

CHAPTER 330

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 25-295

BY SENATOR(S) Amabile and Bridges, Kirkmeyer, Ball, Cutter, Exum, Jodeh, Michaelson Jenet, Snyder, Sullivan, Wallace, Winter F.;
also REPRESENTATIVE(S) Bird and Sirota, Taggart, Bacon, Boesenecker, Duran, Jackson, Lindsay, McCluskie.

AN ACT

CONCERNING TRANSFERRING MONEY RECEIVED THROUGH THE FIREARMS AND AMMUNITION EXCISE TAX INTO THE MENTAL AND BEHAVIORAL HEALTH EXCISE TAX CASH FUND, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

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

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

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

(3.5) ~~The first five million dollars of the money transferred to the fund pursuant to section 39-37-301 (2)(a)(II), must be used by the behavioral health administration, established pursuant to section 27-50-102, in coordination with the division of veterans affairs, created in section 28-5-701 (1), for the purpose of continuing and expanding the veterans mental health services program in accordance with section 28-5-714.~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

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

(II) After the requirement in subsection (2)(a)(I) of this section is met, the next eight million dollars paid into the fund in each fiscal year must be transferred to the ~~behavioral and mental health cash fund created in section 24-75-230 (2)(a)~~ BEHAVIORAL AND MENTAL HEALTH EXCISE TAX CASH FUND CREATED IN SECTION 39-37-302; and

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

39-37-302. Behavioral and mental health excise tax cash fund - creation - distribution. (1) (a) THE BEHAVIORAL AND MENTAL HEALTH EXCISE TAX CASH FUND IS CREATED IN THE STATE TREASURY, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(II) AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE FUND TO A DEPARTMENT FOR BEHAVIORAL HEALTH CARE.

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

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

THE FUND IN ACCORDANCE WITH THIS SUBSECTION (2) UNTIL THE GENERAL ASSEMBLY HAS APPROPRIATED THE FULL AMOUNT OF MONEY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved: May 31, 2025