OFFICE OF GOVERNMENT RELATIONS
CU Initiated State Legislation

The Second Regular Session of the seventy-third session of the Colorado General Assembly convened on January 10, 2024 and ended on May 8, 2024.

S.B. 24-221 **Funding for Rural Healthcare** **Sponsors: Sens. Roberts; Kirkmeyer/Reps. Catlin; Lukens**

Colorado rural health-care workforce initiative - expansion of rural track programs - distribution of money to rural hospitals - appropriation. The act authorizes the department of higher education to enter into a limited purpose fee-for-service contract with the board of regents of the university of Colorado for allocation to programs or institutions of higher education to expand an existing rural track program. If an allocation is made to a program or institution to expand an existing rural track program, the department of higher education shall utilize a formula developed and revised annually by the rural program office, in collaboration with the institutions, that is based on data that documents the program's or institution's fulfillment of certain requirements. The act requires the rural program office to submit a report to the general assembly each year that includes the allocation formula developed by the rural program office.

The act creates the rural hospital cash fund and on July 1, 2024, requires the state treasurer to transfer $1,742,029 from the general fund to the rural hospital cash fund for the purpose of distributing money in equal amounts to rural hospitals.

For the 2024-25 state fiscal year, the act appropriates $866,667 from the general fund to the department of higher education for the college opportunity fund program to be used for limited purpose fee-for-service contracts with institutions of higher education.

APPROVED by Governor June 6, 2024
EFFECTIVE June 6, 2024

H.B. 24-1325 **Tax Credits for Quantum Industry Support** **Sponsors: Reps. Valdez; Soper/ Sens. Bridges; Baisley**

Income tax - credits for supporting quantum industry - investments in fixed capital assets to create a shared quantum facility - quantum business loan loss reserve - appropriation. The act creates 2 tax incentives to support the development of the quantum technology ecosystem in the state. Neither of the tax credits created in the act are allowed to any qualified applicant unless a Colorado-based entity receives a multi-million dollar federal grant from the economic development administration for the regional technology and innovation program or a comparable federal grant program.

Section 2 of the act creates a 100% refundable income tax credit for qualifying investments in fixed capital assets as part of a coordinated plan to create a shared quantum facility (facility credit) for income tax years commencing on or after January 1, 2025, but before January 1, 2033. The amount of the facility credit is equal to the amount of the qualifying investment made by a qualified applicant for an eligible project; except that the maximum aggregate amount of all facility credits is $44 million. In addition, the maximum aggregate amount of

facility credits that may be claimed in the taxable year in which the eligible project is placed in service is $24 million. If qualified applicants are issued more than an aggregate of $24 million in facility credits, the qualified applicants may claim the credits in future taxable years, subject to a specified limit on the amount of the credit that may be claimed in a single taxable year. A qualified applicant may be a consortium of entities that are jointly participating in creating a shared quantum facility. An eligible project is a project to create a shared quantum facility, which is a primary place in the state where an applicant performs activities and provides the economic benefits related to quantum business and that is approved as an eligible project by the office of economic development (office).

The act details a process for claiming the facility credit that requires:

- The submission by a qualified applicant to the office of an application for a facility credit reservation;
- Preliminary and final review of the application and approval of the request for a facility credit reservation by the office;
- Issuance of a facility credit reservation to the qualified applicant by the office;
- Completion of the eligible project and certification by the qualified applicant of the qualified applicant's qualifying investments;
- Review of the eligible project and qualifying investments by the office;
- Issuance of a tax credit certificate by the office;
- Filing of the tax credit certificate with the department of revenue with the qualified applicant's tax return or informational return; and
- Recapture of the credit if the eligible project is not used for a use that makes it an eligible project during a specified compliance period.

Section 3 creates a 100% refundable income tax credit to offset losses incurred by a qualified applicant in connection with a registered loan to a quantum company (loan loss credit) for income tax years commencing on or after January 1, 2026, but before January 1, 2046. A qualified applicant is a commercial bank, depository institution, private lending fund, or other entity that makes loans for commercial purposes to a quantum company that satisfies certain income and other criteria (eligible loan). The administrator of the loan loss credit (administrator) may be the office, or the office may contract with a third-party program administrator to administer the credit. The administrator is required to determine the method by which the loan loss credit will be distributed to qualified applicants. The distribution method may be on a first-come, first-served basis or based on a competitive lender selection process where the administrator chooses which lenders are eligible to apply for the loan loss credit.

A qualified applicant is required to register any loan that is the basis of a loan loss tax credit with the administrator and is not eligible to claim the loan loss credit until the qualified applicant has incurred a loss in connection with a registered loan. The amount of the loan loss credit is an amount up to 15 cents for every dollar of an eligible loan that the qualified applicant has made or will make; except that the maximum aggregate amount of all loan loss credits is $30 million. In addition, subject to specified requirements and, if the administrator is not the office, the approval of the office, the administrator may establish policies and procedures to set the amount of the loan loss credit below 15 cents for every dollar loaned, change the amount of the loan loss credit from time to time, or cap the total amount of loan loss credits issued to a qualified applicant.

Each qualified applicant that is issued more than one loan loss credit certificate is required to hold all the loan loss credit certificates that were issued to the qualified applicant in a pooled loan loss reserve. A qualified applicant may use all or any portion of the loan loss credit certificates issued to that qualified applicant to offset any loss incurred by that qualified applicant in connection with one or more registered loans.

The act details a process for claiming the loan loss credit that requires:

- Submission of an application for a loan loss credit certificate and a request that the administrator register an eligible loan;
- Preliminary and final review of the application and registration of eligible loans by the administrator;
- Issuance of a loan loss tax credit certificate to a qualified applicant;
- Periodic updates to the administrator by a qualified applicant that was issued a loan loss credit certificate regarding the status of each of the qualified applicant's registered loans;
- Application to the administrator for a registered loan loss certificate after a qualified applicant incurs a loss in connection with a registered loan;
- Review of information regarding the loan by the administrator and issuance of a registered loan loss certificate to the qualified applicant; and
- Filing the loan loss credit certificate and the registered loan loss certificate with the department of revenue with the qualified applicant's tax return or informational return.

The administrator of the loan loss credit may impose a registration and issuance fee on a qualified applicant or on the borrower to which a qualified applicant made an eligible loan. The administrator is required to credit any fee revenue to the quantum business loan loss reserve cash fund, which is created in the act and is exempted, in section 3, from the restriction on the statutory amount of authorized cash fund reserves.

The office and the administrator are required to annually report to the general assembly regarding the facility credit and the loan loss credit and may, after soliciting advice from the department of revenue and quantum industry participants, create and modify policies and procedures as necessary to implement the facility credit or the loan loss credit, as applicable.

For the 2024-25 state fiscal year, $90,255 is appropriated to the office of the governor from the general fund for use by economic development programs for the implementation of the act.

APPROVED by Governor May 28, 2024
EFFECTIVE May 28, 2024

H.B. 24-1340	**Incentives for Post-Secondary Education**	**Sponsors: Reps. Bird; Taggart/Sens. Kirkmeyer; Zenzinger**

Colorado institutions of higher education - post-secondary education state income tax credit for eligible students. The act creates a refundable state income tax credit (incentive) to encourage enrollment in institutions of higher education. For income tax years commencing

on or after January 1, 2025, but prior to January 1, 2033, the incentive is available to an eligible student who has matriculated at any public Colorado institution of higher education, including an area technical college, Colorado mountain college, or AIMS community college (institution), in the amount equal to the amount paid by or for the benefit of the eligible student in tuition and fees minus any scholarships or grants with respect to the qualifying semesters, during which up to the first 65 academic credit hours or equivalent are accumulated at an institution, excluding credits earned through concurrent enrollment, advanced placement, the international baccalaureate program, military credits, and any other credits accumulated prior to matriculation at an institution. To qualify, an eligible student must:

- Matriculate at the institution within 2 years of completion of high school graduation or an equivalent in Colorado;
- Be designated as a degree or credential seeking student for the semester or term for which an incentive is claimed;
- Qualify for in-state tuition for the semester or term for which the incentive is claimed;
- Complete a free application for federal student aid (FAFSA) or Colorado application for state financial aid (CASFA) for the semester or term for which an incentive is claimed that indicates the student's household has an adjusted gross income that is $90,000 or less; and
- Earn at least 6 credit hours or equivalent with a grade point average of 2.5 or higher for the semester or term for which the incentive is claimed.

The act requires an institution, by January 15, 2026, and every January 15 thereafter through 2033, to electronically report each eligible student for any qualifying semester or term completed during the academic year completed during the prior calendar year in a format prescribed by the department of higher education (department) with the student's tax identification number or social security number and the amount of tuition and fees paid minus any scholarship or grants for that prior calendar year. The act requires an institution to provide each eligible student with a statement containing the student's eligibility and incentive amount. The department is required to electronically report the information received from the institutions, with any corrections and additions, to the department of revenue to allow administration of the incentive.

The department, in consultation with institutions, is required to determine each institution's average percentage of state and institutional financial aid allocated to the resident student population who have a family income of $90,000 or less in each year of the 3 years prior to 2025, and each Colorado public institution of higher education is required to maintain a percentage of state and institutional financial aid to resident students who have an adjusted gross household income of $90,000 or less that is equal to or greater than the average percentage calculated. An institution that does not maintain the percentage is required to notify the department and must include in the notification a description of changes to institutional finances or the student population that prevented the institution from maintaining the percentage. On or before June 30, 2027, and each year thereafter until 2037, the department is required to submit a report to the joint budget committee and the house of representatives and senate education committees, that includes among other data, for each institution, the average percentage of state and institutional financial aid allocated to the resident student population who have a family income of $90,000 or less in the academic years 2021-2022 through 2033-34.

For the 2024-25 state fiscal year, $101,756 is appropriated from the general fund to the department of higher education for use by the Colorado commission on higher education and higher education special purpose programs to implement the act.

APPROVED by Governor May 30, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 24-143 **Credential Quality Apprenticeship Classification** **Sponsors: Sens. Coleman; Zenzinger/Reps. Herod; Hamrick**

Nondegree credential attainment - quality assessment and international classification standards - appropriation. Current law requires the department of higher education (department) and higher education institutions to develop a framework for evaluating the quality of nondegree credentials. The act formally recognizes the resulting quality and in-demand nondegree credentials framework (framework) as the primary tool for assessing the quality of nondegree credentials offered in the state.

The department shall engage state agencies, educational institutions, international organizations, industry associations, and other stakeholders to study and make recommendations about the adoption of the international standard classification of education (ISCED) as the state's standard framework for classifying nondegree credentials and ISCED's wider application in the state's education and workforce systems. The recommendations must include a process for assigning ISCED equivalency levels to nondegree credentials included in stackable credential pathways and apprenticeship programs. The act requires the department to report its findings and recommendations on or before July 31, 2025.
Current law requires the department to create stackable credential pathways in growing industries. The act requires the department to assign appropriate ISCED equivalency levels to the stackable credential pathways on or before July 31, 2025.

Beginning January 1, 2026, and annually thereafter, the act requires the office of future of work to coordinate with various agencies to determine ISCED equivalency levels for each apprenticeship program registered on and after July 31, 2025. The office of future of work shall then determine ISCED equivalency levels for each apprenticeship program registered before July 31, 2025.

For the 2024-25 state fiscal year, the act appropriates $124,287 from the general fund to the department of higher education for use by the Colorado commission on higher education and higher education special purpose programs. For the 2024-25 state fiscal year, the act appropriates $30,000 from the general fund to the department of labor and employment for use by the office of future of work.

APPROVED by Governor May 10, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 24-164 **Institution of Higher Education Transparency Requirement** **Sponsors: Sens. Buckner; Lundeen/Reps. McCluskie; Pugliese**

Higher education students - rights - transfer of higher education credits - appeal process. The act adds the following rights to the rights of higher education students:

- Cost transparency regarding a postsecondary education program;

- A seamless transfer of course credit for courses in the guaranteed transfer pathway matrix and a timely response on whether transfer credit will be accepted by a public institution of higher education (institution);
- The right to appeal an institution's decision not to accept a student's request to transfer credits; and
- The right to know what work-related experiences or prior learning opportunities are awarded postsecondary credit at the institution at which the student is enrolled.

The act makes changes to the statewide common course numbering system, now referred to as the guaranteed transfer pathway matrix (matrix), to guarantee certain course transfer credits between community colleges, local district colleges, and area technical colleges. The department of higher education (department), beginning in January 2026, shall include as part of its "SMART Act" presentation a compilation of information regarding courses in the matrix. The act provides the department with exclusive authority to bring an enforcement action against an institution that violates the provisions related to the matrix.

The act requires the department to establish an appeal process if an institution wrongfully denies a student's transfer credit.

The act requires an institution to issue a decision to a student regarding the acceptance or denial of transfer credits within 30 days after the student is admitted to the institution.

APPROVED by Governor May 18, 2024
EFFECTIVE May 18, 2024

H.B. 24-1082 **First-Generation-Serving Higher Education Institutions** **Sponsors: Reps. Taggart; Mabrey/Sens. Rich; Coleman**

First-generation-serving institutions designation. The act requires the department of higher education (department) to:

- Identify and designate state institutions of higher education (state institutions) as first-generation-serving institutions if:
- The average resident first-generation undergraduate population share for the most recent year and the 2 previous years equals or exceeds the statewide average resident first-generation undergraduate student population share for the fall 2022 term; or
- The state institution secured a First Scholars Network of Institutions designation from the Center for First-generation Student Success or a similarly rigorous independent third-party designation;
- Post on the department's website the names of the state institutions that are so designated; and
- Notify the state institutions and the Colorado general assembly of the designations.

APPROVED by Governor April 11, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 24-1087	**Professional Endorsement Special Education Teaching**	**Sponsors: Reps. McCormick; Armagost/Sens. Kirkmeyer; Marchman**

Teaching endorsement - special education or early childhood special education. Under current law, a person seeking a teaching endorsement in special education or early childhood special education (endorsement) must complete an approved program and a student teaching practicum through an institution of higher education and pass one or more appropriate content-based exams. The act requires the department of education to issue an endorsement. Under current law, to receive the endorsement, the educator must hold a valid teaching license other than an initial license and complete coursework and assessments, as specified by rule of the state board of education (board), in a program in special education offered by an accepted institution of higher education. The act adds applicants who complete an alternative teacher preparation program (program) for special education offered by a designated agency as eligible for the endorsement. The act authorizes a person with a professional teacher license to continue in the person's current position while participating in an alternative teacher preparation program for the purpose of receiving an endorsement.

APPROVED by Governor April 19, 2024
EFFECTIVE April 19, 2024

H.B. 24-1290	**Student Educator Stipend Program**	**Sponsors: Reps. Bradfield; Kipp/Sen. Zenzinger**

Student educator stipend program - appropriation. The act appropriates $4,197,000 to the department of education from the state education fund to fund student educator stipend program stipends. The department of education is required to transfer the appropriation spending authority to the department of higher education to fund student educator stipend program stipends.

APPROVED by Governor June 4, 2024
EFFECTIVE June 4, 2024

H.B. 24-1305	**Changes for Concurrent Enrollment Student**	**Sponsors: Reps. Lindstedt; Lukens/ Sens. Baisley; Michaelson Jenet**

Concurrent enrollment - p-tech program eligibility - effect on student stipend eligibility. The act expands the types of programs a pathways in technology early college high school (p-tech school) may focus on beyond science, technology, engineering, and mathematics.

Under current law, the college opportunity fund program provides a stipend for eligible undergraduate students in Colorado. Generally, an eligible undergraduate student is ineligible to receive a stipend for more than 145 credit hours during the student's lifetime. The act makes an exception to this lifetime limitation for college-level credit hours earned while the eligible undergraduate student was enrolled in a concurrent enrollment program, the accelerating students through concurrent enrollment program, the teacher recruitment education and preparation program, or a p-tech school.

APPROVED by Governor May 30, 2024
EFFECTIVE August 7, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 24-1323 **School Graduation Attire** **Sponsors: Reps. Velasco; Hernández/Sen. Fields**

Graduation ceremonies - wearing of cultural or religious objects as an adornment. The act allows a preschool, public school, or public college or university student to wear objects of cultural or religious significance as an adornment at a graduation ceremony.

The act prohibits a preschool, public school, or public college or university from restricting what a student may wear under the student's required graduation attire as long as the adornment complies with the preschool's, public school's, or public college's or university's dress code policy.

The act allows a preschool, public school, or public college or university to prohibit a student from wearing or displaying an adornment that is likely to cause substantial disruption of, or material interference with, a graduation ceremony, but the prohibition must be the least restrictive means necessary to accomplish a specifically identified important government interest.

Prior to the start of the 2024-25 school year, the act requires a preschool, public school, and public college or university to develop and adopt a policy that aligns with the requirements of the act.

APPROVED by Governor June 5, 2024
EFFECTIVE June 5, 2024

H.B. 24-1342 **Test Accommodations for Persons with Disabilities** **Sponsors: Reps. Soper; Bacon/Sens. Roberts; Rich**

Licensing exams - testing accommodations for people with disabilities - grievance process. The act requires a testing entity to grant an individual's request for a testing accommodation on a licensing exam without requiring the individual to undergo a diagnostic exam or psychological assessment if the individual has a recognized disability, provides proof of having received the testing accommodation on a past standardized exam or high-stakes test, provides a recommendation letter from the individual's treating medical professional supporting the requested accommodations, and requests the same testing accommodation that the individual previously received on a similar standardized exam or high-stakes test.

The act allows an individual who is adversely affected or aggrieved by a testing entity's decision regarding the individual's request for a testing accommodation to bring a civil action against the testing entity.

The act allows the attorney general to investigate violations of, and allows the attorney general to bring a civil action against, a testing entity for an alleged violation.

APPROVED by Governor June 7, 2024
EFFECTIVE January 1, 2025

H.B. 24-1364 **Education-based Workforce Readiness** **Sponsors: Reps. McCluskie; Bacon/Sens. Bridges; Lundeen**

Education and workforce readiness - postsecondary and workforce readiness programs - financial study - Colorado statewide longitudinal data system - governing board and advisory groups - reports - cash fund - appropriation. The act authorizes the department of education (department) to commission a financial study (study) with an independent contractor to analyze the costs to the state and school districts, district charter schools, institute charter schools, and boards of cooperative services (local education providers) and potential cost savings to provide students the opportunity to obtain college credits, industry credentials, and work-based learning experiences. The study must also include an analysis of the effects of consolidating certain postsecondary and workforce readiness programs. The department shall submit the report by December 1, 2024, including recommendations for implementation in the 2025-26 state budget year.

The act requires the office of information technology (office) to build, or contract with a third-party vendor to build, the Colorado statewide longitudinal data system (data system) to establish a consistent, appropriate, secure, and legal means of data sharing and connecting multiple data sets into the data system to support effective state investments, inform policy research, and assist Colorado citizens in making choices related to their education and training pathways. The office shall work with contributing state agencies, local education providers, institutions of higher education, partner entities, and policymakers.

The act creates the Colorado state longitudinal data system governing board (governing board) to support the office with the development and implementation of the data system. The governing board is required to convene the systems build and implementation interagency advisory group and the sustainability interagency advisory group to support and advise the governing board on the technical development, implementation, use, and function of the data system.

The act requires the office to submit an interim report on or before January 15, 2025, on the progress of the data system, the data governance processes and procedures, and recommendations for legislative changes and funding, as necessary, to the general assembly, the state board of education, and the governor. Beginning April 15, 2026, and each April 15 thereafter, the office shall submit an annual report summarizing key findings from the data system on education and workforce outcomes and education and workforce readiness to the general assembly, the state board of education, and the governor.

The act creates the statewide longitudinal data system cash fund (cash fund). On July 1, 2024, the state treasurer shall transfer $5 million to the cash fund for purposes of the data system. Subject to annual appropriation by the general assembly for the 2024-25, 2025-26, and 2026-27 state fiscal years, the office and the department may expend money from the cash fund for purposes of the data system. The state treasurer shall transfer all unexpended and unencumbered money in the cash fund to the general fund on September 1, 2027.

The act appropriates $4,432,419 from the cash fund to the office for purposes of the data system.

The act appropriates $800,005 from the general fund to the department for purposes of the study.

The act appropriates $202,992 from the cash fund to the department for purposes of the data system.
APPROVED by Governor May 23, 2024
EFFECTIVE May 23, 2024

H.B. 24-1376 **Expand Teacher Mentorships** **Sponsors: Reps. Marvin; Kipp/ Sens. Zenzinger; Priola**

Teacher mentor grant program - mentor novice teachers - appropriation. Under current law, the teacher mentor grant program (grant program) provides funding to partnerships between local education providers and educator preparation programs to provide training and stipends for experienced teachers who mentor teacher candidates in clinical practice. The act expands the grant program to include mentorship of novice teachers who have fewer than 3 years of teaching experience.

The act requires the general assembly to appropriate $100,000 dollars to the department of higher education for the grant program for the 2024-25 state fiscal year and each fiscal year thereafter. Any appropriation remaining at the end of the 2024-25 state fiscal year or subsequent fiscal year may be used for the grant program in subsequent fiscal years.

The act appropriates $100,000 from the general fund to the department of higher education for use by the Colorado commission on higher education for growing great teachers - teacher mentor grants

APPROVED by Governor June 3, 2024
EFFECTIVE June 3, 2024

H.B. 24-1403 **Higher Education Support Homeless Youth** **Sponsors: Reps. Bird; Sirota/Sens. Zenzinger; Bridges**

Financial aid - students who have experienced homelessness - appropriation. The act creates the financial assistance program for students experiencing homelessness (program) in the department of higher education (department). Beginning in the 2024-25 academic year, the act requires all Colorado public institutions of higher education (institutions) to provide financial assistance to a Colorado resident student (qualifying student) who is between the ages of 17 and 26 and who has experienced homelessness in the state at any time during high school. The institutions shall provide financial assistance to cover the remaining balance of the qualifying student's total cost of attendance in excess of the amount of any private, state, or federal financial assistance the student receives. Subject to available appropriations, the act requires the Colorado commission on higher education to provide institutions money to cover 50% of the remaining balance of financial assistance for qualifying students.

The institutions are required to designate an employee to serve as a liaison to qualifying and prospective qualifying students. The institutions shall notify qualifying students of their eligibility for remaining balance financial assistance.

The act requires the department to add one employee as a navigator to provide guidance to prospective qualifying students when selecting institutions and completing applications for admission and financial aid. The act requires the department to enter into a data-sharing agreement with the department of education in order to identify prospective qualifying students.

The act clarifies student eligibility to participate in the foster youth financial assistance program.

The act appropriates $1,668,381 from the general fund to the department for aid for students who experienced homelessness during high school. The act appropriates $26,055 from the general fund to the department of education for the homeless student scholarship program.

APPROVED by Governor April 29, 2024
EFFECTIVE April 29, 2024

H.B. 24-1446 **Professional Development for Science Teachers** **Sponsors: Reps. McLachlan; Hartsook/Sens. Buckner; Pelton**

Science instruction - teacher professional development program - appropriation. The act requires the department of education to develop and offer a free, optional professional development program (program) to enhance pedagogy around research-based Colorado academic standards in science. The program must include opportunities for in-person and virtual instruction on interventions for students who are below grade level or struggling in science, children with disabilities, gifted students, and students who are English language learners. The program must create incentives for teacher participation by offering ongoing professional development credit toward licensure renewal. The program prioritizes professional development for eligible science teachers employed at local education providers in rural school districts and small rural school districts.

For the 2024-25 state fiscal year, the act appropriates $3 million to the department of education from the state education fund for science teacher professional development.

APPROVED by Governor May 23, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 24-034 **Increase Access to School-Based Healthcare** **Sponsors: Sens. Marchman; Kolker/Reps. García; Lindsay**

Health-care services - school-based health center grant program. For purposes of the school-based health center grant program (grant program), the act expands the definition of a school-based health center and the purposes of the grant program to authorize grants for evidence-informed, school-linked health-care services. Services may include primary health-care, behavioral health-care, oral health-care, and preventive health-care services for students and youth (school-linked health-care services). School-linked health-care services may be delivered through telehealth, mobile services, and referrals for health-care services at a clinic near school grounds.

Subject to available appropriations, the act authorizes grant money to be directed to evidence-informed, school-linked health-care services models to expand access to school-based health care, unless the prevention services division in the department of public health and environment determines that adequate proposals have not been submitted for the grant cycle.

The act also requires the department of health care policy and financing to create a service-location identifier for claims for services provided at school-based health centers or through school-linked health-care services.

APPROVED by Governor June 5, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 24-042 **Sickle Cell Disease Community Outreach Services** **Sponsors: Sens. Buckner; Fields/Reps. English; Bacon**

Department of public health and environment - sickle cell disease outreach program - creation - contract with nonprofit organizations to implement - program elements - appropriation. The act creates the Arie P. Taylor sickle cell disease outreach program (outreach program) in the department of public health and environment (department). To implement the outreach program, the act requires the department to contract with one or more community-based nonprofit living with sickle cell disease and their families.

The department is required to solicit applicants and administer the outreach program. On or before January 1, 2025, the department is required to contract with one or more outreach organizations to implement the outreach program and to give priority to outreach organizations with experience in providing services and support to the sickle cell community and that meet other criteria in the act.

The outreach program may include informal counseling and health guidance, direction and support to individuals and their families in locating and accessing services in the community, outreach concerning activities and programs available to individuals and families

living with sickle cell disease, peer support and referrals, advocacy regarding the interests of the sickle cell disease community, referrals for screening, and other services and support identified by the department.

The department is required to approve the services provided through a contract and may consult with the university of Colorado school of medicine's sickle-cell anemia treatment and research center to identify needed services and supports.

Prior to the expiration of a contract, the outreach organization is required to prepare and submit a written report to the department describing the impact of the outreach program provided under the contract, and the department shall provide the report to the legislative health and human services committees or their successor committees.
The act repeals the outreach program, effective July 1, 2030.

The act appropriates $200,000 from the general fund to the department to implement the outreach program.

APPROVED by Governor June 3, 2024
EFFECTIVE June 3, 2024

S.B. 24-047 **Prevention of Substance Use Disorders** **Sponsors: Sens. Jaquez Lewis; Priola/Reps. Young; Epps**

Prevention of substance abuse disorders - prescription drug monitoring program - drug overdose fatality review teams - substance use screening, brief intervention, and referral to treatment grant program - statewide perinatal substance use data linkage project - appropriation. The act:

- Exempts veterinarians from complying with specific aspects of the prescription drug use monitoring program (program) that are specific to prescriptions for human patients;
- Allows the medical director of a medical practice or hospital, including a nurse medical director, to appoint designees to query the program on behalf of a practitioner in the medical practice or hospital setting;
- Allows the department of health care policy and financing (department) to access the program, consistent with federal data privacy requirements, for purposes of care coordination, utilization review, and federally required reporting relating to recipients of certain benefits; and
- Updates current language in the laws relating to the program by using more modern terminology.

A county or district public health agency may establish a multidisciplinary and multiagency overdose fatality review team (local team). The act prescribes membership requirements, purposes, and duties for local teams, including a duty to report annually to the county or district public health agency served by the local team. The act requires certain entities, upon receiving a written request of the chair of a local team, to provide the local team with information and records regarding a person whose death or near death is being reviewed by the local team. Unless the chair of the local team grants an extension of time, the entity must provide the local team the requested information and records within 10 business days after receipt of the request. A person or entity that receives a records request from a local team

may charge the local team a reasonable fee for the service of duplicating any records requested.

A person or entity, including a local or state agency, that provides information or records to a local team is not subject to civil or criminal liability or any professional disciplinary action pursuant to state law as a result of providing the information or record.

Upon request of a local team, a person who is not a member of a local team may attend and participate in a meeting at which a local team reviews confidential information and considers a plan, an intervention, or other course of conduct based on that review. The act requires each person at a local team meeting to sign a confidentiality form before reviewing information and records received by the local team. Local team meetings in which confidential information is discussed are exempt from the open meetings provisions of the "Colorado Sunshine Act of 1972".

A local team shall maintain the confidentiality of information provided to the local team as required by state and federal law, and information and records acquired or created by a local team are not subject to inspection pursuant to the "Colorado Open Records Act". Local team members and a person who presents or provides information to a local team may not be questioned in any civil or criminal proceeding or disciplinary action regarding the information presented or provided. Law enforcement may not use information from any overdose fatality review for any law enforcement purpose.

The department is required to publish guidance for providers concerning reimbursement for all variations of screening, brief intervention, and referral to treatment interventions.
The act requires the existing substance use screening, brief intervention, and referral to treatment grant program in the department to require implementation of:

- A statewide adolescent substance use screening, brief intervention, and referral practice that includes training and technical assistance for appropriate professionals in Colorado schools, with the purpose of identifying students who would benefit from screening, brief intervention, and potential referral to resources, including treatment; and
- A statewide substance use screening, brief intervention, and referral practice that includes training and technical assistance for pediatricians and professionals in pediatric settings, with the purpose of identifying adolescent patients who would benefit from screening, brief intervention, and potential referral to resources, including treatment.

Current law authorizes the center for research into substance use disorder prevention, treatment, and recovery support strategies (center) to conduct a statewide perinatal substance use data linkage project (data linkage project) that uses ongoing collection, analysis, interpretation, and dissemination of data for the planning, implementation, and evaluation of public health actions to improve outcomes for families impacted by substance use during pregnancy. The act:

- Requires the center to conduct the data linkage project;

- Requires the data linkage project to utilize data from additional state and federal programs; and
- Expands the data linkage project to examine the education of pregnant and postpartum women with substance use disorders.

For the 2024-25 state fiscal year, the act appropriates:

- $75,000 from the general fund to the executive director of the department for general professional services and special projects; this appropriation is based on the assumption that the department will receive $75,000 in federal funds for these services; and
- $250,000 from the general fund to the department of higher education for use by the Colorado commission on higher education and higher education special purpose programs.

APPROVED by Governor June 6, 2024
EFFECTIVE June 6, 2024

S.B. 24-048 **Substance Use Disorders Recovery** **Sponsors: Sen. Priola/ Reps. deGruy Kennedy; Lynch**

Substance use disorders - recovery supports - recovery-friendly workplaces - grant programs - residential zoning for recovery residences - alcohol beverage displays - appropriation. The act creates a voluntary recovery-friendly workplace program (program) in the center for health, work, and environment at the Colorado school of public health. The program recognizes and assists employers that implement recovery-friendly policies to help employees in recovery from substance use disorders. The program repeals September 1, 2028.

The act creates a grant program in the department of education for schools that:

- Educate and support students in recovery from substance use or co-occurring disorders, including self-harm and disordered eating;
- Intend that all students enrolled are working in an active and abstinence-focused program of recovery as determined by the student and the school; and
- Provide support for families learning how to live with, and provide support for, their teens who are entering into the recovery lifestyle.

For purposes of public school financing, the act allows a school district to include in its annual pupil count a student who has transferred to a recovery high school before the pupil count date.

The act allows a recovery community organization that receives a grant through the recovery support services grant program to use the money to provide guidance to individuals on the many pathways for recovery.

Current law establishes the requirements a facility must meet before operating as a recovery residence. The act requires the behavioral health administration in the department of human services to send a cease-and-desist letter to a recovery residence operating unlawfully.

The act declares recovery residences, sober living facilities, and sober homes as residential use of land for zoning purposes.

The act requires the liquor enforcement division in the department of revenue to adopt rules related to the location of alcohol beverages displays. Before adopting rules, the division must convene a stakeholder group consisting of recovery providers, individuals representing recovery residences, and individuals representing specified retailers licensed to sell alcohol beverages.

To implement the act:

- $144,321 is appropriated for the 2024-25 state fiscal year from the general fund to the department of education;
- $303,752 is appropriated for the 2024-25 state fiscal year from the general fund to the department of higher education;
- $37,980 is appropriated for the 2024-25 state fiscal year from the liquor enforcement division and state licensing authority cash fund to the department of revenue.

APPROVED by Governor June 5, 2024
EFFECTIVE June 5, 2024

S.B. 24-110 **Medicaid Prior Authorization Prohibition** **Sponsors: Sens. Rodriguez; Kirkmeyer/Reps. Amabile; Sirota**

Mental health disorder or mental health condition - prohibition on prior authorization for antipsychotic prescription drugs - appropriation. The act prohibits the department of health care policy and financing (department) from requiring an adult to be prescribed an antipsychotic prescription drug that is included on the preferred drug list and used to treat a mental health disorder or mental health condition if:

- During the preceding year, the adult was prescribed and unsuccessfully treated with an antipsychotic prescription drug that is included on the preferred drug list and used to treat a mental health disorder or mental health condition and for which a single claim is paid; or
- The adult is stable on an antipsychotic drug used to treat a mental health disorder or mental health condition that is not included on the preferred drug list.

The act appropriates $1,092,134 to the department. This appropriation consists of $888,555 from the general fund and $203,579 from the healthcare affordability and sustainability fee cash fund. The department may use this appropriation for medical and long-term care services for medicaid-eligible individuals. It is anticipated that the department will receive an additional $2,295,189 in federal funds for the implementation of this act.

APPROVED by Governor June 3, 2024
EFFECTIVE June 3, 2024

S.B. 24-116	**Discounted Care for Indigent Patients**	**Sponsors: Sen. Buckner/Rep. Jodeh**

Discounted hospital care for indigent patients - patient qualifications - billing - appropriation. Current law requires a health-care facility to screen each uninsured patient for eligibility for public health insurance programs, discounted care through the Colorado indigent care program (CICP), and discounted care otherwise not reimbursed through the CICP. A patient qualifies for discounted care if the individual's household income is not more than 250% of the federal poverty level and the individual received a health-care service at a health-care facility (facility). The act limits the health-care services to those received in an inpatient or outpatient hospital setting and adds the requirement that a patient attest to residing in Colorado.

The licensed health-care professional who provides services to a patient is responsible for billing the patient for those services, unless the services are billed on a comprehensive bill issued by a health-care facility.

Current law prohibits a health-care facility and licensed health-care professional (professional) from collecting amounts charged that are more than 4% of the patient's monthly household income on a bill from a facility and that are more than 2% of the patient's monthly household income on a bill from each professional. The act adds the requirement that a facility or professional cannot collect amounts charged that are more than 6% of the patient's household income on a comprehensive bill containing both facility and professional charges.

The act authorizes a health-care facility to deny discounted care to a patient if, during the initial screening, the patient is determined to be presumptively eligible for medicaid.

The act excludes primary care provided in a clinic that is located in a designated rural or frontier county and offers a sliding-fee scale from receiving discounted care.

Current law requires each facility to report to the department of health care policy and financing (department) data that the department determines is necessary to evaluate compliance across race, ethnicity, age, and primary-language-spoken patient groups with the facility's screening, discounted care, payment plan, and collections practices. The act requires professionals, in addition to facilities, to submit the data.

The act authorizes a licensed or certified hospital to determine presumptive eligibility for medicaid.

For the 2024-25 state fiscal year, the act appropriates $154,598 from the healthcare affordability and sustainability fee cash fund to the department of health care policy and financing to implement the act.

APPROVED by Governor May 31, 2024
EFFECTIVE May 31, 2024

S.B. 24-124 **Health-care Coverage for Biomarker Testing** **Sponsors: Sens. Michaelson Jenet; Rich/Reps. Hartsook; Duran**

Health-care coverage - mandatory coverage - Colorado medical assistance act - optional provisions - services with special state provisions - biomarker testing. The act requires all large group health benefit plans to provide coverage for biomarker testing to guide treatment decisions if the testing is supported by medical and scientific evidence. The act defines "biomarker testing" as an analysis of a patient's tissue, blood, or other biospecimen for the presence of an indicator of normal biological processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention. The required testing under the act does not include biomarker testing for screening purposes or direct-to-consumer genetic tests.

The act requires the commissioner of insurance to implement biomarker testing coverage for all large employer health benefit plans issued or renewed on or after January 1, 2025.

To the extent biomarker testing is not in addition to the benefits provided pursuant to the benchmark plan, all individual and small group health benefit plans must provide coverage for biomarker testing. Within 120 days after the act takes effect, the division of insurance (division) shall submit to the federal department of health and human services (HHS) its determination of whether biomarker testing is in addition to essential health benefits and would require state defrayal of costs pursuant to federal law. The division shall implement the requirement for coverage for biomarker testing for individual and small group health benefit plans within 12 months after the earlier of the division receiving confirmation from HHS that biomarker coverage does not require defrayal or more than 365 days passing since the division submitted its determination that defrayal was not necessary.

Biomarker testing is subject to the health benefit plan's annual deductibles, copayment, or coinsurance but is not subject to any annual or lifetime maximum benefit limit.

APPROVED by Governor June 3, 2024
EFFECTIVE June 3, 2024

S.B. 24-168 **Remote Monitoring Services for Medicaid Members** **Sponsors: Sens. Roberts; Simpson/Reps. McCluskie; Martinez**

Telehealth remote monitoring services - grant program - continuous glucose monitors - appropriation. Beginning July 1, 2025, the act requires the department of health care policy and financing (state department) to provide reimbursement to certain medicaid members (member) for the use of telehealth remote monitoring for outpatient services. The department shall initiate a stakeholder process to determine the billing structure prior to providing reimbursement.

The act creates the telehealth remote monitoring grant program to provide grants to outpatient health-care facilities located in a designated rural county or designated provider shortage area to assist with the costs of providing telehealth remote monitoring for outpatient clinical services. The state department may award up to five grants worth $100,000 each.

Beginning November 1, 2025, the act requires the state department to provide coverage for continuous glucose monitors to medicaid medical and pharmacy benefit members.

For the 2024-25 state fiscal year, the act appropriates $34,128 to the department of health care policy and financing to implement this act.

APPROVED by Governor May 29, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 24-1045 **Treatment for Substance Use Disorders** **Sponsors: Reps. Armagost; deGruy Kennedy/Sens. Mullica; Will**

Treatment for opioid use disorder - insurance coverage - reimbursement rates - clinical supervision - medication-assisted treatment provisions – contingency management grant program - appropriation. The act prohibits an insurance carrier that provides coverage for a drug used to treat a substance use disorder under a health benefit plan from requiring prior authorization for the drug based solely on the dosage amount.

The act requires an insurance carrier to reimburse a licensed pharmacist prescribing or administering medication-assisted treatment (MAT) pursuant to a collaborative pharmacy practice agreement (collaborative agreement) at a rate equal to the reimbursement rate for other health-care providers. The act amends the practice of pharmacy to include prescriptive authority for any FDA-approved product indicated for opioid use disorder in accordance with federal law, if authorized through a collaborative agreement. The act requires the state board of pharmacy, the Colorado medical board, and the state board of nursing to develop a protocol for pharmacists to prescribe, dispense, and administer certain FDA-approved products for MAT. The act requires reimbursement to pharmacies of an enhanced dispensing fee for administering injectable antagonist medication for MAT that aligns with the administration fee paid to a provider in a clinical setting. The act requires the medical assistance program to reimburse a pharmacist prescribing or administering medications for opioid use disorder pursuant to a collaborative agreement at a rate equal to the reimbursement rate for other providers.

The act authorizes licensed clinical social workers, marriage and family therapists, and licensed professional counselors (professionals) within their scope of practice to provide clinical supervision to individuals seeking certification as addiction technicians and addiction specialists, and directs the state board of addiction counselors and the state board of human services, as applicable, to adopt rules relating to clinical supervision by these professionals. Further, a licensed addiction counselor is authorized to provide clinical supervision to individuals seeking licensure as marriage and family therapists or professional counselors if the licensed addiction counselor has met the education requirements for those professions, or the equivalent, as determined by the respective boards regulating those professions.

The act expands the medication-assisted treatment expansion pilot program to include grants to provide training and ongoing support to pharmacies and pharmacists who are authorized to prescribe, dispense, and administer MAT pursuant to a collaborative agreement or drug therapy protocol to assist individuals with a substance use disorder.

The act requires the department of health care policy and financing (HCPF) to seek federal authorization to provide MAT, case management services, and a 30-day supply of prescription medication to medicaid members upon release from jail or a juvenile institutional facility.

The act adds substance use disorder treatment to the list of health-care or mental health-care services that are required to be reimbursed at the same rate for telemedicine as a comparable in-person service.

The act requires HCPF to seek federal authorization to provide partial hospitalization for substance use disorder treatment with full federal financial participation.

The act requires each managed care entity (MCE) that provides prescription drug benefits or methadone administration for the treatment of substance use disorders to:

- Set the reimbursement rate for take-home methadone treatment and office-administered methadone treatment at the same rate; and
- Not impose any prior authorization requirements on any prescription medication approved by the FDA for the treatment of substance use disorders, regardless of the dosage amount.

The act requires the behavioral health administration (BHA) to collect data from each withdrawal management facility on the total number of individuals who were denied admittance or treatment for withdrawal management and the reason for the denial and to review and approve any admission criteria established by a withdrawal management facility.

The act requires each MCE to disclose the aggregated average and lowest rates of reimbursement for a set of behavioral health services determined by HCPF and authorizes behavioral health providers to disclose reimbursement rates paid by an MCE to the behavioral health provider.

Beginning in the 2024-25 state fiscal year, the act appropriates $150,000 from the general fund to the Colorado child abuse prevention trust fund (trust fund) for programs to reduce the occurrence of prenatal substance exposure. For the 2024-25 and 2025-26 state fiscal years, the act also annually appropriates $50,000 from the general fund to the trust fund to convene a stakeholder group to identify strategies to increase access to child care for families seeking substance use disorder treatment and recovery services.

The act requires the BHA to contract with an independent third-party entity to provide services and support to behavioral health providers seeking to become a behavioral health safety net provider with the goal of the provider becoming self-sustaining.

The act creates the contingency management grant program in the BHA to provide grants to substance use disorder treatment programs that implement a contingency management program for individuals with a stimulant use disorder.

The act authorizes the BHA to apply for federal funding for fetal alcohol spectrum disorder programs and to receive and disburse federal funds to public and private nonprofit organizations.

The act extends the opioid and other substance use disorders study committee until September 1, 2026.

The act appropriates money to implement the act.

APPROVED by Governor June 6, 2024
PORTIONS EFFECTIVE August 7, 2024
PORTIONS EFFECTIVE July 1, 2025
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die; except that, section 27-60-116 (1)(b), as enacted in section 22 of this act, takes effect July 1, 2025.

H.B. 24-1132 **Support for Living Organ Donors** **Sponsors: Reps. Rutinel; Bradfield/Sen. Buckner**

Organ donation - living donors - transplant centers - organ donor benefits information - employer discrimination prohibited - living organ donor recognition day. The act, the "CARE for Living Organ Donors Act", includes the following benefits and recognition for living organ donors:

- A list of provisions in current law, as well as in the act, that may benefit a living organ donor; and
- A requirement that, at least twice before performing an organ donation recovery operation on a living organ donor donating an organ without an intended recipient, a transplant center shall advise the potential donor that the transplant center or another transplant center in Colorado has or may have an organ voucher program or that a national-level organ voucher program exists or may exist for the organ being donated. Further, the act requires a transplant center to provide information to all organ donors and organ recipients about benefits that may be available at each transplant center in Colorado. The list must be updated at least annually.

The act prohibits an employer from intimidating, threatening, coercing, discriminating, or retaliating against or taking an adverse action against an employee, as described in the act, for the period extending 30 days before and 90 days after the employee is or becomes a living organ donor.

The act designates April 11 each year as "Living Organ Donor Recognition Day".

APPROVED by Governor June 3, 2024
EFFECTIVE June 3, 2024

H.B. 24-1153 **Physician Continuing Education** **Sponsors: Reps. García; Willford/Sens. Cutter; Jaquez Lewis**

Medical practice - licensing - renewal, reinstatement, or reactivation of licenses - continuing medical education requirements. The act establishes a continuing medical education requirement (CME) for physicians licensed in this state.

To meet the CME requirement, a physician must complete 30 credit hours of CME (CME credit hours) in the 24 months preceding the renewal, reinstatement, or reactivation of the physician's medical license in topics selected by the physician and also in topics specified in the act. The act specifies the type and sponsors of programs or activities that qualify for CME credit hours. The board, at its discretion, may initiate a stakeholder process to consider requiring CME credit hours in a certain topic and shall initiate a stakeholder process for the board to consider requiring specific credit hours relating to health disparities and outcomes data, reproductive, sexual, and gender-based health care, and explicit and implicit bias.

To verify compliance with the CME requirement, the physician shall affirm on the license renewal form submitted to the board that the physician has complied with the CME requirement. The board is also authorized to audit up to 5% of physician renewals annually, chosen at random with an oversampling of non board-certified physicians, and to require that the physician submit proof of the CME programs completed and the CME credit hours awarded. A physician's failure to comply with the CME requirement or to submit proof to the board during a board audit, without reasonable cause, constitutes unprofessional conduct. If the physician fails to comply with the CME requirement, the physician's license is inactive until reinstated by the board.

The board may adopt rules to implement the CME requirement.

The director of the division of professions and occupations in the department of regulatory agencies shall increase existing fees on physician licensure renewals to cover any additional costs associated with implementing the CME requirement.

APPROVED by Governor June 4, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 24-1217 **Sharing of Patient Health-Care Information** **Sponsors: Reps. Amabile; Ricks/Sen. Mullica**

Health-care information - centralized digital consent repository working group - friends and family input form - appropriation. The office of e-health innovation in the governor's office is required to convene a working group to determine the feasibility of creating a centralized digital consent repository that allows patients to provide, extend, deny, and revoke consent for sharing their medical data and information between physical and behavioral health-care providers, family members, community organizations, payers, and state agencies at any time. By January 1, 2026, the working group is required to submit a report including recommendations regarding the feasibility of creating the centralized digital consent repository to specified committees of the general assembly.

On or before July 1, 2025, the behavioral health administration in the department of human services (department) is required to create a friends and family input form to allow an individual to provide a treating professional or a licensed or designated facility or organization with information related to a patient receiving mental health or substance use services.

For the 2024-25 state fiscal year, $50,604 is appropriated to the department to implement the act.

APPROVED by Governor May 28, 2024
EFFECTIVE May 28, 2024

H.B. 24-1262 **Maternal Health Midwives** **Sponsors: Reps. García; Jodeh/ Sens. Buckner; Michaelson Jenet**

Maternal health - midwives - health-care facilities - facility closures. The act:

- Requires the Colorado civil rights commission to establish certain parameters when receiving reports for maternity care;
- Adds a midwife to the environmental justice advisory board and the governor's expert emergency epidemic response committee and adds midwifery as a preferred area of expertise for members of the health equity commission; and
- Requires a health facility that provides maternal health-care services to notify certain individuals at least 90 days before eliminating the services.

The act also allows the department of public health and environment (department) to contract with a third-party evaluator to complete the following tasks and make appropriate recommendations:

- Study closures, consolidations, and acquisitions related to perinatal health-care practices and facilities and perinatal state-designated health professional shortage areas and assets and deficits related to perinatal health and health-care services across the state, not limited to obstetric providers;
- Identify major outcome categories that the department should track over time and identify risks and opportunities;
- Explore the effects of practice and facility closures (closures) on maternal and infant health outcomes and experiences;
- Identify recommendations and best practice guidelines during closures and resultant transfers of care; and
- Create a health professional shortage area and perinatal health services assets and deficits map.

APPROVED by Governor June 4, 2024
EFFECTIVE June 4, 2024

H.B. 24-1327 **Sunset Physical Therapists** **Sponsors: Reps. Bradley; Duran/Sen. Mullica**

Physical therapists - physical therapy assistants - continuation under sunset law - definition of practice of physical therapy - wound debridement. The act continues the regulation of physical therapists and physical therapy assistants until September 1, 2035. The act also authorizes physical therapists to recommend and prescribe durable medical equipment to patients without a prescription from a physician.

The act updates the definition of the practice of "physical therapy" to include wound debridement and also adds to the definition the ongoing review, integration, and understanding of a patient's or client's prescription and nonprescription medication regimen. The act also updates the titles and abbreviations that only a person licensed as a physical therapist or a physical therapy student may use.

Currently, a physical therapist is authorized to perform wound debridement under the order of a physician or a physician's assistant. The act authorizes physical therapists to perform wound debridement under the order of an advanced practice nurse. The act clarifies that a physical therapist assistant may not perform sharp wound debridement, but may perform general wound care and nonsharp debridement.

The act changes the term "foreign-trained" in reference to internationally educated applicants for licensure to instead describe an applicant who is educated by a program that is not accredited by the Commission on Accreditation in Physical Therapy Education or a comparable organization.

APPROVED by Governor June 5, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 24-1472 **Raise Damage Limit Tort Actions** **Sponsors: Reps Brown; Pugliese/Sens. Mullica; Gardner**

Tort actions - damage cap noneconomic loss - siblings a party to a wrongful death action - wrongful death damages cap - medical malpractice wrongful death damages cap - inflation adjustments. For civil actions filed on or after January 1, 2025, the act increases the cap on damages for noneconomic loss or injury from $250,000 to $1.5 million, and, starting January 1, 2028, and every 2 years thereafter, adjusts the damages cap based on inflation.

Current law specifies who may sue for wrongful death. The act adds a sibling of the deceased as a party who may bring a wrongful death action in certain circumstances.

The act imposes a wrongful death damages cap of $2.125 million, and, starting January 1, 2028, and every 2 years thereafter, adjusts the damages cap based on inflation.

Beginning January 1, 2025, the act incrementally increases the medical malpractice wrongful death damages limitation to $1.575 million over the course of 5 years. Thereafter, the cap is adjusted biennially for inflation.

Existing law limits the amount recoverable for noneconomic damages in medical malpractice actions to $300,000. Beginning January 1, 2025, the act incrementally increases the noneconomic damages limitation to $875,000 over the course of 5 years. Thereafter, the cap is adjusted biennially for inflation.

APPROVED by Governor June 3, 2024
EFFECTIVE January 1, 2025

H.B. 24-1365 **Opportunity Now Grants & Tax Credit** **Sponsors: Reps. Lukens; Soper/Sens. Bridges; Will**

Office of economic development - opportunity now grants - regional talent development initiative grant program - regional talent summit grant program - facility improvement and equipment acquisition tax credit - appropriation. On July 1, 2024, the act requires the state treasurer to transfer $3.8 million from the general fund to the regional talent development initiative grant program fund to address workforce shortages in infrastructure and building trades. Of this amount, the office of economic development (office) is authorized to use not more than 7% for the administrative costs incurred to administer the regional talent development initiative grant program.

The regional talent summit grant program (grant program) is created and is administered by the office. The grant program, through a selection committee, will award grants to and contract with a program facilitator to convene and facilitate regional summits across the state. The goals of the program facilitator are to understand workforce development needs in identified regions of the state, generate a landscape analysis for each identified region that includes job projections and an overview of educational pathways, gather insight from employers about critical workforce and training needs, create regional goals for addressing talent needs, and develop comprehensive tactical plans. Beginning January 1, 2026, any modified or new local workforce development plan must incorporate the tactical plans. The workforce development plans must be published in the Colorado talent report. The program facilitator must complete all regional talent summits on or before July 1, 2025, and submit workforce plans as a result of the regional talent summits by December 1, 2025.

The grant program, through a selection committee, will also award grants to one or more regional hosts to secure facilities to host regional talent summits, determine community partners to attend the summits, and gather insight from regional employers about critical workforce and training needs.

The regional talent summit grant program fund (fund) is created in the state treasury. On July 1, 2024, the state treasurer is required to transfer $200,000 from the general fund to the fund. The money in the fund is continuously appropriated to the office to be used for purposes of the grant program.

The act establishes a state income tax credit (tax credit) for the costs of facility improvement and equipment acquisition associated with training programs designed to alleviate workforce shortages beginning January 1, 2026. A qualified taxpayer in a qualified industry may earn a tax credit equal to up to 50% of the costs incurred by the qualified taxpayer to improve its facilities and acquire equipment. The tax credit is refundable and may not be carried forward.

To claim the tax credit, a qualified taxpayer must first reserve the tax credit by applying to be in the evaluation pool established by the office. A selection committee will consider the merits of each application to determine which taxpayers are qualified to reserve the tax credit. If a

taxpayer is qualified and approved, the taxpayer is required to incur facility improvements and equipment acquisition costs to claim the tax credit. If the applicant submits evidence that the costs were incurred during the income tax year for which the applicant applied, and those costs are certified by a certified public accountant, the applicant may be awarded a tax credit.

The aggregate amount of tax credits reserved in one calendar year cannot exceed $15 million and the amount is decreased to $7.5 million if the September revenue forecasts by legislative council or the office of state planning and budgeting project that state revenues will not increase by at least 4% for that fiscal year.

A person or organization not subject to tax or a person or organization exempt from taxes is required to make and file a return containing information prescribed by the executive director to claim the tax credit.

The workforce development tax credit program cash fund (fund) is created in the state treasury. The fund consists of gifts, grants, donations, and fee revenue credited to the fund and any money the general assembly may appropriate to the fund. The money in the fund is continuously appropriated to the office for the purpose of administering the tax credit.

For the 2024-25 state fiscal year, the act appropriates $109,603 from the general fund to the office of the governor for use by economic development programs. The appropriation may be used for opportunity now grant administration.

APPROVED by Governor June 7, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 24-1467 **Modifications to the State Personnel Total Compensation** **Sponsors: Reps. Bird; Sirota/ Sens. Zenzinger; Bridges**

Step pay for employees in the state personnel system. The act requires the state personnel director to establish a "step pay" structure that provides consistent salary increases for employees instead of permitting merit pay. The act provides an exception for employees of the office of the state auditor.

The act also repeals the requirement that employees of the division of worker's compensation and the division of labor standards and statistics in the department of labor and employment be paid on a monthly basis.

APPROVED by Governor June 5, 2024
EFFECTIVE June 5, 2024

H.B. 24-1430 **2024-25 Long Appropriations Bill** **Sponsors: Rep. Bird/Sen. Zenzinger**

General appropriation act - 2024 long bill. For the fiscal year beginning July 1, 2024, the bill provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions. The grand total for the operating budget is set at $42,929,675,236. The general funds portion of the appropriation is set at

$12,398,541,034; the general fund exempt portion is set at $3,803,423,067; the cash funds portion is set at $11,342,249,687; the reappropriated funds portion is set at $2,878,921,519; and the federal funds portion is set at $12,506,539,929.

For the fiscal year beginning July 1, 2024, the grand total for the state fiscal year for capital construction projects is set at $367,677,785. The capital construction fund portion of the appropriation is set at $262,215,419; the cash funds portion is set at $103,554,776; and the federal funds portion is set at $1,907,590.

For the fiscal year beginning July 1, 2024, the grand total for information technology projects is set at $158,354,132. The capital construction fund portion of the appropriation is set at $86,836,669; the cash fund portion is set at $14,255,934; and the federal funds portion is set at $57,261,529.

The 2021 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects and capital construction information technology projects.

The 2023 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of education; the offices of the governor, lieutenant governor, and state planning and budgeting; and the departments of health care policy and financing, higher education, local affairs, personnel, public health and environment, and public safety.

Appropriations were made in several bills during the 2023 legislative session that are further amended to balance and make adjustments and to extend the appropriation of unexpended amounts to the 2024-25 fiscal year.

APPROVED by Governor April 29, 2024
EFFECTIVE April 29, 2024

S.B. 24-019 **Remuneration-Exempt Identifying Placards** **Sponsors: Sens. Smallwood; Kolker/Reps. Vigil; Soper**

Remuneration-exempt identifying placards - exemption from parking device payments - exemption applies to parking lots - number of placards allotted per individual. Current law exempts an individual with a remuneration-exempt identifying placard from paying at a parking device. The act defines "parking device" as a single- or multi-space meter, kiosk, pay station, pay-by-space, pay-by-plate, pay-by-card, or other payment system or methodology for the parking of vehicles.

The act also:

- Clarifies that a remuneration-exempt parking placard does not count toward the limits on the number of disability identifying placards and license plates the department of revenue (department) may issue to an individual;
- Increases the number of remuneration-exempt placards that the department may issue to an individual from one placard to 2 placards; and
- Specifies that an individual with a placard is exempt from paying at a parking device within a parking lot.
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APPROVED by Governor May 17, 2024
EFFECTIVE November 1, 2024
NOTE: This act was passed without a safety clause and takes effect November 1, 2024; except that, if a referendum petition is filed then this act takes effect 90 days after sine die.

S.B. 24-037 **Study Green Infrastructure for Water Quality Management** **Sponsors: Sens. Simpson; Bridges/Reps. Lynch; McCormick**

Water quality - green infrastructure - feasibility study - pilot projects - report.
The act requires the university of Colorado and Colorado state university, in collaboration with the division of administration (division) in the department of public health and environment (department), to:

- On or before October 1, 2024, start to conduct a feasibility study of the use of green infrastructure, which refers to interconnected networks of green spaces for water quality management solutions that are an alternative to traditional gray infrastructure, which refers to centralized water quality treatment facilities, and the use of green financing mechanisms for water quality management;
- Complete the feasibility study on or before April 1, 2026; and
- Establish up to 3 pilot projects in the state to demonstrate the use of green infrastructure and the financing of an alternative compliance program. Each pilot project may be operated for up to 5 years and the universities may provide technical assistance to the operator of a pilot project.

On or before November 1, 2026, the division, in coordination with the universities,

is required to submit a report and, on or before February 1, 2027, present the report to the water resources and agriculture review committee. The report and presentation must concern the progress of the feasibility study and any pilot projects and on any legislative and administrative recommendations to promote the use of green infrastructure and green financing mechanisms for water quality management in the state.

APPROVED by Governor May 24, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 24-053 **Racial Equity Study** **Sponsors: Sen. Coleman/Sens. Herod; Ricks**

Racial equity study - commission - report - gifts, grants, and donations funding - continuous appropriation. The act establishes the Black Coloradan racial equity commission (commission) in the legislative department to conduct a study to determine, and make recommendations related to, any historical and ongoing effects of slavery and subsequent systemic racism on Black Coloradans that may be attributed to Colorado state practices, systems, and policies. The study includes historical research conducted by the state historical society (society), commonly known as history Colorado, and an economic analysis conducted by a third party.

The society may enter into an agreement with a third-party entity to conduct all or parts of the historical research. The society shall conduct at least 2 community engagement sessions for members of the public to provide input to the society. The society shall provide the commission with quarterly updates about the status of its research.
The society is required to submit a report to the commission with the results of its research and any recommendations.

The commission shall enter into an agreement with a third party to conduct an economic analysis of the financial impact of systemic racism on historically impacted Black Coloradans utilizing the findings of the society's historical research. The third party shall deliver the results of its economic analysis to the commission.

At the conclusion of the study, the commission shall submit a report to the general assembly and the governor about the study and make the report available on a publicly accessible webpage of the general assembly's website. The report must include a description of the study's goals, the results of the historical research and economic analysis, and the commission's recommendations. After the commission submits the report, the commission shall work with any parties necessary to implement the recommendations in the report.

The study is contingent upon the commission receiving $785,000 of gifts, grants, or donations for the purpose of conducting the study. The act creates the Black Coloradan racial equity study cash fund to accept the gifts, grants, or donations received for the study. The money in the cash fund is continuously appropriated to legislative council for use by the commission and to the society for conducting the historical research.

APPROVED by Governor June 4, 2024
EFFECTIVE August 7, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 24-069 **Clarify Individualized Education Program Information** **Sponsors: Sens. Kolker; Kirkmeyer/Reps. Young; García**

Education of exceptional children - individualized education program - public training - appropriation. On or before July 1, 2026, the act requires the department of education to:

- Create, deliver, and make publicly available a training program, in plain and easy-to-understand language, regarding individualized education program laws and procedures, including parent and student rights; and
- Deliver the training program in person and make the training program and related information publicly available online.
-

For the 2024-25 state fiscal year, the act appropriates $75,288 from the general fund to the department to implement the act.

APPROVED by Governor June 5, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 24-115 **Mental Health Professional Practice Requirements** **Sponsors: Sens. Michaelson Jenet; Smallwood/Reps. Young; Sirota**

Mental health professionals - regulation - examinations - renewal - continuing education - rule-making. The act removes the requirement that a mental health professional provide each client with an explanation of the levels of regulation and the differences between licensure, registration, and certification of mental health professionals.

The act removes the requirement for an individual to take and pass the board of social work examiners' masters examination in order to obtain a licensed social worker license.

In order for an individual to obtain a registration as a psychologist candidate (PSYC), a clinical social worker candidate (SWC), a marriage and family therapist candidate (MFTC), a licensed professional counselor candidate (LPCC), or an addiction counselor candidate (ADDC), the act requires the individual to pass the Colorado jurisprudence examination.

The act authorizes PSYCs, SWCs, MFTCs, LPCCs, and ADDCs to renew their candidate registrations if they are unable to complete all the post-degree licensure requirements within the 3-year time frame that a registration is valid and allows candidates whose registrations have expired to reapply for the registration.

The act requires certain mental health professionals, prior to a renewal of a license or registration, to complete continuing professional development and educational hours.

On or before December 31, 2024, the state board of psychologist examiners, the state board of social work examiners, the state board of marriage and family therapist examiners, the state board of licensed professional counselor examiners, and the state board of addiction

counselor examiners are required to begin the rule-making process to align their respective rules with their respective practice acts.

APPROVED by Governor May 22, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 24-131 **Prohibiting Carrying Fire Arms in Sensitive Spaces** **Sponsors: Sens. Jaquez Lewis; Kolker/Reps. Brown; Lindsay**

Firearms - unlawful carrying at government buildings; child care centers; elementary, secondary, and postsecondary schools; and polling places. The act prohibits a person from knowingly carrying a firearm, both openly and concealed, in the following government buildings, including their adjacent parking areas:

- State legislative buildings, including buildings at which the offices of elected members are located;
- A building of a local government's governing body, including buildings at which the offices of elected members or the chief executive officer of a local government are located (local government buildings); and
- A courthouse or other building used for court proceedings.

Unlawful carrying of a firearm in a government building is a class 1 misdemeanor. The act includes exceptions for law enforcement officers, members of the United States armed forces or Colorado National Guard, security personnel, persons carrying as part of the lawful and common practices of a legal proceeding, and persons who hold a permit to carry a concealed handgun (concealed carry permit) who are carrying a concealed handgun in an adjacent parking area. The act permits a local government to enact a law permitting carrying at a local government building included in the act. Members of the general assembly are exempt from the prohibition on carrying in a state legislative building until January 5, 2025.

The act prohibits a person from knowingly carrying a firearm, both openly and concealed, on the property of a child care center, other than a family child care home, that is licensed by the department of early childhood or is exempt from licensing pursuant to state law, and that operates with stated educational purposes (licensed child care center); public or private college, university, or seminary (higher education institution), with exceptions. A violation is a class 1 misdemeanor. The act maintains exceptions in existing law for carrying a firearm on the property of a public elementary, middle, junior high, or high school and adds exceptions for concealed carry permit holders carrying in the parking area of a licensed child care center or higher education institution; security personnel at a licensed child care center or higher education institution; and for a licensed child care center that is on the same property as another building or improvement, carrying a firearm in an area that is not designated as a licensed child care center.

Existing law prohibits openly carrying a firearm within any polling location or central count facility, or within 100 feet of a ballot drop box or any building in which a polling location or central count facility is located, while an election or any related ongoing election administration activity is in progress. The act prohibits carrying a firearm in any manner at those locations.

APPROVED by Governor May 31, 2024
EFFECTIVE July 1, 2024

S.B. 24-149	**Workers' Compensation State Employees**	**Sponsors: Sen. Hinrichsen; Rep. Brown**

Workers' compensation - state employees' workers' compensation settlement agreements - state required to send requests for interest to workers' compensation insurers. The act prohibits the state, when communicating with or reaching an agreement with a state employee about a workers' compensation claim, from suggesting or requiring that:

- The state employee resign from state employment or refrain from seeking or obtaining employment with the state in the future; or
- Any other restrictions be placed on the state employee's ability to work for the state.

The act voids any provision of a contract that restricts a state employee's ability to work for the state in violation of these prohibitions.

If the state elects to self-insure workers' compensation claims, the act requires the department of personnel to send a request for interest to Pinnacol Assurance and at least 5 other insurance companies that provide workers' compensation insurance in Colorado. The requests for interest must be sent in 2026 and at least once every 3 years thereafter. Each request for interest must request the following information from each responding insurance company for the following calendar year:

- An estimate of the total cost to the state to purchase workers' compensation insurance;
- The company's ability to provide workers' compensation insurance that would cover all state employees; and
- A detailed description of the workers' compensation coverage that the company would provide.

For each request for interest obtained, the department of personnel shall prepare and submit a report to the general assembly specifying:

- The name of the responding insurance company, unless the department received only one response, in which case the name of the sole responding insurance company is redacted from the report;
- The total cost estimated by the responding insurance company to provide workers' compensation insurance coverage to the state;
- Whether purchasing workers' compensation insurance from the responding insurance company would require the state to contract with a third-party administrator, and what the additional cost to the state would be, if any;
- A detailed description of the workers' compensation coverage that the responding insurance company would provide;
- The costs associated with the self-insurance selected by the state for the current calendar year; and
- Whether the state's costs related to self-insurance of workers' compensation claims increased or decreased compared to the previous calendar year.

The act requires that the first report to the general assembly must specify, over the previous 3 years, to which insurance companies the state sent requests for interest, the total number of insurance companies that responded to the requests, and the estimated cost reported in each received response, if any.

APPROVED by Governor June 7, 2024
EFFECTIVE June 7, 2024

S.B. 24-205	**Consumer Protections for Artificial Intelligence**	**Sponsors: Sen. Rodriguez/Reps. Titone; Rutinel**

Artificial intelligence - duty to avoid algorithmic discrimination - rebuttable presumption of reasonable care for developers and deployers of high-risk systems - disclosures - exemptions - rules. On and after February 1, 2026, the act requires a developer of a high-risk artificial intelligence system (high-risk system) to use reasonable care to protect consumers from any known or reasonably foreseeable risks of algorithmic discrimination in the high-risk system. There is a rebuttable presumption that a developer used reasonable care if the developer complied with specified provisions in the act, including:

- Making available to a deployer of the high-risk system a statement disclosing specified information about the high-risk system;
- Making available to a deployer of the high-risk system information and documentation necessary to complete an impact assessment of the high-risk system;
- Making a publicly available statement summarizing the types of high-risk systems that the developer has developed or intentionally and substantially modified and currently makes available to a deployer or other developer and how the developer manages any known or reasonably foreseeable risks of algorithmic discrimination that may arise from the development or intentional and substantial modification of each of these high-risk systems; and
- Disclosing to the attorney general and known deployers or other developers of the high-risk system any known or reasonably foreseeable risks of algorithmic discrimination, within 90 days after the discovery or receipt of a credible report from the deployer, that the high-risk system has caused or is reasonably likely to have caused.

The act also, on and after February 1, 2026, requires a deployer of a high-risk system to use reasonable care to protect consumers from any known or reasonably foreseeable risks of algorithmic discrimination in the high-risk system. There is a rebuttable presumption that a deployer used reasonable care if the deployer complied with specified provisions in the act, including:

- Implementing a risk management policy and program for the high-risk system;
- Completing an impact assessment of the high-risk system;
- Annually reviewing the deployment of each high-risk system deployed by the deployer to ensure that the high-risk system is not causing algorithmic discrimination;
- Notifying a consumer of specified items if the high-risk system makes, or will be a substantial factor in making, a consequential decision concerning the consumer;

- Providing a consumer with an opportunity to correct any incorrect personal data that a high-risk system processed in making a consequential decision;
- Providing a consumer with an opportunity to appeal, via human review if technically feasible, an adverse consequential decision concerning the consumer arising from the deployment of a high-risk system;
- Making a publicly available statement summarizing the types of high-risk systems that the deployer currently deploys, how the deployer manages any known or reasonably foreseeable risks of algorithmic discrimination that may arise from deployment of each of these high-risk systems, and the nature, source, and extent of the information collected and used by the deployer; and
- Disclosing to the attorney general the discovery of algorithmic discrimination, within 90 days after the discovery, that the high-risk system has caused.

A person doing business in this state, including a deployer or other developer, that deploys or makes available an artificial intelligence system that is intended to interact with consumers must ensure disclosure to each consumer who interacts with the artificial intelligence system that the consumer is interacting with an artificial intelligence system.
The act does not restrict a developer's, deployer's, or other person's ability to engage in specified activities, including:

- Complying with federal, state, or municipal laws, ordinances, or regulations;
- Cooperating with and conducting specified investigations;
- Taking immediate steps to protect an interest that is essential for the life or physical safety of a consumer;
- Conducting and engaging in specified research activities; and
- Effectuating a product recall or repairing technical errors that impair product functionality.

The act provides an affirmative defense for a developer, deployer, or other person if:

- The developer, deployer, or other person involved in a potential violation is in compliance with a nationally or internationally recognized risk management framework for artificial intelligence systems that the act or the attorney general designates; and
- The developer, deployer, or other person takes specified measures to discover and correct violations of the act.

An insurer, a fraternal benefit society, or a developer of an artificial intelligence system used by an insurer is in full compliance with the act if the entity is subject to specified laws governing insurers' use of external consumer data and information sources, algorithms, and predictive models and rules adopted by the commissioner of insurance.

A bank, out-of-state bank, credit union chartered by the state of Colorado, federal credit union, out-of-state credit union, or any affiliate or subsidiary thereof, is in full compliance with the act if the entity is subject to examination by a state or federal prudential regulator under any published guidance or regulations that apply to the use of high-risk systems and the guidance or regulations meet criteria specified in the act.

The act grants the attorney general rule-making authority to implement, and exclusive authority to enforce, the requirements of the act. A person who violates the act engages in a deceptive trade practice pursuant to the "Colorado Consumer Protection Act".

APPROVED by Governor May 17, 2024
EFFECTIVE May 17, 2024

S.B. 24-214 **Implement State Climate Goals** **Sponsors: Sens. Hansen; Cutter/Reps. Amabile; McCormick**

Climate goals - creation of the office of sustainability - Colorado energy office - decarbonization tax credits - heat pump study - energy efficiency - appropriation. Section 1 of the act creates the office of sustainability (office) in the department of personnel (department). The office is required to work with state agencies to implement environmentally sustainable practices.

Section 1 also creates the state agency sustainability revolving fund (revolving fund) and directs the state treasurer to transfer $400,000 from the general fund to the revolving fund each year. The office may use the money in the revolving fund for the purposes of operating the office and replacing the state's gas- and diesel-powered equipment located in ozone nonattainment areas as designated by the U.S. environmental protection agency.

Section 1 also requires the office to review and coordinate state agencies' applications for elective pay funding available under the federal "Inflation Reduction Act of 2022" (IRA). State agencies are required to submit elective pay applications directly to the office of the state controller. The inflation reduction act elective pay cash fund (cash fund) is created, and all money received by the state or state agencies pursuant to the elective pay provisions of the IRA must be deposited into the cash fund to be used for the purposes of the office.

Subject to specified exceptions, section 3 requires, on and after January 1, 2025, recipients of state financial assistance for new building construction projects that include energy-consuming products covered by the EnergyStar program (covered energy-consuming products) to use covered energy-consuming products certified by the Energy Star program (requirements). A state agency that provides or administers state financial assistance for a new building construction project (state agency) shall include certain requirements in the state agency's criteria for receiving state financial assistance and request an attestation signed by the recipient of the state financial assistance that declares that the requirements have been or will be followed or that the recipient is requesting a waiver from the requirements. A state agency may issue a waiver from the requirements based on certain evidence and an attestation from a licensed professional engineer or design professional. If the attorney general, by a preponderance of the evidence, believes that a recipient of state financial assistance has violated the requirements, the attorney general may bring a civil action to seek a civil penalty of up to the total amount of state financial assistance received by the violator.

Section 4 amends the state efficiency standard for residential windows, residential doors, and residential skylights sold in Colorado on and after January 1, 2026 (standard). If the executive director of the department of public health and environment determines that the standard cannot reasonably be met by manufacturers, the executive director shall set an alternative

standard which may be applied instead of the standard. Such an alternative standard, if set, must be displayed on the public website of the department of public health and environment no later than June 1, 2025.

Section 6 clarifies law relating to the geothermal energy grant program within the CEO (grant program) by specifying that:

- The grant program applies to both heating-only and combined heating and cooling systems; At least 25% of the grant money must be awarded to projects in low-income, disproportionately impacted, or just transition communities; and
- The CEO may utilize grant program money to facilitate the growth of the geothermal sector and awareness of relevant state programs in Colorado.

Section 7 allows money in the decarbonization tax credits administration cash fund to be used to repay administrative costs associated with administering the decarbonization tax credits, and specifies that all such administrative costs must be repaid on or before June 29, 2024. The amount of money that must remain in the fund after other unexpended and unencumbered money has been transferred to the general fund on June 30 of each year is increased from $100,000 to $300,000.

Section 8 extends the deadline for the energy code board to develop a model low energy and carbon code from June 1, 2025, to September 1, 2025, and specifies that the model low energy and carbon code can include both appendices and resources to the international energy conservation code.

Section 9 decreases the amount of money in the energy fund that the CEO is authorized to use to issue grants to local governments to support their adoption and enforcement of the 2021 international energy conservation code, an electric ready and solar ready code, and a low energy and carbon code from $2,000,000 to $1,875,000 and increases the amount of money that the treasurer is required to transfer into the energy fund for CEO to use to administer the energy code board from $150,000 to $275,000.

Section 10 authorizes grantees to use money received through the CEO's high-efficiency electric heating and appliances grant program for equipment used to dry clothes and for other purposes as determined by the CEO.

Section 13 requires the CEO, on or before August 1, 2024, to commence a study to explore how to accelerate adoption of heat pump technology in Colorado through a technical standard for applicable air conditioners. The CEO is required to provide to the general assembly a progress report, interim results and legislative recommendations, and, on or before June 1, 2025, a final study and final legislative recommendations.

Section 14 repeals the requirement that a person using any portion of a transfer facility for the provision of retail or commercial goods or services or for the provision of residential uses pay rent at fair market value for such use. Section 15 clarifies that, for purposes of the industrial clean energy tax credit, an industrial study includes a pre-front-end or front-end engineering design study that meets or exceeds the standards established by the CEO or any other

industrial studies as outlined in program standards and an owner includes a project developer.

Section 15 also increases the amount of the credit that can be claimed from $5,000,000 to $8,000,000 and specifies that an owner that claims the industrial clean energy tax credit cannot, for the same greenhouse gas emission reduction improvements, claim the enterprise zone investment tax credit or receive grant money under the industrial and manufacturing operations clean air grant program. Section 16 clarifies several definitions related to the tax credit for expenditures made in connection with a geothermal energy project and adds several definitions.

Section 16 also adds tribal governments as eligible taxpayers that may claim the tax credit.

Section 17 adds tribal governments as qualified entities that may claim the geothermal electricity generation production tax credit, and requires the CEO to annually review and evaluate the effectiveness of the tax credit.

Section 18 clarifies and adds several definitions related to the heat pump technology and thermal energy network tax credit, adds new standards for taxpayers to be eligible to claim the credit, and requires the CEO to substantiate that eligible taxpayers are meeting those standards periodically rather than annually.

Section 20 repeals a provision that required the state treasurer to credit an amount of severance taxes to certain cash funds to repay costs associated with administering the decarbonization tax credits.

Section 21 requires the CEO to prioritize high-efficiency homes and buildings when providing loans and grants from the sustainable rebuilding program to homeowners and business owners that are seeking to rebuild. Money from the sustainable rebuilding program may also be used to provide loans and grants through the disaster resilience rebuilding program which is administered by the department of local affairs.

Section 22 extends the date by which the public utilities commission must determine mass-based greenhouse gas emission reduction targets for clean heat plans for 2035 from December 1, 2024, to December 1, 2025.

Section 23 requires investor-owned utilities, on or before August 1, 2027, to submit to the public utilities commission a proposal for a voluntary rate or rates for energy supplied to residential customers who utilize a heat pump as their primary heating source, which, if cost-justified, are designed to lower the energy bills of those customers.

Section 24 specifies that an appropriation made to the department of higher education and related to the biochar in oil and gas well plugging working advisory group for state fiscal year 2023-24 is further appropriated to the department for state fiscal year 2024-25 to the extent that it is not expended prior to July 1, 2024.

To implement the act:

- Section 25 reduces state fiscal year 2024-25 appropriations from various cash funds to the department of revenue by an aggregate amount of $1,770,160 and offsets the decrease by increasing state fiscal year 2024-25 appropriations to the department of revenue from the decarbonization tax credits administration cash fund by $1,770,160; and
- Section 26 appropriates $1,058,596, of which $958,596 is from the decarbonization tax credits administration cash fund and $100,000 is from the general fund, to the office of the governor for use by the CEO.

APPROVED by Governor May 17, 2024
EFFECTIVE May 17, 2024

S.B. 24-226 **Modifications to College Kickstarter Account Program** **Sponsors: Sens. Fenberg; Marchman/Reps. Herod; Brown**

College kickstarter account program - expansion of eligibility to open an account-modifications to advisory board - calculation of amount of funding - reporting. The act modifies the college kickstarter account program (program). The act expands who may open an account and be an account sponsor on or after January 1, 2025, to include, in addition to a parent or parents of an eligible child, any other individual who provides the birth certificate number or order of adoption for an eligible child in accordance with the requirements of the program to open an account. Further, the act clarifies that on or after January 1, 2025, the amount of kickstarter funding that can be claimed is the base amount as adjusted for inflation in the year claimed plus, if the kickstarter funding is claimed in a year after the child's birth year, interest that has accrued on the base amount from the birth year to the claim year. The act also expands the membership of the program advisory board, requires the advisory board to meet at least on a quarterly basis each year, and modifies reporting requirements for the program.

The act expands the period during which an account sponsor may claim kickstarter funding from 5 to 8 years from the date of the eligible child's birth or adoption and clarifies that an account is an "individual college savings account", which is any college invest account.

APPROVED by Governor May 31, 2024
PORTIONS EFFECTIVE May 31, 2024
PORTIONS EFFECTIVE January 1, 2025

S.B. 24-232 **Public Employees Workplace Protections** **Sponsors: Sens. Rodriguez; Sullivan/Reps. Woodrow; Titone**

Public employment - protected employee rights - limitations. The act clarifies existing definitions in the "Protections for Public Workers Act", including the definitions of "employee organization" and "public employee", and applies the clarified definitions in describing public employees' right to engage in "protected, concerted activity for the purpose of mutual aid or protection". The act also modifies the scope and applicability of a public employer's authority to limit the protected rights of its employees to the extent necessary to avoid material disruption of a public employee's duties, the employer's operations, or the delivery of public services. The act specifies that disagreement with the content of an employee's expressive activity or a strike by employees is not material disruption.

APPROVED by Governor June 7, 2024
EFFECTIVE August 7, 2024

H.B. 24-1044 **Additional PERA Service Retirees for Schools** **Sponsors: Reps. Hamrick; Taggart/Sen. Hansen**

Public employees' retirement association - employment after service retirement - reporting. With limited exceptions, current law limits the number of service retirees that a state college or university or an employer in the school or Denver public schools division of the public employees' retirement association (PERA) can hire without a reduction in the service retirees' benefits to 10 service retirees when an employer determines there is a critical shortage of qualified candidates. The act allows an employer to hire such service retirees when the employer determines there is a need.

In addition, the act authorizes an employer in the school or Denver public schools division with a student enrollment above 10,000 to hire, without a reduction in service retirees' benefits, an additional service retiree for each 1,000 students enrolled above 10,000. An employer with 10,000 students or less will continue to be allowed to hire 10 service retirees. A service retiree hired under the provisions of the bill may receive salary without a reduction in benefits for a maximum of 6 consecutive years from the date the service retiree began post-service retirement employment. The act requires an employer in the school or Denver public schools division to provide PERA with a list of all employed service retirees by September 1 of an applicable calendar year and requires PERA to submit a report to the general assembly every 5 years beginning on or before December 1, 2025, regarding the employment after service retirement allowances.

APPROVED by Governor April 19, 2024
EFFECTIVE July 1, 2024

H.B. 24-1058 **Protect Privacy of Biological Data** **Sponsors: Reps. Kipp; Soper/Sens. Baisley; Priola**

Colorado privacy act - sensitive data - biological data - neural data. In 2021, the general assembly enacted Senate Bill 21-190, concerning additional protection of data relating to personal privacy, which established the "Colorado Privacy Act" (privacy act) as part of the "Colorado Consumer Protection Act". The privacy act protects the privacy of individuals' personal data by establishing certain requirements for entities that process personal data. The privacy act also describes certain rights that consumers may exercise regarding the processing of their personal data. The privacy act includes additional protections for sensitive data.

For the purposes of the privacy act, the act expands the definition of "sensitive data" to include biological data, which is data generated by the technological processing, measurement, or analysis of an individual's biological, genetic, biochemical, physiological, or neural properties, compositions, or activities or of an individual's body or bodily functions, which data is used or intended to be used, singly or in combination with other personal data, for identification purposes. Biological data includes neural data, which is information that is generated by the measurement of the activity of an individual's central or peripheral nervous systems and that can be processed by or with the assistance of a device.

APPROVED by Governor April 17, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 24-1116 **Extend Contaminated Land Income Tax Credit** **Sponsors: Reps. Bird; Bradfield/Sens. Kirkmeyer; Mullica**

Income tax - extension of credit for environmental remediation of contaminated land. The act extends for an additional 5 years the availability of the state income tax credit allowed to a taxpayer for an approved environmental remediation of contaminated property, through income tax years commencing prior to January 1, 2030.

APPROVED by Governor June 4, 2024
EFFECTIVE August 7, 2024

H.B. 24-1139 **Death Benefit for State Employee Surviving Spouse** **Sponsors: Reps. Lieder; Armagost/Sens. Will; Exum**

Workers' compensation - lifetime death benefit for dependent surviving spouse - deceased state employee - job with high-risk classification. Pursuant to the "Workers' Compensation Act of Colorado", death benefits will be paid to a dependent surviving spouse of a deceased employee for life, regardless of remarriage, rather than until remarriage, if the surviving spouse receives death benefits pursuant to law and the deceased employee was a state employee who worked in a job with a high-risk classification.

A job with a "high-risk classification" means certain employees of the Colorado state patrol; certain employees of the Colorado bureau of investigation; certain employees of the department of corrections; firefighters, investigators, and fire marshals employed by the division of fire prevention and control in the department of public safety; wildlife officers and parks and recreation officers employed by the division of wildlife in the department of natural resources; employees of the department of transportation responsible for highway safety and maintenance; and employees of a state institution of higher education who are vested with the powers of a peace officer.
APPROVED by Governor April 4, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 24-1149 **Prior Authorization Requirements Alternatives** **Sponsors: Reps. Bird; Frizell/ Sens. Roberts; Kirkmeyer**

Prior authorization requirements - health-care services - prescription drug benefits - limiting requirements - use of electronic system to process requests - duration of approval - data about requests, denials, and approvals publicly posted - appropriation. With regard to prior authorization requirements imposed by carriers, private utilization review organizations (organizations), and pharmacy benefit managers (PBMs) for certain health-care services and prescription drug benefits covered under a health benefit plan, the act requires carriers, organizations, and PBMs, as applicable, to adopt a program, in consultation with participating providers, to eliminate or substantially modify prior authorization requirements in a manner that removes administrative burdens on qualified providers and their patients with regard to

certain health-care services, prescription drugs, or related benefits based on specified criteria. Additionally, a carrier or organization is prohibited from denying a claim for a health-care procedure a provider provides, in addition or related to an approved surgical procedure, under specified circumstances or from denying an initially approved surgical procedure on the basis that the provider provided an additional or a related health-care procedure.

Starting January 1, 2027, if a provider submits a prior authorization request through an electronic interface or secure electronic transmission system used by the carrier, organization, or PBM, as applicable, the carrier, organization, or PBM to which the request was submitted is required to accept and respond to the request through its interface or electronic transmission system.

A carrier or PBM is prohibited from imposing prior authorization requirements more than once every 3 years for a chronic maintenance drug approved by the federal food and drug administration that the carrier or PBM has previously approved for a person covered under the carrier's or PBM's health benefit plan, except under specified conditions.

The act extends the duration of an approved prior authorization for a health-care service or prescription drug benefit from 180 days to a calendar year.

Carriers are required to post, on their public-facing websites, specified information regarding:

- The number of prior authorization requests that are approved, denied, and appealed;
- The number of prior authorization exemptions from or alternatives to prior authorization requirements provided pursuant to a program developed and offered by the carrier, an organization, or a PBM; and
- The prior authorization requirements as applied to prescription drug formularies for each health benefit plan the carrier or PBM offers.

The act appropriates $36,514 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance to implement the act.

APPROVED by Governor June 3, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die. The act applies to conduct occurring on or after January 1, 2026.

H.B. 24-1220	**Workers' Compensation Disability Benefits**	**Sponsors: Rep. Daugherty/ Sen. Marchman**

Workers' compensation - refusal of modified employment - permanent impairment - increase in benefits - loss of ear - direct deposit. The act allows a claimant for workers' compensation benefits to refuse an offer of modified employment if the employment requires the claimant to drive to or from work and the treating physician has restricted the claimant from driving.

The act adds the loss of an ear to the list of other body parts for which an injured worker can receive whole person permanent impairment benefits.

The act increases the current limitations on the amount of money a claimant may claim based on the claimant's impairment rating as follows:

- For an impairment rating of 19% or less, from $75,000 to $185,000; and
- For an impairment rating greater than 19%, from $150,000 to $300,000.

The act requires a workers' compensation insurer to pay benefits to a claimant by direct deposit upon request by the claimant.

APPROVED by Governor June 4, 2024
PORTIONS EFFECTIVE August 7, 2024
PORTIONS EFFECTIVE January 1, 2025
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die; except that, section 8-42-107.5 (1) and (2), Colorado Revised Statutes, as amended in section 3 of this act, takes effect January 1, 2025. Sections 1 and 4 of this act apply to claims in existence on or after the effective date of this act. Section 2 of this act applies to claims arising on or after the effective date of this act. Section 3 of this act applies to claims arising on or after January 1, 2025.

H.B. 24-1313 **Housing in Transit-Oriented Communities** **Sponsors: Reps. Woodrow; Jodeh/Sens. Hansen; Winter**

Local government - land use - transit-oriented communities - housing opportunity goals - transit centers - transit-oriented communities infrastructure fund grant program. Section 1 of the act establishes a category of local government: A transit-oriented community. As defined in the act, a transit-oriented community is either a local government that:

- Is either entirely or partially within a metropolitan planning organization;
- Has a population of 4,000 or more; and
- Contains at least 75 acres of certain transit-related areas; or

If the local government is a county, contains either a part of:

- A transit station area that is both in an unincorporated part of the county and within one-half mile of a station that serves a commuter rail service or light rail service; or
- A transit corridor area that both is in an unincorporated part of the county and is fully encompassed by one or more municipalities.

The act requires a transit-oriented community to meet its housing opportunity goal. A housing opportunity goal is a zoning capacity goal determined based on an average zoned housing density of 40 dwelling units per acre multiplied by the number of acres of transit-related areas within a transit-oriented community. On or before September 30, 2024, the department of local affairs (department) shall develop a map that identifies the transit-related areas necessary for the calculation of a housing opportunity goal and the various reports required by the act. To accomplish its housing opportunity goal, a transit-oriented community shall ensure that the zoning capacity within certain areas of the transit-oriented community meets or exceeds the transit-oriented community's housing opportunity goal.

The main category of area that the act requires a transit-oriented community to increase the zoning capacity of to meet the transit-oriented community's housing opportunity goal is a transit center. In order to qualify as a transit center, an area must:

- Be composed of zoning districts that uniformly allow a net housing density of at least 15 units per acre;
- Identify the effective net housing density for the area by accounting for dimensional or other restrictions used to regulate density in the area, accounting for minimum parking requirements, and assuming an average housing unit size;
- Not include any area where local law exclusively restricts housing occupancy based on age or other factors;
- Have an administrative approval process for multifamily residential property development on parcels that are 5 acres or less in size; and
- Be located wholly or partially within a transit area or optional transit area and not extend more than one-quarter mile from the edge of a transit area or optional transit area.

In addition to designating an area as a transit center for purposes of meeting a housing opportunity goal, the act allows local governments to designate areas as neighborhood centers for that purpose.

The act requires transit-oriented communities to submit a series of reports to the department regarding the calculation, satisfaction, and implementation of a transit-oriented community's housing opportunity goal. The act requires a transit-oriented community to submit the following to the department:

- On or before June 30, 2025, a preliminary transit-oriented community assessment report to the department that includes the transit-oriented community's housing opportunity goal, the data and method used to calculate that housing opportunity goal, and the areas within the transit-oriented community that may need to be zoned to accomplish that housing opportunity goal;
- On or before December 31, 2026, an identification of the affordability strategies from the standard and long-term affordability strategies menus in the act that the transit-oriented community will implement;
- On or before December 31, 2026, an identification of the displacement mitigation strategies from the long-term displacement mitigation strategies menus in the act that the transit-oriented community will implement; and
- On or before December 31, 2026, a housing opportunity goal report for the department's review and approval that demonstrates that the transit-oriented community has met its housing opportunity goal and complied with the affordability and displacement mitigation requirements of the act.

Additionally, on or before December 31, 2026, a transit-oriented community may notify the department that the transit-oriented community has an insufficient water supply to accomplish its housing opportunity goal, and the transit-oriented community may make a corresponding request for the department to modify the transit-oriented community's housing opportunity goal.

If the department approves a transit-oriented community's housing opportunity goal report on or before December 31, 2027, the department shall designate the transit-oriented community as a certified transit-oriented community. A certified transit-oriented community is the only eligible entity for the transit-oriented communities infrastructure fund grant program (grant program) created within the department. The purpose of the grant program is to assist transit-oriented communities in upgrading infrastructure within transit centers and neighborhood centers. In administering the grant program, the department shall prioritize grant applicants based on the information in the reports described in the act. Grants from the grant program are awarded from money in the transit-oriented communities infrastructure fund (fund). The fund consists of gifts, grants, and donations along with money that the general assembly may appropriate or transfer to the fund and money in the account described in the act. The fund is continuously appropriated. On July 1, 2024, the state treasurer shall transfer $35 million from the general fund to the fund.

Section 2 prohibits a planned unit development resolution or ordinance that is adopted on or after the effective date of the act and that applies within a transit center or neighborhood center from restricting the development of housing more than the local law that applies to that transit center or neighborhood center.

Section 3 requires a local government, when requiring a real property owner to dedicate real property to the public, to provide a private property owner the option of paying a fee, rather than dedicating the private real property to the public, if the real property does not meet local government standards for dedication.

Section 4 makes any restriction by a unit owners' association within a transit center or neighborhood center on the development of housing that is adopted on or after the effective date of the act and is beyond the local law that applies to that transit center or neighborhood center void as a matter of public policy.

Section 5 requires the department of transportation to conduct a study that identifies both:

- Policy barriers and opportunities within the department of transportation including an examination of policies within the state access code, roadway design standards, and the treatment of pedestrian and bicycle crossings. The study must examine the impact of these policies on neighborhood centers and transit centers; and
- The portions of state highway that pass through locally-identified transit centers and neighborhood centers that are appropriate for context-sensitive design, complete streets.

In addition to the $35 million appropriated to the fund, section 7 makes 2 appropriations. First, section 7 appropriates $183,138 to the governor for use by the Colorado energy office to implement the act. Second, section 7 appropriates $70,000 to the governor for use by the office of information technology to provide information services for the department.

APPROVED by Governor May 13, 2024
EFFECTIVE May 13, 2024

H.B. 24-1372 **Regulating Law Enforcement Use of Prone Restraint** **Sponsors: Reps. Woodrow; Herod/Sens. Fields; Gonzales**

Law enforcement use of force - prone restraint - policies and procedures. Current law subjects a peace officer who uses unlawful force or fails to intervene in the unlawful use of force to criminal and civil penalties as well as disciplinary measures through the peace officers standards and training board (P.O.S.T. board). The act defines prone restraint as a use of force.

The act requires law enforcement agencies to adopt written policies and procedures concerning use of the prone position and prone restraint by officers certified by the P.O.S.T. board; sheriff's deputies, regardless of P.O.S.T. board certification; and Colorado state patrol officers. Law enforcement agencies must post the adopted policies and procedures on their publicly accessible websites or make them available upon request. The policies and procedures must address how and when to request or render medical aid for use of force involving prone restraint, when to get medical clearance for use of force involving a prone restraint when there are injuries or complaints of injuries, how and when to render appropriate medical aid within the scope of a peace officer's training for any use of force involving prone restraint, and how and when to transition a person placed in a prone position into a recovery position that allows the person to breathe normally.

The act requires law enforcement agencies to review the adopted policies and procedures at least every five years and, beginning on or before July 1, 2026, to implement and train peace officers on their contents. The P.O.S.T. board must make its training on the use of the prone position available to all law enforcement agencies in the state.

APPROVED by Governor June 3, 2024
EFFECTIVE June 3, 2024

H.B. 24-1378 **Consumer Protection in Event Ticket Sales** **Sponsors: Reps. Lindstedt; Valdez/Sens. Sullivan; Gardner**

Colorado Consumer Protection Act - deceptive trade practices - ticket sales and resales - violations. The act amends consumer protection laws regarding ticket sales and resales for events. The act requires operators and resellers to guarantee refunds to purchasers of tickets under certain circumstances; prohibits an operator from denying an individual access or revoking an individual's valid ticket to an event because the individual's ticket was bought through a reseller; and clarifies that an operator may revoke or restrict tickets for reasons relating to a violation of venue policies that are available in writing, for safety of patrons, or to address fraud or misconduct.

The act establishes that it is a deceptive trade practice when, in the course of a person's business, vocation, or occupation, the person:

- Uses an internet domain name or subdomain name in an operator or reseller's URL if the domain name or subdomain name used contains the name of the place of entertainment, name of the event, name of individual or entity scheduled to perform at the event, or a name that is substantially similar to those names without prior written authorization;

- Uses, without prior written authorization, an internet website to display a text, image, graphic, design, or internet address that is substantially similar to an operator's internet website that could mislead a potential purchaser;
- Sells a ticket to an event without disclosing the total cost of the ticket, including the cost of any service charge or other fees that must be paid, or displays service charges and fees less prominently than the total price of the ticket;
- Makes a false or misleading disclosure of subtotals, fees, charges, or any other component of the total ticket price; or
- Increases the price of a ticket after the first time the price is displayed to the purchaser, with certain exceptions.

APPROVED by Governor June 5, 2024
EFFECTIVE August 7, 2024
NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 24-1451 **Include Hair Length in Crown Act** **Sponsors: Reps. Herod; Ricks/Sens. Buckner; Coleman**

Protections against discrimination - traits associated with race - hair length. In 2020, the general assembly enacted the "CROWN Act of 2020", which specified that, for purposes of anti-discrimination laws in the context of public education, employment and housing practices, public accommodations, and advertising, discrimination on the basis of one's race includes discrimination on the basis of traits commonly or historically associated with race, such as hair texture, hair type, and protective hairstyles. The act adds hair length that is commonly or historically associated with race to the list of traits associated with one's race.

APPROVED by Governor June 3, 2024
EFFECTIVE June 3, 2024

H.B. 24-1454 **Grace Period Noncompliance Digital Accessibility** **Sponsors: Rep. Ortiz/ Sens. Pugliese; Lundeen**

Accessibility standards - extension of liability - requirements. Current law requires state agencies and public entities to comply with digital accessibility standards on or before July 1, 2024. The act provides a one-year extension to July 1, 2025, of immunity from liability for failure to comply with the digital accessibility standards for an agency that demonstrates good faith efforts toward compliance or toward resolution of any complaint of noncompliance. To be eligible for the extension, the act requires the agency to post quarterly reports on progress and create a process for redress for inaccessible digital products.

APPROVED by Governor May 24, 2024
EFFECTIVE May 24, 2024