



OFFICE OF GOVERNMENT RELATIONS
CU Initiated State Legislation

The First Regular Session of the seventy-third session of the Colorado General Assembly convened on January 13, 2021 and ended on June 8, 2021. The legislature took a 5 week recess from January 13th to February 16th due to Covid-19 concerns.

H.B. 21-1067 College Admission Use of National Test Score

Sponsors: Reps. Kipp, Exum/Sens. Story, Buckner

Under current law, the admission standards for first-time admitted freshmen students must use high school academic performance indicators and national assessment test scores. The act removes the requirement for a national assessment test score. The act states that the governing board of a state institution of higher education (institution) may, but is not required to, require a national assessment test score as an eligibility criterion for admission.

An applicant may submit a national assessment test score to an institution that does not require a national assessment test score as an eligibility criterion and request that the institution consider the national assessment test score.

Starting June 30, 2023, the department of higher education (department) shall publish and submit to the education committees an annual report of various data intended to determine whether requiring or not requiring a national assessment test score as an eligibility criterion for the admissions process provides greater diversity among institutions without causing negative student outcomes that are directly attributable to the change in the admissions process.

On or before June 30, 2027, and on or before June 30, 2032, the commission on higher education shall publish and submit to the education committees a report analyzing the annual reports submitted by the department.

APPROVED by Governor May 25, 2021

EFFECTIVE May 25, 2021

H.B. 21-1328 Effective Date of Senate Bill 20-123

Sponsors: Reps. Herod, Van Winkle/Sens. Fields, Priola

During the 2020 regular legislative session, the general assembly enacted Senate Bill 20-123 concerning the rights of college athletes, and, in connection therewith, establishing their right to receive compensation for the use of their names, images, and likenesses and their right to obtain professional and legal representation. The governor subsequently signed Senate Bill 20-123 into law.

Senate Bill 20-123 was enacted with an effective date of January 1, 2023. The act changes this effective date to July 1, 2021.

APPROVED by Governor June 28, 2021

EFFECTIVE June 28, 2021

S.B. 21-029 Colorado American Indian Tribes In-state Tuition

Sponsors: Sen. Fenberg/ Reps. Garnett, Benavidez

Beginning with the 2021-22 academic year, the act requires a state institution of higher education (institution) to adopt a policy to offer in-state tuition classification to students who would not otherwise qualify for in-state tuition if the student is a federally recognized member of a federally recognized American Indian tribe with historical ties to Colorado, as designated by the Colorado commission of Indian affairs in partnership with history Colorado.

The institution may count the student as a resident student for any purpose within the tuition classification statutes and for purposes of resident enrollment requirements. The student is eligible to apply for the Colorado opportunity fund stipend and state-funded financial aid, and may be eligible for private financial aid programs

APPROVED by Governor June 28, 2021

EFFECTIVE June 28, 2021



OFFICE OF GOVERNMENT RELATIONS
Key State Higher Education Legislation

H.B. 21-1051 **Public Information Applicants for
Public Employment**

**Sponsors: Reps. Geitner,
Bird/Sens. Pettersen, Liston**

A state or local public body conducting a search for a chief executive officer of an agency, authority, institution, or other entity is required to name one or more candidates as finalists and to make the finalist or finalists public prior to making an offer of employment. The application materials of an applicant for any employment position, including an applicant for an executive position who is not a finalist, are not subject to public inspection under the "Colorado Open Records Act". The act repeals a provision requiring that, if 3 or fewer candidates for an executive position meet the minimum requirements for the position, all of those candidates must be treated as finalists and their application materials are public records. The act requires the disclosure of demographic data concerning the race and gender of a candidate who was interviewed but not named as a finalist for a chief executive officer position, if that information was legally requested and voluntarily provided.

APPROVED by Governor May 25, 2021

EFFECTIVE September 7, 2021

Note: This act was passed without a safety clause.

H.B. 21-1173 **Prohibiting Legacy Preferences in
Higher Ed Insts**

**Sponsors: Reps. Mullica,
Gray/Sens. Pettersen, Bridges**

Current law does not prevent a higher education institution (institution) from considering legacy preferences and familial relationships to alumni of the institution as eligible criteria for admissions standards. The act prohibits a governing board of a state-supported higher education institution (governing board) from considering legacy preferences and familial relationships to alumni of the institution in the admissions process. The act allows a governing board to ask questions regarding familial relationships to alumni of the institution in order to collect data.

APPROVED by Governor May 25, 2021

EFFECTIVE September 7, 2021

H.B. 21-1330 **Higher Education Student Success**

**Sponsors: Reps. McCluskie,
Ricks/Sens. Zenzinger,
Kirkmeyer**

Beginning with the 2021-22 state fiscal year, the act directs the Colorado opportunity scholarship initiative (COSI) advisory board to allocate to public institutions of higher education (institution) an amount appropriated to the COSI fund from money received pursuant to the federal "American Rescue Plan Act of 2021" (ARPA). To receive a distribution of its allocation, an institution must submit a student assistance plan (plan) explaining how the institution will use the money to provide financial assistance and support services to students who have some postsecondary credits but stopped attending before obtaining a credential, and first-time students who were admitted to an institution for the 2019-20 or 2020-21 academic year but did not enroll for the 2020-21 academic year. The provision of financial assistance and support services is designed to decrease student debt and increase student enrollment, retention, and completion of credentials. The COSI advisory board must review each plan based on specified criteria and may require changes to a plan before approving a distribution. At the end of the fiscal year, each institution must submit a report of how it used the money and the results achieved. The COSI director must include the information in the report that the board annually prepares for the joint

budget committee and the education committees of the general assembly. The program to distribute the federal money in this manner is repealed July 1, 2026.

The act creates the student aid applications completion grant program (grant program) in COSI. A school district, a charter school, or a board of cooperative services that operates a high school (local education provider) that chooses to apply for a grant must require the students enrolled by the local education provider to complete the free application for federal student aid and the Colorado application for state financial aid (student aid applications) before high school graduation, unless waived under conditions specified by the local education provider. The act specifies the contents of the application and requires the COSI board to review the applications and approve the grant awards to be paid from an amount appropriated to the COSI fund in the act. Each grant recipient must submit an annual report concerning use of the grant money, and the COSI board must include a summary report in the annual report that the COSI board submits to the education committees of the general assembly. The grant program is repealed July 1, 2026.

The act creates the Colorado re-engaged (CORE) initiative within the department of higher education (department) to award an associate degree to an eligible student who enrolls in a baccalaureate degree program at a 4-year institution and earns at least 70 credit hours, but stops attending before attaining the degree. The act specifies the role of the department in implementing the CORE initiative and the role of an institution that chooses to participate in the CORE initiative. Each institution that chooses to participate in the CORE initiative must annually submit to the department a report concerning implementation of the CORE initiative. The department must review and compile the reports and submit a summary report to the education committees of the general assembly.

The act repeals the requirement that a community college or a local district college must receive approval from the Colorado commission on higher education (commission) to offer a bachelor of applied science degree program. A community college or a local district college that seeks to offer a bachelor of applied science degree program must apply to its governing board, and the governing board may approve the program based on specified criteria. If a governing board approves a bachelor of applied science degree program, the governing board must notify the commission. The act repeals the criteria the commission must apply in approving a bachelor's degree program for a local district college. The act directs the commission to convene a task force to:

- Review the role and mission and service area of each state institution of higher education, local district college, and area technical college;
- Review the interaction between the institutions, the local district colleges, the area technical colleges, and the state work force development council in supporting and improving workforce development; and
- Review and make recommendations concerning uses of ARPA money for assistance for populations disproportionately impacted by the COVID-19 public health emergency that address or mitigate the impacts of the public health emergency on educational disparities.

The act describes the membership of the task force and the issues the task force must address. By December 15, 2021, the task force must submit a report of findings and recommendations to the commission and to the education committees of the general assembly. The department must post the report on the department's website.

The act creates within the department a working group appointed by the governor to recommend strategies for increasing the student completion rate for the student aid applications. The working group must submit its recommendations to the commission, the state board of education, the joint budget committee, and the education committees of the general assembly by January 15, 2022.

The act allows the governing board of an institution to classify a qualified person as an in-state student, for tuition purposes only, if the qualified person moves to the state to accept employment, the employer is paying the qualified person's tuition, and the qualified person demonstrates the intent to establish

permanent domicile in the state. The qualified person is not eligible to receive the state stipend for the first year of enrollment.

For the 2021-22 fiscal year the following amounts are appropriated from money the state received from the federal coronavirus state fiscal recovery fund:

- \$49,000,000 to COSI for distribution to institutions to implement their student assistance plans;
- \$1,500,000 to COSI for the student aid applications completion grant program; and
- \$1,000,000 to the department to implement the CORE initiative and the associate degree completion program.

APPROVED by Governor June 29, 2021

EFFECTIVE June 29, 2021

Note: The act is contingent on House Bill 21-1264 becoming law. House Bill 21-1264 was approved by the governor on June 23, 2021.

S.B. 21-147

**Sunset Continue Licensing of
Athletic Trainers**

**Sponsors: Sens. Fields,
Holbert/Reps. Froelich, Van
Winkle**

The act continues the "Athletic Trainer Practice Act" (practice act) and the licensing of athletic trainers by the director of the division of professions and occupations in the department of regulatory agencies for 10 years, until 2031. The act also makes the following substantive changes to the practice act:

- Allows athletic trainers to practice only under the supervision of a licensed physician or physician assistant;
- Broadens the range of available disciplinary measures to include letters of admonition, confidential letters of concern, and probationary periods;
- Imposes a 2-year waiting period before an athletic trainer whose license has been revoked or who has surrendered a license in lieu of disciplinary proceedings may reapply for a license; and
- Updates the grounds for discipline based on alcohol or drug use to conform to current standards and terminology.

APPROVED by Governor May 22, 2021

EFFECTIVE September 1, 2021

S.B. 21-190

Protect Personal Data Privacy

**Sponsors: Sens. Rodriguez,
Lundeen/Reps. Duran, Carver**

The act creates personal data privacy rights and:

- Applies to legal entities that conduct business or produce commercial products or services that are intentionally targeted to Colorado residents and that either:
 - Control or process personal data of at least 100,000 consumers per calendar year; or
 - Derive revenue from the sale of personal data and control or process the personal data of at least 25,000 consumers; and
- Does not apply to certain specified entities including state and local governments and state institutions of higher education, personal data governed by listed state and federal laws, listed activities, and employment records.

The act defines a "controller" as a person that, alone or jointly with others, determines the purposes and means of processing personal data. A "processor" means a person that processes personal data on behalf of a controller. Consumers have the right to opt out of a controller's processing of their personal data; access, correct, or delete the data; or obtain from a controller a portable copy of the data.

The act:

- Specifies how controllers must fulfill duties regarding consumers' assertion of their rights, transparency, purpose specification, data minimization, avoiding secondary use, care, avoiding unlawful discrimination, and sensitive data;
- Requires controllers to conduct a data protection assessment for each of their processing activities involving personal data that present a heightened risk of harm to consumers, such as processing for purposes of targeted advertising, profiling, selling personal data, or processing sensitive data; and
- Specifies that a violation of its requirements is a deceptive trade practice for purposes of enforcement, but the act may be enforced only by the attorney general or district attorneys.

Local governments are preempted from adopting laws that govern the processing of personal data by controllers or processors. The attorney general may promulgate rules to administer the act and is required to adopt rules detailing technical specifications for a universal opt-out mechanism that controllers must use.

APPROVED by Governor July 7, 2021

EFFECTIVE July 1, 2023

S.B. 21-250 **Elections and Voting**

**Sponsors: Sens. Fenberg,
Gonzales/Reps. Lontine,
Caraveo**

The act amends various laws related to the conduct of elections, including provisions related to:

- Procedures for registering to vote and for automatic voter registration through voter registration agencies;
- Requirements related to political party organization, including requirements for precinct caucuses, county assemblies, and vacancy committees;
- Ballot access for candidates, including repealing the ability of an unaffiliated candidate for president of the United States to be nominated by paying a fee;
- Requirements for voter service and polling centers and voting in person;
- Procedures for challenges to a person's right to vote;
- Procedures and requirements for circulating recall petitions and the conduct of recall elections, including municipal and local government recall elections;
- Prohibitions on electioneering in and within 100 feet of a polling place; and
- Requirements for filing initiative petitions.

The act applies to elections conducted on or after the effective date of the act and takes effect upon passage; except that provisions allowing a person to register to vote online using the last 4 digits of their social security number take effect March 1, 2022.

APPROVED by Governor June 21, 2021

PORTIONS EFFECTIVE June 21, 2021

PORTIONS EFFECTIVE March 1, 2022

S.B. 21-256 **Local Regulation of Firearms**

**Sponsors: Sens. Fenberg,
Moreno/Reps. Hooton,
Daugherty**

The act declares that the regulation of firearms is a matter of state and local concern. A local government is permitted to enact an ordinance, regulation, or other law governing or prohibiting the sale, purchase, transfer, or possession of a firearm, ammunition, or firearm component or accessory. The ordinance, regulation, or law may not be less restrictive than state law. The local law may only impose a criminal penalty for a violation upon a person who knew or reasonably should have known that the person's conduct was prohibited.

The act permits a local government, including a special district, and the governing board of an institution of higher education to enact an ordinance, resolution, rule, or other regulation that prohibits a permittee from carrying a concealed handgun in a building or specific area within the local government's or governing board's jurisdiction, or for a special district, in a building or specific area under the direct control or management of the district. A local law may only impose a civil penalty for a violation, and the maximum fine that may be imposed for a first offense is \$50.

APPROVED by Governor June 19, 2021

EFFECTIVE June 19, 2021



OFFICE OF GOVERNMENT RELATIONS
Key State Health Care Legislation

H.B. 21-1317

Regulating Marijuana Concentrates

**Sponsors: Reps. Garnett,
Caraveo/Sens. Hansen,
Lundeen**

The act requires the Colorado school of public health to do a systematic review of the scientific research related to the possible physical and mental health effects of high-potency THC marijuana and concentrates using only funding provided by the general assembly. The act creates a scientific review council (council) to review the report and make recommendations to the general assembly. Based on the research and findings, the Colorado school of public health shall produce a public education campaign for the general public, to be approved by the council, regarding the effect of high-potency THC marijuana on the developing brain and mental health.

Current law requires a doctor to conduct a full assessment of the patient's medical history when making a medical marijuana recommendation. The act requires that assessment to include the patient's mental health history. If the recommending physician is not the patient's primary care physician, the act directs the recommending physician to review the records of a diagnosing physician or licensed mental health provider. When a practitioner makes a medical marijuana authorization, the practitioner must certify that authorization to the department of public health and environment (department). The act requires the certification to include:

- The date of issue and the effective date of the recommendation;
- The patient's name and address;
- The recommending physician's name, address, and federal drug enforcement agency number;
- The maximum THC potency level of medical marijuana being recommended;
- The recommended product, if any;
- The daily authorized quantity, if the quantity exceeds the maximum statutorily allowed amount for the patient's age;
- Directions for use; and
- The recommending physician's signature.

The act prohibits a physician for charging an additional fee for recommending an extended plant count or making a recommendation related to an exception to a medical marijuana requirement. The act directs the department to annually report on the number of physicians who made medical marijuana recommendations in the past year, how many recommendations each physician made, and the number of homebound patients ages 18 to 20 years old in the registry.

The act imposes the following requirements on medical marijuana patients ages 18 to 20 years old:

- Two physicians from different medical practices have to diagnose the patient as having a debilitating or disabling medical condition after an in-person consultation;
- One of the physicians must explain the possible risks and benefits of the medical use of marijuana to the patient;
- One physician must provide the patient with the written documentation specifying that the patient has been diagnosed with a debilitating or disabling medical condition and the physician has concluded that the patient might benefit from the medical use of marijuana; and
- The patient attends follow-up appointments every 6 months after the initial visit with one of the physicians unless the patient is homebound.

The act requires the department to create a report from emergency room and hospital discharge data of patients who presented with conditions or a diagnosis that reflects marijuana use and provide that report

at the department's annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

The act directs the association representing coroners to establish a working group to study methods to test for all scheduled drugs and the presence and quantity of THC in each case of a non-natural death and make recommendations by July 1, 2022. The recommendation must be reported to the house of representatives health and insurance committee and the senate health and human services committee, or their successor committees. Beginning January 1, 2022, the act requires the coroner in each case of a non-natural death to complete a toxicology screen. The coroner shall report the results of the toxicology screen to the Colorado violent death reporting system. The department then produces an annual report of the data beginning January 2, 2023, and annually each year thereafter.

The act prohibits medical marijuana advertising that is specifically directed to persons ages 18 to 20 years old and requires medical and retail marijuana concentrate advertising to include a warning regarding the risks of medical marijuana concentrate overconsumption.

A medical marijuana store and retail marijuana store shall provide a patient with a tangible education resource regarding the use of medical or retail marijuana concentrate when selling concentrate.

The act requires medical marijuana stores to immediately record transactions in the seed-to-sale inventory tracking system to allow the system to:

- Continuously monitor entry of patient data to identify discrepancies with daily purchase limits and potency authorizations;
- Access and retrieve real-time sales data based on patient identification number; and
- Respond with a user error message if a sale to a patient or caregiver will exceed the patient's allowed purchase limit for that business day or potency authorization.

The data collected is confidential and shall not be shared with anyone except when necessary to complete a sale.

The act limits the amount of medical marijuana concentrate that a patient can purchase in one day to 8 grams, unless the patient is 18 to 20 years old then the limit is 2 grams, except in the case of a homebound patient, if the patient's certification states that the patient needs more than 8 grams or 2 grams respectively. The limit does not apply to medical marijuana patients if it would be a significant physical or geographic hardship for the patient to make a daily purchase or if the patient had a registry identification card prior to being 18 years old.

The act limits the amount of retail marijuana concentrate that a patient can purchase in one day to 8 grams. The marijuana enforcement division shall convene a stakeholder work group to develop and complete by January 1, 2022:

- A uniform certification form to be used by recommending physicians when authorizing the patient to purchase more than the statutorily allowed quantities, as required by section 25-1.5-106 (5), Colorado Revised Statutes, which may be relied upon by medical marijuana stores. The form must contain a uniform weight and uniform potency description to enable a medical marijuana store to fulfill its obligations without the need to make a further calculation or examine other documents. The form shall not contain any information concerning the patient's medical condition or diagnosis.
- A tangible educational resource regarding the use of regulated marijuana concentrate.

For the 2021-22 state fiscal year, the act appropriates:

- \$4,000,000 from the marijuana tax cash fund to the department of higher education for use by the Colorado school of public health and any unexpended money from the appropriation is further appropriated to the department for the same purpose;
- \$541,826 to the department of public health and environment for use by the center for health and environmental information: \$265,656 of the appropriation is from the general fund and is \$276,170 from the medical marijuana program cash fund;

- \$50,000 from the general fund to the department of public health and environment for use by disease control and public health response;
- \$255,167 from the marijuana cash fund to the department of revenue to implement the act;
- \$95,706 and allocates 0.5 FTE to the department of law from reappropriated funds from the department of revenue; and
- \$2,000,000 from the first time drunk driving offender account to the department of transportation.

APPROVED by Governor June 24, 2021

PORTIONS EFFECTIVE June 24, 2021

PORTIONS EFFECTIVE January 1, 2022

S.B. 21-137

Behavioral Health Recovery Act

**Sponsors: Sens. Pettersen,
Winter/Reps. Michaelson
Jenet, Kennedy**

The act continues the requirement that an opioid prescriber must adhere to the limitations on prescribing opioids.

The act continues the funding for the medication-assisted treatment expansion pilot program for the 2020-21 fiscal year and each year thereafter.

The act creates the regional health connector workforce program in the University of Colorado School of Medicine to educate health-care providers on evidence-based and evidence-informed therapies and techniques; provide support and assistance to primary care providers as a link between multiple services to improve community health; assist primary care practices and community agencies in connecting patients with mental health or substance use disorders to support and treatment options; educate health-care providers; and provide clear information to providers and community members about COVID-19. The act expands the Colorado State University AgrAbility project (project) by providing funding for the project's rural rehabilitation specialists to provide information, services, and research-based, stress-assistance information, education, suicide prevention training, and referrals to behavioral health-care services to farmers, ranchers, agricultural workers, and their families to mitigate incidences of harmful responses to stress experienced by these individuals.

The act continuously appropriates money to the harm reduction grant program.

No later than July 1, 2023, the department of health care policy and financing (HCPF) shall contract with one or more independent review organizations to conduct external reviews requested for review by a medicaid provider when there is a denial or reduction for residential or inpatient substance use disorder treatment and medicaid appeals have been exhausted.

No later than October 1, 2021, HCPF shall consult with the office of behavioral health (OBH), residential treatment providers, and managed care entities (MCE) to develop standardized utilization management processes to determine medical necessity for residential and inpatient substance use disorder treatment, which processes must be incorporated into existing MCE contracts no later than January 1, 2022.

No later than July 1, 2022, HCPF shall contract with an independent third-party vendor to audit 33% of all denials of authorization for inpatient and residential substance use disorder treatment for each MCE. The act requires the state medical assistance program (medicaid) to include screening for perinatal mood and anxiety disorders for the caregiver of each child enrolled in medicaid in accordance with the health resources and services administration guidelines. The screening must be made available to any caregiver, regardless of whether the caregiver is enrolled in medicaid, so long as the caregiver's child is enrolled in medicaid.

No later than July 1, 2023, the Colorado department of human services (CDHS) shall develop a statewide data collection and information system to analyze implementation data and selected outcomes

to identify areas for improvement, promote accountability, and provide insights to continually improve child and program outcomes.

The act requires CDHS, in collaboration with the department of agriculture, to contract with a nonprofit organization primarily focused on serving agricultural and rural communities in Colorado to provide vouchers to individuals living in rural and frontier communities in need of behavioral health-care services.

The act creates the county-based behavioral health grant program in OBH to provide matching grants to county departments of human or social services for the expansion or improvement of local or regional behavioral health disorder treatment programs. The grant program repeals July 1, 2023. The act creates the behavioral health-care workforce development program in OBH to increase the behavioral health-care workforce's ability to treat individuals, including youth, with severe behavioral health disorders.

No later than August 1, 2021, CDHS shall develop a program to provide emergency resources to licensed providers to help remove barriers such providers face in serving children and youth whose behavioral or mental health needs require services and treatment in a residential child care facility.

The act requires CDHS, in collaboration with HCPF, to develop a statewide care coordination infrastructure to drive accountability and more effective behavioral health navigation to care that builds upon and collaborates with existing care coordination services.

The act requires the center for research into substance use disorder prevention, treatment, and recovery support strategies to engage in community engagement activities to address substance use prevention, harm reduction, criminal justice response, treatment, and recovery.

The act continues the building substance use disorder treatment capacity in underserved communities grant program indefinitely.

The act requires the perinatal substance use data linkage project to utilize data from multiple state-administered data sources when examining certain issues related to pregnant and postpartum women with substance use disorders and their infants.

No later than January 1, 2022, OBH shall use a competitive selection process to select a recovery residence certifying body to certify recovery residences and educate and train recovery residence owners and staff on industry best practices.

The act requires OBH to establish a program to provide temporary financial housing assistance to individuals with a substance use disorder who have no supportive housing options when the individual is transitioning out of a residential treatment setting and into recovery or receiving treatment for the individual's substance use disorder.

The act creates the recovery support services grant program for the purpose of providing recovery-oriented services to individuals with a substance use disorder or co-occurring substance use and mental health disorder.

The act removes the requirement that the office of ombudsman for behavioral health access to care (office) enter into a memorandum of understanding with CDHS and subjects the office to state personnel and fiscal rules. The act continues the appropriation to the maternal and child health pilot program indefinitely.

The act continues the program to increase public awareness concerning the safe use, storage, and disposal of opioids and the availability of naloxone and other drugs used to block the effects of an opioid overdose.

The act requires a correctional facility or private contract prison to offer a person in custody, upon release from the facility, at least 2 doses of an opioid reversal medication and education about the appropriate use of the medication.

The act removes municipal, county, or fire program district fire stations from the definition of "safe station" as it relates to the disposal of controlled substances.

The act requires the opioid and other substance use disorders study committee to meet in the 2022 interim rather than the 2021 interim.

The act requires the university of Colorado school of medicine to provide practice consultation services and stipends to health-care providers who are eligible to provide medication for opioid use disorder. The act creates the behavioral and mental health cash fund which consists of \$550 million the state received from the federal "American Rescue Plan Act". The act requires the executive committee of the legislative council to create a task force to meet during the 2021 interim and issue a report with recommendations to the general assembly and governor on policies to create transformational change in the area of behavioral health.

The act appropriates additional one-time money to the Colorado health service corps fund from the money received from the federal "American Rescue Plan Act".

The act adds services for families with behavioral health needs as an allowable use for the high-risk families cash fund.

The act continues the harm reduction grant program and the maternal and child health pilot program indefinitely.

The act appropriates state money and money received by the "American Rescue Plan Act" to various state departments for certain behavioral health-related programs.

APPROVED by Governor June 28, 2021

EFFECTIVE June 28, 2021

Note: Certain provisions of the act are contingent on Senate Bill 21-288 becoming law. Senate Bill 21-288 was approved by the governor June 11, 2021.

 **OFFICE OF GOVERNMENT RELATIONS**
Key Funding Legislation

S.B. 21-042

**Department of Governor, Lt
Governor, & OSPB Supplemental**

**Sponsors: Sen. Moreno/Rep.
McCluskie**

The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund and reappropriated funds portions of the appropriation are increased and the cash funds portion is decreased.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-109

**Bond Payments for Auraria Higher
Education Center**

**Sponsors: Sens. Hansen,
Rankin/Reps. McCluskie,
Herod**

For the 2020-21 and 2021-22 state fiscal years only, the act allows the Auraria board to make payments on certain existing bonds for auxiliary facilities from other sources, including money contributed by constituent institutions and from money appropriated to the board by the general assembly.

APPROVED by Governor March 12, 2021

EFFECTIVE March 12, 2021

S.B. 21-185

**Supporting Educator Workforce in
Colorado**

**Sponsors: Sens. Zenzinger,
Rankin/Reps. McLachlan,
McCluskie**

Current law limits the content areas in which a person who holds an adjunct instructor authorization may teach. The act allows a school district or charter school to employ a person who holds an adjunct instructor authorization to teach in all content areas in order to address recruiting challenges and establish a diverse workforce.

The act requires the department of education (department) to direct resources to publicize existing teacher preparation programs to facilitate entry into the teaching profession. The act also requires the department to provide technical support to school districts, boards of cooperative services, and charter schools to assist them in accessing the existing programs and in recruiting individuals to pursue teaching careers.

The act requires the department of higher education, in collaboration with the department of education, the state board for community colleges and occupational education, and the deans of the schools of education and academic administrators in Colorado institutions of higher education, or their designees, to design a teaching career pathway for individuals to enter the teaching profession. The act outlines the components of the teaching career pathway program.

The act creates the teacher recruitment education and preparation program (TREP program) in the department. Two of the main objectives of the TREP program are to increase the number of students entering the teaching profession and to create a more diverse teacher workforce to reflect the ethnic diversity of the state. A qualified TREP program participant may concurrently enroll in postsecondary courses in the 2 years directly following the year in which the participant was enrolled in the twelfth grade of a local education provider. The act outlines the selection criteria and requirements for the TREP program.

The act creates the educator recruitment and retention program (ERR program) in the department to provide support to members of the armed forces, nonmilitary-affiliated educator candidates, and local

education providers to recruit, select, train, and retain highly qualified educators across the state. The state board of education shall promulgate rules to implement the ERR program. The act outlines the eligibility criteria and program services.

The act adds criteria for the commission on higher education to select eligible applicants for the educator loan forgiveness program.

The act requires the university of Colorado health and sciences center to establish and operate an educator well-being and mental health program to provide support services for educators serving students in Colorado's public elementary and secondary schools.

For the 2021-22 state fiscal year, \$9,132,856 is appropriated from the general fund to the department of education to implement the act. For the 2021-22 state fiscal year, \$942,542 is appropriated from the general fund to the department of higher education to implement the act. For the 2021-22 state fiscal year, \$2,500,000 is appropriated from the general fund to the educator loan forgiveness fund. The department of higher education is responsible for the accounting related to the appropriation for the educator loan forgiveness fund.

APPROVED by Governor June 16, 2021

EFFECTIVE September 7, 2021

Note: This act was passed without a safety clause.

S.B. 21-205

2021-22 Long Appropriations Bill

Sponsors: Sen Moreno/ Rep. McCluskie

For the state fiscal year beginning July 1, 2021, provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2021. The grand total for the operating budget is set at \$34,663,861,108 of which \$9,390,465,968 is from the general funds portion of the appropriation; \$2,541,061,637 is from the general fund exempt portion; \$9,556,366,495 is from the cash funds portion; \$2,190,040,788 is from the reappropriated funds portion; and \$10,985,926,220 is from the federal funds portion.

The grand total for the state fiscal year beginning July 1, 2021, for capital construction projects is \$301,716,984 of which \$217,395,025 is from the capital construction fund portion of the appropriation; \$79,429,276 is from the cash funds portion; \$1,800,000 is from the reappropriated funds portion; and \$3,092,683 is from the federal funds portion.

The grand total for the state fiscal year beginning July 1, 2021, for information technology projects is \$65,935,383 of which \$28,711,790 is from the capital construction fund portion of the appropriation; \$29,977,393 is from the cash funds portion; and \$7,246,200 is from the federal funds portion.

The 2018 capital construction appropriations is amended to balance and make adjustments to the total amount appropriated to the departments of higher education and human services.

The 2019 general appropriation is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, and higher education.

The 2020 general appropriation is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, human services, local affairs, military and veterans affairs, public safety and treasury. The 2020 capital construction appropriations are amended to balance and make adjustments to the total amount appropriation to the department of personnel.

An appropriation made in the 2019 general appropriation act is amended to correct the name of the cash fund from which money is appropriated for the children's basic health plan medical and dental costs.

Appropriations made in House Bill 20-1385, concerning the increased money received due to the federal "Families First Coronavirus Response Act", is amended to reduce the amount appropriated to the department of higher education.

An additional appropriation is made to the legislative department for use by the joint budget committee.
APPROVED by Governor May 17, 2021
EFFECTIVE May 17, 2021

S.B. 21-215

**Use of Open Educational Resources
in Higher Education**

**Sponsors: Sens. Hansen,
Rankin/Reps. McCluskie,
Herod**

The act makes several changes to the existing statute concerning open educational resources, including:

- Expanding the open educational resources grant program (grant program) to provide grants to develop, implement, and replicate entire zero-textbook-cost degree programs;
- Moving preparation of the annual grant program report from the open educational resources council (council) to the department of higher education (department); and
- Extending the repeal date for the council and the grant program for 5 years.

The statutes existing before passage of the act require public institutions of higher education, beginning in the fall of 2021, to inform students before registration of which courses use open educational resources. The act directs the commission on higher education to adopt guidelines to require public institutions of higher education, beginning no later than the fall of 2025, to also inform students at the point of registration concerning those courses that use open educational resources.

The act directs the department to review the open educational resources policies adopted across the state and identify and determine the efficacy of policies that expand the use and promote the sustainability of open educational resources. The department must include this information in the annual grant program report.

For the 2021-22 fiscal year, the act appropriates \$1,108,200 to the department to use for open educational resource initiatives and preparation of the annual grant program report.

APPROVED by Governor May 5, 2021
EFFECTIVE May 5, 2021