

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0986.01 Shelby Ross x4510

SENATE BILL 25-295

SENATE SPONSORSHIP

Amabile and Bridges, Kirkmeyer

HOUSE SPONSORSHIP

Bird and Sirota, Taggart

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING TRANSFERRING MONEY RECEIVED THROUGH THE
102 FIREARMS AND AMMUNITION EXCISE TAX INTO THE MENTAL AND
103 BEHAVIORAL HEALTH EXCISE TAX CASH FUND, AND, IN
104 CONNECTION THEREWITH, MAKING AND REDUCING AN
105 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/>.)

Joint Budget Committee. The bill creates the behavioral and mental health excise tax cash fund that is designated to hold money

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

received from the firearm and ammunition excise tax (Proposition KK) for certain behavioral health-related purposes.

Current law requires \$8 million that is received from Proposition KK to be transferred to the behavioral and mental health cash fund. The bill requires this money to instead be transferred to the behavioral and mental health excise tax cash fund.

The bill requires the state treasurer to transfer the Proposition KK money in the behavioral and mental health cash fund to the behavioral and mental health excise tax cash fund.

Current law repeals the behavioral and mental health cash fund on July 1, 2032. The bill changes the repeal date to July 1, 2027.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-230, **amend**
3 (2)(a) and (5); **repeal** (3)(b), (3.5), and (3.7); and **add** (3.8) as follows:

4 **24-75-230. Behavioral and mental health cash fund - creation**
5 **- allowable uses - task force - definitions - repeal.** (2) (a) The
6 behavioral and mental health cash fund is created in the state treasury.
7 The fund consists of money credited to the fund in accordance with
8 subsection (2)(b) of this section ~~money transferred to the fund pursuant~~
9 ~~to section 39-37-301 (2)(a)(II)~~ and any other money that the general
10 assembly may appropriate or transfer to the fund. The general assembly
11 may appropriate money from the fund to a department for behavioral
12 health care.

13 (3) (b) ~~The limitations and requirements set forth in subsection~~
14 ~~(3)(a)(II) of this section do not apply to money transferred to the fund~~
15 ~~pursuant to section 39-37-301 (2)(a)(II).~~

16 (3.5) ~~The first five million dollars of the money transferred to the~~
17 ~~fund pursuant to section 39-37-301 (2)(a)(II), must be used by the~~
18 ~~behavioral health administration, established pursuant to section~~
19 ~~27-50-102, in coordination with the division of veterans affairs, created~~

1 in section ~~28-5-701 (1)~~, for the purpose of continuing and expanding the
2 veterans mental health services program in accordance with section
3 ~~28-5-714~~.

4 (3.7) After the requirement in subsection (3.5) of this section is
5 met, the next three million dollars of the money transferred to the fund
6 pursuant to section ~~39-37-301 (2)(a)(II)~~, must be used by the behavioral
7 health administration for the purpose of continuing and expanding access
8 to behavioral health crisis response system services for children and youth
9 in accordance with article ~~60~~ of title ~~27~~.

10 (3.8) (a) ON JUNE 30, 2025, THE STATE TREASURER SHALL
11 TRANSFER ANY MONEY RECEIVED PURSUANT TO SECTION 39-37-301
12 (2)(a)(II) TO THE BEHAVIORAL AND MENTAL HEALTH EXCISE TAX CASH
13 FUND CREATED IN SECTION 39-37-302.

14 (b) THIS SUBSECTION (3.8) IS REPEALED, EFFECTIVE JULY 1, 2026.

15 (5) This section is repealed, effective ~~July 1, 2032~~ JULY 1, 2027.

16 **SECTION 2.** In Colorado Revised Statutes, 39-37-301, **amend**
17 (2)(a)(II) as follows:

18 **39-37-301. Firearms and ammunition excise tax cash fund -**
19 **creation - distribution.** (2) (a) Except for any money in the fund that is
20 annually appropriated by the general assembly pursuant to subsection
21 (2)(b) of this section, money paid into the fund pursuant to section
22 39-37-110 (2), or credited to the fund pursuant to subsection (1)(b) of this
23 section must be distributed from the fund as follows:

24 (II) After the requirement in subsection (2)(a)(I) of this section is
25 met, the next eight million dollars paid into the fund in each fiscal year
26 must be transferred to the ~~behavioral and mental health cash fund created~~
27 ~~in section 24-75-230 (2)(a)~~ BEHAVIORAL AND MENTAL HEALTH EXCISE

1 TAX CASH FUND CREATED IN SECTION 39-37-302; and

2 **SECTION 3.** In Colorado Revised Statutes, **add** 39-37-302 as
3 follows:

4 **39-37-302. Behavioral and mental health excise tax cash fund**

5 **- creation - distribution.** (1) (a) THE BEHAVIORAL AND MENTAL HEALTH
6 EXCISE TAX CASH FUND IS CREATED IN THE STATE TREASURY, REFERRED
7 TO IN THIS SECTION AS THE "FUND". THE FUND CONSISTS OF MONEY
8 TRANSFERRED TO THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(II)
9 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE
10 OR TRANSFER TO THE FUND. THE GENERAL ASSEMBLY MAY APPROPRIATE
11 MONEY FROM THE FUND TO A DEPARTMENT FOR BEHAVIORAL HEALTH
12 CARE.

13 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
14 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
15 FUND TO THE FUND.

16 (2) THE FIRST FIVE MILLION DOLLARS OF THE MONEY
17 TRANSFERRED TO THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(II)
18 AND SECTION 24-75-230(3.8) MUST BE USED BY THE BEHAVIORAL HEALTH
19 ADMINISTRATION, ESTABLISHED PURSUANT TO SECTION 27-50-102, IN
20 COORDINATION WITH THE DIVISION OF VETERANS AFFAIRS, CREATED IN
21 SECTION 28-5-701 (1), FOR THE PURPOSE OF CONTINUING AND EXPANDING
22 THE VETERANS MENTAL HEALTH SERVICES PROGRAM IN ACCORDANCE
23 WITH SECTION 28-5-714. IF THE MONEY DESCRIBED IN THIS SUBSECTION (2)
24 IS IN THE FUND, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
25 THE MONEY FROM THE FUND IN ACCORDANCE WITH THIS SUBSECTION (2)
26 UNTIL THE GENERAL ASSEMBLY HAS APPROPRIATED THE FULL AMOUNT OF
27 MONEY.

1 (3) AFTER THE REQUIREMENT IN SUBSECTION (2) OF THIS SECTION
2 IS MET, THE NEXT THREE MILLION DOLLARS OF THE MONEY TRANSFERRED
3 TO THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(II) AND SECTION
4 24-75-230 (3.8) MUST BE USED BY THE BEHAVIORAL HEALTH
5 ADMINISTRATION FOR THE PURPOSE OF CONTINUING AND EXPANDING
6 ACCESS TO BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM SERVICES FOR
7 CHILDREN AND YOUTH IN ACCORDANCE WITH ARTICLE 60 OF TITLE 27. IF
8 THE MONEY DESCRIBED IN THIS SUBSECTION (3) IS IN THE FUND, THE
9 GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE THE MONEY FROM
10 THE FUND IN ACCORDANCE WITH THIS SUBSECTION (3) UNTIL THE GENERAL
11 ASSEMBLY HAS APPROPRIATED THE FULL AMOUNT OF MONEY.

12 (4) THE GENERAL ASSEMBLY MAY APPROPRIATE ANY MONEY
13 OTHER THAN THE MONEY DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS
14 SECTION THAT IS IN THE FUND TO A DEPARTMENT FOR BEHAVIORAL
15 HEALTH CARE.

16 **SECTION 4.** In Colorado Revised Statutes, 27-60-103, **amend**
17 (1.7) as follows:

18 **27-60-103. Behavioral health crisis response system - services**
19 **- request for proposals - criteria - reporting - rules - definitions -**
20 **repeal.** (1.7) Beginning January 1, 2025, the BHA shall use the money
21 transferred to the ~~behavioral and mental health cash fund~~ BEHAVIORAL
22 AND MENTAL HEALTH EXCISE TAX CASH FUND pursuant to ~~sections~~
23 ~~24-75-230 (2)(a) and~~ SECTION 39-37-301 (2)(a)(II) to continue and
24 expand access to behavioral health crisis response system services for
25 children and youth in accordance with this article 60.

26 **SECTION 5.** In Colorado Revised Statutes, 28-5-714, **amend**
27 (2)(d) as follows:

1 **28-5-714. Veterans mental health services program - report -**
2 **rules - definitions.** (2) (d) The behavioral health administration
3 established in section 27-50-102 shall coordinate with the division to
4 continue and expand the program using the money transferred pursuant
5 to section 39-37-301 (2)(a)(II) to the ~~behavioral and mental health cash~~
6 ~~fund, created in section 24-75-230 (2)(a), in accordance with section~~
7 ~~24-75-230 (3.5)~~ BEHAVIORAL AND MENTAL HEALTH EXCISE TAX CASH
8 FUND CREATED IN SECTION 39-37-302 and shall post on its website a list
9 of providers who participate in the program.

10 **SECTION 6.** In Colorado Revised Statutes, 28-5-714, **amend as**
11 **repealed and reenacted with amendments by House Bill 25-1132**
12 (4)(a) as follows:

13 **28-5-714. Veterans mental health services program -**
14 **community behavioral health program grants - rules - definitions.**
15 (4) (a) The BHA shall coordinate with the division to continue and
16 expand the veterans mental health services program using the money
17 transferred pursuant to section 39-37-301 (2)(a)(II) to the ~~behavioral and~~
18 ~~mental health cash fund, created in section 24-75-230 (2)(a), in~~
19 ~~accordance with section 24-75-230 (3.5)~~ BEHAVIORAL AND MENTAL
20 HEALTH EXCISE TAX CASH FUND CREATED IN SECTION 39-37-302.

21 **SECTION 7. Appropriation - adjustments to 2025 long bill.**
22 (1) To implement this act, appropriations made in the annual general
23 appropriation act for the 2025-26 state fiscal year to the department of
24 human services for use by the behavioral health administration are
25 adjusted as follows:

26 (a) The cash funds appropriation from the behavioral and mental
27 health cash fund created in section 24-75-230 (2)(a), C.R.S., for veteran

1 mental health services is decreased by \$5,000,000;

2 (b) The cash funds appropriation from the behavioral and mental
3 health excise tax cash fund created in section 39-37-302, C.R.S., for
4 veteran mental health services is increased by \$5,000,000;

5 (c) The cash funds appropriation from the behavioral and mental
6 health cash fund created in section 24-75-230 (2)(a), C.R.S., for
7 behavioral health crisis response system services is decreased by
8 \$3,000,000; and

9 (d) The cash funds appropriation from the behavioral and mental
10 health excise tax cash fund created in section 39-37-302, C.R.S., for
11 behavioral health crisis response system services is increased by
12 \$3,000,000.

13 **SECTION 8. Effective date.** (1) Except as otherwise provided
14 in this section, this act takes effect upon passage.

15 (2) Section 5 of this act takes effect only if House Bill 25-1132
16 does not become law.

17 (3) Section 6 of this act takes effect only if House Bill 25-1132
18 becomes law, in which case section 6 takes effect on the applicable
19 effective date of section 1 of House Bill 25-1132.

20 **SECTION 9. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.