections for accessing legally protected health-care activity - reproductive health care - gender-affirming health-care services. The act requires contracts between insurers or other persons and health-care providers regarding the delivery of health-care services to include a provision that prohibits the following actions if the actions are based solely on the health-care provider's provision of, or assistance in the provision of, reproductive health care or gender-affirming health-care services (legally protected health-care activity) in this state, so long as the care provided did not violate Colorado law:

- A medical malpractice insurer from refusing to issue, canceling or terminating, refusing to renew, or imposing any sanctions, fines, penalties, or rate increases for a medical malpractice policy (section 2);
- A health insurer from taking an adverse action against a health-care provider, including refusing to pay for a provided health-care service (section 3);
- A health insurer from refusing to credential a physician as a network provider or terminating a physician's status as a network provider (section 4); or
- A person or entity from terminating a health-care contract with a health-care provider, unless the person or entity is a religious organization and legally protected health-care activities conflict with the religious organization's bona fide religious beliefs and practices (section 25).

Section 5 of the act protects an individual applying for licensure, certification, or registration in a health-care-related profession or occupation in Colorado (applicant), as well as a health-care professional currently licensed, certified, or registered in Colorado (licensee), from having the license, certification, or registration denied or discipline imposed against the licensee based solely on:

- The applicant's or licensee's provision of, or assistance in the provision of, a legally protected health-care activity in this state or another state or United States territory, so long as the care provided was consistent with generally accepted standards of practice under Colorado law and did not otherwise violate Colorado law;
- A civil or criminal judgment or a professional disciplinary action arising from the provision of, or assistance in the provision of, a legally protected health-care activity in this state or another state or United States territory, so long as the care provided was consistent with generally accepted standards of practice under Colorado law and did not otherwise violate Colorado law;
- The applicant's or licensee's own personal effort to seek or engage in a legally protected health-care activity; or

- A civil or criminal judgment against the applicant or licensee arising from the individual's own personal legally protected health-care activity in this state or another state or United States territory.

Section 6 of the act prohibits a court, judicial officer, court employee, or attorney from issuing a subpoena in connection with a proceeding in another state concerning an individual who accesses a legally protected health-care activity in Colorado or an individual who performs, assists, or aids in the performance of a legally protected health-care activity in Colorado.

Section 7 of the act prohibits the state from applying another state's law to a case or controversy heard in Colorado state court or giving any force or effect to any judgment issued without personal jurisdiction or due process or to any judgment that is penal in nature pursuant to another state's law if the other state's law authorizes a person to bring a civil action against another person or entity for engaging or attempting to engage in a legally protected health-care activity.

If a medical malpractice action is brought in this state against a health-care provider regulated in this state or another state, section 8 of the act prohibits a court or arbitrator from allowing evidence or witness testimony relating to professional discipline or criminal or civil charges in this state or another state concerning the provision of, or assistance in the provision of, a legally protected health-care activity, so long as the care provided did not violate Colorado law.

Section 9 of the act prohibits a peace officer from knowingly arresting or participating in the arrest of any person who engages in a legally protected health-care activity, unless the acts forming the basis for the arrest constitute a criminal offense in Colorado or violate Colorado law.

Section 10 of the act prohibits the issuance of a search warrant to search for and seize any property that relates to an investigation into a legally protected health-care activity.

Section 11 of the act prohibits a judge from issuing a summons in a case when a prosecution is pending, or when a grand jury investigation has started or is about to start, for a criminal violation of another state's law involving the provision or receipt of or assistance with accessing a legally protected health-care activity that is legal in Colorado, unless the acts forming the basis of the prosecution or investigation would also constitute a criminal offense in Colorado.

Section 12 of the act prohibits the issuance of an ex parte order for wiretapping or eavesdropping to obtain any wire, oral, or electronic communication that relates to an investigation into a legally protected health-care activity.

Current law allows for the extradition of a person who committed an act in this state that intentionally results in a crime in the state whose executive authority is making the demand, even though the accused was not in the demanding state at the time of the

commission of the crime. Section 13 of the act requires the acts for which extradition is sought to be punishable by the laws of this state if the acts occurred in this state and prohibits the governor from surrendering a person charged in another state as a result of the person engaging in a legally protected health-care activity, unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense.

Section 14 of the act requires a correctional facility or private contract prison incarcerating a person who is capable of pregnancy to, regardless of the person's ability to pay, ensure access to abortions by providing a pregnant person with information about abortion providers; referrals to community-based providers of abortions; referrals to community-based organizations that help people pay for abortions; and transportation to access an abortion; and ensure access to miscarriage management, including medication.

Section 15 of the act adds a reproductive health-care services worker to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family.

Section 16 of the act prohibits the prosecution or investigation of a licensed health-care provider if the health-care provider prescribes an abortifacient to a patient and the patient ingests the abortifacient in another state so long as the abortifacient is prescribed or administered consistent with accepted standards of practice under Colorado law and does not violate Colorado law.

Section 17 through section 20 of the act adds a protected health-care worker to the list of persons authorized to participate in the address confidentiality program.

Section 21 of the act authorizes the attorney general to independently initiate and bring a civil and criminal action to enforce the "Reproductive Health Equity Act".

Section 22 of the act prohibits a state agency from providing any information or using any government resources in furtherance of any out-of-state investigation or proceeding seeking to impose civil or criminal liability or professional sanction upon a person or entity for engaging in a legally protected health-care activity.

Section 23 of the act prohibits a public entity from:

- Restricting any natural or legal person in performing, or prohibit any natural or legal person from providing, reproductive health care through the imposition of licensing, permitting, certification, or similar legislative or regulatory requirements that apply solely to providers of reproductive health care; or
- Prosecuting or otherwise criminally sanctioning any natural or legal person for providing, assisting in the provision of, arranging for, or otherwise assisting a person in accessing reproductive health care performed within the scope of

applicable professional licensure and certification requirements.

Section 24 of the act states the venue to enforce an action to under the provisions of the "Reproductive Health Equity Act" is in the Denver district court.

Section 26 and 27 of the act require every local government that has adopted or adopts a zoning ordinance to recognize the provision of outpatient reproductive health care as a permitted use in any zone in which the provision of general outpatient health care is recognized as a permitted use.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

S.B. 23-189 Health insurance coverage - HIV prevention drugs - prohibition on cost sharing - HIV treatment drugs - prohibition on step therapy and prior authorization under health benefit plans or medical assistance program - coverage of sterilization services - coverage for preventive health-care services - coverage for total cost of abortion care - health-care providers' authorization to furnish contraception to minors - reproductive health-care program expansion of services - family planning access collaborative - appropriations. The act changes the term "HIV infection prevention drug", as used in the Colorado Revised Statutes, to "HIV prevention drug". The act specifies that, for health benefit plans issued or renewed on or after January 1, 2025, if counseling, prevention, and screening for a sexually transmitted infection (STI) are covered services, the health benefit plan must provide coverage without cost sharing, regardless of the covered person's gender, and the coverage must include HIV prevention drugs and the services necessary for initiation and continued use of an HIV prevention drug consistent with federal guidelines.

The act prohibits, before July 1, 2027, a health insurance carrier from requiring a covered person to undergo step therapy or to receive prior authorization before a health-care provider may prescribe or dispense a medication for the treatment of HIV that is included on the insurance carrier's prescription drug formulary as of March 1, 2023. The act requires the division of insurance to contract for a study, which includes consultation with the HIV community, to consider the predicted costs and health impacts of removing step therapy and prior authorization before a health-care provider may prescribe or dispense HIV treatment drugs and to provide the study to the general assembly by October 1, 2026. The act specifies the requirements and time frames for health insurance carriers for certain prior authorization requests related to HIV prescription drug coverage.

Regarding the state medical assistance program, the act prohibits the department of health care policy and financing (state department), before July 1, 2027, from using prior authorization or step therapy requirements for prescription drugs prescribed for the treatment or prevention of HIV, except for utilization review that is necessary for patient safety or for ensuring the prescribed use is for a medically accepted indication.

For health benefit plans issued or renewed on or after January 1, 2025, if sterilization

services are a covered service, a health benefit plan must provide the coverage regardless of the covered person's sex or gender and without deductibles, copayments, coinsurance, annual or lifetime maximum benefits, or other cost sharing; except that this provision does not apply to a high deductible health benefit plan until the deductible has been met, unless allowed pursuant to federal law.

The act requires mandatory preventive health-care services coverage for health benefit plans to include, in addition to the A and B recommendations of the United States preventive services task force, the recommendations of the advisory committee on immunization practices to the centers for disease control and prevention in the federal department of health and human services (HHS) and the women's, infants', children's, and adolescents' preventive services guidelines of the health resources and services administration in the HHS.

The act requires large employer health benefit plans issued or renewed on and after January 1, 2025, to provide coverage for the total cost of abortion care without policy deductibles, copayments, or coinsurance. Individual and small group health benefit plans must provide this coverage if the HHS confirms the state's determination that the coverage is not subject to state defrayal pursuant to federal law. The provisions relating to abortion care do not apply to a high deductible health benefit plan until the deductible has been met, unless allowed pursuant to federal law. Employers are exempted from providing coverage if providing coverage conflicts with the employer's sincerely held religious beliefs or the employer is a public entity prohibited by section 50 of article V of the state constitution from using public funds to pay for induced abortions.

With the minor's consent, a health-care provider acting within the scope of the health-care provider's license, certificate, or registration, may furnish contraceptive procedures, supplies, or information to a minor without notification to or the consent of the minor's parent or parents, legal guardian, or any other person having custody of or decision-making responsibility for the minor.

The act expands the reproductive health-care program administered by the state department to include additional family planning services and family-planning-related services.

The act requires the department of public health and environment (department) to convene a family planning access collaborative, on or before September 1, 2023, to advise the department in identifying access gaps that contribute to Coloradans lacking family planning access. The department shall publish its recommendations on or before December 15, 2023.

To implement the act, for the 2023-24 state fiscal year the act appropriates:

- \$200,000 to the department of public health and environment from the general fund for the family planning access collaborative and corresponding report;
- \$67,627 and 0.5 FTE to the department of regulatory agencies from the division of insurance cash fund; and

- \$23,263 and .1 FTE to the department of law from reappropriated funds received from the department of regulatory agencies for legal services.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

S.B. 23-191 Organics materials diversion - study - required topics - report - funding. The act requires the department of public health and environment (department) to study the impacts, benefits, and feasibility of requiring diversion of organic materials from landfills. The organics diversion study (study) must:

- Incorporate and utilize data contained in the statewide organics management plan and other existing Colorado studies and research from other states;
- Explore how to leverage existing organics diversion projects in Colorado to inform implementation of broader organics diversion projects across the state;
- Evaluate the environmental benefits of diversion of organic materials from landfills;
- Review and identify the infrastructure needed to enable diversion of organic materials from landfills and create a plan for infrastructure development;
- Create actionable parameters for local governments to use to determine if, where, and what types of organics processing infrastructure is needed and basic toolkits to help local governments build the infrastructure;
- Outline and recommend policies and regulations that would enable diversion of organic materials from landfills;
- Assess informational resources necessary to enable diversion of organic materials from landfills; and
- Identify opportunities for end-market development of organic materials diverted from landfills.

On or before August 1, 2024, the department is required to submit a report of the study's research and findings to specified legislative committees of reference.

The act authorizes the use of money in the front range waste diversion cash fund and the recycling resources economic opportunity fund to pay for costs associated with conducting the study.

APPROVED by Governor May 17, 2023

EFFECTIVE May 17, 2023

S.B. 23-238 Small communities water and wastewater grant fund - authority to match federal funds. The act allows money from the small communities water and wastewater grant fund to be used to match money provided by the federal government through the federal "Infrastructure Investment and Jobs Act" for certain clean water projects.

APPROVED by Governor April 25, 2023

EFFECTIVE April 25, 2023

S.B. 23-239 Hazardous substance site response fund - transfer to the hazardous substance response fund. The act requires the state treasurer to transfer \$1,800,000 from the hazardous substance site response fund to the hazardous substance response fund.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-240 Dairy plant fees - eliminate testing fee - increase licensing fee - new production fee - fee caps. The act:

- Removes a \$50 fee for dairy plant employees who sample or test milk, cream, or any other dairy product;
- Increases the licensing fee a dairy plant is required to pay by 30%; and
- Creates a new fee of one cent for every 100 pounds of milk, to be paid by a dairy plant that receives 20,000 pounds or more of milk each day.

The department of public health and environment is required to cap the amount a dairy plant must pay in total for the licensing fee and volume of production fee at \$150,000 in a year.

APPROVED by Governor April 25, 2023

EFFECTIVE July 1, 2023

S.B. 23-253 Waste diversion - compostability standards - appropriation. The act creates standards (standards) for products that are represented, marketed, or advertised in the state as being capable of undergoing decomposition in a controlled composting system as demonstrated in accordance with applicable international standards for compostable products set by ASTM International (compostable).

Effective July 1, 2024:

- A producer is prohibited from representing a product as compostable unless the product has received certification by a recognized, independent, third-party verification body that the product is compostable (certified compostable); and
- The product must also comply with specific labeling standards that ensure that the product is easily and immediately distinguishable as certified compostable.

Effective January 1, 2024:

- A producer of a product that is not certified compostable is prohibited from using tinting, color schemes, labeling, or words that are required for products that are certified compostable, except for brand colors or colors used in a manner that is not clearly intended to indicate compostability;
- A producer of a product that is not certified compostable is prohibited from using labeling, images, or words that could reasonably be anticipated to mislead consumers into believing that the product is compostable; and

- A producer of a plastic product is prohibited from using any words, labeling, or images that imply that the plastic product will eventually break down, fragment, biodegrade, or decompose in a landfill or other environment.

Upon the request of any person, a producer must provide information and documentation demonstrating the producer's compliance with any applicable standards.

The department of public health and environment (department), in collaboration with local governments, is required to conduct education and outreach activities to inform the public about the standards.

On or before January 1, 2024, the department is required to establish a forum that allows any person to file a complaint against a producer for violation of the standards.

For the 2023-24 state fiscal year, the act appropriates \$26,250 from the general fund to the department for use by the hazardous materials and waste management division for the solid waste control program.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-260 Publicly funded vaccines - access - proof of health insurance - identification - vaccine administration costs - exception for independent pharmacy. The act allows a physician, a physician assistant, an advanced practice registered nurse, or any other person who is authorized by law to administer a vaccine (practitioner) to ask an individual who seeks to receive a publicly funded vaccine to present proof of health insurance or other form of identification, but a practitioner is prohibited from conditioning the receipt of the vaccine on the individual's presentation of the documentation or ability to pay an administration fee. The act requires practitioners to post a notice and provide to individuals seeking a publicly funded vaccine a disclosure statement indicating that the publicly funded vaccine will be provided regardless of the individual's presentation of the requested documentation or ability to pay an administration fee.

The act allows an independent pharmacy to condition receipt of a publicly funded vaccine on an individual's ability to pay for the administration of the vaccine but limits the amount an independent pharmacy may charge.

The act prohibits a practitioner from charging an individual for the cost of a vaccine that is paid for by the federal, the state, or a local government but permits a practitioner to charge and seek payment from an insurer or the vaccine recipient or, if applicable, from a federal or state source, for the cost of administering the vaccine.

APPROVED by Governor May 10, 2023

EFFECTIVE May 10, 2023

S.B. 23-274 Water quality control commission - fee-setting rules - composition - clean water cash fund - repeal of statutory fees. Section 1 of the act increases the percent of appropriated funds that the department of public health and environment (department) may use for the administration and management of the public water systems and domestic wastewater treatment works grant program from 5% to 10%.

Section 3 modifies the composition of the water quality control commission (commission) by requiring that:

- No more than 5 members of the commission be affiliated with the same political party; and
- The commission include members with specific types of expertise, including expertise in areas of science, environmental law, environmental policy, municipal water treatment, municipal wastewater treatment, industry, or labor.

Section 4 requires the commission, on or before October 31, 2025, and after engaging in stakeholder outreach, to set the following fees by rule:

- Drinking water fees assessed on public water systems;
- Commerce and industry sector permitting fees;
- Construction sector permitting fees;
- Pesticide sector permitting fees;
- Public and private utilities sector permitting fees;
- Municipal separate storm sewer systems sector permit fees;
- Review fees for requests for certification under section 401 of the federal "Clean Water Act";
- Preliminary effluent limitation determination fees;
- Wastewater site application and design review fees;
- On-site wastewater treatment system fees; and
- Biosolids management program fees.

The commission's fee-setting rules must become effective on or before January 1, 2026, and the commission may by rule authorize the division to phase in the fee-setting rules before January 1, 2026.

Section 4 also creates the clean water cash fund into which the fees collected under the commission's fee-setting rules are credited, except that the fees assessed on public water systems under the drinking water fee-setting rules are credited to the drinking water cash fund.

The statutory fee provisions in sections 2, 5, 6, and 8 repeal on July 1, 2026. Before the repeal, the state treasurer is required to transfer any money remaining in the funds into which the statutory fees are credited to the clean water cash fund; except that section 2 specifies that drinking water fees will continue to be credited to the drinking water cash fund and that any money in the drinking water cash fund will remain in that cash fund.

Section 7 repeals the division of administration's (division's) regulatory authority concerning nuclear and radioactive wastes.

Section 9 requires the division to include, in its annual reporting to the commission and the general assembly, information on:

- The division's implementation and enforcement of the discharge permitting program (program);
- For reports submitted before October 1, 2025, the division's fee revenue and direct and indirect costs associated with the program; and
- For the report submitted in 2025, the fee structure set forth in the commission's proposed or adopted fee-setting rules.

APPROVED by Governor May 17, 2023

PORTIONS EFFECTIVE May 17, 2023
PORTIONS EFFECTIVE July 1, 2026

H.B. 23-1031 Reporting requirements - sexually transmitted infections - exemption - mental health professionals not engaged in testing, diagnosing, or treating. Under current law, every health-care provider is required to report specified information about an individual known to the provider to have a diagnosis of or a positive test for a sexually transmitted infection to the department of public health and environment or a local public health agency. The act exempts from this reporting requirement a mental health professional who is not engaged in testing a patient for, diagnosing a patient with, or treating a patient with a sexually transmitted infection.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1058 Lead-based paint abatement - child-occupied facilities. Current law defines "child-occupied facility" for the purposes of lead-based paint abatement as a building or portion of a building that is visited by a child on 2 or more days within any week, with each visit totaling 6 or more hours. The act reduces the total daily visit time to 3 or more hours.

APPROVED by Governor March 31, 2023

EFFECTIVE March 31, 2023

H.B. 23-1077 Intimate examinations - sedated or unconscious patients - informed consent required - exceptions - additional requirements for training examinations by students or trainees - providers and facilities subject to discipline or sanctions - private right of action - appropriation. The act prohibits a licensed physician or physician assistant; licensed medical resident, intern, or fellow; licensed professional nurse; advanced practice registered nurse; registered direct-entry midwife; or medical, nursing, or direct-entry midwife student or trainee (licensee, student, or trainee) from performing, and prohibits a licensed health-care

facility from permitting a licensee, student, or trainee to perform, an intimate examination on a sedated or unconscious patient unless the patient has given specific informed consent to an intimate examination. Additionally, a student or trainee may perform an intimate examination on a sedated or unconscious patient for educational or training purposes only if:

- The examination is related to the planned procedure to be performed on the patient;
- The student or trainee has been introduced to the patient as part of the patient's care team, and the student's or trainee's role in performing an intimate examination for educational or training purposes has been shared with the patient; and
- The student or trainee is under the direct supervision of the supervising licensee.

The informed consent requirement does not apply in an emergency situation in which an intimate examination on a sedated or unconscious patient is medically necessary for the life or well-being of the patient or if the licensee has previously obtained the patient's consent to health care that includes an intimate examination about which the patient has been informed.

The act outlines the requirements for obtaining the patient's informed consent. Failure to comply with the requirements of the act, or retaliating against a person who complains about a violation of the act, constitutes unprofessional conduct, is grounds for discipline, and subjects the licensee, student, or trainee to discipline by the regulator that regulates the particular health-care profession. A licensed health-care facility that fails to comply with the requirements of the act is subject to sanctions imposed by the department of public health and environment.

Additionally, a patient who is subjected to an intimate examination in violation of the requirements of the act may file a civil action for damages, which action is not a medical malpractice action, and the statutory cap on noneconomic damages in civil actions applies to an award to a patient for noneconomic damages.

For the 2023-24 state fiscal year, the act appropriates \$32,915 from the general fund to the department of public health and environment for use by the health facilities and emergency medical services division to implement the act.

APPROVED by Governor May 25, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1194 Solid waste disposal sites and facilities - local governments - closed landfill remediation grant program - advisory committee - rules - report - appropriation. The act creates the closed landfill remediation grant program (grant program) to help eligible local

governments pay the costs of environmental remediation efforts and landfill management. On and after July 1, 2024, the department of public health and environment (department) is required to administer the grant program in accordance with rules promulgated by the solid and hazardous waste commission (commission) in the department. The department, in consultation with a 5-person advisory committee created in the act, may award grants from money in the closed landfill remediation grant program fund (fund), which fund is also created in the act.

On or before February 1, 2026, and on or before each February 1 every 3 years thereafter, the commission must evaluate the current and future financial needs of the grant program and make written recommendations to the general assembly regarding funding. Additionally, the department must prepare and post on its public website an annual report that summarizes the use of all grant money awarded under the grant program in the preceding fiscal year.

The grant program is repealed, effective September 1, 2033, subject to a sunset review by the department of regulatory agencies.

For the 2023-24 state fiscal year, the act appropriates \$15,000,000 from the general fund to the fund for use by the department. Of this amount, \$170,702 is reappropriated to the department for the solid waste control program. Of this reappropriated amount, \$87,976 is appropriated to the department of law to pay for legal services provided to the department.

APPROVED by Governor May 19, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

HEALTH CARE POLICY AND FINANCING

S.B. 23-2 Community health worker - medicaid reimbursement - appropriation. The act authorizes the department of health care policy and financing (state department) to seek federal authorization from the centers for medicare and medicaid services to provide medicaid reimbursement for community health worker services.

The act requires the state department to hold at least 4 public stakeholder meetings to solicit input on considerations to include in the state department's request for federal authorization.

The act grants the state department the authority to promulgate rules regarding the voluntary competency-based community health worker registry.

The act requires that on or before January 31, 2026, the state department include a report on how community health workers are being utilized through medicaid in its presentation to the joint budget committee of the general assembly and in its presentation at the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

For the 2023-24 state fiscal year, the act appropriates \$40,717 from the general fund to the state department to be used by the executive director's office as follows:

- \$36,842 for personal services; and
- \$3,875 for operating expenses.

For the 2023-24 state fiscal year, the act anticipates the state department will receive \$40,717 in federal funds to be used as follows:

- \$36,842 for personal services; and
- \$3,875 for operating expenses.

For the 2023-24 state fiscal year, the act appropriates \$169,973 to the department of public health and environment to be used by chronic disease prevention programs in the prevention services division for the community health workers initiative.

APPROVED by Governor May 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-138 Appropriation - Denver health and hospital authority. For the 2022-23 state fiscal year, the act appropriates \$5 million from the general fund to the department of health care policy and financing to distribute to the Denver health and hospital authority.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-174 Medical assistance - coverage - behavioral health services - reporting requirements. The act requires the department of health care policy and financing (state department) to provide certain behavioral health services for medicaid recipients who are under 21 years of age.

The act requires the state department to begin providing the services no later than July 1, 2024.

On or before November 1, 2025, and each November 1 thereafter, the act requires the state department to report to the house of representatives public and behavioral health and human services committee and the senate health and human services committee, or their successor committees, on the utilization of the services provided for in the act and any feedback received from stakeholders in implementing coverage for those services.

APPROVED by Governor May 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-182 Suspension of statutory enrollment and cost-sharing requirements. As a condition of receiving federal money under the federal "Families First Coronavirus Response Act", the state was required to maintain the enrollment of nearly all individuals receiving medicaid until April 1, 2023, at which point the state was given 14 months to return to normal eligibility and enrollment operations. Additionally, due to the declared public health emergency in Colorado in response to the COVID-19 outbreak and to effectuate the federal continuous enrollment requirement, the governor suspended certain statutory requirements related to enrollment and cost sharing in medical assistance programs. The act suspends these requirements statutorily for the 14 months after April 1, 2023.

The act suspends certain other statutory enrollment and cost-sharing requirements until May 31, 2023, or June 1, 2024, and other statutory enrollment requirements until 12 months past the declaration of the end of the federal public health emergency.

APPROVED by Governor April 27, 2023

EFFECTIVE April 27, 2023

S.B. 23-222 Medicaid - copayment - pharmacy and outpatient services - appropriation. The act removes the requirement that medicaid recipients pay a copayment for pharmacy and outpatient services.

\$1,886,150 is appropriated to the department of health care policy and financing (department), consisting of \$1,439,499 from the general fund and \$446,651 from the

healthcare affordability and sustainability fee cash fund, for medical and long-term care services for medicaid-eligible individuals. It is anticipated that the department will receive \$5,459,357 in federal funds to implement this act.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-223 Review process for medicaid provider rates report - submission deadline. Current law requires the department of health care policy and financing to submit a written report to the joint budget committee concerning the review process for medicaid provider rates on or before November 1, 2025, and each November thereafter. The act changes the date of the first written report to November 1, 2023.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-289 Community first choice option - state plan amendment to state medical assistance plan - home- and community-based attendant services. The act requires the department of health care policy and financing (department) to seek federal authorization through an amendment to the state medical assistance plan to implement the community first choice option.

The act requires the state plan amendment to include personal care services, homemaker services, health maintenance activities, personal emergency response systems and other emergency back-up services, and voluntary training on how to select, manage, and dismiss an attendant.

The act authorizes the department to provide permissible services and supports that are linked to an assessed need or goal in an individual's person-centered service plan, including transition costs and expenditures relating to increasing an individual's independence or reducing reliance on human assistance.

To be eligible for the community first choice option, an individual must:

- Be eligible for the state medical assistance program;
- Be in an eligibility group under the state medical assistance program that includes nursing facility services, or if in an eligibility group that does not include nursing facility services, have an income that is at or below 150% of the federal poverty level; or
- Receive an annual determination that in the absence of home- and community-based attendant services and supports, the individual would require the level of care furnished in certain care settings.

The act makes conforming amendments to remove the services provided through the community first choice option from other long-term care waiver programs.

APPROVED by Governor May 25, 2023

PORTIONS EFFECTIVE May 25, 2023
PORTIONS EFFECTIVE July 1, 2025

H.B. 23-1040 Prader-Willi syndrome - updates to conform to current law. The act updates information associated with Prader-Willi syndrome to conform to current laws and regulations.

APPROVED by Governor March 31, 2023

EFFECTIVE March 31, 2023

H.B. 23-1117 Public services or medical assistance - affidavits of support. The act eliminates the requirement for a person who is lawfully residing in the state, a legal immigrant who is a resident of the state, or a documented individual to refrain from executing an affidavit of support for the purpose of sponsoring a documented individual while the person is receiving public services or medical assistance.

County departments responsible for administering benefits programs under the department of health care policy and financing and the department of human services shall identify and review all current county guidance materials that reference a prohibition on sponsorship as a condition of eligibility for benefits and shall remove all such references from verbal and digital communications and from all physical materials currently provided to applicants or beneficiaries.

APPROVED by Governor April 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1201 Contracts between pharmacy benefit managers and health insurance carriers - group health benefit plans - transparency requirements - violation - deceptive trade practice - rules. For a contract between a pharmacy benefit manager (PBM) or a health insurance carrier (carrier) and a certificate holder or policyholder, the act requires that the amount charged by the PBM or carrier to the certificate holder or policyholder for a prescription drug be equal to or less than the amount paid by the PBM or carrier to the contracted pharmacy for the drug.

For group health benefit plans in effect during the 2025 calendar year and each calendar year thereafter, the act creates transparency requirements for PBMs and carriers regarding prescription drug benefits and grants audit authority to the commissioner of insurance (commissioner) for fully insured plans to ensure compliance with the requirements.

The commissioner is authorized to promulgate rules to implement the act.

A violation of the requirements of the act is a deceptive trade practice in the business of insurance, with regard to fully insured plans.

For contracts between a PBM and the department of health care policy and financing (state department) or one of its affiliated managed care organizations offering a prescription benefit plan that is issued on or after January 1, 2025, the act requires the amount charged by the PBM to the state department or managed care organization for a prescription drug dispensed to an enrollee in the Colorado medical assistance program to be equal to or less than the amount paid by the PBM to a pharmacy for the prescription drug dispensed to the enrollee. The act directs the medical services board to adopt rules to implement and ensure compliance with this requirement.

APPROVED by Governor May 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1243 Hospital community benefit activities - public meeting requirements - reporting requirements - appropriation. The act makes changes to hospital community benefit activity requirements and imposes certain requirements on the public meetings regarding each reporting hospital's community benefit activities and community implementation plan (plan). The act requires each reporting hospital to:

- Expand upon the manner in which the hospital invites the public to attend meetings, including by posting the invitation on the hospital's website and social media accounts and by distributing the invitation via the reporting hospital's electronic newsletter, e-mail lists, or any other communications between the hospital and the community it serves at least 30 days before the meeting;
- Share at each public meeting the community benefit activities from the previous year, the amount funded for each activity, and a description of how the activities and funding align with community priorities;
- Submit a report to the department of health care policy and financing (state department) that details who attended the public meeting, the topics discussed at the meeting, and any decisions made as a result of the discussion, particularly as they pertain to community benefit priorities, and community feedback received and how the hospital plans to incorporate the feedback into its community benefit implementation plan;
- Make each report available to the public; and
- Present priority areas identified in its most recent community health needs assessment and any other community benefit investment option it recommends.

The act requires the state medical services board to promulgate rules governing accommodation standards for the public meetings and include in its annual report a summary of the estimated federal, state, and property tax exemptions received by each hospital.

The act requires the state department to:

- Conduct a stakeholder meeting to determine best practices to ensure diverse input from local community members is used to determine community priorities as well as best practices for hospitals to collaborate with local public health agencies and community organizations to reduce redundant community needs assessments.
- Take remedial action if a hospital fails to comply with the hospital community benefit activity requirements. Such remedial action can include weekly fines between \$5,000 and \$20,000 for each violation.

The act requires a reporting hospital to expend any amount fined on community benefit investment priorities described in its current community benefit implementation plan. The reporting hospital must include information on how the money from fines was expended in the reporting hospital's annual report submitted to the state department.

The act appropriates \$50,000 from the healthcare affordability and sustainability fee cash fund to the state department for use by the office of the executive director of the state department, \$100,000 from reappropriated funds received from the state department to the department of revenue for personal services, and \$50,000 in anticipated federal funds for transfer to the department of revenue.

APPROVED by Governor May 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

HUMAN SERVICES - BEHAVIORAL HEALTH

H.B. 23-1067 Deafblind children and families - family and community intervener program - appropriation. The act creates the family and community intervener program (program) to support children who are deafblind and their families. The program provides deafblind children the services of an intervener who is specifically trained in deafblindness, building language and communication skills, and intervention strategies with children who are deafblind and their community, families, and environment. The Colorado commission for the deaf, hard of hearing, and deafblind shall contract with an intervener program manager (manager) who has oversight over the program, the intervener activities, and the outcomes for children who are deafblind.

The manager and intervener shall collaborate with other state agencies as appropriate that provide direct or indirect services to children who are deafblind and their families to identify potential additional services or opportunities for children who are deafblind.

The program is funded through the Colorado telephone users with disabilities fund.

For the 2023-24 state fiscal year, \$130,092 is appropriated to the Colorado commission for the deaf, hard of hearing, and deafblind cash fund from the Colorado telephone users with disabilities fund. This amount is reappropriated to the department of human services for use by the office of adults, aging, and disability services for the implementation of this act.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1204 Recovery residences - client transfer and discharge policy - grievance and appeal process. The act transfers responsibility for regulating recovery residences from the department of public health and environment to the department of health and human services.

Upon admission of a client to a recovery residence, the recovery residence must obtain a signed program agreement from the client regarding the requirements the client must meet to reside at the recovery residence. The residence must also create a relapse plan that must be implemented if the client returns to the use of alcohol or drugs.

The act requires a recovery residence to implement a client discharge and transfer policy to discharge or transfer a client from a recovery residence in certain circumstances. The policy must be approved by the recovery residence's certifying body before a discharge or transfer may occur.

A recovery residence may discharge or transfer a client with 24-hours' notice in certain circumstances and immediately discharge or transfer a client if the client is found in possession of alcohol or drugs.

The act requires that prior to discharging a client from a recovery residence, the recovery residence shall provide the client with referrals to treatment or support services, alternative housing options, and recommendations for follow-up care.

A recovery residence shall make its code of conduct, drug screening policy, and discharge and transfer policy accessible in all common areas of the residence and may not discriminate based on age, gender, race, or any other basis prohibited by law when determining whether to discharge or transfer a client.

The act requires the certifying body to establish a grievance and appeal process for clients to use when they believe they have been wrongfully discharged or transferred from a recovery residence.

The act allows a certified recovery residence or client that is adversely affected or aggrieved by a decision made by the certifying body to appeal the decision to the Colorado department of personnel and administration, office of administrative courts.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1236 Behavioral health administration implementation dates - extension. The act transfers certain administrative responsibilities from:

- The behavioral health administration (BHA) to the department of human services (department);
- The office of behavioral health (OBH) to the department;
- OBH to the BHA; and
- The department to the BHA.

The act repeals OBH as an office in the department.

The act requires the chief information officer of the office of information technology to invite the commissioner of the BHA to select a member to represent the BHA on the government data advisory board.

The act adds the commissioner of the BHA to the health equity commission.

The act states that the BHA is a health oversight agency charged with overseeing the behavioral health-care system in Colorado and discharging the BHA's duties.

The act authorizes the BHA to seek, accept, and expend gifts, grants, or donations for the purpose of administering any behavioral health program and service.

The act requires a behavioral health safety net provider to include services that address

the necessary language and cultural barriers to serve communities of color and other underserved populations.

Current law requires the department of public health and environment to continue issuing and renewing behavioral health entity licenses until June 30, 2023. The act extends the date to December 31, 2023.

The act requires the statewide behavioral health safety net system to include services for adults who have a serious mental illness and children and youth who have a serious emotional disturbance.

The act authorizes the BHA to revoke or refuse to renew a behavioral health entity's license if the owner, manager, or administrator of the entity has been convicted of a felony or misdemeanor involving conduct that the BHA determines could pose a risk to the health, safety, or welfare of the entity's consumers.

The act requires the BHA to include in the contract for designated behavioral health administrative services organizations (BHASO) a requirement that the BHASO perform appropriate fiscal management and quality oversight of providers in its network.

Current law requires the BHA to create one regional subcommittee of the advisory council for each behavioral health administrative services organization region. The act requires the BHA to create a regional subcommittee structure as part of the BHASO to promote local community input pertaining to behavioral health service needs. The act adds certain members to the regional subcommittee.

The act requires the BHA to serve as the central organizing structure and responsible entity for jail-based behavioral health services.

Current law requires the commissioner to select and contract with regionally based behavioral health organizations to establish, administer, and maintain adequate networks of behavioral health safety net services and care coordination no later than July 1, 2024. The act extends the date to July 1, 2025.

For state fiscal year 2023-24, the act requires the BHA to safeguard partnerships between community-based behavioral health providers and rural hospitals by allocating money to community-based behavioral health providers.

To implement the care navigation program, the act requires the BHA to provide, directly or through contract, care navigation services and align the care navigation services with the care coordination infrastructure.

The act continuously appropriates money to the 988 crisis hotline cash fund.

Current law specifies the rights of a person detained by a certified peace officer or emergency medical services provider and transported to an outpatient mental health facility

or facility designated by the commissioner of the BHA. The act expands the rights to any person detained whether or not the person is transported to an outpatient mental health facility or facility designated by the commissioner of the BHA. If a person detained is transported to an emergency medical services facility, the transportation hold expires upon the facility receiving the person for screening by an intervening professional.

Current law states the BHA is responsible for licensing mental health residential facilities on and after July 1, 2023. The act extends the date to October 1, 2023.

The act extends the date that behavioral health entities can legally operate without a license from July 1, 2024, to January 1, 2024.

The act decreases the general fund appropriation for use by the BHA and increases the general fund appropriation for use by the OBH for jail-based behavioral health services by \$2,250,400.

APPROVED by Governor May 16, 2023

EFFECTIVE May 16, 2023

HUMAN SERVICES - SOCIAL SERVICES

S.B. 23-40 At-risk adults - CAPS check - staffing agency perform checks - mistreatment report disclosure guardian appeal. Under current law, when an employer is going to hire a person to work in a position in which the person has contact with at-risk adults, the employer must perform a check of the system that contains substantiated claims of mistreatment against an at-risk adult (CAPS check). The bill requires a staffing agency that provides employees who will have contact with at-risk adults to perform a CAPS check and to provide the results to the employer.

Under current law, disclosure of a report of mistreatment or neglect is generally only allowed with a court order. The bill clarifies a court order is not required when the report is disclosed for purposes of a guardian's appeal of a substantiated case of at-risk adult mistreatment.

APPROVED by Governor March 10, 2023

EFFECTIVE January 1, 2024

S.B. 23-226 Transitional jobs program - extension. The act extends the time period to offer eligible individuals the opportunity to work in transitional jobs for 5 additional years.

The act extends the repeal date of the transitional jobs program from July 1, 2025, to July 1, 2030.

APPROVED by Governor April 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1107 Victim services - funding - coronavirus state fiscal recovery funds. The Colorado crime victim services fund and the state domestic violence and sexual assault services fund are scheduled for repeal in 2027. The act continues both funds indefinitely and clarifies that the money in each fund that originated from the federal coronavirus state fiscal recovery fund must comply with the requirements in the federal "American Rescue Plan Act of 2021" and related state law.

The act requires the state treasurer to transfer \$3 million from the general fund to the state domestic violence and sexual assault services fund on July 1, 2023.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

INSURANCE

H.B. 23-1004 Insurance documents - translation into other languages - use of language used in advertisements. Current law allows insurance policies to be translated to and issued in a language other than English if the insurer certifies that the English-language policy that is translated complies with state insurance laws. Section 1 of the act requires the insurer to also certify that the policy has been correctly translated by a certified translator or, if a certified translator is not available to translate the policy to the particular language, by a qualified translator who certifies that the translation is correct.

Section 2 requires insurers that issue commercial or personal automobile, homeowners', or renters' insurance policies to offer, make available, and issue the policy application, the policy, and related documents and forms in the same language that the insurer used in advertisements for the policy and to offer an applicant a form to select the applicant's language of choice for those documents. Section 2 also specifies remedies for an insurer's failure to comply with this requirement.

APPROVED by Governor April 11, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1116 Health insurance - contract requirements - payment methods - fee prohibited - enforcement. With regard to a contract between a health insurance carrier (carrier) and a licensed health-care provider (provider) for the provision of health-care services to covered persons under a health coverage plan issued by the carrier (contract), the act:

- Requires the carrier to offer at least one method of payment to the provider for which there is not an associated fee; and
- Prohibits the carrier from restricting the form or method of payment the carrier uses to make payments to the provider so that the only acceptable payment method is a credit card payment.

If a carrier initiates a payment to a provider using, or changes the payment method to, electronic funds transfer payments, including virtual credit card payments, the act requires the carrier to:

- Notify the provider of any fees associated with the particular payment method;
- Advise the provider of the available payment methods and include instructions on how to select an alternative available method; and
- With each payment, remit an explanation of benefits.

The act prohibits a carrier from charging a fee for a change in the payment method to a specified electronic transaction and allows a provider's billing service to charge a fee under certain circumstances.

The act grants enforcement authority to the commissioner of insurance.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1136 Health insurance - required coverage - prosthetic devices for physical and recreational activities - applicability of coverage to individual, small group, and large employer plans. For the purposes of health insurance coverage for a prosthetic device (device), the act requires a health insurance carrier to provide coverage for an additional device or devices if the covered person's treating physician determines that the additional device or devices are necessary for the covered person to engage in physical and recreational activities.

The required coverage applies to large employer plans issued or renewed on or after January 1, 2025. For individual and small group plans, the act requires the division of insurance (division) to make a determination as to whether the required coverage for a prosthetic device or devices is in addition to essential health benefits that requires the state to defray the costs of the required coverage and to submit the determination to the federal department of health and human services (federal department) for confirmation of the division's determination. If the federal department confirms that the required coverage is not in addition to essential health benefits or fails to respond within 365 days after the division submitted the request, the required coverage applies to individual and small group plans issued or renewed on or after January 1, 2025.

APPROVED by Governor May 25, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1174 Homeowner's insurance - cost of reconstructing a home - annual report - increase notice requirement - determining the cost to reconstruct a home - extended replacement cost and law and ordinance coverage requirements - appropriation. The act requires the commissioner of insurance (commissioner) to prepare an annual report on the cost of reconstructing homes in Colorado.

Current law prohibits an insurer from canceling or refusing to renew a policy of homeowner's insurance unless the insurer mails notice to the insured at least 30 days in advance of the effective date of the cancellation of or refusal to renew the policy. The act increases the notice requirement to 60 days in advance of the action.

The act specifies the factors an insurer must consider when determining the reconstruction costs of a dwelling and requires insurers to disclose certain information regarding the replacement costs before issuing or renewing a homeowner's insurance policy.

Current law requires an insurer to offer an applicant extended replacement cost and law and ordinance coverage before issuing or renewing certain replacement cost homeowner's insurance policies. The act requires the coverage to be:

- Equal to 20% of the limit of insurance for the dwelling for law and ordinance coverage (changed from 10%); and
- At least 50% of the limit of the insurance for the dwelling for extended replacement cost coverage (changed from 20%).

To implement the act:

- \$109,955 is appropriated to the department of regulatory agencies for use by the division of insurance; and
- \$38,066 is appropriated to the department of law.

APPROVED by Governor May 12, 2023

PORTIONS EFFECTIVE August 7, 2023
PORTIONS EFFECTIVE January 1, 2025

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die; except that, section 10-4-110.8 (8), Colorado Revised Statutes, as amended in section 3 of the act, takes effect January 1, 2025.

H.B. 23-1224 Health insurance - health benefit exchange - standardized health benefit plans - rate filing requirements - public hearing - rules. The act makes changes to the "Colorado Standardized Health Benefit Plan Act" to require the Colorado health benefit exchange (exchange), in collaboration with the commissioner of insurance (commissioner), and after a stakeholder engagement process with consumers, producers, and insurance carriers (carriers), to develop a format for displaying the standardized health benefit plans (standardized plans) on the exchange.

The act requires carriers to file with the commissioner insurance rates for the standardized plans that comply with the premium rates specified in law for the standardized plans. The act allows the commissioner to establish uniform limits on carriers' administrative costs and profits for standardized plans.

Under the act, if a carrier is unable to offer the standardized plan at the required premium rates:

- The carrier must provide relevant information concerning the steps the carrier will take to meet the requirements, along with supporting documentation; and
- The division of insurance may hold a public hearing, pursuant to notice by the commissioner and in a manner specified by rules promulgated by the commissioner, prior to the approval of the carrier's final rates.

APPROVED by Governor May 10, 2023

EFFECTIVE May 10, 2023

H.B. 23-1225 Health-care coverage - prescription drug affordability review board - affordability review process - judicial review of board functions - independent external reviews. In 2021, the general assembly enacted Senate Bill 21-175, concerning the Colorado prescription drug affordability review board, which created the prescription drug affordability review board (board) in the division of insurance (division) and an affordability review process whereby the board may review costs associated with, and establish upper payment limits for, certain prescription drugs. The 2023 act makes certain changes concerning the board.

Section 1 clarifies which actions taken by the board are "board activities", as this term is used elsewhere. Section 2 states that staff members and contractors of the division must disclose any conflict of interest related to a prescription drug for which the board is conducting an affordability review or establishing an upper payment limit. Such a disclosure remains confidential if it relates to a personal association. The board, upon review of a

disclosure, may direct the staff member or contractor of the division to recuse themselves.

Section 3 allows the chair of the board to cancel or postpone a board meeting for good cause. Section 4 makes certain changes to the procedure by which the board identifies prescription drugs that may be subjected to an affordability review, which changes take effect January 1, 2025, and requires the board to report on its public web page certain information regarding its considerations.

Under current law, the board may not establish an upper payment limit for more than 12 prescription drugs per calendar year for 3 years, beginning April 1, 2022. Section 5 lets the board establish an upper payment limit for up to 18 prescription drugs per calendar year if the board determines that there is a need and has sufficient staff support.

Section 6 establishes that an upper payment limit for a prescription drug is not a final agency action that is subject to judicial review until the board promulgates a rule establishing the upper payment limit. Sections 6 and 7 remove certain language concerning a process for appealing decisions of the board.

Sections 8 and 9 extend the repeal and associated sunset review of the board from September 1, 2026, to September 1, 2031.

Section 10 establishes that a denial of a request for benefits for a prescription drug that is unavailable in the state because a manufacturer has withdrawn the prescription drug from sale or distribution within the state is an "adverse determination" for which an individual may request an independent external review.

APPROVED by Governor May 10, 2023

PORTIONS EFFECTIVE August 7, 2023
PORTIONS EFFECTIVE January 1, 2025

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die; except that, section 4 of the act takes effect January 1, 2025.

H.B. 23-1227 Pharmacy benefit managers - registration requirement - fees - commissioner of insurance authority - enforcement - rules - appropriation. Under current law, pharmacy benefit managers (PBMs) are required to perform certain acts and are prohibited from engaging in certain acts. Specifically, PBMs are prohibited from:

- Requiring patients to obtain their prescription drugs through mail order;
- Charging pharmacies fees to adjudicate claims;
- Requiring pharmacies to obtain accreditations or certifications that are different than what the PBM requires of its affiliated pharmacies;
- Retroactively reducing a payment made to a pharmacy on a drug claim after the point of sale or reimbursing a pharmacy in an amount that is less than the amount reimbursed to its own affiliated pharmacy for the same pharmacy service;
- Modifying the prescription drug formulary under a health benefit plan during the plan year;
- With regard to audits, using specified techniques in calculating a recoupment or penalty, subjecting a pharmacy to recoupment when a clerical error is discovered, and requiring pharmacies to be audited more than once a year;

- Prohibiting a pharmacy or pharmacist from, or penalizing a pharmacy or pharmacist for, providing information to patients about more affordable, therapeutically equivalent alternatives to a prescribed drug; or
- Requiring a pharmacy or pharmacist to charge or collect a copayment from an insured patient that exceeds the total charge submitted by the pharmacy for the prescription drug.

Additionally, PBMs are required to:

- Provide pharmacies 7 days' written notice before an audit, conduct an audit by or in consultation with a pharmacist, allow the pharmacy to supplement claims documentation, and establish an appeals process;
- Provide an insured individual, the insured's health-care provider, or a third party acting on behalf of the insured or provider with up-to-date and real-time cost, benefit, and coverage information under the terms of the insured's health benefit plan; and
- Provide contracted pharmacies with the list of sources the PBM used in determining maximum allowable cost pricing, update the information every 7 days, allow pharmacies the ability to readily review the information, follow specified requirements when placing a drug on the maximum allowable cost list, and establish an appeals process to resolve disputes.

The act specifies that the commissioner of insurance (commissioner) has the power to enforce these prohibitions and requirements and impose penalties on PBMs for failing to comply with these prohibitions and requirements. The commissioner is also authorized to adopt rules as necessary to implement and enforce these prohibitions and requirements.

Additionally, the act requires PBMs to register with and pay a registration fee to the commissioner and authorizes the commissioner to deny, suspend, revoke, or refuse to issue, continue, or renew a PBM registration or to issue a cease-and-desist order if the commissioner finds that a PBM has engaged in specified activities, including violating an insurance law.

The PBM registration fees imposed under the act are to be used to fund the costs of the division of insurance in enforcing requirements and prohibitions on PBMs.

The act appropriates \$206,647 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance for personal services and operating expenses related to implementing the act.

APPROVED by Governor May 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1288 Property insurance - fair access to insurance requirements (FAIR) plan - FAIR plan association and board - duties - plan requirements - commissioner authority. The act creates an unincorporated public entity, the fair access to insurance requirements plan association (association), to provide property insurance coverage when such coverage is not available from admitted companies.

The association must:

- Establish, offer, and maintain a property insurance policy and a commercial property insurance policy that satisfy the requirements specified in the act; and
- Assess and share among member insurers all expenses, income, and losses based on each member insurer's written premium for property and commercial property insurance in the state.

The association is managed by a board of directors consisting of 9 members appointed by the governor. The board is required to administer the fair access to insurance requirements plan (FAIR plan).

The FAIR plan must include rates that:

- Are not excessive, inadequate, or unfairly discriminatory;
- Are actuarially sound so that revenue generated from premiums is adequate to pay for expected losses, expenses, and taxes;
- Reflect the investment income of the FAIR plan; and
- Reflect the cost of reinsurance or other capital risk transfer markets.

The board must establish a plan of operation for the FAIR plan. The plan of operation must provide for:

- The lines of insurance coverages to be written;
- Coverage limits not to exceed \$750,000 for property and \$5,000,000 for commercial property owners;
- The policy forms to be used;
- The perils to be covered;
- The establishment of reasonable underwriting standards to determine the eligibility of a risk, including mitigation requirements and property inspections;
- The compensation and commissions to be paid to licensed producers offering the FAIR plan;
- The time frames for fees to be collected from member insurers;
- Proportional assessments against member insurers;
- The administration of the plan of operation by the board; and
- Any other matter necessary or convenient for the purpose of assuring fair access to a FAIR plan.

The FAIR plan association may collect fees from member insurers and the commissioner of insurance may suspend or revoke a member insurer's certificate of authority to transact insurance business in this state or impose against the member insurer a fine in an amount equal to the greater of the fee plus interest or \$5,000 for the member insurer's failure to timely pay a fee or to comply with the plan of operation for the FAIR plan.

APPROVED by Governor May 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1303 Insurance companies - protections in event of failure - inclusion of HMOs in

life and health insurance protection association - assessments - coverage exclusions. The act amends the priority of distribution of insurance claims paid from an insurer's estate in the event of the insurer's liquidation to include in the class 1 distribution priority payments that an impaired or insolvent insurer owes to the risk adjustment program that are necessary to prevent another insurer from becoming impaired or insolvent. This prioritization adjustment repeals on July 1, 2026.

The act also amends the "Life and Health Insurance Protection Association Act" as follows:

- Adds health maintenance organizations (HMOs) as members of the association and subjects HMOs to assessments from the association;
- Allocates responsibility for long-term care insurance assessments between health insurance and life insurance association members; and
- Specifies that the "Life and Health Insurance Protection Association Act" does not provide coverage to a person that acquires rights to receive, or to a payee or beneficiary that transfers its rights in, a structured settlement factoring transaction, as defined in federal law, regardless of when the transaction occurred.

APPROVED by Governor May 15, 2023

EFFECTIVE May 15, 2023

LABOR AND INDUSTRY

S.B. 23-5 Colorado state forest service - outreach to high schools concerning career opportunities in forestry and wildfire mitigation - creation of timber, forest health, and wildfire mitigation industries workforce development program - general fund transfer to wildfire mitigation capacity development fund - expansion of forestry and wildfire mitigation degree and certificate programs- creation of recruitment of wildland fire prevention and mitigation educators program - appropriations. The act directs the Colorado state forest service (state forest service) to consult with other entities to develop educational materials relating to career opportunities in forestry and wildfire mitigation for distribution to high school guidance counselors to provide to high school students.

The act creates the timber, forest health, and wildfire mitigation industries workforce development program (development program) in the state forest service to provide partial reimbursement to timber businesses and forest health or wildfire mitigation entities for the costs of hiring interns.

The act requires the state treasurer, on June 30, 2023, and on June 30 each year thereafter, to transfer \$1,000,000 from the general fund to the wildfire mitigation capacity development fund for allowable uses of the fund.

The act authorizes the expansion of existing forestry programs, including wildfire mitigation programs, and the creation of new forestry programs at public institutions of higher education (public institutions) to include state institutions of higher education, local district colleges, and area technical colleges. The commission on higher education (commission) shall determine which public institutions receive funding for expanded or new forestry programs, prioritizing public institutions that can provide a trained workforce expeditiously. The act provides for the acquisition of a harvesting simulator to train students, which may be shared among the forestry programs. The act includes funding for the forestry programs.

The act directs the state board for community colleges and occupational education (community college board) to administer the recruitment of wildland fire prevention and mitigation educators program (recruiting program) to increase the number of qualified educators at community colleges, area technical colleges, and local district colleges that deliver a wildfire prevention and mitigation program or course.

For the 2023-24 state fiscal year:

The act appropriates \$15,000 to the healthy forests vibrant communities cash fund from the general fund; and

The act appropriates \$1,545,034 to the department of higher education from the general fund, including:

- \$114,384 for the Colorado state forest service at Colorado state university;
- \$1,180,650 for use by the commission for new and expanded forestry programs; and
- \$250,000 for the college opportunity program to be used for fee-for-service

contracts for the community college board state system colleges for the recruiting program.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

S.B. 23-46 Paid family and medical leave - benefit calculation. The act eliminates the requirement that an individual's weekly paid family and medical leave benefit be calculated based on the average weekly wage earned only from the job or jobs from which the individual is taking paid family and medical leave.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

S.B. 23-51 Office of future of work - report - conforming state apprenticeship agency with federal regulations. The office of future of work (OFW) was created in the department of labor and employment (department) by executive order of the governor in 2019 to respond to the changing nature of work in the state. The act creates the OFW in statute and expands the duties of the OFW. The purpose of the OFW is to:

- Identify opportunities for Colorado's communities to transition effectively to emerging industries;
- Ensure the inclusion of key stakeholders and engage partnerships across public and private sectors;
- Host, organize, and convene task forces, summits, and other appropriate meetings with diverse stakeholders, designed to improve the state's understanding of the social and economic impacts of the changing nature of work;
- Explore ways that the state can prepare for current and future impacts, including through the modernization of worker benefits and protections, the development of a skilled and resilient workforce through coordination of registered apprenticeship programs, and the identification of new policy and program solutions; and
- Undertake studies, research, and factual reports related to issues of concern and importance to Colorado's future workforce.

The executive director of the department is required to submit a report to the governor, at least once per calendar year, that includes recommendations for potential policy initiatives.

In 2021, House Bill 21-1007 created the state apprenticeship agency (SAA) in the department. The act amends provisions governing the SAA to enable the United States department of labor's office of apprenticeship to recognize Colorado's state apprenticeship agency and authorize the SAA to register and oversee apprenticeship programs. To conform with regulations promulgated by the United States secretary of labor under the federal "National Apprenticeship Act", the act:

- Modifies references to apprenticeships in Colorado statutes;
- Directs the SAA to establish the state apprenticeship council (SAC) to provide advice and guidance to the SAA;
- Creates the committee for apprenticeship in the building and construction trades (CABCT) as a subcommittee of the SAC to advise the SAA on

- registered apprenticeship programs for the building and construction trades in the state; and
- Changes the name of the interagency advisory committee on apprenticeship to the committee for apprenticeship in new and emerging industries (CANEI), designated as a subcommittee of the SAC and tasked with advising the SAA on apprenticeship programs that are not within the jurisdiction of the CABCT.

The bill allows the general assembly to appropriate money from the general fund or any other available source to the department to pay for the OFW to carry out the duties specified in the act. The OFW is also authorized to seek, accept, and expend gifts, grants, or donations to fund its duties.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

S.B. 23-146 Colorado state apprenticeship resource directory - required information - outreach. In 2019, the general assembly created the Colorado state apprenticeship resource directory (directory), established by the department of labor and employment (department), that lists registered apprenticeship program sponsors that operate programs in Colorado. The act expands the information the department requires apprenticeship programs to submit to include the credits, certificates, or other credentials earned or prepared for through a program; program completion metrics; and wage-related information. The directory must also include information regarding each program's registration information and registered apprenticeship program standards.

The act requires the department, in its efforts to promote awareness of the directory, to conduct annual outreach that includes providing technical assistance and resources to promote apprenticeship openings.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-231 Wage theft enforcement fund - payments to employees - when permitted - rules - appropriation. Starting April 1, 2024, the act allows the division of labor standards and statistics (division) in the department of labor and employment (department) to use money in the wage theft enforcement fund (fund) to pay employees who are owed money from their employers due to obligations and liabilities related to the payment of wages or other compensation. The division may pay an employee if an employer fails to fulfill an order by the division to pay the employee that results from a wage claim or an investigation:

- Within 6 months after the division issues a citation and notice of assessment to the employer; or
- If the employer requests a hearing, within 6 months after the hearing officer issues a decision.

The act specifies that after the division pays the employee:

- The employee cannot recover that payment amount from the employer;
- The division replaces the employee as creditor and shall continue to pursue the

- payment from the employer; and
Any money recovered from the employer by the division will be credited to the fund.

The act requires the division to promulgate rules specifying procedures and criteria for employees to request payments and for the division to make determinations on employee requests.

The act continuously appropriates money in the fund to the division for the purpose of making payments to employees for unpaid liabilities, but for purposes of the division's direct and indirect costs implementing wage laws, the money in the fund is subject to annual appropriation by the general assembly. The act excludes the fund from the limit on cash fund reserves. For the 2023-24 state fiscal year, the act appropriates \$12,657 from the fund to the department for use by the department's office of the executive director for personal services.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-232 Unemployment insurance - premium rate - support surcharge rate - allocation to specified funds - cap on employment support fund balance - use of Title XII repayment fund - reporting requirements. For purposes of complying with requirements of the "Federal Unemployment Tax Act", the act reduces employer premium rates by 10% across all rates in the standard premium rate schedule. Additionally, the act creates a schedule for the support surcharge rate (schedule), which is used to establish contributions to the employment support fund, the employment and training technology fund, and the benefit recovery fund. The new schedule uses the same methodology as is used in calculating an employer's percent of excess, which is the percentage resulting from the calculation of an employer's excess of premiums paid over benefits charged, divided by the average chargeable payroll.

The act changes the cap on the amount of money in the employment support fund at the end of any state fiscal year from an amount calculated based on a portion of the employer premium plus \$17 million to a total of \$32.5 million for the next state fiscal year, which amount is adjusted annually based on changes in average weekly earnings.

The act expands the authorized use of money in the Title XII repayment fund to allow the division of unemployment insurance (division) in the department of labor and employment to use the money for costs associated with bonds or notes issued by the division, including interest on the bonds or notes, to the extent permitted by federal law.

The act eliminates the requirement for employers to submit premium reports to the division and instead requires employers to submit wage reports.

APPROVED by Governor May 1, 2023

EFFECTIVE May 1, 2023

S.B. 23-233 Counties - county employees funded through federal act - merit system required. The act requires a county that seeks to use county department employees (employees) to deliver employment services that are funded through the federal "Wagner-Peyser Act" to create a merit system for the selection, retention, and promotion of these employees. The act

requires each county's merit system to conform to specific standards. If a county already has a system in place, the county is required to update the system to comply with the standards.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1030 Health-care staffing agency contracts - nursing professionals - prohibition on liquidated damages - right to sue - penalties. In a contract between a supplemental health-care staffing agency (staffing agency) and a health-care worker or health-care facility for the placement of a licensed or certified nursing professional, the act prohibits the staffing agency from requiring payment for liquidated damages, employment fees, or other compensation (contract compensation) to the staffing agency if the health care facility hires the health-care worker as a permanent employee prior to or after the termination of the contract with the staffing agency; except that the prohibition does not apply to contract compensation attributable to and chargeable for a 30-calendar-day period commencing when the health-care worker is first placed at the health-care facility.

If a staffing agency unlawfully collects or attempts to collect contract compensation from a health-care worker or health-care facility, the health-care worker or health-care facility may bring a legal action for damages, a civil penalty not to exceed \$5,000 per violation, and injunctive relief. The prevailing party is entitled to reasonable attorney fees.

APPROVED by Governor May 1, 2023

EFFECTIVE May 1, 2023

H.B. 23-1057 Public building restrooms and diaper changing stations - all-gender amenities - appropriation. Effective January 1, 2024, the act requires each newly constructed building and each building with qualifying restroom renovations that is wholly or partly owned by a state department, state agency, state institution of higher education, county, city and county, or municipality (public entity) to:

- Provide a non-gendered restroom facility or a multi-stall non-gendered facility on each floor where restrooms are available in a newly constructed building and wherever a restroom is accessible to the public in a building in which a restroom is being renovated;
- Ensure that all single-stall restrooms are not gender specific restrooms;
- Allow for the use of multi-stall restrooms by any gender if certain facility features are met under the International Plumbing Code and the Colorado Fuel Gas Code;
- Provide at least one safe, sanitary, and convenient baby diaper changing station that is accessible to the public on each floor where there is a public restroom in a newly constructed building and wherever a restroom is accessible to the public in a building in which a restroom is being renovated, in each gender-specific restroom if only gender-specific restrooms are available, and in each non-gendered single-stall or multi-stall restroom or provide such a changing station in an easily accessible location with equivalent privacy and amenities as a restroom;
- Ensure that each baby diaper changing station is cleaned with the same frequency as the restroom in which it is located, or restrooms on the same floor

or in the space if it is not within a restroom, and maintained, repaired, and replaced as necessary to ensure safety and ease of use.

Beginning July 1, 2024, but no later than July 1, 2026, a building that is wholly or partially owned or leased by a public entity must ensure that signage for the building or the portion of the building leased or owned by the public entity complies with the following signage requirements, subject to available appropriations:

- Include signage indicating the presence of a baby diaper changing station with a pictogram that is void of gender in all restrooms with baby diaper changing stations, include signage with a pictogram void of gender in all non-gendered restrooms, and include signage with a pictogram void of gender in all single-stalled restrooms; and
- Indicate in the central building directory, if such a directory exists, the location of any baby diaper changing station and of any non-gendered restroom with a pictogram void of gender.

The act requires the department of personnel to complete a survey that determines the number and locations of signs needed to comply with the act signage requirements and requires the survey be provided to the general assembly and the capital development committee. The requirements of the act pertaining to baby diaper changing stations and providing a non-gendered single-stall restroom or a non-gendered multi-stall restroom in specified locations do not apply:

- To the extent that compliance with a requirement would result in failure to comply with applicable building standards governing the right of access for individuals with disabilities;
- To a project that has already progressed through the design review process, budgeting, and final approval by the governing body that has final approval over capital construction project expenditures as of the effective date of the act, or to a building designated as a certified historic structure.

Beginning on July 1, 2025, the act requires a building that is wholly or partially owned by a public entity that is a newly constructed building that is accessible to employees or enrolled students, or a building undergoing a qualifying restroom renovation to:

- Provide a non-gendered single-stall restroom or a non-gendered multi-stall restroom;
- Ensure that any single-stall restroom is not a gender-specific restroom; and
- Allow for the use of a multi-stall restroom by any gender if certain facility features are met pursuant to the International Plumbing Code or the Colorado Fuel Gas Code as adopted by the state plumbing board.

The act clarifies that an employee with a designated workplace in a public building may undertake the complaint process for alleged discriminatory or unfair practices including the failure to comply with providing the required amenities to all genders, as required, with the Colorado civil rights division charged with the enforcement of the Colorado anti-discrimination act.

For the 2023-24 state fiscal year, \$450,000 is appropriated from the general fund to the department of personnel for use by the office of the state architect. To implement the act,

the office may use \$400,000 for statewide planning services and \$50,000 for a restroom survey of state-owned buildings.

APPROVED by Governor May 24, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1074 Employment and training - workforce development - office of future of work - study of workforce transitions - report - appropriation. The act requires the office of future of work (office) to contract with a third party to study workforce transitions in Colorado's economy. The office will request proposals from private or public entities to bid on performing the study. The workforce transitions study (study) must:

- Evaluate the skill transferability of workers in the oil and gas industry and in occupations in Colorado that are facing the most disruption due to automation;
- Explore training availability, skills needed, and transition strategies; and
- Provide recommendations for programs and policies to prepare the workforce for these transitions.

On or before December 1, 2024, the office is required to submit a report of the study's research and findings to the governor and to specified legislative committees of reference. The office is also required to issue an update on the key findings of the study to the governor and specified legislative committees of reference by August 1, 2024.

For the 2023-24 state fiscal year, the act requires the general assembly to appropriate \$317,318 from the general fund to the department of labor and employment for use by the executive director's office.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1146 Cash gratuities - employee protections - exceptions. The act prohibits an employer engaged in a business from taking adverse action against an employee who accepts a cash gratuity offered by a patron of the business.

The act provides exceptions for:

- Employers regulated by the division of gaming in the department of revenue;
- Employees licensed, certified, or registered pursuant to the title governing professions and occupations and who are required to maintain such licensure, certification, or registration as a condition of employment with their employers;
- Employees working in a health-care facility regulated by the department of public health and environment;
- Employees working for the program of all-inclusive care for the elderly; and
- Employees providing housing and services to adults 60 years of age or older.

VETOED by Governor May 23, 2023

H.B. 23-1198 Department of labor and employment - teacher externship program - educations and professional credits - rules - repeal - appropriation. The act requires the department of labor and employment (department) to establish, on or before January 1, 2024, a teacher externship program to provide work-based learning opportunities for kindergarten through twelfth grade public school teachers (K-12 teachers) in order for the teachers to gain knowledge and expand their curriculum in the science, technology, engineering, and mathematics disciplines and other disciplines that may be of value to a particular school district.

The department is required to establish at least one externship model and develop consistency in offering the ability for teachers to apply for graduate credits, career and technical education credits, and professional development credits. The act requires the department to collaborate with the department of education to establish minimum standards for the work-based learning opportunities.

The department is authorized to allocate money directly to local education providers for teacher compensation and to work-based intermediaries, if applicable, to defray the costs of placing the teachers in externships with employers.

The act requires the department to compile and report data on the externship program on an annual basis. The director is authorized to accept gifts, grants, and donations for the purposes of providing compensation to teachers who participate in the program.

The executive director of the department may promulgate rules to implement the program. The program is scheduled to repeal on September 1, 2025.

For the 2023-24 state fiscal year, the act appropriates \$223,039 from the general fund to the department of labor and employment for use by the division of employment and training to implement the teacher externship program and authorizes the department to expend a portion of the 2023-24 state fiscal year appropriation that is not expended prior to July 1, 2024, in the 2024-25 state fiscal year for the same purpose.

APPROVED by Governor May 22, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1212 Office of future of work - two-year apprenticeship navigator pilot program - report - promotion of apprenticeship programs through web-based job board and career planning tools - rules - appropriation. The act directs the office of future of work (office) in the department of labor and employment (department) to create a two-year apprenticeship navigator pilot program (program) with 2 full-time apprenticeship navigators, with each apprenticeship navigator assigned to a different school district selected by the office. The purpose of the program is to increase awareness of registered apprenticeship programs among graduating high school students in the selected school districts.

Upon completion of the program, the act requires that the department issue a report detailing the direct and indirect costs of the operation and administration of the program to specified legislative committees of reference.

The act directs the office to promote apprenticeship programs to high school students by creating and maintaining a web-based job board of apprenticeships and incorporating apprenticeships in the state's career planning tools.

The department may promulgate rules for the administration of the program.

The program is repealed, effective January 1, 2027.

The act appropriates \$342,638 from the general fund to the department for use by the department's executive director's office for the 2023-24 state fiscal year. The act also appropriates \$44,000 to the department of education from the general fund for the 2023-24 state fiscal year.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

MILITARY AND VETERANS

S.B. 23-154 Veterans services - veterans one-stop center in Grand Junction - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the veterans one-stop center in Grand Junction (center) by:

- Continuing the center for 7 years, until September 1, 2030;
- Codifying that the name of the center is the "western region one source"; and
- Setting a December 31, 2023, deadline for the division of veterans affairs, in consultation with the center's advisory board, to develop procedures for evaluating the effectiveness of the center.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-236 Colorado national guard facilities - charges for charging of vehicles at - electric vehicle service equipment fund - appropriation. In order to allow the department of military and veterans affairs (department) to impose charges for the charging of electric vehicles using electric vehicle services equipment (equipment) provided by the department at Colorado National Guard facilities and to use the revenue to fund the ongoing operation of the equipment, the act:

- Creates the electric vehicle service equipment fund (fund);
- Requires all money received by the department from such charges to be credited to the fund;
- Authorizes the department to accept gifts, grants, and donations to be credited to the fund;
- Subject to annual appropriation, authorizes the department to expend money from the fund to defray the costs associated with operation of the equipment; and
- Appropriates \$50,000 from the fund to the department for state fiscal year 2023-24.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

H.B. 23-1045 Leave from employment for military service - public employee or officer - private employee - length of leave - use of paid leave. The act clarifies that a member of the Colorado National Guard or any other component of the military forces of the state who is an officer or employee of a public employer is entitled to a leave of absence from employment for training or active state military service for the equivalent of 3 weeks of work on the officer's or employee's regular work schedule each year. The officer or employee is entitled to use any paid leave available to the officer or employee or to use unpaid leave.

The act clarifies that a member of the Colorado National Guard or the reserve forces of the United States who is an employee of a private employer is entitled to a leave of absence from employment in order to receive military training with the United States armed forces for the equivalent of 3 weeks of work on the employee's regular work schedule each

year. The employee is entitled to use any paid leave available to the employee or to use unpaid leave for the employee's period of absence for military training.

The act clarifies that a private employee is entitled to use any paid leave available to the employee or to use unpaid leave in order to engage in active service in the Colorado National Guard.

The act repeals the requirement that a public employee or officer not be physically or mentally disabled in order to be reinstated to the employee or officer's public position following a leave of absence for active military service.

APPROVED by Governor March 10, 2023

EFFECTIVE March 10, 2023

H.B. 23-1052 Property tax exemption for veterans with a disability - eligibility of veterans with individual unemployability status. The state constitution allows a veteran who has a service-connected disability rated as a 100% permanent disability to claim a property tax exemption for a portion of the actual value of the veteran's owner-occupied primary residence. The 100% permanent disability requirement can only be changed through a constitutional amendment. If, at the 2024 general election, the voters of the state approve a constitutional amendment to expand eligibility for the exemption by allowing a veteran who has individual unemployability status, as determined by the United States department of veterans affairs, to claim the exemption, the act makes conforming statutory changes to reflect that expansion of the exemption.

The act also requires a veteran who has individual unemployability status to be treated equivalently to a veteran who has 100% permanent disability when determining eligibility for any state veterans benefit. Finally, to comply with an existing statutory requirement that "people first language" be used in new or amended statutes that refer to persons with disabilities, the act also changes the existing terms "disabled veteran" and "disabled veterans" to "veteran with a disability" and "veterans with a disability".

APPROVED by Governor April 28, 2023

EFFECTIVE January 1, 2025

NOTE: This act was passed without a safety clause. Section 11 of the act states that the act takes effect only if a constitutional amendment to section 3.5 (1.5) of article X of the state constitution that modifies the definition of "disabled veteran" by changing the term to "veteran with a disability" and including a veteran who has individual unemployability status as determined by the United States department of veterans affairs is approved by the people at the next general election and becomes law.

H.B. 23-1088 Veterans - mental health services program - appropriation. The act establishes the veterans mental health services program (program) in the division of veterans affairs (division) to facilitate access to mental health services for veterans who live in a veterans community living center. The act requires a veteran to attest that the veteran has exhausted the annual number of sessions with a mental health-care provider covered by the veteran's federal veterans administration benefits before using the program. The program reimburses mental health-care providers for 26 mental health-care sessions per year with an eligible veteran. The act requires the behavioral health administration to post on its website a list of providers who participate in the program.

The bill appropriates \$642,645 from the general fund to the department of military and veterans affairs for use by the division for the program.

APPROVED by Governor May 16, 2023

EFFECTIVE May 16, 2023

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 23-12 Commercial vehicles - Colorado state patrol compliance reviews - penalties for failure to pay fines or to cooperate with compliance reviews - appropriation. The act changes the amount of civil penalties that may be levied on commercial motor carriers for failure to comply with rules for the safe operation of commercial vehicles by tying the amount of civil penalties to the amount of federal civil penalties for interstate commercial motor carriers.

If a motor carrier fails to pay civil penalties within 30 days or to cooperate with the completion of a safety compliance review within 30 days, the act authorizes the department of revenue to both enter the noncompliant motor carrier and its vehicles as out-of-service in the federal motor carrier safety administration system of record and cancel or deny registration to the noncompliant motor carrier.

For the 2023-24 state fiscal year, the act appropriates \$61,110 to the department of revenue from the DRIVES vehicle services account in the highway users tax fund to implement this act, of which \$8,910 is reappropriated to the office of the governor for use by the office of information technology to provide services to the department of revenue.

APPROVED by Governor May 12, 2023

PORTIONS EFFECTIVE August 7, 2023

PORTIONS EFFECTIVE April 30, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die; except that, section 42-4-235 (2)(d)(I)(B) and section 42-3-120 (3)(a)(II) take effect April 30, 2024.

S.B. 23-15 Vehicle value protection agreements - motor vehicle dealers - protections for value of vehicle - requirements for agreement terms and cancellation. A vehicle value protection agreement (agreement) is a contract that provides benefits when an owner of a vehicle replaces the vehicle at trade-in, when the vehicle is stolen, or after an adverse event that lowers the value of the vehicle. An agreement that complies with the act is not insurance and is not subject to regulation as insurance.

A person who provides an agreement (provider) is prohibited from conditioning the extension of credit, the terms of credit, or the terms of a vehicle sale or lease upon the purchase of an agreement. To be issued, an agreement must:

- Provide a benefit to the consumer upon the trade-in, total loss, or unrecovered theft of a covered vehicle;
- Identify the administrator or provider, the seller, the consumer, and the terms of the sale;
- Guarantee the provider's obligations by an insurance policy; and
- Notify the consumer of the agreement's terms, including cancellation terms.

To cancel an agreement, the provider must mail a notice to the consumer at least 5 days prior to cancellation. However, if the reason for the cancellation is nonpayment, a material misrepresentation, or a substantial breach of duties by the consumer, the cancellation

takes effect immediately upon transmission of the notice of cancellation. If an agreement is canceled by the provider for a reason other than nonpayment of the provider fee, the provider is required to make a refund minus actual paid benefits, but the provider may charge a reasonable administrative fee of up to \$75.

The provider is required to guarantee the provider's obligations by an insurance policy, which must provide that:

- The insurer will pay all covered amounts if the provider fails to perform its obligations under the agreement; and
- The consumer may file a claim directly with the insurer for reimbursement.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-145 Speciality license plates - stegosaurus state fossil license plate - appropriation. The act creates the stegosaurus state fossil license plate for motor vehicles. The department of revenue (department) must designate a nonprofit organization to qualify applicants for issuance of the license plate. The organization must provide educational services about the science and history of dinosaurs and support the stewardship and preservation of dinosaur fossils, tracks, and paleontology sites in Colorado.

An applicant qualifies for issuance of the license plate if the applicant makes a donation to the organization and pays all required taxes and fees. In addition to the standard motor vehicle fees, the applicant must pay 2 one-time fees of \$25 for issuance of the license plate. One fee is credited to the highway users tax fund and the other fee is credited to the licensing services cash fund.

To implement this act, \$39,151 is appropriated to the department for use by the division of motor vehicles. This appropriation consists of \$5,492 from the Colorado DRIVES vehicle services account in the highway users tax fund and \$33,659 from the license plate cash fund.

APPROVED by Governor May 22, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1014 Yield right-of-way - roundabouts - large vehicles - penalty. The act requires a driver to yield the right-of-way to a driver of a truck, bus, emergency vehicle, or recreational vehicle that generally has a total length of more than 35 feet or a total width of more than 10 feet (large vehicle) when entering, exiting, or driving in the circulatory lanes in a roundabout. The act also requires that when 2 drivers of large vehicles enter, exit, or drive in the circulatory lanes in a roundabout at the same time, the driver on the right must yield the right-of-way to the driver on the left.

A person who fails to yield commits a class A traffic infraction and is subject to a fine of \$70 and an \$11 surcharge.

APPROVED by Governor March 23, 2023

EFFECTIVE October 1, 2023

NOTE: This act was passed without a safety clause.

H.B. 23-1123 Rights-of-way - stationary vehicles - move over when hazard lights are flashing. The act requires a motor vehicle driver to move to one lane apart from a stationary motor vehicle when the stationary motor vehicle has its hazard lights activated, 2 lanes move in the same direction, and the driver is able to move to the lane apart. If a driver cannot move to be one lane apart from the stationary motor vehicle, the driver must slow down and drive at a safe speed.

APPROVED by Governor March 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1217 Towing of vehicles - transportation legislation review committee analysis - legislative recommendations - vehicle of victim of crime towed. The act requires the transportation legislation review committee (committee) to analyze the issue of an owner of a motor vehicle that was nonconsensually towed because the vehicle was stolen or because the owner was the victim of a certain serious crime. The committee may take testimony and is required to make legislative recommendations to the general assembly on the issue.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1265 Speciality license plate - Born to Be Wild license plate - funding for prevention and mitigation of conflicts with gray wolves - appropriation. The act creates the "Born to Be Wild" special license plates for certain motorcycles, passenger cars, trucks, or noncommercial or recreational motor vehicles. An applicant qualifies for the issuance of the special license plates if the applicant pays the following fees to the department:

- A one-time \$25 fee that is credited to the highway users tax fund;
- An annual \$50 fee that is credited to the wildlife cash fund in the division of parks and wildlife; and
- A one-time \$25 fee that is credited to the Colorado DRIVES vehicle services account.

The division of parks and wildlife is directed to use the money collected and credited to the wildlife cash fund for implementing nonlethal means of mitigating and preventing conflict with gray wolves and promoting the license plate.

To implement this act, \$99,642 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation consists of \$11,054 from the Colorado

DRIVES vehicle services account in the highway users tax fund and \$88,588 from the license plate cash fund.

APPROVED by Governor May 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

NATURAL RESOURCES

S.B. 23-59 State parks - access roads and routes - local government funding - rules - appropriation. The act requires the parks and wildlife commission (commission) to promulgate rules authorizing a local government to request that the division of parks and wildlife (division) charge an additional per vehicle fee, not to exceed \$2, for each daily vehicle pass issued for a state park or wildlife area in the local government's geographic boundary. Upon the request, the commission must establish the fee, which will be collected on and after January 1, 2025, and transferred, minus an administrative deduction, to the local access route cash fund created by the act and then distributed to local governments to maintain and operate local access routes. The fee will be adjusted every 5 years for inflation or deflation.

The division of parks and wildlife is required to collaborate with local governments to identify and study issues surrounding local access route transportation infrastructure and funding deficits and sources of funding for the routes. The division is given factors to consider and must seek input from the department of transportation and the department of local affairs before completing the study. Based on the study, the division must make legislative recommendations to the general assembly by November 1, 2024, regarding sources of funding or partnerships to assist in the maintenance of local access routes and state park services.

To implement this act, \$411,000 is appropriated to the department of natural resources for use by the division of parks and wildlife from the parks and outdoor recreation cash fund.

APPROVED by Governor May 19, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-69 Parks and wildlife - vessels - motorboats - age required to operate. Current law requires an operator of a motorboat in the state to be at least 16 years of age but allows an individual who is at least 14 years of age and who has completed a motorboat safety course to operate a motorboat in the state. The act increases this age requirement to require all individuals under 18 years of age to take a boating safety course and to have a certificate of completion from that course in the individual's possession or in an accessible place in order to operate a motorboat. The act provides an exception to the age requirement for the operation of motorboats on bodies of water located on private property.

APPROVED by Governor May 4, 2023

EFFECTIVE June 1, 2024

S.B. 23-139 Wildfire mitigation capacity development fund - appropriations to fund from severance tax operational fund. The act authorizes the general assembly to appropriate up to \$10 million from the severance tax operational fund (operational fund) to the wildfire mitigation capacity development fund (wildfire fund) for state fiscal year 2022-23 and makes a corresponding appropriation.

The act authorizes the general assembly to appropriate up to \$5 million from the operational fund to the wildfire fund for state fiscal year 2023-24 and for each state fiscal

year thereafter. Such appropriations may be made only if less than 100% of the money available in the operational fund is used for current core programs.

APPROVED by Governor March 6, 2023

EFFECTIVE March 6, 2023

S.B. 23-255 Wildlife - nongame and endangered species - wolves - compensation to landowners for losses - rules - reports - transfer - appropriation. The act creates the wolf depredation compensation fund (fund) to compensate landowners and agricultural producers for wolf depredation of livestock and working animals. For the 2023-24 state fiscal year, the state treasurer is directed to transfer \$175,000 from the general fund to the fund, and for each state fiscal year thereafter, the state treasurer is directed to transfer \$350,000 from the general fund to the fund. At the end of the 2023-24 and 2024-25 state fiscal years, any unencumbered balance in the fund that exceeds \$100,000 is used to implement the gray wolf restoration and management plan (plan). At the end of subsequent state fiscal years, any unencumbered balance in the fund that exceeds 120% of the amount spent from the fund in the previous state fiscal year is used to implement the plan.

The parks and wildlife commission may adopt rules establishing criteria for compensation, including criteria for indirect livestock loss. Each year, the director of the division of parks and wildlife will submit a report at the appropriate "SMART Act" hearing.

To implement the act, \$175,000 is appropriated from the fund to the department of natural resources for use by the division of parks and wildlife.

APPROVED by Governor May 23, 2023

EFFECTIVE May 23, 2023

S.B. 23-256 Wildlife - nongame and endangered species - gray wolf reintroduction - contingent on federal regulations. The act prohibits the reintroduction of gray wolves unless the United States secretary of the interior promulgates rules making the gray wolf population a nonessential experimental population, which gives the state greater flexibility to manage the wolves.

VETOED by Governor May 16, 2023

S.B. 23-285 Energy and carbon management regulation - change of agency and cash fund name - property rights to geothermal resources - authority to regulate the permitting of geothermal resource operations - authority to regulate underground natural gas storage facilities - studies - rules - appropriation. Effective July 1, 2023, the act changes the name of the oil and gas conservation commission to the energy and carbon management commission (commission) and expands the commission's regulatory authority to include the authority to regulate a broader scope of energy and carbon management areas beyond oil and gas. The act also changes the name of the oil and gas conservation and environmental response fund to the energy and carbon management cash fund (fund) and allows the fund to also be used by the commission for the purposes of administering the expanded regulatory areas.

Section 3 of the act requires the commission to create and maintain a website that serves as the state portal for information and data regarding the commission's regulatory

activities.

Current law states that the property right to the natural heat of the earth (geothermal resource) that lacks sufficient fluid associated with the geothermal resource (geothermal fluid) to transport commercial amounts of energy to the surface is an incident of ownership of the overlying surface unless expressly severed. Section 7 states that, as to property rights acquired on or after July 1, 2023, the property right to a geothermal resource associated with nontributary groundwater (allocated geothermal resource) is also an incident of ownership of the overlying surface unless expressly severed.

Current law requires the operator of a well, prior to constructing the well to explore for or produce geothermal resources, to obtain a permit from the state engineer. Section 8 bifurcates regulation of different types of geothermal operations between the commission and the state engineer. Specifically, the commission is granted the exclusive authority to regulate operations (deep geothermal operations) for the exploration for or production of:

- An allocated geothermal resource; or
- A geothermal resource that is deeper than 2,500 feet below the surface.

The state engineer retains the exclusive authority to regulate operations that are not deep geothermal operations (shallow geothermal operations).

Prior to obtaining a permit from the commission to construct a well for deep geothermal operations, the applicant must provide evidence of any applicable siting application to the local government with jurisdiction over the deep geothermal operations, including the disposition of the application, unless the local government does not regulate the siting of such operations. Upon request by a local government, the commission is also required to provide technical support to the local government concerning implementation of the commission's rules regarding deep geothermal operations.

The commission and the state engineer may each adopt rules for the assessment of fees for the processing and granting of a permit to construct a well for deep geothermal operations or shallow geothermal operations, as applicable. Any fees collected by the commission will be deposited by the state treasurer into the fund.

Current law requires the operator of a well, prior to the production of geothermal fluid from the well, to obtain a permit from the state engineer. Section 9:

- Bifurcates the issuance of different types of use permits by the state engineer between permits for the use of geothermal resources that are not allocated resources and permits for the use of allocated geothermal resources (collectively, use permits); and
- Requires the state engineer to only issue a use permit for allocated geothermal resources after a determination that any associated geothermal fluid is nontributary groundwater (nontributary determination).

Section 9 also allows the state engineer to adopt rules for the administration of use permits and the issuance of nontributary determinations.

Current law allows the state engineer to adopt procedures that establish geothermal management districts for the management of geothermal operations within the district.

Section 10 limits the scope of geothermal management districts to distributed geothermal resources. The state engineer is also required to notify the commission of any application for a geothermal management district that is anticipated to affect deep geothermal operations.

Section 11 allows the commission to adopt procedures by rule to establish geothermal resource units for allocated geothermal resources.

Section 13 grants the commission the exclusive authority to regulate any intrastate facility that stores natural gas in an underground facility not subject to regulation by the public utilities commission (UNGS facility). If the commission submits a certification to, or enters into an agreement with, the federal secretary of transportation pursuant to applicable federal law, any rules regulating UNGS facilities must be at least as stringent as the applicable federal requirements.

If a UNGS facility is proposed to be sited in an area that would affect a disproportionately impacted community, the commission must evaluate and address impacts from the UNGS facility. The commission may assess and collect fees from operators of UNGS facilities in an amount and frequency determined by the commission by rule. Any fees collected will be deposited into the fund. Before commencing construction of a new UNGS facility, the operator of the facility must provide evidence of any applicable siting application to a local government with jurisdiction over the UNGS facility, if applicable, and the disposition of the application.

The act directs the commission to conduct and report to the general assembly during the 2025 legislative session the findings of the following studies:

- A technical study of the state's geothermal resources (section 11);
- A study, in collaboration with the state engineer, that evaluates the state regulatory structure for geothermal resources and whether any changes to law or rules are necessary (section 11);
- A study concerning the regulation and permitting of underground hydrogen operations (section 19); and
- A study, in coordination with the public utilities commission, examining the siting and regulation of intrastate pipelines (section 19).

For the 2023-24 state fiscal year, section 43 appropriates \$1,200,480 from the fund to the department of natural resources (department) to be used as follows:

- \$1,108,857 for use by the commission for program costs;
- \$7,031, which amount is reappropriated for use by the division of water resources in the department for water administration related to division operations; and
- \$84,592, which amount is reappropriated to the department of law to provide legal services for the department.

APPROVED by Governor May 22, 2023

EFFECTIVE July 1, 2023

H.B. 23-1036 Wildlife - hunting - nontoxic bullet pilot program - appropriation. The act creates the nontoxic bullet pilot program (pilot program), which allows individuals who meet the qualifications to receive vouchers that offset the cost of purchasing hunting rounds that

have nonlead bullets. The pilot program will focus on areas where the exposure of wildlife populations to spent lead bullets is of special or potential concern. The division of parks and wildlife (division) will work with one or more willing nongovernmental entities to determine the scope and collect the results of the pilot program. The division may work with nongovernmental entities to develop educational materials and range demonstrations relating to the pilot program.

The division is directed to designate an entity to:

- Educate hunters about the benefits of nontoxic bullets; and
- Publicize the pilot program, including using hunting brochures and the division's website.

The commission may promulgate rules as necessary to implement the pilot program. The pilot program is repealed, effective July 1, 2026.

For the 2023-24 state fiscal year, \$31,200 is appropriated to the department of natural resources from the wildlife cash fund to implement this act.

APPROVED by Governor May 19, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1060 Colorado state forest service - upgrades and improvements to seedling tree nursery - repeal - appropriation. The act requires the Colorado state forest service to make certain upgrades and improvements to its seedling tree nursery in order to expand its capacity and its ability to contribute to reforestation efforts in the state. The act extends the applicable repeal date to January 1, 2026.

House Bill 22-1323, concerning updates to the Colorado state forest service seedling tree nursery, appropriated \$5,000,000 for the 2022-23 state fiscal year to the department of higher education for use by the board of governors of the Colorado state university system, and the act further appropriates the unexpended amount through the 2024-25 state fiscal year.

For the 2023-24 state fiscal year, the act appropriates \$5,382,500 from the general fund to the department of higher education for use by the board of governors of the Colorado state university system for the Colorado state forest service seedling tree nursery. The act requires that any unexpended money appropriated pursuant to the act remain available for expenditure through the 2024-25 state fiscal year.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1069 Biochar in oil and gas well plugging working advisory group - study by Colorado state university - recommendations for the development of a pilot program - report - appropriation. The act creates the biochar in oil and gas well plugging working advisory group (work group) in the oil and gas conservation commission (commission).

The act also requires Colorado state university (university) to conduct various studies and laboratory work on the use of biochar in the plugging of oil and gas wells and, no later than June 1, 2024, report the results of the studies and laboratory work to the work group. If, based on the report, the work group determines that a pilot program to study the use of biochar in the plugging of oil and gas wells would have a positive impact on the state, the work group must direct the university to make recommendations regarding the development of a pilot program.

No later than December 1, 2024, the university must submit a draft report of its recommendations to the work group. No later than December 15, 2024, the university shall, in consultation with the work group, create a final report and submit the final report to the director of the commission.

For the 2023-24 state fiscal year, the act appropriates \$370,140 from the oil and gas conservation and environmental response fund (fund) to the department of higher education for use by the board of governors of the university for the work group.

For the 2023-24 state fiscal year, the act appropriates \$5,600 from the fund to the department of natural resources for use by the commission for program costs related to the act.

APPROVED by Governor May 18, 2023

EFFECTIVE May 18, 2023

PROFESSIONS AND OCCUPATIONS

S.B. 23-77 Real estate - brokerage relationships - broker engagement contracts - prohibited terms. The act states that, with certain exceptions, a broker engagement contract for the sale of a residential premises must not:

- Purport to be a covenant running with the land or to be binding on future owners of interests in the real property;
- Allow for assignment of the right to provide service without notice and agreement of the owner of the residential premises; or
- Purport to create a recordable lien, encumbrance, or other real property security interest. Any such lien, encumbrance, or other real property security interest is void and unenforceable.

The act defines a "broker engagement contract" as a written contract in which a seller, buyer, landlord, or tenant of a residential premises becomes the client of a broker or agrees to retain the services of a broker in the future and promises to pay the broker a valuable consideration or agrees that the broker may receive a valuable consideration from another person in exchange for the broker producing a seller, buyer, tenant, or landlord ready, able, and willing to sell, buy, or rent the residential premises or for performing other services.

A person that offers to a consumer a broker engagement contract that includes a prohibited provision commits an unfair or deceptive trade practice.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-83 Physician assistants - collaborative agreements - requirements - exceptions. The act modifies the relationship between a physician assistant and a physician or podiatrist by removing the requirement that a physician assistant be supervised by a physician or podiatrist except in certain circumstances. Instead, a physician assistant must enter into a collaborative agreement with a physician or podiatrist or physician group. The physician or podiatrist must be licensed in good standing in Colorado and be actively practicing with a regular and reliable physical presence in the state.

The collaborative agreement must include:

- The physician assistant's name, license number, and primary location of practice;
- The signature of the physician assistant and the physician or physician group with whom the physician assistant has entered into the collaborative agreement;
- A description of the physician assistant's process for collaboration;
- A description of the performance evaluation process, which may be completed by the physician assistant's employer in accordance with a performance evaluation and review process established by the employer; and
- Any additional requirements specific to the physician assistant's practice required by the physician or physician group entering into the collaborative agreement, including additional levels of oversight, limitations on autonomous

judgment, and the designation of a primary contact for collaboration.

For a physician assistant with fewer than 5,000 practice hours, or a physician assistant changing practice areas with fewer than 3,000 practice hours in the new practice area, the collaborative agreement is a supervisory agreement that must include required elements and must also:

- Require that collaboration during the first 160 practice hours be completed in person or through technology, as permitted by the physician or physician group with whom the physician assistant is collaborating;
- Incorporate elements defining the expected nature of collaboration; and
- Require a performance evaluation and discussion of the performance evaluation with the physician assistant.

For a physician assistant entering into a collaborative agreement with a physician or physician group in the emergency department of a hospital with a level I or level II trauma center, the collaborative agreement remains a supervisory agreement and continues indefinitely.

For a physician assistant changing practice areas to practice in an emergency department of a hospital that is not a level I or level II trauma center, the supervising physician or physician group may increase the number of hours for which the collaborative agreement is a supervisory agreement.

The act also eliminates the 3-year time limit for physician assistants to satisfy certain financial responsibility requirements from which such physician assistants are exempt under current law.

APPROVED by Governor April 26, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-144 Health insurance - prescription drugs for treatment of chronic pain - criteria - pharmacy, carrier, and health-care provider policies - discipline. The act allows a health-care provider to prescribe, dispense, or administer a schedule II, III, IV, or V controlled substance (drug) to a patient in the course of treatment for a diagnosed condition that causes chronic pain. The act also clarifies that the prescribing health-care provider is not subject to disciplinary action by the appropriate regulator for prescribing a dosage of a drug that is equal to or more than a morphine milligram equivalent dosage recommendation or threshold specified in state or federal opioid prescribing guidelines or policies.

The act prevents a health-care provider from being required to taper a patient's medication dosage solely to meet a predetermined dosage recommendation or threshold if the patient is stable, compliant with treatment, and not experiencing serious harm.

The act also prohibits a pharmacy, health insurance carrier, or pharmacy benefit manager from having a policy in place that requires a pharmacist to refuse to fill a prescription for an opiate issued by a health-care provider solely because the prescription is for an opiate or because the prescription order exceeds a predetermined morphine milligram

equivalent dosage recommendation or threshold.

The act also prohibits a health-care practice or clinic from having a policy in place that requires a health-care provider to refuse to prescribe, administer, or dispense a prescription for an opiate solely because the prescription order exceeds a predetermined morphine milligram equivalent dosage recommendation or threshold.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-162 Pharmacy technician practice - duties - supervision ratio - central fill pharmacies - pharmacy reimbursement for dispensing and administering vaccines to children.

The act:

- Amends the practice of a pharmacy technician to include performing point-of-care testing and patient care technical tasks as specifically trained for and delegated by a supervising pharmacist;
- Requires the majority of pharmacy technicians to be fully certified by the state board of pharmacy when 3 or more pharmacy technicians are on duty; and
- Changes the supervision ratio for pharmacists to include supervising up to 8, rather than only 6, pharmacy technicians when the pharmacy, other than a pharmacy located in a hospital, is a central fill pharmacy that is not a public-facing pharmacy and is acting as an agent of an originating pharmacy to fill or refill a prescription.

The act authorizes reimbursement under the medical assistance program for dispensing or administering vaccines to children under 19 years of age. To be eligible to receive reimbursement, the pharmacy or pharmacist must be enrolled in good standing with the federal centers for disease control and prevention vaccines for children program administered by the department of public health and environment (department). Until the department determines a framework for participation by pharmacies or pharmacists, the department is not required to enroll pharmacies receiving reimbursement for the administration of vaccines through the medical assistance program as vaccines for children providers.

APPROVED by Governor May 4, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-167 Certified midwives - regulation by state board of nursing - appropriation.

Starting July 1, 2024, the act authorizes individuals who have a midwife certification from the American Midwifery Certification Board, pay the required fee, and submit to a criminal history record check to obtain a license from the state board of nursing (board) to practice as a certified midwife in the state. A certified midwife licensed by the board may apply for and obtain provisional and full prescriptive authority upon satisfying the requirements specified in the act. Certified midwives are subject to regulation by the board to the same extent that the board regulates the practice of nursing, including grounds for discipline and disciplinary actions. Effective July 1, 2024, the act adds a member to the state board of

nursing who is a certified midwife or an advanced practice registered nurse who is a certified nurse midwife.

The act appropriates \$15,393 from the general fund to the department of public health and environment for use by the health facilities and emergency medical services division for administration and operations necessitated by the act.

APPROVED by Governor May 25, 2023

PORTIONS EFFECTIVE May 25, 2023

PORTIONS EFFECTIVE July 1, 2024

NOTE: Section 69 of the act states that the act takes effect upon passage; except that, section 12-255-105, Colorado Revised Statutes, as amended in section 3 of the act, takes effect July 1, 2024.

S.B. 23-190 Deceptive trade practices - false advertising - abortion and emergency contraception - professional discipline - medication abortion reversal - rules. The act makes it a deceptive trade practice for a person to make or disseminate to the public any advertisement that indicates that the person provides abortions, emergency contraceptives, or referrals for abortions or emergency contraceptives when the person knows or reasonably should have known that the person does not provide those specific services.

A health-care provider engages in unprofessional conduct or is subject to discipline in this state if the health-care provider provides, prescribes, administers, or attempts medication abortion reversal in this state, unless the Colorado medical board, the state board of pharmacy, and the state board of nursing, in consultation with each other, each have in effect rules finding that it is a generally accepted standard of practice to engage in medication abortion reversal. The specified boards shall promulgate applicable rules no later than October 1, 2023, in consultation with each other, concerning whether engaging in medication abortion reversal is a generally accepted standard of practice.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

S.B. 23-265 Professional licensure, certification, and registration - protection from disciplinary action - conduct related to marijuana. The act protects an individual applying for licensure, certification, or registration in a profession or occupation in Colorado (applicant), as well as a professional who is currently licensed, certified, or registered in a profession or occupation in Colorado (licensee), from having the license, certification, or registration denied to the applicant, or from discipline being imposed against the licensee, based solely on:

- A civil or criminal judgment against the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana, if the underlying actions were lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law; or
- Previous professional disciplinary action concerning an applicant's or a licensee's professional licensure in this or any other state or United States

territory, if the professional disciplinary action was based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and the applicant or licensee did not otherwise violate Colorado law.

APPROVED by Governor May 24, 2023

EFFECTIVE May 24, 2023

H.B. 23-1071 Licensed psychologists - state board of psychologist examiners - authority to prescribe psychotropic medications - prescription certificate requirements - complaints - collection of information for sunset reviews - rules. The act requires 1 of the 7 members of the state board of psychologist examiners (board) to be a prescribing psychologist.

The act allows a licensed psychologist to prescribe and administer psychotropic medications if the licensed psychologist holds a prescription certificate issued by the board.

A licensed psychologist may apply to the board for a prescription certificate and must include in the application satisfactory evidence that the applicant:

- Has completed a doctoral program in psychology;
- Has completed a master of science in a clinical psychopharmacological program with specified areas of core instruction;
- Has passed the psychopharmacology examination for psychologists;
- Has completed a supervised and relevant clinical experience approved by the board;
- Has successfully undergone a process of independent peer review; and
- Maintains the required malpractice insurance.

A licensed psychologist with a prescription certificate (prescribing psychologist) is authorized to prescribe and administer psychotropic medications if the prescribing psychologist:

- Maintains the required malpractice insurance;
- Completes at least 40 hours of continuing education every 2 years; and
- Maintains a collaborative relationship with the health-care provider who oversees the client's general medical care.

The board is authorized to promulgate rules to:

- Implement procedures for obtaining a prescription certificate; and
- Establish grounds for denial, suspension, and revocation of the certificates.

The Colorado medical board is required to review complaints regarding violations of the act and make recommendations to the board regarding disciplinary action.

The act requires a prescribing psychologist to disclose to each patient that the psychologist is not a licensed physician.

The act requires a prescribing psychologist to file with the board all individual federal drug enforcement administration registrations and numbers. The board and the Colorado medical board are required to maintain current records of every psychologist with prescriptive authority, including registrations and numbers.

The department of regulatory agencies (department) is required to annually collect information regarding prescribing psychologists, to compile the information, and to share the information with the office in the department responsible for conducting sunset reviews for inclusion in each scheduled sunset review concerning the regulation of mental health professionals.

APPROVED by Governor March 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1134 Real estate - home warranty service contracts - contract requirements - replacement of gas-fueled appliances with electric appliances. The act requires every home warranty service contract issued or renewed in Colorado on or after July 1, 2024, that provides coverage for the replacement of any of certain gas-fueled appliances to include terms:

- Allowing the homeowner the option to replace the gas-fueled appliance with a similar device of the homeowner's choosing that operates on electricity rather than gas; and
- Providing that the home warranty service company is required to provide a replacement appliance that satisfies statutory efficiency requirements.

A home warranty service contract may require a homeowner to pay any additional cost to replace a gas-fueled appliance with an appliance that has a cost that exceeds the cost of replacing the gas-fueled appliance with another gas-fueled appliance under the terms of the home warranty service contract, but any additional cost to the homeowner, excluding any installation or other associated costs, must not exceed the retail cost of the replacement electric appliance minus the retail cost of a replacement gas-fueled appliance.

In the case of replacement of a gas-fueled furnace, HVAC system, boiler, or water heater, a home warranty service contract must include terms that allow the homeowner to replace the furnace, HVAC system, boiler, or water heater with a heat pump-based system.

In the case of replacement of a gas-fueled stove, a home warranty service contract must include terms that allow the homeowner to replace the gas-fueled stove with either an electric stove or an induction stove, at the homeowner's discretion.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1195 Pharmacies - prescription drugs - automated pharmacy dispensing system. The act authorizes a prescription drug outlet (outlet) to operate an automated pharmacy dispensing system (system) for the purpose of dispensing prescription medications, other than controlled substances, to patients.

The act requires an outlet dispensing prescription drugs through a system to:

- Register the system with the state board of pharmacy (board);

- Require a pharmacist to perform all clinical services as part of the dispensing process;
- Ensure that the system clearly displays the system's registration number and contact information;
- Locate each system at the same location as the outlet unless other criteria is met;
- Ensure confidentiality of health information; and
- Ensure that the system is accessible to persons with disabilities.

An outlet may operate a system in the same or different location than the outlet if it is:

- Under the supervision and control of the outlet;
- Installed in a place and manner where it cannot be removed or accessed without authorization; and
- Located in a secure location.

The act also requires each outlet operating a system:

- To develop, implement, and maintain written policies and procedures to ensure the proper, safe, and secure functioning of the system;
- Inside the premises of a retail business to only operate during the hours that the outlet is closed; and
- To make all transaction information readily available for review and inspection by the board.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

PROPERTY

S.B. 23-178 Real property - common interest communities - prohibitions contrary to public policy - restrictions on unit owners' use of xeriscape, nonvegetative turf grass, and nonvegetative landscapes - restrictions and prohibitions on unit owner associations. Under current law, a unit owners' association (association) of a common interest community may not prohibit the use of xeriscape, nonvegetative turf grass, or drought-tolerant vegetative landscapes to provide ground covering to property for which a unit owner is responsible. There is, however, an exception authorizing an association to adopt and enforce design or aesthetic guidelines or rules that apply to nonvegetative turf grass and drought-tolerant vegetative landscapes or to regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on a unit owner's property, on a limited common element, or on other property for which the unit owner is responsible.

The act states that an association's guidelines or rules must:

- Not prohibit the use of nonvegetative turf grass in the backyard of a unit owner's property;
- Not unreasonably require the use of hardscape on more than 20% of the landscaping area of a unit owner's property;
- Allow a unit owner an option that consists of at least 80% drought-tolerant plantings; and
- Not prohibit vegetable gardens in the front, back, or side yard of a unit owner's property.

The act requires an association to develop at least 3 garden designs that are preapproved by the association for installation in front yards within the common interest community. To receive preapproval, a garden design must adhere to the principles of water-wise landscaping or be part of a water conservation program operated by a local water provider.

A unit owner who is affected by an association's violation of the act's requirements may, after providing the association notice of and a 45-day period to cure the violation, bring a civil action to restrain further violation and to recover up to \$500 or actual damages, whichever is greater.

The act's provisions apply only to a unit that is a single-family detached home and do not apply to:

- A unit that is a single-family attached home that shares one or more walls with another unit; or
- A condominium.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1099 Residential leases - rental applications - requirement to accept tenant screening report - notice to prospective tenants - exemption - penalty for landlord's failure to comply - attorney general enforcement. Except in certain circumstances, the act requires

a landlord to accept from a prospective tenant a portable tenant screening report (screening report). A landlord may require that the screening report was prepared by a consumer reporting agency (reporting agency) within the previous 30 days, at the prospective tenant's request and expense, and made directly available to the landlord by the agency. The act specifies information that must be included in a screening report, including verification of employment and income, rental and credit history, and criminal history. If a prospective tenant provides a screening report, the landlord shall not charge the prospective tenant either an application fee or a fee for the landlord to access or use the screening report.

Prior to collecting any tenant information that would generate an application fee, a landlord shall advise a prospective tenant that the landlord accepts screening reports and is prohibited from charging an application fee or other fee to a prospective tenant who provides a screening report.

A landlord is not required to accept a screening report or to provide the advisements required in the act if the landlord does not accept more than one application fee at a time for a dwelling unit or, if a dwelling unit is rented to more than one occupant, does not accept more than one application fee at a time for each prospective tenant or tenant group for the dwelling unit, and if the landlord refunds the total amount of the application fee to each prospective tenant within 20 calendar days after written communication from the prospective tenant or the landlord declining to enter into a lease.

If a prospective tenant submits a rental application that results in a landlord obtaining a consumer report relating to the prospective tenant, the landlord shall also provide a copy of the consumer report to the prospective tenant and advise the prospective tenant of the tenant's right to dispute the accuracy of the consumer report with the reporting agency.

A landlord that violates the provisions of the act is liable for \$2,500, plus court costs and attorney fees, but if the landlord cures the violation within 7 calendar days after receiving notice of the violation, the landlord is to pay the prospective tenant a penalty of \$50 and is otherwise not liable for damages. The act authorizes the attorney general to independently initiate and bring an action to enforce the "Rental Application Fairness Act".

APPROVED by Governor May 4, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1254 Tenants and landlords - warranty of habitability - residential premises damaged by environmental public health events. The act expands conditions covered under the warranty of habitability for residential premises to include damage due to an environmental public health event.

The act requires a landlord to have a residential premises remediated to a condition that complies with applicable standards for the remediation and clean up of residential premises after damage due to an environmental public health event. The act also clarifies landlord responsibilities regarding the warranty of habitability and how a tenant must give notice to a landlord if there are habitability issues with the tenant's residence.

The act prohibits a landlord from retaliating against a tenant for making a good faith complaint about the conditions of the residential premises and provides conditions by which

a tenant may terminate a lease if a habitability issue is not remediated. The act also specifies conditions by which certain vulnerable populations may terminate a lease if the residential premises has been damaged due to an environmental public health event that would be detrimental to the health, safety, or quality of life of those vulnerable populations.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

PUBLIC UTILITIES

S.B. 23-187 Public utilities commission - administratively set permit fees for motor carriers and transportation network companies. Under current law, various fees imposed on motor carriers are either specified in statute or set administratively by the public utilities commission (commission). The act removes the statutorily set fees and instead authorizes the commission to set the motor carrier fees administratively.

The act also requires, on and after January 1, 2024, that the commission establish transportation network company permit fees administratively. The commission is required to notify transportation network companies of an increase in the fees at least 30 days before the increased fees take effect. The commission may adopt rules establishing different tiers of permit fees for distinct types of transportation network companies based on the commission's consideration of market factors. If the commission adopts different tiers of permit fees, the commission is required to publish the criteria that the commission used to establish the different tiers on its website.

APPROVED by Governor May 18, 2023

EFFECTIVE May 18, 2023

S.B. 23-291 Public utilities commission - regulation of energy utilities - prohibited cost recovery - fuel cost sharing - natural gas costs and incentives - gas utility disconnections - beneficial electrification study - appropriation. Section 1 of the act requires the public utilities commission (commission), if relying on a discount rate when calculating the net present value of future carbon-based fuel costs as part of a utility's electric resource plan, to apply a discount rate that does not exceed the long-term rate of inflation. The commission is required to determine an appropriate rate of inflation specifically for fuel costs.

Section 2 requires the commission to establish rules to limit the amount of rate case expenses that an investor-owned electric or gas utility may recover from the utility's customers. In reviewing an investor-owned utility's application to modify base rates, the commission is required to certify that sufficient information is included in the application, including a comprehensive cost and revenue requirement analysis.

Section 3 prohibits an investor-owned electric or gas utility from recovering various costs from its customers, including:

- More than 50% of annual total compensation or of expense reimbursement for a utility's board of directors;
- Tax penalties or fines issued against the utility;
- Investor-relation expenses;
- Certain advertising and public relations expenses;
- Lobbying and other expenses intended to influence the outcome of local, state, or federal legislation or ballot measures;
- Charitable giving expenses;
- Certain organizational and membership dues;
- Certain political contributions or expenses;
- Travel, lodging, food, or beverage expenses for the utility's board of directors and officers;
- Gift or entertainment expenses;
- Expenses related to aircraft for a utility's board of directors and officers; and

- Expenses related to unregulated products or services sold or provided by a utility.

If an investor-owned utility recovers prohibited costs, the commission may assess a nonrecoverable penalty against the utility and is required to order the utility to refund the amount improperly recovered to its customers, plus interest.

An investor-owned utility is required to file an annual report with the commission on the utility's compliance with the cost recovery prohibitions, which report must include the purpose, payee, and amount of any expenses associated with costs and activities not permitted to be recovered from customers.

Section 4 requires that, on or before November 1, 2023, an investor-owned gas utility file with the commission for the commission's approval, amendment, or denial a gas price risk management plan that includes proposals for addressing the volatility of fuel costs recovered from the utility's customers pursuant to the utility's gas cost adjustment filings.

Section 4 requires the commission to adopt rules, on or before January 1, 2025, to help protect investor-owned electric or gas utility customers from the volatility of gas prices by establishing mechanisms that align an investor-owned utility's financial incentives with the financial interests of its customers regarding incurred fuel costs. In adopting the rules, the commission is required to consider mechanisms to create a financial incentive for an investor-owned utility to improve its electricity production cost efficiency while minimizing its fuel costs.

As part of its rules, the commission shall also consider, to the extent such information is relevant, each investor-owned electric or gas utility's financial health and corresponding impacts on customer affordability.

Section 4 also requires the commission to open a proceeding to investigate whether and how residential and other development in certain geographic areas drive natural gas infrastructure costs for any natural gas utility that serves more than 500,000 customers in the state. After completing the investigation, the commission shall consider whether alternative infrastructure, service investments, or other actions by the utility could mitigate impacts of such development on nonparticipating or income-qualified utility customers.

Section 5 requires:

- On or before December 31, 2023, each regulated gas utility to remove from the utility's rate tariffs incentives offered to an applicant applying for natural gas service to establish gas service to a property;
- The Colorado energy office to contract with an independent third party, on or before July 1, 2024, to evaluate the risk that stranded or underutilized natural gas infrastructure investments pose, including the risk posed to utility employees and contractors, and the annual projected rate impact that such stranded assets have on utility customers;
- The commission to determine whether any changes to rules or depreciation schedules are warranted based on its review of the evaluation contracted by the Colorado energy office;
- An investor-owned gas utility to provide the commission information, including a map, about the utility's gas distribution system pipes;

- An investor-owned gas utility to refrain from penalizing or charging a fee to a customer that voluntarily terminates gas service. The commission may adopt rules to establish standards for a customer's voluntary disconnection from an investor-owned gas utility's gas distribution system.
- On or before January 1, 2024, the commission to examine existing investor-owned electric utility tariffs, policies, and practices to determine if they pose a barrier to the beneficial electrification of transportation and buildings and determine whether requiring a customer that seeks to interconnect distributed energy resources or beneficial electrification resources to bear the full incremental cost of transformer or service upgrades needed for such interconnection imposes an undue burden on the customer.

Section 6 requires the commission to allow a wholesale customer of an investor-owned utility to intervene in a proceeding regarding the commission's consideration of the investor-owned utility's application for cost recovery from customers if the wholesale customer has a demonstrated interest in the proceeding.

Section 7 appropriates for the 2023-24 state fiscal year:

- \$1,347,554 from the public utilities commission fixed utility fund to the department of regulatory agencies for use by the commission, with \$713,745 reappropriated to the department of law; and
- \$142,749 to the department of law from the legal services cash fund from revenue received from the Colorado energy office that originates as custodial federal funds that the office has authority to expend.

APPROVED by Governor May 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1039 Electric resource adequacy - annual report - appropriation. On or before April 1, 2024, and on or before April 1 of each year thereafter, an entity with an obligation to provide retail or wholesale electricity services in the state (load-serving entity) must file with the entity responsible for approving the resource plans or rates of the load-serving entity (regulatory oversight entity) an annual report detailing the adequacy of its electric resources (resource adequacy annual report).

On or before April 30, 2024, and on or before April 30 of each year thereafter, each regulatory oversight entity must submit any resource adequacy annual reports to the Colorado energy office (office). On or before July 1, 2024, and on or before July 1 of each year thereafter, the office must aggregate the resource adequacy annual reports received from the regulatory oversight entities into a statewide resource adequacy aggregate annual report.

If a load-serving entity participates in an active organized wholesale market, which is a regional transmission organization or an independent system operator established for the purpose of coordinating and managing the dispatch and transmission of electricity on a multistate or regional basis, or, if the load-serving entity is participating in a voluntary regional resource adequacy reporting program, the load-serving entity's obligation to provide a resource adequacy annual report terminates on the date that the load-serving entity begins participating in an organized wholesale market or in the year following the submission of a

compliance report required by the program.

For the 2023-24 state fiscal year, the act appropriates \$14,737 from the general fund to the office of the governor for use by the office for program administration.

APPROVED by Governor April 25, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1051 Rural broadband and telecommunications - high cost support mechanism - continuation of funding to align with sunset review. The high cost support mechanism provides high cost support funding to telecommunications and broadband service providers that provide service in high-cost areas of the state. The high cost support mechanism was scheduled to conclude on December 1, 2023. The act continues support funding from the high cost support mechanism to 12 rural telecommunications providers in Colorado until September 1, 2024. The date aligns with the department of regulatory agencies' 2023 sunset review of the high cost support mechanism and the final determination of the high cost support mechanism by the general assembly in 2024.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1137 Community solar gardens - net metering credits for electric utility purchases of output - calculations for determining credits - cost recovery. Current law requires an electric retail utility (utility) to offer a net metering credit as the means of purchasing output from a community solar garden (CSG) located within the utility's service territory and establishes the means of calculating the net metering credit. The act maintains that calculation if the CSG indicates to the utility that the CSG's subscribers' bill credits change annually. However, if the CSG indicates to the utility that the CSG's subscribers' bill credits remain fixed, the act provides a different calculation for determining the net metering credit. The public utilities commission shall allow a utility to recover costs incurred in implementing and maintaining the net metering credit billing systems.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1252 Thermal energy - gas utilities' thermal energy network projects - geothermal heating and cooling grants - labor standards for public projects - eligibility as a clean heat resource - repeal of operating permit requirements for geothermal heat suppliers. The act authorizes the Colorado energy office to award grants for retrofitting existing buildings for installation of geothermal systems for heating and cooling under the single-structure geothermal grant that the office administers, and for generating geothermal energy through direct air capture technology under the geothermal electricity generation grant that the office administers.

The act establishes labor standards for thermal energy public projects that a state agency or a state institution of higher education procures.

In Colorado, a gas distribution utility providing gas service to more than 90,000 retail customers is required to file with the public utilities commission (commission) a clean heat plan, which plan demonstrates how the utility will use clean heat resources to meet clean heat targets for reducing carbon dioxide and methane emissions. The act adds thermal energy as an eligible clean heat resource for helping to meet clean heat targets.

A gas utility that the commission regulates is authorized to apply for review and approval of the use of thermal energy networks in the gas utility's service area. A gas utility that the commission regulates and that serves more than 500,000 customers is additionally required to propose pilot thermal energy network projects for the commission's review and approval. The commission shall initiate a proceeding on or before January 1, 2025, to determine if rule-making or legislative changes are needed to facilitate the development of thermal energy in the state.

The act repeals the "Geothermal Heat Suppliers Act", which requires geothermal heat suppliers to obtain operating permits from the commission.

APPROVED by Governor May 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1281 Clean hydrogen - investigatory proceeding - approval process for projects by investor-owned utilities - tax credit - report - rules - appropriation. Section 2 of the act defines clean hydrogen (clean hydrogen) as hydrogen that is:

- Derived from a clean energy resource that uses water as the source of hydrogen; or
- Produced through a process that results in lifecycle greenhouse gas emissions rates that are less than 1.5 kilograms of carbon dioxide equivalent per kilogram of hydrogen, as set forth in applicable federal law.

Section 2 also requires, no later than September 1, 2023, the public utilities commission (commission) to initiate an investigatory proceeding to consider issues related to projects that result in the production of clean hydrogen by an investor-owned utility (clean hydrogen projects).

Section 2 also requires, no later than December 1, 2024, the commission to adopt rules that establish clean hydrogen project requirements, including, if the commission determines cost recovery for clean hydrogen projects is appropriate, rules that require an investor-owned utility to present a clean hydrogen project to the commission for the commission's approval, unless the Colorado energy office (office) files a notice with the commission stating that the federal department of energy has extended or otherwise altered the deadline for funding of a project that is part of an application for federal funding by various entities that may include the production, transport, and use of clean hydrogen (hydrogen hub project).

Section 2 also requires that, in reviewing a clean hydrogen project application, the commission consider whether it is in the public interest for an investor-owned utility to invest

in a clean hydrogen project, the potential contribution of the clean hydrogen project in meeting the state's greenhouse gas emission reduction goals, and various other issues. If the clean hydrogen project is proposed to be sited in an area that would affect a disproportionately impacted community, the commission shall analyze the applicant's cumulative impacts analysis and determine whether the clean hydrogen project will have a positive effect on the disproportionately impacted community.

Section 2 also requires that an investor-owned utility provide notice to the commission of any application for federal funding as part of a hydrogen hub project.

Section 2 also requires an investor-owned utility that operates a clean hydrogen project approved by the commission to submit an annual report that reports various details about the clean hydrogen project to the commission. If the clean hydrogen project includes the use or consumption of clean hydrogen by the investor-owned utility, the investor-owned utility shall also report the lifecycle greenhouse gas emissions rates of the clean hydrogen project separately by each production facility and use.

For income tax years commencing on or after January 1, 2024, but before January 1, 2033, section 3 creates a state income tax credit in specified amounts per kilogram of clean hydrogen used for hard to decarbonize end uses, for operating a heavy-duty vehicle, or for aviation (tax credit). Any taxpayer seeking to claim the tax credit must first apply for and receive a tax credit certificate from the office. The tax credit may be claimed for an amount not to exceed \$250,000 in a tax year.

For the 2023-24 state fiscal year, the act appropriates \$360,758 from the public utilities commission fixed utility fund to the department of regulatory agencies for the following uses:

- \$241,532 for use by the commission for personal services;
- \$24,060 for use by the commission for operating expenses; and
- \$95,166, which is reappropriated to the department of law to provide legal services to the department of regulatory agencies.

For the 2023-24 state fiscal year, the act appropriates \$12,861 from the general fund to the department of revenue, which is reappropriated to the department of personnel for the purchase of document management services.

APPROVED by Governor May 22, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

REVENUE - ACTIVITIES REGULATION

S.B. 23-19 Motor vehicle dealer board - jurisdiction over out-of-state online dealers. The act requires out-of-state online dealers and salespersons selling motor vehicles or powersports vehicles to submit to the jurisdiction of the motor vehicle dealer board (board) when selling to a Colorado consumer. The act does not require these online dealers and salespersons to obtain a Colorado dealer license or have a physical location in Colorado but requires them to comply with Colorado laws and the board's rules.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-78 Motor vehicle and powersports vehicle dealers - motor vehicle and powersports vehicle manufacturers - reimbursement of dealers for warranty repair work. Before passage of the act, Colorado law required a motor vehicle or a powersports vehicle manufacturer (manufacturer) to timely compensate a motor vehicle or a powersports vehicle dealer (dealer) for warranty repairs based on the dealer's typical charges for parts and labor if these charges were reasonably consistent with the law governing the setting of these charges. The act repeals the condition that the charges must be reasonably consistent with this law, requiring the manufacturer to pay the charges even if there is a dispute as to the charges. The law governing the setting of these charges is not repealed, so the charges must continue to comply with the law.

Before passage of the act, Colorado law governing these charges allowed a manufacturer to challenge the setting of a labor rate or part markup if either was inaccurate or if either was substantially different than the charges of other similarly situated line-make dealers. The act repeals the manufacturer's ability to challenge these charges when the rates are substantially different than the charges of other similarly situated line-make dealers.

In order to challenge the setting of a labor rate or part markup as allowed before the passage of the act, the manufacturer was required to provide the dealer a notice that explains why the calculation was subject to contest. The act changes this requirement, requiring instead that the notice must explain why the calculation is materially inaccurate.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-156 Department of revenue - issuance of private letter rulings and information letters - sunset review - appropriation. The act implements the recommendations of the department of regulatory agencies, as contained in the department's sunset review of the issuance of private letter rulings (rulings) and information letters (letters) by the department of revenue, as follows:

- Continues the issuance of rulings and letters by the department of revenue and removes the issuance of rulings and letters from the sunset review process;
- Allows the department of revenue to extend the 90-day deadline to issue a ruling if the taxpayer agrees to the extension; and
- Allows the department of revenue to issue letters and rulings for any issue related to a tax or fee administered by the department of revenue.

For the 2023-24 fiscal year, the act appropriates \$53,644 from the private letter ruling fund to the department of revenue for use by the taxation business group for personal services related to taxation services.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-264 Alcohol beverages - festivals - permitting process - application timeline - increased fees - joint participation - limitation time frame. Currently, certain persons licensed to sell alcohol beverages (licensee) may apply for a permit to hold a festival. The act makes the following changes to the festival permitting process:

- Requires the licensee to file a permit application at least 30 calendar days before the festival, which increases the current requirement of at least 10 business days before the festival;
- Increases the fee for a permit from \$25 annually to \$50 per festival;
- Authorizes a licensee to jointly participate in up to 52 festivals held by other licensees; and
- Changes the window during which festivals are counted for the purpose of determining how many festivals a licensee holds or participates in from 12 months after the issuance of a permit to a calendar year.

APPROVED by Governor May 17, 2023

EFFECTIVE June 1, 2023

H.B. 23-1021 Marijuana - state licensing authority- ability to hold, embargo, and destroy marijuana. The act authorizes the executive director of the department of revenue (state licensing authority), pursuant to standards and processes that the state licensing authority establishes by rule, to:

- Issue an administrative hold on the movement of medical or retail marijuana pending an investigation;
- Embargo medical or retail marijuana when the state licensing authority finds objective and reasonable grounds to believe that the health, safety, or welfare of the public imperatively requires emergency action; and
- Order the destruction of embargoed medical or retail marijuana after notice and opportunity for a hearing.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1140 Powersports vehicle dealers - place of business - exceptions. Colorado law requires a powersports vehicle dealer or a used powersports vehicle dealer to maintain a principal place of business. The act clarifies that the following activities are not a violation of this requirement:

- Delivering a powersports vehicle to a customer for a test drive at a location

- that is away from the dealer's principal place of business;
- Delivering documents for a customer to sign or delivering documents to, or obtaining documents from, a customer at a location that is away from the dealer's principal place of business; or
- Delivering a powersports vehicle to a customer at a location that is away from the dealer's principal place of business.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

STATE PUBLIC DEFENDER

H.B. 23-1033 Office of alternate defense counsel - contracts for legal services. Current law directs the office of alternate defense counsel (office) to contract with attorneys and investigators to provide legal representation to clients who are indigent. The act directs the office to also contract with other persons who are necessary to provide legal services to persons who are indigent. The act requires that the legal services provided by attorneys and other persons must be commensurate with the legal services that persons who are not indigent receive.

APPROVED by Governor March 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

STATUTES

H.B. 23-1049 Enactment of Colorado Revised Statutes 2022. The act enacts the softbound volumes of the Colorado Revised Statutes 2022 and the subsequent changes approved by the voters at the general election on November 8, 2022, as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor February 24, 2023

EFFECTIVE February 24, 2023

TAXATION

S.B. 23-204 Controlled environment agricultural facility equipment - exemption from property tax - when in effect. Due to a defective statutory date reference, a property tax exemption for agricultural equipment that is used in any controlled environment agricultural facility was going to be in effect for 6 years instead of the 5 years intended by the general assembly when it enacted the property tax exemption. The act corrects the defective date reference so that the exemption will only be in effect for 5 years.

APPROVED by Governor May 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-304 Property tax - determination of actual value - taxpayer's remedies to correct errors - alternative appeal and protest procedure - written request for data used to determine actual value. The act specifies that when a property tax assessor values real property, the property tax assessor shall consider:

- The current use;
- Existing zoning and other governmental land use or environmental regulations and restrictions;
- Multi-year leases or other contractual arrangements affecting the use of or income from real property;
- Easements and reservations of record; and
- Covenants, conditions, and restrictions of record.

Beginning January 1, 2024, the act requires counties with a population greater than 300,000 to use an alternative procedure to determine objections and protests of property tax valuations in any year of general reassessment of real property that is valued biennially.

At the request of a taxpayer, the law requires a property tax assessor to provide the taxpayer with certain data that the assessor used to determine the value of the taxpayer's property. The act clarifies that the data the assessor is required to provide must include the primary method and rates the assessor used to value the property.

APPROVED by Governor May 24, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1006 Income tax - annual withholding statement - notice of availability of federal and state earned income and child tax credits. The law has required an employer to provide its employees with an annual statement showing the total compensation paid and the income tax withheld for the preceding calendar year. The act requires an employer to also provide written notice of the availability of the federal and state earned income tax credits and the federal and state child tax credits at least once annually. An employer may send the written notice to employees electronically, including via e-mail or text message. The written notice

must be in English and any other language the employer uses to communicate with employees and must include any additional content that the department of revenue prescribes.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1081 Income tax - credit for conversion and expansion costs for employee business ownership. Under the law, a qualified business is allowed a tax credit in the amount of 50% of the costs to convert the qualified business to a form of employee ownership. The tax credit has been capped at \$25,000 for converting a qualified business to a worker-owned cooperative or employee ownership trust and \$100,000 for converting a qualified business to an employee stock ownership plan.

The act:

- Increases the caps for converting a qualified business to a worker-owned cooperative or employee ownership trust from \$25,000 to \$40,000, and for converting a qualified business to an employee stock ownership plan from \$100,000 to \$150,000;
- Expands the tax credit to include 50% of the costs of a qualified employee-owned business expanding its employee ownership by at least 20%, not to exceed \$25,000;
- Expands the tax credit to include 50% of the costs of a qualified business converting to or expanding an alternate equity structure, not to exceed \$25,000. An alternate equity structure is a mechanism under which an employer grants to employees a form of employee ownership, including an employee stock ownership plan, LLC membership, phantom stock, profit interest, restricted stock, stock appreciation right, stock option, or synthetic equity.
- Establishes certain minimum requirements for an alternate equity structure and requires the Colorado office of economic development in the office of the governor to develop guidelines for the types of employee ownership grants that qualify as an alternate equity structure; and
- Specifies that a qualified business or qualified employee-owned business may apply for and claim only one credit for the conversion or expansion costs per tax year.

APPROVED by Governor May 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1111 Unauthorized insurance premium tax - rate increase. The act increases the unauthorized insurance premium tax rate from 2.25% to 3% in parity with the surplus lines insurance tax rate.

APPROVED by Governor March 31, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1121 Insurance premium tax - income tax - severance tax - infrequently used tax expenditures. The act repeals the following infrequently used tax expenditures:

- The crop hail insurance premium tax exemption (section 1 of the act);
- The in-state investment pre-1959 insurance premium tax deduction (section 1);
- The corporate condemnation capital gains income tax deduction (section 2);
- The oil shale excess percentage depletion income tax deduction (section 2);
- The mining and milling impact assistance corporate income tax credit (section 3);
- The oil shale equipment and machinery severance tax deduction (section 4);
- The oil shale processing severance tax deduction (section 4);
- The oil shale severance tax rate reductions (section 4);
- The oil shale noncommercial production severance tax exemption (section 4); and
- The mineral and mineral fuels impact assistance severance tax credit (section 5).

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1240 Rebuilding from declared wildfire disaster - sales and use tax - exemption - refund - definitions. The act creates a sales and use tax exemption for construction and building materials used directly in rebuilding or repairing a residential structure damaged or destroyed by a declared wildfire disaster in calendar year 2020, 2021, or 2022 (wildfire rebuild exemption). In addition to the state sales and use tax, the wildfire rebuild exemption extends to the sales and use taxes levied by the regional transportation district and the scientific and cultural facilities district. The exemption does not apply to the sales or use taxes levied by any other local government, including any city, town, county, special purpose district, or limited purpose governmental entity. The exemption is to be administered by the department of revenue (department) solely as a refund allowed to qualified homeowners. To be qualified, a homeowner must certify that:

- The homeowner was the owner of the residential structure to be repaired or rebuilt (qualified residential structure) at the time it was damaged or destroyed by the declared wildfire disaster; and
- The replacement cost for the qualified residential structure exceeds the homeowner's coverage under any homeowner's insurance policy associated with the structure.

A qualified homeowner may claim a refund by obtaining and submitting to the department a building permit and a wildfire rebuild exemption certificate for each qualified residential structure from the local government authorized to issue a building permit in the area in which the qualified residential structure is located. The amount of the refund is equal to 4.0% of the estimated construction and building materials cost for repairing or rebuilding the qualified residential structure. The estimated construction and building materials cost is the cost amount used by the local government to collect estimated use tax, as stated in the

building permit. If no estimated use tax has been collected, the estimated construction and building materials cost is half of the total contract price or total cost for rebuilding or repairing the qualified residential structure.

The act amends the 3-year statute of limitations for state sales and use tax refund claims to allow a qualified homeowner to claim a refund based on the wildfire rebuild exemption at any time on or before June 30, 2028. The act also requires the department to prioritize refund applications based on the wildfire rebuild exemption over refund applications submitted pursuant to other provisions of law.

For the 2023-24 state fiscal year, \$72,267 is appropriated from the general fund to the department for use by taxation services to implement the act.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

H.B. 23-1260 State income tax credits for advanced manufacturing and semiconductor manufacturing - enterprise zones - CHIPS zones - Colorado job growth incentive tax credit - refunds - advanced manufacturing and STEM industries task force - appropriations. The act creates new and modifies existing state income tax credits to maximize federal government funding for taxpayers engaged in semiconductor and advanced manufacturing in Colorado. Specifically, the act creates a refund mechanism, available from fiscal year 2023-24 through fiscal year 2028-29, that allows a taxpayer engaged in semiconductor or advanced manufacturing to apply for conditional approval of one or more types of income tax credits based on a specified project in the state and includes the maximum amount of credit for which the taxpayer may claim a refund of 80% (refund mechanism). The income tax credit types that may be the basis for such a refund are:

- The 3 enterprise zone credits for qualified investments, business facility employees, and expenditures for research and experimental activities;
- The Colorado job growth incentive income tax credit; and
- 3 semiconductor manufacturing zone (CHIPS zone) credits for qualified investments, business facility employees, and expenditures for research and experimental activities, the zones for which are created in the act.

Semiconductor and advanced manufacturers must apply to the Colorado economic development commission (commission) for a refund certificate approving their project and setting the maximum amount of income tax credits that the manufacturer may claim as the basis for a refund in connection with the project. In reviewing applications, the commission must prioritize taxpayers engaged in semiconductor or advanced manufacturing that have received or applied to receive matching funds under the "American Rescue Plan Act of 2021", the "Creating Helpful Incentives to Produce Semiconductors and Science Act of 2022" (CHIPS Act), or other similar federal legislation.

The CHIPS zone tax credit program created by the act is similar to the enterprise zone tax credit program in that a local government may propose an area for designation as a CHIPS zone, which designation may promote the local economy through incentivizing businesses to locate in the area. A taxpayer located in a CHIPS zone may be eligible to claim an income tax credit under existing enterprise zone statutes for the taxpayer's qualified investments, business facility employees, or research and experimental activities. However,

the tax benefits of CHIPS zones are only available to taxpayers engaged in semiconductor manufacturing, as that term is defined under the CHIPS Act.

All CHIPS zone tax credits must be precertified by the CHIPS zone administrator. All such credits may be used to offset a taxpayer's income tax liability or carried forward for a period not to exceed 12 years. Or, if the credits are included in a refund certificate approved by the commission pursuant to the refund mechanism, they may be used to claim a refund of 80% of the total amount of the credits.

CHIPS zones may be modified or terminated at the discretion of the commission beginning in income tax year 2023 and through income tax year 2040; however, all CHIPS zones will terminate as a matter of law on December 31, 2040.

The act creates, within the office of economic development (office), a temporary task force comprised of state legislators, representatives of the office, and citizens with industry experience to study the effectiveness of financial incentives and other resources intended to attract and promote the development of advanced manufacturing and other science, technology, engineering, or math (STEM) companies in Colorado during the 2023 legislative interim. The task force is required to report its findings to the general assembly and the governor by a specified date.

The act amends the law regarding confidential taxpayer information to allow the department of revenue to disclose pertinent information to the office as necessary to administer the CHIPS zone tax credit program. For the 2023-24 state fiscal year, \$300,1098 is appropriated from the general fund to the department of revenue and \$117,583 is appropriated from the general fund to the office of the governor for implementation of the act.

APPROVED by Governor May 20, 2023

EFFECTIVE May 20, 2023

H.B. 23-1311 Taxpayers bill of rights - fiscal year spending limit - refunds - identical amounts - proposition HH. If the state exceeds its fiscal year spending limit, it is required to refund the excess state revenues (TABOR refund). The act changes the way the state will distribute a TABOR refund for the 2022-23 state fiscal year. Currently, there are 3 different methods to effectuate a TABOR refund:

- A reimbursement to counties for property tax revenue reductions as a result of the senior and veteran property tax exemption;
- A reimbursement to counties for reductions in property tax revenues due to reductions in valuation for assessment; and
- A six-tier sales tax refund for individual taxpayers under which refunds increase, based on the tiers, as a taxpayer's income increases.

The act creates a new temporary refund mechanism (temporary TABOR refund), which is contingent on the voters approving proposition HH at the November 7, 2023, statewide election, that replaces the sales tax refund mechanism for the 2022-23 state fiscal year. Under this mechanism, each qualified individual is eligible to receive an identical refund payment from the remaining excess state revenues from all sources after refunds are made through the county reimbursement mechanisms (remaining excess state revenues). A

qualified individual filing a single return is entitled to one temporary TABOR refund, and 2 qualified individuals filing a joint return are entitled to 2 temporary TABOR refunds.

APPROVED by Governor May 24, 2023

PORTIONS EFFECTIVE May 24, 2023
PORTIONS EFFECTIVE January 1, 2024

NOTE: Section 2 of the act states that section 1 of the act takes effect only if, at the November 2023 statewide election, a majority of voters approve the ballot issue submitted for their approval or rejection pursuant to section 24-77-202, C.R.S., as enacted by Senate Bill 23-303 and that if the voters at the November 2023 statewide election approve the ballot issue, then section 1 of this act takes effect on the later of January 1, 2024, or the date of the official declaration of the vote thereon by the governor.

TRANSPORTATION

H.B. 23-1022 License plates - transferability between fleet vehicles - appropriation. A license plate expires when the owner transfers or assigns the title or interest in the associated motor vehicle and that the owner cannot transfer such a license plate to another motor vehicle. The act exempts license plates issued to the operator of a motor vehicle fleet (fleet operator) that are easily legible and in good condition from such expiration and allows a fleet operator to transfer license plates from one fleet vehicle to another when the fleet operator transfers or assigns the owner's title or interest in the fleet vehicle from which the number plates are being transferred.

For state fiscal year 2023-24, the act appropriates \$2,700 from the Colorado DRIVES vehicle services account in the highway users tax fund to the department of revenue.

APPROVED by Governor April 24, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1101 Transit support - ozone season transit grant program flexibility - study of transportation planning regions and transportation planning process representation and transparency. Section 2 of the act increases the flexibility of the ozone season transit grant program by:

- Allowing an eligible transit agency that operates in an area in which ozone-causing traffic levels are typically highest during a different period than June 1 to August 31 of a calendar year to identify a different period of the calendar year for its "ozone season" in an application for a grant to offer fare-free service during the identified period;
- Specifying that if the Colorado energy office (CEO) awards a grant for a year to a transit association or to the regional transportation district in an amount that is less than the applicable maximum amount allowed by law, then the maximum amount of such a grant that the CEO may award for the next year is increased by an amount equal to the amount that could have been but was not awarded for the prior year;
- Specifying that a grant recipient may use grant money for reasonable marketing expenses incurred to raise awareness of free service and increase ridership and to conduct rider surveys to better measure the impact of the program on ridership and vehicle miles traveled in private motor vehicles;
- Clarifying that an eligible transit agency may use grant money to expand free services or free routes or increase the frequency of service on routes for which free service is already offered; and
- Allowing the regional transportation district to use grant money to cover the full costs, rather than up to 80% of the costs, of providing at least 30 days of free transit on all services that it offers.

On or before November 30, 2023, section 3 requires the department of transportation to complete a study and study report of the boundaries of the transportation planning regions of the state (TPRs), the membership of the transportation advisory committee and the special interim transit and rail advisory committee, and the consistency and transparency of the transportation planning process across the transportation planning regions. The study must

include consideration of specified matters and shall not include any recommendation that, if adopted, would reduce the number of rural TPRs. Before June 1, 2024, the transportation commission, taking into consideration the findings of the study, is required to initiate updates to its rules concerning the statewide transportation planning process and TPRs.

On and after September 1, 2023, section 5 requires the governing body of the transportation planning organization for each TPR to include at least one voting representative to represent all transit agencies in the TPR. The representative must be appointed by the transit agency or, if multiple transit agencies provide service in the transportation planning region, by agreement of the transit agencies. Section 4 defines the term "transportation planning organization" as used in section 5.

Section 6 increases the maximum rate of sales or use tax, or both, that a regional transportation authority (RTA) may impose, with voter approval, from one percent to 2%. Section 6 also makes permanent the existing power of a RTA to impose, with voter approval, a uniform mill levy of up to 5 mills, which power would otherwise expire at the end of the 2028 property tax year.

APPROVED by Governor April 28, 2023

EFFECTIVE April 28, 2023

H.B. 23-1276 Department of transportation - bridge and tunnel enterprise - designated bridge and tunnel projects - preventative maintenance. The bridge and tunnel enterprise (BTE) in the department of transportation (department) completes tunnel projects and finances, repairs, reconstructs, replaces, and maintains designated bridges in the state. A designated bridge is a bridge that is part of the state highway system and that the department has identified as structurally deficient or functionally obsolete and has rated as poor.

The act expands the scope of the BTE to include the completion of preventative maintenance bridge projects, which are projects that involve a treatment or strategy to extend the service life of a fair-rated or good-rated bridge by preventing, delaying, or reducing deterioration.

The act authorizes the BTE to repair, reconstruct, replace, and maintain a bridge that the department has rated as fair if the fair-rated bridge is included as part of a project to repair, reconstruct, replace, or maintain a designated bridge.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

WATER AND IRRIGATION

S.B. 23-295 Colorado river drought task force - sub-task force to study tribal matters - report - appropriation. The act creates the Colorado river drought task force (task force). The members of the task force must, to the extent practicable, reflect the racial and ethnic diversity of the state and have experience with a wide range of water issues.

The act directs the executive committee of the legislative council to hire a facilitator to support the work of the task force. The task force must begin meeting no later than July 31, 2023, and may hold up to 12 meetings in the 2023 legislative interim.

The purpose of the task force is to develop recommendations for state legislation that provides additional tools for the Colorado water conservation board to collaborate with the Colorado river water conservation district, the southwestern water conservation district, and other relevant stakeholders in the development of programs that address drought in the Colorado river basin and interstate commitments related to the Colorado river and its tributaries through water conservation (recommendations).

The act also requires the task force to establish a sub-task force to study tribal matters (sub-task force) and provide additional recommendations for state legislation.

No later than December 15, 2023, the task force and sub-task force must submit a report that includes the recommendations and a summary of the task force's and sub-task force's work to the water resources and agriculture review committee.

The act is repealed July 1, 2024.

For the 2023-24 state fiscal year, the act appropriates \$200,000 to the legislative department for use by the legislative council to implement the act.

APPROVED by Governor May 20, 2023

EFFECTIVE May 20, 2023

H.B. 23-1125 Conveyance of water rights - groundwater wells - modifications to registration requirements. Current law requires that the owner of a groundwater well (well) permit file any change in name or contact information with the state engineer in person, by mail, or by fax. The act removes the requirement that the filing be in person, by mail, or by fax.

Current law requires the buyers of certain wells to complete a change in owner name form before the closing of the transaction. The act removes the requirement that the form be submitted before the closing of the transaction.

The act clarifies that if an existing well being sold has not been registered with the division of water resources (division), the buyer of the well must submit a registration of existing well form to the division within 63 days after closing the transaction.

Current law states that the division is responsible for obtaining the necessary well registration information from the buyer after the purchase of a well. The act removes this requirement and clarifies that a person who provides a closing service in connection with the purchase of a well must submit a change in owner name form for the well to the division, even if the well has not yet been registered with the division.

If a change in owner name form does not include a well permit number, the act requires the division to instruct the buyer of a well to complete a new change in owner name form or registration of existing well form and requires the buyer to submit the applicable form to the division.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.