



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 9, 2023 and ended on May 8, 2023.

[S.B. 23-048](#) **Non-tenured Track Faculty**

**Sponsors: Sens. Baisley;
Bridges/Reps. Amabile;
Hamrick**

Higher education non-tenure track - contracts. The act extends the maximum length of an employment contract between a state system of higher education, or a campus of a state institution of higher education, and an individual who has a non-tenure-track classroom teaching or librarian appointment from 3 years to 5 years.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

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

**[S.B. 23-096](#) **In-State Tuition Classification of
Higher Education****

**Sponsors: Sens. Roberts;
Lundeen/Reps. Amabile; Soper**

In-state tuition classification - Colorado scholars - peace corp volunteers. The act adds information to the department of higher education's current annual reporting requirement as it relates to Colorado scholars.

Current law limits the number of Colorado scholars that each institution counts in an academic year to 8% of the total number of in-state students. The act increases that limit to 15%.

The act requires a peace corps volunteer to be classified as an in-state student for tuition purposes if the student was certified by the director of the peace corps as having served satisfactorily as a peace corps volunteer. A peace corps volunteer who is classified as an in-state student must not be counted as a resident student for any purpose other than tuition classification.

APPROVED by Governor April 11, 2023

EFFECTIVE April 11, 2023

**[S.B. 23-293](#) **Use of Student Athlete's Name Image
Or Likeness****

**Sponsors: Sens. Coleman;
Fields/Reps. Herod; Epps**

Compensation and representation of student athletes - use of a student athlete's name, image, or likeness. The act states that a public or private institution of higher education (institution) may identify, create, solicit, facilitate, and otherwise enable opportunities for a student athlete to earn compensation for the use of the student athlete's name, image, or likeness so long as the institution first acquires the consent of the student athlete. An institution that solicits such an opportunity for a student athlete must inform the student athlete of the solicitation within 72 hours after the solicitation.

The act states that a charitable organization that is not an institution and that is exempt from taxation under federal law may compensate a student athlete for the use of the student athlete's name, image, or likeness.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

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

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

S.B. 23-003

**Colorado Adult High School
Program**

**Sponsors: Sens. Buckner;
Gardner/Reps. Weissman;
Wilson**

Colorado adult high school program - grant - appropriation. The act creates the Colorado adult high school program (program) in the office responsible for adult education within the department of education (department). The purpose of the program is to create a pathway for Coloradans who are 21 years of age or older and do not have a high school diploma to attend high school and earn a diploma at no cost. Students may also earn industry-recognized certificates, career and technical education certificates, or college credits at no cost through the program. The act requires the department to award a grant to a Colorado community-based nonprofit organization (organization) to operate the program as an education provider. The education provider is required to:

- Secure and maintain a building for the program;
- Contribute funding annually for operating and facility costs;
- Hire educators and school personnel, including life coaches who help students navigate academic and personal challenges;
- Propose an academic accountability system with the approval of the department;
- Establish minimum graduation requirements;
- Award Colorado high school diplomas to students who successfully complete the graduation requirements;
- Use an evidence-based educational model that a third-party evaluator has proven effective;
- Develop courses that may be offered to student in person;
- Develop online courses for students who take classes in person and demonstrate academic readiness for remote course work;
- Consult with a nonprofit organization that has successfully implemented an evidence-based educational model for adults in another state;
- Serve all students, regardless of immigration status;
- Enroll no more than 400 students at one time;
- Comply with state and federal laws concerning students with disabilities, including students with accommodations pursuant to section 504 of the federal "Rehabilitation Act of 1973";
- Create individualized education programs for students with disabilities;
- Collaborate with local district colleges, community colleges, area technical colleges, or local career and technical education programs to ensure access to courses that can lead students to graduate with industry-recognized certificates;
- Fund industry-recognized and career and technical certificate programs at no cost to students;
- Create a plan in collaboration with institutions of higher education to authorize teachers to teach courses for students to obtain college credit and to align teacher qualification requirements with the state concurrent enrollment program;
- Operate a licensed, on-site child care center for students with children; and
- Offer transportation assistance to students who enroll in the program.

The department is required to establish a fair and transparent application process in order to select an organization to operate the program. The application process must include input from the office within the department responsible for adult education.

On or before July 31, 2025, July 31, 2026, and March 30, 2027 the education provider is required to report to the department on the status of the program. On or before November 30, 2025, November 30, 2026, and June 30, 2027, the department is required to report the status of the program to the house of representatives education committee and the senate education committee, or their successor committees, including but not limited to:

- Student demographic data disaggregated by race, ethnicity, socioeconomic status, age, gender, and disability;
- Accountability measure outcomes; and
- The number of industry-recognized certificates, college credits, and overall average credit attainment that students earn each term.

The program repeals July 1, 2027. The act appropriates \$5 million from the general fund to the department for the program and for legal services.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-031

**Improve Health-care Access for
Older Coloradans**

**Sponsors: Sens. Danielson;
Cutter/Reps. Titone; Lindsay**

Department of higher education - university of Colorado Anschutz - Colorado multidisciplinary health-care provider access training program - appropriation. The act creates the Colorado multidisciplinary health-care provider access training program (program) to improve the health care of medically complex, costly, compromised, and vulnerable older Coloradans. The university of Colorado Anschutz medical campus shall develop, implement, and administer the program. The program may be offered to Colorado institutions of higher education with clinical health professions graduate degree programs. The program coordinates and expands geriatric training opportunities for clinical health professions graduate students (students) enrolled in participating Colorado institutions of higher education (participating institutions) across Colorado studying to become advanced practice providers; dentists; nurses; occupational therapists; pharmacists; physicians, including medical doctors and doctors of osteopathy; physical therapists; psychologists; social workers; and speech-language therapists. Students who successfully complete the program are awarded certificates and issued letters authorizing those students to become trainers for the program in clinics across the state.

The act creates the Colorado multidisciplinary health-care provider access training program advisory committee (committee) to ensure that the training for the program is consistent and collaborative across the fields of study. The committee is required to:

- Appoint a program chair;
- Set the program's standards for training and delivery of multidisciplinary medical care to medically complex, costly, compromised, and vulnerable older Coloradans;
- Establish requirements for the program;

- Identify and invite institutions of higher education that offer appropriate clinical health professions graduate degree programs to become participating institutions;
- Collaborate with participating institutions across Colorado to enhance recruitment of students to enter a field specific to geriatrics and select students with an interest in geriatric care to participate in the program;
- Assist with updating the program's curricula;
- Analyze data collected by the program;
- Build a multidisciplinary network of trained geriatric clinicians to collaborate and provide opportunities for clinicians to work together to better understand the roles of each health-care discipline in urban, rural, and underserved communities when caring for older Coloradans; !
- Improve placement of students in experiential clinical training opportunities, prioritizing rural and underserved communities;
- Coordinate with graduates of the program to become geriatric trainers for future students; and
- Increase the number of clinical training sites across Colorado, specifically in rural and underserved communities.

The act requires a representative of the program to submit a report on July 1, 2025, and no later than July 1 each year thereafter, summarizing program data to the health and human services 2023 committee of the senate and the health and insurance committee of the house of representatives, or their successor committees. The report must include the following:

- The number of students participating in the program;
- The number of students who successfully complete the program;
- The subsequent locations and job placements of program graduates;
- The number of program graduates who become trainers; and
- The description of facilities where program graduates become trainers.

The act appropriates \$784,269 to the department of higher education from the general fund.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

S.B. 23-084 Full-time Employment For Higher Education Faculty Sponsors: Sens. Marchman; Gonzales/Rep.Young

Federal public loan forgiveness program - calculation of full-time employment - definitions. To determine if a faculty or teacher at a state or nonprofit institution of higher education (institution) is a full-time employee under the federal public loan forgiveness program (program), the act requires the faculty's or teacher's credit or contact hours to be multiplied by at least 4.35 to determine the number of hours worked. The act directs institutions to either directly certify employment for the program or annually provide employees with partially completed forms to certify their employment. The act allows an institution to apply this calculation going back to October 1, 2007.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

S.B. 23-085

**Sunset Continue Sexual Misconduct
Advisory Committee**

**Sponsors: Sens. Winter;
Baisley/Reps. Hamrick; Story**

Sexual misconduct advisory committee. The sexual misconduct advisory committee (advisory committee) repeals September 1, 2023. The act implements the department of regulatory agencies' recommendation to continue the advisory committee indefinitely.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

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

S.B. 23-149

**Higher Education Student
Financial Aid For Youth Mentors**

**Sponsors: Sens. Coleman;
Exum/Rep. Bacon**

Colorado opportunity scholarship initiative - youth mentorship assistance grant pilot program - report - appropriation. The act creates the youth mentorship assistance grant pilot program (program) in the Colorado opportunity scholarship initiative within the department of higher education (department). The program provides financial assistance for the cost of attendance at a public higher education institution to students who provide mentorship services to an approved youth mentorship organization.

The act requires the Colorado opportunity scholarship initiative advisory board to select approved youth mentorship organizations to participate in the program and administer the program. The act requires each approved youth mentorship organization to submit an annual report to the department, and the department to submit an annual report to the education committees of the senate and house of representatives, concerning the program.

For the 2023-24 state fiscal year, \$100,000 is appropriated from the general fund to the department for use by the Colorado opportunity scholarship initiative advisory board to implement the act.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

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

S.B. 23-258

**Consolidate Colorado Educator
Programs in Colorado Department of
Higher Education**

**Sponsors: Sens. Buckner;
Lundeen/Reps. Michaelson
Jenet; Bradfield**

Educator preparation programs - consolidation - advisory committee - appropriation. The act consolidates the review and approval process for educator preparation programs under the department of education and the state board of education. The act creates an advisory committee to the state board of education and the department to provide input on relevant topics related to educator preparation and educator quality.

The act anticipates an appropriation of \$108,990 from the educator licensure cash fund to the department of education for the office of professional services.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

Note: This act was passed without a safety clause and takes effect 90 days after sine die; except that section 22-60.5-121 (2)(h) takes effect only if House Bill 23-1231 becomes law and takes effect on the effective date of this act or the effect

S.B. 23-299

**Epinephrine Auto-injectors At
Institutions Of Higher Education**

**Sponsors: Sen. Cutter/ Reps.
Titone; Bradley**

Epinephrine auto-injectors in institutions of higher education - policy - immunity. The act requires each institution of higher education (institution) to acquire and stock a supply of epinephrine auto-injectors. The act encourages each institution to place epinephrine auto-injectors in sufficient quantities in emergency public access stations to ensure reasonable availability to a person perceived to be experiencing anaphylaxis.

The act encourages the person, immediately after using an epinephrine auto-injector, to make a 911 emergency call.

The act encourages an institution to accept a donation of a supply of epinephrine auto-injectors that meets standards established by the federal food and drug administration, and to accept gifts, grants, and donations, including in-kind donations, designated for obtaining a supply of epinephrine auto-injectors.

The act requires each institution to adopt a policy concerning the placement of epinephrine auto-injectors that focuses on areas where students gather in the largest volumes, including in dormitories and dining halls.

The act provides immunity for any person who acts reasonably and in good faith to furnish or administer an epinephrine auto-injector to an individual the person reasonably believes is experiencing anaphylaxis.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

H.B. 23-1001

**Expanding Assistance for Educator
Programs**

**Sponsors: Reps. Kipp;
McLachlan/Sen. Zenzinger**

Educator retention - assessment of professional competencies - stipend programs - loan forgiveness. The act expands student eligibility for the educator preparation stipend programs by increasing students' expected family contribution from no more than 200% to no more than 250% of the maximum federal Pell-eligible expected family contribution. For the 2022-23 and 2023-24 state fiscal years, expected family contribution is temporarily expanded to no more than 300% of the maximum federal Pell-eligible expected family contribution.

The act allows a student who is eligible for the student educator stipend program to be placed as a student educator in a school- or community-based setting in Colorado or within 100 miles of the Colorado state border.

The act modifies the Colorado commission on higher education considerations of student eligibility for the educator preparation stipend programs specific to funds appropriated for the programs from the economic recovery and relief cash fund.

The act broadens the temporary educator loan forgiveness program (forgiveness program) requirements to allow applicants to be principals or special service providers in addition to teachers.

The act extends the forgiveness program through July 2023, removes requirements that a school's at-risk student population must exceed 60% in order for an educator to be eligible for the forgiveness program, and expands qualified positions to include positions in any public school, board of cooperative services, or facility school in Colorado. The act also changes how the program prioritizes applicants for the program.

The act directs a portion of the appropriation for the 2022-23 state fiscal year to the department of education for a portfolio management system to facilitate the multiple measures approach to the assessment professional competencies.

APPROVED by Governor April 10, 2023

EFFECTIVE April 10, 2023

H.B. 23-1007 **Higher Education Crisis And
Suicide Prevention**

**Sponsors: Reps. Catlin;
Amabile/Sens. Roberts;
Pelton, B.**

Suicide prevention - student identification card information. The act requires public and private higher education institutions to print Colorado and national crisis and suicide prevention contact information on student identification cards. If an institution does not use student identification cards, the act requires the school to distribute Colorado and national crisis and suicide prevention contact information to the student body each semester or trimester.

APPROVED by Governor March 17, 2023

EFFECTIVE March 17, 2023

H.B. 23-1037 **Department Of Corrections
Earned Time For College
Program Completion**

**Sponsors: Reps. Martinez;
Pugliese/Sen. Gonzales**

Earned time - credit for education program completion. The act requires the department of corrections (department) to, for an inmate who was sentenced for a nonviolent felony offense, deduct earned time from the inmate's sentence for each accredited degree or other credential awarded by an institution of higher education to the inmate while the inmate is incarcerated or on parole, in the following amounts:

- 18 months of earned time for a master's degree and 2 years of earned time for a doctoral degree;
- One year of earned time for receiving an associate or baccalaureate degree; and
- 6 months of earned time for receiving a certificate or other credential that requires completion of at least 30 credit hours.

The act requires the department to designate up to six regionally accredited institutions of higher education that may award a degree or credential to an inmate for which earned time must be deducted.

The act requires the general assembly to annually appropriate to the department of higher education the savings incurred during the prior state fiscal year as a result of the release of inmates from correctional facilities because of earned time granted for completion of a higher education degree or credential. The appropriation to the department of higher education is for

allocation to institutions of higher education that offer accredited programs in correctional facilities.

APPROVED by Governor April 12, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1093

Higher Education Staff Sabbatical

**Sponsors: Reps. McLachlan;
Martinez/Sens. Rich;
Marchman**

Faculty sabbaticals - staff sabbaticals. Current law allows higher education faculty to take a sabbatical if the governing board of the institution where the faculty member works approves the sabbatical. The act extends sabbatical opportunities to staff of an institution of higher education who serve in a management position or similar capacity.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1237

**Inclusive Language Emergency
Situations**

**Sponsors: Rep. Velasco/Sens.
Will; Exum**

Emergency communication - study to provide bilingual alerts and interpret 911 calls - appropriation. The act requires the university of Colorado's natural hazards center to conduct a study by July 1, 2024, to determine what municipalities, sheriff's offices, counties, fire districts, and local 911 agencies need to be able to provide emergency alerts in minority languages, and what local 911 agencies need in order to provide live interpretation during a 911 call. The study must:

- Identify the components of multi-hazard early warning systems that are necessary in order to reach residents and visitors without requiring an opt-in, as well as opt-in options, outputs for emergency alert systems, and the ability to provide emergency alerts in minority languages;
- Survey state agencies, counties, municipalities, sheriff's offices, fire districts, fire authorities, and local 911 agencies to identify the capabilities of existing emergency alert systems in Colorado compared to the identified essential components;
- Identify gaps in the capabilities of existing emergency alert systems requiring correction;
- Identify resources, including federal funding opportunities, to implement a grant program to assist municipalities, sheriff's offices, counties, fire districts, and local 911 agencies in obtaining emergency response technology systems that can provide emergency alerts in minority languages;
- Determine best practices, which may be identified by reviewing programs in other states, for hiring multilingual and multicultural staff;
- Determine best practices for engaging local community organizations with connections to populations that speak a minority language; and
- Present research regarding effective emergency alerts for people with disabilities after consultation with a statewide organization that advocates for people with disabilities.

The university of Colorado's natural hazard center shall submit its study report to the division of homeland security and emergency management in the department of public safety and to the general assembly by January 8, 2024. The act appropriates \$77,009 from the general fund to the department of higher education to implement the study.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

H.B. 23-1261 **No requirement for Selective Service Higher Education**

Sponsors: Reps. McLachlan; Martinez/Sens. Pelton, B., Buckner

Remove requirement for selective service for enrollment. Current law requires a male person who is applying for enrollment or reenrollment to a state-supported institution of higher education (institution) and who is at least 17 years and 9 months of age but younger than 26 years of age (applicant) to provide the institution with a statement of registration compliance for the United States selective service system (selective service). The act removes the requirement that an applicant register for selective service to enroll in an institution but requires institutions to provide information about selective service to eligible males prior to registration.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1262 **Colorado Re-engaged Initiative Modifications**

Sponsors: Reps. Ricks; Bradley/Sen. Priola

Colorado re-engaged initiative - associate degree transfer requirements. The act requires that, to receive an associate degree through the Colorado re-engaged initiative, a student must not have received 15 or more credit hours from a community college or occupational education institution before transferring to the initiative.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

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



OFFICE OF GOVERNMENT RELATIONS
Key State Health Care Legislation

S.B. 23-093

**Increase Consumer Protections
Medical Transactions**

**Sponsors: Sens. Cutter; Jaquez
Lewis/Reps. Weissman; Brown**

Medical debt - statutory cap of 3% per annum - validation of debt - payment plans - collection of debt - deceptive trade practice - self-pay estimates. The act:

- Caps the rate of interest on medical debt at 3% per annum;
- Defines "medical debt", for purposes of a statutory cap on interest rates and fair debt collection practices, to include medical debt arising from the receipt of health-care services or medical products or devices, excluding debt charged to a credit card;
- Upon the consumer's written request, requires a debt collector or collection agency collecting on medical debt to cease collection on the medical debt until the debt collector or collection agency provides to the consumer an itemized statement concerning the medical debt and allows the consumer to dispute the validity of the medical debt;
- Establishes requirements relating to payment plans for medical debt, including written documentation of the payment plan between the consumer and the debt collector or debt collection agency; notice to the consumer if the payment plan will be accelerated or declared in default or inoperative due to nonpayment; and the opportunity to renegotiate the payment plan;
- Prohibits a debt collector or collection agency, during an internal or external review or other appeal of a health insurance decision, from collecting on the medical debt, reporting the medical debt to a consumer reporting agency, or selling the medical debt to a debt buyer;
- Requires a creditor, debt collector, or collection agency that files a legal action to collect medical debt to include the identity of the original creditor, an itemization of the charges and, prior to the entry of a default judgment against the creditor, provide evidence of the medical debt;
- Makes it a deceptive trade practice to violate provisions relating to billing practices, surprise billing, and balance billing laws; and
- Requires a health-care provider or health-care facility to provide, upon request of a prospective patient, an estimate of the total cost of a health-care service (service) to a person who intends to self-pay for the service (self-pay estimate). The act includes requirements for the self-pay estimate and caps the amount by which the final, total cost of the service may exceed the self-pay estimate to the lesser of 15% of the self-pay estimate or \$400, with exceptions for emergency or unforeseen, medically necessary services required during the service. The act makes it a deceptive trade practice to violate provisions relating to the self-pay estimate.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-144

**Prescription Drugs For Chronic
Pain**

**Sponsors: Sen. Ginal/Reps.
Mabrey; Young**

Health insurance - prescription drugs for treatment of chronic pain - criteria - pharmacy, carrier, and health-care provider policies - discipline. The act allows a health-care provider to prescribe, dispense, or administer a schedule II, III, IV, or V controlled substance (drug) to a patient in the course of treatment for a diagnosed condition that causes chronic pain. The act also clarifies that the prescribing health-care provider is not subject to disciplinary action by the appropriate regulator for prescribing a dosage of a drug that is equal to or more than a morphine milligram equivalent dosage recommendation or threshold specified in state or federal opioid prescribing guidelines or policies.

The act prevents a health-care provider from being required to taper a patient's medication dosage solely to meet a predetermined dosage recommendation or threshold if the patient is stable, compliant with treatment, and not experiencing serious harm.

The act also prohibits a pharmacy, health insurance carrier, or pharmacy benefit manager from having a policy in place that requires a pharmacist to refuse to fill a prescription for an opiate issued by a health-care provider solely because the prescription is for an opiate or because the prescription order exceeds a predetermined morphine milligram equivalent dosage recommendation or threshold.

The act also prohibits a health-care practice or clinic from having a policy in place that requires a health-care provider to refuse to prescribe, administer, or dispense a prescription for an opiate solely because the prescription order exceeds a predetermined morphine milligram equivalent dosage recommendation or threshold.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-162 Increase Access to Pharmacy Services

**Sponsors: Sens. Will;
Jaquez Lewis/Reps.
Lindsay; Titone**

Pharmacy technician practice - duties - supervision ratio - central fill pharmacies - pharmacy reimbursement for dispensing and administering vaccines to children. The act:

- Amends the practice of a pharmacy technician to include performing point-of-care testing and patient care technical tasks as specifically trained for and delegated by a supervising pharmacist;
- Requires the majority of pharmacy technicians to be fully certified by the state board of pharmacy when 3 or more pharmacy technicians are on duty; and
- Changes the supervision ratio for pharmacists to include supervising up to 8, rather than only 6, pharmacy technician when the pharmacy, other than a pharmacy located in a hospital, is a central fill pharmacy that is not a public-facing pharmacy and is acting as an agent of an originating pharmacy to fill or refill a prescription.

The act authorizes reimbursement under the medical assistance program for dispensing or administering vaccines to children under 19 years of age. To be eligible to receive reimbursement, the pharmacy or pharmacist must be enrolled in good standing with the federal centers for disease control and prevention vaccines for children program administered by the department of public health and environment (department). Until the department determines a framework for participation by pharmacies or pharmacists, the department is

not required to enroll pharmacies receiving reimbursement for the administration of vaccines through the medical assistance program as vaccines for children providers.

APPROVED by Governor May 4, 2023

EFFECTIVE August 7, 2023

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

S.B. 23-167

**Board of Nursing Regulate Certified
Midwives**

**Sponsors: Sens. Winter;
Will/Reps. Garcia; Lindsay**

Certified midwives - regulation by state board of nursing - appropriation. Starting July 1, 2024, the act authorizes individuals who have a midwife certification from the American Midwifery Certification Board, pay the required fee, and submit to a criminal history record check to obtain a license from the state board of nursing (board) to practice as a certified midwife in the state. A certified midwife licensed by the board may apply for and obtain provisional and full prescriptive authority upon satisfying the requirements specified in the act. Certified midwives are subject to regulation by the board to the same extent that the board regulates the practice of nursing, including grounds for discipline and disciplinary actions. Effective July 1, 2024, the act adds a member to the state board of nursing who is a certified midwife or an advanced practice registered nurse who is a certified nurse midwife.

The act appropriates \$15,393 from the general fund to the department of public health and environment for use by the health facilities and emergency medical services division for administration and operations necessitated by the act.

APPROVED by Governor May 25, 2023

PORTIONS EFFECTIVE May 25, 2023

PORTIONS EFFECTIVE July 1, 2024

Note: Section 69 of the act states that the act takes effect upon passage; except that, section 12-255-105, Colorado Revised Statutes, as amended in section 3 of the act, takes effect July 1, 2024.

S.B. 23-188

**Protections For Accessing
Reproductive Health Care**

**Sponsors: Sens. Gonzales;
Jaquez Lewis/Reps.
Froelich; Titone**

Protections for accessing legally protected health-care activity- reproductive health care - gender-affirming health-care services. The act requires contracts between insurers or other persons and health-care providers regarding the delivery of health-care services to include a provision that prohibits the following actions if the actions are based solely on the health-care provider's provision of, or assistance in the provision of, reproductive health care or gender-affirming health-care services (legally protected health-care activity) in this state, so long as the care provided did not violate Colorado law:

- A medical malpractice insurer from refusing to issue, canceling or terminating, refusing to renew, or imposing any sanctions, fines, penalties, or rate increases for a medical malpractice policy (section 2);
- A health insurer from taking an adverse action against a health-care provider, including refusing to pay for a provided health-care service (section 3);
- A health insurer from refusing to credential a physician as a network provider or terminating a physician's status as a network provider (section 4); or

- A person or entity from terminating a health-care contract with a health-care provider, unless the person or entity is a religious organization and legally protected health-care activities conflict with the religious organization's bona fide religious beliefs and practices (section 25).

Section 5 of the act protects an individual applying for licensure, certification, or registration in a health-care-related profession or occupation in Colorado (applicant), as well as a health-care professional currently licensed, certified, or registered in Colorado (licensee), from having the license, certification, or registration denied or discipline imposed against the licensee based solely on:

- The applicant's or licensee's provision of, or assistance in the provision of, a legally protected health-care activity in this state or another state or United States territory, so long as the care provided was consistent with generally accepted standards of practice under Colorado law and did not otherwise violate Colorado law;
- A civil or criminal judgment or a professional disciplinary action arising from the provision of, or assistance in the provision of, a legally protected health-care activity in this state or another state or United States territory, so long as the care provided was consistent with generally accepted standards of practice under Colorado law and did not otherwise violate Colorado law;
- The applicant's or licensee's own personal effort to seek or engage in a legally protected health-care activity; or
- A civil or criminal judgment against the applicant or licensee arising from the individual's own personal legally protected health-care activity in this state or another state or United States territory.

Section 6 of the act prohibits a court, judicial officer, court employee, or attorney from issuing a subpoena in connection with a proceeding in another state concerning an individual who accesses a legally protected health-care activity in Colorado or an individual who performs, assists, or aids in the performance of a legally protected health-care activity in Colorado.

Section 7 of the act prohibits the state from applying another state's law to a case or controversy heard in Colorado state court or giving any force or effect to any judgment issued without personal jurisdiction or due process or to any judgment that is penal in nature pursuant to another state's law if the other state's law authorizes a person to bring a civil action against another person or entity for engaging or attempting to engage in a legally protected health-care activity.

If a medical malpractice action is brought in this state against a health-care provider regulated in this state or another state, section 8 of the act prohibits a court or arbitrator from allowing evidence or witness testimony relating to professional discipline or criminal or civil charges in this state or another state concerning the provision of, or assistance in the provision of, a legally protected health-care activity, so long as the care provided did not violate Colorado law.

Section 9 of the act prohibits a peace officer from knowingly arresting or participating in the arrest of any person who engages in a legally protected health-care activity, unless the acts

forming the basis for the arrest constitute a criminal offense in Colorado or violate Colorado law.

Section 10 of the act prohibits the issuance of a search warrant to search for and seize any property that relates to an investigation into a legally protected health-care activity.

Section 11 of the act prohibits a judge from issuing a summons in a case when a prosecution is pending, or when a grand jury investigation has started or is about to start, for a criminal violation of another state's law involving the provision or receipt of or assistance with accessing a legally protected health-care activity that is legal in Colorado, unless the acts forming the basis of the prosecution or investigation would also constitute a criminal offense in Colorado.

Section 12 of the act prohibits the issuance of an ex parte order for wiretapping or eavesdropping to obtain any wire, oral, or electronic communication that relates to an investigation into a legally protected health-care activity.

Current law allows for the extradition of a person who committed an act in this state that intentionally results in a crime in the state whose executive authority is making the demand, even though the accused was not in the demanding state at the time of the commission of the crime. Section 13 of the act requires the acts for which extradition is sought to be punishable by the laws of this state if the acts occurred in this state and prohibits the governor from surrendering a person charged in another state as a result of the person engaging in a legally protected health-care activity, unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense.

Section 14 of the act requires a correctional facility or private contract prison incarcerating a person who is capable of pregnancy to, regardless of the person's ability to pay, ensure access to abortions by providing a pregnant person with information about abortion providers; referrals to community-based providers of abortions; referrals to community-based organizations that help people pay for abortions; and transportation to access an abortion; and ensure access to miscarriage management, including medication.

Section 15 of the act adds a reproductive health-care services worker to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family.

Section 16 of the act prohibits the prosecution or investigation of a licensed health-care provider if the health-care provider prescribes an abortifacient to a patient and the patient ingests the abortifacient in another state so long as the abortifacient is prescribed or administered consistent with accepted standards of practice under Colorado law and does not violate Colorado law.

Section 17 through section 20 of the act adds a protected health-care worker to the list of persons authorized to participate in the address confidentiality program.

Section 21 of the act authorizes the attorney general to independently initiate and bring a civil and criminal action to enforce the "Reproductive Health Equity Act".

Section 22 of the act prohibits a state agency from providing any information or using any government resources in furtherance of any out-of-state investigation or proceeding seeking to impose civil or criminal liability or professional sanction upon a person or entity for engaging in a legally protected health-care activity.

Section 23 of the act prohibits a public entity from:

- Restricting any natural or legal person in performing, or prohibit any natural or legal person from providing, reproductive health care through the imposition of licensing, permitting, certification, or similar legislative or regulatory requirements that apply solely to providers of reproductive health care; or
- Prosecuting or otherwise criminally sanctioning any natural or legal person for providing, assisting in the provision of, arranging for, or otherwise assisting a person in accessing reproductive health care performed within the scope of applicable professional licensure and certification requirements.

Section 24 of the act states the venue to enforce an action to under the provisions of the "Reproductive Health Equity Act" is in the Denver district court.

Section 26 and 27 of the act require every local government that has adopted or adopts a zoning ordinance to recognize the provision of outpatient reproductive health care as a permitted use in any zone in which the provision of general outpatient health care is recognized as a permitted use.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

S.B. 23-189

**Increasing Access To
Reproductive Health Care**

**Sponsors: Sens. Moreno;
Cutter/Reps. Michaelson
Jenet; Garcia**

Health insurance coverage - HIV prevention drugs - prohibition on cost sharing - HIV treatment drugs - prohibition on step therapy and prior authorization under health benefit plans or medical assistance program - coverage of sterilization services - coverage for preventive health-care services - coverage for total cost of abortion care - health-care providers' authorization to furnish contraception to minors - reproductive health-care program expansion of services - family planning access collaborative - appropriations. The act changes the term "HIV infection prevention drug", as used in the Colorado Revised Statutes, to "HIV prevention drug". The act specifies that, for health benefit plans issued or renewed on or after January 1, 2025, if counseling, prevention, and screening for a sexually transmitted infection (STI) are covered services, the health benefit plan must provide coverage without cost sharing, regardless of the covered person's gender, and the coverage must include HIV prevention drugs and the services necessary for initiation and continued use of an HIV prevention drug consistent with federal guidelines.

The act prohibits, before July 1, 2027, a health insurance carrier from requiring a covered person to undergo step therapy or to receive prior authorization before a health-care provider

may prescribe or dispense a medication for the treatment of HIV that is included on the insurance carrier's prescription drug formulary as of March 1, 2023. The act requires the division of insurance to contract for a study, which includes consultation with the HIV community, to consider the predicted costs and health impacts of removing step therapy and prior authorization before a health-care provider may prescribe or dispense HIV treatment drugs and to provide the study to the general assembly by October 1, 2026. The act specifies the requirements and time frames for health insurance carriers for certain prior authorization requests related to HIV prescription drug coverage.

Regarding the state medical assistance program, the act prohibits the department of health care policy and financing (state department), before July 1, 2027, from using prior authorization or step therapy requirements for prescription drugs prescribed for the treatment or prevention of HIV, except for utilization review that is necessary for patient safety or for ensuring the prescribed use is for a medically accepted indication.

For health benefit plans issued or renewed on or after January 1, 2025, if sterilization services are a covered service, a health benefit plan must provide the coverage regardless of the covered person's sex or gender and without deductibles, copayments, coinsurance, annual or lifetime maximum benefits, or other cost sharing; except that this provision does not apply to a high deductible health benefit plan until the deductible has been met, unless allowed pursuant to federal law.

The act requires mandatory preventive health-care services coverage for health benefit plans to include, in addition to the A and B recommendations of the United States preventive services task force, the recommendations of the advisory committee on immunization practices to the centers for disease control and prevention in the federal department of health and human services (HHS) and the women's, infants', children's, and adolescents' preventive services guidelines of the health resources and services administration in the HHS.

The act requires large employer health benefit plans issued or renewed on and after January 1, 2025, to provide coverage for the total cost of abortion care without policy deductibles, copayments, or coinsurance. Individual and small group health benefit plans must provide this coverage if the HHS confirms the state's determination that the coverage is not subject to state defrayal pursuant to federal law. The provisions relating to abortion care do not apply to a high deductible health benefit plan until the deductible has been met, unless allowed pursuant to federal law. Employers are exempted from providing coverage if providing coverage conflicts with the employer's sincerely held religious beliefs or the employer is a public entity prohibited by section 50 of article V of the state constitution from using public funds to pay for induced abortions.

With the minor's consent, a health-care provider acting within the scope of the health-care provider's license, certificate, or registration, may furnish contraceptive procedures, supplies, or information to a minor without notification to or the consent of the minor's parent or parents, legal guardian, or any other person having custody of or decision-making responsibility for the minor.

The act expands the reproductive health-care program administered by the state department to include additional family planning services and family-planning-related services. The act

requires the department of public health and environment (department) to convene a family planning access collaborative, on or before September 1, 2023, to advise the department in identifying access gaps that contribute to Coloradans lacking family planning access. The department shall publish its recommendations on or before December 15, 2023.

To implement the act, for the 2023-24 state fiscal year the act appropriates:

- \$200,000 to the department of public health and environment from the general fund for the family planning access collaborative and corresponding report;
- \$67,627 and 0.5 FTE to the department of regulatory agencies from the division of insurance cash fund; and
- \$23,263 and .1 FTE to the department of law from reappropriated funds received from the department of regulatory agencies for legal services.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

**S.B. 23-190 Deceptive Trade Practice
Pregnancy-related Service**

**Sponsors: Sens. Winter;
Marchman/Reps.
McCormick; Epps**

Deceptive trade practices - false advertising - abortion and emergency contraception - professional discipline - medication abortion reversal - rules. The act makes it a deceptive trade practice for a person to make or disseminate to the public any advertisement that indicates that the person provides abortions, emergency contraceptives, or referrals for abortions or emergency contraceptives when the person knows or reasonably should have known that the person does not provide those specific services.

A health-care provider engages in unprofessional conduct or is subject to discipline in this state if the health-care provider provides, prescribes, administers, or attempts medication abortion reversal in this state, unless the Colorado medical board, the state board of pharmacy, and the state board of nursing, in consultation with each other, each have in effect rules finding that it is a generally accepted standard of practice to engage in medication abortion reversal. The specified boards shall promulgate applicable rules no later than October 1, 2023, in consultation with each other, concerning whether engaging in medication abortion reversal is a generally accepted standard of practice.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

**H.B. 23-1031 Mental Health Professionals
Reporting Exemptions**

**Sponsors: Reps. Story;
Willford/Sen. Winter**

Reporting requirements - sexually transmitted infections - exemption - mental health professionals not engaged in testing, diagnosing, or treating. Under current law, every health-care provider is required to report specified information about an individual known to the provider to have a diagnosis of or a positive test for a sexually transmitted infection to the department of public health and environment or a local public health agency. The act exempts from this reporting requirement a mental health professional who is not engaged in testing a patient for, diagnosing a patient with, or treating a patient with a sexually transmitted infection.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1071

Licensed Psychology Prescriptive Authority

**Sponsors: Reps. Amabile;
Bradfield/Sens. Simpson;
Fenberg**

Licensed psychologists - state board of psychologist examiners - authority to prescribe psychotropic medications - prescription certificate requirements - complaints - collection of information for sunset reviews - rules.

The act requires 1 of the 7 members of the state board of psychologist examiners (board) to be a prescribing psychologist. The act allows a licensed psychologist to prescribe and administer psychotropic medications if the licensed psychologist holds a prescription certificate issued by the board.

A licensed psychologist may apply to the board for a prescription certificate and must include in the application satisfactory evidence that the applicant:

- Has completed a doctoral program in psychology;
- Has completed a master of science in a clinical psychopharmacological program with specified areas of core instruction;
- Has passed the psychopharmacology examination for psychologists;
- Has completed a supervised and relevant clinical experience approved by the board;
- Has successfully undergone a process of independent peer review; and
- Maintains the required malpractice insurance.

A licensed psychologist with a prescription certificate (prescribing psychologist) is authorized to prescribe and administer psychotropic medications if the prescribing psychologist:

- Maintains the required malpractice insurance;
- Completes at least 40 hours of continuing education every 2 years; and
- Maintains a collaborative relationship with the health-care provider who oversees the client's general medical care.

The board is authorized to promulgate rules to:

- Implement procedures for obtaining a prescription certificate; and
- Establish grounds for denial, suspension, and revocation of the certificates.

The Colorado medical board is required to review complaints regarding violations of the act and make recommendations to the board regarding disciplinary action.

The act requires a prescribing psychologist to disclose to each patient that the psychologist is not a licensed physician.

The act requires a prescribing psychologist to file with the board all individual federal drug enforcement administration registrations and numbers. The board and the Colorado medical board are required to maintain current records of every psychologist with prescriptive authority, including registrations and numbers.

The department of regulatory agencies (department) is required to annually collect information regarding prescribing psychologists, to compile the information, and to share the information with the office in the department responsible for conducting sunset reviews for inclusion in each scheduled sunset review concerning the regulation of mental health professionals.

APPROVED by Governor March 3, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1077 Informed Consent To Intimate Patient Examinations

Sponsors: Reps. Willford; Garcia/Sens. Winter; Jaquez Lewis

Intimate examinations - sedated or unconscious patients - informed consent required - exceptions - additional requirements for training examinations by students or trainees - providers and facilities subject to discipline or sanctions - private right of action - appropriation. The act prohibits a licensed physician or physician assistant; licensed medical resident, intern, or fellow; licensed professional nurse; advanced practice registered nurse; registered direct-entry midwife; or medical, nursing, or direct-entry midwife student or trainee (licensee, student, or trainee) from performing, and prohibits a licensed health-care facility from permitting a licensee, student, or trainee to perform, an intimate examination on a sedated or unconscious patient unless the patient has given specific informed consent to an intimate examination. Additionally, a student or trainee may perform an intimate examination on a sedated or unconscious patient for educational or training purposes only if:

- The examination is related to the planned procedure to be performed on the patient;
- The student or trainee has been introduced to the patient as part of the patient's care team, and the student's or trainee's role in performing an intimate examination for educational or training purposes has been shared with the patient;
- The student or trainee is under the direct supervision of the supervising licensee.

The informed consent requirement does not apply in an emergency situation in which an intimate examination on a sedated or unconscious patient is medically necessary for the life or well-being of the patient or if the licensee has previously obtained the patient's consent to health care that includes an intimate examination about which the patient has been informed.

The act outlines the requirements for obtaining the patient's informed consent. Failure to comply with the requirements of the act, or retaliating against a person who complains about a violation of the act, constitutes unprofessional conduct, is grounds for discipline, and subjects the licensee, student, or trainee to discipline by the regulator that regulates the particular health-care profession. A licensed health-care facility that fails to comply with the requirements of the act is subject to sanctions imposed by the department of public health and environment. Additionally, a patient who is subjected to an intimate examination in violation of the requirements of the act may file a civil action for damages, which action is not a medical malpractice action, and the statutory cap on noneconomic damages in civil actions applies to an award to a patient for noneconomic damages.

For the 2023-24 state fiscal year, the act appropriates \$32,915 from the general fund to the department of public health and environment for use by the health facilities and emergency medical services division to implement the act.

APPROVED by Governor May 25, 2023

EFFECTIVE January 1, 2024

Note: This act was passed without a safety clause.

H.B. 23-1183 Prior Authorization For Step-therapy Exception

Sponsors: Reps. Jodeh; Sirota/Sen. Winter

Prior authorization request for exception to step therapy - appropriation. The act requires the department of health care policy and financing (state department) review and determine if an exception to step therapy is granted if the prescribing provider submits a prior authorization request with justification and supporting clinical documentation for treatment of a serious or complex medical condition. The act requires the state department to provide a response to a prior authorization request for a step-therapy exception within 24 hours after receipt of the request.

If a prior authorization request for a step-therapy exception is incomplete or if additional clinically relevant information is required, the act requires the state department to notify the prescribing provider within 24 hours after the submission of the request. If the state department does not receive a response within 72 hours after the state department's request for additional information, the prior authorization is denied. If the prior authorization request is denied, the act requires the state department to inform the recipient in writing that the recipient has a right to appeal the determination.

The act requires the state department to authorize coverage for the prescription drug prescribed by the recipient's prescribing provider if the prior authorization request for a step-therapy exception request is granted.

The act requires the state department to make the prior authorization requirements for coverage of prescription drugs and a description of the step-therapy exemption process available on the state department's website.

The act appropriates \$56,250 to the state department from the general fund.

APPROVED by Governor May 1, 2023

EFFECTIVE May 1, 2023

H.B. 23-1195 Automated Pharmacy Dispensing System

Sponsors: Reps. Michaelson Jenet/Sens. Ginal, Kirkmeyer

Pharmacies - prescription drugs - automated pharmacy dispensing system. The act authorizes a prescription drug outlet (outlet) to operate an automated pharmacy dispensing system (system) for the purpose of dispensing prescription medications, other than controlled substances, to patients.

The act requires an outlet dispensing prescription drugs through a system to: ! Register the system with the state board of pharmacy (board);

- Require a pharmacist to perform all clinical services as part of the dispensing process;
- Ensure that the system clearly displays the system's registration number and contact information;
- Locate each system at the same location as the outlet unless other criteria is met;

- Ensure confidentiality of health information; and
- Ensure that the system is accessible to persons with disabilities.

An outlet may operate a system in the same or different location than the outlet if it is:

- Under the supervision and control of the outlet;
- Installed in a place and manner where it cannot be removed or accessed without authorization; and
- Located in a secure location.

The act also requires each outlet operating a system:

- To develop, implement, and maintain written policies and procedures to ensure the proper, safe, and secure functioning of the system;
- Inside the premises of a retail business to only operate during the hours that the outlet is closed; and
- To make all transaction information readily available for review and inspection by the board.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1200 **Improved Outcomes Persons
Behavioral Health**

**Sponsors: Reps. Ricks;
Bockenfeld/Sen. Mullica**

Managed care entities - single case agreements. To help serve persons with behavioral health needs who are enrolled in medicaid, the act requires managed care entities (MCE) to enter into single case agreements with willing providers of behavioral health services enrolled in the medical assistance program when network development and access standards are not met and a member needs access to a medically necessary behavioral health service. The act sets forth the requirements for single case agreements created by an MCE.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

H.B. 23-1215 **Limits on Hospital Facility Fees**

**Sponsors: Reps. Sirota;
Boesnecker/Sens. Mullica;
Cutter**

Health facilities and providers - prohibition on facility fees - preventive care services - notice to patients - deceptive trade practice - hospital facility fee report - appropriations. On and after July 1, 2024, the act prohibits a health-care provider (provider), which is an individual provider or a health facility, or a health system, which is a corporation or organization that owns, contains, or operates 3 or more hospitals, from charging, billing, or collecting a facility fee directly from a patient that is not covered by the patient's insurance for mandatory coverage for preventive health-care services that are provided in an outpatient setting. The act defines "facility fee" as any fee that a hospital or health system charges or bills for outpatient services that is intended to compensate the hospital or health system for its operational expenses and that is separate and distinct from a professional fee charged or billed by a provider for professional medical services. The limitation on charging, billing, or collecting a facility fee does not apply to a critical access hospital, a sole community hospital

in a rural or frontier area, a community clinic affiliated with a sole community hospital in a rural or frontier area, or a hospital established by the Denver health and hospital authority.

The act:

- Requires a provider that charges a facility fee to provide notice to a patient that the provider charges the fee and to use a standardized bill that includes itemized charges identifying the facility fee, as well as other information;
- Requires a health facility that is newly affiliated with or owned by a hospital or health system on or after July 1, 2024, to provide written notice to patients of the health facility during the previous 12 months concerning the change in ownership and that the health facility may now charge a facility fee, and prohibits the collection of a facility fee until at least 30 days after the notice is sent; and
- Makes it a deceptive trade practice to charge, bill, or collect a facility fee when doing so is prohibited.

The act creates a steering committee (steering committee) in the department of health care policy and financing (department) to facilitate the development of a preliminary report by August 1, 2024, and a final report by October 1, 2024, detailing the impact of outpatient facility fees on the Colorado health-care system, including the impact on consumers, employers, and providers.

The steering committee consists of 7 members appointed by the governor with relevant expertise in health-care billing and payment policy, including, among others, members representing consumers, payers, and providers. The act lists specific data and information to be collected, identified, evaluated, and analyzed, including:

- Data from:
 - The all-payer health-claims database;
 - Hospital and health systems;
 - The department, the division of insurance, and commercial payers; and
 - Independent health-care providers that are not affiliated with or owned by a hospital or health system evaluated in the report;
- The impact of facility fees and payer coverage policies on the Colorado healthcare affordability and sustainability enterprise, the medicaid expansion, uncompensated care, and undercompensated care;
- The impact of facility fees on access to care, integrated care systems, health equity, and the health-care workforce; and
- A description of the way in which providers may be paid or reimbursed by payers for outpatient health-care services.

To the extent feasible, data must be sourced from 2014 through 2022, as determined by the steering committee and any third-party contractors, and disaggregated, as described in the act. The steering committee shall seek to exhaust existing data sources before making additional requests and shall minimize the number of data requests.

To implement the act, for the 2023-24 state fiscal year, the act:

- Increases general fund appropriations to the department in the 2023 long bill by \$18,326 for personal services and \$337 for operating expenses;

- Decreases anticipated federal funds received by the department by \$18,663; and
- Appropriates \$516,950 from the general fund to the department for general professional services and special projects.

APPROVED by Governor May 30, 2023

EFFECTIVE May 30, 2023

**H.B. 23-1225 Extend And Modify Prescription
Drug Affordability Board**

**Sponsors: Reps. DeGruy
Kennedy; Dickson/Sens.
Jaquez Lewis; Buckner**

Health-care coverage - prescription drug affordability review board - affordability review process - judicial review of board functions - independent external reviews. In 2021, the general assembly enacted Senate Bill 21-175, concerning the Colorado prescription drug affordability review board, which created the prescription drug affordability review board (board) in the division of insurance (division) and an affordability review process whereby the board may review costs associated with, and establish upper payment limits for, certain prescription drugs. The 2023 act makes certain changes concerning the board.

Section 1 clarifies which actions taken by the board are "board activities", as this term is used elsewhere. Section 2 states that staff members and contractors of the division must disclose any conflict of interest related to a prescription drug for which the board is conducting an affordability review or establishing an upper payment limit. Such a disclosure remains confidential if it relates to a personal association. The board, upon review of a disclosure, may direct the staff member or contractor of the division to recuse themselves.

Section 3 allows the chair of the board to cancel or postpone a board meeting for good cause. Section 4 makes certain changes to the procedure by which the board identifies prescription drugs that may be subjected to an affordability review, which changes take effect January 1, 2025, and requires the board to report on its public web page certain information regarding its considerations.

Under current law, the board may not establish an upper payment limit for more than 12 prescription drugs per calendar year for 3 years, beginning April 1, 2022. Section 5 lets the board establish an upper payment limit for up to 18 prescription drugs per calendar year if the board determines that there is a need and has sufficient staff support.

Section 6 establishes that an upper payment limit for a prescription drug is not a final agency action that is subject to judicial review until the board promulgates a rule establishing the upper payment limit. Sections 6 and 7 remove certain language concerning a process for appealing decisions of the board.

Sections 8 and 9 extend the repeal and associated sunset review of the board from September 1, 2026, to September 1, 2031.

Section 10 establishes that a denial of a request for benefits for a prescription drug that is unavailable in the state because a manufacturer has withdrawn the prescription drug from sale or distribution within the state is an "adverse determination" for which an individual may request an independent external review.

APPROVED by Governor May 10, 2023

PORTIONS EFFECTIVE August 7, 2023

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 4 of the act takes effect January 1, 2025.

H.B. 23-1243

Hospital Community Benefit

Sponsors: Rep. Amabile/Sen. Moreno

Hospital community benefit activities - public meeting requirements - reporting requirements - appropriation. The act makes changes to hospital community benefit activity requirements and imposes certain requirements on the public meetings regarding each reporting hospital's community benefit activities and community implementation plan (plan). The act requires each reporting hospital to:

- Expand upon the manner in which the hospital invites the public to attend meetings, including by posting the invitation on the hospital's website and social media accounts and by distributing the invitation via the reporting hospital's electronic newsletter, e-mail lists, or any other communications between the hospital and the community it serves at least 30 days before the meeting;
- Share at each public meeting the community benefit activities from the previous year, the amount funded for each activity, and a description of how the activities and funding align with community priorities;
- Submit a report to the department of health care policy and financing (state department) that details who attended the public meeting, the topics discussed at the meeting, and any decisions made as a result of the discussion, particularly as they pertain to community benefit priorities, and community feedback received and how the hospital plans to incorporate the feedback into its community benefit implementation plan;
- Make each report available to the public; and
- Present priority areas identified in its most recent community health needs assessment and any other community benefit investment option it recommends.

The act requires the state medical services board to promulgate rules governing accommodation standards for the public meetings and include in its annual report a summary of the estimated federal, state, and property tax exemptions received by each hospital.

The act requires the state department to:

- Conduct a stakeholder meeting to determine best practices to ensure diverse input from local community members is used to determine community priorities as well as best practices for hospitals to collaborate with local public health agencies and community organizations to reduce redundant community needs assessments.
- Take remedial action if a hospital fails to comply with the hospital community benefit activity requirements. Such remedial action can include weekly fines between \$5,000 and \$20,000 for each violation.

The act requires a reporting hospital to expend any amount fined on community benefit investment priorities described in its current community benefit implementation plan. The reporting hospital must include information on how the money from fines was expended in the reporting hospital's annual report submitted to the state department.

The act appropriates \$50,000 from the healthcare affordability and sustainability fee cash fund to the state department for use by the office of the executive director of the state department, \$100,000 from reappropriated funds received from the state department to the department of revenue for personal services, and \$50,000 in anticipated federal funds for transfer to the department of revenue.

APPROVED by Governor May 10, 2023

EFFECTIVE August 7, 2023

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

[H.B. 23-1244](#) **Regional Health Connector Program **Sponsors: Reps. DeGruy
Kennedy; Velasco/Sen. Priola****

Regional health connector program - transfer to department of public health and environment - appropriation. The act moves the regional health connector program (program) from the university of Colorado school of medicine to the prevention services division (division) in the department of public health and environment (department). The act requires the division to administer the program and requires the department to contract with a third-party entity to coordinate and oversee the program. The contracted entity is required to distribute money to each locally based host organization, which hires and supports a regional health connector to engage in program activities.

For the 2023-24 state fiscal year, the act appropriates \$1.5 million to the department of higher education for use by the regents of the university of Colorado for allocation to the school of medicine and \$71,903 to the department for use by the division for the program.

For the 2024-25 state fiscal year, the act annually appropriates \$1.5 million to the division for the program.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

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

 **OFFICE OF GOVERNMENT RELATIONS**
Key Funding Legislation

S.B. 23-105

Ensure Equal Pay for Equal Work

**Sponsors: Sens. Danielson;
Buckner/Reps. Gonzales-
Gutierrez; Bacon**

Wage complaints - process to accept, mediate, and investigate violations - job opportunities - career progressions - posting required - rules - appropriation. Current law authorizes the director of the division of labor standards and statistics in the department of labor and employment (director) to create and administer a process to accept and mediate wage complaints, to provide legal resources concerning alleged wage inequity, and to promulgate rules as necessary for this purpose. The act changes these authorizations to requirements and further requires the director to create and administer a complaint mediation process by July 1, 2024.

Additionally, the act requires the director to:

- Investigate complaints or other leads concerning employer violations of wage inequity;
- Upon finding a violation, order compliance and relief; and
- Promulgate rules to enforce the act. The act also requires an employer to:
- For each job opportunity, follow specific guidelines for posting the opportunity and provide specific information to employees regarding the compensation, benefits, and date that the application window is anticipated to close; and
- Make reasonable efforts to make known information regarding the candidate who is selected for the job opportunity.

For positions with career progression, the act requires an employer to disclose and make available to all eligible employees the requirements for the career progression.

\$412,438 is appropriated from the general fund to implement the act. Of that sum, \$292,590 is appropriated to the department of labor and employment and \$119,848 is appropriated to the department of personnel.

APPROVED by Governor June 5, 2023

EFFECTIVE January 1, 2024

Note: This act was passed without a safety clause.

S.B. 23-172

**Protecting Opportunities and
Workers' Rights Act**

**Sponsors: Sens. Winter;
Gonzales/Reps. Weissman;
Bacon**

Discriminatory or unfair employment practices - harassment defined - protections based on marital status - exception to required accommodations for employees with disabilities - affirmative defense to supervisor harassment claims - nondisclosure agreement limitations - record-keeping requirements - appropriations. For purposes of addressing discriminatory or unfair employment practices pursuant to Colorado's anti-discrimination laws, the act enacts the "Protecting Opportunities and Workers' Rights (POWR) Act", which:

- Directs the Colorado civil rights division (division) to include "harassment" as a basis or description of discrimination on any charge form or charge intake mechanism;
- Repeals the current definition of "harass" that requires creation of a hostile work environment and redefines "harass" or "harassment" as unwelcome conduct directed at an individual or group of individuals in, or perceived to be in, a protected class, which conduct is subjectively offensive to the individual alleging harassment and objectively offensive to members of the same protected class as the individual alleging harassment, and which conduct need not be severe or pervasive to constitute a discriminatory or an unfair employment practice;
- Adds protections from discriminatory or unfair employment practices for individuals based on their marital status;
- For purposes of the exception to otherwise discriminatory practices for an employer that is unable to accommodate an individual with a disability who is otherwise qualified for the job, eliminates the ability for the employer to assert that the individual's disability has a significant impact on the job as a rationale for the employment practice and specifies that the exception is limited to situations in which there is no reasonable accommodation that would allow the individual to satisfy the essential functions of the job;
- Specifies the requirements for an employer to assert an affirmative defense to an employee's proven claim of unlawful harassment by a supervisor;
- Specifies the requirements that must be satisfied for a nondisclosure provision in an agreement between an employer and an employee or a prospective employee to be enforceable; and
- Requires an employer to maintain personnel and employment records for at least 5 years and, with regard to complaints of discriminatory or unfair employment practices, to maintain those records in a designated repository.

The act appropriates a total of \$1,248,170 from the general fund for the 2023-24 state fiscal year, allocated as follows to the following state departments and offices, to implement the act:

- \$152,866 to the department of corrections;
- \$23,469 to the department of education;
- \$35,415 to the office of the governor;
- \$23,363 to the department of health care policy and financing;
- \$129,081 to the department of human services;
- \$146,894 to the judicial department;
- \$46,833 to the department of labor and employment;
- \$17,708 to the department of law;
- \$76,276 to the department of natural resources;
- \$89,090 to the department of personnel;
- \$52,912 to the department of public health and environment;
- \$52,912 to the department of public safety;
- \$266,298 to the department of regulatory agencies; and
- \$47,045 to the department of revenue.

Additionally, \$88,008 is appropriated from the state highway fund to the department of transportation to implement the act.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

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

S.B. 23-111

**Public Employees' Workplace
Protections**

**Sponsors: Sen. Rodriguez/
Reps. Woodrow; Titone**

Public employee workplace rights - retaliation protection - appropriation. The "National Labor Relations Act" does not apply to federal, state, or local governments and the "Colorado Labor Peace Act" excludes governmental entities, with an exception for mass transportation systems, which means that these labor laws do not cover most public employees. The act grants certain public employees, including individuals employed by counties, municipalities, fire authorities, school districts, charter schools, public colleges and universities, library districts, special districts, public defender's offices, the university of Colorado hospital authority, the Denver health and hospital authority, the general assembly, and a board of cooperative services, the right to:

- Discuss or express views regarding public employee representation or workplace issues;
- Engage in protected, concerted activity for the purpose of mutual aid or protection;
- Fully participate in the political process while off duty and not in uniform, including speaking with members of the public employer's governing body on terms and conditions of employment and any matter of public concern and engaging in other political activities in the same manner as other citizens of Colorado without discrimination, intimidation, or retaliation; and
- Organize, form, join, or assist an employee organization or refrain from organizing, forming, joining, or assisting an employee organization.

However, a public employer that has a nonpartisan role may limit the right of an employee to fully participate in the political process while off duty and not in uniform to the extent necessary to maintain the nonpartisan role of the employer.

The act also prohibits certain public employers from discriminating against, coercing, intimidating, interfering with, or imposing reprisals against a public employee for engaging in any of the rights granted.

The division of labor standards within the Colorado department of labor and employment (division) is charged with enforcing any alleged violation of these rights and is granted rule-making authority. A party may appeal the department's final decision to the Colorado court of appeals. The act requires the court of appeals to give deference to the final decision of the department.

For the 2023-24 state fiscal year, \$151,751 is appropriated to the department of labor and employment for use by the division and for the purchase of legal services as needed to implement the act.

APPROVED by Governor June 6, 2023

PORTIONS EFFECTIVE August 7, 2023

PORTIONS EFFECTIVE July 1, 2024

Note: This act was passed without a safety clause and portions of it take effect 90 days after sine die.

S.B. 23-214 **Long Bill**

**Sponsors: Sen. Zenzinger,
Rep. Bird**

General appropriation act - 2023 long bill. For the fiscal year beginning July 1, 2023, 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 \$40,533,777,133. The general funds portion of the appropriation is set at \$11,207,009,905; the general fund exempt portion is set at \$3,489,095,143; the cash funds portion is set at \$10,504,822,476; the reappropriated funds portion is set at \$2,603,239,303; and federal funds portion is set at \$12,729,610,306.

The grand total for the state fiscal year beginning July 1, 2023, for capital construction projects is set at \$471,149,105. The capital construction fund portion is set at \$256,358,189; the cash funds portion is set at \$212,411,819; and the federal funds portion is set at \$2,379,097.

The grand total for the state fiscal year beginning July 1, 2023, for information technology projects is set at \$124,261,834. The capital construction fund portion is set at \$64,890,922; the cash funds portion is set at \$8,184,071; the reappropriated funds portion is set at \$996,386; and the federal funds portion is set at \$50,190,455.

The 2022 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the judicial department and the departments of corrections, early childhood, education, health care policy and financing, higher education, human services, judicial department, and public health and environment.

Appropriations were made in several bills during the 2022 legislative session as further amended to extend the appropriation for unexpended amounts to the 2023-24 fiscal year.

APPROVED by Governor May 1, 2023

EFFECTIVE May 1, 2023

H.B. 23-1246 **Support In-demand Career
Workforce**

**Sponsors: Reps. McCluskie;
Pugliese/Sens. Buckner; Will**

In-demand career workforce - financial support programs - reports - appropriations. The act directs the state board of community colleges and occupational education (board) to administer the in-demand short-term credentials program (program) to support the expansion of the number of available and qualified professionals who are able to meet Colorado's in-demand workforce needs. Under the program, the board is required to allocate funds to community and technical colleges, area technical colleges, local district colleges, and Colorado Mesa university to provide assistance to students for eligible expenses that support their enrollment in eligible programs. If unexpended resources exist, the funds must be used to pay for a student's housing, transportation, child or dependent care, or food expenses. The act requires the Colorado commission on higher education to submit a report regarding the program to the house of representatives and senate education committees during its annual "SMART Act" hearing. The act requires the office of future work (office) to provide grants to registered apprenticeship programs that provide training in the building and construction trade at no cost to apprentices (grant program).

The act requires the office to submit a report regarding the grant program to the house of representatives business affairs and labor committee and senate business, labor, and technology committee during its annual "SMART Act" hearing.

In the 2022-23 state fiscal year, the general assembly appropriated \$10 million to the department of public health and environment (department) for the purpose of recruitment and re-engagement efforts with health-care professionals with licenses and staffing. The act extends the authority for the department to use the appropriation through December 30, 2024.

In the 2022-23 state fiscal year, the general assembly appropriated \$3 million to the department for the school nurse grant program, which provides grants for hiring school nurses for public schools. The act extends the authority for the department to use the appropriation through December 30, 2024.

For the 2023-24 state fiscal year, \$43,600,000 is appropriated from the general fund to the department of higher education, of which:

- \$38,600,000 for the program; and
- \$5,000,000 to establish 2 new short-term degree nursing programs at community or technical colleges.

For the 2023-24 state fiscal year, \$1,400,000 is appropriated from the general fund to the department of labor and employment for the grant program.

APPROVED by Governor May 16, 2023

EFFECTIVE May 16, 2023

 **OFFICE OF GOVERNMENT RELATIONS**
Other Legislation

S.B. 23-001

**Authority Of Public-private
Collaboration Unit For Housing**

**Sponsors: Sens. Roberts;
Zenzinger/Reps. Bird;
Lukens**

Public-private collaboration unit - functions - public projects that provide affordable housing - unused state-owned real property fund - appropriation. The public-private collaboration unit (unit) in the department of personnel (department) promotes the use of public-private partnerships between state public entities such as departments, agencies, or subdivisions of the executive branch of state government, and private partners as a tool for time and cost-efficient completion of public projects. The act requires that the unit give preference to proposed or executed public-private partnership agreements that will use state-owned real property for mixed-income development and affordable housing that is proportional to a community's demonstrated affordable housing needs and authorizes the unit to undertake additional functions in connection with public projects that provide affordable housing including:

- Accepting gifts, grants, and donations, which if monetary, are to be credited to the unused state-owned real property fund (fund);
- Utilizing proceeds from real estate transactions and revenue from public-private agreements;
- Acting as an agent on behalf of the department in real estate transactions using real property that upon approval by the governor has been deeded to the department by a state public entity, including for the purchase, transfer, exchange, sale and disposition, and lease of real property; and
- Establishing a process for using requests for information to solicit public projects.

The act also allows the department and the unit to use money from the fund to facilitate these additional functions by the unit in connection with public projects that provide affordable housing and for the standard operating expenses of the unit. The state treasurer is required to transfer \$5,000,000 from the general fund to the fund on July 1, 2023.

For the 2023-24 state fiscal year, the act appropriates \$47,583 to the department of law from the legal services cash fund from revenue received from the department of personnel that is continuously appropriated to the department of personnel from the unused state-owned real property fund. The department of law may use the appropriation to provide legal services for the department of personnel.

APPROVED Governor signed: May 20, 2023

EFFECTIVE Date: May 20, 2023

S.B. 23-017

Additional Uses Paid Sick Leave

**Sponsors: Sens.
Winter/Reps. Willford;
Joseph**

Paid sick leave - additional uses - appropriation. The act allows an employee to use accrued paid sick leave when the employee needs to:

- Care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or any other unexpected occurrence or event that results in the closure of the family member's school or place of care;
- Grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member; or
- Evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or any other unexpected occurrence or event that results in the need to evacuate the employee's residence.

To implement the act, \$74,927 is appropriated from the general fund to the department of labor employment for use by the division of labor standards and statistics.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

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

**[S.B. 23-046](#) Average Weekly Wage Paid Leave Benefits Sponsors: Sen. Winter/
Rep. Duran**

Paid family and medical leave - benefit calculation. The act eliminates the requirement that an individual's weekly paid family and medical leave benefit be calculated based on the average weekly wage earned only from the job or jobs from which the individual is taking paid family and medical leave.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

**[S.B. 23-064](#) Continue Office Of Public Guardianship Sponsors: Sens. Gardner;
Ginal/
Reps. Snyder; Armagost**

Office of public guardianship - expansion - board of directors - guardian certification - gifts, grants, and donations - audit. Under existing law, the office of public guardianship (office) is authorized to operate in 3 judicial districts and is scheduled to repeal on June 30, 2024. The act extends the office indefinitely and requires the office to begin operating in additional judicial districts in 2025 and to operate in every judicial district in the state by December 31, 2030.

The act establishes a board of directors (board) to oversee the office. The board consists of 7 members: 3 members who are attorneys appointed by the chief justice of the Colorado supreme court and 4 non-attorney members appointed by the governor. The existing public guardianship commission that oversees the office is repealed, effective August 31, 2023.

The act permits the office to initiate petitions for guardianship and take any action on behalf of a client that a private guardian may take. The act requires the office to prioritize individuals with the greatest needs when the number of cases in which services have been requested exceeds the number of cases in which public guardianship can provide services.

The office of administrative services for independent agencies created in the judicial department in Senate Bill 23-228 in 2023 provides administrative and fiscal support to the office of public guardianship.

The office is required to employ guardians to provide guardianship services to the office's clients. A guardian must be certified as a guardian or become certified within 2 years after being hired by the office. The office shall provide training to guardians in specified subjects.

The act requires a court to waive filing fees for petitions for guardianship filed by the office in cases that involve an indigent and incapacitated person who is eligible for guardianship services from the office. A court is prohibited from requiring the office or a guardian employed by the office to post a bond as a condition for appointment as a guardian.

The act authorizes the office to spend any gifts, grants, or donations it receives without prior appropriation by the general assembly.

The act requires the state auditor to conduct, or cause to be conducted, a performance audit of the office during the period between July 1, 2027, and June 30, 2030.

APPROVED by Governor May 30, 2023

EFFECTIVE May 30, 2023

Note: Certain sections of the act are contingent on whether or not Senate Bill 23-228 becomes law. Senate Bill 23-228 was signed by the governor April 20, 2023.

S.B. 23-066 **Advanced Industry Acceleration Programs** **Sponsors: Sens. Simpson; Hansen/Reps. Bird; Lynch**

Colorado office of economic development - advanced industries acceleration grant program - advanced industry export acceleration program - eligibility criterion. The act extends the advanced industry export acceleration program, which was scheduled to end on January 1, 2025, and the advanced industries acceleration grant program, which was scheduled to end on July 1, 2024, by 10 years. Through March 1, 2023, the state treasurer annually credited to the advanced industries acceleration cash fund an amount equal to one-half of the bioscience and clean technology income tax withholding growth. The act extends this funding mechanism by 2 years.

Additionally, the advanced industry export acceleration program allows a qualifying business that meets certain eligibility criteria to receive an international export development expense reimbursement. The act removes the eligibility criterion that requires a qualifying business to show a profit during the last fiscal year.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

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

S.B. 23-086 **Student Leaders Institute** **Sponsors: Sen. Hansen/ Reps. Hamrick; Soper**

Student leaders institute - change to department oversight - appropriation. The act continues the Colorado student leaders institute program and changes responsibility for the program from the department of higher education to the department of education. This change shifts oversight of the program from a governor-appointed executive board to the state board of

education. The act transfers the long bill appropriation for the program from the department of higher education to the department of education. The bill appropriates \$8,184 from the general fund to department of education to implement the act.

APPROVED by Governor April 27, 2023

PORTIONS EFFECTIVE June 30, 2023

PORTIONS EFFECTIVE July 1, 2023

S.B. 23-087

Teacher Degree Apprenticeship Program

Sponsors: Sens. Marchman; Bailey/ Reps. Kipp; Wilson

Teacher licensure and authorizations - teacher degree apprenticeship program - appropriation. As an alternative route to teacher licensure, the act creates a teacher degree apprenticeship program (apprenticeship program). The apprenticeship program builds on elements of current alternative teacher licensure programs, including a bachelor's degree requirement, training programs approved by the state department of education (CDE), and structured on-the-job training. The apprenticeship program is run collaboratively with the United States department of labor office of apprenticeship (DOL office) and the state apprenticeship office (state office) and utilizes apprentice mentor teachers and teacher apprenticeship program sponsors (sponsor).

The act allows CDE to issue a teacher apprenticeship authorization (authorization) to a person (apprentice) who is employed by a school district, board of cooperative services, charter school, or institute charter school (school) who is actively registered in an apprenticeship program, and who is actively enrolled in an affiliated bachelor's degree program from an accredited institution.

The authorization is valid for 4 years while the apprentice completes the bachelor's degree requirement of the program. CDE may renew the authorization for up to 2 successive terms, in increments of 2 years, as necessary for the apprentice to fulfill the apprenticeship requirements. An authorization is invalid if the apprentice withdraws from any part of the apprenticeship program or fails to make satisfactory progress.

Upon application from an entity with expertise in apprenticeship or teacher preparation, CDE shall authorize the entity to serve as a sponsor. Applications to serve as a sponsor must include a proposed work process schedule and related instruction plan required by the DOL office and state office. CDE shall review each application and approve or disapprove the sponsor. If approved, the sponsor may apply to CDE for approval of an apprenticeship program.

An apprenticeship program must meet the following criteria:

- Be registered with the DOL office or state office;
- Incorporate a bachelor's degree program from an accredited institution in a related field of study relative to the licensure type; and
- Incorporate on-the-job training in meaningful and time-saving ways.

Every 5 years after apprenticeship program approval, CDE shall consult with the DOL office or state office concerning the federally required audit of the apprenticeship program to ensure the apprenticeship program continues to meet requirements.

The state board of education is authorized to promulgate rules for the implementation of the apprenticeship program.

For the 2023-24 state fiscal year, \$116,134 is appropriated from the general fund to the department of education.

For the 2023-24 state fiscal year, \$26,435 is appropriated to the department of law from reappropriated funds received from the department of education. The department of law may use this appropriation to provide legal services for the department of education.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

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

S.B. 23-170 **Extreme Risk Protection Orders** **Sponsors: Sens. Sullivan;**
Fenberg/Reps. Bacon;
Weissman

Extreme risk protection orders - additional petitioners - public education campaign - appropriation. The act repeals and reenacts the statutory article related to extreme risk protection orders.

Under current law a family or household member and a law enforcement officer or agency can petition for an extreme risk protection order. The act expands the list of who can petition for an extreme risk protection order to include licensed medical care providers, licensed mental health-care providers, licensed educators, and district attorneys.

The act requires the office of gun violence prevention to expend funds annually on a public education campaign regarding the availability of, and the process for requesting, an extreme risk protection order.

The act appropriates:

- \$140,462 from the general fund to judicial department to implement the act; and
- \$238,846 from the general fund to the department of public safety.

APPROVED by Governor April 28, 2023

EFFECTIVE April 28, 2023

S.B. 23-202 **Wearing Of Native American** **Sponsors: Sens. Danielson;**
Traditional Regalia **Jaquez Lewis/Reps.**
McLachlan; Velasco

Graduation ceremonies - wearing of Native American regalia. The act requires a public school or school district to allow a qualified student to wear and display traditional Native American regalia at a school graduation ceremony and applies to pre-kindergarten, kindergarten, primary school, and secondary school graduation ceremonies. The act requires public colleges and universities to allow a qualified student to wear and display traditional Native American regalia at a college graduation ceremony.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-205

**Universal High School
Scholarship Programs**

**Sponsors: Sens. Bridges;
Lundeen/Reps. Martinez;
Wilson**

Higher education scholarships - scholarships for in-demand or high-priority postsecondary pathways and apprenticeships - appropriation. The act establishes the universal high school scholarship program (program) in the office of economic development (office) to provide scholarships for the 2024-25 academic year to students who pursue an in-demand or high-priority postsecondary pathway, including degrees, certificates, and registered apprenticeships, with a provider on the eligible training provider lists disseminated by the department of labor and employment, a provider in the Colorado state apprenticeship resource directory, a public or private institution of higher education operating in Colorado, or an organization approved by the office (service providers). The office, or a vendor contracted by the office, administers the program. The office shall develop policies and procedures necessary to administer the program.

A student is eligible for the program if the student graduated from a Colorado high school or was awarded a high school equivalency credential during the 2023-24 academic year; completes the free application for federal student aid or the Colorado application for state financial aid; and did not receive a grant from the Colorado opportunity scholarship initiative.

Scholarships are awarded in the following priority: First, to all eligible students who intend to enroll at a service provider to pursue an in-demand or high-priority postsecondary pathway, then to other eligible students who intend to enroll at a service provider. The office or vendor determines the amount of each scholarship award, up to a maximum \$1,500. Scholarship money is distributed to the service provider for use by the student for tuition, fees, and books.

The act requires the office to contract with vendors to provide postsecondary and career advising at schools identified by the office. The office shall make efforts to identify a diversity of schools in rural and urban areas of the state to receive postsecondary advising support.

The act requires the state treasurer to transfer \$25 million from the general fund to the universal high school scholarship cash fund (cash fund). The act appropriates \$25 million from the cash fund to the office of the governor for the program.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

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

S.B. 23-276

**Modifications To Laws Regarding
Elections**

**Sponsors: Sen.
Fenberg/Rep.Sirota**

Uniform Election Code of 1992 - initiatives and referendums - Fair Campaign Practices Act - public official disclosures - appropriation. The act modifies the "Uniform Election Code of 1992" (code), the law regarding initiatives and referendums, the "Fair Campaign Practices Act", and the law regarding public official disclosures.

The act modifies the code as follows:

- Allows any form of identification currently specified in the code to be presented in digital format;
- Repeals a criterion for determining a voter's residence;
- Facilitates voter registration for people who live on Indian reservations;
- Modifies the self-affirmation that is required when an elector registers or preregisters to vote to conform to the elimination by constitutional amendment of the right of an individual who is 17 years old but will turn 18 before a general election to vote in the primary election that precedes the general election;
- Modifies the meeting dates on which a judicial district central committee holds its organizational meetings;
- Eliminates the option for all active electors in a county who have not declared an affiliation to specify a party preference and specifies that all such electors will receive a mailing that contains the ballots of all of the major political parties;
- Conforms provisions regarding presidential electors to federal law; ! Clarifies who can challenge a candidate's eligibility for office;
- Modifies notice requirements for candidates for designation for nomination by assembly;
- Modifies the standards for a petition entity to operate in the state;
- Creates a process for a candidate to protest when the secretary of state (secretary) has determined that a petition is insufficient;
- Requires voter service and polling centers (VSPC) and drop boxes to be located on campuses of private institutions of higher education and increases the number of VSPCs and drop boxes on campuses of private and state institutions of higher education;
- Clarifies the number of in-person voting days at a VSPC on an Indian reservation; ! Allows drop boxes to be located at places of worship;
- Allows a VSPC to be located in a multi-use building where alcohol is served so long as the VSPC is in a separate part of the building;
- Increases the state's reimbursement to counties for the cost of conducting elections beginning in July of 2024;
- Clarifies the secretary's authority to determine conditions of use for voting systems;
- Updates provisions regarding the use of voting systems to align with current practice;
- Clarifies that a clerk and recorder or designated election official (clerk) is required to submit a plan regarding voting to the secretary before every election;
- Allows counties with fewer than 15,000 active voters to have 2, rather than 3, election judges at each VSPC;
- Eliminates references to precincts;
- Clarifies the number of watchers allowed in certain locations for primary, general, and congressional vacancy elections;
- Modifies who may appoint an election watcher;
- Specifies the circumstances under which a clerk is required to revoke the certificate of a watcher for the use of a mobile phone in a polling location;
- Specifies that an election watcher may use a phone to send or receive text messages while watching election activities so long as the watcher is not in view of personally identifiable information;
- Specifies the conditions under which an elector may take a mobile phone into a VSPC;
- Clarifies the duty of election judges to inspect voting machines;

- Requires that a bipartisan team of election judges make a duplicate copy of a ballot that is damaged or defective;
- Specifies that the secretary is required to retain election setup records as election records;
- Allows a voting system provider under contract to provide a voting system to a political subdivision in the state to place any changes to election software in escrow with either the secretary or an independent escrow agent;
- Specifies when a clerk must update the voter registration system after an eligible elector (elector) has cured deficient identification or a missing or deficient signature;
- Specifies how often a clerk must collect ballots from each drop box;
- Specifies when a clerk must begin counting ballots in counties with over 10,000 electors;
- In counties that have issued electronic tablets to or made electronic tablets available to confined eligible electors, directs the clerk and the sheriff to determine and include in the mail ballot election plan the process by which they will facilitate voter registration, ballot delivery, and ballot return using electronic tablets issued to confined eligible electors;
- Modifies deadlines and the process for testing voting systems in connection with a mandatory recount of votes cast;
- Modifies recount timelines and payment requirements;
- Updates requirements regarding lists of presidential electors to conform with federal law;
- Clarifies how the date of a recall election is determined;
- Repeals an obsolete provision regarding voting in an incorrect polling location; and
- Specifies that it is not electioneering for a person to incidentally display apparel that supports political issues on the campus of any institution of higher education, rather than just a state institution of higher education, where a VSPC is located.

The act modifies the law regarding initiative and referendum by prohibiting allowing the secretary of state to prohibit a petition entity from circulating ballot petitions if the entity or a principal of the entity has been convicted of certain crimes and by increasing penalties for petition entities that violate state law regarding petition circulation.

The act modifies the "Fair Campaign Practices Act" as follows:

- Clarifies the definition of "independent expenditure committee";
- Prohibits a candidate committee from knowingly accepting contributions from certain entities and making contributions to certain entities;
- Specifies time frames for the termination of candidate committee accounts;
- Limits the amount of unexpended campaign contributions that may be transferred from one candidate committee to another for a different office sought by the same candidate;
- Clarifies that an elected official may use unexpended campaign contributions for child care costs;
- Clarifies when a referred measure is submitted to the voters by the general assembly;
- Requires the electronic filing of candidate disclosure statements; and

- States that a candidate may be disqualified if the secretary finds that the candidate willfully filed a false or incomplete disclosure statement.

The act modifies the law regarding public official disclosure by specifying that the information included in the public disclosures filed by certain public officials must include information for the previous calendar year under certain circumstances and by requiring the person making the disclosure to include certain information about the sources of compensation the person received.

The act prohibits a clerk who is administering an election and the department of state from using an appropriation of state or federal money to pay for advertising expenses that feature a person who is a declared candidate for a federal, state, or local office.

The act extends the department of state's spending authority by 2 fiscal years for an appropriation that was originally made for the 2021-22 state fiscal year and available for expenditure through the 2022-23 state fiscal year for the implementation of a law that the general assembly enacted in 2019 to facilitate automatic voter registration.

For the 2023-24 state fiscal year, the act appropriates \$469,201 from the department of state cash fund to the department of state for the implementation of the act.

APPROVED by Governor June 6, 2023

PORTIONS EFFECTIVE June 6, 2023

PORTIONS EFFECTIVE January 1, 2024

PORTIONS EFFECTIVE July 1, 2024

S.B. 23-286 Access To Government Records

**Sponsors: Sen.
Hansen/Reps. Snyder;
Soper**

Colorado Open Records Act - identification requirement prohibited - transmission of records available in digital format - denial of inspection of telephone number and home address - records of certain sexual harassment complaints subject to inspection - electronic mail policy - per-page fees for records provided in digital format prohibited - electronic payments allowed. The act makes the following changes to the "Colorado Open Records Act" (CORA):

- Prohibits a custodian of public records from requiring a requester to provide any form of identification to request or inspect records pursuant to CORA unless a requester is otherwise required to provide identification pursuant to law;
- Clarifies that if a public record is available in a digital format that is searchable, the custodian is required to provide a digital copy of the record in a searchable format unless otherwise requested by the requester;
- Specifies that if a public record is available in a digital format, the custodian is required to transmit copy of the record in a digital format by electronic mail or by another mutually-agreed upon transmission method if the size of the record prevents transmission by electronic mail;
- Prohibits a custodian from converting a digital record into a non-searchable format prior to transmission;
- Allows a custodian to deny a requester's right to inspect the telephone number or home address that a person provides to an elected official, agency, institution, or

political subdivision of the state for the purpose of future communication with the elected official, agency, institution, or political subdivision of the state;

- Notwithstanding specified provisions of law, makes certain records of sexual harassment complaints made against an elected official and the results or report of investigations regarding alleged sexual harassment by an elected official available for inspection if the investigation concludes that the elected official is culpable for any act of sexual harassment;
- Requires each member of the general assembly, the governor's office and each office of the governor, and each state agency and institution to submit, on or before January 1, 2024, a report to the staff of the legislative council of the general assembly outlining its respective electronic mail retention policy;
- Prohibits a custodian from charging a per-page fee for providing copies of a public record if the record is provided in a digital or electronic format; and
- Requires a custodian to allow records requesters to pay any fee or deposit associated with the request via a credit card or electronic payment if the custodian allows members of the public to pay for any other service or product provided by the custodian with a credit card or electronic payment.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1006

Employer Notice Of Income Tax Credits

Sponsors: Reps. Young; Daugherty/Sen. Exum

Income tax - annual withholding statement - notice of availability of federal and state earned income and child tax credits. The law has required an employer to provide its employees with an annual statement showing the total compensation paid and the income tax withheld for the preceding calendar year. The act requires an employer to also provide written notice of the availability of the federal and state earned income tax credits and the federal and state child tax credits at least once annually. An employer may send the written notice to employees electronically, including via e-mail or text message. The written notice must be in English and any other language the employer uses to communicate with employees and must include any additional content that the department of revenue prescribes.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1057

Amenities For All Genders in Public Buildings

Sponsors: Reps. McCormick; Vigil/Sen. Jaquez Lewis

Public building restrooms and diaper changing stations - all-gender amenities - appropriation. Effective January 1, 2024, the act requires each newly constructed building and each building with qualifying restroom renovations that is wholly or partly owned by a state department, state agency, state institution of higher education, county, city and county, or municipality (public entity) to:

- Provide a non-gendered restroom facility or a multi-stall non-gendered facility on each floor where restrooms are available in a newly constructed building and wherever a

restroom is accessible to the public in a building in which a restroom is being renovated;

- Ensure that all single-stall restrooms are not gender specific restrooms;
- Allow for the use of multi-stall restrooms by any gender if certain facility features are met under the International Plumbing Code and the Colorado Fuel Gas Code;
- Provide at least one safe, sanitary, and convenient baby diaper changing station that is accessible to the public on each floor where there is a public restroom in a newly constructed building and wherever a restroom is accessible to the public in a building in which a restroom is being renovated, in each gender-specific restroom if only gender-specific restrooms are available, and in each non-gendered single-stall or multi-stall restroom or provide such a changing station in an easily accessible location with equivalent privacy and amenities as a restroom;
- Ensure that each baby diaper changing station is cleaned with the same frequency as the restroom in which it is located, or restrooms on the same floor or in the space if it is not within a restroom, and maintained, repaired, and replaced as necessary to ensure safety and ease of use.

Beginning July 1, 2024, but no later than July 1, 2026, a building that is wholly or partially owned or leased by a public entity must ensure that signage for the building or the portion of the building leased or owned by the public entity complies with the following signage requirements, subject to available appropriations:

- Include signage indicating the presence of a baby diaper changing station with a pictogram that is void of gender in all restrooms with baby diaper changing stations, include signage with a pictogram void of gender in all non-gendered restrooms, and include signage with a pictogram void of gender in all single-stalled restrooms; and
- Indicate in the central building directory, if such a directory exists, the location of any baby diaper changing station and of any non-gendered restroom with a pictogram void of gender.

The act requires the department of personnel to complete a survey that determines the number and locations of signs needed to comply with the act signage requirements and requires the survey be provided to the general assembly and the capital development committee. The requirements of the act pertaining to baby diaper changing stations and providing a non-gendered single-stall restroom or a non-gendered multi-stall restroom in specified locations do not apply:

- To the extent that compliance with a requirement would result in failure to comply with applicable building standards governing the right of access for individuals with disabilities;
- To a project that has already progressed through the design review process, budgeting, and final approval by the governing body that has final approval over capital construction project expenditures as of the effective date of the act, or to a building designated as a certified historic structure.

Beginning on July 1, 2025, the act requires a building that is wholly or partially owned by a public entity that is a newly constructed building that is accessible to employees or enrolled students, or a building undergoing a qualifying restroom renovation to:

- Provide a non-gendered single-stall restroom or a non-gendered multi-stall restroom;
- Ensure that any single-stall restroom is not a gender-specific restroom; and
- Allow for the use of a multi-stall restroom by any gender if certain facility features are met pursuant to the International Plumbing Code or the Colorado Fuel Gas Code as adopted by the state plumbing board.

The act clarifies that an employee with a designated workplace in a public building may undertake the complaint process for alleged discriminatory or unfair practices including the failure to comply with providing the required amenities to all genders, as required, with the Colorado civil rights division charged with the enforcement of the Colorado anti-discrimination act.

For the 2023-24 state fiscal year, \$450,000 is appropriated from the general fund to the department of personnel for use by the office of the state architect. To implement the act, the office may use \$400,000 for statewide planning services and \$50,000 for a restroom survey of state-owned buildings.

APPROVED by Governor May 24, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1064 Interstate Teacher Mobility Compact

Sponsors: Reps. Lukens; Young/Sens. Marchman; Kolker

Interstate teacher mobility compact - notice - repeal. The act creates the "Interstate Teacher Mobility Compact," which is designed to make it easier for teachers from member states, especially active military members and eligible military spouses, to receive a teacher's license from other member states. The compact becomes effective when 10 or more states enact it.

APPROVED by Governor March 10, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1198 Teacher Externship Program For Science Technology Engineering And Math Disciplines

Sponsors: Reps. Titone; Lukens/Sens. Rich

Department of labor and employment - teacher externship program - educations and professional credits - rules - repeal - appropriation. The act requires the department of labor and employment (department) to establish, on or before January 1, 2024, a teacher externship program to provide work-based learning opportunities for kindergarten through twelfth grade public school teachers (K-12 teachers) in order for the teachers to gain knowledge and expand their curriculum in the science, technology, engineering, and mathematics disciplines and other disciplines that may be of value to a particular school district.

The department is required to establish at least one externship model and develop consistency in offering the ability for teachers to apply for graduate credits, career and technical education credits, and professional development credits. The act requires the

department to collaborate with the department of education to establish minimum standards for the work-based learning opportunities.

The department is authorized to allocate money directly to local education providers for teacher compensation and to work-based intermediaries, if applicable, to defray the costs of placing the teachers in externships with employers.

The act requires the department to compile and report data on the externship program on an annual basis. The director is authorized to accept gifts, grants, and donations for the purposes of providing compensation to teachers who participate in the program.

The executive director of the department may promulgate rules to implement the program. The program is scheduled to repeal on September 1, 2025.

For the 2023-24 state fiscal year, the act appropriates \$223,039 from the general fund to the department of labor and employment for use by the division of employment and training to implement the teacher externship program and authorizes the department to expend a portion of the 2023-24 state fiscal year appropriation that is not expended prior to July 1, 2024, in the 2024-25 state fiscal year for the same purpose.

APPROVED by Governor May 22, 2023

EFFECTIVE August 7, 2023

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

H.B. 23-1231

**Math In Pre-kindergarten
Through Twelfth Grade**

**Sponsors: Reps. McLachlan;
Pugliese/Sens. Marchman;
Lundeen**

Mathematics literacy- interventions - grant programs - appropriation. The act requires the department of education (department), by January 2024, to offer free optional trainings in evidence-informed practices in mathematics, including a training specifically designed for elementary school educators and a training specifically designed for secondary school mathematics educators. Each training must include instruction on interventions for students who are below grade level or struggling in mathematics, children with disabilities, and students who are English language learners. Trainings must be available to relevant staff of school districts, related administrative units, district charter schools, institute charter schools, boards of cooperative services, and community-based organizations.

School district boards of education and institute charter schools are strongly encouraged to adopt procedures for schools to provide support to students in pre-kindergarten through twelfth grade and their families to improve mathematics outcomes. Procedures may include:

- Identifying students who are below grade level or struggling in mathematics based on academic assessments;
- Notifying the parents, guardians, or legal custodians if a student is below grade level or struggling in mathematics;
- Providing parents, guardians, or legal custodians with a list of interventions and acceleration strategies to assist with mathematics at home, including a state-advisory list of curricula, referrals for tutoring, or other intervention opportunities, if applicable;
- Publishing mathematics curricula annually, including supplemental curricula or interventions; and

- Implementing train-the-trainer or train-the-parent framework plans to improve mathematics achievements for students.

The act creates the Colorado academic accelerator grant program (grant program). The purpose of the grant program is to create community learning centers that:

- Provide opportunities for free academic enrichment and support, which must include tutorial services to help students meet rigorous academic standards and to increase proficiency in mathematics outcomes; and
- Offer families opportunities for engagement in students' education.

Eligible entities that apply to the grant program are selected for a grant that runs for a period of 3 years. The department shall prioritize eligible entities that:

- Adopt intervention strategies;
- Use evidence-informed programs that build students skills in STEM and mathematics;
- Use digital math accelerator programs;
- Serve high-needs students, as determined by the department;
- Have an established presence and relationship in the community; and
- Demonstrate in the application how they will meet the needs of diverse student populations.

The act requires school districts, public schools, the state charter school institute, and institute charter schools that are on an improvement plan, priority improvement plan, or a turnaround plan to identify strategies to address the needs of students who are below grade level or struggling in mathematics and set or revise, as appropriate, ambitious but attainable targets that the public school shall attain in reducing the number of students who are below grade level or struggling in mathematics to increase the number of students who achieve grade-level expectations in mathematics.

The act adjusts the ninth-grade success grant program to prioritize applicants that propose programming focused on evidence-informed mathematics skills, acceleration strategies, and intervention strategies, including a focus on students who are below grade level or struggling in mathematics and have academic achievement levels in mathematics that are consistently ranked the lowest for public high schools in the state, as determined by the department.

The act includes a requirement that candidates for an elementary education endorsement, a middle school mathematics endorsement, or a secondary mathematics endorsement be trained in evidence-informed practices in mathematics, including interventions to help students who are below grade level or struggling in mathematics, children with disabilities, and students who are English language learners.

The act adds developmentally appropriate early numeracy to continuing professional development requirements for teachers employed by a preschool, and requires the department of early childhood to include developmentally appropriate early numeracy as a subject matter area in the resource bank of preschool curricula for use by preschool providers.

The act appropriates \$26,694,530 from the general fund to the department as follows:

- \$594,530 for math educator training and improvement planning;

- \$24,500,000 for the grant program; and
- \$1,600,000 for the ninth-grade success grant program.

APPROVED by Governor May 15, 2023

EFFECTIVE May 15, 2023