

CHAPTER 30

GOVERNMENT - STATE

HOUSE BILL 25-1025

BY REPRESENTATIVE(S) Feret, Bird, Boesenecker, Brown, Camacho, Clifford, Duran, Espenozo, Froelich, Lindsay, Mabrey, Martinez, Mauro, McCormick, Rutinel, Titone, Willford;
also SENATOR(S) Cutter, Ball, Bridges, Kipp, Sullivan, Winter F.

AN ACT

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

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

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

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

(b) "Essential materials" means personal protective equipment, ventilators, and any other items that the director OR THE DIRECTOR'S DESIGNEE determines are necessary to respond to a disaster emergency OR OTHER CIRCUMSTANCES IN WHICH THERE IS A NEED FOR OR BENEFIT TO DISTRIBUTION OR THAT ENHANCE THE ABILITY OF STATE AGENCIES, SCHOOLS, LOCAL PUBLIC HEALTH AGENCIES, HOSPITALS, PRIMARY CARE PROVIDERS, NONPROFIT ORGANIZATIONS, FAITH-BASED ORGANIZATIONS, TRIBAL GOVERNMENTS WITH JURISDICTION IN COLORADO, OR OTHER ENTITIES OR INDIVIDUALS AND THEIR COMMUNITY PARTNERS TO RESPOND TO CURRENT OR FUTURE DISASTER EMERGENCIES OR OTHER CIRCUMSTANCES IN A WAY THAT WOULD HELP PROTECT PUBLIC HEALTH OR SAFETY.

(3) (a) The division shall procure and maintain a stockpile of essential materials that are available for distribution after the governor has declared a disaster emergency in accordance with section 24-33.5-704 (4), WHEN THE DIRECTOR OR THE DIRECTOR'S DESIGNEE DETERMINES THAT THERE ARE OTHER CIRCUMSTANCES IN

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

WHICH THERE IS A NEED FOR OR BENEFIT TO DISTRIBUTION, OR WHEN THE DIRECTOR OR THE DIRECTOR'S DESIGNEE DETERMINES THAT THEIR DISTRIBUTION WILL ENHANCE THE ABILITY OF STATE AGENCIES, SCHOOLS, LOCAL PUBLIC HEALTH AGENCIES, HOSPITALS, PRIMARY CARE PROVIDERS, NONPROFIT ORGANIZATIONS, FAITH-BASED ORGANIZATIONS, TRIBAL GOVERNMENTS WITH JURISDICTION IN COLORADO, OR OTHER ENTITIES OR INDIVIDUALS AND THEIR COMMUNITY PARTNERS TO RESPOND TO CURRENT OR FUTURE DISASTER EMERGENCIES OR OTHER CIRCUMSTANCES IN A WAY THAT WOULD HELP PROTECT PUBLIC HEALTH OR SAFETY. DISTRIBUTION OF ESSENTIAL MATERIALS FOR THE PURPOSE OF ENSURING THAT THEY CAN BE USED IN NORMAL, NONEMERGENCY TIMES BEFORE THEIR USEFUL LIFE ENDS IS A USE OF SUCH MATERIALS IN A WAY THAT WOULD HELP PROTECT PUBLIC HEALTH OR SAFETY. Subject to available appropriations, the division shall attempt to ensure that, in the event of a national public health emergency, the stockpile has a sufficient supply of personal protective equipment to bridge the gap until the national supply chain can increase production to meet the demand for such items.

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

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

- (a) THE DATE OF THE ACQUISITION OR DISTRIBUTION;
- (b) THE TYPE AND QUANTITY OF ESSENTIAL MATERIALS ACQUIRED OR DISTRIBUTED;
- (c) THE ENTITY OR INDIVIDUAL THAT PROVIDED OR RECEIVED A DISTRIBUTION OF ESSENTIAL MATERIALS;
- (d) IN THE CASE OF AN ACQUISITION, THE REASON OR REASONS FOR AND COST OF THE ACQUISITION;

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

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

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

Approved: March 26, 2025