

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



SENATE BILL 11-211

BY SENATOR(S) Hodge, Steadman, Lambert;  
also REPRESENTATIVE(S) Ferrandino, Becker, Gerou.

CONCERNING THE USE OF TOBACCO TAX REVENUE FOR HEALTH-RELATED  
PURPOSES DURING A STATE FISCAL EMERGENCY, AND MAKING AN  
APPROPRIATION THEREFOR.

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

**SECTION 1.** 24-22-117 (2) (c) (IV) (C), Colorado Revised Statutes, is amended, and the said 24-22-117 (2) (c) (IV) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

**24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration - repeal.** (2) There are hereby created in the state treasury the following funds:

(c) (IV) (C) ~~This subparagraph (IV) is repealed, effective July 1, 2012.~~ NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), AND PURSUANT TO THE DECLARATION OF A STATE FISCAL EMERGENCY AS DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION, FOR THE 2011-12 FISCAL YEAR, IN ADDITION TO THE PURPOSES DESCRIBED IN SUB-SUBPARAGRAPHS (A) AND

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), THE MONEYS IN THE TOBACCO EDUCATION PROGRAMS FUND MAY BE APPROPRIATED FOR ANY HEALTH-RELATED PURPOSE AND TO SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN AND THE COLORADO MEDICAL ASSISTANCE PROGRAM AT THE PROGRAMS' RESPECTIVE LEVELS OF ENROLLMENT AS OF JANUARY 1, 2005.

(D) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1, 2013.

**SECTION 2.** 24-22-117 (2) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration - repeal.** (2) There are hereby created in the state treasury the following funds:

(d) (VI) PURSUANT TO THE DECLARATION OF A STATE FISCAL EMERGENCY AS DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION, NOTWITHSTANDING ANY PROVISIONS OF SUBPARAGRAPHS (II), (III), (IV.5), AND (V) OF THIS PARAGRAPH (d) TO THE CONTRARY, FOR FISCAL YEAR 2011-12, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS IN THE PREVENTION, EARLY DETECTION, AND TREATMENT FUND FOR THE PURPOSES DESCRIBED IN SUBPARAGRAPHS (II), (III), (IV.5), AND (V) OF THIS PARAGRAPH (d), AS WELL AS ANY OTHER HEALTH-RELATED PURPOSE AND TO SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN AND THE COLORADO MEDICAL ASSISTANCE PROGRAM AT THE PROGRAMS' RESPECTIVE LEVELS OF ENROLLMENT AS OF JANUARY 1, 2005.

**SECTION 3.** 24-22-117 (2) (f), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration - repeal.** (2) There are hereby created in the state treasury the following funds:

(f) (IV) (A) NOTWITHSTANDING ANY PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) TO THE CONTRARY, AND PURSUANT TO THE DECLARATION OF A STATE FISCAL EMERGENCY AS DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (6) OF THIS

SECTION, FOR THE 2011-12 FISCAL YEAR, THE MONEYS IN THE HEALTH DISPARITIES GRANT PROGRAM FUND MAY BE APPROPRIATED FOR ANY HEALTH-RELATED PURPOSE AND TO SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN AND THE COLORADO MEDICAL ASSISTANCE PROGRAM AT THE PROGRAMS' RESPECTIVE LEVELS OF ENROLLMENT AS OF JANUARY 1, 2005.

(B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1, 2013.

**SECTION 4.** 24-22-117 (6) (b) (III), Colorado Revised Statutes, is amended, and the said 24-22-117 (6) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration - repeal.** (6) (b) (III) ~~This paragraph (b) is repealed, effective July 1, 2012.~~ THE GENERAL ASSEMBLY, PURSUANT TO SECTION 21 (7) OF ARTICLE X OF THE STATE CONSTITUTION AND SENATE JOINT RESOLUTION 11-009, WHICH WAS APPROVED BY A TWO-THIRDS MAJORITY VOTE OF THE MEMBERS OF THE GENERAL ASSEMBLY AND SIGNED BY THE GOVERNOR, DECLARES A STATE FISCAL EMERGENCY FOR THE 2011-12 FISCAL YEAR.

(IV) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2013.

**SECTION 5.** 25-20.5-306, Colorado Revised Statutes, is amended to read:

**25-20.5-306. Administration - limitation.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, the prevention services division of the department may receive up to five percent of the moneys annually appropriated by the general assembly to the division from the prevention, early detection, and treatment fund created in section 24-22-117, C.R.S., for the actual costs incurred in administering the program, including the hiring of sufficient staff within the division to effectively administer the program and the reimbursement of review committee members pursuant to section 25-20.5-303 (4).

(2) FOR FISCAL YEAR 2011-12, AND FOR ANY FISCAL YEAR IN WHICH A DECLARATION OF A STATE FISCAL EMERGENCY IS DECLARED PURSUANT TO SECTION 21 (7) OF ARTICLE X OF THE STATE CONSTITUTION, THE PREVENTION

SERVICES DIVISION OF THE DEPARTMENT MAY RECEIVE UP TO FIVE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE PREVENTION, EARLY DETECTION, AND TREATMENT FUND CREATED IN SECTION 24-22-117, C.R.S., FOR THE ACTUAL COSTS INCURRED IN ADMINISTERING THE PROGRAM, INCLUDING THE HIRING OF SUFFICIENT STAFF WITHIN THE DIVISION TO EFFECTIVELY ADMINISTER THE PROGRAM AND THE REIMBURSEMENT OF REVIEW COMMITTEE MEMBERS PURSUANT TO SECTION 25-20.5-303 (4).

**SECTION 6. Appropriations - adjustments in the 2011 long bill.**

(1) For the implementation of this act, appropriations made in the annual general appropriation act, to the department of health care policy and financing, for medical services premiums, for the fiscal year beginning July 1, 2011, shall be adjusted as follows:

(a) The general fund appropriation is decreased by thirty-three million dollars (\$33,000,000).

(b) The cash funds appropriation is increased by twenty-nine million seven hundred thirteen thousand six hundred forty-nine dollars (\$29,713,649). Of said appropriation, seventeen million seven hundred fifty-eight thousand five hundred ninety-four dollars (\$17,758,594) shall be from the tobacco education programs fund created in section 24-22-117 (2)

(c) (I), Colorado Revised Statutes, and eleven million nine hundred fifty-five thousand fifty-five dollars (\$11,955,055) shall be from the prevention, early detection, and treatment fund created in section 24-22-117 (2) (d) (I), Colorado Revised Statutes.

(c) The reappropriated funds appropriation from the health disparities grant program fund created in section 24-22-117 (2) (f), Colorado Revised Statutes, is increased by three million two hundred eighty-six thousand three hundred fifty-one dollars (\$3,286,351).

(2) For the implementation of this act, appropriations made in the annual general appropriation act, from various sources of reappropriated funds, to the department of public health and environment, administration and support, administration, for indirect cost assessments, for the fiscal year beginning July 1, 2011, shall be reduced by forty-two thousand seven hundred sixteen dollars (\$42,716).

(3) For the implementation of this act, appropriations made in the annual general appropriation act, from the health disparities grant program fund created in section 24-22-117 (2) (f), Colorado Revised Statutes, to the department of public health and environment, administration and support, special health programs, health disparities program, for the fiscal year beginning July 1, 2011, shall be adjusted as follows:

(a) The personal services appropriation is decreased by one hundred thirty-five thousand two hundred nineteen dollars (\$135,219) reappropriated funds and 2.0 FTE.

(b) The operating expenses appropriation is decreased by forty thousand one hundred seventy-five dollars (\$40,175) reappropriated funds.

(c) The health disparities grants appropriation is decreased by three million sixty-eight thousand two hundred forty-one dollars (\$3,068,241) reappropriated funds.

(4) For the implementation of this act, the appropriation made in the annual general appropriation act, to the department of public health and environment, center for health and environmental information, health statistics and vital records, for operating expenses, is decreased by the sum of forty thousand dollars (\$40,000) cash funds. Of said sum, twenty thousand dollars (\$20,000) shall be from the prevention, early detection, and treatment fund created in section 24-22-117 (2) (d) (I), Colorado Revised Statutes, and twenty thousand dollars (\$20,000) shall be from the tobacco education programs fund created in section 24-22-117 (2) (c) (I), Colorado Revised Statutes.

(5) For the implementation of this act, appropriations made in the annual general appropriation act, from various sources of cash funds, to the department of public health and environment, prevention services division, prevention programs, for indirect cost assessments, for the fiscal year beginning July 1, 2011, shall be reduced by one hundred eighty thousand dollars (\$180,000).

(6) For the implementation of this act, appropriations made in the annual general appropriation act, from the prevention, early detection, and treatment fund created in section 24-22-117 (2) (d) (I), Colorado Revised Statutes, to the department of public health and environment, prevention

services division, prevention programs, chronic disease and cancer prevention grants program, breast and cervical cancer screening, for the fiscal year beginning July 1, 2011, shall be reduced by one million six hundred twenty-five thousand dollars (\$1,625,000) cash funds.

(7) For the implementation of this act, appropriations made in the annual general appropriation act, from the tobacco education programs fund created in section 24-22-117 (2) (c) (I), Colorado Revised Statutes, to the department of public health and environment, prevention services division, prevention programs, tobacco education, prevention, and cessation, for the fiscal year beginning July 1, 2011, shall be adjusted as follows:

(a) The program administration appropriation is decreased by two hundred twenty thousand dollars (\$220,000) cash funds and 1.5 FTE.

(b) The tobacco education, prevention, and cessation grants appropriation is decreased by seventeen million four hundred twenty-eight thousand five hundred ninety-four dollars (\$17,428,594) cash funds.

(8) For the implementation of this act, appropriations made in the annual general appropriation act, from the prevention, early detection, and treatment fund created in section 24-22-117 (2) (d) (I), Colorado Revised Statutes, to the department of public health and environment, prevention services division, prevention programs, cancer, cardiovascular disease, and chronic pulmonary disease, for the fiscal year beginning July 1, 2011, shall be adjusted as follows:

(a) The appropriation for program administration is decreased by one hundred thirty thousand dollars (\$130,000) cash funds and 1.5 FTE.

(b) The appropriation for cancer, cardiovascular disease, and pulmonary disease grants is decreased by ten million ninety thousand fifty-five dollars (\$10,090,055) cash funds.

**SECTION 7. Effective date.** This act shall take effect only if Senate Joint Resolution 11-009 is approved by a two-thirds majority vote of the members of both houses of the general assembly and is signed by the governor. This act shall take effect either upon passage or upon the date Senate Joint Resolution 11-009 is signed by the governor, whichever is later.

**SECTION 8. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO