

CHAPTER 374

TAXATION

SENATE BILL 25-268

BY SENATOR(S) Bridges and Kirkmeyer, Amabile, Snyder;
also REPRESENTATIVE(S) Bird and Sirota, Taggart.

AN ACT

CONCERNING CHANGES TO MONEY IN THE MARIJUANA TAX CASH FUND, AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 23-21-808, **amend** (1)(a) as follows:

23-21-808. Funding for pilot program. (1) (a) (I) For state fiscal year 2021-22, and each state fiscal year thereafter ~~BEFORE STATE FISCAL YEAR 2025-26~~, the general assembly shall annually appropriate three million dollars per fiscal year from the marijuana tax cash fund created in section 39-28.8-501 to the board of regents of the university of Colorado, for allocation to the center to implement and administer the MAT expansion pilot program. The center may use a portion of the money annually appropriated for the pilot program to pay the direct and indirect costs that the center incurs to administer the pilot program, as well as to provide consulting services to and oversight of grant recipients, for data collection and analysis, evaluation of the pilot program, and program reporting.

(II) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2025, THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FOR THE PURPOSES SET FORTH IN SUBSECTION (1)(a)(I) OF THIS SECTION AND IN ACCORDANCE WITH THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 39-28.8-501, **amend** (4.8)(a); and **repeal** (4.8)(c) as follows:

39-28.8-501. Marijuana tax cash fund - creation - distribution - legislative declaration - repeal. (4.8) The state treasurer shall transfer from the fund to the public school capital construction assistance fund created in section 22-43.7-104:

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.

(a) Fifty million dollars on June 1, 2022. ~~and~~

(c) ~~Twenty million dollars on June 1, 2026.~~

SECTION 3. In Colorado Revised Statutes, 39-28.8-203, **amend** (1) introductory portion, (1)(a)(I), and (1)(b)(I.5) introductory portion; and **add** (1)(b)(I.6) and (2.5) as follows:

39-28.8-203. Disposition of collections - definitions. (1) The proceeds of all money collected from the retail marijuana sales tax are initially credited to the old age pension fund created in section 1 of article XXIV of the state constitution in accordance with ~~paragraphs (a) and (f) of section 2~~ SECTIONS 2 (a) AND 2 (f) of article XXIV of the state constitution and thereafter are transferred to the general fund in accordance with section 7 of article XXIV of the state constitution. For each fiscal year in which a tax is collected pursuant to this part 2, an amount shall be appropriated or distributed from the general fund as follows:

(a) (I) Before July 1, 2017, an amount equal to fifteen percent of the gross retail marijuana sales tax revenue collected by the department is apportioned to local governments. On and after July 1, 2017, BUT BEFORE JULY 1, 2025, an amount equal to ten percent of the gross retail marijuana sales tax revenue collected by the department is apportioned to local governments. ON AND AFTER JULY 1, 2025, AN AMOUNT EQUAL TO THREE AND ONE-HALF PERCENT OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUE COLLECTED BY THE DEPARTMENT IS APPORTIONED TO LOCAL GOVERNMENTS. The city or town share is apportioned according to the percentage that retail marijuana sales tax revenue collected by the department within the boundaries of the city or town bear to the total retail marijuana sales tax revenue collected by the department. The county share is apportioned according to the percentage that retail marijuana sales tax revenue collected by the department in the unincorporated area of the county bear to total retail marijuana sales tax revenue collected by the department.

(b) (I.5) On and after July 1, 2018, BUT BEFORE JULY 1, 2025, of the ninety percent of the gross retail marijuana sales tax revenue in the general fund remaining after the allocation to local governments required by subsection (1)(a)(I) of this section is made, the state treasurer shall retain fifteen and fifty-six one-hundredths percent in the general fund for use for any lawful purpose and shall transfer from the general fund:

(I.6) ON AND AFTER JULY 1, 2025, OF THE NINETY-SIX AND ONE-HALF PERCENT OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUE IN THE GENERAL FUND REMAINING AFTER THE ALLOCATION TO LOCAL GOVERNMENTS REQUIRED BY SUBSECTION (1)(a)(I) OF THIS SECTION IS MADE, THE STATE TREASURER SHALL RETAIN FOURTEEN AND FIFTY-ONE ONE-HUNDREDTHS PERCENT IN THE GENERAL FUND FOR USE FOR ANY LAWFUL PURPOSE AND SHALL TRANSFER FROM THE GENERAL FUND:

(A) SEVENTY-TWO AND TWO-TENTHS PERCENT TO THE MARIJUANA TAX CASH FUND;

(B) ELEVEN AND SEVENTY-FOUR ONE-HUNDREDTHS PERCENT TO THE STATE

PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1) FOR USE AS SPECIFIED IN SECTION 22-54-139 (3); AND

(C) ONE AND FIFTY-FIVE ONE-HUNDREDTHS PERCENT TO THE MARIJUANA CASH FUND CREATED IN SECTION 44-10-801 (1)(a).

(2.5) ON OR AFTER NOVEMBER 1, 2027, BUT PRIOR TO APRIL 1, 2028, THE JOINT BUDGET COMMITTEE SHALL REVIEW THE PERCENTAGE OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUE THAT IS ALLOCATED TO LOCAL GOVERNMENTS PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION TO DETERMINE WHETHER THE PERCENTAGE CONTINUES TO BE APPROPRIATE. THE COMMITTEE SHALL RECOMMEND TO THE GENERAL ASSEMBLY ANY MODIFICATIONS TO THE ALLOCATION THAT THE COMMITTEE DEEMS NECESSARY.

SECTION 4. In Colorado Revised Statutes, 22-43.7-104, **amend** (2)(g) as follows:

22-43.7-104. Public school capital construction assistance fund - creation - crediting of money to fund - use of fund - emergency reserve - creation - reserve account - creation and use. (2) (g) The assistance fund includes ~~seventy~~ FIFTY million dollars, which the state treasurer is required to transfer from the marijuana tax cash fund created in section 39-28.8-501 (1) ~~in two installments, with the first on June 1, 2022, and the second on June 1, 2024,~~ pursuant to section 39-28.8-501 (4.8).

SECTION 5. Appropriation - adjustments to 2025 long bill. To implement this act, the cash funds appropriation from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., made in the annual general appropriation act for the 2025-26 state fiscal year to the department of higher education for use by the Colorado commission on higher education and higher education special purpose programs for the center for substance use disorder, prevention, treatment, and recovery support strategies at the university of Colorado health sciences center is decreased by \$3,000,000.

SECTION 6. 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: June 3, 2025