

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 25-0676.03 Jason Gelender x4330

HOUSE BILL 25-1025

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A BILL FOR AN ACT

101 **CONCERNING THE STATE STOCKPILE OF ESSENTIAL MATERIALS, AND,**
102 **IN CONNECTION THEREWITH, BROADENING THE CIRCUMSTANCES**
103 **IN WHICH DISTRIBUTIONS FROM THE STOCKPILE ARE ALLOWED.**

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>.)

The state maintains a stockpile of essential materials (stockpile), including personal protective equipment, that the division of homeland security and emergency management (division), in consultation with the department of public health and environment, is authorized to distribute in response to a declared disaster emergency to any state agency, school,

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.

HOUSE
3rd Reading Unamended
February 4, 2025

HOUSE
Amended 2nd Reading
February 3, 2025

local public health agency, hospital, primary care provider, other health-care provider, or any other entity or individual (eligible recipient) that the director of the division (director) determines is in need as a result of a declared disaster emergency. The bill broadens the authority of the director over the stockpile so that the director or the director's designee may distribute essential materials from the stockpile:

- Without formal consultation with the department of public health and environment; and
- After the governor has declared a disaster emergency;
- When the director or the director's designee determines that there are other circumstances in which there is a need for or benefit to distribution; or
- When the director or the director's designee determines that their distribution will enhance the ability of eligible recipients and their community partners to respond to future disaster emergencies or other circumstances in a way that would help protect public health or safety, including the distribution of essential materials for the purposes of ensuring that they can be used in normal, nonemergency times before their useful life ends. While included under current law as "any other entity", the bill also explicitly adds "nonprofit organizations" and "faith-based organizations" to the statutory list of eligible recipients.

The bill also requires the department of public safety to annually include, as part of its presentation during its "SMART Act" hearing, specified information concerning the acquisition of essential materials for and distribution of essential materials from the stockpile.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1621,
3 **amend** (2)(b) and (3); and **add** (9) as follows:

4 **24-33.5-1621. Essential materials - stockpile - rotation -**
5 **emergency stockpile rotation cash fund - creation - annual report -**
6 **legislative declaration - definitions.** (2) As used in this section, unless
7 the context otherwise requires:

8 (b) "Essential materials" means personal protective equipment,
9 ventilators, and any other items that the director OR THE DIRECTOR'S
10 DESIGNEE determines are necessary to respond to a disaster emergency OR

1 OTHER CIRCUMSTANCES IN WHICH THERE IS A NEED FOR OR BENEFIT TO
2 DISTRIBUTION OR THAT ENHANCE THE ABILITY OF STATE AGENCIES,
3 SCHOOLS, LOCAL PUBLIC HEALTH AGENCIES, HOSPITALS, PRIMARY CARE
4 PROVIDERS, NONPROFIT ORGANIZATIONS, FAITH-BASED ORGANIZATIONS,
5 TRIBAL GOVERNMENTS WITH JURISDICTION IN COLORADO, OR OTHER
6 ENTITIES OR INDIVIDUALS AND THEIR COMMUNITY PARTNERS TO RESPOND
7 TO CURRENT OR FUTURE DISASTER EMERGENCIES OR OTHER
8 CIRCUMSTANCES IN A WAY THAT WOULD HELP PROTECT PUBLIC HEALTH OR
9 SAFETY.

10 (3) (a) The division shall procure and maintain a stockpile of
11 essential materials that are available for distribution after the governor
12 has declared a disaster emergency in accordance with section 24-33.5-704
13 (4), WHEN THE DIRECTOR OR THE DIRECTOR'S DESIGNEE DETERMINES THAT
14 THERE ARE OTHER CIRCUMSTANCES IN WHICH THERE IS A NEED FOR OR
15 BENEFIT TO DISTRIBUTION, OR WHEN THE DIRECTOR OR THE DIRECTOR'S
16 DESIGNEE DETERMINES THAT THEIR DISTRIBUTION WILL ENHANCE THE
17 ABILITY OF STATE AGENCIES, SCHOOLS, LOCAL PUBLIC HEALTH AGENCIES,
18 HOSPITALS, PRIMARY CARE PROVIDERS, NONPROFIT ORGANIZATIONS,
19 FAITH-BASED ORGANIZATIONS, TRIBAL GOVERNMENTS WITH JURISDICTION
20 IN COLORADO, OR OTHER ENTITIES OR INDIVIDUALS AND THEIR
21 COMMUNITY PARTNERS TO RESPOND TO CURRENT OR FUTURE DISASTER
22 EMERGENCIES OR OTHER CIRCUMSTANCES IN A WAY THAT WOULD HELP
23 PROTECT PUBLIC HEALTH OR SAFETY. DISTRIBUTION OF ESSENTIAL
24 MATERIALS FOR THE PURPOSE OF ENSURING THAT THEY CAN BE USED IN
25 NORMAL, NONEMERGENCY TIMES BEFORE THEIR USEFUL LIFE ENDS IS A USE
26 OF SUCH MATERIALS IN A WAY THAT WOULD HELP PROTECT PUBLIC
27 HEALTH OR SAFETY. Subject to available appropriations, the division shall

1 attempt to ensure that, in the event of a national public health emergency,
2 the stockpile has a sufficient supply of personal protective equipment to
3 bridge the gap until the national supply chain can increase production to
4 meet the demand for such items.

5 (b) The division, in consultation with the department of public
6 health and environment, may distribute the essential materials to state
7 agencies, schools, local public health agencies, hospitals, primary care
8 providers, ~~or~~ other health-care providers, NONPROFIT ORGANIZATIONS,
9 FAITH-BASED ORGANIZATIONS, TRIBAL GOVERNMENTS WITH JURISDICTION
10 IN COLORADO, or any other ~~individual or~~ entity OR INDIVIDUAL OR
11 COMMUNITY PARTNER OF ANY OF THE FOREGOING that the director OR THE
12 DIRECTOR'S DESIGNEE determines is in need as a result of ~~the~~ A disaster
13 emergency, IN OTHER CIRCUMSTANCES IN WHICH THE DIRECTOR OR THE
14 DIRECTOR'S DESIGNEE DETERMINES THAT THERE IS A NEED FOR OR BENEFIT
15 TO SUCH DISTRIBUTION, OR WHEN THE DIRECTOR OR THE DIRECTOR'S
16 DESIGNEE DETERMINES THAT DISTRIBUTION WILL ENHANCE THE ABILITY
17 OF ANY SUCH ENTITY, INDIVIDUAL OR COMMUNITY PARTNER TO RESPOND
18 TO CURRENT OR FUTURE DISASTER EMERGENCIES OR OTHER
19 CIRCUMSTANCES IN A WAY THAT WOULD HELP PROTECT PUBLIC HEALTH OR
20 SAFETY.

21 (9) BEGINNING IN JANUARY 2027, AND IN JANUARY EVERY YEAR
22 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
23 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
24 SECTION 2-7-203, INFORMATION CONCERNING THE ACQUISITION OF
25 ESSENTIAL MATERIALS FOR AND DISTRIBUTION OF ESSENTIAL MATERIALS
26 FROM THE STOCKPILE OF ESSENTIAL MATERIALS PROCURED AND
27 MAINTAINED BY THE DIVISION PURSUANT TO SUBSECTION (3)(a) OF THIS

1 SECTION. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION FOR
2 EACH ACQUISITION OR DISTRIBUTION:

3 (a) THE DATE OF THE ACQUISITION OR DISTRIBUTION;

4 (b) THE TYPE AND QUANTITY OF ESSENTIAL MATERIALS ACQUIRED
5 OR DISTRIBUTED;

6 (c) THE ENTITY OR INDIVIDUAL THAT PROVIDED OR RECEIVED A
7 DISTRIBUTION OF ESSENTIAL MATERIALS;

8 (d) IN THE CASE OF AN ACQUISITION, THE REASON OR REASONS FOR
9 AND COST OF THE ACQUISITION;

10 (e) IN THE CASE OF A DISTRIBUTION, THE REASON OR REASONS FOR
11 THE DISTRIBUTION; AND

12 (f) ANY OTHER INFORMATION THAT THE DEPARTMENT OR THE
13 DIRECTOR OR DIRECTOR'S DESIGNEE DEEMS APPROPRIATE.

14 **SECTION 2. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.