

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 24-0652.03 Yelana Love x2295

SENATE BILL 24-181

SENATE SPONSORSHIP

Priola and Hansen, Winter F., Buckner, Cutter, Exum, Fields, Gonzales, Jaquez Lewis, Marchman, Michaelson Jenet, Bridges, Coleman

HOUSE SPONSORSHIP

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Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COLORADO ALCOHOL IMPACT**
102 **AND RECOVERY ENTERPRISE, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the Colorado alcohol impact and recovery enterprise (enterprise) in the department of revenue to:

- Collect a fee from manufacturers and wholesalers that distribute alcohol within Colorado; and
- Use the fee for alcohol and related substance use disorder

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

SENATE
3rd Reading Unamended
April 30, 2024

SENATE
Amended 2nd Reading
April 29, 2024

prevention, early intervention, treatment, harm reduction, and recovery services and programs in communities throughout the state.

The bill exempts small manufacturers and wholesale distributors of alcohol based on production and distribution level amounts for which a manufacturer or distributor may pay reduced tax or claim an exemption under federal law.

The bill also:

- Creates the alcohol impact enterprise board and specifies membership and duties of the board; and
- Requires the state auditor to conduct an audit of the enterprise in the 2030-31 state fiscal year and every fourth state fiscal year thereafter.

The bill also exempts the enterprise from the prohibition on an enterprise receiving more than \$100,000,000 in revenue in fees in the enterprise's first 5 fiscal years without first receiving voter approval.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 83 to title
3 27 as follows:

4 **ARTICLE 83**

5 **Colorado Alcohol Impact and Recovery Enterprise**

6 **27-83-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 83 IS
7 THE "COLORADO ALCOHOL USE IMPACT AND RECOVERY FEE ACT".

8 **27-83-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 FINDS AND DECLARES THAT:

10 (a) THE EXCESSIVE USE AND RELATED HARMS OF ALCOHOL
11 CONTRIBUTE DETRIMENTALLY TO PUBLIC HEALTH AND IMPOSE HIGH
12 FINANCIAL COSTS TO THE STATE SYSTEMS FOR PHYSICAL HEALTH,
13 BEHAVIORAL HEALTH, SOCIAL SERVICES, PUBLIC SAFETY, AND EDUCATION;

14 (b) ANNUALLY, AN AVERAGE OF TWO THOUSAND SIX HUNDRED
15 TWENTY-THREE DEATHS IN COLORADO ARE ATTRIBUTABLE TO EXCESSIVE
16 ALCOHOL USE;

1 (c) COLORADO TAXPAYERS SPENT OVER FIVE BILLION DOLLARS AS
2 A RESULT OF EXCESSIVE ALCOHOL USE IN 2010; ADJUSTED FOR INFLATION,
3 THIS IS EQUIVALENT TO SIX BILLION NINE HUNDRED MILLION DOLLARS IN
4 2023 OR TWO DOLLARS AND EIGHTY-NINE CENTS PER DRINK CONSUMED;

5 (d) IN 2021, BOTH THE PER CAPITA ALCOHOL CONSUMPTION AND
6 THE PERCENTAGE OF ADULTS WHO REPORTED BINGE DRINKING IN THE PAST
7 THIRTY DAYS IN COLORADO WERE HIGHER THAN THE NATIONAL AVERAGE;

8 (e) IN 2019, PROSECUTORS IN COLORADO FILED OVER TWENTY-SIX
9 THOUSAND CASES WITH AT LEAST ONE CHARGE OF DRIVING UNDER THE
10 INFLUENCE. OF CASES WITH A CONVICTION FOR DRIVING UNDER THE
11 INFLUENCE, THIRTY-SEVEN PERCENT OF THE DEFENDANTS HAD AT LEAST
12 ONE PRIOR ARREST FOR DRIVING UNDER THE INFLUENCE.

13 (f) IN 2021, THE NATIONAL HIGHWAY TRAFFIC SAFETY
14 ADMINISTRATION REPORTED THAT TWO HUNDRED SIXTEEN PEOPLE WERE
15 KILLED ON COLORADO ROADS BY ALCOHOL-IMPAIRED DRIVERS, AN
16 INCREASE OF THIRTY TWO PERCENT FROM 2019;

17 (g) DATA FROM THE 2021 HEALTHY KIDS COLORADO SURVEY
18 FOUND THAT:

19 (I) OVER TWENTY-THREE PERCENT OF YOUTH REPORTED USING
20 ALCOHOL IN THE PREVIOUS MONTH;

21 (II) OVER FOURTEEN PERCENT OF YOUTH REPORTED BINGE
22 DRINKING ONE OR MORE TIMES IN THE PREVIOUS MONTH; AND

23 (III) OVER FIFTY-THREE PERCENT OF YOUTH FELT IT WOULD BE
24 EASY TO OBTAIN ALCOHOL IF THEY WANTED TO;

25 (h) IT IS ESTIMATED THAT ONE IN TWENTY SCHOOL CHILDREN IN
26 THE UNITED STATES HAVE FETAL ALCOHOL SPECTRUM DISORDERS, WHICH
27 CAN LEAD TO:

1 (I) PROBLEMS WITH THE HEART, KIDNEYS, AND OTHER ORGANS;

2 (II) BEHAVIORAL HEALTH AND INTELLECTUAL DISABILITIES; AND

3 (III) INCREASED RISK OF DEVELOPING A SUBSTANCE USE
4 DISORDER;

5 (i) ALCOHOL IS THE MOST PREVALENT POTENTIALLY DAMAGING
6 SUBSTANCE USED BY PREGNANT WOMEN, INCREASING THE RISK FOR FETAL
7 ALCOHOL SPECTRUM DISORDER AND ASSOCIATED HEALTH IMPACTS ON
8 INFANTS;

9 (j) THE HIGHEST NUMBER OF SUBSTANCE USE TREATMENT
10 ADMISSIONS IN COLORADO FROM 2022 AND 2023 WERE FOR ALCOHOL USE
11 DISORDER, WITH OVER SIXTY-FIVE PERCENT OF ALL ADMISSIONS
12 INCLUDING ALCOHOL USE DISORDER;

13 (k) THERE IS A STRONG LINK BETWEEN ALCOHOL USE AND
14 SUBSTANCE USE DISORDERS. IN 2016, ABOUT ONE IN FIVE EMERGENCY
15 DEPARTMENT VISITS ASSOCIATED WITH THE MISUSE OF PRESCRIPTION
16 MEDICINES ALSO INVOLVED ALCOHOL. IN 2017, ABOUT ONE IN SEVEN
17 OPIOID-RELATED DEATHS INVOLVED DRINKING ALCOHOL WITHIN A FEW
18 HOURS OF USING AN OPIOID, AND THE PROPORTION OF OPIOID OVERDOSE
19 DEATHS INVOLVING ALCOHOL RANGED FROM SEVEN TO TWENTY-NINE
20 PERCENT, VARYING ACROSS THE STATES. ADDITIONALLY, OPIOID
21 OVERDOSE DEATHS WHERE ALCOHOL CONTRIBUTED TO THE DEATH
22 INCREASED FORTY-ONE PERCENT FROM 2019 TO 2020.

23 (l) BECAUSE OF THE LINK BETWEEN ALCOHOL USE AND THE USE OF
24 OTHER SUBSTANCES, IT IS DIFFICULT TO TREAT AN ALCOHOL USE DISORDER
25 WITHOUT ALSO ADDRESSING OTHER CO-OCCURRING SUBSTANCE USE
26 DISORDERS.

27 == ==

1 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

2 (a) THE INTENT OF THIS ARTICLE 83 IS TO ESTABLISH AN
3 ENTERPRISE TO COLLECT FEES FROM THE MANUFACTURERS AND
4 DISTRIBUTORS OF ALCOHOL TO PAY FOR ALCOHOL AND RELATED
5 SUBSTANCE USE DISORDER PREVENTION, EARLY INTERVENTION,
6 TREATMENT, RECOVERY, OR HARM REDUCTION PROGRAMS AND SERVICES;

7 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
8 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
9 P.2d 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT
10 WITH ENTERPRISE STATUS PURSUANT TO SECTION 20 OF ARTICLE X OF THE
11 STATE CONSTITUTION, AND IT IS THE CONCLUSION OF THE GENERAL
12 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS A FEE,
13 NOT A TAX, BECAUSE THE FEES ARE IMPOSED FOR THE SPECIFIC PURPOSE
14 OF ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING
15 ALCOHOL AND RELATED SUBSTANCE USE DISORDER PREVENTION, EARLY
16 INTERVENTION, TREATMENT, RECOVERY, OR HARM REDUCTION PROGRAMS
17 AND SERVICES RELATED TO THE MANUFACTURING AND DISTRIBUTION OF
18 ALCOHOL; AND

19 (c) MANUFACTURERS AND WHOLESALE DISTRIBUTORS OF ALCOHOL
20 SHOULD BEAR SOME OF THE INCREASED COSTS FOR ALCOHOL AND
21 RELATED SUBSTANCE USE DISORDER PREVENTION, EARLY INTERVENTION,
22 TREATMENT, RECOVERY, OR HARM REDUCTION SERVICES.

23 **27-83-103. Definitions.** AS USED IN THIS ARTICLE 83, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "ALCOHOL" MEANS FERMENTED MALT BEVERAGES OR MALT,
26 VINOUS, OR SPIRITUOUS LIQUORS; EXCEPT THAT "ALCOHOL" DOES NOT
27 INCLUDE CONFECTIONERY CONTAINING ALCOHOL WITHIN THE LIMITS

1 PRESCRIBED BY SECTION 25-5-410 (1)(i)(II).

2 (2) "ALCOHOL USE DISORDER" MEANS THE RECURRENT USE OF
3 ALCOHOL THAT CAUSES CLINICALLY AND FUNCTIONALLY SIGNIFICANT
4 IMPAIRMENT, SUCH AS HEALTH PROBLEMS, DISABILITY, AND FAILURE TO
5 MEET MAJOR RESPONSIBILITIES AT WORK, SCHOOL, OR HOME.

6 (3) "APPLE WINE" MEANS AN ALCOHOL BEVERAGE CONTAINING AT
7 LEAST ONE-HALF OF ONE PERCENT ALCOHOL BY VOLUME AND NOT MORE
8 THAN TWENTY-TWO PERCENT ALCOHOL BY VOLUME THAT CONTAINS THE
9 JUICE OR CONCENTRATED JUICE OF APPLES OR PEARS.

10 (4) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
11 THE BEHAVIORAL HEALTH ADMINISTRATION IN THE STATE DEPARTMENT
12 OF HUMAN SERVICES ESTABLISHED PURSUANT TO SECTION 27-50-102.

13 (5) "BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
14 ORGANIZATION" OR "BHASO" MEANS AN ORGANIZATION SELECTED BY
15 AND CONTRACTED WITH THE BEHAVIORAL HEALTH ADMINISTRATION
16 PURSUANT TO SECTION 27-50-401 TO MANAGE A NETWORK OF PROVIDERS
17 TO DELIVER A CONTINUUM OF BEHAVIORAL HEALTH SERVICES AND CARE
18 COORDINATION IN THE BHASO'S REGION.

19 (6) "BOARD" OR "ENTERPRISE BOARD" MEANS THE ALCOHOL
20 IMPACT ENTERPRISE BOARD CREATED PURSUANT TO SECTION 27-83-111.

21 (7) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

22 (8) "ELIGIBLE ENTITY" MEANS A NONPROFIT ORGANIZATION THAT
23 PROVIDES PREVENTION, EARLY INTERVENTION, TREATMENT, RECOVERY,
24 OR HARM REDUCTION SERVICES FOR MILD, MODERATE, OR SEVERE
25 ALCOHOL OR RELATED SUBSTANCE USE DISORDERS OR FOR FETAL
26 ALCOHOL SPECTRUM DISORDERS. ==

27 (9) "ENTERPRISE" MEANS THE COLORADO ALCOHOL IMPACT AND

1 RECOVERY ENTERPRISE CREATED IN SECTION 27-83-104.

2 (10) "FEE" MEANS THE ALCOHOL IMPACT FEE DESCRIBED IN
3 SECTION 27-83-105.

4 (11) "FUND" MEANS THE COLORADO ALCOHOL IMPACT ENTERPRISE
5 FUND CREATED IN SECTION 27-83-106.

6 (12) "HARM REDUCTION SERVICES" MEANS A SET OF
7 EVIDENCE-BASED STRATEGIES WITH THE AIM TO REDUCE
8 ALCOHOL-RELATED PROBLEMS AND DANGERS ASSOCIATED WITH ALCOHOL
9 USE AND TO IMPROVE QUALITY OF LIFE.

10 (13) "MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR"
11 MEANS ANY PERSON:

12 (a) HOLDING ANY OF THE FOLLOWING LICENSES ISSUED BY THE
13 STATE LICENSING AUTHORITY PURSUANT TO ARTICLE 3 OF TITLE 44:

14 (I) MANUFACTURER'S LICENSE;

15 (II) LIMITED WINERY LICENSE;

16 (III) WHOLESALER'S LIQUOR LICENSE;

17 (IV) WHOLESALER'S BEER LICENSE;

18 (V) BREW PUB LICENSE;

19 (VI) DISTILLERY PUB LICENSE; OR

20 (VII) VINTNER'S RESTAURANT LICENSE; AND

21 (b) THAT MANUFACTURED OR DISTRIBUTED ALCOHOL
22 BEVERAGES IN THE PREVIOUS CALENDAR YEAR IN AMOUNT GREATER
23 THAN:

24 (I) ONE HUNDRED THOUSAND PROOF GALLONS OF DISTILLED
25 SPIRITS;

26 (II) ONE HUNDRED THIRTY THOUSAND GALLONS OF WINE, OTHER
27 THAN APPLE WINE OR HARD CIDER; OR

1 (III) ONE HUNDRED EIGHTY-SIX MILLION GALLONS OF MALT
2 LIQUOR, INCLUDING APPLE WINE AND HARD CIDER.

3
4 (14) "RECOVERY PROVIDER" MEANS A RECOVERY COMMUNITY
5 ORGANIZATION, AS DEFINED IN SECTION 27-80-126, OR A RECOVERY
6 SUPPORT SERVICES ORGANIZATION, AS DEFINED IN SECTION 27-60-108,
7 WHEN SUCH ORGANIZATION IS UNDER CONTRACT WITH A BHASO TO
8 PROVIDE RECOVERY SERVICES.

9 (15) "SUBSTANCE USE DISORDER" MEANS THE RECURRENT USE OF
10 ALCOHOL, DRUGS, OR MULTIPLE SUBSTANCES CONCURRENTLY THAT
11 CAUSES SIGNIFICANT CLINICAL AND FUNCTIONAL IMPAIRMENT, SUCH AS
12 HEALTH PROBLEMS, DISABILITY, AND FAILURE TO MEET MAJOR
13 RESPONSIBILITIES AT WORK, SCHOOL, OR HOME.

14 (16) "TREATMENT PROVIDER" MEANS A SUBSTANCE USE
15 TREATMENT PROVIDER LICENSED BY THE BHA AND UNDER CONTRACT
16 WITH A BHASO.

17 27-83-104. Colorado alcohol impact and recovery enterprise
18 **- creation - powers and duties - repeal.** (1) (a) THE COLORADO
19 ALCOHOL IMPACT AND RECOVERY ENTERPRISE IS CREATED IN THE
20 BEHAVIORAL HEALTH ADMINISTRATION. THE PRIMARY BUSINESS PURPOSE
21 OF THE ENTERPRISE IS TO REDUCE AND MITIGATE THE ADVERSE IMPACTS
22 OF ALCOHOL BEVERAGES MANUFACTURED OR DISTRIBUTED IN THE STATE.
23 TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS BUSINESS PURPOSE, THE
24 ENTERPRISE SHALL PROVIDE:

25 (I) BUSINESS-RELATED SERVICES FOR ALCOHOL AND RELATED
26 SUBSTANCE USE DISORDER PREVENTION, EARLY INTERVENTION,
27 TREATMENT, RECOVERY, AND HARM REDUCTION; AND

1 (II) A SUSTAINABLE SOURCE OF MONEY TO PAY FOR THE
2 PROGRAMS AND SERVICES DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS
3 SECTION THAT ARE NOT OTHERWISE COVERED BY PUBLIC OR PRIVATE
4 INSURANCE OR ANOTHER GOVERNMENTAL PROGRAM OR SERVICE.

5 (b) THE ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED
6 BUSINESS WITHIN THE DEPARTMENT FOR THE PURPOSES OF:

7 (I) CHARGING, COLLECTING, AND EXPENDING MONEY FROM THE
8 ALCOHOL IMPACT FEE PURSUANT TO SECTION 27-83-105; AND

9 (II) UTILIZING THE MONEY COLLECTED FROM THE FEE TO
10 EQUITABLY DISTRIBUTE THE MONEY TO:

11 (A) SUPPORT TREATMENT, RECOVERY, AND HARM REDUCTION
12 PROGRAMS AND SERVICES FOR ALCOHOL AND RELATED SUBSTANCE USE
13 DISORDERS IN COMMUNITIES THROUGHOUT THE STATE BASED ON THE
14 IDENTIFIED NEEDS OF EACH COMMUNITY;

15 (B) SUPPORT PROGRAMS THAT PREVENT AND DETER DRIVING
16 UNDER THE INFLUENCE, DRIVING WHILE ABILITY IMPAIRED, AND
17 UNDERAGE DRUNK DRIVING; AND

18 (C) SUPPORT PROGRAMS THAT HELP PREVENT ALCOHOL AND
19 RELATED SUBSTANCE USE DISORDERS, INCLUDING UNDERAGE DRINKING.

20 (2) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
21 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION WHILE IT
22 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
23 THAN TEN PERCENT OF ITS TOTAL REVENUE IN GRANTS FROM ALL
24 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. AS LONG AS IT
25 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE
26 ENTERPRISE IS NOT SUBJECT TO ANY PROVISIONS OF SECTION 20 OF
27 ARTICLE X OF THE STATE CONSTITUTION.

1 (3) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE:

2 (a) TO CHARGE AND COLLECT THE FEE;

3 (b) TO EXPEND FEE REVENUE, MATCHING FEDERAL MONEY, AND
4 ANY OTHER MONEY FROM THE FUND;

5 (c) BY RESOLUTION OF THE BOARD, TO AUTHORIZE AND ISSUE
6 REVENUE BONDS THAT ARE PAYABLE ONLY FROM THE MONEY IN THE
7 FUND, WHICH REVENUE BONDS MAY BE ISSUED TO PAY FOR SERVICES
8 PROVIDED BY OR TO ELIGIBLE ENTITIES OR FOR THE EXPENSES OF THE
9 ENTERPRISE;

10 (d) (I) TO HIRE STAFF AND CONTRACT WITH ANY PUBLIC OR
11 PRIVATE ENTITY, INCLUDING STATE AGENCIES, CONSULTANTS, AND THE
12 ATTORNEY GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL
13 ASSISTANCE, OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND
14 OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
15 ENTERPRISE. THE BOARD SHALL ENCOURAGE DIVERSITY IN APPLICANTS
16 FOR CONTRACTS AND SHALL GENERALLY AVOID USING SINGLE-SOURCE
17 BIDS.

18 (II) THE ENTERPRISE SHALL PAY A FAIR MARKET RATE TO ANY
19 PUBLIC ENTITY, PRIVATE ENTITY, CONTRACTOR, OR CONSULTANT, WHICH
20 MAY INCLUDE A STATE AGENCY, THE ATTORNEY GENERAL'S OFFICE, OR
21 THE DEPARTMENT, THAT IS HIRED BY THE ENTERPRISE TO PERFORM DUTIES
22 PURSUANT TO SUBSECTION (3)(d)(I) OF THIS SECTION.

23 (e) TO ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION
24 OF THE ENTERPRISE'S AFFAIRS AND THE CONDUCT OF ITS BUSINESS
25 CONSISTENT WITH THIS SECTION.

26 (4) THE ENTERPRISE IS A **TYPE 2** ENTITY AS DEFINED IN SECTION
27 24-1-105 AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES UNDER

1 THE BEHAVIORAL HEALTH ADMINISTRATION.

2 (5) (a) ON JULY 1, 2024, OR AS SOON AS POSSIBLE THEREAFTER,
3 THE STATE TREASURER SHALL TRANSFER SIX HUNDRED FIFTY THOUSAND
4 DOLLARS FROM THE GENERAL FUND TO THE FUND FOR THE PURPOSE OF
5 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES
6 REVENUE FROM THE FEE OR REVENUE BOND PROCEEDS.
7 NOTWITHSTANDING ANY OTHER LAW, THE ENTERPRISE MAY ACCEPT AND
8 EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
9 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
10 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
11 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE STATE TREASURER
12 TO THE ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT
13 FOR PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
14 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). LOAN
15 LIABILITIES THAT ARE RECORDED IN THE FUND BUT ARE NOT REQUIRED TO
16 BE PAID IN THE CURRENT STATE FISCAL YEAR SHALL NOT BE CONSIDERED
17 WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE FOR
18 PURPOSES OF SECTION 24-75-109.

19 (b) NO LATER THAN JULY 1, 2027, THE ENTERPRISE SHALL REPAY
20 THE LOAN OF FOUR HUNDRED FIFTY-FOUR THOUSAND DOLLARS RECEIVED
21 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION AND ACCUMULATED
22 INTEREST FROM THE FUND. INTEREST ACCRUES ON THE MONEY BORROWED
23 AT A RATE EQUIVALENT TO THE RATE PER ANNUM ON THE MOST RECENTLY
24 ISSUED TEN-YEAR UNITED STATES TREASURY NOTE, ROUNDED TO THE
25 NEAREST ONE-TENTH OF ONE PERCENT, AS REPORTED BY THE "WALL
26 STREET JOURNAL", AS OF THE DATE THE TRANSFER REQUIRED BY
27 SUBSECTION (5)(a) OF THIS SECTION IS MADE. INTEREST ACCRUES AT THE

1 RATE SPECIFIED IN THIS SUBSECTION (5)(b) BEGINNING ON THAT DATE AND
2 UNTIL THE DATE ON WHICH THE MONEY IS REPAYED.

3 (c) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2029.

4 **27-83-105. Alcohol impact fee - alcohol impact enterprise**
5 **collection fund - rules.** (1) FOR THE STATE FISCAL YEAR COMMENCING
6 JULY 1, 2025, AND FOR EACH STATE FISCAL YEAR THEREAFTER, UNLESS
7 ADJUSTED PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE
8 ENTERPRISE IS AUTHORIZED TO CHARGE AND COLLECT AN ALCOHOL
9 IMPACT FEE THAT IS REASONABLY CALCULATED BASED ON THE COSTS OF
10 THE SERVICES PROVIDED BY THE ENTERPRISE FROM EVERY
11 MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR OF:

12 (a) \$0.0409 ON EVERY GALLON OF MALT LIQUOR, APPLE WINE, AND
13 HARD CIDER DISTRIBUTED IN COLORADO;

14 (b) \$0.0367 ON EVERY LITER OF WINE EXCEPT APPLE WINE OR HARD
15 CIDER DISTRIBUTED IN COLORADO; AND

16 (c) \$0.3060 ON EVERY LITER OF SPIRITUOUS LIQUOR DISTRIBUTED
17 IN COLORADO.

18 (2) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
19 COLLECT, ADMINISTER, AND ENFORCE THE FEE IMPOSED BY SUBSECTION
20 (1) OF THIS SECTION IN THE SAME MANNER AS THE COLLECTION,
21 ADMINISTRATION, AND ENFORCEMENT OF STATE ALCOHOL EXCISE TAXES
22 PURSUANT TO SECTION 44-3-503. A MANUFACTURER OR WHOLESALE
23 ALCOHOL DISTRIBUTOR THAT PAYS THE FEE AS REQUIRED BY SUBSECTION
24 (1) OF THIS SECTION SHALL REMIT THE FEE TO THE DEPARTMENT AT THE
25 SAME TIME AND IN THE SAME MANNER IN WHICH THE MANUFACTURER OR
26 WHOLESALE ALCOHOL DISTRIBUTOR REMITS THE STATE ALCOHOL EXCISE
27 TAXES COLLECTED BY THE MANUFACTURER OR WHOLESALE ALCOHOL

1 DISTRIBUTOR AS REQUIRED BY SECTION 44-3-503. THE DEPARTMENT MAY
2 PROMULGATE RULES TO IMPLEMENT THIS SECTION.

3 (b) THE ENTERPRISE MAY REQUEST TO INCREASE OR DECREASE
4 THE FEE AS PROVIDED IN SUBSECTION (5) OF THIS SECTION.

5 (c) WHEN COLLECTING THE FEE, THE DEPARTMENT SHALL RETAIN
6 AN AMOUNT THAT DOES NOT EXCEED THE TOTAL COST OF COLLECTING,
7 ADMINISTERING, AND ENFORCING THE FEE AND SHALL TRANSMIT THE
8 AMOUNT RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO
9 THE ALCOHOL IMPACT ENTERPRISE COLLECTION FUND, WHICH IS CREATED
10 IN THE STATE TREASURY. ALL MONEY IN THE ALCOHOL IMPACT
11 ENTERPRISE COLLECTION FUND IS CONTINUOUSLY APPROPRIATED TO THE
12 DEPARTMENT TO DEFRAY THE COSTS INCURRED BY THE DEPARTMENT IN
13 COLLECTING, ENFORCING, AND ADMINISTERING THE FEE.

14 (d) THE DEPARTMENT SHALL TRANSMIT ALL FEE REVENUE, LESS
15 ANY AMOUNT RETAINED PURSUANT TO SUBSECTION (2)(c) OF THIS
16 SECTION, TO THE STATE TREASURER, WHO SHALL CREDIT THE NET
17 REVENUE TO THE COLORADO ALCOHOL IMPACT ENTERPRISE FUND.

18 (3) ON OR BEFORE JULY 1, 2026, EACH SELF-DISTRIBUTING
19 MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR SHALL:

20 (a) PAY THE FEE ON ALL ALCOHOL DISTRIBUTED IN COLORADO FOR
21 THE PERIOD BEGINNING JULY 1, 2025, AND ENDING JUNE 30, 2026; AND

22 (b) REPORT TO THE ENTERPRISE, IN A FORM AND MANNER
23 DETERMINED BY THE ENTERPRISE, THE AMOUNT OF ALCOHOL DISTRIBUTED
24 IN COLORADO FOR THE PERIOD BEGINNING JULY 1, 2025, AND ENDING
25 JUNE 30, 2026.

26 (4) ON OR BEFORE JULY 1, 2027, AND ON OR BEFORE JULY 1 OF
27 EACH YEAR THEREAFTER, EACH MANUFACTURER OR WHOLESALE ALCOHOL

1 DISTRIBUTOR SHALL:

2 (a) PAY THE FEE ON ALL ALCOHOL DISTRIBUTED IN COLORADO FOR
3 THE PREVIOUS STATE FISCAL YEAR; AND

4 (b) REPORT TO THE ENTERPRISE THE AMOUNT OF ALCOHOL
5 DISTRIBUTED IN COLORADO FOR THE PREVIOUS STATE FISCAL YEAR.

6 (5) IF THE ENTERPRISE FINDS THE FEE NEEDS TO BE INCREASED OR
7 DECREASED, THE ENTERPRISE SHALL RECOMMEND THE FEE INCREASE OR
8 DECREASE TO THE HOUSE OF REPRESENTATIVES FINANCE COMMITTEE AND
9 THE SENATE FINANCE COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, NO
10 LATER THAN DECEMBER 15 PRIOR TO THE STATE FISCAL YEAR DURING
11 WHICH THE ADJUSTMENT WILL BECOME EFFECTIVE. THE
12 RECOMMENDATION MUST INCLUDE PROPOSED INFLATIONARY CHANGES,
13 ANY CHANGES BASED ON THE COSTS OF THE BUSINESS SERVICES PROVIDED
14 BY THE ENTERPRISE, AND ANY OTHER INFORMATION DEEMED RELEVANT
15 BY THE BOARD. THE ENTERPRISE SHALL NOT ADJUST THE FEE UNLESS
16 APPROVED BY THE GENERAL ASSEMBLY ACTING BY BILL.

17 **27-83-106. Colorado alcohol impact enterprise fund - creation.**

18 (1) THERE IS CREATED IN THE STATE TREASURY THE COLORADO ALCOHOL
19 IMPACT ENTERPRISE FUND. THE FUND CONSISTS OF MONEY CREDITED TO
20 THE FUND PURSUANT TO SECTION 27-83-105 AND ANY GIFTS, GRANTS, OR
21 DONATIONS RECEIVED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

22 (2) THE MONEY IN THE FUND MUST NOT BE DEPOSITED INTO OR
23 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. THE STATE
24 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
25 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY
26 UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND MUST
27 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER

1 FUND.

2 (3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
3 ENTERPRISE FOR THE PURPOSES OF:

4 (a) PAYING FOR ANY DIRECT AND INDIRECT ADMINISTRATIVE
5 EXPENSES INCURRED BY THE ENTERPRISE, NOT TO EXCEED FIVE PERCENT
6 OF THE AMOUNT OF MONEY IN THE FUND; AND

7 (b) CARRYING OUT TO THE PURPOSES OF THIS ARTICLE 83.

8 (4) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
9 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
10 THIS SECTION, AS LONG AS THE COMBINATION OF GRANTS FROM STATE AND
11 LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S
12 TOTAL REVENUE. ANY MONEY RECEIVED PURSUANT TO THIS SUBSECTION
13 (4) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
14 THE MONEY TO THE FUND.

15 **27-83-107. Colorado alcohol treatment and recovery**
16 **affordability grant program - creation - reporting.** (1) THERE IS
17 CREATED IN THE ENTERPRISE THE COLORADO ALCOHOL TREATMENT AND
18 RECOVERY AFFORDABILITY GRANT PROGRAM FOR WHICH APPROXIMATELY
19 EIGHTY PERCENT OF THE MONEY IN THE FUND MAY BE USED TO AWARD
20 GRANTS TO BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
21 ORGANIZATIONS THROUGHOUT THE STATE THAT PROVIDE MONEY TO
22 RECOVERY PROVIDERS AND TREATMENT PROVIDERS. UNLESS ADJUSTED
23 PURSUANT TO SECTION 27-83-111 (6)(h), THE ENTERPRISE SHALL
24 ALLOCATE FORTY-EIGHT PERCENT OF THE MONEY IN THE FUND TO SUPPORT
25 TREATMENT PROVIDERS AND TWENTY PERCENT OF MONEY IN THE FUND TO
26 SUPPORT RECOVERY PROVIDERS.

27 (2) (a) THE ENTERPRISE SHALL AWARD GRANTS TO BHASOs IN

1 THE STATE TO ENSURE THAT TREATMENT PROVIDERS AND RECOVERY
2 PROVIDERS FROM ACROSS THE STATE, INCLUDING RURAL, FRONTIER, AND
3 URBAN REGIONS, HAVE EQUITABLE ACCESS TO MONEY FROM THE GRANT
4 PROGRAM.

5 (b) BHASOs THAT RECEIVE GRANTS SHALL PRIORITIZE FUNDING
6 FOR PRIORITY POPULATIONS. IN COLLABORATION WITH THE BHA, THE
7 ENTERPRISE BOARD SHALL DEFINE PRIORITY POPULATIONS, WHICH MAY
8 INCLUDE POPULATIONS BY REGION IF COMMUNITY NEEDS DIFFER, AND
9 SHALL ANNUALLY UPDATE THE PRIORITY POPULATION DEFINITION, IF
10 NEEDED.

11 (3)(a) BHASOs THAT RECEIVE GRANTS SHALL ENSURE THAT EACH
12 TREATMENT PROVIDER AND RECOVERY PROVIDER ESTABLISHES A SLIDING
13 FEE SCALE TO PROVIDE SUBSTANCE USE DISORDER TREATMENT OR
14 RECOVERY SERVICES TO AN INDIVIDUAL WITH A SUBSTANCE USE
15 DISORDER, REGARDLESS OF THE INDIVIDUAL'S ABILITY TO PAY.

16 (b) A BHASO THAT RECEIVES A GRANT THROUGH THE PROGRAM
17 SHALL NOT REFUSE TO PROVIDE FINANCIAL SUPPORT TO A RECOVERY
18 PROVIDER OR TREATMENT PROVIDER BASED SOLELY ON:

19 (I) THE PROVIDER'S TREATMENT OF AN INDIVIDUAL'S
20 CO-OCCURRING SUBSTANCE USE DISORDER OR MENTAL HEALTH
21 CONDITION; OR

22 (II) WHERE THE INDIVIDUAL WHO NEEDS TREATMENT LIVES OR THE
23 INDIVIDUAL'S REFERRAL TYPE, INCLUDING A REFERRAL FROM THE
24 CRIMINAL JUSTICE SYSTEM.

25 (c) A BHASO THAT RECEIVES A GRANT MAY USE THE GRANT
26 MONEY:

27 (I) TO PROVIDE TREATMENT SERVICES TO INDIVIDUALS WHO HAVE

1 ALCOHOL USE DISORDER OR WHO HAVE ALCOHOL USE DISORDER AND
2 ANOTHER CO-OCCURRING SUBSTANCE USE DISORDER; AND

3 (II) FOR PROGRAMS AND SERVICES RELATED TO RECOVERY FROM
4 ALCOHOL USE DISORDER AND RECOVERY FROM ALCOHOL USE DISORDER
5 WITH CO-OCCURRING SUBSTANCE USE DISORDERS.

6 (4) EACH BHASO SHALL REPORT ANNUALLY TO THE BHA AND
7 THE ENTERPRISE BOARD ON THE USE OF THE MONEY, IN A MANNER THAT
8 COMPLIES WITH PROTECTING PATIENT HEALTH INFORMATION, INCLUDING:

9 (a) THE AMOUNT OF MONEY DISTRIBUTED TO EACH TREATMENT
10 PROVIDER, RECOVERY PROVIDER, AND ELIGIBLE ENTITY THAT PROVIDES
11 HARM REDUCTION SERVICES;

12 (b) THE NUMBER OF INDIVIDUALS SERVED AND THEIR
13 DEMOGRAPHIC DATA;

14 (c) THE NUMBER OF INDIVIDUALS SERVED IN EACH PRIORITY
15 POPULATION CATEGORY, AS DEFINED BY THE ENTERPRISE BOARD
16 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION; AND

17 (d) FOR EACH INDIVIDUAL SERVED:

18 (I) WHETHER THE MONEY WAS USED FOR A COPAYMENT,
19 DEDUCTIBLE, OR OTHER COST NOT OTHERWISE COVERED BY INSURANCE;

20 (II) IF THE INDIVIDUAL WITH A SUBSTANCE USE DISORDER
21 REQUIRED MONEY BECAUSE OF LACK OF INSURANCE COVERAGE,
22 INFORMATION ON THE INDIVIDUAL'S TYPE OF INSURANCE AND THE LEVEL
23 AND TYPE OF CARE NEEDED; AND

24 (III) THE REFERRAL SOURCE.

25 **27-83-108. Colorado alcohol use prevention and early**
26 **intervention grant program - creation - reporting - definition.**

27 (1) THERE IS CREATED IN THE ENTERPRISE THE COLORADO ALCOHOL USE

1 PREVENTION AND EARLY INTERVENTION GRANT PROGRAM TO BEGIN
2 PROVIDING GRANTS NO LATER THAN JANUARY 1, 2026, FOR PURPOSES
3 RELATED TO THE PREVENTION AND EARLY INTERVENTION OF ALCOHOL
4 AND RELATED SUBSTANCE USE DISORDERS. UNLESS ADJUSTED PURSUANT
5 TO SECTION 27-83-111 (6)(h), THE ENTERPRISE SHALL USE
6 APPROXIMATELY FIFTEEN PERCENT OF THE MONEY IN THE FUND FOR THE
7 PURPOSE OF AWARDING GRANTS TO:

8 (a) ELIGIBLE ENTITIES THAT INCREASE THE AVAILABILITY AND USE
9 OF SCREENING, BRIEF INTERVENTION, AND REFERRAL TO TREATMENT
10 PROGRAMS;

11 (b) ELIGIBLE ENTITIES THAT WORK TO PREVENT YOUTH SUBSTANCE
12 USE DISORDERS, INCLUDING UNDERAGE DRINKING PREVENTION AND
13 RELATED SUBSTANCE USE; AND

14 (c) ELIGIBLE ENTITIES THAT PROVIDE ALCOHOL AND RELATED
15 SUBSTANCE USE DISORDER PREVENTION SERVICES IN AREAS OF HIGHEST
16 NEED, INCLUDING COMMUNITY-ORIENTED, CHILDREN-ORIENTED,
17 YOUTH-ORIENTED, AND FAMILY-ORIENTED PREVENTION SERVICES; AND

18 (d) ELIGIBLE ENTITIES THAT INCREASE THE AVAILABILITY AND USE
19 OF SCREENING, EARLY INTERVENTION, AND REFERRAL TO SERVICES FOR
20 FETAL ALCOHOL SPECTRUM DISORDERS.

21 (2) EACH ELIGIBLE ENTITY THAT RECEIVES A GRANT THROUGH THE
22 GRANT PROGRAM SHALL REPORT TO THE ENTERPRISE, IN A FORM AND
23 MANNER DETERMINED BY THE ENTERPRISE, ON THE USE OF AND OUTCOMES
24 ASSOCIATED WITH THE USE OF THE GRANT PROGRAM MONEY.

25 **27-83-109. Colorado harm reduction and alcohol-related**
26 **impaired driving prevention and deterrence grant program -**
27 **creation.** (1) THERE IS CREATED IN THE ENTERPRISE THE COLORADO

1 ALCOHOL-RELATED IMPAIRED DRIVING PREVENTION AND DETERRENCE
2 GRANT PROGRAM. UNLESS ADJUSTED PURSUANT TO SECTION 27-83-111
3 (6)(h), THE ENTERPRISE SHALL DISTRIBUTE APPROXIMATELY TEN PERCENT
4 OF THE MONEY IN THE FUND FOR PROVIDING GRANTS TO ELIGIBLE ENTITIES
5 THAT PROVIDE HARM REDUCTION SERVICES AND ELIGIBLE ENTITIES THAT
6 PROVIDE EDUCATION ABOUT, DETERRENCE OF, AND SUPPORT FOR VICTIMS
7 OF ALCOHOL-RELATED IMPAIRED DRIVING.

8
9 (2) AN ELIGIBLE ENTITY THAT RECEIVES A GRANT THROUGH THE
10 GRANT PROGRAM SHALL REPORT TO THE ENTERPRISE, IN A FORM AND
11 MANNER DETERMINED BY THE ENTERPRISE, ON THE USE OF AND OUTCOMES
12 ASSOCIATED WITH THE USE OF THE GRANT PROGRAM MONEY.

13 **27-83-110. Colorado tribal alcohol impact grant program -**
14 **creation. (1) THERE IS CREATED IN THE ENTERPRISE THE COLORADO**
15 **TRIBAL ALCOHOL IMPACT GRANT PROGRAM TO BEGIN PROVIDING GRANTS**
16 **NO LATER THAN JANUARY 1, 2026. UNLESS ADJUSTED PURSUANT TO**
17 **SECTION 27-83-111 (6)(h), THE ENTERPRISE SHALL USE APPROXIMATELY**
18 **TWO PERCENT OF THE MONEY IN THE FUND FOR THE PURPOSE OF**
19 **AWARDING GRANTS TO THE FOLLOWING ORGANIZATIONS FOR ANY OF THE**
20 **PURPOSES SPECIFIED IN SECTION 27-83-104 (1)(b)(II):**

21 (a) INDIAN TRIBES AND TRIBAL ORGANIZATIONS AS THOSE TERMS
22 ARE DEFINED IN THE FEDERAL "INDIAN SELF-DETERMINATION AND
23 EDUCATION ASSISTANCE ACT", 25 U.S.C. SEC. 5304, AS AMENDED; AND

24 (b) URBAN INDIAN ORGANIZATIONS AS DEFINED IN THE FEDERAL
25 "INDIAN HEALTH CARE IMPROVEMENT ACT", 25 U.S.C. SEC. 1603, AS
26 AMENDED, FOR ANY PURPOSES UNDER 44-2-104 (1)(b)(II).

27 (2) EACH ORGANIZATION THAT RECEIVES A GRANT THROUGH THE

1 GRANT PROGRAM SHALL REPORT TO THE ENTERPRISE, IN A FORM AND
2 MANNER DETERMINED BY THE ENTERPRISE, ON THE USE OF AND OUTCOMES
3 ASSOCIATED WITH THE USE OF THE GRANT PROGRAM MONEY.

4 **27-83-111. Alcohol impact enterprise board - creation - duties**
5 **- report.** (1) THERE IS CREATED IN THE ENTERPRISE THE ALCOHOL IMPACT
6 ENTERPRISE BOARD THAT CONSISTS OF:

7 (a) THE FOLLOWING NONVOTING, EX OFFICIO MEMBERS:

8 (I) THE COMMISSIONER OF THE BEHAVIORAL HEALTH
9 ADMINISTRATION, OR THE COMMISSIONER'S DESIGNEE;

10 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
11 HEALTH AND ENVIRONMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

12 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE,
13 OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

14 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
15 CARE PLANNING AND FINANCING, OR THE EXECUTIVE DIRECTOR'S
16 DESIGNEE; AND

17

18 (b) NINE VOTING MEMBERS APPOINTED BY THE GOVERNOR, WHO
19 SERVE AT THE PLEASURE OF THE GOVERNOR, INCLUDING:

20 (I) AT LEAST THREE MEMBERS WITH EXPERIENCE IN AS MANY OF
21 THE FOLLOWING AREAS AS POSSIBLE:

22 (A) ALCOHOL USE DISORDER PREVENTION PROGRAMS AND
23 SERVICES, INCLUDING SCHOOL-BASED PREVENTION EFFORTS ALCOHOL USE
24 DISORDER TREATMENT PROGRAMS AND SERVICES;

25 (B) ALCOHOL USE DISORDER RECOVERY PROGRAMS AND SERVICES;

26 (C) PROVIDING YOUTH MENTAL HEALTH SERVICES, SUCH AS A
27 SOCIAL WORKER, A CHILD AND ADOLESCENT PSYCHIATRIST, OR OTHER

1 PROFESSIONAL SPECIALIZING IN CARING FOR YOUTH, WITH EXPERTISE IN
2 YOUTH ALCOHOL USE PREVENTION, TREATMENT, OR RECOVERY; OR

3 (D) IMPAIRED DRIVING PREVENTION AND DETERRENCE, INCLUDING
4 EXPERIENCE IN LAW ENFORCEMENT;

5 (II) AT LEAST THREE MEMBERS WHO MEET AS MANY OF THE BELOW
6 CRITERIA AS POSSIBLE:

7 (A) HAVE EXPERIENCED AN ALCOHOL USE DISORDER;

8 (B) HAVE A FAMILY MEMBER WHO HAS EXPERIENCED AN ALCOHOL
9 USE DISORDER OR FETAL ALCOHOL SPECTRUM DISORDER; OR

10 (C) REPRESENT AN ADVOCACY ORGANIZATION FOR PEOPLE WITH
11 MENTAL HEALTH CONDITIONS AND ALCOHOL AND RELATED SUBSTANCE
12 USE DISORDERS; AND

13 (III) AT LEAST THREE MEMBERS WHO REPRESENT THE ALCOHOL
14 INDUSTRY, INCLUDING ONE MEMBER REPRESENTING THE VINOUS LIQUOR
15 INDUSTRY, ONE MEMBER REPRESENTING THE SPIRITUOUS LIQUOR
16 INDUSTRY, AND ONE MEMBER REPRESENTING THE MALT LIQUOR INDUSTRY.

17 (2) IN MAKING THE APPOINTMENTS DESCRIBED IN SUBSECTION
18 (1)(b) OF THIS SECTION, THE GOVERNOR SHOULD ATTEMPT TO INCLUDE
19 INDIVIDUALS WHO:

20 (a) HAVE EXPERIENCE PROVIDING SERVICES ACROSS THE
21 CONTINUUM OF CARE FOR ALCOHOL AND RELATED SUBSTANCE USE
22 DISORDERS;

23 (b) REFLECT THE ETHNIC, RACIAL, CULTURAL, GENDER,
24 IMMIGRATION STATUS, WEALTH, ABILITY, AND GEOGRAPHIC DIVERSITY OF
25 THE STATE; AND

26 (c) TO THE EXTENT PRACTICABLE, HAVE LIVED EXPERIENCE WITH
27 AND HAVE RECEIVED SERVICES ACROSS THE CONTINUUM OF CARE FOR

1 ALCOHOL AND RELATED SUBSTANCE USE DISORDERS.

2 (3) (a) VOTING MEMBERS OF THE ENTERPRISE BOARD SERVE AT
3 THE PLEASURE OF THE GOVERNOR. ALL TERMS ARE FOR FOUR YEARS;
4 EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED BY THE GOVERNOR,
5 SIX SHALL SERVE AN INITIAL TERM OF TWO YEARS AS DESIGNATED BY THE
6 GOVERNOR. A MEMBER WHO IS APPOINTED TO FILL A VACANCY SERVES
7 THE REMAINDER OF THE UNEXPIRED TERM OF THE FORMER MEMBER.

8 (b) IF A VOTING BOARD MEMBER HAS A CONFLICT OF INTEREST
9 WITH RESPECT TO ANY MATTER SCHEDULED FOR HEARING BEFORE THE
10 BOARD, THE MEMBER SHALL RECUSE THEMSELVES FROM ANY DISCUSSION
11 AND DECISIONS ON THE MATTER UNLESS, AFTER FULL DISCLOSURE OF THE
12 FACTS GIVING RISE TO THE CONFLICT, THE BOARD AGREES TO WAIVE THE
13 CONFLICT. FOR PURPOSES OF THIS SUBSECTION (3)(b), A BOARD MEMBER
14 HAS A CONFLICT OF INTEREST IF THE BOARD MEMBER HAS A CONFLICT
15 THAT WOULD CALL INTO QUESTION THE MEMBER'S ABILITY TO RENDER AN
16 UNBIASED DECISION.

17 (4) THE MEMBERS OF THE ENTERPRISE BOARD SHALL ELECT A
18 CHAIR AND VICE-CHAIR FROM AMONG THE MEMBERS OF THE ENTERPRISE
19 BOARD APPOINTED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

20 (5) MEMBERS OF THE ENTERPRISE BOARD SERVING IN A
21 PROFESSIONAL CAPACITY SERVE WITHOUT COMPENSATION BUT MUST BE
22 REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY
23 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO
24 THIS SECTION. A MEMBER OF THE ENTERPRISE BOARD SERVING DUE TO THE
25 MEMBER'S LIVED EXPERIENCE MUST BE OFFERED A PER DIEM AS
26 ESTABLISHED BY THE ENTERPRISE BOARD AND DISTRIBUTED FROM MONEY
27 IN THE FUND AND MUST BE REIMBURSED FROM MONEY IN THE FUND FOR

1 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF
2 THEIR DUTIES PURSUANT TO THIS SECTION.

3 (6) THE ENTERPRISE BOARD SHALL, AT A MINIMUM:

4 (a) REVIEW CURRENT STATE PLANS RELATED TO ALCOHOL AND
5 RELATED SUBSTANCE USE DISORDER PREVENTION, EARLY INTERVENTION,
6 TREATMENT, RECOVERY, AND HARM REDUCTION SUPPORT SERVICES IN
7 ORDER TO FORMULATE RECOMMENDATIONS FOR USES OF THE FEE;

8 (b) REVIEW AND APPROVE AN ANNUAL BUDGET FOR THE
9 ENTERPRISE;

10 (c) ESTABLISH FUNDING ALLOCATION MODELS FOR BHASOs AND
11 DETERMINE PRIORITY POPULATIONS FOR PURPOSES OF THE COLORADO
12 ALCOHOL TREATMENT, RECOVERY, AND HARM REDUCTION AFFORDABILITY
13 GRANT PROGRAM CREATED IN SECTION 27-83-107.

14 (d) REVIEW AND APPROVE RECOMMENDATIONS FOR ALLOCATION
15 OF MONEY IN THE FUND;

16 (e) REVIEW THE OUTCOMES OF THE MONEY AWARDED;

17 (f) REVIEW AND APPROVE AN ANNUAL REPORT OF EXPENDITURES
18 AND SERVICES PROVIDED PURSUANT TO THIS SECTION;

19 (g) ADMINISTER THE GRANT PROGRAMS CREATED IN THIS ARTICLE
20 83, INCLUDING CREATING A GRANT APPLICATION PROCESS FOR EACH
21 GRANT PROGRAM, MAKING THE GRANT APPLICATION PROCESS PUBLICLY
22 AVAILABLE PRIOR TO ACCEPTING APPLICATIONS, AND BEGINNING TO
23 ACCEPT GRANT APPLICATIONS NO LATER THAN JANUARY 1, 2026. A GRANT
24 APPLICATION CREATED PURSUANT TO THIS SUBSECTION (6)(g) MUST, AT A
25 MINIMUM, REQUIRE THE APPLICANT TO INCLUDE THE FOLLOWING
26 INFORMATION:

27 (I) AN APPLICATION NARRATIVE THAT DESCRIBES HOW THE

1 ELIGIBLE ENTITY WILL USE THE GRANT, INCLUDING HOW THE GRANT WILL
2 ADDRESS ALCOHOL USE OR ALCOHOL USE DISORDER AND HOW THE
3 ELIGIBLE ENTITY WILL ENSURE THAT THE FUNDS ARE NOT USED SOLELY
4 FOR NONALCOHOL-RELATED SUBSTANCE USE DISORDERS;

5 (II) THE PROVIDERS WHO WILL RECEIVE GRANT FUNDS, INCLUDING
6 INFORMATION ABOUT THEIR HISTORY, MISSION, LOCATIONS, AND
7 LEADERSHIP;

8 (III) A PROPOSED BUDGET AND WHETHER THE PROPOSED PROGRAM
9 OR SERVICES MEET THE REQUIREMENTS SPECIFIED IN THIS SECTION; AND

10 (IV) THE AMOUNT OF IN-KIND CONTRIBUTIONS MADE OR
11 MATCHING FUNDS CONTRIBUTED, IF ANY, TO THE PROJECT BUDGET FROM
12 THE APPLICANT OR OTHER SOURCES OUTSIDE OF THE GRANT.

13 (h) EVALUATE THE PROPORTION OF MONEY IN THE FUND AWARDED
14 THROUGH EACH GRANT PROGRAM CREATED IN THIS ARTICLE 83 AND
15 ADJUST THE PROPORTIONS AS NECESSARY.

16 (7) (a) ON OR BEFORE JUNE 15, 2027, AND ON OR BEFORE JUNE 15
17 EACH YEAR THEREAFTER, THE ENTERPRISE BOARD SHALL SUBMIT A
18 WRITTEN REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF
19 THE SENATE, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
20 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES; THE JOINT
21 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY; THE OFFICE OF THE
22 ATTORNEY GENERAL; AND THE GOVERNOR. THE REPORT MUST INCLUDE,
23 BUT NEED NOT BE LIMITED TO:

24 (I) THE RECOMMENDATIONS FORMULATED PURSUANT TO
25 SUBSECTION (6)(a) OF THIS SECTION;

26 (II) A DESCRIPTION OF HOW THE FEE IS CALCULATED AND THE
27 PROCESS BY WHICH THE FEE IS ASSESSED AND COLLECTED;

1 (III) AN ITEMIZATION OF THE TOTAL AMOUNT OF THE FEE PAID BY
2 EACH MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR BY SPECIFIC
3 ALCOHOL BEVERAGE SOLD;

4 (IV) AN ITEMIZATION OF THE COSTS INCURRED BY THE ENTERPRISE
5 IN IMPLEMENTING AND ADMINISTERING THE FEE;

6 (V) THE PERCENTAGE OF MONEY THAT WAS ALLOCATED TO EACH
7 OF THE GRANT PROGRAMS CREATED IN THIS ARTICLE 83;

8 (VI) FOR MONEY DISTRIBUTED PURSUANT TO SUBSECTION
9 27-83-107 (1), AN ITEMIZATION OF SERVICES AND PROJECTS FUNDED
10 THROUGH THE ENTERPRISE, INCLUDING:

11 (A) DATA REPORTED FROM BHASOs;

12 (B) THE AMOUNT OF MONEY DISTRIBUTED TO EACH PROVIDER AND
13 ELIGIBLE ENTITY, AS DESCRIBED IN SECTION 27-83-107 (1), BY AMOUNT
14 AND PROVIDER AND ELIGIBLE ENTITY;

15 (C) THE NUMBER OF INDIVIDUALS SERVED, INCLUDING THEIR
16 DEMOGRAPHIC DATA;

17 (D) FOR EACH INDIVIDUAL SERVED, IF THE MONEY WAS USED FOR
18 A COPAYMENT, DEDUCTIBLE, OR OTHER COST NOT OTHERWISE COVERED
19 BY INSURANCE;

20 (E) FOR EACH INDIVIDUAL SERVED, IF THE INDIVIDUAL WITH AN
21 ALCOHOL OR RELATED SUBSTANCE USE DISORDER REQUIRED MONEY
22 BECAUSE OF LACK OF INSURANCE COVERAGE, INFORMATION ON THE
23 INDIVIDUAL'S TYPE OF INSURANCE AND THE LEVEL AND TYPE OF CARE
24 NEEDED;

25 (F) THE NUMBER OF INDIVIDUALS SERVED IN EACH PRIORITY
26 POPULATION CATEGORY, AS DEFINED BY THE ENTERPRISE BOARD
27 PURSUANT TO SECTION 27-83-107 (2)(b); AND

1 (G) FOR EACH INDIVIDUAL SERVED, THE REFERRAL SOURCE;

2 (VII) FOR ALL GRANT PROGRAMS ADMINISTERED THROUGH THE
3 ENTERPRISE, THE NAME OF EACH ENTITY THAT RECEIVED A GRANT
4 THROUGH EACH GRANT PROGRAM, THE AMOUNT OF MONEY AWARDED TO
5 EACH ENTITY, AND THE USE OF AND OUTCOMES ASSOCIATED WITH THE USE
6 OF THE MONEY; AND

7 (VIII) TRENDS IN ALCOHOL-RELATED MORBIDITY AND MORTALITY
8 IN THE PREVIOUS CALENDAR YEAR.

9 (b) THIS SUBSECTION (7) IS EXEMPT FROM SECTION 24-1-136
10 (11)(a)(I), AND THE PERIODIC REPORTING REQUIREMENT OF THIS
11 SUBSECTION (7) REMAINS IN EFFECT UNTIL CHANGED BY THE GENERAL
12 ASSEMBLY ACTING BY BILL.

13 **27-83-112. Audit of Colorado alcohol impact and recovery**
14 **enterprise - notice to revisor of statutes - repeal.** (1) DURING THE
15 2030-31 STATE FISCAL YEAR, AND DURING EVERY FOURTH STATE FISCAL
16 YEAR THEREAFTER, THE STATE AUDITOR SHALL CONDUCT AN AUDIT OF
17 THE ENTERPRISE ESTABLISHED PURSUANT TO THIS ARTICLE 83. THE
18 ENTERPRISE SHALL PAY THE COSTS OF THE AUDIT OF THE ENTERPRISE. THE
19 STATE AUDITOR SHALL REPORT THE FINDINGS FROM THE AUDITS, ALONG
20 WITH ANY COMMENTS AND RECOMMENDATIONS, TO THE GOVERNOR AND
21 TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND
22 THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
23 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE STATE AUDITOR
24 HAS CONTINUING AUTHORITY TO CONDUCT AUDITS OF THE ENTERPRISE AS
25 THE STATE AUDITOR DEEMS APPROPRIATE. THE ENTERPRISE SHALL PAY
26 THE COSTS OF ANY SUBSEQUENT AUDIT OF THE ENTERPRISE.

27 (2) (a) AS PART OF THE AUDIT CONDUCTED DURING THE 2042-43

1 STATE FISCAL YEAR, THE STATE AUDITOR SHALL ALSO CONSIDER WHETHER
2 IT IS NECESSARY TO CONTINUE TO CONDUCT THE AUDITS REQUIRED BY
3 SUBSECTION (1) OF THIS SECTION. IF THE STATE AUDITOR DETERMINES
4 THAT IT IS NO LONGER NECESSARY TO CONDUCT THE AUDITS, THE STATE
5 AUDITOR MUST PROVIDE WRITTEN NOTICE TO THE REVISOR OF STATUTES
6 OF SUCH A DETERMINATION BY E-MAILING THE NOTICE TO
7 REVISOROFSTATUTES.GA@COLEG.GOV.

8 (b) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30 FOLLOWING
9 THE RECEIPT OF THE NOTICE AUTHORIZED BY SUBSECTION (2)(a) OF THIS
10 SECTION.

11

12 SECTION 2. In Colorado Revised Statutes, 24-1-120, add (5)(n)
13 as follows:

14 24-1-120. Department of human services - creation. (5) The
15 department of human services includes the following:

16 (n) THE COLORADO ALCOHOL IMPACT AND RECOVERY ENTERPRISE,
17 WHICH IS A TYPE 2 ENTITY, CREATED IN SECTION 27-83-104 (1)(a) IN THE
18 BEHAVIORAL HEALTH ADMINISTRATION.

19

20 SECTION 3. Appropriation. (1) For the 2024-25 state fiscal
21 year, \$98,583 is appropriated to the department of revenue. This
22 appropriation is from the general fund. To implement this act, the
23 department may use this appropriation as follows:

24 (a) \$21,785 for tax administration IT system (GenTax) support;

25 (b) \$11,104 for use by the taxation business group for personal
26 services related to taxation services;

27 (c) \$8,085 for use by the executive director's office for personal

1 services related to administration and support; and

2 (d) \$57,609 for the purchase of legal services.

3 (2) For the 2024-25 state fiscal year, \$57,609 is appropriated to
4 the department of law. This appropriation is from reappropriated funds
5 received from the department of revenue under subsection (1)(d) of this
6 section and is based on an assumption that the department of law will
7 require an additional 0.3 FTE. To implement this act, the department of
8 law may use this appropriation to provide legal services for the
9 department of revenue.

10 **SECTION 4. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.