

NOTE: This bill has been prepared for the signatures 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.

An Act

SENATE BILL 14-215

BY SENATOR(S) Steadman, Hodge, Lambert, Aguilar, Jones, Newell, Nicholson, Schwartz, Todd;
also REPRESENTATIVE(S) Duran and Gerou, May, Fields, Ginal, Rosenthal, Schafer, Young.

CONCERNING THE DISPOSITION OF MONEYS COLLECTED BY THE STATE IN CONNECTION WITH THE LEGAL MARIJUANA INDUSTRY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 12-43.3-501, **amend** (1) (a) and (1) (c); **repeal** (1) (e); **add** (1) (f); and **repeal and reenact, with amendments**, (1) (b) as follows:

12-43.3-501. Marijuana cash fund - repeal. (1) (a) All moneys collected by the state licensing authority pursuant to this article and article 43.4 of this title shall be transmitted to the state treasurer, who shall credit the same to the marijuana cash fund, which fund is hereby created and referred to in this section as the "fund". The fund consists of:

(I) The moneys collected by the state licensing authority; AND

~~(II) Any applicable retail marijuana excise tax transferred pursuant to section 39-28.8-306 (1) (b), C.R.S.;~~

~~(III) Any applicable retail marijuana sales tax transferred pursuant to section 39-28.8-203 (1) (b), C.R.S.;~~

~~(IV) Any sales tax imposed pursuant to section 39-26-106, C.R.S., on the retail sale of products under this article and article 43.4 of this title; and~~

(V) Any additional general fund moneys appropriated to the fund that are necessary for the operation of the state licensing authority.

(b) MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF REVENUE FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE, ARTICLE 43.4 OF THIS TITLE, AND ARTICLE 28.8 OF TITLE 39, C.R.S.;

(c) Any moneys in the fund not expended for these purposes may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund. ~~Upon a determination by the general assembly that the department of revenue has established a sufficient revenue stream to fund the state licensing authority's regulatory efforts and all other programs to be funded by the fund, the general assembly shall direct the state treasurer to transfer any excess balance in the fund to the general fund to repay any appropriation made from the general fund to initially support the spending authority of the state licensing authority.~~

~~(e) On June 30, 2014, and on each June 30 thereafter, the state treasurer shall transfer two million dollars from the fund to the general fund.~~

(f) (I) ON JULY 1, 2014, THE STATE TREASURER SHALL TRANSFER TO THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., ANY MONEYS IN THE FUND THAT ARE ATTRIBUTABLE TO THE RETAIL

MARIJUANA EXCISE TAX TRANSFERRED PURSUANT TO SECTION 39-28.8-305 (1) (b), C.R.S., THE RETAIL MARIJUANA SALES TAX TRANSFERRED PURSUANT TO SECTION 39-28.8-203 (1) (b), C.R.S., OR THE SALES TAX IMPOSED PURSUANT TO SECTION 39-26-106, C.R.S., ON THE RETAIL SALE OF MARIJUANA PRODUCTS UNDER THIS ARTICLE AND ARTICLE 43.4 OF THIS TITLE.

(II) ON THE DATE ON WHICH THE STATE CONTROLLER PUBLISHES THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE STATE FOR THE 2013-14 STATE FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER TO THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., ANY REMAINING MONEYS IN THE FUND THAT ARE ATTRIBUTABLE TO THE RETAIL MARIJUANA EXCISE TAX TRANSFERRED PURSUANT TO SECTION 39-28.8-305 (1) (b), C.R.S., THE RETAIL MARIJUANA SALES TAX TRANSFERRED PURSUANT TO SECTION 39-28.8-203 (1) (b), C.R.S., OR THE SALES TAX IMPOSED PURSUANT TO SECTION 39-26-106, C.R.S., ON THE RETAIL SALE OF MARIJUANA PRODUCTS UNDER THIS ARTICLE AND ARTICLE 43.4 OF THIS TITLE.

SECTION 2. In Colorado Revised Statutes, **add** part 5 to article 28.8 of title 39 as follows:

PART 5
MARIJUANA TAX CASH FUND

39-28.8-501. Marijuana tax cash fund - creation - distribution.

(1) THE MARIJUANA TAX CASH FUND, REFERRED TO IN THIS PART 5 AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF:

(a) ANY APPLICABLE RETAIL MARIJUANA EXCISE TAX TRANSFERRED PURSUANT TO SECTION 39-28.8-305 (1) (b) ON OR AFTER JULY 1, 2014;

(b) ANY APPLICABLE RETAIL MARIJUANA SALES TAX TRANSFERRED PURSUANT TO SECTION 39-28.8-203 (1) (b) ON OR AFTER JULY 1, 2014;

(c) BEGINNING JULY 1, 2014, REVENUES TRANSFERRED TO THE FUND FROM ANY SALES TAX IMPOSED PURSUANT TO SECTION 39-26-106 ON THE RETAIL SALE OF PRODUCTS UNDER ARTICLES 43.3 AND 43.4 OF TITLE 12, C.R.S.; AND

(d) ANY MONEYS TRANSFERRED TO THE FUND FROM THE MARIJUANA CASH FUND PURSUANT TO SECTION 12-43.3-501 (1) (f), C.R.S.

(2) (a) THE GENERAL ASSEMBLY SHALL NOT APPROPRIATE THE MONEYS IN THE FUND FOR THE FISCAL YEAR IN WHICH THEY WERE RECEIVED BY THE STATE; EXCEPT THAT THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS IN THE FUND TO THE DEPARTMENT OF REVENUE FOR THE FISCAL YEARS IN WHICH THEY WERE RECEIVED BY THE STATE FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE AND ARTICLES 43.3 AND 43.4 OF TITLE 12, C.R.S.

(b) SUBJECT TO THE LIMITATIONS IN SUBSECTION (5) OF THIS SECTION, ANY MONEYS IN THE FUND THAT ARE NOT APPROPRIATED TO THE DEPARTMENT OF REVENUE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR ANY FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THEY WERE RECEIVED BY THE STATE. THE GENERAL ASSEMBLY SHALL INITIALLY APPROPRIATE MONEYS IN THE FUND BASED ON THE MOST RECENT ESTIMATE OF REVENUE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL OR THE DEPARTMENT OF REVENUE FOR THE APPLICABLE FISCAL YEAR. THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS IN THE FUND FOR THE FOLLOWING PURPOSES:

(I) FOR THE STUDY OF LAW ENFORCEMENT'S ACTIVITY AND COSTS RELATED TO THE IMPLEMENTATION OF SECTION 16 OF ARTICLE XVIII OF THE STATE CONSTITUTION, REGARDING THE LEGALIZATION OF RETAIL MARIJUANA;

(II) FOR THE COORDINATION OF THE EXECUTIVE BRANCH RESPONSE TO THE LEGALIZATION OF RETAIL MARIJUANA;

(III) TO INCREASE THE EXPERTISE AND KNOWLEDGE AMONG PROSECUTORS AND LAW ENFORCEMENT OFFICIALS REGARDING THE LEGAL AND REGULATORY ISSUES SURROUNDING THE LEGALIZATION OF MARIJUANA;

(IV) TO OBTAIN HEALTH DATA THROUGH SURVEYS OR OTHER MEANS REGARDING MARIJUANA AND OTHER DRUG USE AND TO MONITOR THE HEALTH EFFECTS OF MARIJUANA, INCLUDING CHANGES IN DRUG USE PATTERNS AND THE EMERGING SCIENCE AND MEDICAL INFORMATION

RELEVANT TO THE HEALTH EFFECTS ASSOCIATED WITH MARIJUANA USE;

(V) FOR ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT TRAINING AND DRUG RECOGNITION EXPERT TRAINING FOR ALL PEACE OFFICERS DESCRIBED IN SECTION 16-2.5-101, C.R.S.;

(VI) TO DEVELOP AND IMPLEMENT MARIJUANA EDUCATION AND PREVENTION CAMPAIGNS;

(VII) TO PROVIDE INPATIENT TREATMENT FOR ADULTS WHO SUFFER FROM CO-OCCURRING DISORDERS AT THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO;

(VIII) TO INCREASE THE AVAILABILITY OF SCHOOL-BASED PREVENTION, EARLY INTERVENTION, AND HEALTH CARE SERVICES AND PROGRAMS TO REDUCE THE RISK OF MARIJUANA AND OTHER SUBSTANCE USE AND ABUSE BY SCHOOL-AGED CHILDREN;

(IX) FOR COMMUNITY-BASED PROGRAMS TO PROVIDE MARIJUANA PREVENTION AND INTERVENTION SERVICES TO YOUTH;

(X) FOR LOCAL JUDICIAL-DISTRICT BASED PROGRAMS TO PROVIDE MARIJUANA PREVENTION AND INTERVENTION SERVICES TO PRE-ADJUDICATED AND ADJUDICATED YOUTH;

(XI) TO EXPAND THE PROVISION OF JAIL-BASED BEHAVIORAL HEALTH SERVICES IN UNDERSERVED COUNTIES AND TO ENHANCE THE PROVISION OF JAIL-BASED BEHAVIORAL HEALTH SERVICES TO OFFENDERS TRANSITIONING FROM JAIL TO THE COMMUNITY TO ENSURE CONTINUITY OF CARE;

(XII) FOR THE PROVISION OF SUBSTANCE USE DISORDER TREATMENT SERVICES FOR ADOLESCENTS AND PREGNANT WOMEN; AND

(XIII) TO PROVIDE CHILD WELFARE TRAINING SPECIFIC TO ISSUES ARISING FROM MARIJUANA USE AND ABUSE.

(c) SUBJECT TO THE LIMITATIONS IN SUBSECTION (5) OF THIS SECTION AND IN ADDITION TO THE PURPOSES FOR WHICH THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS IN THE FUND SPECIFIED IN

PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2), THE GENERAL ASSEMBLY MAY ALSO DIRECT THE STATE TREASURER TO TRANSFER MONEYS IN THE FUND TO THE GENERAL FUND AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION. THE GENERAL ASSEMBLY MAY DIRECT THE STATE TREASURER TO MAKE SUCH TRANSFERS ONLY FOR A FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THE MONEYS IN THE FUND WERE RECEIVED BY THE STATE.

(3) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES SPECIFIED IN SUBSECTION (2) OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR ANY FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THEY WERE RECEIVED BY THE STATE.

(4) THE STATE TREASURER SHALL MAKE THE FOLLOWING TRANSFERS FROM THE FUND TO THE GENERAL FUND:

(a) (I) ON JUNE 30, 2015, TWO MILLION DOLLARS FOR THE PURPOSES SPECIFIED IN SECTION 39-26-123 (6).

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2016.

(b) ON JUNE 30, 2015, FOUR MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS.

(5) BEGINNING WITH APPROPRIATIONS MADE FOR THE 2015-16 STATE FISCAL YEAR, THE TOTAL AMOUNT THAT THE GENERAL ASSEMBLY APPROPRIATES FROM THE FUND SHALL NOT EXCEED NINETY-THREE AND ONE-HALF PERCENT OF THE AMOUNT OF MONEYS IN THE FUND AVAILABLE FOR APPROPRIATION.

39-28.8-502. Marijuana tax cash fund - budget requests.

(1) BEGINNING WITH THE BUDGET REQUEST REQUIRED TO BE SUBMITTED TO THE JOINT BUDGET COMMITTEE BY NOVEMBER 1, 2014, AND FOR THE

BUDGET REQUEST REQUIRED TO BE SUBMITTED EACH NOVEMBER THEREAFTER, THE GOVERNOR SHALL INCLUDE THE GOVERNOR'S REQUESTED EXPENDITURES OF MONEYS IN THE FUND AND THE PURPOSES OF SUCH EXPENDITURES FOR THE FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THE MONEYS WERE RECEIVED BY THE STATE.

(2) BEGINNING WITH THE BUDGET REQUEST REQUIRED TO BE SUBMITTED TO THE JOINT BUDGET COMMITTEE BY NOVEMBER 1, 2014, AND FOR EACH BUDGET REQUEST REQUIRED TO BE SUBMITTED EACH NOVEMBER THEREAFTER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL INCLUDE IN ITS BUDGET REQUEST FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE AND ARTICLES 43.3 AND 43.4 OF TITLE 12, C.R.S., THE AMOUNT THAT THE DEPARTMENT REQUESTS FROM THE MONEYS IN THE MARIJUANA CASH FUND CREATED IN SECTION 12-43.3-501, C.R.S., AND THE AMOUNT THAT THE DEPARTMENT REQUESTS FROM THE MARIJUANA TAX CASH FUND.

SECTION 3. In Colorado Revised Statutes, **add** article 96 to title 22 as follows:

ARTICLE 96
School Health Professional Grant Program

22-96-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) COLORADO RANKS FORTIETH IN THE NATION IN THE SCHOOL NURSE-TO-STUDENT RATIO;

(b) THE FEDERAL CENTER FOR DISEASE CONTROL'S HEALTHY PEOPLE 2020 RECOMMENDED ONE SCHOOL NURSE FOR EVERY SEVEN HUNDRED FIFTY GENERAL EDUCATION STUDENTS, BUT MANY SCHOOL NURSES IN COLORADO ARE RESPONSIBLE FOR AS MANY AS SIX THOUSAND STUDENTS, MAKING IT DIFFICULT TO PROVIDE THE SOCIAL-EMOTIONAL SUPPORT NECESSARY TO STUDENTS AND STAFF;

(c) IN 2011, PRIOR TO THE LEGALIZATION OF RETAIL MARIJUANA, ALMOST FORTY PERCENT OF STUDENTS SURVEYED REPORTED HAVING TRIED MARIJUANA ONE OR MORE TIMES, WITH NINE PERCENT REPORTING THAT THEY HAD TRIED MARIJUANA BEFORE AGE THIRTEEN;

(d) IN ADDITION, TWENTY-TWO PERCENT OF STUDENTS REPORTED USING MARIJUANA ONE OR MORE TIMES IN THE LAST THIRTY DAYS, WITH SIX PERCENT REPORTING THAT THEY HAD USED MARIJUANA ON SCHOOL PROPERTY ONE OR MORE TIMES;

(e) THE LEGALIZATION OF RETAIL MARIJUANA IS ANTICIPATED TO INCREASE THE AVAILABILITY OF MARIJUANA TO UNDERAGE YOUTH;

(f) MARIJUANA USE BY MINORS CAN HAVE IMMEDIATE AND LASTING HEALTH IMPLICATIONS, AND MANY YOUTH WHO ENGAGE IN SUBSTANCE ABUSE DEVELOP OR HAVE UNDERLYING BEHAVIORAL HEALTH NEEDS;

(g) SCHOOL HEALTH PROFESSIONALS HAVE ALREADY STARTED TO EXPERIENCE THE RESULTS OF MARIJUANA AS A NEWLY LEGALIZED SUBSTANCE IN INCREASED VISITS TO THE HEALTH OFFICE AND REFERRALS FROM SCHOOL STAFF; AND

(h) SCHOOL HEALTH PROFESSIONALS ARE IN A UNIQUE POSITION TO EDUCATE, ASSESS, AND TREAT YOUTH WHO HAVE SUBSTANCE ABUSE OR BEHAVIORAL HEALTH ISSUES.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT A PROGRAM TO PROVIDE MATCHING GRANTS TO EDUCATION PROVIDERS TO ENHANCE THE PRESENCE OF SCHOOL HEALTH PROFESSIONALS IN SECONDARY SCHOOLS THROUGHOUT THE STATE WILL FACILITATE BETTER SCREENING, EDUCATION, AND REFERRAL CARE COORDINATION FOR SECONDARY SCHOOL STUDENTS WITH SUBSTANCE ABUSE AND OTHER BEHAVIORAL HEALTH NEEDS.

22-96-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(2) "EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE, OR A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.

(3) "SCHOOL HEALTH PROFESSIONAL" MEANS A STATE-LICENSED OR STATE-CERTIFIED SCHOOL NURSE OR OTHER STATE-LICENSED OR STATE-CERTIFIED HEALTH PROFESSIONAL QUALIFIED UNDER STATE LAW TO PROVIDE SUPPORT SERVICES TO CHILDREN AND ADOLESCENTS.

(4) "SECONDARY SCHOOL" MEANS A PUBLIC SCHOOL THAT INCLUDES ANY OF GRADES SEVEN THROUGH TWELVE.

(5) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-96-103. School health professional matching grant program - created - rules. (1) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT THE BEHAVIORAL HEALTH CARE PROFESSIONAL MATCHING GRANT PROGRAM, REFERRED TO IN THIS ARTICLE AS THE "PROGRAM", TO PROVIDE FUNDING TO EDUCATION PROVIDERS FOR THE FOLLOWING PURPOSES:

(I) TO INCREASE THE PRESENCE OF SCHOOL HEALTH PROFESSIONALS IN SECONDARY SCHOOLS TO PROVIDE SUBSTANCE ABUSE AND BEHAVIORAL HEALTH CARE TO STUDENTS WHO ARE ENROLLED IN SECONDARY SCHOOLS AND HAVE SUBSTANCE ABUSE OR OTHER BEHAVIORAL HEALTH NEEDS;

(II) TO PROVIDE TRAINING AND RESOURCES FOR SCHOOL STAFF ON THE IMPLEMENTATION OF EVIDENCE-BASED PROGRAMMING ON SUBSTANCE ABUSE PREVENTION EDUCATION FOR ALL STUDENTS WHO ARE ENROLLED IN SECONDARY SCHOOLS; AND

(III) TO ALLOW SCHOOL HEALTH PROFESSIONALS TO CONNECT STUDENTS WHO ARE ENROLLED IN SECONDARY SCHOOLS WITH SERVICES THAT ARE PROVIDED BY COMMUNITY-BASED ORGANIZATIONS FOR TREATMENT AND COUNSELING FOR STUDENTS WHO ARE AT RISK FOR SUBSTANCE ABUSE.

(b) AN EDUCATION PROVIDER THAT RECEIVES A GRANT UNDER THE PROGRAM SHALL USE THE MONEYS TO INCREASE THE LEVEL OF FUNDING THE EDUCATION PROVIDER ALLOCATES TO SECONDARY SCHOOL HEALTH PROFESSIONALS TO PROVIDE SUBSTANCE ABUSE AND BEHAVIORAL HEALTH CARE TO STUDENTS PRIOR TO RECEIVING THE GRANT AND NOT TO REPLACE OTHER FUNDING SOURCES ALLOCATED TO PROVIDE SCHOOL HEALTH

PROFESSIONALS FOR STUDENTS IN SECONDARY SCHOOLS. THE DEPARTMENT SHALL ADMINISTER THE PROGRAM AS PROVIDED IN THIS ARTICLE AND PURSUANT TO RULES ADOPTED BY THE STATE BOARD.

(2) THE STATE BOARD SHALL ADOPT RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., FOR IMPLEMENTATION OF THE PROGRAM, INCLUDING BUT NOT LIMITED TO RULES REGARDING:

(a) THE TIMELINE FOR SUBMITTING APPLICATIONS TO THE DEPARTMENT;

(b) THE FORM OF THE GRANT APPLICATION AND ANY INFORMATION IN ADDITION TO THAT SPECIFIED IN SECTION 22-96-104 (2) TO BE INCLUDED IN THE APPLICATION;

(c) ANY CRITERIA FOR AWARDING GRANTS IN ADDITION TO THOSE SPECIFIED IN SECTION 22-96-104 (3); AND

(d) ANY INFORMATION TO BE INCLUDED IN THE DEPARTMENT'S PROGRAM REPORT IN ADDITION TO THAT REQUIRED IN SECTION 22-96-105.

22-96-104. School health professional grant program - application - criteria - grant awards. (1) AN EDUCATION PROVIDER THAT SEEKS A GRANT FROM THE PROGRAM SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH THE RULES ADOPTED BY THE STATE BOARD. THE DEPARTMENT SHALL REVIEW EACH APPLICATION RECEIVED FROM AN EDUCATION PROVIDER AND MAKE RECOMMENDATIONS TO THE STATE BOARD CONCERNING WHETHER A GRANT SHOULD BE AWARDED TO THE EDUCATION PROVIDER AND THE RECOMMENDED AMOUNT OF THE GRANT. IF THE DEPARTMENT DETERMINES AN APPLICATION IS MISSING ANY INFORMATION REQUIRED BY RULE TO BE INCLUDED WITH THE APPLICATION, THE DEPARTMENT MAY CONTACT THE EDUCATION PROVIDER TO OBTAIN THE MISSING INFORMATION.

(2) AT A MINIMUM, EACH GRANT APPLICATION SHALL SPECIFY:

(a) THE INTENDED RECIPIENT SECONDARY SCHOOLS, THE NUMBER OF HEALTH PROFESSIONALS EMPLOYED BY THE EDUCATION PROVIDER IN SECONDARY SCHOOLS PRIOR TO RECEIPT OF A GRANT, AND THE RATIO OF

STUDENTS TO SCHOOL HEALTH PROVIDERS IN THE SECONDARY SCHOOLS OPERATED BY OR RECEIVING SERVICES FROM THE EDUCATION PROVIDER;

(b) THE EDUCATION PROVIDER'S PLAN FOR USE OF THE GRANT MONEYS, INCLUDING THE EXTENT TO WHICH THE GRANT MONEYS WILL BE USED TO INCREASE THE NUMBER OF SCHOOL HEALTH PROFESSIONALS AT RECIPIENT SECONDARY SCHOOLS AND TO PROVIDE SUBSTANCE ABUSE AND BEHAVIORAL HEALTH CARE SERVICES AT RECIPIENT SECONDARY SCHOOLS, INCLUDING SCREENINGS, REFERRALS TO COMMUNITY ORGANIZATIONS, AND TRAINING FOR STUDENTS AND STAFF ON SUBSTANCE ABUSE ISSUES;

(c) THE EDUCATION PROVIDER'S PLAN FOR INVOLVING LEADERS AT THE RECIPIENT SECONDARY SCHOOLS AND IN THE SURROUNDING COMMUNITY AND THE FACULTY AT RECIPIENT SECONDARY SCHOOLS IN INCREASING THE CAPACITY AND EFFECTIVENESS OF THE SUBSTANCE ABUSE AND BEHAVIORAL HEALTH CARE SERVICES PROVIDED TO SECONDARY SCHOOL STUDENTS ENROLLED IN OR RECEIVING EDUCATIONAL SERVICES FROM THE EDUCATION PROVIDER;

(d) THE EXTENT TO WHICH THE EDUCATION PROVIDER HAS DEVELOPED OR PLANS TO DEVELOP COMMUNITY PARTNERSHIPS TO SERVE SUBSTANCE ABUSE AND BEHAVIORAL HEALTH CARE NEEDS OF ALL OF THE SECONDARY STUDENTS ENROLLED IN OR RECEIVING EDUCATIONAL SERVICES FROM THE EDUCATION PROVIDER;

(e) THE EXTENT TO WHICH THE EDUCATION PROVIDER HAS SEEN INCREASED INCIDENCE OF DISCIPLINARY ACTIONS FOR DRUG USE OR SELLING DRUGS;

(f) THE EXTENT TO WHICH THE EDUCATION PROVIDER HAS AN EXISTING PROGRAM THAT CAN BE EXPANDED TO INCREASE THE AVAILABILITY OF SCHOOL HEALTH PROFESSIONALS;

(g) THE AMOUNT OF MATCHING FUNDS THAT THE EDUCATION PROVIDER INTENDS TO PROVIDE TO AUGMENT ANY GRANT MONEYS RECEIVED FROM THE PROGRAM AND THE ANTICIPATED AMOUNT AND SOURCE OF ANY MATCHING FUNDS; AND

(h) THE EDUCATION PROVIDER'S PLAN FOR CONTINUING TO FUND THE INCREASE IN SCHOOL HEALTH PROFESSIONAL SERVICES FOLLOWING

EXPIRATION OF THE GRANT.

(3) IN REVIEWING APPLICATIONS AND MAKING RECOMMENDATIONS, THE DEPARTMENT SHALL PRIORITIZE APPLICATIONS BASED ON THE FOLLOWING CRITERIA AND ANY OTHER CRITERIA ADOPTED BY RULE OF THE STATE BOARD:

(a) THE EDUCATIONS PROVIDER'S NEED FOR ADDITIONAL SCHOOL HEALTH PROFESSIONALS IN SECONDARY SCHOOLS, DEMONSTRATED BY THE LOCAL SCHOOL AND COMMUNITY DATA REGARDING MARIJUANA AND THE NUMBER OF MARIJUANA ESTABLISHMENTS LOCATED WITHIN THE BOUNDARIES OF A SCHOOL DISTRICT;

(b) THE EXISTENCE OF A SUCCESSFUL SCHOOL HEALTH TEAM IN THE EDUCATION PROVIDER'S SCHOOL OR SCHOOLS;

(c) THE AMOUNT OF THE MATCHING FUNDS THAT THE EDUCATION PROVIDER IS ABLE TO COMMIT;

(d) THE EDUCATION PROVIDER'S EMPHASIS AND COMMITMENT TO IMPLEMENT EVIDENCE-BASED AND RESEARCH-BASED PROGRAMS AND STRATEGIES; AND

(e) THE LIKELIHOOD THAT THE EDUCATION PROVIDER WILL CONTINUE TO FUND THE INCREASES IN THE LEVEL OF SCHOOL HEALTH PROFESSIONAL SERVICES FOLLOWING EXPIRATION OF THE GRANT.

(4) THE DEPARTMENT AND THE STATE BOARD SHALL CONSULT WITH EXPERTS IN THE AREA OF SCHOOL HEALTH PROFESSIONAL SERVICES WHEN ESTABLISHING ANY ADDITIONAL CRITERIA FOR AWARDED GRANTS AND IN REVIEWING APPLICATIONS AND SELECTING GRANT RECIPIENTS.

(5) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD SHALL AWARD GRANTS TO APPLYING EDUCATION PROVIDERS PURSUANT TO THIS SECTION. THE STATE BOARD SHALL BASE THE GRANT AWARDS ON THE DEPARTMENT'S RECOMMENDATIONS. EACH GRANT SHALL HAVE AN INITIAL TERM OF ONE YEAR. IN MAKING THE AWARD, THE STATE BOARD SHALL SPECIFY THE AMOUNT OF EACH GRANT.

(6) THE DEPARTMENT MAY EXPEND NO MORE THAN THREE PERCENT

OF THE MONEYS ANNUALLY APPROPRIATED FOR THE PROGRAM TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THE PROGRAM.

22-96-105. Reporting. (1) IN ANY FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY MAKES AN APPROPRIATION TO THE DEPARTMENT FOR THE PURPOSES OF THE PROGRAM, EACH EDUCATION PROVIDER THAT RECEIVES A GRANT THROUGH THE PROGRAM SHALL REPORT THE FOLLOWING INFORMATION TO THE DEPARTMENT EACH YEAR DURING THE TERM OF THE GRANT:

(a) THE NUMBER OF SCHOOL HEALTH PROFESSIONALS HIRED USING GRANT MONEYS;

(b) A LIST AND EXPLANATION OF THE SERVICES PROVIDED USING GRANT MONEYS; AND

(c) ANY ADDITIONAL INFORMATION THAT THE STATE BOARD, BY RULE, MAY REQUIRE.

(2) ON OR BEFORE MAY 1, 2015, AND ON OR BEFORE MAY 1 IN EACH FISCAL YEAR THEREAFTER IN WHICH THE GENERAL ASSEMBLY MAKES AN APPROPRIATION TO THE DEPARTMENT FOR THE PURPOSES OF THE PROGRAM, THE DEPARTMENT SHALL SUBMIT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT, AT A MINIMUM, SUMMARIZES THE INFORMATION RECEIVED BY THE DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE DEPARTMENT SHALL ALSO POST THE REPORT TO ITS WEB SITE.

SECTION 4. In Colorado Revised Statutes, **add** article 38.3 to title 24 as follows:

ARTICLE 38.3
Office of Marijuana Coordination

24-38.3-101. Office of marijuana coordination - creation.

(1) THERE IS HEREBY CREATED WITHIN THE OFFICE OF THE GOVERNOR THE OFFICE OF MARIJUANA COORDINATION, THE HEAD OF WHICH IS THE DIRECTOR OF THE OFFICE OF MARIJUANA COORDINATION. SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIRECTOR OF THE OFFICE SHALL BE

ASSISTED BY A DEPUTY DIRECTOR AND A STAFF TO FULFILL THE OFFICE'S MISSION.

(2) THE OFFICE OF MARIJUANA COORDINATION SHALL COORDINATE THE EXECUTIVE BRANCH RESPONSE TO THE LEGALIZATION OF RETAIL MARIJUANA AS DIRECTED BY THE GOVERNOR. THE COORDINATION OF THE EXECUTIVE BRANCH RESPONSE INCLUDES STRATEGIC PLANNING, COORDINATION OF REGULATIONS, EDUCATIONAL CONTENT PLANNING AND IMPLEMENTATION, COMMUNITY ENGAGEMENT, BUDGET COORDINATION, DATA COLLECTION AND ANALYSIS FUNCTIONS, AND ANY OTHER DUTIES DEEMED NECESSARY AND APPROPRIATE BY THE DIRECTOR OF THE OFFICE OR THE GOVERNOR.

24-38.3-102. Coordination among agencies - marijuana messaging. (1) THE OFFICE OF MARIJUANA COORDINATION IS THE COORDINATOR OF ALL STATE AGENCIES THAT PROVIDE INFORMATION OR EDUCATION OR THAT PROMULGATE RULES REGARDING THE USE, SALE, OR REGULATION OF MARIJUANA, INCLUDING THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF REVENUE, THE DEPARTMENT OF PUBLIC SAFETY, AND THE DEPARTMENT OF EDUCATION, TO ALIGN THE PROGRAMMING AND REGULATIONS PROVIDED BY EACH EXECUTIVE BRANCH DEPARTMENT TO MAXIMIZE EFFICIENCY AND ENSURE COORDINATED STRATEGIES IN THE GOVERNMENT'S RESPONSE TO THE LEGALIZATION OF MARIJUANA.

(2) IN FURTHERANCE OF COORDINATING THE OVERSIGHT OF RETAIL AND MEDICAL MARIJUANA ACROSS STATE AGENCIES, THE OFFICE OF MARIJUANA COORDINATION SHALL:

(a) COORDINATE WITH THE EXECUTIVE DIRECTORS OF EACH STATE AGENCY REGARDING THE AGENCY'S PROMULGATION OF RULES ON RETAIL AND MEDICAL MARIJUANA THAT REDUCE NEGATIVE ECONOMIC, PUBLIC SAFETY, AND HEALTH CONSEQUENCES FOR THE STATE;

(b) ALIGN ALL POLICY SUGGESTIONS AND THE PROMULGATION OF RULES ACROSS STATE AGENCIES TO INCREASE EFFICIENCY AND ELIMINATE UNINTENDED NEGATIVE IMPACTS ON THE STATE;

(c) COMMUNICATE WITH OTHER STATES RELATED TO THE ECONOMIC,

HEALTH, AND SAFETY IMPLICATIONS OF RETAIL MARIJUANA LEGALIZATION AND REGULATION;

(d) IDENTIFY DATA GAPS IN THE IMPACT OF MARIJUANA LEGALIZATION ON PUBLIC HEALTH, SAFETY, OR ECONOMICS ACROSS THE STATE;

(e) ANTICIPATE, PRIORITIZE, AND RESPOND TO EMERGING ISSUES WITH THE LEGALIZATION OF RETAIL MARIJUANA; AND

(f) DESIGNATE A STAFF MEMBER FROM THE OFFICE OF MARIJUANA COORDINATION TO SERVE AS THE CONTACT PERSON ACROSS ALL STATE CAMPAIGNS MANAGED BY A STATE AGENCY.

SECTION 5. In Colorado Revised Statutes, **add** part 10 to article 3.5 of title 25 as follows:

PART 10
STATEWIDE MARIJUANA EDUCATION CAMPAIGN

25-3.5-1001. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) MANY SUBSTANCE ABUSE, PUBLIC HEALTH, EDUCATION, REGULATORY, AND LAW ENFORCEMENT PROFESSIONALS ARE CONCERNED ABOUT THE IMPACT THAT THE LEGALIZATION OF RETAIL MARIJUANA WILL HAVE ON CHILDREN, YOUTH, AND ADULTS IN THE STATE;

(b) MANY OF THESE PROFESSIONALS BELIEVE THAT THE LEGALIZATION OF RETAIL MARIJUANA MAY RESULT IN:

(I) AN INCREASE IN THE ABUSE OF MARIJUANA BY ADULTS AND YOUTH;

(II) A GREATER NEED FOR EARLY INTERVENTION SERVICES DUE TO INCREASED USE OF MARIJUANA BY YOUTH AND ADULTS;

(III) A BELIEF AMONG CHILDREN AND YOUTH THAT THE RISKS ASSOCIATED WITH MARIJUANA USE ARE LOW;

(IV) HEALTH IMPACTS IN CONNECTION WITH EXPOSURE TO SECONDHAND SMOKE;

(V) AN INCREASE IN THE INSTANCES OF IMPAIRED DRIVING AND THE ASSOCIATED INCREASE IN CRASHES;

(VI) NEW HEALTH CONCERNS REGARDING PREGNANT OR NURSING WOMEN WHO USE MARIJUANA OR WHO ARE EXPOSED TO SECONDHAND SMOKE FROM MARIJUANA; AND

(VII) OTHER POTENTIAL CONCERNS THAT HAVE NOT YET BEEN IDENTIFIED.

(c) MASS-REACH HEALTH COMMUNICATIONS STRATEGIES HAVE BEEN FOUND TO BE EFFECTIVE IN REDUCING TOBACCO AND ALCOHOL USE AMONG ADULTS AND YOUTH, IN INCREASING THE USE OF CESSATION SERVICES, AND IN LIMITING TOBACCO AND ALCOHOL INITIATION BY YOUTH; AND

(d) THERE IS SUBSTANTIAL EVIDENCE THAT MASS MEDIA CAMPAIGNS AND COMMUNITY COALITIONS ARE EFFECTIVE IN PREVENTING MARIJUANA USE.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT TO PROTECT AND IMPROVE THE HEALTH OF THE CITIZENS OF THE STATE, IT IS A PRUDENT USE OF STATE RESOURCES TO REQUIRE THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO IMPLEMENT A CAMPAIGN TO INCREASE THE AWARENESS OF AND EDUCATION ABOUT THE IMPACTS OF MARIJUANA USE.

25-3.5-1002. Definitions. AS USED IN THIS PART 10, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DIVISION" MEANS THE DIVISION WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RESPONSIBLE FOR PREVENTION SERVICES.

(2) "RETAIL MARIJUANA" MEANS MARIJUANA THAT IS LEGAL FOR ADULTS TO PURCHASE AND USE PURSUANT TO SECTION 16 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

25-3.5-1003. Eighteen-month public awareness and education campaign - legalization of marijuana - repeal. (1) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN THE 2014-15 STATE FISCAL YEAR, THE DIVISION SHALL CONDUCT AN EIGHTEEN-MONTH PUBLIC AWARENESS CAMPAIGN TO ADDRESS THE IMMEDIATE EDUCATIONAL NEEDS OF THE PUBLIC IN RESPONSE TO THE LEGALIZATION OF RETAIL MARIJUANA IN THE STATE.

(2) AS PART OF THE EIGHTEEN-MONTH PUBLIC AWARENESS CAMPAIGN, THE DIVISION SHALL PUBLICIZE ACCURATE INFORMATION OUTLINING THE HEALTH EFFECTS OF MARIJUANA USE AND THE LEGAL PERIMETERS OF THE USE OF RETAIL MARIJUANA IN THE STATE. IN FURTHERANCE OF THESE RESPONSIBILITIES, THE DIVISION SHALL:

(a) CREATE FACT SHEETS FOR THE PUBLIC REGARDING THE HEALTH EFFECTS OF MARIJUANA USE, THE LEGAL PERIMETERS OF THE USE OF RETAIL MARIJUANA IN THE STATE, AND CONCERNS REGARDING THE USE OF MARIJUANA BY YOUTH. THE DIVISION SHALL ENSURE THAT ALL FACT SHEETS CREATED PURSUANT TO THIS PARAGRAPH (a) THAT TARGET YOUTH ARE ALIGNED WITH THE MESSAGING CREATED THROUGH ANY YOUTH MARIJUANA PREVENTION CAMPAIGN THAT IS MANAGED BY THE GOVERNOR'S OFFICE. THE DIVISION SHALL MAKE THE FACT SHEETS AVAILABLE ON THE WEB SITE THAT IS CREATED PURSUANT TO SECTION 25-3.5-1005.

(b) CONTRACT FOR THE CREATION OF CLINICAL GUIDELINES AS A RESOURCE FOR HEALTH CARE PROVIDERS WHEN THEY RECOGNIZE THAT A PERSON IS AT RISK FROM MARIJUANA USE OR EXPOSURE.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

25-3.5-1004. On-going prevention and education campaign - training - marijuana. (1) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN THE 2014-15 STATE FISCAL YEAR, THE DIVISION SHALL DEVELOP, IMPLEMENT, AND EVALUATE AN ON-GOING STATEWIDE PREVENTION AND EDUCATION CAMPAIGN TO ADDRESS THE LONG-TERM MARIJUANA EDUCATION NEEDS IN THE STATE. IN THE PREVENTION AND EDUCATION MESSAGING, THE DIVISION SHALL PROVIDE INFORMATION TO:

(a) THE GENERAL PUBLIC REGARDING THE LAW SURROUNDING THE LEGAL USE OF RETAIL MARIJUANA;

(b) PEOPLE IN THE RETAIL MARIJUANA INDUSTRY REGARDING RESTRICTING YOUTH ACCESS TO RETAIL MARIJUANA;

(c) RETAIL MARIJUANA USERS AND OTHER RELEVANT POPULATIONS IDENTIFIED AS HIGH-RISK REGARDING THE POTENTIAL RISKS ASSOCIATED WITH THE USE OF MARIJUANA; AND

(d) THE GENERAL PUBLIC REGARDING THE DANGERS ASSOCIATED WITH THE OVER-CONSUMPTION OF MARIJUANA-INFUSED PRODUCTS.

(2) IN FURTHERANCE OF THE GOALS OF THE ON-GOING MARIJUANA PREVENTION AND EDUCATION CAMPAIGN, THE DIVISION MAY USE TELEVISION MESSAGING, RADIO BROADCASTS, PRINT MEDIA, DIGITAL STRATEGIES, OR ANY OTHER FORM OF MESSAGING DEEMED NECESSARY AND APPROPRIATE BY THE DIVISION TO REACH THE TARGET AUDIENCES OF THE CAMPAIGN.

(3) IN FURTHERANCE OF THE GOALS OF THE ON-GOING MARIJUANA PREVENTION AND EDUCATION CAMPAIGN, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL PROVIDE AT LEAST FIVE REGIONAL TRAINING SESSIONS DURING THE 2014-15 FISCAL YEAR FOR COMMUNITY PARTNERS TO IMPLEMENT YOUTH HEALTH DEVELOPMENT STRATEGIES.

25-3.5-1005. Web site - primary state resource for information.

(1) IN FURTHERANCE OF THE GOALS OF THE EIGHTEEN-MONTH PUBLIC AWARENESS AND EDUCATION CAMPAIGN CREATED IN SECTION 25-3.5-1003 AND THE ON-GOING PREVENTION AND EDUCATION CAMPAIGN CREATED IN SECTION 25-3.5-1004, THE DIVISION SHALL CREATE A WEB SITE THAT WILL SERVE AS THE STATE PORTAL FOR THE MOST ACCURATE AND TIMELY INFORMATION REGARDING THE HEALTH EFFECTS OF MARIJUANA USE AND THE LAWS REGARDING MARIJUANA USE. THE DIVISION SHALL ENSURE THAT THE WEB SITE LINKS TO THE INFORMATION MADE AVAILABLE BY LOCAL GOVERNMENTS THAT HAVE PASSED ADDITIONAL RESTRICTIONS ON THE USE OF RETAIL MARIJUANA AND LINKS TO THE WEB SITE OF EVERY STATE AGENCY THAT CONTAINS RELEVANT INFORMATION REGARDING RETAIL MARIJUANA, INCLUDING ANY YOUTH PREVENTION CAMPAIGN MANAGED BY A STATE AGENCY.

(2) THE DIVISION SHALL IMPLEMENT A MARKETING CAMPAIGN TO GENERATE PUBLIC AWARENESS OF THE WEB SITE AS THE PRIMARY STATE

RESOURCE FOR INFORMATION REGARDING THE LEGALIZATION AND USE OF RETAIL MARIJUANA IN THE STATE.

25-3.5-1006. Align marijuana messaging - integration of information across state agencies. (1) THE DIVISION SHALL INTEGRATE INFORMATION FROM EACH STATE AGENCY INVOLVED IN PROVIDING RETAIL MARIJUANA INFORMATION, INCLUDING THE DEPARTMENT OF HUMAN SERVICES, THE GOVERNOR'S OFFICE OF MARIJUANA COORDINATION, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF REVENUE, THE DEPARTMENT OF LAW, THE DEPARTMENT OF PUBLIC SAFETY, AND THE DEPARTMENT OF EDUCATION, TO ALIGN THE MESSAGING, BRANDING, AND EDUCATION PROVIDED BY EACH AGENCY FOR THE EIGHTEEN-MONTH PUBLIC EDUCATION AND AWARENESS CAMPAIGN REQUIRED PURSUANT TO SECTION 25-3.5-1003, THE ON-GOING PREVENTION AND EDUCATION CAMPAIGN REQUIRED PURSUANT TO SECTION 25-3.5-1004, AND THE WEBSITE REQUIRED PURSUANT TO SECTION 25-3.5-1005.

(2) THE DIVISION SHALL PROVIDE DATA, TRAINING, EDUCATIONAL MATERIALS, AND RESOURCES ON EFFECTIVE PREVENTION STRATEGIES TO LOCAL COMMUNITY COALITIONS AND PROGRAMS ADDRESSING MARIJUANA PREVENTION.

25-3.5-1007. Evaluation of marijuana campaigns - report. (1) THE DEPARTMENT SHALL CONTRACT WITH A RESPECTED EVALUATION PARTNER TO DEVELOP AND IMPLEMENT A THREE-YEAR EVALUATION PLAN ACCESSING THE REACH AND IMPACT OF THE EIGHTEEN-MONTH PUBLIC EDUCATION AND AWARENESS CAMPAIGN REQUIRED PURSUANT TO SECTION 25-3.5-1003 AND THE ON-GOING PREVENTION AND EDUCATION CAMPAIGN REQUIRED PURSUANT TO SECTION 25-3.5-1004. THE EVALUATION SHALL ALSO ACCESS THE DEPARTMENT'S SUCCESS IN EDUCATING THE CITIZENS OF THE STATE REGARDING THE LEGAL PERIMETERS OF THE USE OF RETAIL MARIJUANA AND PREVENTING NEGATIVE HEALTH IMPACTS FROM THE LEGALIZATION OF RETAIL MARIJUANA.

(2) ON OR BEFORE MARCH 1, 2015, AND ON OR BEFORE NOVEMBER 1, 2015, THE DEPARTMENT SHALL PROVIDE A REPORT TO THE MEMBERS OF THE GENERAL ASSEMBLY REGARDING THE EFFECTIVENESS OF THE EIGHTEEN-MONTH PUBLIC EDUCATION AND AWARENESS CAMPAIGN REQUIRED PURSUANT TO SECTION 25-3.5-1003 AND THE ON-GOING PREVENTION AND EDUCATION CAMPAIGN REQUIRED PURSUANT TO SECTION

25-3.5-1004.

SECTION 6. In Colorado Revised Statutes, **add** 25.5-1-206 as follows:

25.5-1-206. School-based substance abuse prevention and intervention program - creation - reporting - legislative declaration - definitions. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) THE 2011 HEALTHY KIDS COLORADO SURVEY INDICATES THAT THE TOP THREE SUBSTANCES THAT HIGH SCHOOL STUDENTS REPORT THEY USE ARE ALCOHOL, MARIJUANA, AND PRESCRIPTION DRUGS;

(II) WITH THE LEGALIZATION OF MARIJUANA BY CITIZEN INITIATIVE IN COLORADO, THERE IS AN INCREASED AVAILABILITY OF MARIJUANA IN THE COMMUNITY AND, AT THE SAME TIME, A DECREASED PERCEPTION OF HARM RELATED TO MARIJUANA USE;

(III) EVIDENCE-BASED PREVENTION AND INTERVENTION PROGRAMS AND EDUCATION AWARENESS PROGRAMS TARGETED TO SCHOOL CHILDREN WHO ARE TWELVE TO NINETEEN YEARS OF AGE ARE NEEDED TO:

(A) INCREASE THE PERCEIVED RISK OF HARM ASSOCIATED WITH MARIJUANA AND ALCOHOL USE AND PRESCRIPTION DRUG MISUSE;

(B) DECREASE THE RATES OF YOUTH MARIJUANA AND ALCOHOL USE AND PRESCRIPTION DRUG MISUSE AND DELAY THE AGE OF FIRST-TIME USE; AND

(C) DECREASE THE NUMBER OF DRUG- AND ALCOHOL-RELATED VIOLATIONS, SUSPENSIONS, AND EXPULSIONS REPORTED BY SCHOOLS.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS APPROPRIATE TO AWARD GRANTS TO SCHOOLS, COMMUNITY-BASED ORGANIZATIONS, AND HEALTH ORGANIZATIONS TO PROVIDE SCHOOL-BASED PREVENTION AND INTERVENTION PROGRAMS THAT USE EVIDENCE-BASED STRATEGIES, PRACTICES, AND APPROACHES TO REDUCE THE RISK OF MARIJUANA AND ALCOHOL USE AND PRESCRIPTION DRUG MISUSE BY SCHOOL-AGED CHILDREN. SUCCESSFUL SCHOOL-BASED PROGRAMS WILL LEAD TO INCREASED OVERALL HEALTH, BEHAVIORAL HEALTH, AND

EDUCATIONAL OUTCOMES FOR COLORADO'S YOUTH.

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

(a) "ENTITY" MEANS A SCHOOL, SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, A NONPROFIT OR NOT-FOR-PROFIT COMMUNITY-BASED ORGANIZATION, OR A COMMUNITY-BASED BEHAVIORAL HEALTH ORGANIZATION.

(b) "GRANT PROGRAM" MEANS THE SCHOOL-BASED SUBSTANCE ABUSE PREVENTION AND INTERVENTION GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS SECTION.

(3) (a) THE SCHOOL-BASED SUBSTANCE ABUSE PREVENTION AND INTERVENTION GRANT PROGRAM IS CREATED WITHIN THE STATE DEPARTMENT. THE PURPOSE OF THE GRANT PROGRAM IS TO AWARD COMPETITIVE GRANTS TO ENTITIES TO PROVIDE SCHOOL-BASED PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH TWELVE TO NINETEEN YEARS OF AGE PRIMARILY FOCUSED ON REDUCING MARIJUANA USE, BUT INCLUDING STRATEGIES AND EFFORTS TO REDUCE ALCOHOL USE AND PRESCRIPTION DRUG MISUSE.

(b) TO BE CONSIDERED FOR A COMPETITIVE GRANT, THE ENTITY MUST DEMONSTRATE IN THE GRANT PROPOSAL THAT:

(I) THE GRANT WILL BE USED TO IMPLEMENT EVIDENCE-BASED PROGRAMS AND STRATEGIES DELIVERED IN THE SCHOOL SETTING THAT ARE DESIGNED TO IMPROVE OVERALL HEALTH, BEHAVIORAL HEALTH, AND EDUCATIONAL OUTCOMES FOR YOUTH WHO ARE TWELVE TO NINETEEN YEARS OF AGE;

(II) THE ENTITY IS DELIVERING THE PROGRAM AND STRATEGIES TO AT-RISK YOUTH, REGARDLESS OF THE YOUTHS' ELIGIBILITY FOR COLORADO'S MEDICAL ASSISTANCE PROGRAM; AND

(III) THE EVIDENCE-BASED PROGRAMS AND STRATEGIES ARE DESIGNED TO ACHIEVE THE FOLLOWING OUTCOMES:

(A) AN INCREASE IN THE PERCEIVED RISK OF HARM ASSOCIATED

WITH MARIJUANA USE, PRESCRIPTION DRUG MISUSE, AND UNDERAGE ALCOHOL USE AMONG YOUTH WHO ARE TWELVE TO NINETEEN YEARS OF AGE;

(B) A DECREASE IN THE RATES OF YOUTH MARIJUANA USE, ALCOHOL USE, AND PRESCRIPTION DRUG MISUSE;

(C) A DELAY IN THE AGE OF FIRST USE OF MARIJUANA, ALCOHOL, OR PRESCRIPTION DRUG MISUSE;

(D) A DECREASE IN THE RATES OF YOUTH WHO HAVE EVER USED MARIJUANA OR ALCOHOL OR MISUSED PRESCRIPTION DRUGS IN THEIR LIFETIME; AND

(E) A DECREASE IN THE NUMBER OF DRUG- AND ALCOHOL-RELATED VIOLATIONS ON SCHOOL PROPERTY, SUSPENSIONS, AND EXPULSIONS REPORTED BY SCHOOLS.

(4) ON OR BEFORE SEPTEMBER 1, 2014, THE STATE DEPARTMENT SHALL ESTABLISH PROCEDURES AND TIMELINES FOR GRANT APPLICATIONS; CRITERIA FOR DETERMINING GRANT AMOUNTS AND GRANTEE REPORTING REQUIREMENTS; AND ANY OTHER GRANT PROGRAM POLICIES. THE STATE DEPARTMENT MAY AMEND THESE POLICIES AT ANY TIME.

(5) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE DEPARTMENT SHALL AWARD GRANTS FOR THE 2014-15 ACADEMIC YEAR AND FOR EACH ACADEMIC YEAR THEREAFTER. THERE IS NO LIMIT ON THE NUMBER OF GRANTS THAT THE STATE DEPARTMENT MAY AWARD, AND THE SAME ENTITY MAY RECEIVE MORE THAN ONE GRANT IF THE STATE DEPARTMENT CONSIDERS THE NEEDS OF AT-RISK STUDENTS IN COMMUNITIES THROUGHOUT THE STATE FOR SCHOOL-BASED SUBSTANCE ABUSE PREVENTION AND INTERVENTION PROGRAMS.

(6) ON OR BEFORE NOVEMBER 1 IN ANY FISCAL YEAR IN WHICH THE STATE DEPARTMENT AWARDS GRANTS PURSUANT TO THIS SECTION, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE; THE PUBLIC HEALTH CARE AND HUMAN SERVICES AND THE HEALTH, INSURANCE, AND ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES; AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR

COMMITTEE, SUMMARIZING ALL GRANTS AWARDED PURSUANT TO THE GRANT PROGRAM. AT A MINIMUM, THE REPORT MUST INCLUDE THE GRANT RECIPIENT AND THE AMOUNT OF THE GRANT, A DESCRIPTION OF THE PROGRAM OR STRATEGIES DELIVERED BY THE GRANT RECIPIENT, THE OUTCOMES ACHIEVED OR PROPOSED TO BE ACHIEVED BY THE PROGRAM OR STRATEGIES, AND ANY OTHER INFORMATION RELATING TO THE SUCCESS OF THE GRANT PROGRAM IN REDUCING OR PREVENTING THE USE OF MARIJUANA AND ALCOHOL AND THE MISUSE OF PRESCRIPTION DRUGS BY YOUTH WHO ARE TWELVE TO NINETEEN YEARS OF AGE.

SECTION 7. In Colorado Revised Statutes, 26-6.8-102, **amend** (1) (b) and (2) (d) as follows:

26-6.8-102. Tony Grampsas youth services program - creation - standards - applications. (1) (b) The Tony Grampsas youth services program is established to provide state funding FOR THE FOLLOWING PURPOSES:

(I) For community-based programs that target youth and their families for intervention services in an effort to reduce incidents of youth crime and violence; ~~In addition, the Tony Grampsas youth services program shall~~

(II) To promote prevention and education programs that are designed to reduce the occurrence and reoccurrence of child abuse and neglect and to reduce the need for state intervention in child abuse and neglect prevention and education; AND

(III) FOR COMMUNITY-BASED PROGRAMS SPECIFICALLY RELATED TO THE PREVENTION AND INTERVENTION OF ADOLESCENT AND YOUTH MARIJUANA USE.

(2) (d) (I) The youth services program fund is created in the state treasury. The principal of the fund consists of tobacco litigation settlement moneys transferred by the state treasurer to the fund pursuant to section 24-75-1104.5 (1) (i), C.R.S. Subject to annual appropriation by the general assembly, the state department may expend moneys from the fund for the Tony Grampsas youth services program. The lesser of all unexpended and unencumbered moneys in the fund at the end of any fiscal year or an amount of such moneys equal to five percent of the amount appropriated

from the fund for the fiscal year remain in the fund and shall not be transferred to the general fund or any other fund. Any additional unexpended and unencumbered moneys in the fund at the end of any fiscal year shall be transferred to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(II) IN ADDITION TO THE MONEYS APPROPRIATED TO THE YOUTH SERVICES PROGRAM FUND PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), THE FUND ALSO CONSISTS OF ANY MONEYS APPROPRIATED TO THE FUND FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S. ANY MONEYS IN THE FUND ATTRIBUTABLE TO THE MARIJUANA TAX CASH FUND SHALL BE USED FOR COMMUNITY-BASED PROGRAMS FOR THE PREVENTION AND INTERVENTION OF MARIJUANA USE. NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), ANY UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND AT THE END OF A FISCAL YEAR THAT ARE ATTRIBUTABLE TO THE MARIJUANA TAX CASH FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO THE TOBACCO LITIGATION SETTLEMENT CASH FUND OR ANY OTHER FUND.

(III) IF AN ENTITY SEEKS A GRANT FROM THE BOARD FOR A PROGRAM DIRECTED AT PROVIDING MARIJUANA USE PREVENTION AND INTERVENTION SERVICES TO YOUTH, ONE OF THE CRITERIA THE BOARD SHALL CONSIDER IS WHETHER THE PROGRAM UTILIZES EVIDENCE-BASED PRACTICES IN THE DELIVERY OF SERVICES.

SECTION 8. In Colorado Revised Statutes, 39-28.8-203, **amend** (1) (b) as follows:

39-28.8-203. Disposition of collections. (1) The proceeds of all moneys collected from the retail marijuana sales tax shall be credited to the old age pension fund created in section 1 of article XXIV of the state constitution in accordance with paragraphs (a) and (f) of section 2 of article XXIV of the state constitution. For each fiscal year in which a tax is collected pursuant to this part 2, an amount shall be distributed from the general fund as follows:

(b) Following apportionment of local government shares pursuant to paragraph (a) of this subsection (1), an amount equal to all remaining revenues collected shall be transferred from the general fund to the

~~marijuana cash fund created in section 12-43.3-501, C.R.S.~~ MARIJUANA TAX CASH FUND CREATED IN PART 5 OF THIS ARTICLE to be used for the enforcement of regulations on the retail marijuana industry and for the other purposes of the fund as determined by the general assembly. The general assembly shall make appropriations from the ~~marijuana cash fund~~ MARIJUANA TAX CASH FUND for the expenses of the administration of this section.

SECTION 9. In Colorado Revised Statutes, 39-28.8-305, **amend** (1) (b) as follows:

39-28.8-305. Distribution of tax collected. (1) All moneys received and collected in payment of the tax imposed by the provisions of this part 3 shall be transmitted to the state treasurer, who shall distribute the money as follows:

(b) Any amount remaining after the transfer pursuant to paragraph (a) of this subsection (1) shall be transferred to the ~~marijuana cash fund created in section 12-43.3-501, C.R.S.~~ MARIJUANA TAX CASH FUND CREATED IN PART 5 OF THIS ARTICLE.

SECTION 10. In Colorado Revised Statutes, **repeal** 39-26-123 (6).

SECTION 11. Appropriation to the department of public safety for the fiscal year beginning July 1, 2013. In Session Laws of Colorado 2013, section 22 (2) of chapter 332, **amend as amended by House Bill 14-1245** as follows:

Section 22. **Appropriation.** (2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana cash fund created in section 12-43.3-501 (1) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2013, the sum of \$89,398, or so much thereof as may be necessary, for allocation to the division of criminal justice for the DCJ administrative services line item related to the implementation of this act. OF THE MONEYS APPROPRIATED IN THIS SECTION NOT EXPENDED PRIOR TO JULY 1, 2014, \$45,000 IS FURTHER APPROPRIATED TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, FOR THE SAME PURPOSES.

SECTION 12. Appropriation - adjustments to 2014 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The cash funds appropriation from the marijuana cash fund created in section 12-43.3-501, Colorado Revised Statutes, to the department of law for peace officers standards and training board support is decreased by \$76,000;

(b) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501, Colorado Revised Statutes, not otherwise appropriated, to the department of law, for the fiscal year beginning July 1, 2014, the sum of \$76,000, or so much thereof as may be necessary, to be allocated for peace officers standards training board support for the implementation of this act;

(c) The cash funds appropriation from the marijuana cash fund created in section 12-43.3-501, Colorado Revised Statutes, to the department of public health and environment for cannabis health environmental and epidemiological training, outreach, and surveillance is decreased by \$320,388 and 4.0 FTE;

(d) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2014, the sum of \$320,388 and 4.0 FTE, or so much thereof as may be necessary, to be allocated for cannabis health environmental and epidemiological training, outreach, and surveillance for the implementation of this act;

(e) The cash funds appropriation from the marijuana cash fund created in section 12-43.3-501, Colorado Revised Statutes, to the department of public safety for the division of criminal justice is decreased by \$159,983;

(f) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in

section 39-28.8-501, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2014, the sum of \$159,983, or so much thereof as may be necessary, to be allocated to the division of criminal justice for administrative services for the implementation of this act;

(g) The cash funds appropriation from the marijuana cash fund created in section 12-43.3-501, Colorado Revised Statutes, to the department of revenue is decreased by \$7,600,000; and

(h) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2014, the sum of \$7,600,000, or so much thereof as may be necessary for the implementation of this act.

SECTION 13. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2014, the sum of \$2,500,000 and 1.0 FTE, or so much thereof as may be necessary, for allocation to health and nutrition programs for grants to local education providers related to the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2014, the sum of \$190,097 and 2.0 FTE, or so much thereof as may be necessary, for allocation to the office of the governor for the creation of the office of marijuana coordination related to the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2014, the sum of \$4,363,807, or so much thereof as may be necessary, for allocation to behavioral health community programs for school-based prevention and intervention substance use

disorder services to be provided by behavioral health organizations. Of said sum, \$2,000,000 is from the general fund and \$2,363,807 is from federal funds.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2014, the sum of \$2,000,000, or so much thereof as may be necessary, to be allocated for the implementation of the school-based substance abuse prevention and intervention program created in this act as follows:

(a) \$50,000 for the executive director's office for general professional services and special projects; and

(b) \$1,950,000 for behavioral health community programs for grant awards.

(5) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$2,000,000, or so much thereof as may be necessary, for allocation to the division of child welfare for enhancement of the Tony Grampsas youth services program related to the implementation of this act.

(6) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$1,500,000, or so much thereof as may be necessary, for allocation to behavioral health services, substance use treatment and prevention, treatment and detoxification contracts, for the provision of substance use disorder treatment services for adolescents and pregnant women.

(7) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise

appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$2,000,000, or so much thereof as may be necessary, for allocation to behavioral health services for the expansion and enhancement of jail-based behavioral health services.

(8) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$2,000,000, or so much thereof as may be necessary, for allocation to the division of youth corrections for the enhancement of SB 91-94 programs related to the implementation of this act.

(9) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of law, for the fiscal year beginning July 1, 2014, the sum of \$456,760 and 2.0 FTE, or so much thereof as may be necessary, for allocation to the special prosecutions unit for the implementation of this act.

(10) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of law, for the fiscal year beginning July 1, 2014, the sum of \$1,168,000 and 1.0 FTE, or so much thereof as may be necessary, for allocation to peace officer standards and training board support for expanded training activities and associated costs related to the implementation of this act.

(11) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2014, the sum of \$5,683,608 and 3.7 FTE, or so much thereof as may be necessary, for allocation to the prevention services division, chronic disease prevention programs for the expenses of the marijuana education campaign related to the implementation of this act.

(12) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2014, the sum of \$903,561 and 1.5 FTE, or so much thereof as may be necessary, for allocation to the prevention services division, family and community health, children and youth health for the healthy kids Colorado survey related to the implementation of this act.

(13) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$100,000, or so much thereof as may be necessary, for allocation to the division of child welfare for child welfare training specific to issues arising from marijuana use and abuse.

SECTION 14. Effective date. This act takes effect July 1, 2014; except that section 10 of this act repealing section 39-26-123 (6), Colorado Revised Statutes, takes effect July 1, 2015.

SECTION 15. 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.

Morgan Carroll
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO