



OFFICE OF GOVERNMENT RELATIONS
CU Initiated State Legislation

The First Regular Session of the seventieth session of the Colorado General Assembly convened on January 10, 2018 and ended on May 9, 2018.

S.B. 18-086

**Cyber Coding Cryptology for State
Records**

**(Lambert, Williams/Ginal,
Rankin)**

The chief information security officer in the governor's office of information technology (OIT), the director of OIT, the department of state, and the executive director of the department of regulatory agencies are required to take certain actions to protect state records containing trusted sensitive and confidential information from criminal, unauthorized, or inadvertent manipulation or theft. The chief information security officer is required to: Identify, assess, and mitigate cyber threats to state government; Annually collect information from all public agencies to assess the nature of threats to data systems and the potential risks and civil liabilities from the theft or inadvertent release of such information; In coordination and partnership with specified agencies, boards, and councils, annually assess the data systems of each public agency for the benefits and costs of adopting and applying distributed ledger technologies such as blockchains; Develop and maintain a series of metrics to identify, assess, and monitor each public agency data system for its platform descriptions, vulnerabilities, risks, liabilities, appropriate employee access control, and the benefits and costs of adopting encryption and distributed ledger technologies. The director of OIT is required to consider the annual metrics from the office of the chief information security officer to recommend programs, contracts, and upgrades of data systems that have good cost-benefit potential or return on investment. In addition, OIT and the office of the chief information security officer are required to consider developing public-private partnerships and contracts to allow capitalization of encryption technologies while protecting intellectual property rights. The department of state is required to consider research, development, and implementation for encryption and data integrity techniques, including distributed ledger technologies such as blockchains. The department of state is required to consider using distributed ledger technologies when accepting business licensing records and when distributing department of state data to other departments and agencies. The executive director of the department of regulatory agencies or the director's designee is required to consider secure encryption methods, including distributed ledger technologies, to protect against falsification, create visibility to identify external hacking threats, and to improve internal data security. In addition, the bill specifies that institutions of higher education may include distributed ledger technologies within their curricula and research and development activities. The bill also specifies that the university of Colorado at Colorado Springs and any nonprofit organization with which the university has a partnership may consider: Encouraging coordination with the United States department of commerce and the national institute of standards and technologies to develop the capability to act as a Colorado in-state center of excellence on cybersecurity advice and national institute of standards and technologies standards; Studying efforts to protect privacy of personal identifying information maintained within distributed ledger programs, ensuring that programs make all attempts to follow best practices for privacy, and providing advice to all program stakeholders on the requirement to maintain privacy in accordance with required regulatory bodies and governing standards; and Encouraging the use of distributed ledger technologies, such as blockchains, within their proposed curricula for public sector education.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

S.B. 18-206

**Research Institutions Affordability
for Residents**

(Priola, Kerr/Arndt, Wist)

Under current law, the number of in-state students enrolled at public institutions of higher education is governed by various percentage limits and requirements. The bill standardizes the calculation for public research institutions in the following ways: Requires the university of northern Colorado (UNC) and the Colorado school of mines (CSM), in addition to the university of Colorado (CU) and Colorado state university (CSU), to admit 100% of academically qualified Colorado first-time freshman students; Reduces the various percentages so that in-state students make up no less than 55% of total enrollments at each campus of CU and at CSU, UNC, and CSM, excluding foreign students and students enrolled solely in online courses; and Increases the cap on foreign students enrolled at CU and CSU to 15% of total student enrollment and includes UNC and CSM in the percentage limit. The department of higher education shall submit an annual report to specified committees of the general assembly demonstrating that the institutions included in the bill have met resident admission and enrollment requirements. The department and the public research institutions shall ensure that necessary data is available for the report.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

H.B. 18-1003

Opioid Misuse Prevention

(Pettersen/Priola, Jahn)

Opioid and Other Substance Use Disorders Interim Study Committee. Section 1 of the bill establishes in statute the opioid and other substance use disorders study committee, consisting of 5 senators and 5 representatives from the general assembly, to: Study data and statistics on the scope of the substance use disorder problem in Colorado; Study current prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans, as well as public and private insurance coverage and other sources of support for treatment and recovery resources; Review the availability of medication-assisted treatment and the ability of pharmacists to prescribe those medications; Examine measures that other states and countries use to address substance use disorders; Identify the gaps in prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans and hurdles to accessing those resources; and Identify possible legislative options to address gaps and hurdles to accessing prevention, intervention, harm reduction, treatment, and recovery resources. The committee is authorized to meet 6 times in a calendar year and may report up to 6 legislative measures to the legislative council, which bills are exempt from bill limitations and introduction deadlines. The committee is repealed on July 1, 2020. Section 2 requires the governor to direct the Colorado consortium for prescription drug abuse prevention to: Create a process to develop a plan that addresses the full continuum of recovery services; Develop a definition for recovery residences and recommend whether the residences should be licensed; and Report recommendations to the general assembly. Section 3 specifies school-based health care centers may apply for grants from the school-based health center grant program to expand behavioral health services to include treatment for opioid and other substance use disorders and requires the department of public health and environment to prioritize funding to the centers that serve communities with high-risk factors. Section 4 directs the department of health care policy and financing, starting July 1, 2018, to award grants to organizations to operate a substance abuse screening, brief intervention, and referral program. Section 5 creates the Charlie Hughes and Nathan Gauna opioid prevention pilot program in the Tony Grampsas youth services program for preventing opioid use among the youth population and supporting youth whose family members experience addiction. The Tony Grampsas youth services board shall oversee a grant process for the pilot program using specific criteria. The Tony Grampsas youth services program shall award the grants on or before October 1, 2018. The bill creates a fund for the direct and indirect costs associated with the program. The department of human services is required to work with the grant recipients and submit a report to the general assembly on or before January 1, 2021, regarding the progress of the grant recipients.

Section 6 directs the center for research into substance use disorder prevention, treatment, and recovery to develop and implement continuing medical education activities to help prescribers of pain medication to safely and effectively manage patients with chronic pain, and when appropriate, prescribe opioids. Sections 3 through 6 also direct the general assembly to appropriate money to implement those sections. Section 7 appropriates: \$675,00 to the department of health care policy and financing from the marijuana tax cash fund to implement the bill; \$750,000 to the department of higher education from the marijuana tax cash fund for research purposes; \$1,500,000 to the youth opioid and substance use prevention fund from the marijuana tax cash fund; \$500,000 to the department of human services from reappropriated funds for use by the division of child welfare; \$90,928 to the department of humans services from the marijuana tax cash fund for use by the division of child welfare; \$39,249 to the legislative department from the general fund; and \$775,00 to the department of public health and environment from the marijuana tax cash fund for use by the prevention services division.

APPROVED by Governor May 21, 2018

EFFECTIVE May 21, 2018

H.B. 18-1309 Programs Addressing Educator (Coleman, Wilson/Hill)
Shortages

The bill requires the Colorado department of education and the Colorado department of higher education to create the framework for a grow your own educator program that includes the following provisions: Enrollment in a grow your own educator program at a participating institution of higher education; Employment with a school district or a district or institute charter school (charter school) under a teacher of record license during the student's final year of the grow your own educator program; Payment of tuition by the school district or charter school for up to the student's last 36 credit hours of the grow your own educator program; In exchange for payment of tuition, the student's commitment to work in the same school district or charter school for 3 years after completion of the grow your own educator program; and A state grant to the employing school district or charter school to pay a portion of up to the final 36 credit hours of the student's in-state tuition at the institution of higher education, limited to 50 new students annually, with a limit on the number of grants distributed to each school district and to institute charter schools. Institutions of higher education and participating school districts or charter schools are required to enter into an agreement that includes provisions set forth in the bill. Further, school districts or charter schools and teachers of record employed by the school district or charter school are required to enter into an agreement that includes provisions set forth in the bill. The bill prioritizes the award of grants to participating school districts or charter schools first for graduates of Colorado high schools who commit to teaching in a community that is experiencing a teacher shortage in a grade level or content area and second to students who commit to teach in a rural school with a teacher shortage in a grade level or content area. The department of education shall report to the education committees of the general assembly in any year in which a grant is awarded concerning information on students and school districts or charter schools participating in the program. The bill establishes a teacher of record license for a student who has completed all or substantially all of the course work requirements for a baccalaureate degree, but has not completed teacher field work requirements. A student who holds a teacher of record license may be employed by a school district or charter school through the grow your own educator program or through a teacher of record program established in the bill. The student must work for a school district or charter school that has identified a critical teacher shortage and has a vacant position for which no other qualified applicant has applied. A teacher of record license is valid for 2 years. The bill creates a second program that authorizes local education providers, as defined in the bill, to implement a one- or 2-year teacher of record program. As part of a teacher of record program, a local education provider, as defined in the bill, may employ a person holding a teacher of record license in a vacant position if there are no other qualified, licensed applicants to fill the position. The department of education shall report annually to the education

committees of the general assembly concerning information relating to teacher of record programs. The bill amends the special services intern authorization to allow the authorization to be renewed for a second academic year if the intern is employed by a school district or board of cooperative services and the intern has not completed a program of preparation for a special services provider due to unforeseen circumstances or hardship. The bill amends the school counselor corps grant program to define 'school counselor' to include a person who holds a special services intern authorization. The bill amends the behavioral health care professional matching grant program to include state-certified professionals qualified to provide services to children and adolescents. The bill creates the partnership for rural education (partnership) at the Denver campus of the University of Colorado to collaborate with other institutions of higher education to bring customized solutions to local education providers experiencing teacher shortages. The partnership shall prepare and submit an annual report to the department of education, the department of higher education, and to the general assembly concerning data collected and strategies identified by the partnership to address teacher shortages in the state. The bill make appropriations to implement the bill.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

 **OFFICE OF GOVERNMENT RELATIONS**
Key State Higher Education Legislation

S.B. 18-069 **Enforcement Statewide Degree** **(Holbert, Zenzinger/Garnett,**
Transfer Agreements **Becker, J.)**

If an institution of higher education admits as a junior a transfer student who holds an associate of arts degree, associate of applied science degree, or an associate of science degree that is the subject of a statewide degree transfer agreement, the institution shall not require the student to complete any additional courses to fulfill general education requirements. The institution may require the student to complete additional courses for the major that are not part of the statewide transfer agreement if doing so does not require the student to take more total credit hours or total time to receive the degree than students who started the degree program at the institution. If the institution requires the student to complete additional courses for the baccalaureate degree other than those authorized in the bill, the institution is responsible for the total cost of tuition for any required credit hours that exceed the total credit hours required for students who started the degree program at the institution or that extend the total time to complete the degree.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

S.B. 18-085 **Financial Incentives for Education in** **(Todd/McLachlan)**
Rural Areas

Current law allows the department of higher education to provide up to 20 financial stipends annually, not to exceed \$6,000 each, to teachers in rural schools or school districts (rural schools) who are seeking certification as a national board certified teacher, seeking certification as a concurrent enrollment teacher, or furthering their professional development plan through continuing education, and who commit to employment in a rural school for a minimum of 3 years. The bill increases the number of available stipends to 60 and expands it to include teachers completing an approved alternative licensure program leading to initial licensure and full-time employment in a rural school or school district that serves rural schools and individuals completing the required course work leading to certification and employment in a rural school or a rural school district that serves rural schools.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

S.B. 18-087 **In-state Tuition Foreign Nationals** **(Fenberg/Michaelson Jenet,**
Settled in Colorado **Winter)**

The bill contains a legislative declaration about the circumstances facing special immigrants and refugees and the benefit of access to education. The bill grants eligibility for in-state tuition status to refugees and special immigrants admitted to the United States pursuant to federal law who have settled in Colorado.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

S.B. 18-101 **Colorado State University Global** **(Holbert, Todd/Hammer, Van**
Campus Student Admission Criteria **Winkle)**

Under existing law, Colorado state university - global campus is prohibited from admitting first-time freshman baccalaureate students who reside in Colorado and who are under 23 years of age. The bill removes that prohibition.

APPROVED by Governor March 22, 2018
EFFECTIVE August 8, 2018

S.B. 18-160 Charter School Induction and Alternative Licensure Program (Lambert/Hamner)

Under existing law, school districts are permitted to operate induction programs for teachers, special services providers, principals, and administrators, and alternative licensure programs for teachers and principals, who do not hold professional licenses. The bill clarifies that charter schools and the state charter school institute may operate such programs.

APPROVED by Governor April 2, 2018
EFFECTIVE August 8, 2018

S.B. 18-229 Colorado Department of Education Student Teacher Criminal History Record Checks (Martinez Humenik/Ransom, McLachlan)

The bill permits a student in an educator preparation program who is seeking field experiences in a school (student) to submit his or her fingerprints to the Colorado bureau of investigation (bureau) for the purpose of performing a fingerprint-based criminal history record check for the student. Upon completion of the fingerprint-based criminal history record check, the bureau must forward the results to the department of education (department). If the fingerprint-based criminal history record check of a student performed pursuant to this section reveals a record of arrest without a disposition, the department is required to perform a name-based criminal history record check of that student. The department must provide the results of the background checks to the educator preparation program in which the student is enrolled and make the results available to schools and school districts. When the department receives an update from the bureau, the department must provide that update to each education preparation program, school district, and charter school in which the student has been placed for field experiences. The department may charge a fee to cover the actual costs of administering a student's criminal history record check. School districts or charter schools that require a criminal history record check for students are required to accept the results of a criminal history record check performed by the bureau or department. If the student has continuously resided in Colorado, the fingerprints may be used by the student to satisfy the existing fingerprint submission requirements for teacher licensure.

APPROVED by Governor May 24, 2018
EFFECTIVE August 8, 2018

S.B. 18-262 Higher Education Targeted Master Plan Funding (Gardner, Duran/Bridges)

The bill makes appropriations to the department of higher education for need-based grants, student stipends, fee-for-service contracts with institutions of higher education, local district college grants, and area technical colleges.

APPROVED by Governor May 29, 2018
EFFECTIVE May 29, 2018

H.B. 18-1002 Rural School District Teaching Fellowship Programs (Hamner, Rankin/Coram, Todd)

The bill directs the department of education to identify geographic areas within the state and specific subjects for which there is a teacher shortage. Under the bill, a rural school district, rural charter school, or rural board of cooperative services (rural local education provider) and a public or private institution of higher education (institution) may enter into an agreement to provide a teaching fellowship program for students enrolled in the fourth year of the approved educator preparation program. The rural local

education provider must be located within an identified area or need a teacher for one of the identified subjects and demonstrate chronic hiring difficulty and financial need; the institution must offer an approved educator preparation program. The agreement must include the commitments of both the rural local education provider and the institution, including the commitments of both the rural local education provider and the institution to jointly design an individualized fellowship plan for each teaching fellow that addresses necessary competencies, the rural local education provider's commitment to extend an offer of employment to the teaching fellow when he or she successfully completes the fellowship year, and the institution's commitment to pay a percentage of a stipend to the teaching fellow during the fellowship year. Each teaching fellow receives a stipend of \$10,000 to use for costs of attendance during the fellowship year. The department of higher education, based on the rural local education provider's demonstrated chronic hiring difficulties and financial need, will annually select up to 100 teaching fellows for which the state will provide 50% of the stipend through the state financial assistance program. For these teaching fellows, the institution must provide the remaining 50% from institutional financial assistance. If the teaching fellow receives an offer of employment from the rural local education provider for the 2 school years following completion of the fellowship and does not work for the rural local education provider for those 2 school years, the teaching fellow must repay the amount of the stipend. The rural local education provider and institution must prepare an annual report concerning implementation of the teaching fellowship program and submit it to the department of higher education. The department must prepare a summary report concerning the implementation and effect of the teaching fellowship programs throughout the state and submit the report to the state board of education, the Colorado commission on higher education, and the joint budget committee and education committees of the general assembly.

APPROVED by Governor May 25, 2018

EFFECTIVE May 25, 2018

**H.B. 18-1086 Community College Bachelor Science (Buckner, Lundeen/Neville,
Degree Nursing Aguilar)**

The bill allows, with board approval, a community college that is part of the state system of community and technical colleges (community college) to offer a bachelor of science degree in nursing as a completion degree (nursing degree). In considering a request from a community college to offer a nursing degree, the board shall consider student and workforce demand, cost effectiveness for students, and accreditation and licensing requirements. At least 90 days prior to requesting board approval to offer a nursing degree, a community college shall provide notice of its request to all state institutions of higher education.

A reporting requirement is added providing that each state-supported institution of higher education that offers a nursing degree provide the department of higher education with an annual report concerning its nursing degree program.

APPROVED Became law without Governor's signature March 24, 2018

EFFECTIVE March 24, 2018

**H.B. 18-1189 Expanding Effective Teacher (Pettersen, Sias/Hill, Todd)
Residency Programs**

The bill creates the teacher residency expansion program (program) in the department of education (department). The goal of the program is to identify and communicate to school districts, charter schools, and boards of cooperative services that operate public schools (local education providers) the best practices, effective strategies, and critical components of effective teacher residency programs and thereby facilitate expansion of the effective teacher residency programs across the state. To implement the program, the department will contract with an institution of higher education (institution) and an alternative teacher program (alternative program), each of which is currently operating an effective

teacher residency program with a local education provider. The institution and alternative program will expand their respective teacher residency programs with other local education providers as pilot programs that must include specified components. The institution and alternative program will share the specified components with the department, which will share them with other local education providers, institutions, and alternative programs that are not participating in the pilot programs. After the pilot programs have operated for a year, and annually thereafter, the department will evaluate the success of the pilot programs based on specified criteria. The department will submit a report concerning the evaluation to the state board of education, the Colorado commission on higher education, the executive director of the department of higher education, the governor's office, and the education committees of the general assembly. The department will also post the report on its website. The department will distribute to the institution and alternative program that contract with the department an amount to offset a portion of the costs of implementing the pilot program. The institution and alternative program must agree to provide matching funds equal to 100% of the amount distributed to the institution and alternative program by the department. The program is repealed in 5 years.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1226 Higher Education Review Degree Program Costs and Outcomes (Everett, Bridges/Smallwood, Fenberg)

The bill requires the department of higher education (department) to prepare an annual return on investment report of undergraduate degree programs and certificate programs offered at each institution of higher education, as defined in the bill. The bill specifies the information and analysis that must be included in the return on investment report, which includes, in part, the average student loan debt for students in the undergraduate degree program or certificate program, and the average time to completion for students in the degree program or certificate program. The department shall submit the annual return on investment report to the education committees of the general assembly and shall post the report on the department's website.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

H.B. 18-1300 Bachelor Nursing Completion Degree Local District College (Young, Buck/Marble, Cooke)

The bill allows a local district college (college), such as Aims community college, to offer a bachelor of science degree in nursing program as a completion degree in nursing to students who have or are pursuing an associate degree in nursing, provided that the college's board of trustees determines it is appropriate to address the needs of the communities within its service area, as approved by the Colorado commission on higher education based on existing criteria.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

H.B. 18-1331 Higher Education Open Educational Resources (Young, Rankin/Lundberg)

Joint Budget Committee. The bill creates the Colorado open educational resources council (council) in the department of higher education (department). The council includes persons appointed by the executive director of the department from public institutions of higher education, including a student; the executive director of the department; the commissioner of education; and the state librarian. The council is directed to: Recommend to the Colorado commission on higher education (commission) statewide policies for promoting the adaptation, creation, and use of open educational resources at public institutions of higher education across the state; Facilitate professional development and the sharing of

knowledge regarding open educational resources for public institutions of higher education, faculty, staff, and students; Implement the open educational resources grant program (grant program) created in the bill; and Submit to the commission, the joint budget committee, and the education committees of the general assembly an annual report concerning the use of open educational resources in public institutions of higher education across the state. The bill creates the grant program to provide grants to public institutions of higher education to develop the use of open educational resources at the institutions and grants to faculty and staff, individually or in groups, to create and adapt open educational resources. Each grant recipient must submit information to the council concerning its use of the grant and the effectiveness of the open educational resources initiative funded by the grant. The council must include a summary of the information received in the annual report. The council and the grant program are repealed, effective November 1, 2021. The bill directs the commission to adopt guidelines requiring public institutions of higher education, beginning in the fall of 2021, to inform students concerning those courses that use open educational resources.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

H.B. 18-1332 Collaborative Educator Preparation Program Grant (Hamner, Rankin/Moreno)

Joint Budget Committee. The bill creates in the department of higher education (department) the collaborative educator preparation grant program (grant program) to support joint initiatives among educator preparation programs, alternative teacher programs, school districts, boards of cooperative services, and public schools for preparing and placing educators. The department, working with the rural education coordinator, is directed to convene meetings of educator preparation programs, alternative teacher programs, school districts, boards of cooperative services, and public schools to assist them in jointly preparing grant initiatives. The department must review the grant initiatives that are submitted and, taking into account specified criteria, select initiatives to receive one-time grants. Each grant recipient must report specified information to the department concerning the use of the grant money. The department must submit a report to the joint budget committee and the education committees of the general assembly concerning implementation of the grant program and whether it was successful in addressing the teacher shortage in the state. The grant program repeals July 1, 2021.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

H.B. 18-1437 Costs of College-level Courses In Corrections Educational Program (Herod/Neville, T.)

Under current law, the correctional education program in the department of corrections is required to provide every person in a correctional facility who demonstrates college-level aptitudes with the opportunity to participate in college-level academic programs that may be offered within the correctional facility. However, unless financial assistance for costs of the programs is provided through certain programs or through private or federally funded grants or scholarships, costs associated with such college-level academic programs must be borne entirely by the person participating in the program. The bill removes this stipulation concerning costs and states instead that such costs may be borne through private, local, or federally funded gifts, grants, donations, or scholarships, or by such persons themselves, or through any combination of such funding.

APPROVED May 22, 2018

EFFECTIVE August 8, 2018



OFFICE OF GOVERNMENT RELATIONS
Key State Health Care Legislation

S.B. 18-022

Clinical Practice for Opioid Prescribing

**(Tate,
Aguilar/Pettersen,
Kennedy)**

Opioid and Other Substance Use Disorders Interim Study Committee. The bill restricts the number of opioid pills that a health care practitioner, including physicians, physician assistants, advanced practice nurses, dentists, optometrists, podiatrists, and veterinarians, may prescribe for an initial prescription to a seven-day supply and allows each health care practitioner to exercise discretion to include a second fill for a seven-day supply, unless, in the judgment of the practitioner, the patient: Has chronic pain that typically lasts longer than 90 days or past the time of normal healing, as determined by the podiatrist, or following transfer of care from another podiatrist who prescribed an opioid to the patient; Has been diagnosed with cancer and is experiencing cancer-related pain; or Is experiencing post-surgical pain that, because of the nature of the procedure, is expected to last more than 14 days. Additionally, an advanced practice nurse may prescribe a refill if the patient is undergoing palliative or hospice care. The restrictions repeal on September 1, 2021. Current law allows health care practitioners and other individuals to query the prescription drug monitoring program (program). The bill requires health care practitioners to indicate his or her specialty or practice area upon the initial query and to query the program prior to prescribing the second fill for an opioid unless the person receiving the prescription meets certain requirements. The bill requires the department of public health and environment to report to the general assembly its findings from studies regarding the prescription drug monitoring program conducted pursuant to a federal grant program.

APPROVED by Governor May 21, 2018

EFFECTIVE May 21, 2018

S.B. 18-027

Enhanced Nurse Licensure Compact

**(Smallwood,
Todd/Kraft-Tharp,
McKean)**

The bill repeals the current 'Nurse Licensure Compact' and adopts the 'Enhanced Nurse Licensure Compact'. The 'Enhanced Nurse Licensure Compact' makes the following changes to the 'Nurse Licensure Compact': Provides authority to each party state licensing board to obtain and submit criminal background checks for multistate nurse licensure candidates; Allows the Interstate Commission of Nurse Licensure Compact Administrators to adopt rules related to the compact; and Specifies the procedure for states to enter, withdraw from, or amend the compact.

APPROVED by Governor January 18, 2018

EFFECTIVE January 18, 2018 (Section 1 takes effect July 17, 2018)

H.B. 18-1006

Infant Newborn Screening

**(Hamner, Liston/Gardner,
Moreno)**

The bill updates the current newborn screening program to require more timely newborn hearing screenings. The department of public health and environment (department) is authorized to assess a fee for newborn screening and necessary follow-up services. The bill creates the newborn hearing screening cash fund for the purpose of covering the costs of the program. The bill requires the state board of health to promulgate rules: Concerning the requirements of the newborn screening program for genetic and metabolic disorders; Requiring entities with information pertinent to newborn screening to report to the department; and To establish and maintain appropriate follow-up services for newborns at risk of

hearing loss and newborns who fail to receive screening. The bill requires the department to develop and publish materials on its website for education and training on cytomegalovirus. The bill appropriates money to the department from: The information technology cash fund for use by the center for health and environmental data for an information and technology system for hearing loss screening; The newborn screening and genetic counseling cash fund for use by the laboratory services division; and The newborn hearing screening cash fund for use by the center for health and environmental data.

APPROVED by Governor June 4, 2018

EFFECTIVE July 1, 2018

H.B. 18-1007

Substance Use Disorder Payment and Coverage

(Kennedy, Singer, Lambert, Jahn)

Opioid and Other Substance Use Disorders Interim Study Committee. The bill requires all individual and group health benefit plans to provide coverage without prior authorization for a five-day supply of at least one of the federal food and drug administration-approved drugs for the treatment of opioid dependence for a first request within a 12-month period. The bill prohibits carriers from taking adverse action against a provider or from providing financial incentives or disincentives to a provider based solely on a patient satisfaction survey relating to the patient's satisfaction with pain treatment. The bill clarifies that an 'urgent prior authorization request' to a carrier includes a request for authorization of medication-assisted treatment for substance use disorders. The bill permits a pharmacy that has entered into a collaborative pharmacy practice agreement with one or more physicians to administer injectable antagonist medication for substance use disorders and receive an enhanced dispensing fee for the administration. The bill requires the Colorado medical assistance program to authorize reimbursement for at least one federal food and drug administration-approved ready-to-use opioid overdose reversal drug without prior authorization. The bill permits a pharmacy that has entered into a collaborative pharmacy practice agreement with one or more physicians to administer injectable opioid antagonist medication for substance use disorders and receive an enhanced dispensing fee under the Colorado medical assistance program for the administration. The bill requires the department of health care policy and financing and the office of behavioral health in the department of human services to establish rules that standardize utilization management authority timelines for the nonpharmaceutical components of medication-assisted treatment for substance use disorders.

APPROVED by Governor May 21, 2018

EFFECTIVE January 1, 2019

H.B. 18-1091

Dementia Diseases and Related Disabilities

(Beckman, Ginal/ Smallwood, Todd)

The bill updates statutory references to Alzheimer's and other dementia diseases and reflects that dementia diseases have related disabilities impacting memory and other cognitive abilities. Missing persons with a dementia disease and related disability are added to the missing senior citizen and missing person with developmental disabilities alert program, and the program is renamed to reflect this change. The Alzheimer's disease treatment and research center within the university of Colorado school of medicine is renamed the dementia diseases and related disabilities treatment and research center.

APPROVED by Governor March 29, 2018

EFFECTIVE August 8, 2018

H.B. 18-1136

Substance Use Disorder Treatment

(Pettersen/Priola, Jahn)

Opioid and Other Substance Use Disorders Interim Study Committee. The bill adds residential and inpatient substance use disorder services and medical detoxification services to the Colorado medical assistance program. The benefit is limited to persons who meet nationally recognized, evidence-based level of care criteria for residential and inpatient substance use disorder treatment. The benefit will not

be effective until the department of health care policy and financing (department) seeks and receives any federal authorization necessary to secure federal financial participation in the program. Prior to seeking federal approval, the department shall seek input from stakeholders regarding decisions relating to the benefit. The department shall prepare and submit a performance review report to committees of the general assembly concerning services provided under the benefit and the effectiveness of those services. After considering the performance review report, the general assembly may enact legislation modifying or repealing the benefit. If an enhanced residential and inpatient substance use disorder treatment and medical detoxification services benefit becomes available, managed care organizations shall reprioritize the use of money allocated from the marijuana tax cash fund to assist in providing treatment, including residential treatment, to persons who are not otherwise covered by public or private insurance.

APPROVED by Governor June 5, 2018

EFFECTIVE Upon signature

 OFFICE OF GOVERNMENT RELATIONS
Other Legislation

S.B. 18-001

**Transportation Infrastructure
Funding**

**(Baumgardner, Cooke/Buck,
Winter)**

Concerning transportation infrastructure funding, and, in connection therewith, requiring specified amounts to be transferred from the general fund to the state highway fund, the highway users tax fund, and a new multimodal transportation options fund during state fiscal years 2018-19 and 2019-20 for the purpose of funding transportation projects and to the state highway fund during any state fiscal year from 2019-20 through 2038-39 for state highway purposes and to repay any transportation revenue anticipation notes that may be issued as specified in the bill and, if no citizen-initiated ballot measure that requires the state to issue transportation revenue anticipation notes is approved by the voters of the state at the November 2018 general election, requiring the secretary of state to submit a ballot question to the voters of the state at the November 2019 statewide election, which, if approved, would require the state, with no increase in any taxes, to issue additional transportation revenue anticipation notes for the purpose of addressing critical priority transportation needs in the state by funding transportation projects; would exclude note proceeds and investment earnings on note proceeds from state fiscal year spending limits; and would reduce the amount of lease-purchase agreements required by current law to be issued for the purpose of funding transportation projects.

APPROVED by Governor May 31, 2018

EFFECTIVE The portions of the bill that create FY 2018-19 and FY 2019-20 transfers, establish the Multimodal Fund, require a managed lanes study, and require the PUC to consider alternative vehicle infrastructure take effect upon signature of the Governor, or upon becoming law without his signature. The bill refers a 2019 ballot measure only if a 2018 ballot measure does not appear or is rejected by voters. The portions of the bill that repeal lease-purchase agreements take effect conditional on approval of a 2018 initiated measure that does not increase taxes or the referred 2019 ballot measure in this bill. The portions of the bill authorizing ongoing transfers take effect unless a 2018 ballot measure that does not increase taxes is approve. The portions of the bill that require the issuance of TRANs and increase electric vehicle registration fees take effect conditional on approval of a 2019 ballot measure only.

S.B. 18-002

Financing Rural Broadband Deployment

**(Coram, Sonnenberg/
Becker, K., Duran)**

Section 1 of the bill amends the definition of 'broadband network' to increase the speed of downstream broadband internet service from at least 4 megabits per second to at least 10 megabits per second and the definition of 'unserved area' to refer to an area that is unincorporated, or within a city with a population of fewer than 7,500 inhabitants, and that is not receiving federal support to construct a broadband network to serve a majority of the households in each census block in the area. Section 2 requires the public utilities commission (commission), in 2019, to allocate 60% of the total amount of high cost support mechanism (HCSM) money that the nonrural incumbent local exchange carrier would receive to the HCSM account dedicated to broadband deployment, and to allocate an additional 10% of the total money that the nonrural incumbent local exchange carrier would receive in each subsequent year until, in 2023, all of the money that the nonrural incumbent local exchange carrier would receive is allocated to the HCSM account dedicated to broadband deployment. Section 2 also removes a requirement that the commission reduce the rate of the HCSM surcharge by a certain percentage of the money transferred from the HCSM to the broadband fund for the deployment of broadband into rural areas. Section 2 requires that the HCSM surcharge rate that existed on January 1, 2018, be maintained; except that, in calendar year 2024, the commission may reduce the rate to ensure that the amount of money collected

does not exceed \$25 million in 2024. For the period of January 1, 2019, through December 1, 2023, section 2 maintains the amount of support received by rural telecommunications providers for basic service at the level of support they received on January 1, 2017. Section 2 also prohibits the commission from making effective competition determinations in 2019 through 2023 with respect to making distributions of high cost support mechanism money. Finally, section 2 requires the commission, on or before December 31, 2018, to establish a plan to eliminate, on an exchange-area-by-exchange-area basis, provider-of-last-resort obligations consistent with the reductions in the high cost support mechanism distributions for basic service. Section 3 makes conforming amendments. Section 4 updates language regarding the use of money from the HCSM for broadband deployment grant applications approved by the broadband deployment board (board) to have money transferred directly from the HCSM to approved broadband deployment grant applicants. Section 4 changes the membership of the board from 16 to 17 members, adding 2 members representing the broadband industry and removing one member representing the public. Section 4 clarifies conflict-of-interest procedures that a board member must follow. Section 4, with regard to the board's grant application process, also: Allows a grant applicant to apply for grants for multiple projects in a single year; Prohibits the board from funding a proposed project that overlaps or overbuilds another broadband project; Clarifies that the board may award a grant for a proposed project that will provide high-speed internet access at measurable speeds of at least 10 megabits per second downstream and one megabit per second upstream or at measurable speeds at least equal to the federal communications commission's definition of high-speed internet access or broadband, whichever is faster; Requires the board to grant an incumbent broadband provider's appeal if the incumbent broadband provider demonstrates, by a preponderance of the evidence, that an area covered by an application does not qualify as an unserved area; and Allows an applicant to amend the applicant's application at any time to remove coverage of an area that does not qualify as an unserved area. Sections 2 and 5 repeal the commission's functions of administering the high cost support mechanism on September 1, 2024, subject to the department of regulatory agencies' review of the functions through its sunset review process.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

S.B. 18-200

**Modifications to PERA Public Employees'
Retirement Association To Eliminate
Unfunded Liability**

**(Tate, Priola/Becker,
K., Pabon)**

The public employees' retirement association (PERA) provides retirement and other benefits to employees of the school districts, state, local governments, and other public entities across the state. The bill makes changes to the hybrid defined benefit plan administered by PERA with the goal of eliminating, with a high probability, the unfunded actuarial accrued liability of each of PERA's divisions and thereby reach a 100% funded ratio for each division within the next 30 years. The bill modifies benefits, increases contributions, ensures alignment of contributions, service credit, and benefits, and makes other modifications as follows: Highest Average Salary (HAS): Currently, for a PERA member who is not in the judicial division of PERA, the member's HAS is based on an average of the highest annual salaries associated with 3 periods of 12 consecutive months of service with a base year. For a PERA member who is in the judicial division of PERA, the member's HAS is based on an average of the highest annual salaries associated with 12 consecutive months of service. For all new PERA members hired on or after January 1, 2020, who are not in the judicial division, and for all existing PERA members who do not have 5 years of service credit as of January 1, 2020, who are not in the judicial division, the bill modifies the HAS calculation to be based on an average of the highest annual salaries associated with 7 periods of 12 consecutive months of service with a base year. For all new PERA members hired on or after January 1, 2020, who are in the judicial division, and for all existing PERA members in the judicial division who do not have 5 years of service credit as of January 1, 2020, the bill

modifies the HAS calculation to be based on an average of the highest annual salaries associated with 3 periods of 12 consecutive months of service with a base year. Definition of salary: The bill modifies the definition of salary. Specifically, the bill states that amounts deducted from pay pursuant to a cafeteria plan or a qualified transportation plan are included in the definition of salary. In addition, the bill clarifies that unused sick leave converted to cash payments is included in the definition of salary and that insurance premiums paid by employers are not included in the definition of salary. Termination of affiliation: Current law allows a political subdivision of the state that is an employer associated with PERA and that is assigned to the local government division of PERA to terminate its affiliation with PERA upon application to the PERA board. The bill specifies that any employer that ceases operations or ceases to participate in PERA for any reason is deemed to have terminated its affiliation with PERA. The bill states that any such employer is required to fully fund its share of the unfunded liability of the defined benefit plan and its share of the unfunded liability of the health care trust fund. The bill specifies that the PERA board will determine the amount of such payments and that such determinations may be appealed by the employer through the administrative review process established in the board rules. The bill further specifies that the employees of an employer that terminates its affiliation with PERA will become inactive members of PERA as of the date of the termination. Such members may elect to have their member contributions credited to an alternative pension plan or refunded. In the absence of such election, the member contributions will remain with PERA. Increase in member contributions: Currently, all PERA members with the exception of state troopers contribute 8% of their salary to PERA on a monthly basis. State troopers contribute 10% of their salary to PERA on a monthly basis. On July 1, 2018, and again on January 1, 2019, the monthly member contribution to PERA will increase by .5% of salary. On July 1, 2019, and again on January 1, 2020, the monthly member contribution to PERA will increase by 1% of salary. When all increases are fully implemented, the total contribution will be 11% of salary each month for PERA members who are not state troopers and 13% each month for PERA members who are state troopers. Automatic contribution and annual increase amount changes: The bill specifies the circumstances under which the member contribution rate and the annual increase percentage for retirement benefits can be adjusted so the fund remains within the target of paying off the unfunded liability within 30 years. The bill specifies that the yearly adjustments can be up to one-quarter of one percent on the annual increase percentage and one-half of one percent on the employee contribution percentage. The bill places limits on how much the annual increase and contribution rates can be adjusted. Defined contribution supplement: Beginning January 1, 2021, the bill requires employer contribution rates to be adjusted to include a defined contribution supplement. The defined contribution supplement for each division will be the employer contribution amount paid to defined contribution plan participant accounts that would have otherwise gone to the defined benefit trusts to pay down the unfunded liability, plus any defined benefit investment earnings thereon, expressed as a percentage of salary on which employer contributions have been made. The employer contribution amounts only include contributions made on behalf of eligible employees who commence employment on or after January 1, 2019. Earned service credit for part-time work: Currently, a PERA member earns a full year of service credit for 12 months of employment if the member earns a salary of 80 times federal minimum wage in each month. This applies even if the member does not work full time. In addition, a PERA member earns a full year of service credit if the member's employment pattern covers at least 8 months but less than 12 months in a year, so long as the member worked at least 8 months in the 12-month period. The bill modifies the way service credit is earned for part-time work for any PERA member who was not a member, inactive member, or retiree on or before December 31, 2019. Such members earn a full year of service credit for 12 months of employment if the member works full time or works at least 8 months but less than 12 months in a year. If the member does not work full time, the earned service credit will be determined by the ratio of part-time work to full-time work and the number of months for which contributions are remitted to the number of months required for a year of service credit. Service retirement eligibility for new members: For PERA members who begin employment on

or after January 1, 2020, the bill increases the age and service requirements for full-service retirement benefits for most divisions to age 65 with a minimum of 5 years of service or any age with a minimum of 40 years of service credit. For state troopers who begin employment on or after January 1, 2020, the bill increases the age and service requirements for full-service retirement benefits to age 55 with a minimum of 25 years of service credit or any age with a minimum of 35 years of service credit. State troopers are also eligible for full-service retirement benefits at age 65 with 5 years of service credit. For PERA members who begin employment on or after January 1, 2020, the bill also increases the age and service requirements for a reduced service retirement benefit to 55 years with a minimum of 25 years of service credit; except that, for state troopers, the bill increases the requirements to 55 years with a minimum of 20 years of service credit. Cost of living adjustment (COLA) for all retirees, members, and inactive members: Currently, the annual COLA for benefit recipients who began membership prior to January 1, 2007, is 2%. For the years 2018 and 2019, the bill reduces the COLA to 0%. For each year thereafter, the bill changes the COLA to 1.25%, unless it is adjusted pursuant to the automatic adjustment provisions explained above. In addition, the bill requires benefit recipients whose effective date of retirement is on or after January 1, 2011, and who have not received a COLA on or before May 1, 2018, to receive benefits for at least a 36-month period following retirement before the benefit is adjusted with the COLA. Defined contribution plan: Currently, members in the state division of PERA hired on or after January 1, 2006, may choose to participate in the defined contribution plan administered by PERA rather than the defined benefit plan. A member's participant account receives the monthly employer contribution, and the amortization equalization disbursement (AED) and supplemental amortization equalization disbursement (SAED) payments are used to amortize the unfunded liability of the defined benefit plan. Beginning January 1, 2019, members of the school division, the Denver public schools division, local government division, and judicial division of PERA hired on or after that date may also choose to participate in the defined contribution plan. A new member's participant account will receive the same employer contribution as received by current members of the defined contribution plan. Public pension legislative oversight committee: The bill creates the public pension legislative oversight committee to study and develop proposed legislation relating to the funding and benefit designs of PERA and the fire and police pension association. The committee is comprised of 4 senators appointed by the president of the senate, 4 representatives appointed by the speaker of the house of representatives, and 4 experts in the area of pensions or retirement plan designs appointed by the state treasurer. The bill specifies limitations on the number of appointees that may be from the same political party. The bill also specifies that the state treasurer's appointees are required to have significant experience and competence in investment management, finance, banking, economics, accounting, pension administration, or actuarial analysis and shall not be members, inactive members, or retirees of PERA or the fire and police pension association. The bill repeals the police officers' and firefighters' pension reform commission on January 1, 2019.

APPROVED by Governor June 4, 2018

EFFECTIVE June 4, 2018

S.B. 18-234

Human Remains Disposition Sale Businesses

**(Coram, Crowder/
Kraft-Tharp, Catlin)**

The bill makes it unlawful under the 'Mortuary Science Code' for a person to own more than a 10% indirect interest in a funeral establishment or crematory while simultaneously owning interest in a nontransplant tissue bank. The bill requires nontransplant tissue banks to: Register with the director of the division of professions and occupations in the department of regulatory agencies; and Make disclosures, keep records and make them available to interested parties and the director, and maintain a standard of practice. The registration of nontransplant tissue banks sunsets on September 1, 2024.

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

S.B. 18-235 Colorado Industrial Hemp Research and Development Authority (Coram, Arndt)

The bill creates the Colorado industrial hemp research and development task force to study whether to develop an industrial hemp research and development authority to develop, fund, and promote educational, research, and development programs and collaborative efforts concerning industrial hemp. The task force consists of 8 members with expertise in the industrial hemp industry or higher education. On or before December 31, 2018, the task force is required to prepare a report on its findings and recommendations and to submit the report to the Colorado office of economic development and the agricultural committees in the house of representatives and the senate.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

S.B. 18-280 Tobacco Litigation Settlement Cash Fund Transfer (Lambert/Hamner)

The bill requires the state treasurer to transfer \$19,965,068 from the general fund to the tobacco litigation settlement cash fund on July 1, 2018. This money is allocated for the 2018-19 fiscal year to the programs, services, and funds that receive tobacco litigation settlement money to supplement the allocation of settlement money that those programs, services, and funds will otherwise receive.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1128 Protections for Consumer Data Privacy (Wist, Bridges/Lambert, Court)

Except for conduct in compliance with applicable federal, state, or local law, the bill requires covered and governmental entities in Colorado that maintain paper or electronic documents (documents) that contain personal identifying information (personal information) to develop and maintain a written policy for the destruction and proper disposal of those documents. Entities that maintain, own, or license personal information, including those that use a nonaffiliated third party as a service provider, shall implement and maintain reasonable security procedures for the personal information. The notification laws governing disclosure of unauthorized acquisitions of unencrypted and encrypted computerized data are expanded to specify who must be notified following such unauthorized acquisition and what must be included in such notification.

APPROVED by Governor May 29, 2018

EFFECTIVE September 1, 2018

H.B. 18-1322 2018-19 Long Appropriation Act (Hamner/Lambert)

Provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2018, except as otherwise noted.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018