

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0876.01 Ed DeCecco x4216

HOUSE BILL 22-1352

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A BILL FOR AN ACT

101 CONCERNING A STOCKPILE OF ESSENTIAL MATERIALS THAT MAY BE
102 UTILIZED IN THE EVENT OF A DECLARED DISASTER EMERGENCY,
103 AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill requires the division of homeland security and emergency management in the department of public safety (division) to procure and maintain a stockpile of essential materials that are available for distribution after the governor has a declared a disaster emergency. The division shall attempt to ensure that, in the event of a national public

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
2nd Reading Unamended
May 4, 2022

HOUSE
3rd Reading Unamended
April 25, 2022

HOUSE
Amended 2nd Reading
April 22, 2022

health emergency, the stockpile has a sufficient supply of personal protective equipment to bridge the gap until the national supply chain can increase production to meet the demand for such items.

The division, in consultation with the department of public health and environment, may distribute the essential materials to state agencies, schools, local public health agencies, hospitals or other health-care providers, or to any other individual or entity that the director of the division determines is in need as a result of the disaster emergency. The division may contract with a third-party entity to administer the stockpile.

In order to ensure that the essential materials in the stockpile are rotated prior to the applicable expiration date, state agencies shall, to the extent possible, procure essential materials from the division. In addition, the division may donate or sell essential materials as necessary to avoid having stock that is past its expiration date. Any proceeds from the sale of the essential materials are credited to the newly created emergency stockpile rotation cash fund. The money in the cash fund is continuously appropriated to the department of public safety for use by the division for the purpose of administering the stockpile.

The division is authorized to seek, accept, and expend gifts, grants, or donations from private or public sources, including from the federal government, for the purposes described in the bill. The bill authorizes the general assembly to appropriate money from the general fund and, for stockpile-related expenditures that are made prior to December 31, 2024, from the revenue loss restoration cash fund.

Under current law, the state board of health has the authority to adopt rules and to establish standards to assure that hospitals; other acute care facilities; county, district, and municipal public health agencies; and trauma centers are prepared for an emergency epidemic that is declared to be a disaster emergency. **Section 2** specifies that, under this authority, the board may adopt rules or establish standards for the maintenance of an adequate stockpile of personal protective equipment for infection control and staff proficiency in using the personal protective equipment.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add 24-33.5-1620** as
3 follows:

4 **24-33.5-1620. Essential materials - stockpile - rotation -**
5 **emergency stockpile rotation cash fund - creation - legislative**
6 **declaration - definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS
7 AND DECLARES THAT:

1 (I) AT THE OUTSET OF THE COVID-19 PANDEMIC, THERE WAS A
2 SHORTAGE IN THE STATE OF VENTILATORS AND PERSONAL PROTECTIVE
3 EQUIPMENT THAT COULD HELP SLOW THE SPREAD OF THE VIRUS, BUT THE
4 DIVISION HAS SINCE ACQUIRED A STOCKPILE OF THESE ITEMS USING
5 FEDERAL MONEY;

6 (II) THE DIVISION HAS DISTRIBUTED THESE MATERIALS, ALONG
7 WITH OTHER ITEMS SUCH AS SHELF-STABLE FOODS AND PERSONAL
8 HYGIENE SUPPLIES, DURING THE CURRENT PUBLIC HEALTH EMERGENCY;
9 AND

10 (III) IT IS IMPORTANT FOR THE STATE TO MAINTAIN THIS STOCKPILE
11 TO RESPOND TO THE CURRENT PANDEMIC AND FOR ANY FUTURE DISASTER
12 EMERGENCIES.

13 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

14 (I) ACQUIRING AND MAINTAINING A RESERVE OF ESSENTIAL
15 MATERIALS THAT MAY BE DISTRIBUTED IN RESPONSE TO THE COVID-19
16 PUBLIC HEALTH EMERGENCY OR FUTURE DISASTER EMERGENCIES IS A
17 CRITICAL GOVERNMENT SERVICE FOR THE STATE TO PROVIDE TO THE
18 CITIZENS OF THIS STATE; AND

19 (II) THEREFORE, IT IS APPROPRIATE TO USE MONEY IN THE
20 REVENUE LOSS RESTORATION CASH FUND FOR THIS PURPOSE.

21 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a) "CASH FUND" MEANS THE EMERGENCY STOCKPILE ROTATION
24 CASH FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

25 (b) "ESSENTIAL MATERIALS" MEANS PERSONAL PROTECTIVE
26 EQUIPMENT, VENTILATORS, AND ANY OTHER ITEMS THAT THE DIRECTOR
27 DETERMINES ARE NECESSARY TO RESPOND TO A DISASTER EMERGENCY.

1 (c) "PERSONAL PROTECTIVE EQUIPMENT" MEANS FACE COVERINGS,
2 GOWNS, FACE SHIELDS, AND GLOVES.

3 (d) "REVENUE LOSS RESTORATION CASH FUND" MEANS THE
4 REVENUE LOSS RESTORATION CASH FUND CREATED IN SECTION 24-75-227
5 (2)(a).

6 (3) (a) THE DIVISION SHALL PROCURE AND MAINTAIN A STOCKPILE
7 OF ESSENTIAL MATERIALS THAT ARE AVAILABLE FOR DISTRIBUTION AFTER
8 THE GOVERNOR HAS DECLARED A DISASTER EMERGENCY IN ACCORDANCE
9 WITH SECTION 24-33.5-704 (4). SUBJECT TO AVAILABLE APPROPRIATIONS,
10 THE DIVISION SHALL ATTEMPT TO ENSURE THAT, IN THE EVENT OF A
11 NATIONAL PUBLIC HEALTH EMERGENCY, THE STOCKPILE HAS A SUFFICIENT
12 SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT TO BRIDGE THE GAP UNTIL
13 THE NATIONAL SUPPLY CHAIN CAN INCREASE PRODUCTION TO MEET THE
14 DEMAND FOR SUCH ITEMS.

15 (b) THE DIVISION, IN CONSULTATION WITH THE DEPARTMENT OF
16 PUBLIC HEALTH AND ENVIRONMENT, MAY DISTRIBUTE THE ESSENTIAL
17 MATERIALS TO STATE AGENCIES, SCHOOLS, LOCAL PUBLIC HEALTH
18 AGENCIES, HOSPITALS, PRIMARY CARE PROVIDERS, OR OTHER
19 HEALTH-CARE PROVIDERS, OR ANY OTHER INDIVIDUAL OR ENTITY THAT
20 THE DIRECTOR DETERMINES IS IN NEED AS A RESULT OF THE DISASTER
21 EMERGENCY.

22 (4) IN ORDER TO ENSURE THAT THE ESSENTIAL MATERIALS IN THE
23 STOCKPILE ARE ROTATED PRIOR TO THEIR APPLICABLE EXPIRATION DATES,
24 STATE AGENCIES SHALL, TO THE EXTENT POSSIBLE, PROCURE ESSENTIAL
25 MATERIALS FROM THE DIVISION. IN ADDITION, THE DIVISION MAY DONATE
26 OR SELL ESSENTIAL MATERIALS AS NECESSARY TO AVOID HAVING STOCK
27 THAT IS PAST ITS EXPIRATION DATE. ANY PROCEEDS FROM THE SALE OF

1 THE ESSENTIAL MATERIALS ARE CREDITED TO THE CASH FUND.

2 (5) THE DIRECTOR MAY CONTRACT WITH A THIRD-PARTY ENTITY
3 TO PROCURE, MAINTAIN, ROTATE, AND DISTRIBUTE THE STOCKPILE OF
4 ESSENTIAL MATERIALS AS REQUIRED BY THIS SECTION.

5 (6) (a) THE EMERGENCY STOCKPILE ROTATION CASH FUND IS
6 HEREBY CREATED IN THE STATE TREASURY. THE CASH FUND CONSISTS OF
7 THE PROCEEDS OF SALES OF ESSENTIAL MATERIALS CREDITED TO THE CASH
8 FUND IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION AND ANY
9 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
10 TRANSFER TO THE CASH FUND.

11 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
12 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
13 EMERGENCY STOCKPILE ROTATION CASH FUND TO THE CASH FUND.

14 (c) MONEY IN THE CASH FUND IS CONTINUOUSLY APPROPRIATED
15 TO THE DEPARTMENT FOR USE BY THE DIVISION AS REQUIRED BY THIS
16 SECTION.

17 (7) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
18 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES, INCLUDING FROM THE
19 FEDERAL GOVERNMENT, FOR THE PURPOSES OF THIS SECTION.

20 (8) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE
21 GENERAL FUND TO THE DEPARTMENT FOR USE BY THE DIVISION FOR THE
22 PURPOSES OF THIS SECTION. IN ADDITION, FOR EXPENDITURES THAT ARE
23 MADE PRIOR TO DECEMBER 31, 2024, THE GENERAL ASSEMBLY MAY
24 APPROPRIATE MONEY FROM THE REVENUE LOSS RESTORATION CASH FUND
25 FOR THE SAME PURPOSES, NOTWITHSTANDING THE LIMITATION IN SECTION
26 24-75-227 (3)(c).

27 **SECTION 2.** In Colorado Revised Statutes, 25-1-108, **amend**

1 (1)(c)(VI) as follows:

2 **25-1-108. Powers and duties of state board of health.** (1) In
3 addition to all other powers and duties conferred and imposed upon the
4 state board of health by this part 1, the board has the following specific
5 powers and duties:

6 (c) (VI) To adopt rules and to establish such standards as the
7 board may deem necessary or proper to assure that hospitals; other acute
8 care facilities; county, district, and municipal public health agencies; and
9 trauma centers are prepared for an emergency epidemic, as defined in
10 section 24-33.5-703 (4), that is declared to be a disaster emergency,
11 including the immediate investigation of any case of a suspected
12 emergency epidemic, THE MAINTENANCE OF AN ADEQUATE STOCKPILE OF
13 PERSONAL PROTECTIVE EQUIPMENT FOR INFECTION CONTROL, AND STAFF
14 PROFICIENCY IN USING THE PERSONAL PROTECTIVE EQUIPMENT;

15 **SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal
16 year, \$1,881,727 is appropriated to the department of public safety. This
17 appropriation is from the revenue loss restoration cash fund created in
18 section 24-75-227 (2)(a), C.R.S., and is of money the state received from
19 the federal coronavirus state fiscal recovery fund. To implement this act,
20 the department may use this appropriation as follows:

21 (a) \$64,388 for use by the executive director's office for personal
22 services, which amount is based on an assumption that the division will
23 require an additional 1.1 FTE;

24 (b) \$7,685 for use by the executive director's office for operating
25 expenses; and

26 (c) \$1,809,654 for use by the division of homeland security and
27 emergency management for program administration related to the office

1 of emergency management.

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.