

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-1023.01 Megan McCall x4215

SENATE BILL 25-268

SENATE SPONSORSHIP

Bridges and Kirkmeyer, Amabile

HOUSE SPONSORSHIP

Bird and Sirota, Taggart

Senate Committees

Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO MONEY IN THE MARIJUANA TAX CASH FUND,**
102 **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/>.)

Joint Budget Committee. Under current law, the general assembly is required to annually appropriate \$3 million from the marijuana tax cash fund (fund) to the board of regents of the university of Colorado for the implementation of the medication-assisted treatment expansion pilot program (program). For state fiscal years commencing on and after July 1, 2025, the bill ends the requirement to annually

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.

appropriate \$3 million but allows the general assembly to choose to appropriate money for the implementation of the program. Accordingly, the cash funds appropriation from the fund made in the general appropriation act for the 2025-26 state fiscal year for this purpose is decreased by \$3 million.

Additionally, current law requires \$20 million to be transferred from the fund to the public school capital construction assistance fund on June 1, 2026. The bill repeals this required transfer.

Finally, under current law, 10% the proceeds of all money collected from the retail marijuana sales tax (tax revenue) are apportioned to local governments with the state retaining 90%. Of the retained 90%, the tax revenue is further apportioned between the general fund, the fund, and the state public school fund. The bill changes the apportionment between the state and local governments so that local governments receive 5% of the tax revenue and the state retains 95% of the tax revenue. The 5% increase of the tax revenue that the state retains is apportioned only to the fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-21-808, **amend**
3 (1)(a) as follows:

4 **23-21-808. Funding for pilot program.** (1) (a) (I) For state fiscal
5 year 2021-22, and each state fiscal year thereafter BEFORE STATE FISCAL
6 YEAR 2025-26, the general assembly shall annually appropriate three
7 million dollars per fiscal year from the marijuana tax cash fund created
8 in section 39-28.8-501 to the board of regents of the university of
9 Colorado, for allocation to the center to implement and administer the
10 MAT expansion pilot program. The center may use a portion of the
11 money annually appropriated for the pilot program to pay the direct and
12 indirect costs that the center incurs to administer the pilot program, as
13 well as to provide consulting services to and oversight of grant recipients,
14 for data collection and analysis, evaluation of the pilot program, and
15 program reporting.

16 (II) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1,

1 2025, THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FOR THE
2 PURPOSES SET FORTH IN SUBSECTION (1)(a)(I) OF THIS SECTION AND IN
3 ACCORDANCE WITH THIS SECTION.

4 **SECTION 2.** In Colorado Revised Statutes, 39-28.8-501, **amend**
5 (4.8)(a); and **repeal** (4.8)(c) as follows:

6 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
7 **- legislative declaration - repeal.** (4.8) The state treasurer shall transfer
8 from the fund to the public school capital construction assistance fund
9 created in section 22-43.7-104:

10 (a) Fifty million dollars on June 1, 2022. ~~and~~

11 (c) ~~Twenty million dollars on June 1, 2026.~~

12 **SECTION 3.** In Colorado Revised Statutes, 39-28.8-203, **amend**
13 (1) introductory portion, (1)(a)(I), and (1)(b)(I.5) introductory portion;
14 and **add** (1)(b)(I.6) as follows:

15 **39-28.8-203. Disposition of collections - definitions.** (1) The
16 proceeds of all money collected from the retail marijuana sales tax are
17 initially credited to the old age pension fund created in section 1 of article
18 XXIV of the state constitution in accordance with ~~paragraphs (a) and (f)~~
19 ~~of section 2~~ SECTIONS 2 (a) AND 2 (f) of article XXIV of the state
20 constitution and thereafter are transferred to the general fund in
21 accordance with section 7 of article XXIV of the state constitution. For
22 each fiscal year in which a tax is collected pursuant to this part 2, an
23 amount shall be appropriated or distributed from the general fund as
24 follows:

25 (a) (I) Before July 1, 2017, an amount equal to fifteen percent of
26 the gross retail marijuana sales tax revenue collected by the department
27 is apportioned to local governments. On and after July 1, 2017, BUT

1 BEFORE JULY 1, 2025, an amount equal to ten percent of the gross retail
2 marijuana sales tax revenue collected by the department is apportioned to
3 local governments. ON AND AFTER JULY 1, 2025, AN AMOUNT EQUAL TO
4 FIVE PERCENT OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUE
5 COLLECTED BY THE DEPARTMENT IS APPORTIONED TO LOCAL
6 GOVERNMENTS. The city or town share is apportioned according to the
7 percentage that retail marijuana sales tax revenue collected by the
8 department within the boundaries of the city or town bear to the total
9 retail marijuana sales tax revenue collected by the department. The county
10 share is apportioned according to the percentage that retail marijuana
11 sales tax revenue collected by the department in the unincorporated area
12 of the county bear to total retail marijuana sales tax revenue collected by
13 the department.

14 (b) (I.5) On and after July 1, 2018, BUT BEFORE JULY 1, 2025, of
15 the ninety percent of the gross retail marijuana sales tax revenue in the
16 general fund remaining after the allocation to local governments required
17 by subsection (1)(a)(I) of this section is made, the state treasurer shall
18 retain fifteen and fifty-six one-hundredths percent in the general fund for
19 use for any lawful purpose and shall transfer from the general fund:

20 (I.6) ON AND AFTER JULY 1, 2025, OF THE NINETY-FIVE PERCENT
21 OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUE IN THE GENERAL
22 FUND REMAINING AFTER THE ALLOCATION TO LOCAL GOVERNMENTS
23 REQUIRED BY SUBSECTION (1)(a)(I) OF THIS SECTION IS MADE, THE STATE
24 TREASURER SHALL RETAIN FOURTEEN AND SEVENTY-FOUR
25 ONE-HUNDREDTHS PERCENT IN THE GENERAL FUND FOR USE FOR ANY
26 LAWFUL PURPOSE AND SHALL TRANSFER FROM THE GENERAL FUND:

27 (A) SEVENTY-THREE AND THIRTY-FOUR ONE-HUNDREDTHS

1 PERCENT TO THE MARIJUANA TAX CASH FUND; AND

2 (B) ELEVEN AND NINETY-TWO ONE-HUNDREDTHS PERCENT TO THE
3 STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1) FOR USE
4 AS SPECIFIED IN SECTION 22-54-139 (3).

5 **SECTION 4.** In Colorado Revised Statutes, 22-43.7-104, **amend**
6 (2)(g) as follows:

7 **22-43.7-104. Public school capital construction assistance fund**
8 **- creation - crediting of money to fund - use of fund - emergency**
9 **reserve - creation - reserve account - creation and use.** (2) (g) The
10 assistance fund includes ~~seventy~~ FIFTY million dollars, which the state
11 treasurer is required to transfer from the marijuana tax cash fund created
12 in section 39-28.8-501 (1) ~~in two installments, with the first on June 1,~~
13 ~~2022, and the second on June 1, 2024,~~ pursuant to section 39-28.8-501
14 (4.8).

15 **SECTION 5. Appropriation - adjustments to 2025 long bill.** To
16 implement this act, the cash funds appropriation from the marijuana tax
17 cash fund created in section 39-28.8-501 (1), C.R.S., made in the annual
18 general appropriation act for the 2025-26 state fiscal year to the
19 department of higher education for use by the Colorado commission on
20 higher education and higher education special purpose programs for the
21 center for substance use disorder, prevention, treatment, and recovery
22 support strategies at the university of Colorado health sciences center is
23 decreased by \$3,000,000.

24 **SECTION 6. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.