

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT

UNEDITED
UNREVISED
REDRAFT
3/1/23
Double underlining
denotes changes from
prior draft

LLS NO. 23-0200.01 Jerry Barry x4341

SENATE BILL

SENATE SPONSORSHIP

Priola, and Buckner, Coleman, Cutter, Hansen, Hinrichsen, Marchman, Winter

HOUSE SPONSORSHIP

Amabile,

BILL TOPIC: Alcohol Use Recovery Fees Enterprise

A BILL FOR AN ACT

101 CONCERNING CREATING THE "COLORADO ALCOHOL USE IMPACT AND
102 RECOVERY FEE ACT".

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 within the behavioral health administration to:

- Collect a fee from wholesalers who distribute alcohol within Colorado; and
- Use the fee to pay for grant programs to provide monetary assistance to individuals with an alcohol use disorder and

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

1 THIRTY DAYS IN COLORADO WERE HIGHER THAN THE NATIONAL AVERAGE;

2 (e) IN 2019, PROSECUTORS FILED OVER TWENTY-SIX THOUSAND
3 CASES WITH AT LEAST ONE CHARGE OF DRIVING UNDER THE INFLUENCE
4 PER CASE. OF CASES WITH A CONVICTION FOR DRIVING UNDER THE
5 INFLUENCE, THIRTY-SEVEN PERCENT OF THE DEFENDANTS HAD AT LEAST
6 ONE PRIOR ARREST FOR DRIVING UNDER THE INFLUENCE.

7 (f) IN 2020, THERE WERE ONE HUNDRED EIGHTY-SIX
8 ALCOHOL-IMPAIRED DRIVING FATALITIES IN COLORADO, AN INCREASE OF
9 THIRTEEN PERCENT FROM 2019;

10 (g) DATA FROM THE 2021 HEALTHY KIDS COLORADO SURVEY
11 FOUND THAT:

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

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

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

18 (h) IT IS ESTIMATED THAT ONE IN TWENTY SCHOOL CHILDREN IN
19 THE UNITED STATES HAVE FETAL ALCOHOL SPECTRUM DISORDER, WHICH
20 CAN LEAD TO:

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

22 (II) BEHAVIORAL HEALTH AND INTELLECTUAL DISABILITIES; AND

23 (III) INCREASED RISK OF DEVELOPING A SUBSTANCE USE
24 DISORDER;

25 (i) ALCOHOL IS THE MOST PREVALENT POTENTIALLY DAMAGING
26 SUBSTANCE USED BY PREGNANT WOMEN, INCREASING THE RISK FOR FETAL
27 ALCOHOL SPECTRUM DISORDER AND ASSOCIATED HEALTH IMPACTS ON

1 INFANTS;

2 (j) THE HIGHEST NUMBER OF TREATMENT ADMISSIONS IN
3 COLORADO FROM 2010 THROUGH 2019 WERE FOR ALCOHOL USE
4 DISORDER;

5 (k) EXCISE TAXES ON ALCOHOL IN COLORADO ARE AMONG THE
6 LOWEST IN THE NATION, WITH THE TAX ON:

7 (I) BEER, THE FORTY-SEVENTH LOWEST;

8 (II) WINE, THE FORTY-FOURTH LOWEST; AND

9 (III) DISTILLED SPIRITS, THE FORTY-SIXTH LOWEST; AND

10 (l) CURRENTLY, EXCISE TAXES IN COLORADO PAY ONLY AN
11 ESTIMATED FIFTEEN PERCENT OF GOVERNMENTAL COSTS TO ADDRESS
12 ALCOHOL-RELATED PROBLEMS.

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

14 (a) THE INTENT OF THIS ARTICLE 83 IS TO ESTABLISH AN
15 ENTERPRISE TO COLLECT FEES FROM THE MANUFACTURERS AND
16 DISTRIBUTORS OF ALCOHOL TO PAY FOR ALCOHOL USE DISORDER
17 PREVENTION, EARLY INTERVENTION, TREATMENT, RECOVERY, OR HARM
18 REDUCTION SERVICES;

19 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
20 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
21 P.2d 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT
22 WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE
23 CONSTITUTION, AND THE ENTERPRISE FEE ASSESSMENTS CHARGED AND
24 COLLECTED BY THIS ENTERPRISE ARE NOT TAXES BECAUSE THE FEES ARE
25 IMPOSED FOR A SPECIFIC PURPOSE: ALLOWING THE ENTERPRISE TO DEFRAY
26 THE COSTS OF PROVIDING THE BUSINESS SERVICES RELATED TO ALCOHOL
27 USE DISORDER PREVENTION, EARLY INTERVENTION, TREATMENT,

1 RECOVERY, OR HARM REDUCTION SERVICES RELATED TO THE
2 MANUFACTURERS AND DISTRIBUTORS OF ALCOHOL; AND

3 (c) MANUFACTURERS AND DISTRIBUTORS OF ALCOHOL SHOULD
4 BEAR SOME OF THE INCREASED COSTS FOR ALCOHOL USE DISORDER
5 PREVENTION, EARLY INTERVENTION, TREATMENT, RECOVERY, OR HARM
6 REDUCTION SERVICES.

7 **27-83-103. Definitions.** AS USED IN THIS ARTICLE 83, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "ALCOHOL" MEANS FERMENTED MALT BEVERAGE OR MALT,
10 VINOUS, OR SPIRITUOUS LIQUORS; EXCEPT THAT "ALCOHOL" DOES NOT
11 INCLUDE CONFECTIONERY CONTAINING ALCOHOL WITHIN THE LIMITS
12 PRESCRIBED BY SECTION 25-5-410 (1)(i)(II).

13 (2) "ALCOHOL USE DISORDER" MEANS A CHRONIC RELAPSING
14 BRAIN DISEASE CHARACTERIZED BY RECURRENT USE OF ALCOHOL CAUSING
15 CLINICALLY SIGNIFICANT IMPAIRMENT, INCLUDING HEALTH PROBLEMS,
16 DISABILITY, AND FAILURE TO MEET MAJOR RESPONSIBILITIES AT WORK,
17 SCHOOL, AND HOME.

18 (3) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
19 THE BEHAVIORAL HEALTH ADMINISTRATION IN THE STATE DEPARTMENT
20 OF HUMAN SERVICES ESTABLISHED PURSUANT TO SECTION 27-50-102.

21 (4) "BEHAVIORAL HEALTH ADMINISTRATIVE SERVICE
22 ORGANIZATION" OR "BHASO" MEANS AN ORGANIZATION SELECTED BY
23 AND CONTRACTED WITH THE COMMISSIONER OF THE BEHAVIORAL HEALTH
24 ADMINISTRATION PURSUANT TO SECTION 27-50-401.

25 (5) "BOARD" OR "ENTERPRISE BOARD" MEANS THE ALCOHOL
26 IMPACT ENTERPRISE BOARD CREATED PURSUANT TO SECTION 27-83-109.

27 (6) "ELIGIBLE ENTITY" MEANS:

1 (a) ANY NONPROFIT OR FOR-PROFIT ORGANIZATION THAT PROVIDES
2 PREVENTION, EARLY INTERVENTION, TREATMENT, RECOVERY, OR HARM
3 REDUCTION SERVICES FOR MILD, MODERATE, OR SEVERE ALCOHOL USE
4 DISORDERS OR RELATED DISORDERS, SUCH AS FETAL ALCOHOL SPECTRUM
5 DISORDER; AND

6 (b) ANY STATE OR LOCAL GOVERNMENT ENTITY, INSTITUTION OF
7 HIGHER EDUCATION, AND QUASI-GOVERNMENTAL ORGANIZATION,
8 INCLUDING A MUNICIPALITY, COUNTY, SCHOOL, LAW ENFORCEMENT
9 AGENCY, AND DISTRICT COURT, THAT PROVIDES PREVENTION, EARLY
10 INTERVENTION, TREATMENT, RECOVERY, OR HARM REDUCTION SERVICES
11 FOR MILD, MODERATE, OR SEVERE ALCOHOL USE DISORDERS OR RELATED
12 DISORDERS, SUCH AS FETAL ALCOHOL SPECTRUM DISORDER.

13 (7) "ENTERPRISE" MEANS THE COLORADO ALCOHOL IMPACT AND
14 RECOVERY ENTERPRISE CREATED IN SECTION 27-83-104.

15 (8) "FEE" MEANS THE ALCOHOL IMPACT FEE DESCRIBED IN SECTION
16 27-83-105.

17 (9) "FUND" MEANS THE COLORADO ALCOHOL IMPACT CASH FUND
18 CREATED IN SECTION 27-83-106.

19 (10) "GRANT PROGRAMS" MEANS THE COLORADO ALCOHOL
20 TREATMENT AND RECOVERY AFFORDABILITY GRANT PROGRAM CREATED
21 IN SECTION 27-83-107 AND THE COLORADO ALCOHOL USE PREVENTION
22 AND EARLY INTERVENTION GRANT PROGRAM CREATED IN SECTION
23 27-83-108.

24 (11) "PRIORITY POPULATIONS" MEANS CHILDREN, YOUTH, PEOPLE
25 FROM UNDERSERVED COMMUNITIES, AND POPULATIONS THAT HAVE BEEN
26 DISPROPORTIONATELY AFFECTED BY ALCOHOL USE DISORDER, AND AS
27 FURTHER DEFINED BY THE ENTERPRISE BOARD.

1 (12) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN
2 SERVICES CREATED PURSUANT TO SECTION 26-1-107.

3 (13) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
4 HUMAN SERVICES CREATED PURSUANT TO SECTION 26-1-105.

5 (14) "WHOLESALE ALCOHOL DISTRIBUTOR" MEANS ANY PERSON:

6 (a) HOLDING ANY OF THE FOLLOWING LICENSES ISSUED BY THE
7 DEPARTMENT OF REVENUE PURSUANT TO ARTICLE 3 OF TITLE 44:

- 8 (I) MANUFACTURER'S LICENSE;
- 9 (II) LIMITED WINERY LICENSE;
- 10 (III) NONRESIDENT MANUFACTURER'S LICENSE;
- 11 (IV) IMPORTER'S LICENSE;
- 12 (V) MALT LIQUOR IMPORTER'S LICENSE;
- 13 (VI) WHOLESALER'S LIQUOR LICENSE; OR
- 14 (VII) WHOLESALER'S BEER LICENSE; AND

15 (b) WHO DISTRIBUTES IN OR SHIPS INTO COLORADO ALCOHOL THAT
16 HAS A WHOLESALE VALUE OF ONE MILLION DOLLARS OR MORE.

17 **27-83-104. Colorado alcohol impact and recovery enterprise**
18 **- creation.** (1) (a) THE COLORADO ALCOHOL IMPACT AND RECOVERY
19 ENTERPRISE IS CREATED TO PROVIDE:

20 (I) BUSINESS-RELATED SERVICES FOR THE PREVENTION, EARLY
21 INTERVENTION, HARM REDUCTION, TREATMENT, AND RECOVERY FROM
22 ALCOHOL USE DISORDER AND RELATED DISORDERS; AND

23 (II) A SUSTAINABLE SOURCE OF MONEY TO PAY FOR SUCH
24 SERVICES THAT ARE NOT OTHERWISE COVERED BY PUBLIC OR PRIVATE
25 INSURANCE OR ANOTHER GOVERNMENTAL PROGRAM, INCLUDING COSTS
26 SUCH AS COPAYMENTS, DEDUCTIBLES, AND OTHER COSTS NOT COVERED BY
27 INSURANCE.

1 (b) THE ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED
2 BUSINESS WITHIN THE BEHAVIORAL HEALTH ADMINISTRATION FOR THE
3 PURPOSES OF:

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

6 (II) UTILIZING AND DEPLOYING THE MONEY COLLECTED FROM THE
7 FEE TO ADMINISTER AND AWARD GRANTS UNDER:

8 (A) THE COLORADO ALCOHOL TREATMENT AND RECOVERY
9 AFFORDABILITY GRANT PROGRAM ESTABLISHED PURSUANT TO SECTION
10 27-83-107 TO PROVIDE MONETARY ASSISTANCE TO INDIVIDUALS WITH AN
11 ALCOHOL USE DISORDER; AND

12 (B) THE COLORADO ALCOHOL USE PREVENTION AND EARLY
13 INTERVENTION GRANT PROGRAM ESTABLISHED PURSUANT TO SECTION
14 27-83-108 TO PRIORITIZE PREVENTION AND EARLY INTERVENTION
15 PROGRAMS THAT PREVENT AND ADDRESS ALCOHOL USE DISORDERS.

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

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

25 (a) TO CHARGE AND COLLECT THE FEE;

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

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

6 (d) TO ENTER INTO AGREEMENTS WITH THE BHA AND THE STATE
7 DEPARTMENT TO THE EXTENT NECESSARY TO COLLECT AND EXPEND FEE
8 REVENUE;

9 (e) TO ENGAGE THE SERVICES OF PRIVATE PERSONS OR ENTITIES
10 SERVING AS CONTRACTORS, CONSULTANTS, AND LEGAL COUNSEL FOR
11 PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE, AND TO SUPPLY
12 OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
13 ENTERPRISE; AND

14 (f) TO ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION
15 OF ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS CONSISTENT WITH THIS
16 SECTION.

17 (4) THE ENTERPRISE IS A **TYPE 2** ENTITY AS DEFINED IN SECTION
18 24-1-105 AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES UNDER
19 THE BEHAVIORAL HEALTH ADMINISTRATION.

20 **27-83-105. Alcohol impact fee.** (1) FOR THE STATE FISCAL YEAR
21 COMMENCING JULY 1, 2024, AND FOR EACH STATE FISCAL YEAR
22 THEREAFTER, UNLESS ADJUSTED PURSUANT TO SUBSECTION (6) OF THIS
23 SECTION, THE ENTERPRISE IS AUTHORIZED TO CHARGE AND COLLECT AN
24 ALCOHOL IMPACT FEE FROM EVERY WHOLESALE ALCOHOL DISTRIBUTOR
25 OF:

26 (a) \$0.107 ON EVERY GALLON OF BEER MANUFACTURED AND
27 DISTRIBUTED IN OR DISTRIBUTED TO COLORADO;

1 (b) \$0.16 on EVERY GALLON OF MALT LIQUOR AND HARD CIDER
2 MANUFACTURED AND DISTRIBUTED IN OR DISTRIBUTED TO COLORADO;

3 (c) \$0.212 ON EVERY LITER OF WINE EXCEPT HARD CIDER
4 MANUFACTURED AND DISTRIBUTED IN OR DISTRIBUTED TO COLORADO;
5 AND

6 (d) \$0.656 ON EVERY LITER OF SPIRITUOUS LIQUOR
7 MANUFACTURED AND DISTRIBUTED IN OR DISTRIBUTED TO COLORADO.

8 (2) ON AND AFTER JULY 1, 2024, EVERY WHOLESALE ALCOHOL
9 DISTRIBUTOR SHALL PAY TO THE ENTERPRISE A FEE, AS ESTABLISHED BY
10 THE ENTERPRISE, ON ALL ALCOHOL DISTRIBUTED IN AND SHIPPED INTO
11 COLORADO. THE ENTERPRISE SHALL TRANSMIT ANY FEE COLLECTED IN
12 ACCORDANCE WITH THIS SUBSECTION (2) TO THE STATE TREASURER, WHO
13 SHALL CREDIT THE SAME TO THE FUND. ANY FEE TRANSMITTED TO THE
14 STATE TREASURER THAT IS COLLECTED ON BEHALF OF THE ENTERPRISE IS
15 EXCLUDED FROM THE STATE'S FISCAL YEAR SPENDING, AS LONG AS THE
16 ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR PURPOSES OF SECTION 20
17 OF ARTICLE X OF THE STATE CONSTITUTION.

18 (3) ON OR BEFORE JULY 1, 2025, EACH WHOLESALE ALCOHOL
19 DISTRIBUTOR SHALL:

20 (a) PAY THE FEE ON ALL ALCOHOL DISTRIBUTED IN OR SHIPPED
21 INTO COLORADO FOR THE PERIOD FROM JULY 1, 2024, THROUGH
22 DECEMBER 31, 2024; AND

23 (b) REPORT TO THE ENTERPRISE THE AMOUNT OF ALCOHOL
24 DISTRIBUTED IN OR SHIPPED INTO COLORADO FOR THE PERIOD FROM JULY
25 1, 2024, THROUGH DECEMBER 31, 2024.

26 (4) ON OR BEFORE JULY 1, 2026, AND ON OR BEFORE JULY 1 OF
27 EACH YEAR THEREAFTER, EACH WHOLESALE ALCOHOL DISTRIBUTOR

1 SHALL:

2 (a) PAY THE FEE ON ALL ALCOHOL DISTRIBUTED IN OR SHIPPED

3 INTO COLORADO FOR THE PREVIOUS CALENDAR YEAR; AND

4 (b) REPORT TO THE ENTERPRISE THE AMOUNT OF ALCOHOL

5 DISTRIBUTED IN OR SHIPPED INTO COLORADO FOR THE PREVIOUS

6 CALENDAR YEAR.

7 (5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (3) AND

8 (4) OF THIS SECTION, THE ENTERPRISE MAY WORK WITH THE DEPARTMENT

9 OF REVENUE TO COLLECT THE FEE.

10 (6) (a) THE ENTERPRISE SHALL ALSO ENSURE, BY LOWERING THE

11 FEE IMPOSED BY THIS SECTION TO THE EXTENT NECESSARY, THAT THE

12 TOTAL AMOUNT OF FEE REVENUE DOES NOT EXCEED ONE HUNDRED

13 MILLION DOLLARS OVER THE FIRST FIVE FISCAL YEARS OF THE

14 ENTERPRISE'S EXISTENCE, AND THEREFORE THE ENTERPRISE IS NOT

15 SUBJECT TO VOTER APPROVAL PURSUANT TO SECTION 24-77-108.

16 (b) (I) THE ENTERPRISE MAY INCREASE OR DECREASE THE FEE AND

17 SHALL GIVE WHOLESALE ALCOHOL DISTRIBUTORS AT LEAST THREE

18 MONTHS' NOTICE PRIOR TO THE ADJUSTMENT.

19 (II) THE ENTERPRISE MAY ONLY INCREASE THE FEE ONCE EVERY

20 TWO YEARS, AND THE ENTERPRISE SHALL BASE ANY INCREASE ON THE

21 FOLLOWING FACTORS SINCE THE LAST ADJUSTMENT:

22 (A) THE CUMULATIVE RATE OF INFLATION;

23 (B) THE INCREASE IN THE STATE'S POPULATION; AND

24 (C) THE INCREASE IN THE RATE OF ALCOHOL USE.

25 **27-83-106. Colorado alcohol impact cash fund - creation.**

26 (1) THERE IS CREATED IN THE STATE TREASURY THE COLORADO ALCOHOL

27 IMPACT CASH FUND. THE FUND CONSISTS OF MONEY CREDITED TO THE

1 FUND PURSUANT TO SECTION 27-83-105 AND ANY GIFTS, GRANTS, OR
2 DONATIONS RECEIVED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

3 (2) THE MONEY IN THE FUND SHALL NOT BE DEPOSITED INTO OR
4 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. THE STATE
5 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
6 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY
7 UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND SHALL
8 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER
9 FUND.

10 (3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO:

11 (a) THE ENTERPRISE FOR THE PURPOSES OF PAYING FOR ANY
12 DIRECT AND INDIRECT ADMINISTRATIVE EXPENSES INCURRED BY THE
13 ENTERPRISE, NOT TO EXCEED FIVE PERCENT OF THE AMOUNT OF MONEY IN
14 THE FUND; AND

15 (b) THE BEHAVIORAL HEALTH ADMINISTRATION FOR THE PURPOSES
16 OF ADMINISTERING AND AWARDED GRANTS UNDER:

17 (I) THE COLORADO ALCOHOL USE PREVENTION AND EARLY
18 INTERVENTION GRANT PROGRAM ESTABLISHED PURSUANT TO SECTION
19 27-83-108, NOT TO EXCEED FIFTY PERCENT OF THE MONEY IN THE FUND
20 AFTER DEDUCTING THE AMOUNT IN SUBSECTION (3)(a)(I) OF THIS SECTION;
21 AND

22 (II) THE COLORADO ALCOHOL TREATMENT AND RECOVERY
23 AFFORDABILITY GRANT PROGRAM ESTABLISHED PURSUANT TO SECTION
24 27-83-107, NOT TO EXCEED FIFTY PERCENT OF THE MONEY IN THE FUND
25 AFTER DEDUCTING THE AMOUNT IN SUBSECTION (3)(a)(I) OF THIS SECTION.

26 (4) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
27 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF

1 THIS SECTION, AS LONG AS THE COMBINATION OF GRANTS FROM THE STATE
2 AND LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE
3 ENTERPRISE'S TOTAL REVENUE. ANY MONEY RECEIVED PURSUANT TO THIS
4 SUBSECTION (4) MUST BE DEPOSITED IN THE FUND.

5 **27-83-107. Colorado alcohol treatment and recovery**
6 **affordability grant program - creation.** (1) THERE IS CREATED IN THE
7 BEHAVIORAL HEALTH ADMINISTRATION THE COLORADO ALCOHOL
8 TREATMENT AND RECOVERY AFFORDABILITY GRANT PROGRAM, REFERRED
9 TO IN THIS SECTION AS THE "PROGRAM", TO PROVIDE GRANTS BEGINNING
10 ON AND AFTER JULY 1, 2025, TO BEHAVIORAL HEALTH ADMINISTRATIVE
11 SERVICE ORGANIZATIONS THROUGHOUT THE STATE TO PROVIDE MONEY TO
12 SUBSTANCE USE TREATMENT AND RECOVERY PROVIDERS LICENSED BY THE
13 BHA AND UNDER CONTRACT WITH A BHASO, REFERRED TO IN THIS
14 SECTION AS "TREATMENT AND RECOVERY PROVIDERS", TO PROVIDE
15 MONETARY ASSISTANCE TO INDIVIDUALS WITH AN ALCOHOL USE
16 DISORDER.

17 (2) (a) THE BHA SHALL DISTRIBUTE MONEY TO EACH BHASO IN
18 THE STATE TO ENSURE THAT TREATMENT AND RECOVERY PROVIDERS FROM
19 ACROSS THE STATE, INCLUDING RURAL, FRONTIER, AND URBAN REGIONS,
20 HAVE EQUITABLE ACCESS TO MONEY FROM THE PROGRAM.

21 (b) IN COLLABORATION WITH THE BHA, THE ENTERPRISE BOARD
22 SHALL ESTABLISH FUNDING ALLOCATION MODELS FOR BHASOS AND
23 FURTHER DEFINE PRIORITY POPULATIONS, WHICH MAY INCLUDE
24 ADDITIONAL POPULATIONS BY REGION IF COMMUNITY NEEDS DIFFER, AND
25 SHALL ANNUALLY UPDATE THE PRIORITY POPULATION DEFINITIONS, IF
26 NEEDED.

27 (3) (a) EACH TREATMENT AND RECOVERY PROVIDER REGULATED

1 THROUGH THE BHA AND CONTRACTED WITH A BHASO SHALL ESTABLISH
2 A SLIDING FEE SCALE, APPROVED BY THE BHA, TO PROVIDE ALCOHOL USE
3 DISORDER TREATMENT OR RECOVERY SERVICES TO AN INDIVIDUAL WITH
4 AN ALCOHOL USE DISORDER, REGARDLESS OF THE INDIVIDUAL'S ABILITY
5 TO PAY. THE SLIDING FEE SCALE MUST ESTABLISH THE MAXIMUM AMOUNT
6 THAT THE BHASO MAY PAY ON BEHALF OF AN INDIVIDUAL.

7 (b) A TREATMENT AND RECOVERY PROVIDER IS AUTHORIZED TO
8 REQUEST MONEY FROM THE BHASO TO COVER COPAYMENTS,
9 DEDUCTIBLES, AND OTHER COSTS NOT OTHERWISE COVERED BY PRIVATE
10 OR PUBLIC INSURANCE ON BEHALF OF AN INDIVIDUAL.

11 (c) IF A TREATMENT AND RECOVERY PROVIDER REQUESTS MONEY
12 TO COVER SERVICES THAT HAVE BEEN DETERMINED BY THE INDIVIDUAL
13 WITH AN ALCOHOL USE DISORDER'S PUBLIC OR PRIVATE INSURANCE
14 PROVIDER TO NO LONGER MEET MEDICAL NECESSITY CRITERIA, THE
15 BHASO MUST DETERMINE THAT THE INDIVIDUAL MEETS MEDICAL
16 NECESSITY CRITERIA ACCORDING TO THE AMERICAN SOCIETY OF
17 ADDICTION MEDICINE'S CRITERIA BEFORE THE TREATMENT AND
18 RECOVERY PROVIDER MAY USE GRANT MONEY FOR THOSE SERVICES.

19 (d) AN INDIVIDUAL WITH AN ALCOHOL USE DISORDER MAY
20 RECEIVE FINANCIAL SUPPORT THROUGH THE PROGRAM REGARDLESS OF:

21 (I) THE PRESENCE OF ANOTHER CO-OCCURRING SUBSTANCE USE
22 DISORDER OR MENTAL HEALTH CONDITION; OR

23 (II) WHERE THE PERSON LIVES OR THE REFERRAL TYPE, INCLUDING
24 REFERRAL FROM THE CRIMINAL JUSTICE SYSTEM.

25 (4) (a) BHASOs AND TREATMENT AND RECOVERY PROVIDERS
26 SHALL PRIORITIZE FUNDING FOR PRIORITY POPULATIONS.

27 (b) IF A TREATMENT AND RECOVERY PROVIDER BELIEVES THAT AN

1 INDIVIDUAL WITH AN ALCOHOL USE DISORDER'S INSURANCE CARRIER IS
2 NOT MEETING THE REQUIREMENTS OF FEDERAL AND STATE PARITY LAWS,
3 IT SHALL ISSUE A COMPLAINT TO THE OFFICE OF THE OMBUDSMAN FOR
4 BEHAVIORAL HEALTH ACCESS CARE CREATED PURSUANT TO SECTION
5 27-80-303, THE DIVISION OF INSURANCE, AND THE DEPARTMENT OF
6 HEALTH CARE POLICY AND FINANCING.

7 (5) EACH BHASO SHALL REPORT ANNUALLY TO THE BHA AND
8 THE ENTERPRISE BOARD ON THE USE OF THE MONEY, IN ACCORDANCE WITH
9 PROTECTING PATIENT HEALTH INFORMATION, INCLUDING:

10 (a) THE AMOUNTS DISTRIBUTED TO EACH TREATMENT AND
11 RECOVERY PROVIDER;

12 (b) THE NUMBER OF INDIVIDUALS SERVED AND THEIR BASIC
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;

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

19 (e) IF THE INDIVIDUAL WITH AN ALCOHOL USE DISORDER REQUIRED
20 MONEY BECAUSE OF LACK OF COVERAGE, INFORMATION ON THE TYPE OF
21 INSURANCE AND THE LEVEL AND TYPE OF CARE NEEDED; AND

22 (f) THE REFERRAL SOURCE.

23 **27-83-108. Colorado alcohol use prevention and early**
24 **intervention grant program - creation - definition.** (1) AS USED IN
25 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ELIGIBLE
26 ENTITY" MEANS A PERSON OR ENTITY THAT USES DATA-INFORMED
27 PREVENTION STRATEGIES THAT PRIORITIZE FUNDING BASED ON THE

1 PREVALENCE OF HEALTH BEHAVIORS AMONG POPULATIONS AND
2 SUBPOPULATIONS, HEALTH BEHAVIOR TRENDS OVER TIME, AND
3 COMPARABLE LOCAL, STATE, AND NATIONAL HEALTH DATA IN ORDER TO
4 PRIORITIZE PREVENTION AND EARLY INTERVENTION PROGRAMS THAT
5 PREVENT AND ADDRESS ALCOHOL USE DISORDERS.

6 (2) THERE IS CREATED IN THE ENTERPRISE THE COLORADO
7 ALCOHOL USE PREVENTION AND EARLY INTERVENTION GRANT PROGRAM
8 TO, BEGINNING JULY 1, 2025, PROVIDE GRANTS TO ELIGIBLE ENTITIES TO:

9 (a) PREVENT MORE CHILDREN AND YOUTH FROM INITIATING
10 ALCOHOL USE AND DEVELOPING ALCOHOL USE DISORDERS;

11 (b) PROVIDE PUBLIC AWARENESS AND PREVENTION PROGRAMS AND
12 SERVICES TO PREVENT THE ABUSE OF ALCOHOL;

13 (c) PAY FOR EARLY INTERVENTION EFFORTS, SUCH AS BRIEF
14 INTERVENTION, FOR INDIVIDUALS WITH AN ALCOHOL USE DISORDER AND
15 THOSE AT RISK OF DEVELOPING AN ALCOHOL USE DISORDER;

16 (d) EXPAND ALCOHOL USE SCREENING AND ASSESSMENT OF
17 CHILDREN, YOUTH, AND FAMILIES IN SCHOOLS AND ALCOHOL USE
18 SCREENING AND ASSESSMENTS FOR ALL POPULATIONS IN HEALTH-CARE
19 SETTINGS; AND

20 (e) EXPAND SCREENING FOR AND TREATMENT OF FETAL ALCOHOL
21 SPECTRUM DISORDERS.

22 (3) THE ENTERPRISE BOARD SHALL ADMINISTER THE GRANT
23 PROGRAM AND AWARD GRANTS TO ACHIEVE THE FOLLOWING GOALS:

24 (a) ENGAGE IN PREVENTION AND EARLY INTERVENTION ACTIVITIES
25 THAT DIRECTLY REDUCE RISKS FOR ALCOHOL AND OTHER SUBSTANCE USE
26 AND RELATED DISORDERS;

27 (b) SUPPORT COMMUNITIES WITH A DEMONSTRATED CAPACITY

1 LIMITATION TO EXPAND PREVENTION AND EARLY INTERVENTION SERVICES
2 FOR ALCOHOL USE AND RELATED DISORDERS; AND

3 (c) IMPROVE SCREENING AND TREATMENT OF INDIVIDUALS WITH
4 FETAL ALCOHOL SPECTRUM DISORDER.

5 (4) A GRANTEE SHALL REPORT QUARTERLY TO THE BOARD ON THE
6 SUCCESS OF ACTIVITIES FINANCED BY THE GRANT AS DESCRIBED IN
7 SUBSECTION (3) OF THIS SECTION PURSUANT TO TERMS SPECIFIED IN THE
8 GRANT AWARD AGREEMENT.

9 (5) THE BOARD SHALL DEVELOP A POLICY REGARDING A GRANTEE'S
10 NONCOMPLIANCE WITH THE GRANT AGREEMENT ENTERED INTO BY THE
11 GRANTEE AND THE BOARD, WHICH POLICY MAY INCLUDE A MECHANISM
12 FOR THE BOARD TO CONVERT THE GRANTEE'S GRANT TO A LOAN WITH
13 INTEREST.

14 **27-83-109. Alcohol impact enterprise board - creation - duties**

15 **- report.** (1) THERE IS CREATED IN THE BHA THE ALCOHOL IMPACT
16 ENTERPRISE BOARD THAT CONSISTS OF TWENTY-TWO MEMBERS,
17 INCLUDING:

18 (a) THE FOLLOWING NON-VOTING, EX OFFICIO MEMBERS:

19 (I) THE COMMISSIONER OF THE BEHAVIORAL HEALTH
20 ADMINISTRATION, OR THE COMMISSIONER'S DESIGNEE;

21 (II) THE SENIOR ADVISOR FOR CHILDREN, YOUTH, AND FAMILIES
22 IN THE BEHAVIORAL HEALTH ADMINISTRATION;

23 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
24 CARE POLICY AND FINANCING, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

25 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
26 HEALTH AND ENVIRONMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

27 AND

1 (V) THE DIRECTOR OF THE DIVISION OF INSURANCE IN THE
2 DEPARTMENT OF REGULATORY AGENCIES, OR THE DIRECTOR'S DESIGEE;
3 AND

4 (b) THE FOLLOWING VOTING MEMBERS APPOINTED BY THE
5 GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE:

6 (I) A PERSON REPRESENTING THE ALCOHOL OR SUBSTANCE USE
7 PREVENTION COMMUNITY;

8 (II) A PERSON REPRESENTING THE ALCOHOL OR SUBSTANCE USE
9 TREATMENT COMMUNITY;

10 (III) A PERSON REPRESENTING THE ALCOHOL OR SUBSTANCE USE
11 RECOVERY COMMUNITY;

12 (IV) A PERSON REPRESENTING THE HARM REDUCTION COMMUNITY;

13 (V) A PERSON REPRESENTING YOUTH MENTAL HEALTH
14 PROFESSIONALS, SUCH AS A SOCIAL WORKER, CHILD AND ADOLESCENT
15 PSYCHIATRIST, OR OTHER PROFESSIONAL SPECIALIZING IN CARING FOR
16 YOUTH;

17 (VI) A PERSON REPRESENTING THE PUBLIC SAFETY FIELD;

18 (VII) A PERSON REPRESENTING A STATE CONTRACTOR CURRENTLY
19 RESPONSIBLE FOR NETWORK ADEQUACY AND CAPACITY-BUILDING EFFORTS
20 FOR INDIVIDUALS WITH ALCOHOL USE DISORDERS;

21 (VIII) ONE PERSON REPRESENTING COUNTY DEPARTMENTS OF
22 HUMAN OR SOCIAL SERVICES AND ONE PERSON REPRESENTING A LOCAL
23 HEALTH AGENCY, ONE OF WHOM IS FROM A COUNTY WITH A POPULATION
24 OF FEWER THAN THIRTY THOUSAND PEOPLE AND ONE OF WHOM IS FROM A
25 COUNTY WITH A POPULATION OF THIRTY THOUSAND PEOPLE OR MORE;

26 (IX) A PERSON REPRESENTING SCHOOL DISTRICTS;

27 (X) A REPRESENTATIVE FROM THE COLORADO COMMISSION OF

1 INDIAN AFFAIRS;

2 (XI) TWO PERSONS WHO HAVE EXPERIENCED AN ALCOHOL USE

3 DISORDER;

4 (XII) A PERSON WHOSE FAMILY HAS BEEN AFFECTED BY A FAMILY

5 MEMBER WITH AN ALCOHOL USE DISORDER;

6 (XIII) A PERSON WHOSE FAMILY HAS BEEN AFFECTED BY A CHILD

7 OR YOUTH FAMILY MEMBER WITH AN ALCOHOL USE DISORDER;

8 (XIV) A PERSON REPRESENTING AN ADVOCACY ORGANIZATION

9 FOR PEOPLE WITH MENTAL HEALTH CONDITIONS AND ALCOHOL OR

10 SUBSTANCE USE DISORDERS; AND

11 (XV) A PERSON REPRESENTING THE LIQUOR INDUSTRY.

12 (2) IN MAKING THE APPOINTMENTS DESCRIBED IN SUBSECTION

13 (1)(b) OF THIS SECTION, THE GOVERNOR SHOULD ATTEMPT TO INCLUDE

14 PERSONS WHO:

15 (a) HAVE EXPERIENCE PROVIDING SERVICES ACROSS THE

16 CONTINUUM OF CARE FOR ALCOHOL USE DISORDERS;

17 (b) REFLECT THE ETHNIC, CULTURAL, GENDER, AND GEOGRAPHIC

18 DIVERSITY OF THE STATE; AND

19 (c) TO THE EXTENT PRACTICABLE, HAVE LIVED EXPERIENCE AND

20 HAVE RECEIVED SERVICES ACROSS THE CONTINUUM OF CARE FOR ALCOHOL

21 USE DISORDERS.

22 (3) MEMBERS OF THE ENTERPRISE BOARD SERVE AT THE PLEASURE

23 OF THE GOVERNOR. ALL TERMS ARE FOR FOUR YEARS; EXCEPT THAT OF

24 THE MEMBERS INITIALLY APPOINTED BY THE GOVERNOR, EIGHT SHALL

25 SERVE AN INITIAL TERM OF TWO YEARS AS DESIGNATED BY THE

26 GOVERNOR. A MEMBER WHO IS APPOINTED TO FILL A VACANCY SERVES

27 THE REMAINDER OF THE UNEXPIRED TERM OF THE FORMER MEMBER.

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

4 (5) MEMBERS OF THE ENTERPRISE BOARD SERVING IN A
5 PROFESSIONAL CAPACITY SERVE WITHOUT COMPENSATION BUT MUST BE
6 REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY
7 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO
8 THIS SECTION. MEMBERS OF THE ENTERPRISE BOARD SERVING DUE TO
9 THEIR LIVED EXPERIENCE MUST BE OFFERED A PER DIEM DISTRIBUTED
10 FROM MONEY IN THE FUND AS ESTABLISHED BY THE ENTERPRISE BOARD
11 AND MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND
12 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
13 PURSUANT TO THIS SECTION.

14 (6) THE STAFF FROM THE BHA ASSIGNED TO WORK FOR THE
15 ENTERPRISE SHALL ASSIST THE MEMBERS OF THE ENTERPRISE BOARD IN
16 PERFORMING THEIR REQUIRED DUTIES.

17 (7) THE ENTERPRISE BOARD SHALL, AT A MINIMUM:

18 (a) REVIEW CURRENT STATE PLANS RELATED TO ALCOHOL USE
19 DISORDER PREVENTION, HARM REDUCTION TREATMENT, AND RECOVERY
20 SUPPORT SERVICES IN ORDER TO FORMULATE RECOMMENDATIONS FOR
21 USES OF THE FEE;

22 (b) REVIEW AND APPROVE AN ANNUAL BUDGET FOR THE
23 ENTERPRISE;

24 (c) ESTABLISH FUNDING ALLOCATION MODELS FOR BHASOs AND
25 DETERMINE PRIORITY POPULATIONS;

26 (d) REVIEW APPLICATIONS AND AWARD GRANTS MADE THROUGH
27 THE COLORADO ALCOHOL USE PREVENTION AND EARLY INTERVENTION

1 GRANT PROGRAM, CREATED IN SECTION 27-83-108, THAT ARE MORE THAN
2 FIFTY THOUSAND DOLLARS. THE COMMISSIONER OF THE BEHAVIORAL
3 HEALTH ADMINISTRATION IS AUTHORIZED TO APPROVE GRANTS OF FIFTY
4 THOUSAND DOLLARS OR LESS.

5 (e) REVIEW AND APPROVE RECOMMENDATIONS FOR ALLOCATION
6 OF MONEY IN THE FUND;

7 (f) REVIEW THE OUTCOMES OF THE VARIOUS GRANTS AWARDED;
8 AND

9 (g) REVIEW AND APPROVE AN ANNUAL REPORT OF EXPENDITURES
10 AND SERVICES PROVIDED PURSUANT TO THIS SECTION.

11 (8) (a) ON OR BEFORE JUNE 15, 2026, AND ON OR BEFORE JUNE 15
12 EACH YEAR THEREAFTER, THE ENTERPRISE BOARD SHALL SUBMIT A
13 WRITTEN REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF
14 THE SENATE, THE HEALTH AND INSURANCE COMMITTEE OF THE HOUSE OF
15 REPRESENTATIVES, AND THE PUBLIC AND BEHAVIORAL HEALTH AND
16 HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR
17 ANY SUCCESSOR COMMITTEES; THE JOINT BUDGET COMMITTEE OF THE
18 GENERAL ASSEMBLY; THE OFFICE OF THE ATTORNEY GENERAL; AND THE
19 GOVERNOR. THE REPORT MUST INCLUDE, BUT NEED NOT BE LIMITED TO:

20 (I) THE RECOMMENDATIONS MADE TO THE STATE BOARD;

21 (II) A DESCRIPTION OF HOW THE ALCOHOL IMPACT FEE IS
22 CALCULATED AND THE PROCESS BY WHICH THE FEE IS ASSESSED AND
23 COLLECTED;

24 (III) AN ITEMIZATION OF THE TOTAL AMOUNT OF THE ALCOHOL
25 IMPACT FEE PAID BY EACH WHOLESALE ALCOHOL DISTRIBUTOR BY SPECIFIC
26 ALCOHOLIC BEVERAGE SOLD;

27 (IV) AN ITEMIZATION OF THE COSTS INCURRED BY THE ENTERPRISE

1 IN IMPLEMENTING AND ADMINISTERING THE ALCOHOL IMPACT FEE; AND

2 (V) AN ITEMIZATION OF SERVICES AND PROJECTS FUNDED
3 THROUGH THE GRANT PROGRAMS, INCLUDING:

4 (A) DATA REPORTED FROM BHASOs;

5 (B) FUNDING DISTRIBUTED TO EACH TREATMENT AND RECOVERY
6 PROVIDER, AS DESCRIBED IN SECTION 27-83-107 (1), BY AMOUNT AND
7 PROVIDER;

8 (C) THE NUMBER OF INDIVIDUALS SERVED, INCLUDING THEIR BASIC
9 DEMOGRAPHIC DATA;

10 (D) IF THE MONEY WAS USED FOR A COPAYMENT, DEDUCTIBLE, OR
11 OTHER COST NOT OTHERWISE COVERED BY INSURANCE;

12 (E) IF THE INDIVIDUAL REQUIRED MONEY BECAUSE OF LACK OF
13 COVERAGE, INFORMATION ON THE TYPE OF INSURANCE AND THE LEVEL
14 AND TYPE OF CARE NEEDED;

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

18 (G) THE REFERRAL SOURCE; AND

19 (H) METRICS FOR THE COLORADO ALCOHOL USE PREVENTION AND
20 EARLY INTERVENTION GRANT PROGRAM CREATED IN SECTION 27-83-108,
21 AS DEFINED IN EACH GRANT AGREEMENT.

22 (b) THIS SUBSECTION (8) IS EXEMPT FROM THE PROVISIONS OF
23 SECTION 24-1-136 (11)(a)(I), AND THE PERIODIC REPORTING REQUIREMENT
24 OF THIS SUBSECTION (8) REMAINS IN EFFECT UNTIL CHANGED BY THE
25 GENERAL ASSEMBLY ACTING BY BILL.

26 **27-83-110. Audit of substance use impact enterprises.** DURING
27 THE 2029-30 STATE FISCAL YEAR, AND DURING EVERY FOURTH YEAR

1 THEREAFTER, THE STATE AUDITOR SHALL CONDUCT A FINANCIAL AUDIT OF
2 THE ENTERPRISE ESTABLISHED PURSUANT TO THIS ARTICLE 83. THE
3 ENTERPRISE SHALL PAY THE COSTS OF THE FINANCIAL AUDIT OF THE
4 ENTERPRISE. THE STATE AUDITOR SHALL REPORT THE FINDINGS FROM
5 SUCH AUDITS, ALONG WITH ANY COMMENTS AND RECOMMENDATIONS, TO
6 THE GOVERNOR AND TO THE HEALTH AND HUMAN SERVICES COMMITTEE
7 OF THE SENATE AND THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
8 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
9 SUCCESSOR COMMITTEES. THE STATE AUDITOR HAS CONTINUING
10 AUTHORITY TO CONDUCT PERFORMANCE AUDITS OF THE ENTERPRISE AS
11 THE STATE AUDITOR DEEMS APPROPRIATE. THE ENTERPRISE SHALL PAY
12 THE COSTS OF ANY SUBSEQUENT PERFORMANCE AUDIT OF THAT
13 ENTERPRISE.

14 **SECTION 2. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.