



OFFICE OF GOVERNMENT RELATIONS
CU Initiated State Legislation

The First Regular Session of the seventieth session of the Colorado General Assembly convened on January 4, 2019 and ended on May 3, 2019.

S.B. 19-001 Expand Medication-assisted Treatment Sponsors: Garcia/Buentello
Pilot Program

In 2017, the general assembly enacted Senate Bill 17-074, concerning the creation of a pilot program in certain areas of the state experiencing high levels of opioid addiction to award grants to increase access to addiction treatment, which created a 2-year medication-assisted treatment (MAT) expansion pilot program, administered by the university of Colorado college of nursing, to expand access to medication-assisted treatment to opioid-dependent patients in Pueblo and Routt counties and directed the general assembly to appropriate \$500,000 per year for the 2017-18 and 2018-19 fiscal years from the marijuana tax cash fund to the university of Colorado board of regents for allocation to the college of nursing to implement the pilot program. The 2017 act also scheduled the pilot program for repeal on June 30, 2020. The act:

- Expands the pilot program to the counties in the San Luis valley and 2 additional counties in which a need is demonstrated;
- Shifts responsibility to administer the pilot program from the college of nursing to the center for research into substance use disorder prevention, treatment, and recovery support strategies;
- Adds representatives from the San Luis valley and any other counties selected to participate in the pilot program and members from the boards of county commissioners from participating counties to the advisory board that assists in administering the program;
- Increases the annual appropriation for the pilot program to \$2.5 million for the 2019-20 and 2020-21 fiscal years; and
- Extends the program an additional 2 years.

The act appropriates \$2.5 million from the marijuana tax cash fund to the department of higher education for use by the board of regents of the university of Colorado to allocate to the center for research into substance use disorder prevention, treatment, and recovery support strategies for the MAT expansion pilot program.

APPROVED by Governor May 14, 2019
EFFECTIVE May 14, 2019

H.B. 19-1241 University of Colorado Training and Sponsors: Buentello,
Scholarships Rural Physicians Wilson/Ginal, Hisey

The bill requires the university of Colorado school of medicine (school) to provide scholarships to students who:

- Will complete clinical studies in a rural or frontier area in Colorado;
- Have demonstrated financial need; and
- Have committed in writing to living and serving as physicians in rural or frontier areas in Colorado that are also primary care health professional shortage areas for at least 4 years following the completion of their residency training.

The bill requires the school to submit an annual written report to the education committees of the house of representatives and senate concerning the operation of the school's rural track during the preceding academic year.

STATUS: Postponed indefinitely due to state budget constraints

S.B. 19-007

**Prevent Sexual Misconduct at Higher
Ed Campuses**

**Sponsors: Pettersen,
Winter/McLachlan/Buckner**

The act requires each institution of higher education (institution) to adopt, periodically review, and update a policy on sexual misconduct (policy). The act establishes minimum requirements for the policies, including reporting options, procedures for investigations and adjudications, and protections for involved persons. Institutions shall promote the policy by posting information on their websites and annually distributing the policy and information. Institutions are required to provide training on awareness and prevention of sexual misconduct, the policy, and resources available to discuss such misconduct. The act requires institutions to report to the department of higher education (department) on their policies and training, and the department shall post the reports on its website and report to the general assembly during its SMART Act hearing. The department shall host biennial summits on sexual misconduct on institution campuses to facilitate communication, share information, and hear from experts. The act identifies the membership of the planning committee for the summits. The planning committees shall report to specified committees of the general assembly on the summits. The act creates a sexual misconduct advisory committee to make recommendations to the general assembly and institutions on sexual misconduct policies at institutions following the promulgation of new federal rules by the federal department of education and annually thereafter.

APPROVED by Governor May 31, 2019

EFFECTIVE May 31, 2019

S.B. 19-085

Equal Pay for Equal Work Act

**Sponsors: Danielson,
Pettersen/Buckner, Gonzales-
Gutierrez**

The act removes the authority of the director of the division of labor standards and statistics in the department of labor and employment (director) to enforce wage discrimination complaints based on an employee's sex and instead authorizes the director to create and administer a process to accept and mediate complaints of, and provide legal resources concerning, alleged violations and to promulgate rules for this purpose. An aggrieved person may bring a civil action in district court to pursue remedies specified in the act. The act allows exceptions to the prohibition against a wage differential based on sex if the employer demonstrates that a wage differential is not based on wage rate history and is based upon one or more of the following factors, so long as the employer applies the factors reasonably and they account for the entire wage rate differential:

- A seniority system;
- A merit system;
- A system that measures earnings by quantity or quality of production;
- The geographic location where the work is performed;
- Education, training, or experience to the extent that they are reasonably related to the work in question; or
- Travel, if the travel is a regular and necessary condition of the work performed.

The act prohibits an employer from:

- Seeking the wage rate history of a prospective employee or requiring disclosure of wage rate as a condition of employment;
- Relying on a prior wage rate to determine a wage rate;

- Discriminating or retaliating against a prospective employee for failing to disclose the employee's wage rate history;
- Discharging or retaliating against an employee for actions by an employee asserting the rights established by the act against an employer; or
- Discharging, disciplining, discriminating against, or otherwise interfering with an employee for inquiring about, disclosing, or discussing the employee's wage rate.

The act requires an employer to announce to all employees employment advancement opportunities and job openings and the pay range for the openings. The director is authorized to enforce actions against an employer concerning transparency in pay and employment opportunities, including fines of between \$500 and \$10,000 per violation. Employers are also required to maintain records of job descriptions and wage rate history for each employee while employed and for 2 years after the employment ends. Failure to maintain these records creates a rebuttable presumption, in a lawsuit alleging wage discrimination based on sex, that the records not maintained contained information favorable to the employee's claim.

APPROVED by Governor May 22, 2019

EFFECTIVE January 1, 2021

**S.B. 19-095 Five-year Review of Higher
Education Funding Formula**

**Sponsors: Todd,
Holbert/Hansen, McKean**

The act requires the Colorado commission on higher education (commission) to conduct a review of the funding formula for institutions of higher education every 5 years and to submit a report on recommended changes to specified committees of the general assembly on or before November 1 of the year in which the review was conducted. It also specifies certain steps that the commission shall take in conducting the review.

APPROVED by Governor April 4, 2019

EFFECTIVE April 4, 2019

**S.B. 19-099 Revised Uniform Athlete Agents Act
2015**

Sponsors: Todd/Tipper

Athlete agents who represent students first became regulated in Colorado through the enactment of the "Uniform Athlete Agents Act" in 2008, which, among other requirements, required athlete agents to register with the department of regulatory agencies. The general assembly repealed the registration requirement in 2010. The act enacts the "Revised Uniform Athlete Agents Act (2015)", drafted by the National Conference of Commissioners on Uniform State Laws. The revised act establishes new provisions for registration and renewal of registration for athlete agents, to be administered by the director of the division of professions and occupations in the department of regulatory agencies. The revised act is repealed in 2027, subject to sunset review. \$42,056 is appropriated to the department of regulatory agencies for use by the division of professions and occupations from the division of professions and occupations cash fund to implement the act. Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

STATUS: Vetoed by Governor May 31, 2019

**S.B. 19-170 Inquiry Into College Applicant
Criminal History**

**Sponsors: Rodriguez,
Tate/Herod, Soper**

A state institution of higher education (institution) is prohibited from inquiring, prior to admission, about an applicant's criminal history or disciplinary history at an elementary, secondary, or postsecondary institution (disciplinary history); except that the institution may inquire into the following:

- An applicant's prior convictions or disciplinary history for stalking, sexual assault, and domestic violence;

- An applicant's convictions within 5 years before submitting the application for assault, kidnapping, voluntary manslaughter, or murder; and
- Any pending criminal charges against the applicant.

An institution that accepts a form of application that may be used to apply to other institutions is prohibited from considering any criminal or disciplinary history information provided on that application that the institution is prohibited from inquiring into on its own application. An institution that accepts a form of application that is designed by a national application service, tailored for admission to a specific degree program, and used in other states may consider criminal history information provided on that application. An institution's review of an otherwise qualified applicant's disclosed criminal history or disciplinary history must be made in a reasonable amount of time. The institution shall provide an appeals process for an otherwise qualified applicant denied admission based on the applicant's criminal or disciplinary history. An institution is required to post its policies regarding inquiries into an applicant's criminal and disciplinary history on its website and file such policies with the Colorado commission on higher education (commission). An institution shall notify the commission at least 30 days before making any changes to such policies. An institution is permitted to inquire into an admitted student's criminal history when obtaining information pertaining to participation in campus life or student housing.

APPROVED by Governor May 28, 2019

EFFECTIVE May 1, 2020

S.B. 19-176

Expanding Concurrent Enrollment Opportunities

Sponsors: Lundeen, Bridges/McCluskie, Geitner

The act clarifies the differences between concurrent enrollment, dual enrollment, and other programs that enable a student to earn postsecondary credits while the student is enrolled in high school. Beginning in the 2020-21 school year, each school district, charter school, and public school operated by a board of cooperative services (local education provider) that enrolls students in grades 9 through 12 is required to provide the opportunity for concurrent enrollment. A local education provider cannot unreasonably deny approval for concurrent enrollment or limit the number of postsecondary courses in which a qualified student may enroll unless the local education provider is unable to provide access due to technological capacity. A local education provider may determine the manner in which it provides opportunities for concurrent enrollment. The act clarifies the information that a local education provider must provide to qualified students and their parents concerning concurrent enrollment, the transferability of postsecondary course credits, and the costs that a qualified student or the student's parent may incur by enrolling in a postsecondary course through concurrent enrollment. The act clarifies that a qualified student and the student's parent are not required to pay tuition for concurrent enrollment. The act requires the department of education and the department of higher education to create a concurrent enrollment website to provide information to the public concerning the various types of programs available to enable students to earn postsecondary credits while enrolled in high school. The act creates the concurrent enrollment expansion and innovation grant program (grant program) to provide grants to local education providers to use in starting to offer concurrent enrollment or expanding the availability of concurrent enrollment. The department of education shall administer the grant program, including providing an annual report that explains how the grant money is used, who is enrolling in concurrent enrollment and the types of courses they are enrolling in, and the number and transferability of postsecondary credits earned through concurrent enrollment. The department shall submit the report to the state board of education, the department of higher education, the Colorado commission on higher education, and the education committees of the general assembly. The department shall also post the report to the concurrent enrollment website. The act directs the state board for community colleges and occupational education to provide management and coordination of efforts to implement efforts to maximize participation in concurrent enrollment through the community college system. For the 2019-

20 fiscal year, the act appropriates \$44,916 from the general fund to the department of education for college and career readiness, \$1,500,000 from the marijuana tax cash fund to the department of education for the concurrent enrollment expansion and innovation grant program, and \$105,000 from the general fund to the department of higher education for a limited purpose fee-for-service contract with the state board of community colleges and occupational education.

APPROVED by Governor May 20, 2019

EFFECTIVE August 2, 2019

S.B. 19-188

**FAMLI Family Medical Leave
Insurance Program**

**Sponsors: Winter,
Williams/Gray, Duran**

The act creates a study of the implementation of a paid family and medical leave program in the state by:

Requiring the department of labor and employment to contract with experts in the field of paid family and medical leave to report on the establishment of a paid family and medical leave program for employees in the state;

- Requiring the department to request information from third parties that may be willing to administer all or part of a paid family and medical leave program;
- Creating the family and medical leave implementation task force, which is responsible for recommending a plan to implement a paid family and medical leave program for the state; and
- Requiring an actuarial study of the final plan recommended by the task force.

To implement the act, \$165,487 is appropriated to the department of labor and employment and \$17,004 is appropriated to the department of public health and environment. Both appropriations are from the general fund.

APPROVED by Governor May 30, 2019

EFFECTIVE May 30, 2019

S.B. 19-190

**Teacher Preparation Program
Support**

**Sponsors: Todd,
Rankin/McLachlan, Wilson**

The act directs the department of higher education and the department of education (departments) to work with the deans of the schools of education to review, research, and identify best practices in teacher preparation. By January 1, 2020, the departments must jointly adopt guidelines to assist educator preparation programs in adopting and implementing the best practices. The departments must also jointly prepare a report concerning the best practices, the guidelines, and regulatory and statutory recommendations to ensure that the policies and criteria for approving educator preparation programs align with the best practices. The departments must submit the report to the Colorado commission on higher education, the state board of education, and the education committees of the general assembly. By March 1, 2020, the educator preparation programs must each submit a report to the departments demonstrating how the program will implement the best practices over the following 3 years. The act creates the teacher mentor grant program in the department of higher education to provide money to school districts, boards of cooperative services, and charter schools that partner with educator preparation programs to provide training and stipends for teachers who serve as mentors for teacher candidates participating in clinical practice. The act specifies requirements that a partnership's teacher mentor program must meet to receive a grant, including paying the mentor teacher a stipend. The act directs the departments to work with interested parties to identify best practice standards and guidelines for teacher mentoring and requires the department of higher education to adopt the standards and guidelines by January 1, 2020. Beginning in the 2020-21 budget year, the department of higher education must annually prepare a report concerning implementation of the teacher mentor grant program and submit the report to the Colorado commission on higher education, the state board of education, the department of education, and the education committees of the general assembly. The act

relocates with nonsubstantive changes the existing collaborative educator preparation grant program and the "Rural Colorado Grow Your Own Educator Act", which provides grants for teaching fellowship programs. The act directs the department of education to collaborate with the department of higher education to create a mentor teacher endorsement for teachers who hold master certificates and provide mentoring and oversight for teacher candidates. The act allows a teacher to use service as a mentor teacher as an approved professional development activity for license renewal. Before passage of the act, the statute specified the requirements that an educator preparation program must meet to be approved. The act adds 2 requirements: An educator preparation program must include instruction in the science of reading and must include at least one full, continuous school year of clinical practice. For the 2019-20 state fiscal year, the act appropriates \$1,217,787 from the general fund to the department of higher education to implement the teacher mentor grant program.

APPROVED by Governor May 10, 2019

EFFECTIVE May 10, 2019

S.B. 19-196

**Colorado Quality Apprenticeship
Training Act of 2019**

**Sponsors: Lee,
Danielson/Garnett, Duran**

The general contractor for a public project that does not receive federal money, including an integrated project delivery contract, in the amount of \$1 million or more, is required to submit, at the time the mechanical, electrical, or plumbing subcontractor is put under contract, documentation to the contracting agency that:

- Identifies the contractors or subcontractors that will be used for specified aspects of the public project; and
- Certifies that all firms identified participate in apprenticeship programs registered with the United States department of labor's employment and training administration or state apprenticeship councils recognized by the United States department of labor and have a proven record of graduating apprentices at specified rates.

The contracting agency is required to make the documentation available to the public on its website. After evaluating submitted bids, a contracting agency may waive the apprenticeship utilization requirements if there is substantial evidence that there were no responsive, eligible subcontractors available to fulfil the mechanical, electrical, or plumbing portions of the contract. A contracting agency is required make public all waivers and the specific rationale for granting the waiver. An apprenticeship program that does not satisfy the specified apprenticeship program requirements may petition the department of labor and employment for conditional approval under specified circumstances. The apprenticeship utilization requirements do not apply to the department of transportation. Any contractor who is awarded a contract for a public project, including an integrated project delivery contract, by an agency of government for \$500,000 or more, and any subcontractors working on the public project, are required to pay their employees a prevailing wage at weekly intervals and are required to comply with prevailing wage enforcement provisions. This requirement does not apply to contracts that include federal money and does not apply to the department of transportation; except that the department of transportation is required to pay employees performing work on public projects, regardless of the amount of funding source of the project, in accordance with the federal "Davis-Bacon Act". Before awarding a contract for a public project, an agency of government is required to obtain the general prevailing rate of the regular, holiday, and overtime wages paid and the general prevailing payments on behalf of employees to lawful welfare, pension, vacation, apprentice training, and education funds in the state (wages) for each employee needed to execute the contract for the public project. An agency of government is required to specify in the competitive solicitation for a public project and in the contract for such public project the general prevailing rate of the wages paid in the geographic locality for each employee needed to execute the contract. The contract is also required to include other specified information regarding the payment of wages. If the contractor or subcontractor fails to pay wages as are

required by the contract, the contracting agency of government is not allowed to approve a warrant or demand for payment to the contractor until the contractor provides evidence that the wages have been paid. The executive director of the department of personnel is required to determine the applicable prevailing wage for public projects and is required to use appropriate wage determinations issued by the United States department of labor in accordance with the federal "Davis-Bacon Act" to establish the prevailing wage rates for the applicable trades or occupation for the geographic locality of the public project. Each contractor awarded a contract for a public project and each subcontractor who performs work on the public project is required to post in conspicuous places on the job site posters that contain the current prevailing rate of wages to execute the contract and the rights and remedies of any employee for nonpayment of any wages earned. The executive director of the department of personnel is required to provide the posters to contractors and subcontractors. The executive director of the department of personnel is required to establish a separate apprenticeship contribution rate under the prevailing wage requirements. Enforcement provisions, overseen by the department of labor and employment, are implemented for violations of the prevailing wage requirements. An employee or former employee of a contractor or subcontractor is allowed to bring a civil action for a violation of the prevailing wage requirements.

APPROVED by Governor May 28, 2019

EFFECTIVE August 2, 2019

H.B. 19-1083 Athletic Trainers License

**Sponsors: Hooton, Van
Winkle/Williams, Cooke**

The act changes the terms describing the regulation of athletic trainers from "registration" to "license" and "licensure" and from "registrant" and "registered athletic trainer" to "licensee".

APPROVED by Governor March 28, 2019

EFFECTIVE August 2, 2019

**H.B. 19-1196 Financial Aid for Students With In-
state Tuition**

**Sponsors: Gonzales-
Gutierrez/Moreno**

A student who does not have lawful immigration status who attended high school in Colorado for at least 3 years before graduating from a Colorado high school or before successfully completing a high school equivalency examination, is admitted to a qualifying institution of higher education within 12 months after high school graduation, and has submitted an affidavit stating that the student has applied for lawful presence or will apply as soon as he or she is eligible, is eligible for existing student financial assistance programs offered by the department of higher education to in-state students. Prior to becoming eligible, the student is subject to the same verification requirements for eligibility to participate in the college opportunity fund program.

APPROVED by Governor May 13, 2019

EFFECTIVE May 13, 2019

**H.B. 19-1278 Modifications to Uniform Election
Code**

Sponsors: Lontine/Fenberg

The act makes changes to the "Uniform Election Code of 1992" (code), including changes to procedures for voter registration, including registration on Indian reservations; ballot access requirements, including changes to the number of signatures required on candidate petitions and requiring licensing and training for petition entities; political party organization filing requirements; procedures for in-person voting, including allowing a person who does not reside in a county but wishes to vote at a polling location to cast a ballot that contains statewide federal and state offices and questions; requirements for the content of an election plan; procedures for curing ballots; and requirements for recall petitions, including allowing the incumbent to file a statement to included on the petition and changes to the procedures for

curing petitions. The formulas and hours for drop boxes and voter service and polling centers are revised, and counties are required to locate some drop boxes and voter service and polling centers on higher education campuses and Indian reservations. Seventeen year olds who are preregistered and who will be eighteen on the date of the next general election are allowed to participate in primary elections and caucuses. A person may seek a court order to keep polling locations open past the regular closing time on election day when voting at or access to a polling location has been substantially impaired. The secretary of state is required to complete updates to the statewide voter registration database to reduce wait times at polling locations. The act makes additional technical changes and corrections to the code. The act creates the local elections assistance cash fund to reimburse counties for the one-time purchase of voting equipment necessary to fulfill the requirements of the act. For the implementation of the act, \$50,945 is appropriated to the department of state for use by the elections division, \$255,298 is appropriated to the department of state for use by the information technology division, and \$2,790 is appropriated to the department of personnel for use by the division of central services. In addition, \$2,0960,000 is appropriated to the local elections assistance cash fund.

APPROVED by Governor May 29, 2019

EFFECTIVE August 2, 2019



OFFICE OF GOVERNMENT RELATIONS

Key State Health Care Legislation

S.B. 19-079

Electronic Prescribing Controlled Substances

Sponsors: Todd, Priola/Esgar, Landgraf

The act requires health care practitioners with prescribing authority to prescribe schedule II, III, or IV controlled substances only via a prescription that is electronically transmitted to a pharmacy unless a specified exception applies. The requirement to electronically prescribe starts on July 1, 2021, for podiatrists, physicians, physician assistants, advanced practice nurses, and optometrists, and on July 1, 2023, for dentists and practitioners serving rural communities or in a solo practice. Prescribing practitioners are required to indicate on license renewal questionnaires whether they have complied with the electronic prescribing requirement. Pharmacists need not verify the applicability of an exception to electronic prescribing when they receive an order for a controlled substance in writing, orally, or via facsimile transmission and may fill the order if otherwise valid under the law. Specifies that certain sections take effect only if HB 19-1172 becomes law.

APPROVED by Governor April 8, 2019

PORTIONS EFFECTIVE August 2, 2019

PORTIONS EFFECTIVE October 1, 2019

S.B. 19-133

Require License Practice Genetic Counseling

Sponsors: Ginal, Todd/Michaelson Jenet, Buckner

The act enacts the "Genetic Counselor Licensure Act" (Act). On and after June 1, 2020, a person cannot practice genetic counseling without being licensed by the director of the division of professions and occupations in the department of regulatory agencies. To be licensed, a person must have been certified by a national body, except that the director may issue a provisional license to a candidate for certification pursuant to requirements established by rule. The Act gives title protection to genetic counselors and standard licensing, rule-making, and disciplinary powers to the director. Genetic counselors must have insurance and are subject to the mandatory disclosures of the "Michael Skolnik Medical Transparency Act of 2010". The Act is repealed on September 1, 2026, subject to sunset review. \$33,622 is appropriated to the department of regulatory agencies from the division of professions and occupations cash fund to implement the Act. Sections 5 through 9 of the act are contingent upon House Bill 19-1172 becoming law.

STATUS: Vetoed by Governor May 31, 2019

S.B. 19-193

Sunset Continue Colorado Medical Practice Act

Sponsors: Ginal, Lee/Tipper

The act implements recommendations in the 2018 sunset review and report by the department of regulatory agencies by:

- Continuing the "Colorado Medical Practice Act" (Act) and the Colorado medical board (board) until September 1, 2026;
- Eliminating the restriction on the number of days that a physician may practice in a calendar year with a pro bono license;
- Repealing the requirement that the board send a letter of admonition to a licensee by certified mail; and
- Making technical amendments to the Act. Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 31, 2019
PORTIONS EFFECTIVE July 1, 2018
PORTIONS EFFECTIVE October 1, 2019

S.B. 19-228

**Substance Use Disorders Prevention
Measures**

**Sponsors: Winter,
Moreno/Buentello, Singer**

The act:

- Allows a pharmacy that dispenses an opioid to receive an enhanced dispensing fee if the pharmacy provides counseling concerning the risk of opioids to the patient;
- Prohibits a physician, physician assistant, or an advanced practice nurse from accepting any direct or indirect benefits for prescribing a specific medication;
- Requires the state board of pharmacy to promulgate rules that require a prescription for an opioid for outpatient use to bear a warning label;
- Allows medical examiners and coroners access to the prescription drug monitoring program under specified circumstances;
- Authorizes the department of human services to conduct research that relates to the definition of "abuse" concerning the incidence of prenatal substance exposure and related newborn and family health and human services outcomes as the result of a mother's lawful and unlawful intake of controlled substances;
- Requires specified state departments to report to the health committees of the general assembly by December 31, 2019, the amount of federal funds that each is receiving or is eligible to receive for use in testing for hepatitis and HIV and the number of individuals currently and anticipated to be tested. The departments are also required to share eligibility standards for treatment with primary care providers.
- Creates the Charlie Hughes and Nathan Gauna opioid prevention grant program to improve young lives in the office of behavioral health in the department of human services (office) for the purpose preventing opioid use among the state's youth population.
- Requires the center for research into substance use disorder prevention, treatment, and recovery support strategies (center) to develop and implement a program to increase public awareness about the safe use, storage, and disposal of opioids, and about the availability of antagonist drugs. The general assembly is required to annually appropriate until the 2023-24 fiscal year \$750,000 to the center from the marijuana tax cash fund to implement the program.
- Allows the center, in partnership with an institution of higher education and the state substance abuse trend and response task force to conduct a statewide perinatal substance use data linkage project;
- Requires the center to hire additional staff to assist local communities in applying for grants;
- Creates the maternal and child health pilot program in the office to provide grants to obstetric and gynecological health care clinics and to treatment facilities that provide substance use disorder or medication-assisted treatment; and
- Requires podiatrists, dentists, advanced practice nurses, optometrists, and veterinarians to complete substance use disorder training as part of continuing education required to renew the provider's license if the health care provider has prescriptive authority.

\$1,192,367 is appropriated to the department of human services, \$1,100,000 is appropriated to the department of higher education, and \$2 million is appropriated department of public health and environment, all from the marijuana tax cash fund, to implement the act. Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 23, 2019
PORTIONS EFFECTIVE May 23, 2019

PORTIONS EFFECTIVE October 1, 2019

S.B. 19-234

Sunset Professional Review Committees

**Sponsors: Rodriguez,
Foote/Weissman**

The act implements the recommendations of the department of regulatory agencies' sunset review and report on the functions of professional review committees as follows:

- Repeals references to the committee on anticompetitive conduct because the committee no longer exists and replaces the term "utilization and quality control peer review organization" with "quality improvement organization" to be consistent with federal law;
- Clarifies that governing boards reporting data, and the data reported, to the division of professions and occupations in the department of regulatory agencies or a regulatory board may be known to staff of the division;
- Requires governing boards to annually update their information with the division; and
- Requires the division to promulgate rules to determine the information a governing board is required to report and to establish a process to remove governing boards from the registry.

The act also:

- Defines "original source document", exempts such documents from the definition of "records", and specifies when the documents may be subject to subpoena, discovery, or use in a civil action;
- Encourages each professional review committee of a hospital to appoint a consumer to serve on the committee; and
- Repeals language requiring, in certain situations, a professional review committee for individuals licensed under the "Colorado Medical Practice Act" or the "Nurse Practice Act" to notify the medical board or nursing board, as applicable.

The automatic termination date of the functions of professional review committees is extended until September 1, 2030, pursuant to the provisions of the sunset law. Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

H.B. 19-1088

**Modify Income Tax Credit Health Care
Preceptors**

**Sponsors: Buck,
Valdez/Donovan**

The act makes the following modifications to the existing income tax credit for health care preceptors working in health care professional shortage areas:

- Clarifies the definition of "preceptorship" to specify that the period of time for which the period of personalized instruction, training, and supervision must be provided to be eligible to claim the tax credit is not less than 4 working weeks or 20 business days per calendar year; and
- Extends the existing sunset date under which the tax credit would expire to tax years commencing prior to January 1, 2023.

APPROVED by Governor May 30, 2019

EFFECTIVE August 2, 2019

H.B. 19-1174

Out-of-network Health Care Services

**Sponsors: Esgar,
Catlin/Gardner, Pettersen**

The act:

- Requires health insurance carriers, health care providers, and health care facilities to provide patients covered by health benefit plans with information concerning the provision of services by out-of-network providers and in-network and out-of-network facilities;

- Outlines the disclosure requirements and the claims and payment process for the provision of out-of-network services;
- Requires the commissioner of insurance, the state board of health, and the director of the division of professions and occupations in the department of regulatory agencies to promulgate rules that specify the requirements for disclosures to consumers, including the timing, the format, and the contents and language in the disclosures;
- Establishes the reimbursement amount for out-of-network providers that provide health care services to covered persons at an in-network facility and for out-of-network providers or facilities that provide emergency services to covered persons; and
- Creates a penalty for failure to comply with the payment requirements for out-of-network health care services.

The act appropriates \$33,884 from the general fund to the department of public health and environment and \$63,924 from the division of insurance cash fund to the division of insurance to implement the act. Specified provisions of the act are contingent upon House Bill 19-1172 becoming law.

APPROVED by Governor May 14, 2019

EFFECTIVE January 1, 2020

H.B. 19-1320

Hospital Community Benefit Accountability

**Sponsors: Kennedy,
Lontine/Winter**

The act requires the following hospitals to complete a community health needs assessment every 3 years and an annual community benefit implementation plan every year:

- A hospital that is licensed as a general hospital and exempt from federal taxation;
- A hospital established pursuant to the Denver health and hospital authority; and
- A hospital established pursuant to the University of Colorado hospital authority.

Each such hospital must report to the department of health care policy and financing (department) concerning certain community benefits, costs, and shortfalls in the preceding year, and the department is required to submit an annual summary report to subject matter committees of the general assembly. Hospitals that are licensed as general hospitals but that are not required to report may report in like fashion. The department shall develop and provide a website at which each reporting hospital shall submit reports. The act requires each hospital to convene a public meeting at least once each year to seek feedback regarding the hospital's community benefit activities during the previous year and the hospital's community benefit implementation plan for the following year. Each hospital shall invite representatives from certain local entities and state agencies to participate in the meeting. Each hospital shall also invite the general public to the meeting in an advertisement placed in any major newspaper published in the hospital's community.

APPROVED by Governor May 16, 2019

EFFECTIVE August 2, 2019

 **OFFICE OF GOVERNMENT RELATIONS**
Key Funding Legislation

S.B. 19-207

2019-20 Long Appropriation Act

Sponsors: Moreno/Esgar

For the state fiscal year beginning July 1, 2019, provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2019. The grand total for the operating budget is set at \$31,933,536,156 of which \$9,202,196,421 is from the general fund portion of the appropriation; \$2,638,215,405 is from the general funds exempt portion; \$9,281,575,477 is from the cash funds portion; \$2,087,776,808 is from the reappropriated funds portion; and \$8,723,772,045 is from the federal funds portion. The grand total for the state fiscal year beginning July 1, 2019, capital construction projects is \$260,727,454 of which \$168,460,533 is from the capital construction fund portion of the appropriation; \$72,690,215 is from the cash funds portion; \$8,911,836 is from the reappropriated funds portion; and \$10,664,870 is from the federal funds portion. The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, and higher education. The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of corrections, education, health care policy and financing, higher education, human services, judicial, personnel, and public health and environment. Appropriations made in House Bill 16-1398, concerning the requirement that the department of human services use a request-for-proposal process to contract with an entity to implement recommendations of the respite care task force, is amended to extend any unexpended money to the department of human services until the 2019-20 state fiscal year. Appropriations made in House Bill 18-1328, concerning the children's habilitation residential waiver program, is amended to reduce the amount appropriated to the department of health care policy and financing.

APPROVED by Governor April 18, 2019

EFFECTIVE April 18, 2019

H.B. 19-1257

**Voter Approval to Retain Revenue
for Education & Transportation**

**Sponsors: Becker,
McCluskie/Court, Priola**

Contingent on voters' approval at the statewide election held on November 5, 2019, the act authorizes the state to annually retain and spend all state revenues in excess of the constitutional limitation on state fiscal year spending that it would otherwise be required to refund. An amount of money equal to the state revenues so retained is designated as part of the general fund exempt account and the general assembly is required to appropriate or the state treasurer is required to transfer this money to provide funding for:

- Public schools;
- Higher education; and
- Roads, bridges, and transit.

The state auditor is required to contract with a private entity to annually conduct a financial audit regarding the use of the money that the state retains and spends under this measure.

Adopted by the General Assembly: April 29, 2019

NOTE: On November 5, 2019, the secretary of state shall submit this act by its ballot title to the registered electors of the state for their approval or rejection. Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if a majority of the electors voting on the ballot title vote "Yes/For", then the act will become part of the Colorado Revised Statutes.

H.B. 19-1258

Allocate Voter-approved Revenue for Education & Transportation

Sponsors: Becker, McCluskie/Court, Priola

The act is contingent on voters approving a related referred measure to annually retain and spend state revenues in excess of the constitutional spending limit. The act requires 1/3 of this money in the account to be allocated for each of the following purposes:

- Public schools;
- Higher education; and
- Roads, bridges, and transit.

The general assembly is required to appropriate the money for public schools and higher education for the state fiscal year after the state retains the revenue under the authority of the voter-approved revenue change. The money appropriated for public schools must be distributed on a per pupil basis and used by public schools only for nonrecurring expenses for the purpose of improving classrooms, and it may not be used as part of a district reserve. The state treasurer is required to transfer the remaining 1/3 of the money to the highway users tax fund (HUTF), and this money is further allocated 60% to the state highway fund, 22% to counties, and 18% to cities and incorporated towns. No more than 85% of the money allocated to the state highway fund may be expended for highway purposes or highway-related capital improvements and at least 15% must be expended for transit purposes or for transit-related capital improvements.

APPROVED by Governor June 3, 2019

EFFECTIVE June 3, 2019

H.B. 19-1262

State Funding for Full-day Kindergarten

Sponsors: Wilson, McLachlan/Bridges, Fields

Before passage of the act, the school finance formula provided funding for half-day kindergarten educational programs plus a small additional amount of supplemental kindergarten funding. The act provides funding through the school finance formula for full-day kindergarten educational programs. A student enrolled in a full-day kindergarten educational program will be funded at the same amount as students enrolled full-time in other grades. A student enrolled in a half-day kindergarten educational program will be funded as a half-day student plus the existing amount of supplemental kindergarten funding. Before passage of the act, many school districts charged parents of students enrolled in full-day kindergarten a fee to fund the full-day kindergarten educational program. After passage of the act, a school district or a charter school that provides a full-day kindergarten educational program shall not charge fees for attending kindergarten other than those fees that are routinely charged to parents of students enrolled in other grades and are applicable to the kindergarten educational program. However, if the general assembly stops funding kindergarten students as full-time pupils, then a school district or charter school may resume charging a fee or tuition for the unfunded portion of the school day. Before passage of the act, a school district was authorized to use a half-day preschool position to enroll a child in full-day kindergarten. The act prohibits using a preschool position to enroll a child in full-day kindergarten. A school district that used preschool positions in this manner in the 2018-19 budget year will retain the positions in the 2019-20 budget year and budget years thereafter to the extent the school district fills the positions with preschool students. The act directs a school district that is not offering a full-day kindergarten educational program as of the 2019-20 school year to submit a plan to the department of education addressing how it could phase in a full-day kindergarten educational program, but a school district is not required to offer a full-day kindergarten educational program. If a charter school seeks to expand an existing half-day kindergarten educational program to full day, it must notify the charter authorizer and amend the charter contract, if necessary. If the authorizer objects to the program expansion, the charter school and the authorizer must negotiate a change to the charter contract. If the parties cannot agree, the charter school may appeal the issue to the state board of education for a determination. Any renegotiation of the charter school's contract must be limited to the issue of

expanding the kindergarten educational program. For the 2019-20 state fiscal year, the act appropriates \$182,911,699 to the department of education for the state share of total program funding associated with full-day kindergarten programs. The act also appropriates \$25,094 to the department of human services for child care licensing and administration.

APPROVED by Governor May 21, 2019

EFFECTIVE May 21, 2019

H.B. 19-1183

**Automated External Defibrillators in
Public Places**

**Sponsors:
Roberts/Bridges**

The act encourages any person that owns, operates, or manages a public place or public school to place functional automated external defibrillators (AEDs) in sufficient quantities to ensure reasonable availability for use during perceived sudden cardiac arrest emergencies. Any public place or public school is required to accept any gift, grant, or donation of an AED that meets federal standards. If a public place or public school accepts a donated AED but the public place or public school does not want to accept responsibility for AED training, installation, or maintenance, the public place or public school is not required to accept the AED unless the donating party agrees to be responsible for AED training, installation, and maintenance. If the donating party accepts responsibility but can no longer provide maintenance, the public place or public school may remove the AED from the public place or public school. The public place or public school is allowed to decide who will be trained, the frequency of training, and when the AED training and installation will take place. On or before September 1, 2019, the department of public health and environment shall award a \$15,000 contract to a nonprofit organization for the purpose of acquiring and distributing AEDs to public places. The act makes an appropriation of \$15,000 from the general fund to the department of public health and environment for use by the health facilities and emergency medical services division for the state EMS coordination, planning, and certification program.

APPROVED by Governor May 22, 2019

EFFECTIVE August 2, 2019