

## Shorts

### DN Food Bank food distribution is Oct. 22

**DEL NORTE** — The Del Norte Food Bank will be open for its monthly food distribution from 9 to 11 a.m. on Saturday, Oct. 22. The Del Norte food bank serves Del Norte and South Fork and is situated in the alley behind the Pioneer United Church, 630 Spruce St., Del Norte. Anyone in need of food assistance is welcome.

### SLVREC, Cielo board of directors meeting Oct. 25

**MONTE VISTA** — SLVREC and Cielo will have their regular meeting of the board of directors at 9 a.m. on Tuesday, Oct. 25, at 3625 US Highway 160 W, Monte Vista.

Advance notice is required to attend the meeting, call Michelle Trujillo at 719-852-3538.

### MV Historical Society meeting is Oct. 21

**MONTE VISTA** — The Monte Vista Historical Society will hold its annual meeting for 2022 on Oct. 21 at the back room of Nino's restaurant.

The meeting will include Dutch lunch from 11:30 a.m. to 1 p.m. Two board members will be elected. All are welcome to attend.

### RG Public Health flu shot clinic Oct. 20

**DEL NORTE** — Rio Grande Public Health will be offering a flu shot clinic from 3 to 6 p.m. on Oct. 20 at the Del Norte Annex, 965 6th St.

This clinic will provide both regular and high-dose flu shots. Several insurances including Medicare will be accepted. No appointment needed.

For more information, call 719-657-3352.

### ASU athletics to host 3rd annual Toys for Tots

**ALAMOSA** — Adams State University Athletics Department will host its 3rd annual drive for the Marine Corps Toys for Tots Saturday during ASU's homecoming game.

Those who wish to donate can bring new, unwrapped toys for children ages 1 to 6.

Donations can also be made through [alamosa-toys-for-toys.org](http://alamosa-toys-for-toys.org).

## SLV Climbing Alliance hosts second annual competition

BY PATRICK SHEA

**PENITENTE CANYON** — The Second Annual True Penitence Climbing Festival drew climbers to Penitente Canyon Oct. 14–16 for challenging ascents in costumes, historical presentations, music, film, and food.

Sponsored by the San Luis Valley Climbers Alliance (SLVCA), the festival opened on Friday night with presentations and music nestled in the rocks near the trailhead.

Bob D'Antonio, a man who many consider to be the grandfather of climbing in Penitente Canyon, assembled a guidebook of the routes years ago. Nate Liles worked with Wolverine Publishing

*Please see CLIMB on Page 5A*

Separated into categories according to gear use and skill level, climbers paralleled ascents at the second annual True Penitence Climbing Festival in Penitente Canyon.

Photo by Patrick Shea



## Vikings tame Tigers for Homecoming

BY PATRICK SHEA

**CENTER** — With two sacks, four solo tackles, five assisted stops, and the Homecoming King title, senior Joaquin Moreno was royal for Center High School on Oct. 15. Capping off the coronation at halftime along with fellow Senior Jenice Almeida, Moreno helped give the Vikings a 40–35 victory over the visiting Del Norte Tigers.

From the opening kickoff to the Tigers, the home squad took charge. The Vikings recovered a fumble on the visitors' first drive, followed quickly with the first touchdown of the game. They immediately pounced on another fumble from the ensuing kickoff and marched down the field to make the score 14–0.

Del Norte scored twice to enter intermission down 27–13.

Before announcing the full list of Homecoming Royal Court



Photo by Patrick Shea

**Center High School seniors Jenice Almeida and Joaquin Moreno became Homecoming Queen and King during halftime of the Vikings 40–35 victory over the Del Norte Tigers on Oct. 15.**

nominees, cheerleaders of all ages performed at halftime. Although the game had to be postponed from Friday evening because they could not assemble a full officiating crew, *Please see VIKINGS on Page 8A*



Photo by Luke Lyons

**Republican and current 12th Judicial District Attorney Anne Kelly and Democrat Bob Willett shake hands after the Alamosa Chamber of Commerce and Valley Courier Candidates Forum held on Oct. 11, at Society Hall in Alamosa.**

### DA Kelly and former DA Willett take part in candidate forum

BY PRISCILLA WAGGONER

**ALAMOSA** — District Attorney for the San Luis Valley Anne Kelly and her opponent, former SLV District Attorney Bob Willett, took the stage at Society Hall on

*Please see FORUM on Page 6A*

## Antiques pull crowd to tractor track

BY PATRICK SHEA

**ALAMOSA COUNTY** — The San Luis Valley Antique Iron Club (SLVAIC) hosted a tractor pull at the Del Monte Gun Club on Oct. 15, a total of 30 “hooks” for the day.

Between garden tractors and bigger machines, event crews hooked up 30 antiques for roughly 100 people to watch in action.

Filling the grandstands and surrounding the track, the crowd witnessed machinery manufactured before 1960. Although the sound system didn't perform as well as the tractors, sunny skies and catering from a Moffat company called Serendipity pleased enthusiasts. The Del Monte Gun Club is on Highway 160 between

Alamosa and Monte Vista.

The Serendipity food truck captured attention, not only for hungry people on-site but also for a reality television crew documenting the small catering company. Camera operators recorded plenty of tractor action in addition to profiling the food vendor.

SLVAIC President Jim Clare said he spoke with the film crew briefly, “but I was busy most of the day. I think we had a pretty good event,” Clare said.

As club organizer and veteran puller, Clare helped run the show while also racing two garden tractors and three regular tractors of his own.

By the end of the day, he accumulated three victories, two second-place

*Please see IRON on Page 8A*



Photo by Patrick Shea

**Don Baker attended the SLVAIC tractor pull at the Del Monte Gun Club track on Oct. 15, donating money to the organization and promising to bring one or two of his antique tractors to the next SLVAIC competition.**



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# SLV Rattlers third at Chalk Creek Stampede Race

## CONTRIBUTED

The San Luis Valley Rattlers Mountain Biking Team concluded its 2022 regular season on Sunday, Oct. 9, by posting a third-place team finish in their division at the Chalk Creek Stampede in Nathrop.

The finish also placed the team in third place for the overall series, their best performance in the team's seven years of competition.

Individually, each rider posted remarkable results for the season with all but two racers qualifying for state competition on Oct. 22-23 in Glenwood Springs.

In order of their Nathrop appearance, the individual race and season results are as follows:

In the Junior Varsity Boys division, Tyler Roberts put up the fastest course time for the team at 57:45.94 and placed 20th in his second highest finish of the year; earning a 23rd spot in the overall series.

Just seconds behind, team captain

Caleb Henson peddled hard for his best finish of the season to earn 21st place in the race and 26th in the series.

First year racer Tim Malueg also battled for his best finish of the season at 37th place achieving 43rd in the overall series; an awesome accomplishment considering he started the season at the back of the 120-rider field, many in their third or fourth season of racing.

In the JV Girls division, posting the most points for the team, Valerie Goodland finished sixth at Nathrop earning her 6th place in the overall series; only 1 point behind the tied 4th and 5th place racers!

In the Sophomore Girls division, the tenacious Sydney Woodke logged a 14th place finish, improving her course time from last year by over 22 minutes and earning a 14th place overall series finish.

In the Sophomore Boys division, Tyler Dokson finished 21st in Nathrop with a secure 15th place overall.

Summit Mashburn overcame a start chute crash to place 34th in an epic finish line pile up. Summit lands in 35th place overall.

The Freshmen Boys wrapped up the day with Chevy Kincannon placing 28th in his second-best race of the year, earning a 31st overall finish. Payton Daniel logged a 57th place finish for the race as his season ends in 44th place, just 4 positions short of qualifying for State.

Each racer experiences a gamut of emotions during the 12-mile races as

they pit themselves against dozens of students, up to and sometimes beyond 100 racers, from across the state in their respective divisions. Passing and being passed, overcoming course challenges such as sand, mud, and loose rocks, and sprinting for the finish line to catch that rider in front or keep one behind are just a few of the elements these racers learn to navigate. Pouring their heart and soul onto the racecourse, riders often cross the finish line with little to no energy left. Teammates quickly

gather around to slap backs, give high fives, offer congratulations, commiserate on crashes, relate epic encounters and generally bask in the glow of each other's accomplishments.

The Rattlers participate in the Piedra division of the Colorado High School Cycling League. Many will compete in one last race on Oct. 22 and 23 as they face fierce competition from the largest and fastest field of up to 140 riders from all three other divisions at the State Championships in Glenwood Springs.

## YOUR NIGHT SKY

BY DARLENE DANKO

### Ghoul Star

Algol is one of the stars in the constellation Perseus that sits below Cassiopeia. Its Arabic name means head of the ghou, or head of the demon. Beta Persei is the official name, but Algol is more common because of what it means.

The mystery of this star came from the fact that it varies in brightness over a regular time interval of 2 days, 20 hours and 49 minutes. Ancient stargazers didn't know why this happened, and thought Algol was associated with demons, hence the name.

But now it's quite simple to understand. Algol is a multiple star system where one star passes in front of the other as they spin around each other. There are three stars, but only two visible to us that cause this light change.

The larger star is the fainter one.

So, when it passes in front, from our view, Algol becomes dimmer. Then when the smaller but hotter bright orange star moves to the front, Algol changes color and becomes brighter. Both stars are visible with the naked eye, but the dimmer one will shine on Oct. 30. Then, on Nov. 2 you'll see Algol at its brightest.

To find Algol, first find Cassiopeia in the northeast and look below for Perseus. It's a rather large constellation in the shape of a man. You'll have to be creative to envision it. It has a triangular-shaped body with its brightest star Mirfak on the lower left body where the leg begins. Algol is to the right of Mirfak anchoring the other side of the body. Perseus will be visible all winter. If you look at it every night for a few days, you'll see the difference in Algol's color and brightness.

Daylight savings time ends Nov. 2.



So, you've got one more week, and then it changes. The good thing about that is that it will be dark an hour earlier, so you'll be able to look at the sky in the evening. The unfortunate part is that it gets light an hour earlier in the morning, so you'll have to get up earlier for morning viewing.

The zodiacal light will be visible until Nov. 4, about 1 1/2 to 2 hours before sunrise. Currently that is 5:30-6 a.m. Mercury is also visible at that time sitting low in the east where the sun rises. The Orionid meteor shower peaks on the 21, so it's time to go out and observe them. Oct. 20 to 22 there will be 20 to 25 meteors. Remember they're in the NE, but they will go through the sky.

## OBITUARY

### Kenneth Keith Landis Jr.

Kenneth Keith Landis Jr. of Denver, Colo., died at the age of 73 on Oct. 1, 2022. He was born on Dec. 19, 1948, to Kenneth and Blanche (Taylor) Landis in Walters, Okla. Kenneth, usually referred to as Ken or Kenny, grew up in Duncan, Okla. He graduated from West Point in 1971 with a B.S. in Civil Engineering. Ken was the financial officer in Soul Korea for five years until he resigned from the Army as a Captain.

Ken did work for a year or two as a civil engineer, but his passion was in freelance art and music. Ken pursued this passion for the rest of his life. He expressed his freelance art using watercolors, colored pencils and crayons on paper, latch hook and stained glass. Ken lived in Duncan doing odd jobs to support his passion. He also worked as a volunteer at the local clothing donation center. He lived in Taos, N.M., for a couple of years to further develop his talent and sell some of his artwork.

In 2006, Ken moved to the Veterans Community Living Center at Homelake located in Monta Vista, Colo., to be closer to his sister De Etta Ward. Monta Vista is located in the beautiful San Luis Valley which was an ideal setting for his art and music. Ken was well liked in the area. He was Santa Claus at Homelake for a couple of years. Finally, Ken moved to Denver where he continued with his art and music. His artwork has been displayed in several areas and his music, piano and harmonica, was enjoyed by many people at several locations.

Ken is survived by Hilarie Foster, his niece, Reid Foster, his grandnephew and Bryn Foster, his



grandniece.

He was preceded in death by Kenneth and Blanche Landis, and De Etta Ward, his sister. Ken died 48 days after De Etta died, she had always been there for him.

Since Ken's family and friends are spread across the county and he wanted to be cremated with no place designated for the ashes, the service will be a candle lighting Sunday, Oct. 9, 2022, at 6 p.m. The candle lighting will take place in the home of anyone who wants to participate in Ken's celebration of life. At 6 p.m. there will be a minute of silence for Ken. After a minute of silence, celebrate the good times you had with Ken.

Please make donations in memory of Kenneth L. Landis Jr. to one of the following charities: The National Council for Mental Wellbeing, any charity that supports awareness and research for mental health or to your favorite charity.

To express condolences, please visit [www.rogersfunerals.com](http://www.rogersfunerals.com).

Rogers Family Mortuary in Alamosa is in care of the arrangements.

## SAGUACHE COUNTY SHERIFF'S REPORT

**SAGUACHE COUNTY** — The following information was provided by the Saguache County Sheriff's Office for the period between Oct. 12 and Oct. 16, 2022.

Deputies responded to reports of a runaway, conducted two welfare checks, and assisted motorists and other agencies. They also managed a deceased person at the bottom of Mount Ouray, handled a civil dispute, and engaged in community relations twice. In addition to

patrolling

Saguache and visiting six other towns, staff addressed two cases of fraud, littering in the Baca Grande, two animal reports, loose livestock, eight controlled burns, and an abandoned vehicle. They also issued one REDDI Report (Report Every Drunk Driver Immediately).

### ARRESTS

• A 39-year-old Center man was arrested and detained for failing to appear in court regarding two separate

cases.

• A 45-year-old Center man was arrested for failing to appear and housed off-site with bail set at \$500.

• A 33-year-old Del Norte man was arrested and housed at the Rio Grande County Jail for third-degree assault, domestic violence, and a parole violation.

• A 19-year-old Leadville man was arrested and detained with a \$2,500 bail for failing to appear in Pitkin County Court.

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# OPINION & EDITORIAL

## What's your password

I do not suppose there has ever been a larger jump in technology than there has been in the last decade. And some would say it really all took a light year leap forward in about 1947 with the crash of the UFO at Roswell, New Mexico, where the U.S. Government supposedly reverse engineered alien technology found in the flying saucer recovered there. For it was then that the transistor was "invented" and suddenly we were in a new era that led to a communication unrivaled since Eve gave Adam the apple. And we all know how that turned out.

Ol' Dutch was lucky enough to be gifted one of the early desktop computers and even though it took a multitude of floppy disks to run, suddenly a nice, neat letter without typos or erasure fluid marks all over it could be printed off on the perforated sided paper and mailed out on a printed envelope to boot. It was a pretty simple system back then as all you had to do was turn it on and begin, a far cry from today's computers and phones we are all using on a minute-by-minute basis.

Just recently Ol' Dutch was forced to buy a new laptop as the one I was using was wearing out from all the keystrokes I had made looking for items on Facebook Marketplace and Craigslist. I think that there is a limit built into them honestly, that only gives you so many key dings and then it wears out. The computer had been acting cranky and even though I did manage to spill some chicken soup on it, that only seemed to exacerbate the issues. Go figure. So off to the store we went to get a new one and after some haggling by none other than — yes you guessed it — Miss Trixie, Walmart came down to her price. I know, right?

Home, we go and Ol' Dutch now was faced with the daunting task of trying to remember all the passwords that he has accumulated throughout his lifetime. Luckily, I have of late been writing them down although they say never to do that. But with banking, Facebook, Gmail, and a multitude of places needing passwords every few days, so it seems, the numbers are just too many to recall.

I used to have just one password and that was pretty easy, and Miss Trixie had that too so that she could fix all my problems on the electronics for me daily. But with scammers and hackers running around out there like hamsters on a treadmill, the websites now require you not only change it but come up with more and more complex series of numbers, letters



**Trout Republic**  
by Kevin Kirkpatrick

and characters to protect yourself from evil.

So smug in the knowledge that I had all those different combos in my book, I sat down and was able to at least log in to all my accounts. Until this morning. For now, not only do you need a password but there is a two-step verification process whereby the website sends a code to your phone. All well and good you say as Ol' Dutch has just such a phone in his hand and that system was working like a duck swimming upstream on a sunny day until — drumroll — my phone crashed.

These types of things always bring about what can be called a slew of curses and harangues out of Ol' Dutch's fireside chair and what happens next is the tech support shows up at my side ready to assist me. Yep, Miss Trixie is an expert at that, too.

The poor little neighbor girl went and got her a new laptop just like Ol' Dutch but she is having to call in to India for her support. And while I do have to put up with the eye-rolling from Miss Trixie that goes along with the fixing of my stuff, I can't hear her. Even if she complains loud enough for me to hear it, it's worth the price of the support plan I have with her, plus it saves me from talking to Raj in Pakistan or Roger in the Phillipines.

With all the hackers out there these days it's probably just going to get worse and worse as to the number of verifications a person will need to type in and writing them down will have to be the norm. You can always hide the book you use for that but then be sure and tell someone as you will forget where you put the book.

*Kevin Kirkpatrick and his Yorkie, Cooper, fish, hunt, ATV or hike daily. His email is Kevin@TroutRepublic.com. Additional news can be found at www.troutrepublic.com.*

## LETTERS

### Take one day to help others—Oct. 22

Editor,

What can you do? Clean up your yard and Community. Bring your trash to the SLV Regional Landfill located between Monte Vista and Del Norte. Cost is a donation of non-perishable food items — details below. Please, no outdated food or commodities. All donations will be given to the Monte Vista Food Bank and will be distributed later, to those in need.

Pick-up or carload the cost is 16 items; single-axle trailer the cost is 16 items; loaded pick-up and single-axle trailer the cost 32 items; double-axle trailer the cost is 32 items; loaded pick-up and double-axle trailer the cost is 48 items; and dump truck the cost is 60 items.

Tires cost: food donation plus an

additional fee — passenger size \$2 each; semi-truck size \$5 each; and tractor size \$11.50 each.

If you do not have food items to donate, please bring a cash donation.

No commercial haulers are admitted for donation price. All loads must be covered so trash does not end up on the roadside again. All tires must be off the rim. All freezers and refrigerators must have Freon removed and have a tag. All landfill regulations will be enforced. Hours are 8 a.m. to 12 p.m. For more information, call the Landfill at 719-852-3810 or visit online slvlandfill.com.

The Baer Family would like to know if you would commit your group or volunteer organization to a cleanup project, in conjunction with our Make a Difference Day event? If

you can commit your group, please call 719-580-4307. This is the 23rd year of this particular project. Please organize your group to pick up trash in your area, clean up an alley, a neighbor's yard or the roadside. Let us know you are helping, and we will be sure you are recognized in future articles.

We, the Baer family, organize this event and are proud to know we have a part in cleaning up yards, communities, roadsides and helping those in need. We are appreciative of the people that donate food, you are always generous. This event, in the past, has been the largest food donation for the Monte Vista Food Bank.

*Baer family,  
Monte Vista*

### Vote no on Sargent School recall

Editor,

I would like to direct my message to the voters in the Sargent community and the recall that will be on their ballot. Although the potential for me to view the recall as a personal attack on a member of my family, I see it more as destruction of our community.

I have been positively involved in this school and community all my adult life and feel like my perspective is balanced.

First of all, the petitioning process has the potential to be unfair because those passing it have no responsibility to provide both sides. When it is used to end questioning and discussion by a board member who has only one vote in five it

becomes a silencer.

When you remove someone who is asking questions of staff to make things better, things will only get worse when they are swept under the rug. It should be a real concern of the taxpayers when those who are, in essence, working for the taxpayer, claim harassment rather than working together to improve themselves and the school.

We all need to realize if we don't improve test scores, reverse the enrollment numbers, and increase staff wages we will not have a school in 10 years.

To those who, by signing the petition made a public statement you now have an opportunity to ask

questions of both sides before casting your final private vote. There have been several remarks floating around the community about Gina Mitchell that are not true, and you have a responsibility to hear the other side.

I'm confident that when you realize that her concerns are real and that we all need to be working together, not dividing the community and whitewashing negative issues, you will want to solve these valid concerns.

Remember all the positive work their family is doing at the school and then vote no, resulting in a stronger school and community.

*Mike Mitchell  
Monte Vista*

### Family upset memorial stone was damaged

Editor,

Really!!! We were so broken hearted at what we saw on Facebook on Saturday night, Oct. 15, with the Sgt. Glen Martinez Memorial Stone knocked down.

We went to see the stone on Sunday morning and could not believe what we saw. This is Monte Vista, not a big city where crimes like this happen.

What happened to the respect

anymore for people or for property items that are dedicated to someone who fought for you and your country and ultimately lost his life so that your freedom continues?

What really was the intent of doing this? It is hard for us not to be angry or outrageous at what happened because this is our son's memorial stone.

We would like to thank the City of Monte Vista and John Glass of

Valley Monument for repairing Glen's Memorial Stone and putting it back in its place at Chapman Park in front of the gazebo.

If anyone knows what happened or who did this, please notify the Monte Vista Police Department at 719-852-5111 or Ron or Carol Martinez at 719-849-1830.

*Thank You,  
Ron and Carol Martinez  
Monte Vista*

### LETTERS POLICY

Letters are welcome and encouraged. They should be fewer than 300 words, unless arranged beforehand with the editor, and they are subject to editing for length and clarity.

All letters must be signed by the author and include a phone number and address where the author can be reached (these are not for

publication). Letters forwarded from other organizations or sent to staff and not for print must be designated as such. Letters over 300 words and without contact information will be returned to the sender or discarded.

We will accept one letter per person, per subject, per four issues. We reserve the right to reject letters for reasons we

believe are appropriate. Please send letters to Letter to the Editor c/o Valley Publishing, PO Box 607, Monte Vista, CO 81144 or e-mail to bwilliams@valleypublishinginc.com (Attention: Letter to the Editor). Deadline for letters is 5 p.m. Friday.

Political letters may be limited due to space constraints.

# CENTER POST-DISPATCH

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# SLV GO! awarded grant to develop Heart of the Valley Trail

**By PRISCILLA WAGGONER**  
**ALAMOSA** — In a press release issued by the governor's office on Tuesday, Oct. 11, it was announced that San Luis Valley Great Outdoors (SLV GO!) will receive a State Outdoor Recreation Grant from the Colorado Outdoor Recreation Industry Office.

SLV GO! was one of 10 organizations selected from across the state for funding designed "to promote economic development in Colorado's vibrant outdoor recreation sector," the release stated.

The \$100,000 grant awarded to SLV GO! will fund the development of a master plan for the Heart of the Valley Trail. The trail is a collaborative effort between SLV GO!, private landowners and local governments to develop a 154-mile trail that would span the width of the San Luis Valley. Of those funds, \$57,500 will support personnel costs with the remainder going towards a preliminary environmental review,

trail assessments, legal counsel and administrative expenses.

Originally formed in 2013, SLV GO! practices a "collective impact model," bringing stakeholders together and providing leadership in effective collaboration among partners with shared goals. Its stated mission is "to provide residents and visitors throughout the San Luis Valley with accessible and inclusive outdoor recreation opportunities that balance conservation, connect communities, improve wellness, encourage stewardship and contribute to the economic vitality of the region."

The Heart of the Valley Trail is one of many projects designed to enhance recreational experiences and connect the communities across the six-county region of the valley.

"These exciting grants are part of our work building a Colorado for all and making sure Colorado remains the best place to live, work and enjoy the outdoors," said Gov. Jared Polis.

"The outdoor recreation industry

is central to Colorado's identity and economy," said OREC Director Conor Hall. "The recipients of the State Outdoor Recreation Grant truly reflect the best the industry has to offer, and we're proud to provide financial support to programs and organizations that improve backcountry safety, connect marginalized groups to the outdoors and plan for the future by balancing economic vitality with resource protection."

According to a July 2022 report from Colorado's Office of Economic Development and International Trade — which oversees OREC — tourism generated \$21.9 billion in state revenue in 2021, up from the \$15.4 billion reported during the pandemic but still lagging behind the record-breaking \$24.2 billion generated in 2019.

That uptick in tourism also was experienced in the San Luis Valley. Reporting by Colorado Public Radio based on a recent report from the

Colorado Tourism Office states the San Luis Valley had a 23% increase in tourism spending in 2021. Colorado Tourism Office Director Tim Wolfesaid the valley "appealed to both Coloradans and people in neighboring states, who wanted to take road trips instead of flying."

"Across the state, our office has heard from community leaders and outdoor recreation stakeholders about the challenges that face the industry today, not least of which are affordable housing and climate change," said OREC Program Manager Matt Nuñez. "The massive demand for this funding is a testament to the robust industry of outdoor recreation in Colorado and the need to support its development."

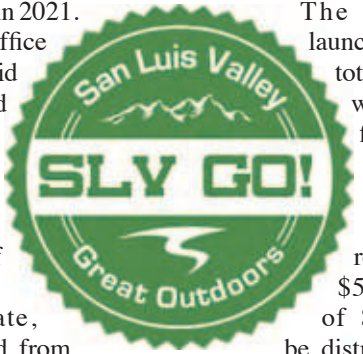
"We are so proud to provide this funding to help build a Colorado

where generations to come can work and play in the outdoors."

The grant program launched on June 1 and a total of 25 applications were received by the first deadline of June 30, representing 15 counties throughout Colorado and requesting a total of \$5,826,207. A total of \$3.9 million will be distributed through the Colorado State Outdoor Recreation Grant.

Applications are reviewed on a quarterly basis. The review process is underway for the Sept. 30 deadline and the next deadline for applications is Dec. 31.




The Colorado State Outdoor Recreation Grant is the first grant program offered by OREC and was made possible by funding from the U.S. Economic Development Administration State Tourism Grant.



## Autumn continues to show





Photo by Lyndsie Ferrell

Autumn continues to show colors as fall moves from the higher elevations and further down Valley. The foliage on trees in Rio Grande County and the greater San Luis Valley are turning vibrant colors — red, orange and yellow.

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**Issues**

- Fight the RWR proposal and protect our water!
- Pass a Rural Colorado Economic Incentive Package
- Expand funding for Community Health Centers and local hospitals
- Start a Colorado Veterans Mental Health Initiative

Paid for by The Friends of Matthew Martinez - Registered Agent: Anthony Guerrero

## GET YOUR FLU SHOT

Rio Grande Public Health will be offering flu shot clinics


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NMLS# 421822

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# ASU Chemistry Magic Show is back live and in-person

**CONTRIBUTED**  
**ALAMOSA** — The Adams State University Chemistry Department is bringing back the Chemistry Magic Show live, in-person, on Oct. 28. The annual event celebrates the theme, “Marvelous Metals” at 4 p.m. Friday, Oct. 28, in Carson Auditorium, located in the Student Union Building. The event is free and open to the public.

The magic show is for all ages. Continuing the now 30-year tradition, chemistry students and faculty will engage the audience in a fast-paced series of demonstrations involving changing colors, very high and very low temperatures, bright lights and loud noises, all illustrating the entertaining side of science. After the show, elementary school children can participate in safe and

fun hands-on activities in Porter Hall, third floor. Activities are free of charge. Younger children should be accompanied by supervising adults. Although seating should be plentiful, larger groups are asked to notify Chris Adams, professor of chemistry, at [cladams@adams.edu](mailto:cladams@adams.edu). The parking lot north of the Student Union Building has free parking for visitors.



Courtesy photo  
 The free Adams State Chemistry Magic Show returns live, in-person at 4 p.m. Oct. 28, in Carson Auditorium.

## CLIMB

Continued from Page 1A

out of Newcastle to print an update this summer. Both Liles and D’Antonio skipped through slides and shared observations of changes over the years. Emcee Wes O’Rourke and SLVCA President Angela Lee are the driving force behind the group and its board of directors. The couple runs Sol Mountain Farm and has actively promoted climbing access in the Valley. Both quite capable climbers, O’Rourke and Lee factor social equity with environmental stewardship as part of the alliance mission.



Photos by Patrick Shea

Climbers like Batman Tyler received seven bonus points for wearing a costume during the Second Annual True Penitence Climbing Festival in Penitente Canyon Oct 14–16.

“We’re a nonprofit, access-fund-affiliated local climbing organization,” O’Rourke said. The SLVCA Vice-president also said, “We do stewardship work on the trails. We get kids out. We do events like this. We protect climbing access.”



The Second Annual True Penitence Climbing Festival in Penitente Canyon started on the night of Oct. 14 and ended midday Sunday, a combination of challenging climbs, historical presentations, music, film, awards, and food.

Introducing D’Antonio, O’Rourke said, “Bob was one of the first people to set foot in the canyon as a climber in 1984. He has put up 2,000-plus first ascents, hundreds of those here in the San Luis Valley.”

free demonstrations throughout the competition. All award-winners received special trophies manufactured out of ancient hardware removed from the canyon rocks during route restoration.

Starting with free coffee served before the first ascents on Saturday, competitors tackled challenges for their chosen category. Since many of the routes are rated 5.10 and above, the Recreational group had to start early and share rock time. Categories included Top Rope Hero, Recreational, Intermediate, Advanced, True Penitent, Elite, and Traditional.

Each climber filled out a scorecard and had a witness verify each “send,” a fall-free ascent of a route. In addition to receiving seven bonus points for wearing a costume, competitors accumulated points commensurate with each climb’s difficulty. Final scorecards due by 7 p.m. included a line for the total number of routes conquered on the first try, followed by other lines for second and third attempts.

young talent fits the profile of a new generation for future versions of the True Penitence Climbing Festival.

Winners in each category could choose a new rope or a new pair of shoes courtesy of event sponsors La Sportiva. Representatives gave

Elite category winner Boy Go won uncontested for the second year in a row. As he announced the victory, O’Rourke noted how Boy Go needs a challenge next year, perhaps from some younger climbers in the crowd. The night before the competition, everyone sang Happy Birthday for Cooper, a 12-year-old who took second place in the Intermediate division. The

## San Luis Valley Scoreboard 2022 -2023

### FOOTBALL

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Monte Vista 54	Ignacio 6
Alamosa 54	Manitou Springs 12
Sanford 52	Sargent 0
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# Jeff Phillips

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## Discover the Promised Land God Has for You!

As believers in Jesus Christ, we are joint heirs with Him. This means that everything that is His also belongs to us, and every promise God gives in His Word is for us (Romans 8:17). But I’ve learned that it’s one thing to claim God’s promises by faith and another to actually experience them.

The story of the Israelites in the wilderness is a good example for us regarding this principle. They were slaves in Egypt when God sent Moses to deliver them from Pharaoh and lead them to the Promised Land He had for them. They had to go through a wilderness to get there, and Deuteronomy 1:2 (AMP) says, “It is [only] eleven days’ journey from Horeb...to Kadesh-barnea [on Canaan’s border; yet Israel wandered in the wilderness for forty years before crossing the border and entering Canaan, the promised land].”

It’s tragic that it took the Israelites 40 long, miserable years to reach their destination, and even sadder that in the end, only a small number entered the land, along with Joshua and Caleb.

It’s easy to shake our heads and wonder how it could have taken them so long to get to their desired destination. But the truth is many of us have wandered around in our own wilderness, going around the same mountains over and over for far too long.

Just like the Israelites were slaves in Egypt, we were slaves to sin before we accepted Christ as our Savior. And just like the Israelites were stuck in the wilderness after they were delivered from slavery, many Christians are still living as if they’ve not been delivered from their sin, even though Christ has done everything that was needed to set them free from it once and for all (2 Corinthians 5:17-21).

Now the Israelites had enemies—the Amorites, Hittites, Perizzites, Canaanites, Hivites and the Jebusites—and they thought they were the problem. But we see in Scripture that in reality, it was not the Israelites’

enemies that kept them from the Promised Land because God was on their side.

The problem was their wrong mindsets and attitudes. They were often negative and complained, and they focused on their circumstances instead of God.

The same principle is true for us. We can’t have victory over sin while we think we are still in bondage to it. No matter what our “bondage” may be—an addiction, insecurity, fear, overeating, etc.—Jesus’ blood cleanses us and sets us free from it all. That doesn’t mean we won’t have to walk through a process to experience total deliverance, but it does mean that in Christ, we have everything we need to do our part to walk it out.

Romans 6:2 says, “How can we, the very ones who died to sin, continue to live in it any longer?” This verse is talking about how through faith in Christ, we become dead to sin and alive to God’s righteousness.

The key to this process is found in Romans 6:11 (AMP), which says, “Consider yourselves to be dead to sin [and your relationship to it broken], but alive to God [in unbroken fellowship with Him] in Christ Jesus.”

I love that this says “consider,” because this term indicates a process of your mind. We must see ourselves as dead to sin and believe it, not because of what we’ve done or can do but because of who Jesus is and what He has done for us!

We tend to be afraid of sin or just think that it’s too hard to overcome it, so we stay trapped in it. But through Christ, we CAN control our thinking and shake off the “wilderness mindsets” that hold us back from the promised land God has for us.

Start by taking an inventory of your thoughts. Think about what you’re thinking about, because where the mind goes, the man follows (Proverbs 23:7). Pray and ask God to help you identify thoughts that don’t line up



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with His Word. Then study scriptures that will refute them and renew your mind with Truth.

2 Corinthians 10:4-5 (NIV) says, “The weapons we fight with are not the weapons of the world. On the contrary, they have divine power to demolish strongholds. We demolish arguments and every pretension that sets itself up against the knowledge of God, and we take captive every thought to make it obedient to Christ.” And Romans 12:2 says we are “transformed by the renewing of [our] mind...”

The battle to live the life God created you to live is fought in your mind, through arguments and pretensions that don’t agree with Him. But if you will be a diligent student of God’s Word, studying and meditating on the Truth it reveals, you’ll begin to think a completely different way. And you’ll make progress little by little each day that gets you closer to your Promised Land.

*For more on this topic, order Joyce’s CD audiobook Battlefield of the Mind. You can also contact us to receive our free magazine, Enjoying Everyday Life, by calling (800) 727-9673 or visiting [www.joycemeyer.org](http://www.joycemeyer.org).*

Joyce Meyer is a New York Times bestselling author and founder of Joyce Meyer Ministries, Inc. She has authored more than 140 books, including BATTLEFIELD OF THE MIND and LOVING PEOPLE WHO ARE HARD TO LOVE (FaithWords). She hosts the Enjoying Everyday Life radio and TV programs, which air on hundreds of stations worldwide. For more information, visit [www.joycemeyer.org](http://www.joycemeyer.org).

Please note: The views and opinions expressed throughout this publication and/or website are those of the respective authors and do not necessarily reflect those of Joyce Meyer Ministries.



# FORUM Continued from Page 1A

Tuesday night, Oct. 11, in the last segment of a candidates' forum. The event, sponsored by the Valley Courier and the Alamosa Chamber of Commerce, was moderated by Valley Courier Publisher Keith R. Cerny.

The two candidates on the ballot in November for the office of district attorney are in a high-stakes race that holds great interest to valley residents as evidenced by the number of attendees in Society Hall and the 600 people who followed the event live on Facebook.

Throughout the forum, both candidates made mention of the damage committed during former District Attorney Alonzo Payne's tenure to the victims of crime in the Valley and the justice system of the SLV, at large.

Following their introductory remarks, the candidates were presented with a series of questions, submitted ahead of time by members of the public.

First up, candidates were asked what they viewed as the biggest challenge and what they would do to overcome it.

Kelly cited the lack of trust victims have in the office, which she alleged was lost under both Payne and Willett.

"You can hear it in the victims' voices," she said.

Trust, she said, is restored by "transparency, availability and contact."

"I'm going to be available to every single one of you who wants to come in and talk to me about what's going on," she said. "Every single law enforcement officer who wants to talk to me about a case, I will talk to them about a case."

Willett challenged Kelly's allegations, citing law enforcement trusted him enough to try a cold case in Denver from 2014 that two other district attorneys didn't prosecute. He also cited law enforcement's trust in Willett during the Psycho Baroz investigation and prosecution.

"Law enforcement trusted me enough for me to go down and examine a burn pit in Conejos County and help out in that investigation," he said.

He coordinated with law enforcement around the state as well as federal agencies, including coordination with ATF taking the suspect into custody in New Mexico.

"I agree the problem is trust, but I inspired trust when I was in office," Willett said. "I was the DA here in 2020 and we filed 13 homicides. Law enforcement trusted me enough to file those cases and get them on the road to prosecution to get justice for the victims of those crimes."

### Candidates talk about ensuring victims' protection and services, diversion

When asked how the candidates will ensure victims of violent crime will receive the protection and services they need, Kelly said "that's what I've done my entire career."

She doesn't just prosecute cases, she said, she makes changes if needed to better serve victims, adding that she started a nationally recognized special domestic violence team in Boulder and her office is suited to meet victims' needs.

"We know how to do it. It's just a matter of making sure the community knows that we know how to do it and trusts us," she said.

Willett agreed. "The victim advocates in the office know how to do it because they knew how to do it in Krista Newmyer Olson's and my administration," he said. "We need to reach out to victims early and often and take their case seriously and prosecute it based upon the law, the facts of the case and the history of the offender."

He listed other "tools in the toolbox", including charging abusers with a previous record as "habitual offenders", which increases sentencing. He also cited his current work in the 4th Judicial district, "probably the busiest in the state", where he deals with victims just as he did in the valley: "with respect, courtesy, effective communication and in the manner in which they should be treated."

When asked about a prosecutor's discretion and what factors are considered in charging a defendant and recommending sentencing, Willett said, "you look at the age of the offender, the severity of the crime and what the victim wants. You have to look at the whole picture, at how provable the case is. "Do you have the evidence to prove the allegations, which requires law enforcement to follow up and submit the investigation to the office. Those are all the things I would consider in the outcome of the case."

Kelly said, "This valley needs to see prosecutors willing to go after dangerous offenders, so I look at how much damage has this offender done in the community." But she also looks at cases in "a nuanced way" and, based on what she sees,

considers the "myriad of tools she can use", including the diversion program.

Diversion programs are intervention strategies that seek to offer individuals who are first-time offenders accused of low-level crimes an opportunity to avoid prosecution or sentencing that could have a negative impact on their future by taking part in treatment, education, community service or other pro-social activities.

Both candidates agree on the effectiveness of diversion programs and are strong supporters.

### Kelly, and Willett discuss immigrant cases

When asked how they would handle cases involving immigrants, Willett said he handles those cases no differently than any other case where someone has committed a crime, and immigration status is not "up to him."

He also cited instances where he has signed a "U visa" which, by law, allows victims of mental or physical abuse to remain legally in the US as long as they assist in the prosecution of the crime.

"People shouldn't be revictimized by being deported for calling law enforcement when they were in a dire emergency," Willett said.

Kelly spoke of her "deep love for immigrants in this country" and spoke of barriers for immigrants in the justice system, such as language (Kelly is fluent in Spanish) that prevents immigrants from understanding what is going on and asking questions. She also spoke of the "undercurrent of rumors" often found in immigrant communities that cause unnecessary confusion

and fear.

### Kelly addresses loyalty in her office, Willett speaks on dismissed charges

The final two questions were addressed to the candidates specifically.

Kelly was asked about an alleged statement that she has "a lot of attorneys that are loyal to (her) and how can we trust these people if they are loyal to (her) and not to the valley itself?"

"Everyone that has come down, everyone that's reached out to me to ask me how they can help because of the messaging I've sent out that the valley is in crisis," Kelly said. "They're not loyal to me, they're loyal to this place."

Willett was asked "the exact condition of the charges filed (against him) by DA Payne", referencing charges of embezzlement filed by Willett two days after it became apparent a recall election was in his future. Prior to that, Willett had announced his intention to run for DA.

Willett said the best way to answer the question is for people to read the Colorado Supreme Court decision regarding the disciplinary action taken against

Payne, resulting in his disbarment. "The last paragraph states he weaponized the criminal justice system against me in a meritless allegation," he said. "And it was a meritless allegation. I was factually innocent of that charge and an outside prosecutor saw that and dismissed the case."

In closing, Willett said he's not a politician, he's a prosecutor and a trial attorney.

He knows the district, knows all the law enforcement officers and knows how to help people. He cited things he had done as DA during the pandemic with trials suspended and few remaining attorneys, including having part-time attorneys live with him.

He said he is looking forward to returning justice in the valley.

Kelly said running for office has been challenging as she's not comfortable with the politics, but she hopes to have the support of every law enforcement agency in the valley.

She has moved her "entire life" to the valley out of "deep commitment" to a system that's in crisis.

"Let's not go backwards," she said. "It's time for a change."

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# Rio Grande County signs MOU with North Central Railcorp

**By LYNDISIE FERRELL**  
**RIO GRANDE COUNTY** — During the last two Rio Grande Board of County Commissioners, several discussions surrounding the San Luis and Rio Grande Railroad (SLRG) which led to the signing of a memorandum of understanding (MOU) last Wednesday, Oct. 5.

It has been determined that North Central Railcorp has made a bid on the bankrupt line and has intentions of keeping it intact and running if they win the bid.

The SLRG has been a topic of discussion for the past several years ever since the line's previous owner went into bankruptcy. Property taxes owed to the six counties of the San Luis Valley and Huerfano County just on the other side of La Veta Pass have not been paid and is part of the reason why Rio Grande County Commissioners have taken the lead on not only trying to get the money reimbursed as part of the deal through the bankruptcy court but to also find a way to salvage the line.

Many businesses throughout the Valley rely on the railroad for commerce. The tourism portion of the line has been a driving economic force in Alamosa County for many years and will not be able to continue unless a resolution can be found and a bidder awarded throughout the US Bankruptcy Court.

Over the last two years, bidders have come and gone and the need to save the line became more and more apparent as gas prices skyrocketed and inflation hit rural communities. The SLRG reportedly brings in an estimated \$4 million in revenue per year to the Valley.

The MOU states, "If the North Central Railcorp, Inc. (NCR) is the successful bidder for the assets of the San Luis and Rio Grande Railroad, which is currently in Chapter 11 Bankruptcy case No. 19-18905-TBM, in the United States Bankruptcy Court for the District of Colorado, will out of the cash portion of its offer tendered to the trustee pay 60% of the total taxes due, including any amounts remaining from 2011 and 2012."

According to the bio from NCR, "North Central Railcorp, Inc. was incorporated in April of 2018 as a "C" corporation in the State of New Mexico as a short line railroad holding company. It is management's goal to acquire short line freight railroads, terminal railroad operations, rail to truck transload facilities and industrial switching opportunities primarily located in the Midwest, Central States and Rocky Mountain region of the United States."

The company is one of two bidders that are looking to purchase the line and the MOU with the county states that should NCR be the successful bidder, the company would not only maintain the line, keep it open for commerce

but they will also work to pay the back property taxes owed to the six counties and Huerfano County.

As of the meeting on Wednesday, Oct. 5, NCR received letters of support from all counties including Rio Grande which may help in the bid for purchase through the bankruptcy court. A final decision will be made in coming weeks and will be announced as soon as it is released.

### NOTICE OF BUDGET

Notice is hereby given that a proposed budget has been submitted to the Board of Directors of the San Luis Valley Irrigation District for the ensuing year of 2023; that a copy of such proposed budget has been filed in the office of the San Luis Valley Irrigation District where same is open for public inspection; and that such proposed budget will be considered at a Regular Meeting of the San Luis Valley Irrigation District Board of Directors to be held at 296 Miles Street, Center, Colorado, on November 16th, 2023 at 9:00 a.m.

Any interested elector of the San Luis Valley Irrigation District may inspect the proposed budget and file or register any objections thereto at any time prior to the final adoption of the Budget.

No. 1652 published in the Center Post Dispatch, Thursday, October 20 and 27 and November 3, 2022.

### CENTER FIRE PROTECTION DISTRICT NOTICE OF PROPOSED 2023 BUDGET PUBLIC HEARING

A notice is hereby given that a proposed budget has been submitted to the Center Fire Protection District Board for the ensuing year 2023; a copy of such proposed budget has been filed in the office of the Center Fire Protection District, where the same is open for public inspection. Such proposed budget will be considered at a public hearing scheduled at the regular meeting of the Board of Directors, on November 15, 2022, at 2:00 p.m. Any interested elector within the Center Fire Protection District may inspect the proposed budget and file or register any objections thereto, at any time prior to the final adoption of the budget. The budget is available for review by appointment at the Center Firehouse, located at 360 E. 8th Street, Center, CO.

Center Fire Protection District  
Kimberlee Schuett, Board Secretary

No. 1649 published in the Center Post Dispatch, Thursday, October 20, 2022.

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# IRON

Continued from Page 1A

showings, and three third-place finishes.

Seven of the eight weight classifications featured multiple competitors, yet Jeff Harmon was the lone heavyweight competitor.

Don Baker from Evergreen Apiaries in Saguache stopped by for the afternoon to witness the competition and donate money to SLVAIC. According to Clare, "Don was very interested in what we're doing."

Baker said he has two tractors he hopes to tune up for the next SLVAIC competition. One was manufactured in 1935, and the other machine was built during the 1940s. With a cutoff date of 1960, Baker's equipment is clearly eligible.

Fully appreciative of Baker's financial donation, Clare said, "We got money from the honey."



San Luis Valley Antique Iron Club President Jim Clare pushed his garden tractor to the limit during the SLVAIC tractor pull at the Del Monte Gun Club track on Oct. 15.



Photos by Patrick Shea

If the cameraman in the background captured the pull, Jeff Harmon's garden tractor might be on an upcoming reality show about Serendipity, the food vendor from Moffat at the track on Oct. 15.

# VIKINGS

Continued from Page 1A

it gave the veteran cheerleaders a chance to practice more with the younger girls. Their performance went off without a hitch, followed by the coronation of class royalty nominees.

Rather than choose a single king and queen for the school, the Vikings nominate four girls and four boys for each class, a total of 32. Freshmen nominees included Laynie Gallegos, Alejandro Puntos, Alyciana Lujan, Ruben Rendone, Dulce Palma, Chayse Bouet, Leilany Soto, and Miguel Hernandez. Palma and Bouet won placement in the royal court.

For the sophomore class, Mia Maez and Nick Palma-Duran won the royal honors. Sophomore nominees also included Ahyari Fimbres, Andree Meraz, Gia Hammel, MJ Varo, Ximena Miranda, and Marco Aguilar. Willa Seez-Sanchez and Jordan Duran represented the Junior class, stepping in front of fellow nominees Monserrat Gutierrez, Javy Ramos-Baca, Kimberly Muro-Ornelas, Francisco Villa, Ciara Paiz, and Lorenzo Trujillo.

Queen Almeida high-fived Moreno before they received their crowns. Alan Gonzalez, Alica Pedro-Lopez, Kamryn Garcia, Cruz Reyes, Alreth Villalobos, and Miguel Casanova also received nominations among senior Vikings.

To start the second half, Del Norte put another 22 points on the board. But the Vikings held the visitors scoreless in the final quarter to win 40-35. Center covered more all-purpose yards by the end of the game, finishing with 591 (207 more than the Tigers).

With three wins and four losses, the Vikings will travel to Monte Vista to face the undefeated Pirates on Oct. 21 at 6 p.m. On Saturday afternoon, Del Norte (2-5) will host the winless Trinidad Miners at 1 p.m.

October is National Dental Hygiene Month

## A Great Smile Is Your Best Accessory



### NATIONAL DENTAL Hygiene MONTH

### Carly Santi, MS, RDH, LLC

719-849-9749

1120 Park Ave. • Monte Vista



## VOTE

# LIZA MARRON



### For Saguache County Commissioner

## For the People

marron4saguache.com

Paid for by LIZA MARRON

# SLVH coat drive is underway

ALAMOSA — San Luis Valley Health invites everyone to join in donating coats to Weiss Dry Cleaners in Alamosa or drop them off at Conejos County Hospital in La Jara.

All items will be distributed through local food banks to help keep the members of the San Luis Valley community warm.

New or gently used coats, scarves, hats and gloves will be accepted through Nov. 21. Weiss Cleaners is donating their resources to this coat drive.

For more information, contact Breanna Dunn at 719-587-1417.

## SUPPORT SOUTH FORK

### Do the Local Thing

### Meet Your Local Merchants!



**GRANDE NATURAL MEATS**  
www.ElkUSA.com

Buffalo, Elk, Deer, Goat, Beef & Rabbit  
USDA Meat Jerky & Sausage

5 MILES WEST OF DEL NORTE ON HWY. 160  
DAILY 8 A.M. - 6 P.M. 719-657-0942



## Phone and Internet Discounts Available to CenturyLink Customers

The Colorado Public Utilities Commission designated CenturyLink as an Eligible Telecommunications Carrier within its service area for universal service purposes. CenturyLink's basic local service rates for residential voice lines are \$28.50 per month and business services are \$41.00 per month. Specific rates will be provided upon request.

CenturyLink participates in the Lifeline program, which makes residential telephone or qualifying broadband service more affordable to eligible low-income individuals and families. Eligible customers may qualify for Lifeline discounts of \$5.25/month for voice or bundled voice service or \$9.25/month for qualifying broadband or broadband bundles. Residents who live on federally recognized Tribal Lands may qualify for additional Tribal benefits if they participate in certain additional federal eligibility programs. The Lifeline discount is available for only one telephone or qualifying broadband service per household, which can be either a wireline or wireless service. Broadband speeds must be at least 25 Mbps download and 3 Mbps upload to qualify.

CenturyLink also participates in the Affordable Connectivity Program (ACP), which provides eligible households with a discount on broadband service. The ACP provides a discount of up to \$30 per month toward broadband service for eligible households and up to \$75 per month for households on qualifying Tribal lands.

For both programs, a household is defined as any individual or group of individuals who live together at the same address and share income and expenses. Services are not transferable, and only eligible consumers may enroll in these programs. Consumers who willfully make false statements to obtain these discounts can be punished by fine or imprisonment and can be barred from these programs.

If you live in a CenturyLink service area, visit <https://www.centurylink.com/aboutus/community/community-development/lifeline.html> for additional information about applying for these programs or call 1-800-201-4099 with questions.







# 2022 Statewide Ballot Issues

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The Colorado Constitution (Article V, Section 1(7.3)) requires the Colorado Legislative Council to publish the ballot title and legal text of each statewide ballot measure.

A “YES/FOR” vote on any ballot issue is a vote **in favor** of changing current law or existing circumstances, and a “NO/AGAINST” vote on any ballot issue is a vote **against** changing current law or existing circumstances.

## Amendment D New 23<sup>rd</sup> Judicial District Judges

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was referred to the voters because it passed by a two-thirds majority vote of the state senate and the state house of representatives.

### Ballot Title:

Shall there be an amendment to the Colorado constitution concerning judges of the newly created twenty-third judicial district, and, in connection therewith, directing the governor to designate judges from the eighteenth judicial district to serve the remainder of their terms in the twenty-third judicial district and requiring a judge so designated to establish residency within the twenty-third judicial district?

### Text of Measure:

*Be It Resolved by the House of Representatives of the Seventy-third General Assembly of the State of Colorado, the Senate concurring herein:*

**SECTION 1.** At the election held on November 8, 2022, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, section 10 of article VI, **add** (5) as follows:

### Section 10. Judicial districts - district judges - repeal.

(5) PURSUANT TO THE CREATION OF THE TWENTY-THIRD JUDICIAL DISTRICT, NO LATER THAN NOVEMBER 30, 2024, THE GOVERNOR SHALL DESIGNATE DISTRICT JUDGES FROM THE EIGHTEENTH JUDICIAL DISTRICT TO SERVE AS DISTRICT JUDGES IN THE TWENTY-THIRD JUDICIAL DISTRICT. NO LATER THAN JANUARY 7, 2025, EACH DISTRICT JUDGE DESIGNATED PURSUANT TO THIS SECTION SHALL ESTABLISH RESIDENCE IN THE TWENTY-THIRD JUDICIAL DISTRICT. EACH DISTRICT JUDGE DESIGNATED PURSUANT TO THIS SECTION, AT THE COMPLETION OF THE LAST TERM FOR WHICH THE JUDGE WAS LAST ELECTED OR APPOINTED, IS ELIGIBLE TO SEEK RETENTION IN THE TWENTY-THIRD JUDICIAL DISTRICT. A VACANCY IN ANY JUDICIAL OFFICE IN THE TWENTY-THIRD JUDICIAL DISTRICT OCCURRING AFTER JANUARY 7, 2025, SHALL BE FILLED AS PROVIDED IN SECTION 20 (1) OF THIS ARTICLE VI.

**SECTION 2.** Each elector voting at the election may cast a vote either “Yes/For” or “No/Against” on the following ballot title: “Shall there be an amendment to the Colorado constitution concerning judges of the newly created twenty-third judicial district, and, in connection therewith, directing the governor to designate judges from the eighteenth judicial district to serve the remainder of their terms in the twenty-third judicial district and requiring a judge so designated to establish residency within the twenty-third judicial district?”

**SECTION 3.** Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if at least fifty-five percent of the electors voting on the ballot title vote “Yes/For”, then the amendment will become part of the state constitution.

## Amendment E

### Extend Homestead Exemption to Gold Star Spouses

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was referred to the voters because it passed by a two-thirds majority vote of the state senate and the state house of representatives.

### Ballot Title:

Shall there be an amendment to the Colorado constitution concerning the extension of the property tax exemption for qualifying seniors and disabled veterans to the surviving spouse of a United States armed forces service member who died in the line of duty or veteran whose death resulted from a service-related injury or disease?

### Text of Measure:

*Be It Resolved by the House of Representatives of the Seventy-third General Assembly of the State of Colorado, the Senate concurring herein:*

**SECTION 1.** At the election held on November 8, 2022, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, section 3.5 of article X, **add** (1)(d) and (1.7) as follows:

**Section 3.5. Homestead exemption for qualifying senior citizens, disabled veterans, and surviving spouses receiving dependency indemnity compensation - definition.** (1) For property tax years commencing on or after January 1, 2002, fifty percent of the first two hundred thousand dollars of actual value of residential real property, as defined by law, that, as of the assessment date, is owner-occupied and is used as the primary residence of the owner-occupier shall be exempt from property taxation if:

(d) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2023, ONLY, THE OWNER-OCCUPIER, AS OF THE ASSESSMENT DATE, IS AN ELIGIBLE SPOUSE.

(1.7) AS USED IN THIS SECTION, “ELIGIBLE SPOUSE” MEANS EITHER A SURVIVING SPOUSE OF A UNITED STATES ARMED FORCES SERVICE MEMBER WHO DIED IN THE LINE OF DUTY AND RECEIVED A DEATH GRATUITY FROM THE DEPARTMENT OF DEFENSE PURSUANT TO 10 U.S.C. SEC. 1475 ET SEQ. OR A SURVIVING SPOUSE OF A VETERAN WHOSE DEATH RESULTED FROM A SERVICE-RELATED INJURY OR DISEASE AS DETERMINED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS IF THE SURVIVING SPOUSE IS RECEIVING DEPENDENCY INDEMNITY COMPENSATION AWARDED BY

THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS PURSUANT TO CHAPTER 13 OF PART II OF TITLE 38 OF THE UNITED STATES CODE, CHAPTER 5 OF PART I OF TITLE 38 OF THE UNITED STATES CODE, AND ANY OTHER APPLICABLE PROVISION OF FEDERAL LAW.

**SECTION 2.** Each elector voting at the election may cast a vote either “Yes/For” or “No/Against” on the following ballot title: “Shall there be an amendment to the Colorado constitution concerning the extension of the property tax exemption for qualifying seniors and disabled veterans to the surviving spouse of a United States armed forces service member who died in the line of duty or veteran whose death resulted from a service-related injury or disease?”

**SECTION 3.** Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if at least fifty-five percent of the electors voting on the ballot title vote “Yes/For”, then the amendment will become part of the state constitution.

## Amendment F Changes to Charitable Gaming Operations

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was referred to the voters because it passed by a two-thirds majority vote of the state senate and the state house of representatives.

### Ballot Title:

Shall there be an amendment to the Colorado constitution concerning the conduct of charitable gaming activities, and, in connection therewith, allowing managers and operators to be paid and repealing the required period of a charitable organization’s continuous existence before obtaining a charitable gaming license?

### Text of Measure:

*Be It Resolved by the House of Representatives of the Seventy-third General Assembly of the State of Colorado, the Senate concurring herein:*

**SECTION 1.** At the election held on November 8, 2022, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, section 2 of article XVIII, **amend** (2), (4)(c), and (6) as follows:

### Section 2. Lotteries prohibited - exceptions - repeal.

(2) No game of chance pursuant to this subsection (2) and subsections (3) and (4) of this section shall be conducted by any person, firm, or organization, unless a license as provided for in this subsection (2) has been issued to the firm or organization conducting such games of chance. The secretary of state shall, upon application therefor FOR A LICENSE on such forms as shall be prescribed by the secretary of state and upon the payment of an annual fee as determined by the general assembly, issue a license for the conducting of such games of chance to any bona fide chartered branch or lodge or chapter of a national or state organization or to any bona fide religious, charitable, labor, fraternal, educational, voluntary firemen’s, or veterans’ organization which THAT operates without profit to its members and which THAT IS REGISTERED WITH THE SECRETARY OF STATE AND HAS BEEN IN EXISTENCE continuously for a period of five THREE years immediately prior to the making of said its application for such THE license OR, ON AND AFTER JANUARY 1, 2025, FOR SUCH PERIOD AS THE GENERAL ASSEMBLY MAY ESTABLISH UNDER SUBSECTION (5) OF THIS SECTION, and has had during the entire five-year period OF ITS EXISTENCE a dues-paying membership engaged in carrying out the objects of said corporation or organization, such license to expire at the end of each calendar year in which it was issued.

(4) Such games of chance shall be subject to the following restrictions:

(c) (I) No person may receive any remuneration or profit IN EXCESS OF THE APPLICABLE MINIMUM WAGE for participating in the management or operation of any such game.

(II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE JULY 1, 2024.

(6) (a) The enforcement of this section shall be under such official or department of government of the state of Colorado as the general assembly shall provide.

(b) THIS SECTION DOES NOT REQUIRE OR AUTHORIZE THE SECRETARY OF STATE TO RECEIVE OR REVIEW CLAIMS CONCERNING EMPLOYEE WAGES OR COMPENSATION, INCLUDING TAX CLAIMS, OR OTHER ASSOCIATED LABOR, EMPLOYMENT, OR CONTRACTUAL MATTERS.

**SECTION 2.** Each elector voting at the election may cast a vote either “Yes/For” or “No/Against” on the following ballot title: “Shall there be an amendment to the Colorado constitution concerning the conduct of charitable gaming activities, and, in connection therewith, allowing managers and operators to be paid and repealing the required period of a charitable organization’s continuous existence before obtaining a charitable gaming license?”

**SECTION 3.** Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if at least fifty-five percent of the electors voting on the ballot title vote “Yes/For”, then the amendment will become part of the state constitution.

## Proposition FF Healthy School Meals for All

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was referred to the voters because it passed by a majority vote of the state senate and the state house of representatives.

### Ballot Title:

SHALL STATE TAXES BE INCREASED \$100,727,820 ANNUALLY BY A CHANGE TO THE COLORADO REVISED STATUTES THAT, TO SUPPORT HEALTHY MEALS FOR PUBLIC SCHOOL STUDENTS, INCREASES STATE TAXABLE INCOME ONLY FOR INDIVIDUALS WHO HAVE FEDERAL TAXABLE INCOME OF \$300,000 OR MORE BY LIMITING ITEMIZED OR STAN-

DARD STATE INCOME TAX DEDUCTIONS TO \$12,000 FOR SINGLE TAX RETURN FILERS AND \$16,000 FOR JOINT TAX RETURN FILERS, AND, IN CONNECTION THEREWITH, CREATING THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM TO PROVIDE FREE SCHOOL MEALS TO STUDENTS IN PUBLIC SCHOOLS; PROVIDING GRANTS FOR PARTICIPATING SCHOOLS TO PURCHASE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS, TO INCREASE WAGES OR PROVIDE STIPENDS FOR EMPLOYEES WHO PREPARE AND SERVE SCHOOL MEALS, AND TO CREATE PARENT AND STUDENT ADVISORY COMMITTEES TO PROVIDE ADVICE TO ENSURE SCHOOL MEALS ARE HEALTHY AND APPEALING TO ALL STUDENTS; AND CREATING A PROGRAM TO ASSIST IN PROMOTING COLORADO FOOD PRODUCTS AND PREPARING SCHOOL MEALS USING BASIC NUTRITIOUS INGREDIENTS WITH MINIMAL RELIANCE ON PROCESSED PRODUCTS?

### Text of Measure:

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

**SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article 82.9 of title 22 as follows:

### PART 2

#### HEALTHY SCHOOL MEALS FOR ALL PROGRAM

**22-82.9-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE “HEALTHY SCHOOL MEALS FOR ALL ACT”.

**22-82.9-202. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) NO COLORADO CHILD SHOULD EXPERIENCE HUNGER, AND EVERY PUBLIC SCHOOL STUDENT SHOULD BENEFIT FROM ACCESS TO HEALTHY, LOCALLY PROCURED, AND FRESHLY PREPARED MEALS DURING THE SCHOOL DAY;

(b) HEALTHY SCHOOL MEALS ARE NECESSARY FOR ALL STUDENTS FOR EFFECTIVE LEARNING, AND COLORADO’S INVESTMENT IN EDUCATION SHOULD INCLUDE HEALTHY SCHOOL MEALS FOR ALL STUDENTS TO SUPPORT THE NOURISHMENT STUDENTS NEED TO ACHIEVE ACADEMIC SUCCESS;

(c) ACCESS TO HEALTHY SCHOOL MEALS SHOULD NOT CAUSE STIGMA OR STRESS FOR ANY STUDENT SEEKING AN EDUCATION;

(d) COLORADO’S HEALTHY SCHOOL MEALS PROGRAM SHOULD SUPPORT COLORADO’S FOOD SYSTEMS, INCLUDING LOCAL FARMERS AND RANCHERS;

(e) COLORADO’S HEALTHY SCHOOL MEALS PROGRAM MUST SUPPORT STUDENTS’ NUTRITION AND PROVIDE QUALITY MEALS TO BOOST THE HEALTH AND WELL-BEING OF COLORADO STUDENTS;

(f) DURING THE COVID-19 PANDEMIC, THE UNITED STATES DEPARTMENT OF AGRICULTURE EASED PROGRAM RESTRICTIONS TO ALLOW FREE MEALS TO CONTINUE TO BE AVAILABLE TO ALL STUDENTS UNIVERSALLY, ENSURING THAT ALL STUDENTS FACING HUNGER HAD ACCESS TO FOOD WHILE IN SCHOOL; AND

(g) NOW THAT STRATEGIES EXIST TO PREVENT HUNGER FOR ALL STUDENTS DURING THE SCHOOL DAY, IT IS IMPERATIVE THAT THE STATE EMBRACE THESE STRATEGIES TO MOVE TOWARD THE GOAL OF ENDING CHILD HUNGER.

(2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE BEST INTERESTS OF THE STUDENTS OF COLORADO AND THEIR FAMILIES TO ENACT THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM TO PROVIDE FREE MEALS IN PUBLIC SCHOOLS FOR ALL STUDENTS.

**22-82.9-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) “COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS” MEANS ALL FRUITS, VEGETABLES, GRAINS, MEATS, AND DAIRY PRODUCTS, EXCEPT LIQUID MILK, GROWN, RAISED, OR PRODUCED IN COLORADO AND MINIMALLY PROCESSED PRODUCTS OR VALUE-ADDED PROCESSED PRODUCTS THAT MEET THE STANDARDS FOR THE COLORADO PROUD DESIGNATION, AS ESTABLISHED BY THE COLORADO DEPARTMENT OF AGRICULTURE, EVEN IF THE PRODUCT DOES NOT HAVE THE COLORADO PROUD DESIGNATION.

(2) “COMMUNITY ELIGIBILITY PROVISION” MEANS THE FEDERAL PROGRAM CREATED IN 42 U.S.C. SEC. 1759a (a)(1) (F) THAT ALLOWS SCHOOL DISTRICTS TO CHOOSE TO RECEIVE FEDERAL SPECIAL ASSISTANCE PAYMENTS FOR SCHOOL MEALS IN EXCHANGE FOR PROVIDING FREE SCHOOL MEALS TO ALL STUDENTS ENROLLED IN ALL OR SELECTED SCHOOLS OF THE SCHOOL DISTRICT.

(3) “DEPARTMENT” MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115.

(4) “ELIGIBLE MEAL” MEANS A LUNCH OR BREAKFAST THAT MEETS THE NUTRITIONAL REQUIREMENTS SPECIFIED IN 7 CFR 210.10, OR SUCCESSOR REGULATIONS, FOR THE NATIONAL SCHOOL LUNCH PROGRAM OR THE NATIONAL SCHOOL BREAKFAST PROGRAM.

(5) “FEDERAL FREE REIMBURSEMENT RATE” MEANS THE FREE REIMBURSEMENT RATE SET BY THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR MEALS THAT QUALIFY FOR REIMBURSEMENT UNDER THE NATIONAL SCHOOL BREAKFAST PROGRAM AND THE NATIONAL SCHOOL LUNCH PROGRAM.

(6) “IDENTIFIED STUDENT PERCENTAGE” MEANS THE PERCENTAGE OF A PUBLIC SCHOOL’S OR SCHOOL DISTRICT’S STUDENT ENROLLMENT WHO ARE CERTIFIED AS ELIGIBLE FOR FREE MEALS BASED ON DOCUMENTATION OF BENEFIT RECEIPT OR CATEGORICAL ELIGIBILITY AS DESCRIBED IN 7 CFR 245.6, OR SUCCESSOR REGULATIONS.

(7) “MINIMALLY PROCESSED PRODUCTS” MEANS RAW OR FROZEN FABRICATED PRODUCTS; PRODUCTS THAT RETAIN THEIR INHERENT CHARACTER, SUCH AS SHREDDED CARROTS OR DICED ONIONS; AND DRIED PRODUCTS, SUCH AS BEANS, BUT DOES NOT INCLUDE ANY PRODUCTS THAT ARE HEATED, COOKED, OR CANNED.

(8) “NATIONAL SCHOOL BREAKFAST PROGRAM” MEANS THE FEDERAL SCHOOL BREAKFAST PROGRAM CREATED IN 42 U.S.C. SEC. 1773.

(9) “NATIONAL SCHOOL LUNCH PROGRAM” MEANS THE FEDERAL SCHOOL LUNCH PROGRAM CREATED IN THE “RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT”, 42





# 2022 Statewide Ballot Issues

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U.S.C. SEC. 1751 ET SEQ.

(10) "PARTICIPATING SCHOOL FOOD AUTHORITY" MEANS A SCHOOL FOOD AUTHORITY THAT CHOOSES TO PARTICIPATE IN THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM.

(11) "PROGRAM" MEANS THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM CREATED IN SECTION 22-82.9-204.

(12) "SCHOOL FOOD AUTHORITY" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-32-120 (8).

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

(14) "VALUE-ADDED PROCESSED PRODUCTS" MEANS PRODUCTS THAT ARE ALTERED FROM THEIR UNPROCESSED OR MINIMALLY PROCESSED STATE THROUGH PRESERVATION TECHNIQUES, INCLUDING COOKING, BAKING, OR CANNING.

**22-82.9-204. Healthy school meals for all program - created - rules.** (1) (a) THERE IS CREATED IN THE DEPARTMENT THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM THROUGH WHICH EACH SCHOOL FOOD AUTHORITY THAT CHOOSES TO PARTICIPATE IN THE PROGRAM:

(I) OFFERS ELIGIBLE MEALS, WITHOUT CHARGE, TO ALL STUDENTS ENROLLED IN THE PUBLIC SCHOOLS SERVED BY THE PARTICIPATING SCHOOL FOOD AUTHORITY THAT PARTICIPATE IN THE NATIONAL SCHOOL LUNCH PROGRAM OR NATIONAL SCHOOL BREAKFAST PROGRAM;

(II) RECEIVES REIMBURSEMENT FOR THE MEALS AS DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION;

(III) IS ELIGIBLE TO RECEIVE A LOCAL FOOD PURCHASING GRANT PURSUANT TO SECTION 22-82.9-205, SUBJECT TO SUBSECTION (4)(b) OF THIS SECTION;

(IV) IS ELIGIBLE TO RECEIVE FUNDING PURSUANT TO SECTION 22-82.9-206 TO INCREASE WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS WHOM THE PARTICIPATING SCHOOL FOOD AUTHORITY EMPLOYS TO DIRECTLY PREPARE AND SERVE FOOD FOR SCHOOL MEALS, SUBJECT TO SUBSECTION (4)(b) OF THIS SECTION; AND

(V) IS ELIGIBLE TO RECEIVE ASSISTANCE THROUGH THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM PURSUANT TO SECTION 22-82.9-207, SUBJECT TO SUBSECTION (4)(b) OF THIS SECTION.

(b) THE AMOUNT OF THE REIMBURSEMENT PROVIDED THROUGH THE PROGRAM TO EACH PARTICIPATING SCHOOL FOOD AUTHORITY FOR EACH BUDGET YEAR IS EQUAL TO THE FEDERAL FREE REIMBURSEMENT RATE MULTIPLIED BY THE TOTAL NUMBER OF ELIGIBLE MEALS THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY SERVES DURING THE APPLICABLE BUDGET YEAR MINUS THE TOTAL AMOUNT OF REIMBURSEMENT FOR ELIGIBLE MEALS SERVED DURING THE APPLICABLE BUDGET YEAR THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVES PURSUANT TO THE NATIONAL SCHOOL BREAKFAST PROGRAM, THE NATIONAL SCHOOL LUNCH PROGRAM, SECTIONS 22-54-123 AND 22-54-123.5, ARTICLE 82.7 OF THIS TITLE 22, AND PART 1 OF THIS ARTICLE 82.9.

(c) THE DEPARTMENT SHALL DEVELOP PROCEDURES TO ALLOCATE AND DISBURSE, BEGINNING IN THE 2023-24 BUDGET YEAR, THE MONEY APPROPRIATED AS REIMBURSEMENTS PURSUANT TO THIS SECTION AMONG PARTICIPATING SCHOOL FOOD AUTHORITIES EACH BUDGET YEAR IN AN EQUITABLE MANNER AND IN COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL SCHOOL BREAKFAST PROGRAM AND THE NATIONAL SCHOOL LUNCH PROGRAM.

(2) A SCHOOL FOOD AUTHORITY THAT CHOOSES TO PARTICIPATE IN THE PROGRAM MUST ANNUALLY GIVE NOTICE OF PARTICIPATION TO THE DEPARTMENT AS PROVIDED BY RULE OF THE STATE BOARD. AT A MINIMUM, THE NOTICE MUST INCLUDE EVIDENCE THAT THE SCHOOL FOOD AUTHORITY IS PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION AS REQUIRED IN SUBSECTION (3) OF THIS SECTION.

(3) IF THE UNITED STATES DEPARTMENT OF AGRICULTURE CREATES THE OPTION FOR THE STATE, AS A WHOLE, TO PARTICIPATE IN THE COMMUNITY ELIGIBILITY PROVISION, THE DEPARTMENT SHALL PARTICIPATE IN THE OPTION AND SHALL WORK WITH SCHOOL FOOD AUTHORITIES AND THE NECESSARY STATE AND LOCAL DEPARTMENTS TO COLLECT DATA AND IMPLEMENT THE COMMUNITY ELIGIBILITY PROVISION STATEWIDE. UNTIL SUCH TIME AS COLORADO PARTICIPATES IN THE COMMUNITY ELIGIBILITY PROVISION AS A STATE, EACH PARTICIPATING SCHOOL FOOD AUTHORITY, AS A CONDITION OF PARTICIPATING IN THE PROGRAM, MUST MAXIMIZE THE AMOUNT OF FEDERAL REIMBURSEMENT BY PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION FOR ALL SCHOOLS THAT QUALIFY FOR THE COMMUNITY ELIGIBILITY PROVISION AND THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY SERVES.

(4) (a) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS PART 2, THE DEPARTMENT SHALL APPLY TO THE FEDERAL SECRETARY OF AGRICULTURE TO PARTICIPATE IN THE DEMONSTRATION PROJECT OPERATED PURSUANT TO 42 U.S.C. SEC. 1758 (b)(15) FOR DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS, WITH THE INTENT THAT THE DEMONSTRATION PROJECT IS IMPLEMENTED STATEWIDE TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW. IF THE STATE IS SELECTED TO PARTICIPATE IN THE DEMONSTRATION PROJECT, THE DEPARTMENT SHALL COMPLY WITH ALL OF THE REQUIREMENTS OF THE DEMONSTRATION PROJECT, INCLUDING ENTERING INTO AN AGREEMENT WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO ESTABLISH PROCEDURES BY WHICH A STUDENT MAY BE CERTIFIED, WITHOUT FURTHER APPLICATION, AS MEETING THE ELIGIBILITY REQUIREMENTS FOR FREE OR REDUCED-PRICE MEALS PURSUANT TO THE NATIONAL SCHOOL BREAKFAST PROGRAM AND THE NATIONAL SCHOOL LUNCH PROGRAM BASED ON INFORMATION COLLECTED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN IMPLEMENTING THE MEDICAID PROGRAM.

(b) IMPLEMENTATION OF SECTIONS 22-82.9-205 TO 22-82.9-207 IS CONDITIONAL UPON THE STATE OF COLORADO BEING CERTIFIED TO PARTICIPATE IN THE DEMONSTRATION PROJECT FOR DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS THAT IS OPERATED PURSUANT TO 42 U.S.C. SEC. 1758 (b)(15).

(5) THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE PROGRAM, INCLUDING RULES TO MAXIMIZE THE AMOUNT OF FEDERAL FUNDING AVAILABLE

TO IMPLEMENT THE PROGRAM.

**22-82.9-205. Local food purchasing grant - amount - advisory committee - verification of invoices.**

(1) (a) SUBJECT TO SUBSECTION (5) OF THIS SECTION, EACH PARTICIPATING SCHOOL FOOD AUTHORITY THAT CREATES AN ADVISORY COMMITTEE AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION IS ELIGIBLE TO RECEIVE A LOCAL FOOD PURCHASING GRANT PURSUANT TO THIS SECTION TO PURCHASE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS.

(b) ON OR BEFORE AUGUST 1 OF THE FIRST FULL BUDGET YEAR IN WHICH THIS SECTION IS EFFECTIVE AS PROVIDED IN SUBSECTION (5) OF THIS SECTION AND ON OR BEFORE AUGUST 1 OF EACH BUDGET YEAR THEREAFTER, EACH PARTICIPATING SCHOOL FOOD AUTHORITY SHALL TRACK AND REPORT TO THE DEPARTMENT FOR THE PRECEDING BUDGET YEAR:

(I) THE TOTAL AMOUNT SPENT IN PURCHASING ALL PRODUCTS USED IN PREPARING MEALS AND HOW MUCH OF THAT TOTAL WAS ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED;

(II) THE TOTAL AMOUNT SPENT TO PURCHASE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS AND HOW MUCH OF THAT TOTAL WAS ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED;

(III) THE TOTAL AMOUNT SPENT TO PURCHASE VALUE-ADDED PROCESSED PRODUCTS AND HOW MUCH OF THAT TOTAL WAS ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED; AND

(IV) THE TOTAL NUMBER OF ELIGIBLE MEALS THE PARTICIPATING SCHOOL FOOD AUTHORITY PROVIDED TO STUDENTS.

(2) (a) SUBJECT TO THE PROVISIONS OF SUBSECTION (2)(b) OF THIS SECTION, AT THE BEGINNING OF EACH BUDGET YEAR THE DEPARTMENT, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL DISTRIBUTE TO EACH PARTICIPATING SCHOOL FOOD AUTHORITY THAT IS ELIGIBLE TO RECEIVE A GRANT PURSUANT TO THIS SECTION THE GREATER OF FIVE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO TWENTY-FIVE CENTS MULTIPLIED BY THE NUMBER OF LUNCHESES THAT QUALIFIED AS AN ELIGIBLE MEAL THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY SERVED TO STUDENTS IN THE PRECEDING SCHOOL YEAR. THE PARTICIPATING SCHOOL FOOD AUTHORITY SHALL USE THE MONEY RECEIVED PURSUANT TO THIS SECTION TO PURCHASE ONLY COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS AND AS PROVIDED IN SUBSECTION (3)(b) OF THIS SECTION AND SHALL NOT USE MORE THAN TWENTY-FIVE PERCENT OF THE AMOUNT RECEIVED TO PURCHASE VALUE-ADDED PROCESSED PRODUCTS. IN ADDITION, A SCHOOL FOOD AUTHORITY MAY USE UP TO TEN PERCENT OF THE MONEY RECEIVED PURSUANT TO THIS SECTION TO PAY ALLOWABLE COSTS, AS IDENTIFIED BY RULES OF THE STATE BOARD, INCURRED IN COMPLYING WITH THIS SECTION.

(b) AT THE BEGINNING OF EACH BUDGET YEAR, EACH PARTICIPATING SCHOOL FOOD AUTHORITY SHALL SUBMIT TO THE DEPARTMENT AN ESTIMATE OF THE AMOUNT IT EXPECTS TO SPEND TO PURCHASE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS FOR THE BUDGET YEAR; A DESCRIPTION OF THE ITEMS AND AMOUNTS IT EXPECTS TO PURCHASE; AND A LIST OF THE SUPPLIERS FROM WHICH IT EXPECTS TO PURCHASE THE ITEMS. IF, BASED ON THE INFORMATION PROVIDED, THE DEPARTMENT DETERMINES THAT A PARTICIPATING SCHOOL FOOD AUTHORITY IS UNLIKELY TO SPEND THE FULL AMOUNT OF THE GRANT DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION, THE DEPARTMENT SHALL REDUCE THE AMOUNT OF THE GRANT ACCORDINGLY. THE DEPARTMENT SHALL DISTRIBUTE TO OTHER PARTICIPATING SCHOOL FOOD AUTHORITIES THAT ARE ELIGIBLE TO RECEIVE GRANTS PURSUANT TO THIS SECTION ANY AMOUNT THAT IS RETAINED PURSUANT TO THIS SUBSECTION (2)(b). THE DEPARTMENT SHALL DISTRIBUTE THE ADDITIONAL AMOUNTS TO THE PARTICIPATING SCHOOL FOOD AUTHORITIES FOR WHICH THE GRANT AMOUNT CALCULATED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION IS LESS THAN TWENTY-FIVE THOUSAND DOLLARS, PRIORITIZED BASED ON THE HIGHEST IDENTIFIED STUDENT PERCENTAGES AND GREATEST FINANCIAL NEED.

(3) (a) TO RECEIVE A LOCAL FOOD PURCHASING GRANT PURSUANT TO THIS SECTION, A PARTICIPATING SCHOOL FOOD AUTHORITY MUST ESTABLISH AN ADVISORY COMMITTEE MADE UP OF STUDENTS AND PARENTS OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS SERVED BY THE PARTICIPATING SCHOOL FOOD AUTHORITY. IN SELECTING STUDENTS AND PARENTS TO SERVE ON THE ADVISORY COMMITTEE, THE PARTICIPATING SCHOOL FOOD AUTHORITY SHALL ENSURE THAT THE MEMBERSHIP OF THE ADVISORY COMMITTEE REFLECTS THE RACIAL, ETHNIC, AND SOCIOECONOMIC DEMOGRAPHICS OF THE STUDENT POPULATION ENROLLED BY THE PARTICIPATING SCHOOL FOOD AUTHORITY. THE ADVISORY COMMITTEE SHALL ADVISE THE PARTICIPATING SCHOOL FOOD AUTHORITY CONCERNING THE SELECTION OF FOODS TO ENSURE THAT MEALS ARE CULTURALLY RELEVANT, HEALTHY, AND APPEALING TO ALL AGES OF THE STUDENT POPULATION.

(b) A PARTICIPATING SCHOOL FOOD AUTHORITY MAY USE UP TO TWELVE PERCENT OF THE AMOUNT RECEIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO SUPPORT IMPLEMENTATION OF THE ADVISORY COMMITTEE REQUIRED IN SUBSECTION (3)(a) OF THIS SECTION.

(4) THE DEPARTMENT SHALL ANNUALLY REQUIRE A SELECTED GROUP OF PARTICIPATING SCHOOL FOOD AUTHORITIES THAT RECEIVED A GRANT PURSUANT TO THIS SECTION IN THE PRECEDING BUDGET YEAR TO SUBMIT TO THE DEPARTMENT A REPRESENTATIVE SAMPLE OF THE INVOICES FOR THE PRODUCTS PURCHASED USING THE GRANT MONEY. NO LATER THAN SEPTEMBER 1 OF THE SECOND BUDGET YEAR IN WHICH THIS SECTION IS EFFECTIVE AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, AND NO LATER THAN SEPTEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REVIEW THE INVOICES TO VERIFY THAT THE PRODUCTS PURCHASED MET THE REQUIREMENTS SPECIFIED IN THIS SECTION. IF THE DEPARTMENT FINDS THAT A PARTICIPATING SCHOOL FOOD AUTHORITY USED A SIGNIFICANT PORTION OF THE GRANT MONEY, AS DETERMINED BY RULE OF THE STATE BOARD, TO PURCHASE PRODUCTS THAT DID NOT MEET THE REQUIREMENTS OF THIS SECTION, THE PARTICIPATING SCHOOL FOOD AUTHORITY IS INELIGIBLE TO RECEIVE A GRANT PURSUANT TO THIS SECTION FOR THE NEXT BUDGET YEAR

FOLLOWING THE BUDGET YEAR IN WHICH THE DEPARTMENT COMPLETES THE REVIEW.

(5) THIS SECTION IS EFFECTIVE BEGINNING IN THE FIRST FULL BUDGET YEAR AFTER THE STATE OF COLORADO IS CERTIFIED TO PARTICIPATE IN THE FEDERAL DEMONSTRATION PROJECT FOR DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS AS PROVIDED IN SECTION 22-82.9-204 (4) AND BEGINS INCLUDING MEDICAID DIRECT CERTIFICATION IN DETERMINING SCHOOL DISTRICTS' IDENTIFIED STUDENT PERCENTAGES.

**22-82.9-206. School meals food preparation and service employees - wage increase or stipend.** (1) SUBJECT TO SUBSECTION (2) OF THIS SECTION, IN ADDITION TO THE AMOUNTS RECEIVED PURSUANT TO SECTIONS 22-82.9-204 AND 22-82.9-205, A PARTICIPATING SCHOOL FOOD AUTHORITY MAY RECEIVE THE GREATER OF THREE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO TWELVE CENTS MULTIPLIED BY THE NUMBER OF SCHOOL LUNCHESES THAT QUALIFY AS ELIGIBLE MEALS THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY PROVIDED IN THE PREVIOUS BUDGET YEAR, SO LONG AS THE PARTICIPATING SCHOOL FOOD AUTHORITY USES ONE HUNDRED PERCENT OF THE AMOUNT RECEIVED PURSUANT TO THIS SECTION TO INCREASE WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS WHOM THE PARTICIPATING SCHOOL FOOD AUTHORITY EMPLOYS TO DIRECTLY PREPARE AND SERVE FOOD FOR SCHOOL MEALS. TO RECEIVE THE AMOUNT DESCRIBED IN THIS SECTION, A PARTICIPATING SCHOOL FOOD AUTHORITY MUST SUBMIT DOCUMENTATION TO THE DEPARTMENT AS REQUIRED BY RULES OF THE STATE BOARD TO DEMONSTRATE THAT THE INCREASE IN WAGES OR PROVISION OF STIPENDS USING THE AMOUNT RECEIVED PURSUANT TO THIS SECTION IS IMPLEMENTED FOR THE BUDGET YEAR IN WHICH THE AMOUNT IS RECEIVED.

(2) THIS SECTION IS EFFECTIVE BEGINNING IN THE FIRST FULL BUDGET YEAR AFTER THE STATE OF COLORADO IS CERTIFIED TO PARTICIPATE IN THE FEDERAL DEMONSTRATION PROJECT FOR DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS AS PROVIDED IN SECTION 22-82.9-204 (4) AND BEGINS INCLUDING MEDICAID DIRECT CERTIFICATION IN DETERMINING SCHOOL DISTRICTS' IDENTIFIED STUDENT PERCENTAGES.

**22-82.9-207. Local school food purchasing technical assistance and education grant program - created - report.** (1) SUBJECT TO SUBSECTION (4) OF THIS SECTION, THERE IS CREATED IN THE DEPARTMENT THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM TO ISSUE A GRANT TO A STATEWIDE NONPROFIT ORGANIZATION TO DEVELOP AND MANAGE A GRANT PROGRAM TO ASSIST WITH THE PROMOTION OF COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS TO PARTICIPATING SCHOOL FOOD AUTHORITIES AND TO ASSIST PARTICIPATING SCHOOL FOOD AUTHORITIES IN PREPARING MEALS USING BASIC INGREDIENTS, WITH MINIMAL RELIANCE ON PROCESSED PRODUCTS.

(2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE NONPROFIT ORGANIZATION MAY AWARD GRANTS FOR:

(a) TRAINING, TECHNICAL ASSISTANCE, AND PHYSICAL INFRASTRUCTURE, AWARDED TO PARTICIPATING SCHOOL FOOD AUTHORITIES, GROWER ASSOCIATIONS, OR OTHER ORGANIZATIONS THAT AGGREGATE PRODUCTS FROM PRODUCERS FOR:

(I) PROFESSIONAL CONTRACTING SERVICES TO SUPPORT THE DEVELOPMENT AND SUSTAINABILITY OF LOCAL AND REGIONAL FOOD SYSTEMS;

(II) CHEF TRAINING ON FOOD HANDLING, MEAL PREPARATION USING BASIC INGREDIENTS, AND PROCUREMENT PRACTICES, AND FOR KITCHEN EQUIPMENT PURCHASES;

(III) GOOD AGRICULTURAL PRACTICES CERTIFICATION COSTS AND GOOD HANDLING PRACTICES CERTIFICATION COSTS AND TRAINING ON SELLING TO SCHOOLS; AND

(IV) CAPACITY BUILDING FOR LOCAL VALUE-ADDED PROCESSED PRODUCTS; AND

(b) EDUCATION, OUTREACH, AND PROMOTION FOR:

(I) SCHOOLS TO ENGAGE FAMILIES AND COMMUNITIES ON THE BENEFITS OF FARM-TO-SCHOOL AND WAYS TO SUPPORT FARM-TO-SCHOOL; AND

(II) GROWER ASSOCIATIONS AND GROWERS TO COMMUNICATE TO SCHOOLS AND SCHOOL COMMUNITIES ABOUT THE MULTIPLE BENEFITS OF PURCHASING LOCAL PRODUCTS.

(3) THE NONPROFIT ORGANIZATION SHALL ANNUALLY REPORT TO THE DEPARTMENT ON IMPLEMENTATION OF THE TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM, INCLUDING:

(a) THE NUMBER AND TYPES OF ENTITIES RECEIVING GRANTS;

(b) THE NUMBER, TYPES, AND PURPOSES OF THE GRANTS AWARDED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION; AND

(c) THE TYPES OF EDUCATION, OUTREACH, AND PROMOTION CONDUCTED BY PARTICIPATING SCHOOL FOOD AUTHORITIES AND OTHERS PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

(4) THIS SECTION IS EFFECTIVE BEGINNING IN THE FIRST FULL BUDGET YEAR AFTER THE STATE OF COLORADO IS CERTIFIED TO PARTICIPATE IN THE FEDERAL DEMONSTRATION PROJECT FOR DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS AS PROVIDED IN SECTION 22-82.9-204 (4) AND BEGINS INCLUDING MEDICAID DIRECT CERTIFICATION IN DETERMINING SCHOOL DISTRICTS' IDENTIFIED STUDENT PERCENTAGES.

**22-82.9-208. Report - audit.** (1) (a) ON OR BEFORE DECEMBER 1, 2024, AND ON OR BEFORE DECEMBER 1 EVERY TWO YEARS THEREAFTER, THE DEPARTMENT SHALL PREPARE A REPORT CONCERNING THE IMPLEMENTATION OF SECTION 22-82.9-204 AND SECTIONS 22-82.9-205, 22-82.9-206, AND 22-82.9-207, TO THE EXTENT THOSE SECTIONS ARE IN EFFECT AS PROVIDED IN SECTION 22-82.9-204 (4)(b). AT A MINIMUM, THE REPORT MUST DESCRIBE:

(I) THE INCREASE IN THE NUMBER OF STUDENTS WHO RECEIVE FREE ELIGIBLE MEALS AS A RESULT OF IMPLEMENTATION OF THE PROGRAM;

(II) THE EFFECT OF THE USE OF LOCAL FOOD PURCHASING GRANTS ON THE AMOUNT OF COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS PURCHASED BY PARTICIPATING





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SCHOOL FOOD AUTHORITIES AND INCLUDE A COMPILATION OF THE INFORMATION REPORTED BY PARTICIPATING SCHOOL FOOD AUTHORITIES PURSUANT TO SECTION 22-82.9-205 (1) (b);

(III) THE EFFECT OF THE DISTRIBUTION OF MONEY PURSUANT TO SECTION 22-82.9-206 ON THE AMOUNT OF WAGES PAID OR THE AMOUNT OF STIPENDS PROVIDED TO INDIVIDUALS WHO ARE EMPLOYED BY PUBLIC SCHOOLS TO PREPARE AND SERVE SCHOOL MEALS; AND

(IV) A SUMMARY OF THE INFORMATION REPORTED BY THE NONPROFIT ORGANIZATION PURSUANT TO SECTION 22-82.9-207 (3) CONCERNING IMPLEMENTATION OF THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM.

(b) THE DEPARTMENT SHALL SUBMIT THE REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE; THE AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE OF THE HOUSE OF REPRESENTATIVES; AND THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE; OR ANY SUCCESSOR COMMITTEES.

(c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (1) CONTINUES INDEFINITELY.

(2) THE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT AUDITOR TO CONDUCT A BIENNIAL FINANCIAL AND PERFORMANCE AUDIT OF THE IMPLEMENTATION OF THE PROGRAM, INCLUDING IMPLEMENTATION OF SECTION 22-82.9-204 AND INCLUDING IMPLEMENTATION OF LOCAL FOOD PURCHASING GRANTS PURSUANT TO SECTION 22-82.9-205, DISTRIBUTIONS FOR THE INCREASE IN WAGES OR PROVISION OF STIPENDS PURSUANT TO SECTION 22-82.9-206, AND IMPLEMENTATION OF THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM PURSUANT TO SECTION 22-82.9-207, TO THE EXTENT SAID SECTIONS ARE IN EFFECT AS PROVIDED IN SECTION 22-82.9-204 (4)(b). THE AUDIT OF THE TWO BUDGET YEARS IN EACH BIENNIAL CYCLE MUST BE COMPLETED BY DECEMBER 1 OF THE FOLLOWING BUDGET YEAR. THE DEPARTMENT SHALL MAKE THE AUDIT EASILY ACCESSIBLE BY THE PUBLIC ON THE DEPARTMENT WEBSITE.

**22-82.9-209. Program - funding.** FOR THE 2023-24 BUDGET YEAR AND FOR EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT, BY SEPARATE LINE ITEM IN THE ANNUAL GENERAL APPROPRIATION BILL, THE AMOUNT NECESSARY TO IMPLEMENT THE PROGRAM, INCLUDING THE AMOUNT REQUIRED TO REIMBURSE PARTICIPATING SCHOOL FOOD AUTHORITIES FOR ELIGIBLE MEALS PROVIDED TO STUDENTS PURSUANT TO SECTION 22-82.9-204 AND INCLUDING THE AMOUNT DISTRIBUTED AS LOCAL FOOD PURCHASING GRANTS PURSUANT TO SECTION 22-82.9-205, THE AMOUNT DISTRIBUTED PURSUANT TO SECTION 22-82.9-206 TO INCREASE THE WAGES OR PROVIDE STIPENDS FOR STAFF WHO PREPARE AND SERVE SCHOOL MEALS, AND AT LEAST FIVE MILLION DOLLARS ANNUALLY TO IMPLEMENT THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM PURSUANT TO SECTION 22-82.9-207, TO THE EXTENT SAID SECTIONS ARE IN EFFECT AS PROVIDED IN SECTION 22-82.9-204 (4)(b). THE DEPARTMENT MAY EXPEND NOT MORE THAN ONE AND FIVE-TENTHS PERCENT OF THE TOTAL AMOUNT ANNUALLY APPROPRIATED PURSUANT TO THIS SECTION TO OFFSET THE DIRECT AND INDIRECT COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THIS PART 2.

**SECTION 2.** In Colorado Revised Statutes, **amend** 22-82.9-101 as follows:

**22-82.9-101. Short title.** ~~This article shall be known and may be cited as~~ THE SHORT TITLE OF THIS PART 1 IS THE "Child Nutrition School Lunch Protection Program Act".

**SECTION 3.** In Colorado Revised Statutes, 22-82.9-103, **amend** the introductory portion as follows:

**22-82.9-103. Definitions.** As used in this article PART 1, unless the context otherwise requires:

**SECTION 4.** In Colorado Revised Statutes, 22-82.9-105, **amend** (1) and (2) as follows:

**22-82.9-105. Program funding.** (1) For each fiscal year, the general assembly shall make an appropriation by separate line item in the annual general appropriation bill to allow school food authorities to provide lunches at no charge for children in state-subsidized early childhood education programs administered by public schools or in kindergarten through twelfth grade, participating in the school lunch program, who would otherwise be required to pay a reduced price for lunch. The appropriation to the department for the program must be in addition to any appropriation made by the general assembly pursuant to section 22-54-123 or 22-54-123.5 (1). The department may expend not more than two percent of the money annually appropriated for the program to offset the direct and indirect costs incurred by the department in implementing the program pursuant to this ~~article~~ 82-9 PART 1.

(2) The department is authorized to seek and accept gifts, grants, and donations from public and private sources for the purposes of this ~~article~~ PART 1, but receipt of gifts, grants, and donations ~~shall not be~~ ARE NOT a prerequisite to the implementation of the program.

**SECTION 5.** In Colorado Revised Statutes, 22-82.9-107, **amend** (1) as follows:

**22-82.9-107. No individual entitlement.** (1) ~~Nothing in this article shall be interpreted to~~ THIS PART 1 DOES NOT create a legal entitlement to any participant to assistance provided pursuant to the program.

**SECTION 6.** In Colorado Revised Statutes, 39-22-104, **amend** (3)(p) introductory portion; and **add** (3)(p.5) as follows:

**39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - report - legislative declaration - definitions - repeal.** (3) There shall be added to the federal taxable income:

(p) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) (p.5) OF THIS SECTION, FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2022, FOR TAXPAYERS WHO CLAIM ITEMIZED DEDUCTIONS AS DEFINED IN SECTION 63 (d) OF THE INTERNAL REVENUE CODE AND WHO HAVE FEDERAL ADJUSTED GROSS INCOME

in the income tax year equal to or exceeding four hundred thousand dollars:

(p.5) (I) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2023, FOR TAXPAYERS WHO CLAIM ITEMIZED DEDUCTIONS AS DEFINED IN SECTION 63 (d) OF THE INTERNAL REVENUE CODE OR THE STANDARD DEDUCTION AS DEFINED IN SECTION 63 (c) OF THE INTERNAL REVENUE CODE AND WHO HAVE FEDERAL ADJUSTED GROSS INCOME IN THE INCOME TAX YEAR EQUAL TO OR EXCEEDING THREE HUNDRED THOUSAND DOLLARS:

(A) FOR A TAXPAYER WHO FILES A SINGLE RETURN, THE AMOUNT BY WHICH THE ITEMIZED DEDUCTIONS DEDUCTED FROM GROSS INCOME UNDER SECTION 63 (a) OF THE INTERNAL REVENUE CODE EXCEED, OR THE STANDARD DEDUCTION DEDUCTED FROM GROSS INCOME UNDER SECTION 63 (c) OF THE INTERNAL REVENUE CODE EXCEEDS, TWELVE THOUSAND DOLLARS; AND

(B) FOR TAXPAYERS WHO FILE A JOINT RETURN, THE AMOUNT BY WHICH THE ITEMIZED DEDUCTIONS DEDUCTED FROM GROSS INCOME UNDER SECTION 63 (a) OF THE INTERNAL REVENUE CODE EXCEED, OR THE STANDARD DEDUCTION DEDUCTED FROM GROSS INCOME UNDER SECTION 63 (c) OF THE INTERNAL REVENUE CODE EXCEEDS, SIXTEEN THOUSAND DOLLARS.

(II) FOR THE 2023-24 STATE FISCAL YEAR AND STATE FISCAL YEARS THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE AN AMOUNT OF GENERAL FUND REVENUE AT LEAST EQUAL TO THE AMOUNT OF REVENUE GENERATED BY THE ADDITION TO FEDERAL TAXABLE INCOME DESCRIBED IN SUBSECTION (3)(p.5)(I) OF THIS SECTION, BUT NOT MORE THAN THE AMOUNT REQUIRED, TO FULLY FUND THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM AS PROVIDED IN SECTION 22-82.9-209. THE PROVISIONS OF SUBSECTION (3)(p.5)(I) OF THIS SECTION CONSTITUTE A VOTER-APPROVED REVENUE CHANGE, APPROVED BY THE VOTERS AT THE STATEWIDE ELECTION IN NOVEMBER OF 2022, AND THE REVENUE GENERATED BY THIS VOTER-APPROVED REVENUE CHANGE MAY BE COLLECTED, RETAINED, APPROPRIATED, AND SPENT WITHOUT SUBSEQUENT VOTER APPROVAL, NOTWITHSTANDING ANY OTHER LIMITS IN THE STATE CONSTITUTION OR LAW. THE ADDITION TO FEDERAL TAXABLE INCOME DESCRIBED IN SUBSECTION (3)(p.5)(I) OF THIS SECTION DOES NOT APPLY FOR AN INCOME TAX YEAR THAT COMMENCES AFTER THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM, OR ANY SUCCESSOR PROGRAM, IS REPEALED. UPON REPEAL OF THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM, OR ANY SUCCESSOR PROGRAM, THE COMMISSIONER OF EDUCATION SHALL PROMPTLY NOTIFY THE EXECUTIVE DIRECTOR IN WRITING THAT THE PROGRAM IS REPEALED.

**SECTION 7.** In Colorado Revised Statutes, 22-2-112, **add** (1)(v) as follows:

**22-2-112. Commissioner - duties - report - legislative declaration - repeal.** (1) Subject to the supervision of the state board, the commissioner has the following duties:

(v) UPON THE REPEAL OF PART 2 OF ARTICLE 82.9 OF THIS TITLE 22 AND IN ACCORDANCE WITH SECTION 39-22-104 (3) (p.5)(II), TO PROMPTLY NOTIFY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE IN WRITING THAT THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM IS REPEALED.

**SECTION 8. Refer to people under referendum.** At the election held on November 8, 2022, the secretary of state shall submit this act by its ballot title to the registered electors of the state for their approval or rejection. Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following ballot title: "Shall state taxes be increased \$100,727,820 annually by a change to the Colorado Revised Statutes that, to support healthy meals for public school students, increases state taxable income only for individuals who have federal taxable income of \$300,000 or more by limiting itemized or standard state income tax deductions to \$12,000 for single tax return filers and \$16,000 for joint tax return filers, and, in connection therewith, creating the healthy school meals for all program to provide free school meals to students in public schools; providing grants for participating schools to purchase Colorado grown, raised, or processed products, to increase wages or provide stipends for employees who prepare and serve school meals, and to create parent and student advisory committees to provide advice to ensure school meals are healthy and appealing to all students; and creating a program to assist in promoting Colorado food products and preparing school meals using basic nutritious ingredients with minimal reliance on processed products?" Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if a majority of the electors voting on the ballot title vote "Yes/For", then the act will become part of the Colorado Revised Statutes.

## Proposition GG

### Add Tax Information Table to Petitions and Ballots

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was referred to the voters because it passed by a majority vote of the state senate and the state house of representatives.

#### Ballot Title:

Shall there be a change to the Colorado Revised Statutes requiring that the ballot title and fiscal summary for any ballot initiative that increases or decreases state income tax rates include a table showing the average tax change for tax filers in different income categories?

#### Text of Measure:

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

**SECTION 1.** In Colorado Revised Statutes, 1-5-407, **amend** (7) as follows:

**1-5-407. Form of ballots.** (7) No printing or distinguishing marks shall be on the ballot except as specifically provided in this code, or in section 1-40-106 (3)(e) to (3)(g) AND (3)(j).

**SECTION 2.** In Colorado Revised Statutes, 1-40-105.5, **amend** (1.5)(a)(III); and **add** (1.5)(a)(V) as follows:

**1-40-105.5. Initial fiscal impact statement - definition.** (1.5) (a) For every initiated measure properly submitted to the title board,

the director shall prepare a fiscal summary that consists of the following information:

(III) Any information from the initiated measure or a description of state and local government implementation in order to provide the information required in subsection (1.5) (a)(I) or (1.5)(a)(II) of this section; and

(V) IF THE MEASURE WOULD EITHER INCREASE OR DECREASE THE INDIVIDUAL INCOME TAX RATE, A TABLE THAT SHOWS THE ESTIMATED EFFECT OF THE CHANGE ON THE TAX OWED BY INDIVIDUALS IN DIFFERENT INCOME CATEGORIES. THE TABLE PREPARED BY THE DIRECTOR MUST HAVE ONE COLUMN TITLED "INCOME CATEGORIES" THAT SHOWS INCOME CATEGORIES, ONE COLUMN TITLED "CURRENT AVERAGE INCOME TAX OWED" THAT SHOWS THE AVERAGE INCOME TAX OWED BY FILERS WITHIN EACH INCOME CATEGORY, ONE COLUMN TITLED "PROPOSED AVERAGE INCOME TAX OWED" THAT SHOWS THE AVERAGE INCOME TAX OWED BY FILERS WITHIN EACH INCOME CATEGORY IF THE INITIATED MEASURE WERE TO PASS, AND ONE COLUMN TITLED "PROPOSED CHANGE IN AVERAGE INCOME TAX OWED" THAT IDENTIFIES THE DIFFERENCE BETWEEN THE AVERAGE INCOME TAX OWED BY FILERS WITHIN EACH INCOME CATEGORY IF THE INITIATED MEASURE WERE TO PASS AND IF THE INITIATED MEASURE WERE NOT TO PASS. IF THE DIFFERENCE IN THE AMOUNT OF TAX OWED SHOWN IN THE TABLE IS AN INCREASE, THE CHANGE MUST BE EXPRESSED AS A DOLLAR AMOUNT PRECEDED BY A PLUS SIGN. IF THE CHANGE IN THE AMOUNT OF TAX OWED SHOWN IN THE TABLE IS A DECREASE, THE CHANGE MUST BE EXPRESSED AS A DOLLAR AMOUNT PRECEDED BY A NEGATIVE SIGN. THE DIRECTOR SHALL USE THE FOLLOWING INCOME CATEGORIES IN CREATING THE TABLE:

(A) FEDERAL ADJUSTED GROSS INCOME OF TWENTY-FIVE THOUSAND DOLLARS OR LESS;

(B) FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWENTY-FIVE THOUSAND DOLLARS AND NO MORE THAN FIFTY THOUSAND DOLLARS;

(C) FEDERAL ADJUSTED GROSS INCOME GREATER THAN FIFTY THOUSAND DOLLARS AND NO MORE THAN ONE HUNDRED THOUSAND DOLLARS;

(D) FEDERAL ADJUSTED GROSS INCOME GREATER THAN ONE HUNDRED THOUSAND DOLLARS AND NO MORE THAN TWO HUNDRED THOUSAND DOLLARS;

(E) FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWO HUNDRED THOUSAND DOLLARS AND NO MORE THAN FIVE HUNDRED THOUSAND DOLLARS;

(F) FEDERAL ADJUSTED GROSS INCOME GREATER THAN FIVE HUNDRED THOUSAND DOLLARS AND NO MORE THAN ONE MILLION DOLLARS;

(G) FEDERAL ADJUSTED GROSS INCOME GREATER THAN ONE MILLION DOLLARS AND NO MORE THAN TWO MILLION DOLLARS; AND

(H) FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWO MILLION DOLLARS AND NO MORE THAN FIVE MILLION DOLLARS.

**SECTION 3.** In Colorado Revised Statutes, 1-40-106, **amend** (3)(h); and **add** (3)(j) as follows:

**1-40-106. Title board - meetings - ballot title - initiative and referendum - definitions.** (3) (h) In determining whether a ballot title qualifies as brief for purposes of sections SECTION 1-40-102 (10) and ~~1-40-106 (3)(b)~~ SUBSECTION (3)(b) OF THIS SECTION, the language required by subsection (3) (e), (3)(f), or (3)(g), OR (3)(j) of this section may not be considered.

(j) A BALLOT TITLE FOR A MEASURE THAT EITHER INCREASES OR DECREASES THE INDIVIDUAL INCOME TAX RATE MUST, IF APPLICABLE, INCLUDE THE TABLE CREATED FOR THE FISCAL SUMMARY PURSUANT TO SECTION 1-40-105.5 (1.5)(a)(V).

**SECTION 4.** In Colorado Revised Statutes, 1-40-124.5, **amend** (1)(b)(III) introductory portion as follows:

**1-40-124.5. Ballot information booklet.** (1) (b) The director of research of the legislative council of the general assembly shall prepare a fiscal impact statement for every initiated or referred measure, taking into consideration fiscal impact information submitted by the office of state planning and budgeting, the department of local affairs or any other state agency, and any proponent or other interested person. The fiscal impact statement prepared for every measure shall be substantially similar in form and content to the fiscal notes provided by the legislative council of the general assembly for legislative measures pursuant to section 2-2-322. A complete copy of the fiscal impact statement for such measure shall be available through the legislative council of the general assembly. The ballot information booklet shall indicate whether there is a fiscal impact for each initiated or referred measure and shall abstract the fiscal impact statement for such measure. The abstract for every measure shall appear after the arguments for and against such measure in the analysis section of the ballot information booklet, and shall include, but shall not be limited to:

(III) For any initiated or referred measure that modifies the state tax laws, if the measure would either increase or decrease individual income tax revenue or state sales tax revenue, a table that shows the number of tax filers in each income category, the total ~~tax burden~~ change IN THE AMOUNT OF TAX OWED for each income category, and the average ~~tax burden~~ change IN THE AMOUNT OF TAX OWED for each filer within each income category. If the change in a ~~tax burden~~ THE AMOUNT OF TAX OWED shown in the table is an increase, the change must be expressed as a dollar amount preceded by a plus sign. If the change in a ~~tax burden~~ THE AMOUNT OF TAX OWED shown in the table is a decrease, the change must be expressed as a dollar amount preceded by a negative sign. The table must use the following income categories:

**SECTION 5. Refer to people under referendum.** At the election held on November 8, 2022, the secretary of state shall submit this act by its ballot title to the registered electors of the state for their approval or rejection. Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following ballot title: "Shall there be a change to the Colorado Revised Statutes requiring that the ballot title and fiscal summary for any ballot initiative that increases or decreases state income tax rates include a table showing the average tax change for tax filers in





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different income categories?" Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if a majority of the electors voting on the ballot title vote "Yes/For", then the act will become part of the Colorado Revised Statutes.

## Proposition 121 State Income Tax Rate Reduction

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

### Ballot Title:

Shall there be a change to the Colorado Revised Statutes reducing the state income tax rate from 4.55% to 4.40%?

### Text of Measure:

*Be it enacted by the People of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 39-22-104, amend (1.7) as follows:

**39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - legislative declaration - definitions - repeal.**

(1.7) (a) Except as otherwise provided in section 39-22-627, subject to subsection (2) of this section, with respect to taxable years commencing on or after January 1, 2000, but before January 1, 2020, a tax of four and sixty-three one-hundredths percent is imposed on the federal taxable income, as determined pursuant to section 63 of the internal revenue code, of every individual, estate, and trust.

(b) Except as otherwise provided in section 39-22-627, subject to subsection (2) of this section, with respect to taxable years commencing on or after January 1, 2020, but before January 1, 2022, a tax of four and fifty-five one-hundredths percent is imposed on the federal taxable income, as determined pursuant to section 63 of the internal revenue code, of every individual, estate, and trust.

(c) EXCEPT AS OTHERWISE PROVIDED IN SECTION 39-22-627, SUBJECT TO SUBSECTION (2) OF THIS SECTION, WITH RESPECT TO TAXABLE YEARS COMMENCING ON OR AFTER JANUARY 1, 2022, A TAX OF FOUR AND FORTY ONE-HUNDREDTHS PERCENT IS IMPOSED ON THE FEDERAL TAXABLE INCOME, AS DETERMINED PURSUANT TO SECTION 63 OF THE INTERNAL REVENUE CODE, OF EVERY INDIVIDUAL, ESTATE, AND TRUST.

**SECTION 2.** In Colorado Revised Statutes, 39-22-301, amend (l)(d)(l)(j) and add (1)(d)(l)(k) as follows:

**39-22-301. Corporate tax imposed.** (1) (d) (l) A tax is imposed upon each domestic C corporation and foreign C corporation doing business in Colorado annually in an amount of the net income of such C corporation during the year derived from sources within Colorado as set forth in the following schedule of rates:

(l) Except as otherwise provided in section 39-22-627, for income tax years commencing on or after January 1, 2000, but before January 1, 2020, four and sixty-three one-hundredths percent of the Colorado net income;

(j) Except as otherwise provided in section 39-22-627, for income tax years commencing on or after January 1, 2020, but before January 1, 2022, four and fifty-five one-hundredths percent of the Colorado net income.

(k) EXCEPT AS OTHERWISE PROVIDED IN SECTION 39-22-627, FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2022, FOUR AND FORTY ONE-HUNDREDTHS PERCENT OF THE COLORADO NET INCOME.

**SECTION 3. Effective date.** THIS ACT SHALL TAKE EFFECT UPON PROCLAMATION BY THE GOVERNOR.

## Proposition 122 Access to Natural Psychedelic Substances

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

### Ballot Title:

Shall there be a change to the Colorado Revised Statutes concerning legal regulated access to natural medicine for persons 21 years of age or older, and, in connection therewith, defining natural medicine as certain plants or fungi that affect a person's mental health and are controlled substances under state law; establishing a natural medicine regulated access program for supervised care, and requiring the department of regulatory agencies to implement the program and comprehensively regulate natural medicine to protect public health and safety; creating an advisory board to advise the department as to the implementation of the program; granting a local government limited authority to regulate the time, place, and manner of providing natural medicine services; allowing limited personal possession, use, and uncompensated sharing of natural medicine; providing specified protections under state law, including criminal and civil immunity, for authorized providers and users of natural medicine; and, in limited circumstances, allowing the retroactive removal and reduction of criminal penalties related to the possession, use, and sale of natural medicine?

### Text of Measure:

*Be it Enacted by the People of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, add Article 170 to Title 12 as follows:

## ARTICLE 170 NATURAL MEDICINE HEALTH ACT OF 2022

**12-170-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 170 IS THE "NATURAL MEDICINE HEALTH ACT OF 2022."

**12-170-102. Legislative declaration.** (1) THE VOTERS OF THE

STATE OF COLORADO FIND AND DECLARE THAT:

(a) COLORADO'S CURRENT APPROACH TO MENTAL HEALTH HAS FAILED TO FULFILL ITS PROMISE. COLORADANS DESERVE MORE TOOLS TO ADDRESS MENTAL HEALTH ISSUES, INCLUDING APPROACHES SUCH AS NATURAL MEDICINES THAT ARE GROUNDED IN TREATMENT, RECOVERY, HEALTH, AND WELLNESS RATHER THAN CRIMINALIZATION, STIGMA, SUFFERING, AND PUNISHMENT.

(b) COLORADANS ARE EXPERIENCING PROBLEMATIC MENTAL HEALTH ISSUES, INCLUDING BUT NOT LIMITED TO SUICIDALITY, ADDICTION, DEPRESSION, AND ANXIETY.

(c) AN EXTENSIVE AND GROWING BODY OF RESEARCH IS ADVANCING TO SUPPORT THE EFFICACY OF NATURAL MEDICINES COMBINED WITH PSYCHOTHERAPY AS TREATMENT FOR DEPRESSION, ANXIETY, SUBSTANCE USE DISORDERS, END-OF-LIFE DISTRESS, AND OTHER CONDITIONS.

(d) THE FEDERAL GOVERNMENT WILL TAKE YEARS TO ACT AND COLORADANS DESERVE THE RIGHT TO ACCESS NATURAL MEDICINES NOW.

(e) NATURAL MEDICINES HAVE BEEN USED SAFELY FOR MILLENNIA BY CULTURES FOR HEALING.

(f) COLORADO CAN BETTER PROMOTE HEALTH AND HEALING BY REDUCING ITS FOCUS ON CRIMINAL PUNISHMENTS FOR PERSONS WHO SUFFER MENTAL HEALTH ISSUES AND BY ESTABLISHING REGULATED ACCESS TO NATURAL MEDICINES THROUGH A HUMANE, COST-EFFECTIVE, AND RESPONSIBLE APPROACH.

(g) THE CITY AND COUNTY OF DENVER VOTERS ENACTED ORDINANCE 301 IN MAY 2019 TO MAKE THE ADULT PERSONAL POSSESSION AND USE OF THE NATURAL MEDICINE PSILOCYBIN THE LOWEST LAW ENFORCEMENT PRIORITY IN THE CITY AND COUNTY OF DENVER AND TO PROHIBIT THE CITY AND COUNTY FROM SPENDING RESOURCES ON ENFORCING RELATED PENALTIES.

(h) OREGON VOTERS ENACTED MEASURE 109 IN OREGON IN NOVEMBER 2020 TO ESTABLISH A REGULATED SYSTEM OF DELIVERING A NATURAL MEDICINE, IN PART TO PROVIDE PEOPLE ACCESS TO PSILOCYBIN FOR THERAPEUTIC PURPOSES.

(i) CRIMINALIZING NATURAL MEDICINES HAS DENIED PEOPLE FROM ACCESSING ACCURATE EDUCATION AND HARM REDUCTION INFORMATION RELATED TO THE USE OF NATURAL MEDICINES, AND LIMITED THE DEVELOPMENT OF APPROPRIATE TRAINING FOR FIRST-AND MULTI-RESPONDERS INCLUDING LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICES, SOCIAL SERVICES, AND FIRE SERVICES.

(j) THE PURPOSE OF THIS NATURAL MEDICINE HEALTH ACT OF 2022 IS TO ESTABLISH A NEW, COMPASSIONATE, AND EFFECTIVE APPROACH TO NATURAL MEDICINES BY:

(l) ADOPTING A PUBLIC HEALTH AND HARM REDUCTION APPROACH TO NATURAL MEDICINES BY REMOVING CRIMINAL PENALTIES FOR PERSONAL USE FOR ADULTS TWENTY-ONE YEARS OF AGE AND OLDER;

(ll) DEVELOPING AND PROMOTING PUBLIC EDUCATION RELATED TO THE USE OF NATURAL MEDICINES AND APPROPRIATE TRAINING FOR FIRST RESPONDERS; AND

(lll) ESTABLISHING REGULATED ACCESS BY ADULTS TWENTY-ONE YEARS OF AGE AND OLDER TO NATURAL MEDICINES THAT SHOW PROMISE IN IMPROVING WELL-BEING, LIFE SATISFACTION, AND OVERALL HEALTH.

(k) THE PROVISIONS OF THIS ARTICLE 170 SHALL BE INTERPRETED CONSISTENTLY WITH THE FINDINGS AND PURPOSES STATED IN THIS SECTION AND SHALL NOT BE LIMITED BY ANY COLORADO LAW THAT COULD CONFLICT WITH OR BE INTERPRETED TO CONFLICT WITH THE PURPOSES AND POLICY OBJECTIVES STATED IN THIS SECTION.

(l) THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE THAT IT IS NECESSARY TO ENSURE CONSISTENCY AND FAIRNESS IN THE APPLICATION OF THIS ARTICLE 170 THROUGHOUT THE STATE AND THAT, THEREFORE, THE MATTERS ADDRESSED BY THIS ARTICLE 170 ARE, EXCEPT AS SPECIFIED HEREIN, MATTERS OF STATEWIDE CONCERN.

**12-170-103. Definitions.** (1) AS USED IN THIS ARTICLE 170, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADMINISTRATION SESSION" MEANS A SESSION HELD AT A HEALING CENTER OR ANOTHER LOCATION AS PERMITTED BY RULES ADOPTED BY THE DEPARTMENT AT WHICH A PARTICIPANT PURCHASES, CONSUMES, AND EXPERIENCES THE EFFECTS OF A NATURAL MEDICINE UNDER THE SUPERVISION OF A FACILITATOR.

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF REGULATORY AGENCIES.

(c) "FACILITATOR" MEANS A PERSON LICENSED BY THE DEPARTMENT WHO:

(l) IS TWENTY-ONE YEARS OF AGE OR OLDER.

(ll) HAS AGREED TO PROVIDE NATURAL MEDICINE SERVICES TO A PARTICIPANT.

(lll) HAS MET THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

(d) "HEALING CENTER" MEANS AN ENTITY LICENSED BY THE DEPARTMENT THAT IS ORGANIZED AND OPERATED AS A PERMITTED ORGANIZATION:

(l) THAT ACQUIRES, POSSESSES, CULTIVATES, MANUFACTURES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES, SELLS, OR DISPENSES NATURAL MEDICINE AND RELATED SUPPLIES; OR PROVIDES NATURAL MEDICINE FOR NATURAL MEDICINE SERVICES AT LOCATIONS PERMITTED BY THE DEPARTMENT; OR ENGAGES IN TWO OR MORE OF THESE ACTIVITIES;

(ll) WHERE ADMINISTRATION SESSIONS ARE HELD; OR

(lll) WHERE NATURAL MEDICINE SERVICES ARE PROVIDED BY A FACILITATOR.

(e) "HEALTH-CARE FACILITY" MEANS A HOSPITAL, HOSPICE, COMMUNITY MENTAL HEALTH CENTER, FEDERALLY QUALIFIED HEALTH CENTER, RURAL HEALTH CLINIC, PACE ORGANIZATION, LONG-TERM CARE FACILITY, A CONTINUING CARE RETIREMENT COMMUNITY, OR OTHER TYPE OF FACILITY WHERE HEALTH-CARE IS PROVIDED.

(f) "INTEGRATION SESSION" MEANS A MEETING BETWEEN A PARTICIPANT AND FACILITATOR THAT OCCURS AFTER THE

PARTICIPANT HAS COMPLETED AN ADMINISTRATION SESSION.

(g) "LOCALITY" MEANS A COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

(h) "NATURAL MEDICINE" MEANS THE FOLLOWING SUBSTANCES IN ANY FORM THAT WOULD CAUSE SUCH PLANT OR FUNGUS TO BE DESCRIBED IN THE "UNIFORM CONTROLLED SUBSTANCES ACT OF 2013", ARTICLE 18 OF TITLE 18: DIMETHYLTRYPTAMINE; IBOGAINE; Mescaline (EXCLUDING LOPHOPHORA WILLIAMSII ("PEYOTE")); PSILOCYBIN; OR PSILOCYN.

(i) "NATURAL MEDICINE SERVICES" MEANS SERVICES PROVIDED BY A FACILITATOR OR OTHER AUTHORIZED PERSON TO A PARTICIPANT BEFORE, DURING, AND AFTER THE PARTICIPANT'S CONSUMPTION OF NATURAL MEDICINE, INCLUDING, AT A MINIMUM AT:

(l) A PREPARATION SESSION;

(ll) AN ADMINISTRATION SESSION; AND

(lll) AN INTEGRATION SESSION.

(j) "PARTICIPANT" MEANS A PERSON TWENTY-ONE YEARS OF AGE OR OLDER WHO RECEIVES NATURAL MEDICINE SERVICES.

(k) "PERMITTED ORGANIZATION" MEANS ANY LEGAL ENTITY REGISTERED AND QUALIFIED TO DO BUSINESS IN THE STATE OF COLORADO THAT MEETS THE STANDARDS SET BY THE DEPARTMENT UNDER SECTION 12-170-104.

(l) "PREPARATION SESSION" MEANS A MEETING BETWEEN A PARTICIPANT AND A FACILITATOR THAT OCCURS BEFORE THE PARTICIPANT PARTICIPATES IN THE ADMINISTRATION SESSION.

**12-170-104. Regulated natural medicine access program.** (1) THE REGULATED NATURAL MEDICINE ACCESS PROGRAM IS ESTABLISHED AND THE DEPARTMENT SHALL REGULATE THE MANUFACTURE, CULTIVATION, TESTING, STORAGE, TRANSFER, TRANSPORT, DELIVERY, SALE, AND PURCHASE OF NATURAL MEDICINES BY AND BETWEEN HEALING CENTERS AND OTHER PERMITTED ENTITIES AND THE PROVISION OF NATURAL MEDICINE SERVICES TO PARTICIPANTS.

(2) NOT LATER THAN JANUARY 1, 2024, THE DEPARTMENT SHALL ADOPT RULES TO ESTABLISH THE QUALIFICATIONS, EDUCATION, AND TRAINING REQUIREMENTS THAT FACILITATORS MUST MEET PRIOR TO PROVIDING NATURAL MEDICINE SERVICES, AND TO APPROVE ANY REQUIRED TRAINING PROGRAMS.

(3) NOT LATER THAN SEPTEMBER 30, 2024, THE DEPARTMENT SHALL ADOPT RULES NECESSARY TO IMPLEMENT THE REGULATED NATURAL MEDICINE ACCESS PROGRAM AND SHALL BEGIN ACCEPTING APPLICATIONS FOR LICENSURE BY THAT DATE WITH DECISIONS MADE ON ALL LICENSING APPLICATIONS WITHIN 60 DAYS OF RECEIVING THE APPLICATION.

(4) FOR PURPOSES OF THE REGULATED NATURAL MEDICINE ACCESS PROGRAM SET FORTH IN THIS SECTION:

(a) UNTIL JUNE 1, 2026, THE TERM NATURAL MEDICINE SHALL ONLY INCLUDE PSILOCYBIN AND PSILOCYN.

(b) AFTER JUNE 1, 2026, IF RECOMMENDED BY THE NATURAL MEDICINE ADVISORY BOARD, THE DEPARTMENT MAY ADD ONE OR MORE OF THE FOLLOWING TO THE TERM NATURAL MEDICINE: DIMETHYLTRYPTAMINE; IBOGAINE; AND Mescaline (EXCLUDING LOPHOPHORA WILLIAMSII ("PEYOTE")).

(c) THE DEPARTMENT MAY PREPARE PROPOSED RULES FOR THE ADDITION OF DIMETHYLTRYPTAMINE; IBOGAINE; AND Mescaline (EXCLUDING LOPHOPHORA WILLIAMSII ("PEYOTE")) TO THE TERM NATURAL MEDICINE PRIOR TO JUNE 1, 2026, IN THE EVENT THAT DIMETHYLTRYPTAMINE; IBOGAINE; OR Mescaline (EXCLUDING LOPHOPHORA WILLIAMSII ("PEYOTE")) IS ADDED TO THE TERM NATURAL MEDICINE UNDER SUBSECTION (4)(b) OF THIS SECTION.

(5) IN CARRYING OUT ITS DUTIES UNDER THIS ARTICLE 170, THE DEPARTMENT SHALL CONSULT WITH THE NATURAL MEDICINE ADVISORY BOARD AND MAY ALSO CONSULT WITH OTHER STATE AGENCIES OR ANY OTHER INDIVIDUAL OR ENTITY THE DEPARTMENT FINDS NECESSARY.

(6) THE RULES ADOPTED BY THE DEPARTMENT SHALL INCLUDE, BUT ARE NOT LIMITED TO, RULES TO:

(a) ESTABLISH THE REQUIREMENTS GOVERNING THE SAFE PROVISION OF NATURAL MEDICINE SERVICES TO PARTICIPANTS THAT INCLUDE:

(l) HOLDING AND VERIFYING COMPLETION OF A PREPARATION SESSION, AN ADMINISTRATION SESSION, AND AN INTEGRATION SESSION.

(ll) HEALTH AND SAFETY WARNINGS THAT MUST BE PROVIDED TO PARTICIPANTS BEFORE NATURAL MEDICINE SERVICES BEGIN.

(lll) EDUCATIONAL MATERIALS THAT MUST BE PROVIDED TO PARTICIPANTS BEFORE NATURAL MEDICINE SERVICES BEGIN.

(lv) THE FORM THAT EACH FACILITATOR, PARTICIPANT, AND AUTHORIZED REPRESENTATIVE OF A HEALING CENTER MUST SIGN BEFORE PROVIDING OR RECEIVING NATURAL MEDICINE SERVICES VERIFYING THAT THE PARTICIPANT WAS PROVIDED ACCURATE AND COMPLETE HEALTH INFORMATION AND INFORMED OF IDENTIFIED RISK FACTORS AND CONTRAINDICATIONS.

(lv) PROPER SUPERVISION DURING THE ADMINISTRATION SESSION AND SAFE TRANSPORTATION FOR THE PARTICIPANT WHEN THE SESSION IS COMPLETE.

(lvi) PROVISIONS FOR GROUP ADMINISTRATION SESSIONS WHERE ONE OR MORE FACILITATORS PROVIDE NATURAL MEDICINE SERVICES TO MORE THAN ONE PARTICIPANT AS PART OF THE SAME ADMINISTRATION SESSION.

(lvii) PROVISIONS TO ALLOW A FACILITATOR OR A HEALING CENTER TO REFUSE TO PROVIDE NATURAL MEDICINE SERVICES TO A PARTICIPANT.

(lviii) THE REQUIREMENTS AND STANDARDS FOR INDEPENDENT TESTING OF NATURAL MEDICINE FOR CONCENTRATION AND CONTAMINANTS, TO THE EXTENT AVAILABLE TECHNOLOGY REASONABLY PERMITS.

(lix) THE LICENSURE OF ENTITIES PERMITTED TO ENGAGE IN THE TESTING OF NATURAL MEDICINE FOR USE IN NATURAL MEDICINE SERVICES OR OTHERWISE.

(lx) THE STANDARDS FOR ADVERTISING AND MARKETING NATURAL MEDICINE AND NATURAL MEDICINE SERVICES.

(lxi) THE STANDARDS FOR QUALIFICATION AS A PERMITTED ORGANIZATION ADDRESSING, WITHOUT LIMITATION,





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ENVIRONMENTAL, SOCIAL, AND GOVERNANCE CRITERIA DIRECTED TO THE FINDINGS AND DECLARATIONS SET FORTH IN SECTION 12-170-102.

(b) ESTABLISH THE REQUIREMENTS GOVERNING THE LICENSING AND PRACTICE OF FACILITATORS THAT INCLUDE:

(I) THE FORM AND CONTENT OF LICENSE AND RENEWAL APPLICATIONS FOR FACILITATORS SUBMITTED UNDER THIS ARTICLE 170.

(II) THE QUALIFICATIONS, EDUCATION, AND TRAINING REQUIREMENTS THAT FACILITATORS MUST MEET PRIOR TO PROVIDING NATURAL MEDICINE SERVICES. THE REQUIREMENTS SHALL:

(A) BE TIERED SO AS TO REQUIRE VARYING LEVELS OF EDUCATION AND TRAINING DEPENDING ON THE PARTICIPANTS THE FACILITATOR WILL BE WORKING WITH AND THE SERVICES THE FACILITATOR WILL BE PROVIDING.

(B) INCLUDE EDUCATION AND TRAINING ON CLIENT SAFETY; CONTRAINDICATIONS; MENTAL HEALTH; MENTAL STATE; PHYSICAL HEALTH; PHYSICAL STATE; SOCIAL AND CULTURAL CONSIDERATIONS; PHYSICAL ENVIRONMENT; PREPARATION; INTEGRATION; AND ETHICS.

(C) ALLOW FOR LIMITED WAIVERS OF EDUCATION AND TRAINING REQUIREMENTS BASED ON AN APPLICANT'S PRIOR EXPERIENCE, TRAINING, OR SKILL, INCLUDING, BUT NOT LIMITED TO, WITH NATURAL MEDICINES.

(D) NOT IMPOSE UNREASONABLE FINANCIAL OR LOGISTICAL BARRIERS THAT MAKE OBTAINING A FACILITATOR LICENSE COMMERCIALY UNREASONABLE FOR LOW INCOME PEOPLE OR OTHER APPLICANTS.

(E) NOT REQUIRE A PROFESSIONAL LICENSE OR PROFESSIONAL DEGREE OTHER THAN A FACILITATOR LICENSE GRANTED PURSUANT TO THIS SECTION.

(F) ALLOW FOR PAID COMPENSATION FOR NATURAL MEDICINE SERVICES.

(G) ALLOW FOR THE PROVISION OF NATURAL MEDICINE SERVICES TO MORE THAN ONE PARTICIPANT AT A TIME IN GROUP ADMINISTRATION SESSIONS.

(III) OVERSIGHT AND SUPERVISION REQUIREMENTS FOR FACILITATORS, INCLUDING PROFESSIONAL RESPONSIBILITY STANDARDS AND CONTINUING EDUCATION REQUIREMENTS.

(IV) A COMPLAINT, REVIEW, AND DISCIPLINARY PROCESS FOR FACILITATORS WHO ENGAGE IN MISCONDUCT.

(V) RECORDKEEPING, PRIVACY, AND CONFIDENTIALITY REQUIREMENTS FOR FACILITATORS, PROVIDED SUCH RECORD KEEPING DOES NOT RESULT IN THE DISCLOSURE TO THE PUBLIC OR ANY GOVERNMENT AGENCY OF PERSONALLY IDENTIFIABLE INFORMATION OF PARTICIPANTS.

(VI) PROCEDURES FOR SUSPENDING OR REVOKING THE LICENSES OF FACILITATORS WHO VIOLATE THE PROVISIONS OF THIS ARTICLE 170 OR THE RULES ADOPTED BY THE DEPARTMENT.

(c) ESTABLISH THE REQUIREMENTS GOVERNING THE LICENSING AND OPERATION OF HEALING CENTERS THAT INCLUDE:

(I) QUALIFICATIONS FOR LICENSURE AND RENEWAL.

(II) OVERSIGHT REQUIREMENTS FOR HEALING CENTERS.

(III) RECORDKEEPING, PRIVACY, AND CONFIDENTIALITY REQUIREMENTS FOR HEALING CENTERS, PROVIDED SUCH RECORD KEEPING DOES NOT RESULT IN THE DISCLOSURE TO THE PUBLIC OR ANY GOVERNMENT AGENCY OF PERSONALLY IDENTIFIABLE INFORMATION OF PARTICIPANTS.

(IV) SECURITY REQUIREMENTS FOR HEALING CENTERS, INCLUDING REQUIREMENTS FOR PROTECTION OF EACH LICENSED HEALING CENTER LOCATION BY A FULLY OPERATIONAL SECURITY ALARM SYSTEM.

(V) PROCEDURES FOR SUSPENDING OR REVOKING THE LICENSES OF HEALING CENTERS THAT VIOLATE THE PROVISIONS OF THIS ARTICLE 170 OR THE RULES ADOPTED BY THE DEPARTMENT.

(VI) PERMISSIBLE FINANCIAL RELATIONSHIPS BETWEEN LICENSED HEALING CENTERS, FACILITATORS, AND OTHER ENTITIES.

(VII) PROCEDURES AND POLICIES THAT ALLOW FOR HEALING CENTERS TO RECEIVE PAYMENT FOR SERVICES AND NATURAL MEDICINES PROVIDED.

(VIII) PROCEDURES AND POLICIES TO ENSURE STATEWIDE ACCESS TO HEALING CENTERS AND NATURAL MEDICINE SERVICES.

(IX) RULES THAT PROHIBIT AN INDIVIDUAL FROM HAVING A FINANCIAL INTEREST IN MORE THAN FIVE HEALING CENTERS.

(X) RULES THAT ALLOW FOR HEALING CENTERS TO SHARE THE SAME PREMISES WITH OTHER HEALING CENTERS OR TO SHARE THE SAME PREMISES WITH HEALTH-CARE FACILITIES.

(XI) RULES THAT ALLOW FOR LOCATIONS NOT OWNED BY A HEALING CENTER WHERE NATURAL MEDICINE SERVICES MAY BE PROVIDED BY LICENSED FACILITATORS, INCLUDING BUT NOT LIMITED TO, HEALTH-CARE FACILITIES AND PRIVATE RESIDENCES.

(d) ESTABLISH PROCEDURES, POLICIES, AND PROGRAMS TO ENSURE THE REGULATORY ACCESS PROGRAM IS EQUITABLE AND INCLUSIVE AND TO PROMOTE THE LICENSING OF AND THE PROVISION OF NATURAL MEDICINE SERVICES TO PERSONS FROM COMMUNITIES THAT HAVE BEEN DISPROPORTIONATELY HARMED BY HIGH RATES OF CONTROLLED SUBSTANCES ARRESTS; TO PERSONS WHO FACE BARRIERS TO ACCESS TO HEALTH CARE; TO PERSONS WHO HAVE A TRADITIONAL OR INDIGENOUS HISTORY WITH NATURAL MEDICINES; OR TO PERSONS WHO ARE VETERANS THAT INCLUDE, BUT ARE NOT LIMITED TO:

(I) REDUCED FEES FOR LICENSURE AND FACILITATOR TRAINING.

(II) INCENTIVIZING THE PROVISION OF NATURAL MEDICINE SERVICES AT A REDUCED COST TO LOW INCOME INDIVIDUALS.

(III) INCENTIVIZING GEOGRAPHIC AND CULTURAL DIVERSITY IN LICENSING AND THE PROVISION AND AVAILABILITY OF NATURAL MEDICINE SERVICES.

(VI) A PROCESS FOR ANNUALLY REVIEWING THE EFFECTIVENESS OF SUCH POLICIES AND PROGRAMS PROMULGATED UNDER THIS SUBSECTION (6)(d).

(e) ESTABLISH APPLICATION, LICENSING, AND RENEWAL FEES

FOR HEALING CENTER AND FACILITATOR LICENSES. THE FEES SHALL BE:

(I) SUFFICIENT, BUT SHALL NOT EXCEED THE AMOUNT NECESSARY, TO COVER THE COST OF ADMINISTERING THE REGULATED NATURAL MEDICINE ACCESS PROGRAM, INCLUDING THE REGULATED NATURAL MEDICINE ACCESS PROGRAM FUND IN 12-170-106.

(II) FOR LICENSING AND RENEWAL FEES, SCALED BASED ON EITHER THE VOLUME OF BUSINESS OF THE LICENSEE OR THE GROSS ANNUAL REVENUE OF THE LICENSEE.

(f) DEVELOP AND PROMOTE ACCURATE PUBLIC EDUCATION CAMPAIGNS RELATED TO THE USE OF NATURAL MEDICINE, INCLUDING BUT NOT LIMITED TO PUBLIC SERVICE ANNOUNCEMENTS, EDUCATIONAL CURRICULA, AND APPROPRIATE CRISIS RESPONSE, AND APPROPRIATE TRAINING FOR FIRST-AND MULTI-RESPONDERS INCLUDING LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICES, SOCIAL SERVICES, AND FIRE SERVICES.

(g) STUDY AND DELIVER RECOMMENDATIONS TO THE LEGISLATURE REGARDING THE REGULATION OF DOSAGE FOR OFF-SITE USE OF NATURAL MEDICINES.

(h) COLLECT AND ANNUALLY PUBLISH DATA ON THE IMPLEMENTATION AND OUTCOMES OF THE REGULATED NATURAL MEDICINE ACCESS PROGRAM IN ACCORDANCE WITH GOOD DATA AND PRIVACY PRACTICES AND THAT DOES NOT DISCLOSE ANY IDENTIFYING INFORMATION ABOUT INDIVIDUAL LICENSEES OR PARTICIPANTS.

(i) ADOPT, AMEND, AND REPEAL RULES AS NECESSARY TO IMPLEMENT THE REGULATED NATURAL MEDICINE ACCESS PROGRAM AND TO PROTECT THE PUBLIC HEALTH AND SAFETY.

(7) PARTICIPANT RECORDS COLLECTED AND MAINTAINED BY HEALING CENTERS, FACILITATORS, REGISTERED ENTITIES, OR THE DEPARTMENT SHALL CONSTITUTE MEDICAL DATA AS DEFINED BY SECTION 24-72-204 (3)(a)(I) AND ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE.

(8) THE DEPARTMENT SHALL HAVE THE AUTHORITY TO CREATE AND ISSUE ANY ADDITIONAL TYPES OF LICENSES AND REGISTRATIONS IT DEEMS NECESSARY TO CARRY OUT THE INTENTS AND PURPOSES OF THE REGULATED NATURAL MEDICINE ACCESS PROGRAM, INCLUDING ALLOWING NATURAL MEDICINE SERVICES TO BE PROVIDED AT OTHER TYPES OF LICENSED HEALTH FACILITIES OR BY INDIVIDUALS IN ORDER TO INCREASE ACCESS TO AND THE AVAILABILITY OF NATURAL MEDICINE SERVICES.

(9) THE DEPARTMENT SHALL HAVE THE AUTHORITY TO ADOPT RULES THAT DIFFERENTIATE BETWEEN NATURAL MEDICINES AND THAT REGULATE EACH NATURAL MEDICINE DIFFERENTLY BASED ON ITS SPECIFIC QUALITIES, TRADITIONAL USES, AND SAFETY PROFILE.

(10) THE DEPARTMENT SHALL ADOPT, AMEND, AND REPEAL ALL RULES IN ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURE ACT, ARTICLE 4 OF TITLE 24, C.R.S., AS AMENDED, AND THE RULES PROMULGATED THEREUNDER.

**12-170-105. Natural Medicine Advisory Board** (1) THE NATURAL MEDICINE ADVISORY BOARD SHALL BE ESTABLISHED WITHIN THE DEPARTMENT FOR THE PURPOSE OF ADVISING THE DEPARTMENT AS TO THE IMPLEMENTATION OF THE REGULATED NATURAL MEDICINE ACCESS PROGRAM.

(2) THE BOARD SHALL CONSIST OF FIFTEEN MEMBERS. MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE.

(3) MEMBERS OF THE INITIAL BOARD SHALL BE APPOINTED BY JANUARY 31, 2023. IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL APPOINT:

(a) AT LEAST SEVEN MEMBERS WITH SIGNIFICANT EXPERTISE AND EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS: NATURAL MEDICINE THERAPY, MEDICINE, AND RESEARCH; MYCOLOGY AND NATURAL MEDICINE CULTIVATION; PERMITTED ORGANIZATION CRITERIA; EMERGENCY MEDICAL SERVICES AND SERVICES PROVIDED BY FIRST RESPONDERS; MENTAL AND BEHAVIORAL HEALTH PROVIDERS; HEALTH CARE INSURANCE AND HEALTH CARE POLICY; AND PUBLIC HEALTH, DRUG POLICY, AND HARM REDUCTION.

(b) AT LEAST EIGHT MEMBERS WITH SIGNIFICANT EXPERTISE AND EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS: RELIGIOUS USE OF NATURAL MEDICINES; ISSUES CONFRONTING VETERANS; TRADITIONAL INDIGENOUS USE OF NATURAL MEDICINES; LEVELS AND DISPARITIES IN ACCESS TO HEALTH CARE SERVICES AMONG DIFFERENT COMMUNITIES; AND PAST CRIMINAL JUSTICE REFORM EFFORTS IN COLORADO. AT LEAST ONE OF THE EIGHT MEMBERS SHALL HAVE EXPERTISE OR EXPERIENCE IN TRADITIONAL INDIGENOUS USE OF NATURAL MEDICINES.

(4) FOR THE INITIAL BOARD, SEVEN OF THE MEMBERS SHALL BE APPOINTED TO A TERM OF TWO YEARS AND EIGHT MEMBERS SHALL BE APPOINTED TO A TERM OF FOUR YEARS. EACH MEMBER APPOINTED THEREAFTER SHALL BE APPOINTED TO A TERM OF FOUR YEARS. MEMBERS OF THE BOARD MAY SERVE UP TO TWO CONSECUTIVE TERMS. MEMBERS ARE SUBJECT TO REMOVAL AS PROVIDED IN ARTICLE IV, SECTION 6 OF THE COLORADO CONSTITUTION.

(5) NOT LATER THAN SEPTEMBER 30, 2023, AND ANNUALLY THEREAFTER, THE BOARD SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATED TO, BUT NOT LIMITED TO, ALL OF THE FOLLOWING AREAS:

(a) ACCURATE PUBLIC HEALTH APPROACHES REGARDING USE, EFFECT, AND RISK REDUCTION FOR NATURAL MEDICINE AND THE CONTENT AND SCOPE OF EDUCATIONAL CAMPAIGNS RELATED TO NATURAL MEDICINE;

(b) RESEARCH RELATED TO THE EFFICACY AND REGULATION OF NATURAL MEDICINE, INCLUDING RECOMMENDATIONS RELATED TO PRODUCT SAFETY, HARM REDUCTION, AND CULTURAL RESPONSIBILITY;

(c) THE PROPER CONTENT OF TRAINING PROGRAMS, EDUCATIONAL AND EXPERIENTIAL REQUIREMENTS, AND QUALIFICATIONS FOR FACILITATORS;

(d) AFFORDABLE, EQUITABLE, ETHICAL, AND CULTURALLY RESPONSIBLE ACCESS TO NATURAL MEDICINE AND REQUIREMENTS TO ENSURE THE REGULATED NATURAL MEDICINE ACCESS PROGRAM IS EQUITABLE AND INCLUSIVE;

(e) APPROPRIATE REGULATORY CONSIDERATIONS FOR EACH NATURAL MEDICINE;

(f) THE ADDITION OF NATURAL MEDICINES TO THE

REGULATED NATURAL MEDICINE ACCESS PROGRAM UNDER SECTION 12-170-104(4)(b) BASED ON AVAILABLE MEDICAL, PSYCHOLOGICAL, AND SCIENTIFIC STUDIES, RESEARCH, AND OTHER INFORMATION RELATED TO THE SAFETY AND EFFICACY OF EACH NATURAL MEDICINE;

(g) ALL RULES TO BE PROMULGATED BY THE DEPARTMENT UNDER 12-170-104; AND

(h) REQUIREMENTS FOR ACCURATE AND COMPLETE DATA COLLECTION, REPORTING, AND PUBLICATION OF INFORMATION RELATED TO THE IMPLEMENTATION OF THIS ARTICLE 170.

(6) THE BOARD SHALL, ON AN ONGOING BASIS, REVIEW AND EVALUATE EXISTING RESEARCH, STUDIES, AND REAL-WORLD DATA RELATED TO NATURAL MEDICINE AND MAKE RECOMMENDATIONS TO THE LEGISLATURE AND OTHER RELEVANT STATE AGENCIES AS TO WHETHER NATURAL MEDICINE AND ASSOCIATED SERVICES SHOULD BE COVERED UNDER HEALTH FIRST COLORADO OR OTHER INSURANCE PROGRAMS AS A COST EFFECTIVE INTERVENTION FOR VARIOUS MENTAL HEALTH CONDITIONS, INCLUDING BUT NOT LIMITED TO END OF LIFE ANXIETY, SUBSTANCE USE DISORDER, ALCOHOLISM, DEPRESSIVE DISORDERS, NEUROLOGICAL DISORDERS, CLUSTER HEADACHES, AND POST TRAUMATIC STRESS DISORDER.

(7) THE BOARD SHALL, ON AN ONGOING BASIS, REVIEW AND EVALUATE SUSTAINABILITY ISSUES RELATED TO NATURAL MEDICINE AND IMPACT ON INDIGENOUS CULTURES AND DOCUMENT EXISTING RECIPROCITY EFFORTS AND CONTINUING SUPPORT MEASURES THAT ARE NEEDED AS PART OF ITS ANNUAL REPORT.

(8) THE BOARD SHALL PUBLISH AN ANNUAL REPORT DESCRIBING ITS ACTIVITIES INCLUDING THE RECOMMENDATIONS AND ADVICE PROVIDED TO THE DEPARTMENT AND THE LEGISLATURE.

(9) THE DEPARTMENT SHALL PROVIDE REQUESTED TECHNICAL, LOGISTICAL AND OTHER SUPPORT TO THE BOARD TO ASSIST THE BOARD WITH ITS DUTIES AND OBLIGATIONS.

(10) THIS SECTION IS REPEALED EFFECTIVE DECEMBER 31, 2033.

**12-170-106. Regulated natural medicine access program fund.** (1) THE REGULATED NATURAL MEDICINE ACCESS PROGRAM FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND IS ADMINISTERED BY THE DEPARTMENT AND CONSISTS OF ALL MONEY FROM FEES COLLECTED AND MONEY TRANSFERRED FROM THE GENERAL FUND UNDER THIS ARTICLE 170. ALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND SHALL BE CREDITED TO THE FUND AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER STATE FUND AT THE END OF ANY STATE FISCAL YEAR.

(2) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND ANY GIFTS, GRANTS, DONATIONS, LOAN OF FUNDS, PROPERTY, OR ANY OTHER REVENUE OR AID IN ANY FORM FROM THE STATE, ANY STATE AGENCY, ANY OTHER PUBLIC SOURCE, ANY PRIVATE SOURCE, OR ANY COMBINATION THEREOF, AND ANY SUCH MONETARY RECEIPTS SHALL BE CREDITED TO THE FUND AND ANY SUCH IN-KIND RECEIPTS SHALL BE APPLIED FOR THE BENEFIT OF THE FUND.

(3) THE MONEY IN THE FUND IS CONTINUALLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS OF CARRYING OUT THE PROVISIONS OF THIS ARTICLE 170.

(4) FUNDS FOR THE INITIAL ESTABLISHMENT AND SUPPORT OF THE REGULATORY ACTIVITIES BY THE DEPARTMENT UNDER THIS ARTICLE 170, INCLUDING THE NATURAL MEDICINE ADVISORY BOARD, THE DEVELOPMENT AND PROMOTION OF PUBLIC EDUCATION CAMPAIGNS RELATED TO THE USE OF NATURAL MEDICINE, AND THE DEVELOPMENT OF THE POLICIES, PROCEDURES, AND PROGRAMS REQUIRED BY 12-170-104(6)(d) SHALL BE ADVANCED FROM THE GENERAL FUND TO THE REGULATED NATURAL MEDICINE ACCESS PROGRAM FUND AND SHALL BE REPAID TO THE GENERAL FUND BY THE INITIAL PROCEEDS FROM FEES COLLECTED PURSUANT TO THIS ARTICLE 170.

(5) THE OFFICE OF STATE PLANNING AND BUDGETING SHALL DETERMINE THE AMOUNT OF THE INITIAL ADVANCE FROM THE GENERAL FUND TO THE REGULATED NATURAL MEDICINE ACCESS PROGRAM FUND BASED ON THE ESTIMATED COSTS OF ESTABLISHING THE PROGRAM.

**12-170-107. Localities.** (1) A LOCALITY MAY REGULATE THE TIME, PLACE, AND MANNER OF THE OPERATION OF HEALING CENTERS LICENSED PURSUANT TO THIS ARTICLE 170 WITHIN ITS BOUNDARIES.

(2) A LOCALITY MAY NOT BAN OR COMPLETELY PROHIBIT THE ESTABLISHMENT OR OPERATION OF HEALING CENTERS LICENSED PURSUANT TO THIS ARTICLE 170 WITHIN ITS BOUNDARIES.

(3) A LOCALITY MAY NOT BAN OR COMPLETELY PROHIBIT A LICENSED HEALTH-CARE FACILITY OR INDIVIDUAL WITHIN ITS BOUNDARIES FROM PROVIDING NATURAL MEDICINE SERVICES IF THE LICENSED HEALTH-CARE FACILITY OR INDIVIDUAL IS PERMITTED TO PROVIDE NATURAL MEDICINE SERVICES BY THE DEPARTMENT PURSUANT TO THIS ARTICLE 170.

(4) A LOCALITY MAY NOT PROHIBIT THE TRANSPORTATION OF NATURAL MEDICINE THROUGH ITS JURISDICTION ON PUBLIC ROADS BY A LICENSEE OR AS OTHERWISE ALLOWED BY THIS ARTICLE 170.

(5) A LOCALITY MAY NOT ADOPT ORDINANCES OR REGULATIONS THAT ARE UNREASONABLE OR IN CONFLICT WITH THIS ARTICLE 170, BUT MAY ENACT LAWS IMPOSING LESSER CRIMINAL OR CIVIL PENALTIES THAN PROVIDED BY THIS ARTICLE 170

**12-170-108. Protections.** (1) SUBJECT TO THE LIMITATIONS IN THIS ARTICLE 170, BUT NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

(a) ACTIONS AND CONDUCT PERMITTED PURSUANT TO A LICENSE OR REGISTRATION ISSUED BY THE DEPARTMENT OR BY DEPARTMENT RULE, OR BY THOSE WHO ALLOW PROPERTY TO BE USED PURSUANT TO A LICENSE OR REGISTRATION ISSUED BY THE DEPARTMENT OR BY DEPARTMENT RULE, ARE NOT UNLAWFUL AND SHALL NOT BE AN OFFENSE UNDER STATE LAW, OR THE LAWS OF ANY LOCALITY WITHIN THE STATE, OR BE SUBJECT TO A CIVIL FINE, PENALTY, OR SANCTION, OR BE A BASIS FOR DETENTION, SEARCH, OR ARREST, OR TO DENY ANY RIGHT OR PRIVILEGE, OR TO SEIZE OR FORFEIT ASSETS UNDER STATE LAW OR THE LAWS OF ANY LOCALITY WITHIN THE STATE.





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(b) A CONTRACT IS NOT UNENFORCEABLE ON THE BASIS THAT NATURAL MEDICINES, AS ALLOWED UNDER THIS ARTICLE 170, ARE PROHIBITED BY FEDERAL LAW.

(c) A HOLDER OF A PROFESSIONAL OR OCCUPATIONAL LICENSE, CERTIFICATION, OR REGISTRATION IS NOT SUBJECT TO PROFESSIONAL DISCIPLINE OR LOSS OF A PROFESSIONAL LICENSE OR CERTIFICATION FOR PROVIDING ADVICE OR SERVICES ARISING OUT OF OR RELATED TO NATURAL MEDICINE LICENSES, APPLICATIONS FOR LICENSES ON THE BASIS THAT NATURAL MEDICINES ARE PROHIBITED BY FEDERAL LAW, OR FOR PERSONAL USE OF NATURAL MEDICINES AS ALLOWED UNDER THIS ARTICLE 170. THIS SECTION DOES NOT PERMIT A PERSON TO ENGAGE IN MALPRACTICE.

(d) MENTAL HEALTH, SUBSTANCE USE DISORDER, OR BEHAVIORAL HEALTH SERVICES OTHERWISE COVERED UNDER THE COLORADO MEDICAL ASSISTANCE ACT, ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., SHALL NOT BE DENIED ON THE BASIS THAT THEY ARE COVERED IN CONJUNCTION WITH NATURAL MEDICINE SERVICES OR THAT NATURAL MEDICINES ARE PROHIBITED BY FEDERAL LAW. NO INSURANCE OR INSURANCE PROVIDER IS REQUIRED TO COVER THE COST OF THE NATURAL MEDICINE ITSELF.

(e) NOTHING IN THIS SECTION SHALL BE CONSTRUED OR INTERPRETED TO PREVENT THE DEPARTMENT FROM ENFORCING ITS RULES AGAINST A LICENSEE OR TO LIMIT A STATE OR LOCAL LAW ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL ACTIVITY IN RELATION TO A LICENSEE.

**12-170-109. Personal use.** (1) SUBJECT TO THE LIMITATIONS IN THIS ARTICLE 170, BUT NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ACTS ARE NOT AN OFFENSE UNDER STATE LAW OR THE LAWS OF ANY LOCALITY WITHIN THE STATE OR SUBJECT TO A CIVIL FINE, PENALTY, OR SANCTION, OR THE BASIS FOR DETENTION, SEARCH, OR ARREST, OR TO DENY ANY RIGHT OR PRIVILEGE, OR TO SEIZE OR FORFEIT ASSETS UNDER STATE LAW OR THE LAWS OF ANY LOCALITY, IF THE PERSON IS TWENTY-ONE YEARS OF AGE OR OLDER:

(a) POSSESSING, STORING, USING, PROCESSING, TRANSPORTING, PURCHASING, OBTAINING, OR INGESTING NATURAL MEDICINE FOR PERSONAL USE, OR GIVING AWAY NATURAL MEDICINE FOR PERSONAL USE WITHOUT REMUNERATION TO A PERSON OR PERSONS TWENTY-ONE YEARS OF AGE OR OLDER.

(b) GROWING, CULTIVATING, OR PROCESSING PLANTS OR FUNGI CAPABLE OF PRODUCING NATURAL MEDICINE FOR PERSONAL USE IF:

(I) THE PLANTS AND FUNGI ARE KEPT IN OR ON THE GROUNDS OF A PRIVATE HOME OR RESIDENCE; AND

(II) THE PLANTS AND FUNGI ARE SECURED FROM ACCESS BY PERSONS UNDER TWENTY-ONE YEARS OF AGE.

(c) ASSISTING ANOTHER PERSON OR PERSONS WHO ARE TWENTY-ONE YEARS OF AGE OR OLDER, OR ALLOWING PROPERTY TO BE USED, IN ANY OF THE ACTIONS OR CONDUCT PERMITTED UNDER SUBSECTION (1).

(2) FOR THE PURPOSE OF THIS ARTICLE 170, "PERSONAL USE" MEANS THE PERSONAL INGESTION OR USE OF A NATURAL MEDICINE AND INCLUDES THE AMOUNT A PERSON MAY CULTIVATE OR POSSESS OF NATURAL MEDICINE NECESSARY TO SHARE NATURAL MEDICINES WITH OTHER PERSONS TWENTY-ONE YEARS OF AGE OR OLDER WITHIN THE CONTEXT OF COUNSELING, SPIRITUAL GUIDANCE, BENEFICIAL COMMUNITY-BASED USE AND HEALING, SUPPORTED USE, OR RELATED SERVICES. "PERSONAL USE" DOES NOT INCLUDE THE SALE OF NATURAL MEDICINES FOR REMUNERATION.

(3) CONDUCT PERMITTED BY THIS ARTICLE 170 SHALL NOT, BY ITSELF:

(a) CONSTITUTE CHILD ABUSE OR NEGLECT WITHOUT A FINDING OF ACTUAL THREAT TO THE HEALTH OR WELFARE OF A CHILD BASED ON ALL RELEVANT FACTORS.

(b) BE THE BASIS TO RESTRICT PARENTING TIME WITH A CHILD WITHOUT A FINDING THAT THE PARENTING TIME WOULD ENDANGER THE CHILD'S PHYSICAL HEALTH OR SIGNIFICANTLY IMPAIR THE CHILD'S EMOTIONAL DEVELOPMENT.

(4) CONDUCT PERMITTED BY THIS ARTICLE 170 SHALL NOT, BY ITSELF, BE THE BASIS FOR PUNISHING OR OTHERWISE PENALIZING A PERSON CURRENTLY UNDER PAROLE, PROBATION, OR OTHER STATE SUPERVISION, OR RELEASED AWAITING TRIAL OR OTHER HEARING.

(5) CONDUCT PERMITTED BY THIS ARTICLE 170 SHALL NOT, BY ITSELF, BE THE BASIS FOR DETENTION, SEARCH, OR ARREST; AND THE POSSESSION OR SUSPICION OF POSSESSION OF NATURAL MEDICINE, OR THE POSSESSION OF MULTIPLE CONTAINERS OF NATURAL MEDICINE, SHALL NOT INDIVIDUALLY OR IN COMBINATION WITH EACH OTHER CONSTITUTE REASONABLY ARTICULABLE SUSPICION OF A CRIME. NATURAL MEDICINES AS PERMITTED BY THIS ARTICLE 170 ARE NOT CONTRABAND NOR SUBJECT TO SEIZURE AND SHALL NOT BE HARMED OR DESTROYED.

(6) CONDUCT PERMITTED BY THIS ARTICLE 170 SHALL NOT, BY ITSELF, BE THE BASIS TO DENY ELIGIBILITY FOR ANY PUBLIC ASSISTANCE PROGRAM, UNLESS REQUIRED BY FEDERAL LAW.

(7) FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, CONDUCT PERMITTED BY THIS ARTICLE 170 DOES NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A PERSON FROM MEDICAL CARE OR MEDICAL INSURANCE.

(8) NOTHING IN THIS SECTION SHALL BE CONSTRUED OR INTERPRETED TO PERMIT A PERSON TO GIVE AWAY ANY AMOUNT OF NATURAL MEDICINE AS PART OF A BUSINESS PROMOTION OR OTHER COMMERCIAL ACTIVITY OR TO PERMIT PAID ADVERTISING RELATED TO NATURAL MEDICINE, SHARING OF NATURAL MEDICINE, OR SERVICES INTENDED TO BE USED CONCURRENTLY WITH A PERSON'S CONSUMPTION OF NATURAL MEDICINE. SUCH ADVERTISING MAY BE CONSIDERED EVIDENCE OF COMMERCIAL ACTIVITY THAT IS PROHIBITED UNDER THIS SECTION. THIS PROVISION DOES NOT PRECLUDE THE DONATION OF NATURAL MEDICINE BY A PERSON TWENTY-ONE YEARS OF AGE OR OLDER, PAYMENT FOR BONA FIDE HARM REDUCTION SERVICES, BONA FIDE THERAPY SERVICES, OR OTHER BONA FIDE SUPPORT SERVICES, MAINTAINING PERSONAL OR PROFESSIONAL WEBSITES RELATED TO NATURAL MEDICINE SERVICES, DISSEMINATION OF EDUCATIONAL MATERIALS RELATED TO NATURAL MEDICINE, OR

LIMIT THE ABILITY OF A HEALING CENTER TO DONATE NATURAL MEDICINE OR PROVIDE NATURAL MEDICINE AT REDUCED COST CONSISTENT WITH DEPARTMENT RULES.

(9) A PERSON WHO HAS COMPLETED A SENTENCE FOR A CONVICTION, WHETHER BY TRIAL OR PLEA OF GUILTY OR *NOLO CONTENDERE*, WHO WOULD NOT HAVE BEEN GUILTY OF AN OFFENSE UNDER THIS ACT HAD IT BEEN IN EFFECT AT THE TIME OF THE OFFENSE, MAY FILE A PETITION BEFORE THE TRIAL COURT THAT ENTERED THE JUDGMENT OF CONVICTION IN THE PERSON'S CASE TO SEAL THE RECORD OF THE CONVICTION AT NO COST. IF THERE IS NO OBJECTION FROM THE DISTRICT ATTORNEY, THE COURT SHALL AUTOMATICALLY SEAL SUCH RECORD. IF THERE IS AN OBJECTION BY THE DISTRICT ATTORNEY, A HEARING SHALL BE HELD AND THE COURT SHALL DETERMINE IF THE PRIOR CONVICTION DOES NOT QUALIFY TO BE SEALED UNDER THIS ACT. IF THE RECORD DOES NOT QUALIFY TO BE SEALED, THE COURT SHALL DENY THE SEALING OF THE RECORD. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DIMINISH OR ABROGATE ANY RIGHTS OR REMEDIES OTHERWISE AVAILABLE TO THE PETITIONER OR APPLICANT.

**12-170-110. Personal use penalties.** (1) UNLESS OTHERWISE PROVIDED BY SUBSECTION (2) OF THIS SECTION, A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE IS SUBJECT TO A DRUG PETTY OFFENSE, AND UPON CONVICTION THEREOF, SHALL BE SUBJECT ONLY TO A PENALTY OF NO MORE THAN FOUR (4) HOURS OF DRUG EDUCATION OR COUNSELING PROVIDED AT NO COST TO THE PERSON, IF THE PERSON:

(a) POSSESSES, USES, INGESTS, INHALES, OR TRANSPORTS NATURAL MEDICINE FOR PERSONAL USE;

(b) GIVES AWAY WITHOUT REMUNERATION NATURAL MEDICINE FOR PERSONAL USE; OR

(c) POSSESSES, USES, OR GIVES AWAY WITHOUT REMUNERATION NATURAL MEDICINE PARAPHERNALIA.

(2) TO THE EXTENT SUBSECTION (1) ESTABLISHES A PENALTY FOR CONDUCT NOT OTHERWISE PROHIBITED BY LAW OR ESTABLISHES A PENALTY THAT IS GREATER THAN EXISTS ELSEWHERE IN LAW FOR THE CONDUCT SET FORTH IN SUBSECTION (1), THE PENALTIES IN SUBSECTION (1) SHALL NOT APPLY.

(3) A PERSON WHO CULTIVATES NATURAL MEDICINES THAT ARE NOT SECURE FROM ACCESS BY A PERSON UNDER TWENTY-ONE YEARS OF AGE IN VIOLATION OF 12-170-109(1) (b) IS SUBJECT TO A CIVIL FINE NOT EXCEEDING TWO-HUNDRED AND FIFTY DOLLARS, IN ADDITION TO ANY OTHER APPLICABLE PENALTIES.

(4) A PERSON SHALL NOT BE SUBJECT TO ANY ADDITIONAL FEES, FINES, OR OTHER PENALTIES FOR THE VIOLATIONS ADDRESSED IN THIS SECTION OTHER THAN THOSE SET FORTH IN THIS SECTION. FURTHER, A PERSON SHALL NOT BE SUBJECT TO INCREASED PUNISHMENT FOR ANY OTHER CRIME ON THE BASIS OF THAT PERSON HAVING UNDERTAKEN CONDUCT PERMITTED BY THIS ARTICLE 170.

**12-170-111. Limitations.** (1) THIS ARTICLE 170 SHALL NOT BE CONSTRUED:

(a) TO PERMIT A PERSON TO DRIVE OR OPERATE A MOTOR VEHICLE, BOAT, VESSEL, AIRCRAFT, OR OTHER DEVICE THAT IS CAPABLE OF MOVING ITSELF, OR OF BEING MOVED, FROM PLACE TO PLACE UPON WHEELS OR ENDLESS TRACKS UNDER THE INFLUENCE OF NATURAL MEDICINE;

(b) TO PERMIT A PERSON TO USE OR POSSESS NATURAL MEDICINE IN A SCHOOL, DETENTION FACILITY, OR PUBLIC BUILDING;

(c) TO PERMIT A PERSON TO INGEST NATURAL MEDICINES IN A PUBLIC PLACE, OTHER THAN A PLACE LICENSED OR OTHERWISE PERMITTED BY THE DEPARTMENT FOR SUCH USE;

(d) TO PERMIT THE TRANSFER OF NATURAL MEDICINE, WITH OR WITHOUT REMUNERATION, TO A PERSON UNDER TWENTY-ONE YEARS OF AGE OR TO ALLOW A PERSON UNDER TWENTY-ONE YEARS OF AGE TO USE OR POSSESS NATURAL MEDICINE;

(e) TO PERMIT A PERSON TO ENGAGE IN CONDUCT THAT ENDANGERS OR HARMS OTHERS;

(f) TO REQUIRE A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE HEALTH INSURER TO REIMBURSE A PERSON FOR COSTS OF PURCHASING NATURAL MEDICINE;

(g) TO REQUIRE AN EMPLOYER TO PERMIT OR ACCOMMODATE THE USE, CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, OR GROWING OF NATURAL MEDICINES IN THE WORKPLACE;

(h) TO PROHIBIT A RECIPIENT OF A FEDERAL GRANT OR AN APPLICANT FOR A FEDERAL GRANT FROM PROHIBITING THE USE, CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, OR GROWING OF NATURAL MEDICINES TO THE EXTENT NECESSARY TO SATISFY FEDERAL REQUIREMENTS FOR THE GRANT;

(i) TO PROHIBIT A PARTY TO A FEDERAL CONTRACT OR A PERSON APPLYING TO BE A PARTY TO A FEDERAL CONTRACT FROM PROHIBITING ANY ACT PERMITTED IN THIS ARTICLE 170 TO THE EXTENT NECESSARY TO COMPLY WITH THE TERMS AND CONDITIONS OF THE CONTRACT OR TO SATISFY FEDERAL REQUIREMENTS FOR THE CONTRACT;

(j) TO REQUIRE A PERSON TO VIOLATE A FEDERAL LAW; OR

(k) TO EXEMPT A PERSON FROM A FEDERAL LAW OR OBSTRUCT THE ENFORCEMENT OF A FEDERAL LAW.

**12-170-112. Liberal construction.** THIS ACT SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSE.

**12-170-113. Preemption.** NO LOCALITY SHALL ADOPT, ENACT, OR ENFORCE ANY ORDINANCE, RULE, OR RESOLUTION IMPOSING ANY GREATER CRIMINAL OR CIVIL PENALTY THAN PROVIDED BY THIS ACT OR THAT IS OTHERWISE IN CONFLICT WITH THE PROVISIONS OF THIS ACT. A LOCALITY MAY ENACT LAWS IMPOSING LESSER CRIMINAL OR CIVIL PENALTIES THAN PROVIDED BY THIS ACT.

**12-170-114. Self-executing, severability, conflicting provisions.** ALL PROVISIONS OF THIS ARTICLE 170 ARE SELF-EXECUTING EXCEPT AS SPECIFIED HEREIN, ARE SEVERABLE, AND, EXCEPT WHERE OTHERWISE INDICATED IN THE TEXT, SHALL SUPERSEDE CONFLICTING STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR RESOLUTION, AND OTHER STATE AND LOCAL PROVISIONS. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ACT THAT CAN

BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

**12-170-115. Effective date.** UNLESS OTHERWISE PROVIDED BY THIS ACT, ALL PROVISIONS OF THIS ACT SHALL BECOME EFFECTIVE UPON THE EARLIER OF THE OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR OR THIRTY DAYS AFTER THE VOTE HAS BEEN CANVASSED, PURSUANT TO SECTION 1(4) OF ARTICLE V OF THE COLORADO CONSTITUTION. THE REMOVAL AND REDUCTION OF CRIMINAL PENALTIES BY THIS ACT IS INTENDED TO HAVE RETROACTIVE EFFECT.

**SECTION 2.** In Colorado Revised Statutes, 18-18-403.5, amend (1) as follows:

**18-18-403.5. Unlawful possession of a controlled substance.** (1) Except as authorized by part 1 or 3 of article 280 of title 12, part 2 of article 80 of title 27, section 18-1-711, section 18-18-428(1)(b), or part 2 or 3 of this article 18, OR THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12 it is unlawful for a person knowingly to possess a controlled substance.

**SECTION 3.** In Colorado Revised Statutes, 18-18-404 amend (1)(a) as follows:

**18-18-404. Unlawful use of a controlled substance.** (1)(a) Except as is otherwise provided for offenses concerning marijuana and marijuana concentrate in sections 18-18-406 and 18-18-406.5 OR BY THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12 any person who uses any controlled substance, except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a level 2 drug misdemeanor.

**SECTION 4.** In Colorado Revised Statutes, 18-18-405, amend (1)(a) as follows:

**18-18-405. Unlawful distribution, manufacturing, dispensing, or sale.** (1)(a) Except as authorized by part 1 of article 280 of title 12, part 2 of article 80 of title 27, or part 2 or 3 of this article 18, OR BY THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12 it is unlawful for any person knowingly to manufacture, dispense, sell, or distribute, or to possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or induce, attempt to induce, or conspire with one or more other persons, to manufacture, dispense, sell, distribute, or possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or possess one or more chemicals or supplies or equipment with intent to manufacture a controlled substance.

**SECTION 5.** In Colorado Revised Statutes, amend 18-18-410 as follows:

**18-18-410. Declaration of class 1 public nuisance.** EXCEPT AS PERMITTED BY THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12 any store, shop, warehouse, dwelling house, building, vehicle, boat, or aircraft or any place whatsoever which is frequented by controlled substance addicts for the unlawful use of controlled substances or which is used for the unlawful storage, manufacture, sale, or distribution of controlled substances is declared to be a class 1 public nuisance and subject to the provisions of section 16-13-303, C.R.S. Any real or personal property which is seized or confiscated as a result of an action to abate a public nuisance shall be disposed of pursuant to part 7 of article 13 of title 16, C.R.S.

**SECTION 6.** In Colorado Revised Statutes, 18-18-411, add (5) as follows:

**18-18-411. Keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances.**

(5) A PERSON ACTING IN COMPLIANCE WITH THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12 DOES NOT VIOLATE THIS SECTION.

**SECTION 7.** In Colorado Revised Statutes, 18-18-412.7, add (3) as follows:

**18-18-412.7. Sale or distribution of materials to manufacture controlled substances.**

(3) A PERSON ACTING IN COMPLIANCE WITH THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12 DOES NOT VIOLATE THIS SECTION.

**SECTION 8.** In Colorado Revised Statutes, 18-18-430.5, add (1)(c) as follows:

**18-18-430.5. Drug paraphernalia—exemption.** (1) A person is exempt from sections 18-18-425 to 18-18-430 if the person is:

(c) USING EQUIPMENT, PRODUCTS OR MATERIALS IN COMPLIANCE WITH THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12. THE MANUFACTURE, POSSESSION, AND DISTRIBUTION OF SUCH EQUIPMENT, PRODUCTS, OR MATERIALS SHALL BE AUTHORIZED WITHIN THE MEANING OF 21 USC 863 SEC. (f).

**SECTION 9.** In Colorado Revised Statutes, 16-13-303, add (9) as follows:

**16-13-303. Class 1 public nuisance.**

(9) A PERSON ACTING IN COMPLIANCE WITH THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12 DOES NOT VIOLATE THIS SECTION.

**SECTION 10.** In Colorado Revised Statutes, 16-13-304, add (2) as follows:

**16-13-304. Class 2 public nuisance.**

(2) A PERSON ACTING IN COMPLIANCE WITH THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12 DOES NOT VIOLATE THIS SECTION.

## Proposition 123

### Dedicate Revenue for Affordable Housing Programs

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed





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change to current law because the proponents gathered the required amount of petition signatures.

## Ballot Title:

Shall there be a change to the Colorado Revised Statutes concerning statewide funding for additional affordable housing, and, in connection therewith, dedicating state revenues collected from an existing tax of one-tenth of one percent on federal taxable income of every individual, estate, trust, and corporation, as defined in law, for affordable housing and exempting the dedicated revenues from the constitutional limitation on state fiscal year spending; allocating 60% of the dedicated revenues to affordable housing financing programs that will reduce rents, purchase land for affordable housing development, and build assets for renters; allocating 40% of the dedicated revenues to programs that support affordable home ownership, serve persons experiencing homelessness, and support local planning capacity; requiring local governments that seek additional affordable housing funding to expedite development approvals for affordable housing projects and commit to increasing the number of affordable housing units by 3% annually; and specifying that the dedicated revenues shall not supplant existing appropriations for affordable housing programs?

## Text of Measure:

*Be it enacted by the People of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, add article 32 to title 29 as follows:

### ARTICLE 32 Statewide Affordable Housing Fund

**29-32-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADMINISTRATOR" MEANS A POLITICAL SUBDIVISION OF THE STATE OF COLORADO ESTABLISHED FOR THE PURPOSES, AMONG OTHERS, OF INCREASING THE SUPPLY OF DECENT, SAFE, AND SANITARY HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES, OR OTHER THIRD PARTY ESTABLISHED FOR SUCH PURPOSES, SELECTED BY THE OFFICE TO ADMINISTER CERTAIN AFFORDABLE HOUSING PROGRAMS CREATED IN SECTION 29-32-104.

(2) "AFFORDABLE HOUSING" MEANS RENTAL HOUSING AFFORDABLE TO A HOUSEHOLD WITH AN ANNUAL INCOME OF AT OR BELOW SIXTY PERCENT OF THE AREA MEDIAN INCOME, AND THAT COSTS THE HOUSEHOLD LESS THAN THIRTY PERCENT OF ITS MONTHLY INCOME. "AFFORDABLE HOUSING" ALSO MEANS FOR-SALE HOUSING THAT COULD BE PURCHASED BY A HOUSEHOLD WITH AN ANNUAL INCOME OF AT OR BELOW ONE HUNDRED PERCENT OF THE AREA MEDIAN INCOME, FOR WHICH THE MORTGAGE PAYMENT COSTS THE HOUSEHOLD LESS THAN THIRTY PERCENT OF ITS MONTHLY INCOME. TARGETS SET FOR THE LOCAL GOVERNMENTS UNDER SECTION 29-32-105 FOR AFFORDABLE HOUSING SHALL BE BASED ON THE AVERAGE OF THE AREA MEDIAN INCOME. IF A LOCAL GOVERNMENT DETERMINES THAT APPLICATION OF THIS DEFINITION OF AFFORDABLE HOUSING WOULD CAUSE IMPLEMENTATION OF THIS ARTICLE IN A MANNER INCONSISTENT WITH HOUSING AND WORKFORCE NEEDS WITHIN THE JURISDICTION, IT MAY PETITION THE DIVISION FOR LEAVE TO USE THE CALCULATION APPLICABLE TO AN ADJACENT JURISDICTION OR THE STATE MEDIAN INCOME THAT BETTER REFLECTS LOCAL NEEDS.

(3) "AREA MEDIAN INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME OF HOUSEHOLDS OF A GIVEN SIZE IN THE MUNICIPALITY, OR METROPOLITAN STATISTICAL AREA ENCOMPASSING A MUNICIPALITY, OR COUNTY IN WHICH THE HOUSING IS LOCATED, AS CALCULATED AND PUBLISHED FOR A GIVEN YEAR BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(4) "DIVISION" MEANS THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-704 (1).

(5) "SUPPORT FUND" MEANS THE AFFORDABLE HOUSING SUPPORT FUND CREATED IN SECTION 29-32-103(1).

(6) "FUND" MEANS THE STATE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102 (1).

(7) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, WHETHER HOME RULE OR STATUTORY; A COUNTY, WHETHER HOME RULE OR STATUTORY; A CITY AND COUNTY; OR A LOCAL HOUSING AUTHORITY.

(8) "OFFICE" MEANS THE OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

(9) "FINANCING FUND" MEANS THE AFFORDABLE HOUSING FINANCING FUND CREATED IN SECTION 29-32-103(2).

**29-32-102. State affordable housing fund.** (1) THE STATE AFFORDABLE HOUSING FUND IS HEREBY CREATED IN THE STATE TREASURY. COMMENCING ON JANUARY 1, 2023, ALL STATE REVENUES COLLECTED FROM AN EXISTING TAX ON ONE-TENTH OF ONE PERCENT ON FEDERAL TAXABLE INCOME, AS MODIFIED BY LAW, OF EVERY INDIVIDUAL, ESTATE, TRUST, AND CORPORATION, AS DEFINED IN LAW, AS CALCULATED PURSUANT TO SUBSECTION (4) OF THIS SECTION, SHALL BE DEPOSITED IN THE FUND BY THE STATE TREASURER. THE REVENUE DEPOSITED INTO THE FUND PURSUANT TO THIS SUBSECTION (1) SHALL NOT BE SUBJECT TO THE LIMITATION ON FISCAL YEAR SPENDING SPECIFIED IN SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) THE FUND SHALL CONSIST OF MONEY DEPOSITED INTO THE FUND UNDER SUBSECTION (1) OF THIS SECTION; ANY MONEY APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY; AND ANY GIFTS, GRANTS, OR DONATIONS FROM ANY PUBLIC OR PRIVATE SOURCES, INCLUDING GOVERNMENTAL ENTITIES, THAT THE DIVISION AND THE OFFICE ARE HEREBY AUTHORIZED TO SEEK AND ACCEPT.

(3) ALL MONEY NOT EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEY IN THE FUND, SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR.

(4)(a) THE LEGISLATIVE COUNCIL, IN CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING, SHALL CALCULATE THE AMOUNT OF REVENUES TO BE DEPOSITED IN THE FUND FOR THE PERIOD COMMENCING JANUARY 1, 2023 AND ENDING JUNE 30, 2023, AND FOR EACH STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2023. THE LEGISLATIVE COUNCIL AND THE OFFICE OF STATE PLANNING

AND BUDGETING SHALL RELY UPON THE QUARTERLY STATE REVENUE ESTIMATES ISSUED BY THE LEGISLATIVE COUNCIL IN CALCULATING SUCH AMOUNTS AND SHALL UPDATE ITS CALCULATIONS NOT LATER THAN FIVE DAYS FOLLOWING THE ISSUANCE OF EACH QUARTERLY STATE REVENUE ESTIMATE.

(b) TO ENSURE THAT ALL FUND REVENUES ARE TRANSFERRED TO THE FUND AND THAT OTHER STATE REVENUES ARE NOT ERRONEOUSLY TRANSFERRED TO THE FUND:

(I) NO LATER THAN TWO DAYS AFTER CALCULATING OR RECALCULATING THE AMOUNT OF FUND REVENUES FOR THE PERIOD COMMENCING JANUARY 1, 2023 AND ENDING JUNE 30, 2023, AND FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2023, THE LEGISLATIVE COUNCIL, IN CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING, SHALL CERTIFY TO THE DEPARTMENT OF REVENUE THE AMOUNT OF FUND REVENUES THAT THE DEPARTMENT SHALL TRANSFER TO THE STATE TREASURER FOR DEPOSIT INTO THE FUND ON THE FIRST DAY OF EACH OF THE THREE SUCCEEDING CALENDAR MONTHS AS REQUIRED BY PARAGRAPH (c) OF THIS SUBSECTION (4);

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), NO LATER THAN MAY 25 OF 2023 AND OF ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2023, THE LEGISLATIVE COUNCIL, IN CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING, MAY CERTIFY TO THE DEPARTMENT OF REVENUE AN ADJUSTED AMOUNT FOR ANY TRANSFER TO BE MADE ON THE FIRST BUSINESS DAY OF THE IMMEDIATELY SUCCEEDING JUNE; AND

(III) SUBJECT TO REVIEW BY THE STATE AUDITOR, THE LEGISLATIVE COUNCIL, IN CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING, MAY CORRECT ANY ERROR IN THE TOTAL AMOUNT OF STATE AFFORDABLE HOUSING REVENUES TRANSFERRED DURING ANY STATE FISCAL YEAR BY ADJUSTING THE AMOUNT OF ANY TRANSFER TO BE MADE DURING THE NEXT STATE FISCAL YEAR.

(c) ON THE FIRST BUSINESS DAY OF EACH CALENDAR MONTH THAT COMMENCES AFTER JANUARY 5, 2023, THE DEPARTMENT OF REVENUE SHALL TRANSFER TO THE STATE TREASURER FOR DEPOSIT INTO THE FUND REVENUES IN AN AMOUNT CERTIFIED TO THE DEPARTMENT BY THE LEGISLATIVE COUNCIL, IN CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING, PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4).

**29-32-103. Transfers of money - permitted uses of the fund - continuous appropriation.** (1) THE AFFORDABLE HOUSING SUPPORT FUND IS HEREBY CREATED IN THE STATE TREASURY. THE SUPPORT FUND SHALL CONSIST OF MONEY DEPOSITED INTO IT UNDER SUBSECTION (3) OF THIS SECTION. THE DIVISION SHALL ADMINISTER THE SUPPORT FUND AND EXPEND THE MONEYS IN THE SUPPORT FUND ONLY FOR THE PURPOSES SET FORTH IN SECTION 29-32-104(3). ALL MONEY NOT EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEY IN THE SUPPORT FUND, SHALL REMAIN IN THE SUPPORT FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR. ALL MONEY TRANSFERRED TO THE SUPPORT FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION IS CONTINUOUSLY APPROPRIATED TO THE DIVISION FOR THE PURPOSES SET FORTH IN SECTION 29-32-104(3).

(2) THE AFFORDABLE HOUSING FINANCING FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FINANCING FUND SHALL CONSIST OF MONEY DEPOSITED INTO IT UNDER SUBSECTION (3) OF THIS SECTION. THE OFFICE SHALL ADMINISTER THE FINANCING FUND AND EXPEND THE MONEYS IN THE FINANCING FUND ONLY FOR THE PURPOSES SET FORTH IN SECTION 29-32-104(1). ALL MONEY NOT EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEY IN THE FINANCING FUND, SHALL REMAIN IN THE FINANCING FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR. ALL MONEY TRANSFERRED TO THE FINANCING FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION IS CONTINUOUSLY APPROPRIATED TO THE OFFICE FOR THE PURPOSES SET FORTH IN SECTION 29-32-104(1).

(3) ON JULY 1, 2023, OR AS SOON AS PRACTICABLE THEREAFTER, AND ON JULY 1 OF EACH STATE FISCAL YEAR THEREAFTER, THE STATE TREASURER SHALL TRANSFER FORTY PERCENT OF THE BALANCE OF THE FUND ON THE DATE OF THE TRANSFER TO THE SUPPORT FUND AND SIXTY PERCENT OF THE BALANCE OF THE FUND ON THE DATE OF THE TRANSFER TO THE FINANCING FUND.

### **29-32-104. Permissible expenditures - affordable housing programs.**

(1) THE OFFICE SHALL CONTRACT WITH THE ADMINISTRATOR. THE OFFICE MAY SELECT AN ADMINISTRATOR WITHOUT A COMPETITIVE PROCUREMENT PROCESS BUT SHALL ANNOUNCE THE CONTRACT OPENING PUBLICLY AND SELECT THE ADMINISTRATOR IN A MEETING THAT IS OPEN TO THE PUBLIC, NO LESS THAN SEVENTY-TWO HOURS AFTER NOTICE OF SUCH MEETING IS PUBLICLY AVAILABLE. NO SINGLE CONTRACT MAY EXCEED FIVE YEARS IN DURATION. UPON THE EXPIRATION OF ANY CONTRACT TERM, THE OFFICE MAY RENEW THE CONTRACT WITH THE SAME ADMINISTRATOR OR MAY SELECT ANOTHER ADMINISTRATOR. THE ADMINISTRATOR SELECTED BY THE OFFICE SHALL EXPEND THE MONEY TRANSFERRED TO THE FINANCING FUND IN SECTION 29-32-103(2) TO SUPPORT THE FOLLOWING PROGRAMS ONLY:

(a) A LAND BANKING PROGRAM TO BE ADMINISTERED BY THE ADMINISTRATOR. THE PROGRAM SHALL PROVIDE GRANTS TO LOCAL GOVERNMENTS AND LOANS TO NON-PROFIT ORGANIZATIONS WITH A DEMONSTRATED HISTORY OF PROVIDING AFFORDABLE HOUSING TO ACQUIRE AND PRESERVE LAND FOR THE DEVELOPMENT OF AFFORDABLE HOUSING. MIXED USE DEVELOPMENT IS AN ALLOWABLE USE OF LAND PURCHASED UNDER THIS PROGRAM IF THE PREDOMINANT USE OF THE LAND IS AFFORDABLE HOUSING. LOANS MADE BY THE PROGRAM SHALL BE FORGIVEN IF LAND ACQUIRED WITH THE ASSISTANCE OF THE PROGRAM IS PROPERLY ZONED WITH AN ACTIVE PLAN FOR THE DEVELOPMENT OF AFFORDABLE HOUSING WITHIN 5 YEARS OF DATE THE LOAN IS MADE AND IF THE DEVELOPMENT IS PERMITTED AND FUNDED WITHIN 10 YEARS. THE LENDER AND BORROWER MAY ESTABLISH ADDITIONAL TERMS IF NEEDED. IF LAND ACQUIRED WITH THE ASSISTANCE OF THE PROGRAM IS NOT DEVELOPED WITHIN THE TIMELINE ABOVE, THE LOAN MUST BE REPAYED, WITH INTEREST, AS SOON AS PRACTICAL, BUT NOT MORE THAN SIX MONTHS AFTER EXPIRATION OF SAID TIMELINE. LAND ACQUIRED WITH THE ASSISTANCE

OF THE PROGRAM THAT IS NOT DEVELOPED WITHIN THE TIMELINE ABOVE MAY BE USED BY THE OWNER FOR ANY PURPOSE UPON PAYMENT OF THE LOAN WITH INTEREST OR, IN EXCHANGE FOR A WAIVER OF INTEREST, CONVEYED TO A STATE AGENCY OR OTHER ENTITY FOR THE DEVELOPMENT OF AFFORDABLE HOUSING WITH THE APPROVAL OF THE ADMINISTRATOR. ALL PRINCIPAL AND INTEREST PAYMENTS ON LOANS MADE UNDER THIS PARAGRAPH (a) SHALL BE PAID TO THE ADMINISTRATOR AND USED BY THE ADMINISTRATOR FOR THE PURPOSES SET FORTH IN THIS SUBSECTION (1). AS DETERMINED BY THE ADMINISTRATOR, A MINIMUM OF 15% AND A MAXIMUM OF 25% OF MONIES TRANSFERRED TO THE OFFICE FROM THE FUND ANNUALLY MAY BE USED FOR THE PROGRAM. THE ADMINISTRATOR MAY UTILIZE UP TO TWO PERCENT OF THE FUNDS IT RECEIVES FROM THE OFFICE FOR THE PROGRAM ANNUALLY TO PAY FOR THE COSTS OF ADMINISTERING THE PROGRAM.

(b) AN AFFORDABLE HOUSING EQUITY PROGRAM TO BE ADMINISTERED BY THE ADMINISTRATOR. THE PROGRAM SHALL MAKE EQUITY INVESTMENTS IN LOW- AND MIDDLE-INCOME MULTI-FAMILY RENTAL DEVELOPMENTS. THE PROGRAM SHALL ALSO MAKE EQUITY INVESTMENTS IN EXISTING AFFORDABLE HOUSING PROJECTS WHICH INCLUDE MULTI-FAMILY RENTAL UNITS FOR THE PURPOSE OF ENSURING THAT SAID PROJECTS REMAIN AFFORDABLE. THE AVERAGE OF RENTS FOR PROJECTS FUNDED BY THE PROGRAM (CALCULATED BY ADDING TOGETHER THE MONTHLY RENT FOR ALL UNITS IN A PROJECT AND DIVIDING BY THE NUMBER OF UNITS IN THE PROJECT) MUST BE AND REMAIN PERMANENTLY AFFORDABLE SUCH THAT A PARTICIPATING HOUSEHOLD SHALL NOT BE REQUIRED TO SPEND MORE THAN 30% OF HOUSEHOLD INCOME ON RENT FOR HOUSEHOLDS THAT ARE AT OR BELOW 90% OF THE AREA MEDIAN INCOME OF HOUSEHOLDS OF THAT SIZE IN THE TERRITORY OR JURISDICTION OF LOCAL GOVERNMENT IN WHICH THE HOUSING IS LOCATED, AS CALCULATED AND PUBLISHED FOR A GIVEN YEAR BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THE PROGRAM SHALL INCLUDE A TENANT EQUITY VEHICLE, MEANING, IN PROJECTS FUNDED BY THE PROGRAM, TENANTS WHO RESIDE IN THE PROJECT FOR AT LEAST ONE YEAR SHALL BE ENTITLED TO A SHARE OF THE EQUITY GROWTH IN THE PROJECT, IF ANY, IN THE FORM OF FUNDING FROM THE PROGRAM FOR A DOWN-PAYMENT ON HOUSING OR RELATED PURPOSES, IN AN AMOUNT DETERMINED BY THE ADMINISTRATOR. EQUITY INVESTMENTS MADE BY THE PROGRAM SHALL BE MADE WITH THE EXPECTATION OF RETURNS THAT ARE BELOW THE PREVAILING MARKET RETURNS. RETURNS ON PROGRAM INVESTMENTS UP TO THE AMOUNT OF THE PROGRAM'S INITIAL INVESTMENT SHALL BE RETAINED IN THE PROGRAM AND REINVESTED. RETURNS ON PROGRAM INVESTMENTS GREATER THAN THE PROGRAM'S INITIAL INVESTMENT SHALL BE RETAINED IN THE PROGRAM TO FUND THE TENANT EQUITY VEHICLE. IN SELECTING INVESTMENTS UNDER THIS PROGRAM, THE ADMINISTRATOR SHALL PRIORITIZE HIGH-DENSITY HOUSING, MIXED-INCOME HOUSING, AND PROJECTS CONSISTENT WITH THE GOAL OF ENVIRONMENTAL SUSTAINABILITY. AS DETERMINED BY THE ADMINISTRATOR, A MINIMUM OF 40% OF MONIES AND A MAXIMUM OF 70% OF MONIES TRANSFERRED TO THE OFFICE FROM THE FUND ANNUALLY MAY BE USED FOR THE PROGRAM. THE ADMINISTRATOR MAY UTILIZE UP TO TWO PERCENT OF THE FUNDS IT RECEIVES FROM THE OFFICE FOR THE PROGRAM ANNUALLY TO PAY FOR THE COSTS OF ADMINISTERING THE PROGRAM.

(c) A CONCESSIONARY DEBT PROGRAM TO BE ADMINISTERED BY THE ADMINISTRATOR. THE PROGRAM SHALL:

(I) PROVIDE DEBT FINANCING OF LOW- AND MIDDLE-INCOME MULTI-FAMILY RENTAL DEVELOPMENTS,

(II) PROVIDE GAP FINANCING IN THE FORM OF SUBORDINATE DEBT AND PRE-DEVELOPMENT LOANS FOR PROJECTS THAT QUALIFY FOR FEDERAL LOW INCOME HOUSING TAX CREDITS,

(III) PROVIDE DEBT FINANCING OF EXISTING AFFORDABLE HOUSING PROJECTS FOR THE PURPOSE OF PRESERVING EXISTING AFFORDABLE MULTI-FAMILY RENTAL UNITS, AND

(IV) PROVIDE DEBT FINANCING FOR MODULAR AND FACTORY BUILD HOUSING MANUFACTURERS. THE AVERAGE OF RENTS FOR PROJECTS FUNDED BY THE PROGRAM (CALCULATED BY ADDING TOGETHER THE MONTHLY RENT FOR ALL UNITS IN A PROJECT AND DIVIDING BY THE NUMBER OF UNITS IN THE PROJECT) MUST BE AND REMAIN PERMANENTLY AFFORDABLE (MEANING THAT A HOUSEHOLD SHALL NOT BE REQUIRED TO SPEND MORE THAN 30% OF HOUSEHOLD INCOME ON RENT AND BASIC UTILITIES) FOR HOUSEHOLDS THAT ARE AT OR BELOW 60% OF THE AREA MEDIAN INCOME OF HOUSEHOLDS OF THAT SIZE IN THE TERRITORY OR JURISDICTION OF LOCAL GOVERNMENT IN WHICH THE HOUSING IS LOCATED, AS CALCULATED AND PUBLISHED FOR A GIVEN YEAR BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (THE AFFORDABILITY THRESHOLD); EXCEPT THAT WHERE THE PROGRAM IS A SECONDARY SOURCE OF FUNDING, THE AFFORDABILITY THRESHOLD REQUIRED BY THE PRIMARY FUNDING SOURCE, IF ANY, MAY BE OPERATIVE. DEBT FINANCING AND LOANS MADE BY THE PROGRAM SHALL BE MADE AT BELOW MARKET INTEREST RATES AS DETERMINED BY THE ADMINISTRATOR. RETURNS ON PROGRAM INVESTMENTS UP TO THE AMOUNT OF THE PROGRAM'S INITIAL INVESTMENT SHALL BE RETAINED IN THE PROGRAM AND REINVESTED BY THE ADMINISTRATOR IN THE PROGRAM ESTABLISHED IN THIS PARAGRAPH (c). RETURNS ON PROGRAM INVESTMENTS GREATER THAN THE PROGRAM'S INITIAL INVESTMENT SHALL BE RETAINED IN THE PROGRAM TO FUND THE TENANT EQUITY VEHICLE OF THE AFFORDABLE HOUSING EQUITY PROGRAM CREATED IN SUBSECTION (1)(b) OF THIS SECTION. AS DETERMINED BY THE ADMINISTRATOR, A MINIMUM OF 15% OF MONIES AND A MAXIMUM OF 35% OF MONIES TRANSFERRED TO THE OFFICE FROM THE FUND ANNUALLY MAY BE USED FOR THE PROGRAM. THE ADMINISTRATOR MAY UTILIZE UP TO TWO PERCENT OF THE FUNDS IT RECEIVES FROM THE OFFICE FOR THE PROGRAM ANNUALLY TO PAY FOR THE COSTS OF ADMINISTERING THE PROGRAM.

(2) IN SELECTING INVESTMENTS TO BE MADE BY THE PROGRAMS OF SUBSECTION (1) OF THIS SECTION, THE ADMINISTRATOR SHALL PRIORITIZE PROJECTS THAT ACHIEVE HIGH-DENSITY HOUSING, MIXED-INCOME HOUSING, AND PROJECTS CONSISTENT WITH THE GOAL OF ENVIRONMENTAL SUSTAINABILITY, AS APPROPRIATE.

(3) THE DIVISION SHALL EXPEND THE MONEY TRANSFERRED TO THE SUPPORT FUND IN SECTION 29-32-103(1) TO





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SUPPORT THE FOLLOWING PROGRAMS ONLY:

(a) AN AFFORDABLE HOME OWNERSHIP PROGRAM ADMINISTERED BY THE DIVISION OR ONE OR MORE CONTRACTORS OF THE DIVISION. THE PROGRAM SHALL OFFER HOME OWNERSHIP DOWN-PAYMENT ASSISTANCE TO FIRST-TIME HOMEBUYERS AND SHALL PRIORITIZE ASSISTANCE, TO THE EXTENT PRACTICABLE, TO FIRST-GENERATION HOMEBUYERS. THE ASSISTANCE SHALL BE PROVIDED TO HOUSEHOLDS WITH INCOME LESS THAN OR EQUAL TO 120% OF THE AREA MEDIAN INCOME OF HOUSEHOLDS OF THAT SIZE IN THE TERRITORY OR JURISDICTION OF LOCAL GOVERNMENT IN WHICH THE HOUSING IS LOCATED, AS CALCULATED AND PUBLISHED FOR A GIVEN YEAR BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THE PROGRAM SHALL ALSO MAKE GRANTS OR LOANS TO NON-PROFITS AND COMMUNITY LAND TRUSTS TO SUPPORT AFFORDABLE HOME OWNERSHIP AND TO GROUPS OR ASSOCIATIONS OF MOBILE HOME OWNERS TO ASSIST THEM WITH THE PURCHASE OF A MOBILE HOME PARK PURSUANT TO SECTION 38-12-217. SAID GRANTS AND LOANS SHALL BE USED TO SUPPORT AFFORDABLE HOME OWNERSHIP FOR HOUSEHOLDS WITH INCOME LESS THAN OR EQUAL TO 100% OF THE AREA MEDIAN INCOME OF HOUSEHOLDS OF THAT SIZE IN THE TERRITORY OR JURISDICTION OF LOCAL GOVERNMENT IN WHICH THE HOUSEHOLDS ARE LOCATED, AS CALCULATED AND PUBLISHED FOR A GIVEN YEAR BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. ALL PRINCIPAL AND INTEREST PAYMENTS ON LOANS MADE UNDER THIS PARAGRAPH (a) SHALL BE PAID TO THE DIVISION AND USED BY THE ADMINISTRATOR FOR THE PURPOSES SET FORTH IN THIS SUBSECTION (3). UP TO 50% OF MONIES TRANSFERRED TO THE DIVISION FROM THE FUND ANNUALLY MAY BE USED FOR THE PROGRAM. THE DIVISION SHALL DETERMINE HOW MUCH OF THE AVAILABLE FUNDING SHALL BE ALLOCATED TO EACH ASPECT OF THE PROGRAM. THE DIVISION MAY UTILIZE UP TO 5% OF THE FUNDS IT RECEIVES FROM THE FUND FOR THE PROGRAM ANNUALLY TO PAY FOR THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THE PROGRAM.

(b) A PROGRAM SERVING PERSONS EXPERIENCING HOMELESSNESS TO BE ADMINISTERED BY THE DIVISION. THE PROGRAM SHALL PROVIDE RENTAL ASSISTANCE, HOUSING VOUCHERS, AND EVICTION DEFENSE ASSISTANCE, INCLUDING LEGAL, FINANCIAL, AND CASE MANAGEMENT, TO PERSONS EXPERIENCING HOMELESSNESS OR AT RISK OF EXPERIENCING HOMELESSNESS. THE PROGRAM SHALL ALSO MAKE GRANTS OR LOANS TO NON-PROFIT ORGANIZATIONS, LOCAL GOVERNMENTS OR PRIVATE ENTITIES TO SUPPORT THE DEVELOPMENT AND PRESERVATION OF SUPPORTIVE HOUSING FOR PERSONS EXPERIENCING HOMELESSNESS, AND OTHER HOMELESSNESS RELATED ACTIVITIES THE DIVISION DETERMINES CONTRIBUTE TO THE RESOLUTION OF OR PREVENTION OF HOMELESSNESS, INCLUDING HOUSING PROGRAMS PAID FOR BY NON-PROFIT ORGANIZATIONS, LOCAL GOVERNMENTS OR PRIVATE ENTITIES ON A PAY FOR SUCCESS BASIS, MEANING AN ORGANIZATION, LOCAL GOVERNMENT OR PRIVATE ENTITY WOULD RECEIVE FINANCIAL SUPPORT FROM THE PROGRAM UPON ACHIEVING OBJECTIVES CONTRACTUALLY AGREED UPON WITH THE DIVISION. ALL PRINCIPAL AND INTEREST PAYMENTS ON LOANS MADE UNDER THIS PARAGRAPH (b) SHALL BE PAID TO THE DIVISION AND USED BY THE ADMINISTRATOR FOR THE PURPOSES SET FORTH IN THIS SUBSECTION (3). UP TO 45% OF MONIES TRANSFERRED TO THE DIVISION FROM THE FUND ANNUALLY MAY BE USED FOR THE PROGRAM. THE DIVISION MAY UTILIZE UP TO 5% OF THE FUNDS IT RECEIVES FROM THE FUND FOR THE PROGRAM ANNUALLY TO PAY FOR THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THE PROGRAM.

(c) A LOCAL PLANNING CAPACITY DEVELOPMENT PROGRAM ADMINISTERED BY THE DIVISION. THE PROGRAM SHALL PROVIDE GRANTS TO LOCAL GOVERNMENTS TO INCREASE THE CAPACITY OF LOCAL GOVERNMENT PLANNING DEPARTMENTS RESPONSIBLE FOR PROCESSING LAND USE, PERMITTING AND ZONING APPLICATIONS FOR HOUSING PROJECTS. UP TO 5% OF MONIES TRANSFERRED TO THE DIVISION FROM THE FUND ANNUALLY MAY BE USED FOR THE PROGRAM. THE DIVISION MAY UTILIZE UP TO 5% OF THE FUNDS IT RECEIVES FROM THE FUND FOR THE PROGRAM ANNUALLY TO PAY FOR THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THE PROGRAM.

(5) IF THE LEGISLATIVE COUNCIL STAFF'S MARCH ECONOMIC AND REVENUE FORECAST IN ANY GIVEN YEAR PROJECTS REVENUE FOR THE NEXT STATE FISCAL YEAR WILL FALL BELOW THE REVENUE LIMIT IMPOSED UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY MAY REDUCE THE FUNDING ALLOCATED TO THE OFFICE REQUIRED BY THIS SECTION FOR THE NEXT STATE FISCAL YEAR IN ORDER TO BALANCE THE STATE BUDGET FOR SAID STATE FISCAL YEAR.

**29-32-105. Local government affordable housing commitments – three-year commitment cycle - expedited development approval process - eligibility for assistance from the fund.** (1) (a) NOT LATER THAN NOVEMBER 1, 2023, THE GOVERNING BODY OF EACH LOCAL GOVERNMENT, OTHER THAN LOCAL HOUSING AUTHORITIES, DESIRING TO RECEIVE FUNDING UNDER THIS SECTION OR DESIRING TO MAKE AFFORDABLE HOUSING PROJECTS WITHIN ITS TERRITORIAL BOUNDARIES ELIGIBLE FOR FUNDING UNDER THIS SECTION SHALL MAKE AND FILE WITH THE DIVISION A COMMITMENT SPECIFYING HOW, BY DECEMBER 31, 2026, THE COMBINED NUMBER OF NEWLY CONSTRUCTED AFFORDABLE HOUSING UNITS AND EXISTING UNITS CONVERTED TO AFFORDABLE HOUSING, WITHIN ITS TERRITORIAL BOUNDARIES SHALL BE INCREASED BY THREE PERCENT EACH YEAR OVER THE BASELINE NUMBER OF AFFORDABLE HOUSING UNITS WITHIN ITS TERRITORIAL BOUNDARIES, DETERMINED AS PROVIDED IN SUBSECTION (1) (c) OF THIS SECTION.

(b) IN THE CASE OF A COUNTY, THE REQUIREMENTS OF THIS SUBSECTION (1) ONLY APPLY TO THE UNINCORPORATED AREAS OF THE COUNTY.

(c) THE BASELINE NUMBER OF AFFORDABLE HOUSING UNITS WITHIN THE TERRITORIAL BOUNDARIES OF A LOCAL GOVERNMENT, AS REFERENCED IN THIS SUBSECTION (1), SHALL BE DETERMINED BY THE LOCAL GOVERNMENT BY REFERENCE TO:

(I) THE 2017-2021 AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATES PUBLISHED BY THE UNITED STATES CENSUS BUREAU. THE BASELINE NUMBER SHALL RESET FOR 2027, BASED ON THE 2020-2024 AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATES, EXPECTED TO BE PUBLISHED IN THE

SPRING OF 2026 AND EVERY THIRD YEAR THEREAFTER WITH THE PUBLICATION OF THE CORRESPONDING AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATES; OR

(II) THE MOST RECENTLY AVAILABLE COMPREHENSIVE HOUSING AFFORDABILITY STRATEGIES ESTIMATES PUBLISHED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; OR

(III) A WEB-BASED SYSTEM CREATED, MAINTAINED, AND UPDATED BY THE DIVISION WITH THE ESTIMATES SPECIFIED IN SUBSECTION (1)(c)(I) OF THIS SECTION, OR IF THE DIVISION FINDS THAT THE ESTIMATES SPECIFIED IN SAID SUBSECTION (1)(c)(I) WOULD BE IMPRACTICAL OR DELETERIOUS TO THE EFFICACIOUS IMPLEMENTATION OF THIS SECTION, AN ALTERNATIVE SOURCE OF ESTIMATES THAT THE DIVISION FINDS TO BE APPROPRIATE.

(d) BY NOVEMBER 1, 2026 AND BY NOVEMBER 1ST OF EACH SUBSEQUENT YEAR IN WHICH THE BASELINE RESETS, THE GOVERNING BODY OF EACH LOCAL GOVERNMENT, OTHER THAN LOCAL HOUSING AUTHORITIES, DESIRING TO RECEIVE FUNDING UNDER THIS SECTION OR DESIRING TO MAKE AFFORDABLE HOUSING PROJECTS WITHIN ITS TERRITORIAL BOUNDARIES ELIGIBLE FOR FUNDING UNDER THIS SECTION SHALL MAKE AND FILE WITH THE DIVISION A COMMITMENT SPECIFYING HOW, BY DECEMBER 31 OF THE THIRD YEAR THEREAFTER, THE COMBINED NUMBER OF NEWLY CONSTRUCTED AFFORDABLE HOUSING UNITS AND EXISTING UNITS CONVERTED TO AFFORDABLE HOUSING, WITHIN ITS TERRITORIAL BOUNDARIES SHALL BE INCREASED BY THREE PERCENT EACH YEAR OVER THE BASELINE NUMBER OF AFFORDABLE HOUSING UNITS WITHIN ITS TERRITORIAL BOUNDARIES DETERMINED AS PROVIDED IN SUBSECTION (1) (c) OF THIS SECTION.

(e) IN DRAFTING AND ENACTING COMMITMENTS UNDER THIS SUBSECTION (1) LOCAL GOVERNMENTS SHOULD PRIORITIZE HIGH-DENSITY HOUSING, MIXED-INCOME HOUSING, AND PROJECTS CONSISTENT WITH THE GOAL OF ENVIRONMENTAL SUSTAINABILITY, WHEN APPROPRIATE, AND SHOULD PRIORITIZE AFFORDABLE HOUSING IN COMMUNITIES IN WHICH LOW CONCENTRATIONS OF AFFORDABLE HOUSING EXIST.

(2)(a) IN ORDER TO RECEIVE FINANCIAL ASSISTANCE UNDER THIS ARTICLE, OR FOR AFFORDABLE HOUSING PROJECTS WITHIN A MUNICIPALITY, A CITY AND COUNTY, OR THE UNINCORPORATED AREA OF A COUNTY TO BE ELIGIBLE FOR FUNDING, THE LOCAL GOVERNMENT, OTHER THAN A LOCAL AFFORDABLE HOUSING AUTHORITY, MUST ESTABLISH PROCESSES TO ENABLE IT TO PROVIDE A FINAL DECISION ON ANY APPLICATION FOR A SPECIAL PERMIT, VARIANCE, OR OTHER DEVELOPMENT PERMIT, EXCLUDING SUBDIVISIONS, OF A DEVELOPMENT PROJECT FOR WHICH FIFTY PERCENT OR MORE OF THE RESIDENTIAL UNITS IN THE DEVELOPMENT CONSTITUTE AFFORDABLE HOUSING NOT MORE THAN NINETY CALENDAR DAYS AFTER SUBMISSION OF A COMPLETE APPLICATION, REFERRED TO HEREIN AS A "FAST-TRACK APPROVAL PROCESS."

(b) A LOCAL GOVERNMENT'S FAST-TRACK APPROVAL PROCESS MAY INCLUDE AN OPTION TO EXTEND THE REVIEW PERIOD FOR AN ADDITIONAL NINETY DAYS AT THE REQUEST OF A DEVELOPER, FOR COMPLIANCE WITH STATE LAW OR COURT ORDER, OR FOR A REVIEW PERIOD REQUIRED BY ANOTHER LOCAL GOVERNMENT OR AGENCY, WITHIN THE LOCAL GOVERNMENT OR OUTSIDE, FOR ANY COMPONENT OF THE APPLICATION REQUIRING THAT GOVERNMENT'S OR AGENCY'S APPROVAL.

(c) A LOCAL GOVERNMENT'S FAST-TRACK APPROVAL PROCESS MAY INCLUDE EXTENSIONS TO ALLOW FOR THE SUBMISSION OF ADDITIONAL INFORMATION OR REVISIONS TO AN APPLICATION IN RESPONSE TO REQUESTS FROM THE LOCAL GOVERNMENT. SUCH EXTENSIONS SHALL NOT EXCEED THE AMOUNT OF TIME FROM THE REQUEST TO THE SUBMISSION OF THE APPLICANT'S RESPONSE PLUS THIRTY DAYS. APPLICANTS SHALL PROVIDE SUCH ADDITIONAL INFORMATION OR RESPONSES PROMPTLY AND SHALL, WHENEVER PRACTICABLE, PROVIDE A RESPONSE WITHIN FIVE BUSINESS DAYS.

(d) NOTHING IN THIS SUBSECTION (2) SHALL BE INTERPRETED AS REQUIRING AN AFFORDABLE HOUSING DEVELOPER TO UTILIZE A FAST-TRACK APPROVAL PROCESS.

(3) (a) BEGINNING IN 2027, TO BE ELIGIBLE UNDER THIS ARTICLE FOR DIRECT FUNDING, OR FOR AFFORDABLE HOUSING PROJECTS WITHIN A LOCAL GOVERNMENT'S TERRITORIAL BOUNDARIES TO BE ELIGIBLE FOR FUNDING, LOCAL GOVERNMENTS, OTHER THAN LOCAL HOUSING AUTHORITIES, MUST SATISFY BOTH THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION TO COMMIT TO AND ACHIEVE ANNUAL INCREASES IN THE NUMBER OF AFFORDABLE HOUSING UNITS WITHIN THEIR TERRITORIAL BOUNDARIES, AND THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION TO IMPLEMENT A SYSTEM TO EXPEDITE THE DEVELOPMENT APPROVAL PROCESS FOR AFFORDABLE HOUSING PROJECTS.

(b)(I) IF A LOCAL GOVERNMENT MAKES AND FILES WITH THE DIVISION THE COMMITMENT REQUIRED BY SUBSECTION (1) OF THIS SECTION BY NOVEMBER 1, 2023, IT SHALL BE DEEMED TO HAVE SATISFIED THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION THROUGH DECEMBER 31, 2026.

(II) IF A LOCAL GOVERNMENT MAKES AND FILES WITH THE DIVISION THE COMMITMENT REQUIRED BY SUBSECTION (1) OF THIS SECTION BY NOVEMBER 1, 2026, OR BY NOVEMBER 1ST OF A SUBSEQUENT YEAR IN WHICH THE BASELINE RESETS, AND IT MET ITS COMMITMENT TO INCREASE AFFORDABLE HOUSING MADE UNDER SUBSECTION (1) OF THIS SECTION FOR THE PREVIOUS THREE-YEAR CYCLE, IT SHALL BE DEEMED TO HAVE SATISFIED THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION THROUGH THE END OF THE CURRENT THREE-YEAR CYCLE.

(III) IF A LOCAL GOVERNMENT, OTHER THAN A LOCAL HOUSING AUTHORITY, FAILS TO MAKE AND FILE WITH THE DIVISION THE COMMITMENT REQUIRED BY SUBSECTION (1) OF THIS SECTION BY NOVEMBER 1, 2023, OR BY NOVEMBER 1ST OF A SUBSEQUENT YEAR IN WHICH THE BASELINE RESETS, IT SHALL BE INELIGIBLE TO RECEIVE FINANCIAL ASSISTANCE FROM THE DIVISION OR ADMINISTRATOR DURING THE FOLLOWING CALENDAR YEAR.

(IV) IF A LOCAL GOVERNMENT FAILS TO MEET ITS COMMITMENT TO INCREASE AFFORDABLE HOUSING MADE AND FILED PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR ANY THREE-YEAR CYCLE, IT SHALL BE INELIGIBLE TO

RECEIVE FINANCIAL ASSISTANCE FROM THE DIVISION OR ADMINISTRATOR DURING THE FIRST CALENDAR YEAR OF THE NEXT THREE-YEAR CYCLE.

(V) AN INELIGIBLE LOCAL GOVERNMENT MAY APPLY FOR A SUBSEQUENT YEAR WITH A NEW COMMITMENT UNDER SUBSECTION (1) OF THIS SECTION FOR THE BALANCE OF THE THEN-CURRENT THREE-YEAR CYCLE.

(VI) A DEVELOPER, WHETHER FOR-PROFIT OR NONPROFIT, OR A LOCAL GOVERNMENT DEVELOPING AN AFFORDABLE HOUSING PROJECT WITHIN THE TERRITORIAL BOUNDARIES OF A LOCAL GOVERNMENT THAT FAILS TO MEET THE REQUIREMENTS OF SUBSECTION (1) OR (2) OF THIS SECTION SHALL BE INELIGIBLE TO RECEIVE FINANCIAL ASSISTANCE FROM THE DIVISION OR ADMINISTRATOR. NOTWITHSTANDING THIS RESTRICTION, A PROJECT WITHIN THE TERRITORIAL BOUNDARIES OF AN ELIGIBLE MUNICIPALITY SHALL BE ELIGIBLE FOR FUNDING EVEN IF THE COUNTY IN WHICH THE PROJECT IS LOCATED IS INELIGIBLE.

(VII) INELIGIBLE LOCAL GOVERNMENTS AND DEVELOPERS OF PROJECTS IN INELIGIBLE LOCAL GOVERNMENT JURISDICTIONS SHALL NOT BE REQUIRED TO PAY BACK TO THE DIVISION OR THE ADMINISTRATOR MONEY PAID TO THEM UNDER THIS ARTICLE PRIOR TO INELIGIBILITY.

(d) THE DIVISION SHALL BE RESPONSIBLE FOR DETERMINING COMPLIANCE WITH THIS SECTION. FOR THE PURPOSE OF CALCULATING WHETHER A LOCAL GOVERNMENT HAS MET THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, A NEW RESIDENTIAL HOUSING UNIT IS TO BE COUNTED AT THE TIME IT IS PERMITTED RATHER THAN THE TIME IT IS CONSTRUCTED. AN EXISTING HOUSING UNIT NEWLY QUALIFYING AS AFFORDABLE HOUSING IS TO BE COUNTED AT THE TIME IT IS PERMITTED AND FULLY FUNDED RATHER THAN AT THE TIME THE CONVERSION IS COMPLETED. FOR THE PURPOSE OF CALCULATING WHETHER A LOCAL GOVERNMENT HAS MET THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, IN ADDITION TO AFFORDABLE HOUSING GROWTH ACHIEVED THROUGH THE PROGRAMS IN THIS ARTICLE, ANY NEW DEED RESTRICTED AFFORDABLE HOUSING, NEWLY CONSTRUCTED OR CONVERTED TO AFFORDABLE, WITHIN A LOCAL GOVERNMENT'S TERRITORIAL BOUNDARIES SHALL BE COUNTED TOWARD THE LOCAL GOVERNMENT'S GROWTH REQUIREMENT. AFFORDABLE HOUSING GROWTH IN ANOTHER JURISDICTION RESULTING DIRECTLY FROM A LOCAL GOVERNMENT'S FUNDING OF SUCH AFFORDABLE HOUSING IN COOPERATION WITH ANOTHER LOCAL GOVERNMENT SHALL BE ATTRIBUTED TO A LOCAL GOVERNMENT IN PROPORTION TO THE FUNDING PROVIDED BY THE LOCAL GOVERNMENT TO SUCH HOUSING.

**29-32-106. Maintenance of effort.** FOR ANY STATE FISCAL YEAR IN WHICH MONEY IS APPROPRIATED FROM THE FUND IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE, ANY SUCH MONEY APPROPRIATED MUST SUPPLEMENT AND SHALL NOT SUPPLANT THE LEVEL OF GENERAL FUND AND CASH FUND APPROPRIATIONS FOR AFFORDABLE HOUSING PROGRAMS AS OF STATE FISCAL YEAR 2022-23.

## Proposition 124 Increase Allowable Liquor Store Locations

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

### Ballot Title:

Shall there be a change to the Colorado Revised Statutes concerning increasing the number of retail liquor store licenses in which a person may hold an interest, and, in connection therewith, phasing in the increase by allowing up to 8 licenses by December 31, 2026, up to 13 licenses by December 31, 2031, up to 20 licenses by December 31, 2036, and an unlimited number of licenses on or after January 1, 2037?

### Text of Measure:

*Be it enacted by the People of the State of Colorado:*

#### SECTION 1. Declaration of Purpose.

The People of the State of Colorado find and declare that it is in the interest of Colorado to create a more level playing field for the different business types that sell alcohol for off-premises consumption by allowing an equal number of licenses for drugstores, grocery stores and liquor stores. Creating parity and an orderly expansion for all businesses will foster competition, create jobs, increase selection and consumer choice, and lower costs for Coloradans.

**SECTION 2.** In Colorado Revised Statutes, 44-3-409, amend (4)(b)(III) as follows:

**44-3-409. Retail liquor store license – rules.** (4)(b) An owner, part owner, shareholder, or person interested directly or indirectly in a retail liquor store may have an interest in:

(III) For a retail liquor store licensed on or before January 1, 2016, and whose license holder is a Colorado resident, additional retail liquor store licenses as follows, but only if the premises for which a license is sought satisfies the distance requirements specified in subsection (1)(a)(II) of this section:

(A) On or after January 1, 2017, and before January 1, 2022, one additional retail liquor store license, for a maximum of up to two total retail liquor store licenses;

(B) On or after January 1, 2022, and before January 1, 2027, up to ~~two~~ SEVEN additional retail liquor store licenses, for a maximum of ~~three~~ EIGHT total retail liquor store licenses; and

(C) On or after January 1, 2027, AND BEFORE JANUARY 1, 2032, up to ~~three~~ TWELVE additional retail liquor store licenses, for a maximum of ~~four~~ THIRTEEN total retail liquor store licenses;

(D) ON OR AFTER JANUARY 1, 2032, AND BEFORE JANUARY 1, 2037, UP TO NINETEEN ADDITIONAL RETAIL LIQUOR STORE LICENSES, FOR A MAXIMUM OF TWENTY TOTAL RETAIL LIQUOR STORE LICENSES;

(E) ON OR AFTER JANUARY 1, 2037, AN UNLIMITED NUMBER





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OF ADDITIONAL RETAIL LIQUOR STORE LICENSES; OR

**SECTION 3. Effective date.** This measure shall go into effect upon the proclamation of the governor of the state of Colorado.

## Proposition 125

### Allow Grocery and Convenience Stores to Sell Wine

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

#### Ballot Title:

Shall there be a change to the Colorado Revised Statutes concerning the expansion of retail sale of alcohol beverages, and, in connection therewith, establishing a new fermented malt beverage and wine retailer license for off-site consumption to allow grocery stores, convenience stores, and other business establishments licensed to sell fermented malt beverages, such as beer, for off-site consumption to also sell wine; automatically converting such a fermented malt beverage retailer license to the new license; and allowing fermented malt beverage and wine retailer licensees to conduct tastings if approved by the local licensing authority?

#### Text of Measure:

*Be it enacted by the People of the State of Colorado:*

#### SECTION 1: Declaration

The People of the State of Colorado hereby find and declare that Article 4 of Title 44, Colorado Revised Statutes, known as the "Colorado Beer Code", shall be amended to allow, beginning March 1, 2023, the sale of wine in grocery and convenience stores that are licensed to sell beer.

**SECTION 2.** In Colorado Revised Statutes, 44-3-103, add (18.5), (32.5), and (60.5) as follows:

**44-3-103. Definitions.** As used in this article 3 and article 4 of this title 44, unless the context otherwise requires:

(18.5) "FERMENTED MALT BEVERAGE AND WINE RETAILER" MEANS A RETAILER LICENSED UNDER ARTICLE 4 OF THIS TITLE 44 TO SELL FERMENTED MALT BEVERAGES AND WINE, BUT NOT SPIRITUOUS LIQUORS, IN ORIGINAL SEALED CONTAINERS FOR CONSUMPTION OFF THE LICENSED PREMISES.

(32.5) "OFF-PREMISES RETAILER" MEANS ANY RETAILER LICENSED UNDER THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 THAT IS ALLOWED TO SELL ALCOHOL BEVERAGES AT RETAIL FOR CONSUMPTION OFF THE LICENSED PREMISES.

(60.5) "WINE" MEANS VINOUS LIQUORS.

**SECTION 3.** In Colorado Revised Statutes, 44-3-301, amend 9(a)(I)(B), (10)(b), 10(c)(I)(A), 10(c)(XII), 10(d), 10(e); and repeal and reenact, with amendments, (12) as follows:

**44-3-301. Licensing in general.** (9)(a)(I)(B) The state and local licensing authorities shall not grant permission under this subsection (9)(a)(I) to a fermented malt beverage AND WINE retailer licensed under section 44-4-107 (1)(a) to move its permanent location if the new location is: Within one thousand five hundred feet of a retail liquor store licensed under section 44-3-409; for a premises located in a municipality with a population of ten thousand or fewer, within three thousand feet of a retail liquor store licensed under section 44-3-409; or, for a premises located in a municipality with a population of ten thousand or fewer that is contiguous to the city and county of Denver, within one thousand five hundred feet of a retail liquor store licensed under section 44-3-409.

(10)(b) A retail liquor store, or liquor-licensed drugstore, OR FERMENTED MALT BEVERAGE AND WINE RETAILER licensee who wishes to conduct tastings may submit an application or application renewal to the local licensing authority. The local licensing authority may reject the application if the applicant fails to establish that he or she is able to conduct tastings without violating the provisions of this section or creating a public safety risk to the neighborhood. A local licensing authority may establish its own application procedure and may charge a reasonable application fee.

(c) Tastings are subject to the following limitations:

(I) Tastings shall be conducted only:

(A) By a person who: Has completed a server training program that meets the standards established by the liquor enforcement division in the department and is a retail liquor store, or liquor-licensed drugstore, OR FERMENTED MALT BEVERAGE AND WINE RETAILER licensee, an employee of a retail liquor store, or liquor-licensed drugstore, OR FERMENTED MALT BEVERAGE AND WINE RETAILER licensee, or a representative, employee, or agent of the licensed wholesaler, brew pub, distillery pub, manufacturer, limited winery, importer, or vintner's restaurant promoting the alcohol beverages for the tasting; and

(XII) No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The retail liquor store, or liquor-licensed drugstore, OR FERMENTED MALT BEVERAGE AND WINE RETAILER licensee bears the financial and all other responsibility for a tasting conducted on its licensed premises.

(d) A violation of a limitation specified in this subsection (10) by a retail liquor store, or liquor-licensed drugstore, OR FERMENTED MALT BEVERAGE AND WINE RETAILER licensee, whether by the licensee's employees, agents, or otherwise or by a representative, employee, or agent of the licensed wholesaler, brew pub, distillery pub, manufacturer, limited winery, importer, or vintner's restaurant that promoted the alcohol beverages for the tasting, is the responsibility of, and section 44-3-801 applies to, the retail liquor store, or liquor-licensed drugstore, OR FERMENTED MALT BEVERAGE AND WINE RETAILER licensee that conducted the tasting.

(e) A retail liquor store, or liquor-licensed drugstore, OR FERMENTED MALT BEVERAGE AND WINE RETAILER licensee conducting a tasting shall be subject to the same revocation,

suspension, and enforcement provisions as otherwise apply to the licensee.

(12)(a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 3, ON AND AFTER JULY 1, 2016, THE STATE AND LOCAL LICENSING AUTHORITIES SHALL NOT ISSUE A NEW LICENSE UNDER THIS ARTICLE 3 AUTHORIZING THE SALE AT RETAIL OF MALT, VINOUS, OR SPIRITUOUS LIQUORS IN SEALED CONTAINERS FOR CONSUMPTION OFF THE LICENSED PREMISES IF THE PREMISES FOR WHICH THE RETAIL LICENSE IS SOUGHT IS LOCATED:

(I) WITHIN ONE THOUSAND FIVE HUNDRED FEET OF ANOTHER LICENSED PREMISES LICENSED TO SELL MALT, VINOUS, OR SPIRITUOUS LIQUORS AT RETAIL FOR OFF-PREMISES CONSUMPTION;

(II) FOR A PREMISES LOCATED IN A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR FEWER, WITHIN THREE THOUSAND FEET OF ANOTHER LICENSED PREMISES LICENSED TO SELL MALT, VINOUS, OR SPIRITUOUS LIQUORS AT RETAIL FOR OFF-PREMISES CONSUMPTION; OR

(III) FOR A PREMISES LOCATED IN A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR FEWER THAT IS CONTIGUOUS TO THE CITY AND COUNTY OF DENVER, WITHIN ONE THOUSAND FIVE HUNDRED FEET OF ANOTHER LICENSED PREMISES LICENSED TO SELL MALT, VINOUS, OR SPIRITUOUS LIQUORS AT RETAIL FOR OFF-PREMISES CONSUMPTION.

(a.5)(I) NOTWITHSTANDING ANY OTHER PROVISION OF SUBSECTION 12(a) OF THIS SECTION, ON AND AFTER MARCH 1, 2023, THE STATE AND LOCAL LICENSING AUTHORITIES SHALL NOT ISSUE A NEW FERMENTED MALT BEVERAGE AND WINE RETAILER'S LICENSE UNDER ARTICLE 4 OF THIS TITLE 44 AUTHORIZING THE SALE AT RETAIL OF FERMENTED MALT BEVERAGES AND WINE IN SEALED CONTAINERS FOR CONSUMPTION OFF THE LICENSED PREMISES IF THE PREMISES FOR WHICH THE RETAIL LICENSE IS SOUGHT IS LOCATED WITHIN FIVE HUNDRED FEET OF A RETAIL LIQUOR STORE LICENSED UNDER SECTION 44-3-409.

(II) THIS SUBSECTION (12)(a.5) DOES NOT APPLY TO A PERSON THAT OWNS OR LEASES A PROPOSED FERMENTED MALT BEVERAGE RETAILER LICENSED PREMISES AND, AS OF JANUARY 1, 2019, HAS APPLIED FOR OR RECEIVED FROM THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY IN WHICH THE PREMISES ARE LOCATED:

(A) A BUILDING PERMIT FOR THE STRUCTURE TO BE USED FOR THE FERMENTED MALT BEVERAGE RETAILER LICENSED PREMISES, WHICH PERMIT IS CURRENTLY ACTIVE AND WILL NOT EXPIRE BEFORE THE COMPLETION OF THE LIQUOR LICENSING PROCESS; OR

(B) A CERTIFICATE OF OCCUPANCY FOR THE STRUCTURE TO BE USED FOR THE FERMENTED MALT BEVERAGE RETAILER LICENSED PREMISES.

(b) FOR PURPOSES OF SUBSECTION (12)(a) OF THIS SECTION, A LICENSE UNDER THIS ARTICLE 3 AUTHORIZING THE SALE AT RETAIL OF MALT, VINOUS, OR SPIRITUOUS LIQUORS IN SEALED CONTAINERS FOR CONSUMPTION OFF THE LICENSED PREMISES INCLUDES A LICENSE UNDER THIS ARTICLE 3 AUTHORIZING THE SALE OF MALT AND VINOUS LIQUORS IN SEALED CONTAINERS NOT TO BE CONSUMED AT THE PLACE WHERE THE MALT AND VINOUS LIQUORS ARE SOLD.

(c)(I) FOR PURPOSES OF DETERMINING WHETHER THE DISTANCE REQUIREMENTS SPECIFIED IN SUBSECTIONS (12)(a) AND (12)(a.5) OF THIS SECTION ARE SATISFIED, THE DISTANCE SHALL BE DETERMINED BY A RADIUS MEASUREMENT THAT BEGINS AT THE PRINCIPAL DOORWAY OF THE PREMISES FOR WHICH THE APPLICATION IS MADE AND ENDS AT THE PRINCIPAL DOORWAY OF THE OTHER RETAIL LICENSED PREMISES.

(II) THIS SUBSECTION (12) DOES NOT APPLY TO THE CONVERSION OF A LICENSE UNDER SECTION 44-4-107(1)(a) (II).

(III) NOTWITHSTANDING ANY OTHER PROVISION OF SUBSECTION (12)(a) OF THIS SECTION, THE STATE AND LOCAL LICENSING AUTHORITIES SHALL NOT ISSUE A NEW RETAIL LIQUOR STORE LICENSE UNDER ARTICLE 3 OF THIS TITLE 44 AUTHORIZING THE SALE AT RETAIL OF MALT, VINOUS, OR SPIRITUOUS LIQUORS IN SEALED CONTAINERS FOR CONSUMPTION OFF THE LICENSED PREMISES IF THE PREMISES FOR WHICH THE RETAIL LICENSE IS SOUGHT IS LOCATED WITHIN FIVE HUNDRED FEET OF A FERMENTED MALT BEVERAGE AND WINE RETAILER LICENSED UNDER SECTION 44-4-107.

**SECTION 4.** In Colorado Revised Statutes, 44-3-313, amend (1)(e)(I), (1)(e)(II), (1)(e)(IV), and (1)(e)(V) as follows:

**44-3-313. Restrictions for applications for new license.** (1) An application for the issuance of any license specified in section 44-3-309 (1) or 44-4-107 (1) shall not be received or acted upon:

(e)(I) If the building in which the fermented malt beverages AND WINE are to be sold pursuant to a license under section 44-4-107 (1)(a) is located within five hundred feet of any public or parochial school or the principal campus of any college, university, or seminary; except that this subsection (1)(e)(I) does not apply to:

(A) Licensed premises located or to be located on land owned by a municipality;

(B) An existing licensed premises on land owned by the state;

(C) A fermented malt beverage AND WINE retailer that held a valid license and was actively doing business before the principal campus was constructed;

(D) A club located within the principal campus of any college, university, or seminary that limits its membership to the faculty or staff of the institution; or

(E) A campus liquor complex.

(II) The distances referred to in subsection (1)(e)(I) of this section are to be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which fermented malt beverages AND WINE are to be sold, using a route of direct pedestrian access.

(IV) In addition to the requirements of section 44-3-312 (2), the local licensing authority shall consider the evidence and make a specific finding of fact as to whether the building in which the fermented malt beverages AND WINE are to be sold is located within any distance restriction established by

or pursuant to this subsection (1)(e). The finding is subject to judicial review pursuant to section 44-3-802.

(V) This subsection (1)(e) applies to:

(A) Applications for new fermented malt beverage AND WINE retailer's licenses under section 44-4-107 (1)(a) submitted on or after June 4, 2018 MARCH 1, 2023; and

(B) Applications submitted on or after June 4, 2018 MARCH 1, 2023, under section 44-3-301 (9) by fermented malt beverage AND WINE retailers licensed under section 44-4-107 (1)(a) to change the permanent location of the fermented malt beverage AND WINE retailer's licensed premises.

**SECTION 5.** In Colorado Revised Statutes, 44-3-901, amend (1)(g), (1)(i)(III), (6)(i)(II), (6)(k)(I), (6)(k)(II)(B), (6)(k)(IV), (6)(k)(V), and (6)(p)(III), and (8)(b) as follows:

**44-3-901. Unlawful acts - exceptions - definitions.** (1) Except as provided in section 18-13-122, it is unlawful for any person:

(g) To sell at retail any malt, vinous, or spirituous liquors in sealed containers without holding a retail liquor store or liquor-licensed drugstore license, except as permitted by section 44-3-107 (2) or 44-3-301 (6)(b) or any other provision of this article 3, or to sell at retail any fermented malt beverages in sealed containers without holding a fermented malt beverage retailer's license under section 44-4-104 (1)(c) OR TO SELL AT RETAIL ANY FERMENTED MALT BEVERAGES AND WINE IN SEALED CONTAINERS WITHOUT HOLDING A FERMENTED MALT BEVERAGE AND WINE RETAILER'S LICENSE UNDER SECTION 44-4-107 (1)(a).

(i)(III)(A) Notwithstanding subsection (1)(i)(I) of this section, it shall not be unlawful for adult patrons of a retail liquor store or liquor-licensed drugstore licensee to consume malt, vinous, or spirituous liquors on the licensed premises when the consumption is conducted within the limitations of the licensee's license and is part of a tasting if authorization for the tasting has been granted pursuant to section 44-3-301.

(i)(III)(B) NOTWITHSTANDING SUBSECTION (1)(i)(I) OF THIS SECTION, IT SHALL NOT BE UNLAWFUL FOR ADULT PATRONS OF A FERMENTED MALT BEVERAGE AND WINE RETAILER LICENSEE TO CONSUME MALT OR VINOUS LIQUORS ON THE LICENSED PREMISES WHEN THE CONSUMPTION IS CONDUCTED WITHIN THE LIMITATIONS OF THE LICENSEE'S LICENSE AND IS PART OF A TASTING IF AUTHORIZATION FOR THE TASTING HAS BEEN GRANTED PURSUANT TO SECTION 44-3-301.

(6) It is unlawful for any person licensed to sell at retail pursuant to this article 3 or article 4 of this title 44:

(i)(II) Notwithstanding subsection (6)(i)(I) of this section, it shall not be unlawful for a retail liquor store, liquor-licensed drugstore, OR FERMENTED MALT BEVERAGE AND WINE RETAILER licensee to allow tastings to be conducted on his or her licensed premises if authorization for the tastings has been granted pursuant to section 44-3-301.

(k)(I) Except as provided in subsections (6)(k)(II), (6)(k)(IV), and (6)(k)(V) of this section, to have on the licensed premises, if licensed as a retail liquor store, liquor licensed drugstore, fermented malt beverage retailer, OR FERMENTED MALT BEVERAGE AND WINE RETAILER, any container that shows evidence of having once been opened or that contains a volume of liquor less than that specified on the label of the container;

(II)(B) A person holding a fermented malt beverage AND WINE retailer's license under section 44-4-107 (1)(a) may have upon the licensed premises fermented malt beverages AND WINE in open containers when the open containers were brought onto the licensed premises by and remain solely in the possession of the sales personnel of a person licensed to sell at wholesale pursuant to article 4 of this title 44 for the purpose of sampling fermented malt beverages AND WINE by the fermented malt beverage AND WINE retailer licensee only.

(IV) It is not unlawful for a retail liquor store, liquor-licensed drugstore, OR FERMENTED MALT BEVERAGE AND WINE RETAILER licensee to allow tastings to be conducted on the licensed premises if authorized for the tastings has been granted pursuant to section 44-3-301.

(V) A person holding a retail liquor store or liquor-licensed drugstore license under this article 3 or a fermented malt beverage AND WINE retailer's license under section 44-4-107 (1)(a) may have upon the licensed premises an open container of an alcohol beverage product that the licensee discovers to be damaged or defective so long as the licensee marks the product as damaged or for return and stores the open container outside the sales area of the licensed premises until the licensee is able to return the product to the wholesaler from whom the product was purchased.

(p)(III) If licensed as a retail liquor store under section 44-3-409, a liquor-licensed drugstore under section 44-3-410, or a fermented malt beverage AND WINE retailer under section 44-4-107 (1)(a), to permit an employee OR ANY OTHER PERSON who is under twenty-one years of age to deliver malt, vinous, or spirituous liquors or fermented malt beverages offered for sale on, or sold and removed from, the licensed premises of the retail liquor store, liquor-licensed drugstore, or fermented malt beverage AND WINE retailer.

(8)(b) Notwithstanding subsection (8)(a) of this section, it shall not be unlawful for a retail liquor store, liquor-licensed drugstore, OR FERMENTED MALT BEVERAGE AND WINE RETAILER licensee to allow tasting to be conducted on his or her licensed premises if authorization for the tastings has been granted pursuant to section 44-3-301.

**SECTION 6.** In Colorado Revised Statutes, amend 44-4-101 as follows:

**44-4-101. Short title.** The short title of this article 4 is the "Colorado Beer AND WINE Code".

**SECTION 7.** In Colorado Revised Statutes, amend 44-4-102 as follows:

**44-4-102. Legislative declaration.** (1) The general assembly hereby declares that it is in the public interest that fermented malt beverages AND WINE FOR CONSUMPTION OFF THE PREMISES OF THE LICENSEE, FERMENTED MALT BEVERAGES FOR CONSUMPTION ON THE PREMISES OF THE LICENSEE, AND FERMENTED MALT BEVERAGES FOR CONSUMPTION BOTH ON AND OFF THE PREMISES OF THE LICENSEE shall be sold at retail only by persons licensed as provided in this article 4





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TITLE 44. The general assembly further declares that it is lawful to sell fermented malt beverages AND WINE at retail subject to this article 4 and applicable provisions of articles 3 and 5 of this title 44.

(2) The general assembly further recognizes that fermented malt beverages and malt liquors are separate and distinct from, and have a unique regulatory history in relation to, vinous and spirituous liquors; however, maintaining a separate regulatory framework and licensing structure for fermented malt beverages AND FERMENTED MALT BEVERAGES AND WINE under this article 4 is no longer necessary except at the retail level. Furthermore, to aid administrative efficiency, article 3 of this title 44 applies to the regulation of fermented malt beverages AND FERMENTED MALT BEVERAGES AND WINE, except when otherwise expressly provided for in this article 4.

**SECTION 8.** In Colorado Revised Statutes, 44-4-103, amend (2) and (3); and add (7) as follows:

**44-4-103. Definitions.** Definitions applicable to this article 4 also appear in article 3 of this title 44. As used in this article 4, unless the context otherwise requires:

(2) "License" means a grant to a licensee to sell fermented malt beverages OR FERMENTED MALT BEVERAGES AND WINE at retail as provided by this article 4.

(3) "Licensed premises" means the premises specified in an application for a license under this article 4 that are owned or in possession of the licensee and within which the licensee is authorized to sell, dispense, or serve fermented malt beverages OR FERMENTED MALT BEVERAGES AND WINE in accordance with the provisions of this article 4.

(7) "WINE" MEANS VINOUS LIQUORS, AS DEFINED IN SECTION 44-3-103(59), WHEN PURCHASED BY A FERMENTED MALT BEVERAGE AND WINE RETAILER FROM A WHOLESALER LICENSED PURSUANT TO ARTICLE 3 OF THIS TITLE 44.

**SECTION 9.** In Colorado Revised Statutes, 44-4-104, repeal and reenact, with amendments, (1) as follows:

**44-4-104. Licenses - state license fees - requirements - definition.** (1) THE LICENSES TO BE GRANTED AND ISSUED BY THE STATE LICENSING AUTHORITY PURSUANT TO THIS ARTICLE 4 FOR THE RETAIL SALE OF FERMENTED MALT BEVERAGES OR FERMENTED MALT BEVERAGES AND WINE ARE AS FOLLOWS:

(a) AND (b) REPEALED.

(c)(I)(A) A RETAILER'S LICENSE SHALL BE GRANTED AND ISSUED TO ANY PERSON, PARTNERSHIP, ASSOCIATION, ORGANIZATION, OR CORPORATION QUALIFYING UNDER SECTION 44-3-301 AND NOT PROHIBITED FROM LICENSURE UNDER SECTION 44-3-307 TO SELL AT RETAIL FERMENTED MALT BEVERAGES AND WINE EITHER FOR CONSUMPTION OFF THE LICENSED PREMISES, OR FERMENTED MALT BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES OR, SUBJECT TO SUBSECTION (1)(C)(III) OF THIS SECTION, FERMENTED MALT BEVERAGES FOR CONSUMPTION ON AND OFF THE LICENSED PREMISES, UPON PAYING AN ANNUAL LICENSE FEE OF SEVENTY-FIVE DOLLARS TO THE STATE LICENSING AUTHORITY.

(B) A PERSON LICENSED PURSUANT TO THIS SUBSECTION (1)(C) TO SELL FERMENTED MALT BEVERAGES OR FERMENTED MALT BEVERAGES AND WINE AT RETAIL SHALL PURCHASE THE FERMENTED MALT BEVERAGES OR FERMENTED MALT BEVERAGES AND WINE ONLY FROM A WHOLESALER LICENSED PURSUANT TO ARTICLE 3 OF THIS TITLE 44.

(II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(C)(III) OF THIS SECTION:

(A) THE STATE LICENSING AUTHORITY SHALL NOT ISSUE A NEW OR RENEW A FERMENTED MALT BEVERAGE RETAILER'S LICENSE FOR THE SALE OF FERMENTED MALT BEVERAGES FOR CONSUMPTION ON AND OFF THE LICENSED PREMISES; AND

(B) ANY LICENSEE HOLDING A FERMENTED MALT BEVERAGE LICENSE AUTHORIZING THE SALE OF FERMENTED MALT BEVERAGES FOR CONSUMPTION ON AND OFF THE LICENSED PREMISES THAT WAS ISSUED BY THE STATE LICENSING AUTHORITY UNDER THIS SUBSECTION (1)(C) BEFORE JUNE 4, 2018, THAT APPLIES TO RENEW THE LICENSE ON OR AFTER JUNE 4, 2018, AND WHOSE LICENSED PREMISES IS LOCATED IN A COUNTY WITH A POPULATION OF THIRTY-FIVE THOUSAND OR MORE AND NOT IN AN UNDERSERVED AREA MUST SIMULTANEOUSLY APPLY TO CONVERT THE LICENSE EITHER TO A LICENSE FOR THE SALE OF FERMENTED MALT BEVERAGES AT RETAIL FOR CONSUMPTION OFF THE LICENSED PREMISES OR TO A LICENSE FOR THE SALE OF FERMENTED MALT BEVERAGES AT RETAIL FOR CONSUMPTION ON THE LICENSED PREMISES.

(III) (A) THE STATE LICENSING AUTHORITY MAY ISSUE A NEW OR RENEW A FERMENTED MALT BEVERAGE RETAILER'S LICENSE FOR THE SALE OF FERMENTED MALT BEVERAGES FOR CONSUMPTION ON AND OFF THE LICENSED PREMISES IF THE LICENSED PREMISES IS LOCATED IN A COUNTY WITH A POPULATION OF LESS THAN THIRTY-FIVE THOUSAND OR IN AN UNDERSERVED AREA.

(B) REPEALED.

(IV) AS USED IN THIS SUBSECTION (1)(C), "UNDERSERVED AREA" MEANS AN AREA THAT IS WITHIN A COUNTY WITH A POPULATION OF THIRTY-FIVE THOUSAND OR MORE BUT LIES OUTSIDE OF MUNICIPAL BOUNDARIES OR IS A CITY OR TOWN WITH A POPULATION OF LESS THAN SEVEN THOUSAND FIVE HUNDRED.

(V) FOR PURPOSES OF THIS SUBSECTION (1)(C), POPULATION IS DETERMINED ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES CENSUS BUREAU.

(d) REPEALED.

(e) (I) NOTWITHSTANDING ANY LAW TO THE CONTRARY, BEGINNING ON JANUARY 31, 2019, THE STATE LICENSING AUTHORITY SHALL NOT ISSUE OR RENEW ANY LICENSES UNDER THIS SECTION EXCEPT FOR LICENSES AUTHORIZED UNDER SUBSECTION (1)(C) OF THIS SECTION.

(II) LICENSES ISSUED BY THE STATE LICENSING AUTHORITY UNDER SUBSECTION (1)(a), (1)(b), OR (1)(d) OF THIS SECTION IN EFFECT ON JANUARY 31, 2019, IMMEDIATELY CONVERT, ON JANUARY 31, 2019, WITHOUT ANY FURTHER ACT BY THE STATE LICENSING AUTHORITY OR THE LICENSEE, AS FOLLOWS:

(A) A MANUFACTURER'S LICENSE THAT WAS ISSUED UNDER SUBSECTION (1)(a) OF THIS SECTION, AS IT EXISTED BEFORE

JANUARY 31, 2019, CONVERTS TO A MANUFACTURER'S LICENSE ISSUED PURSUANT TO SECTION 44-3-402 FOR THE MANUFACTURE OF MALT LIQUORS;

(B) A WHOLESALER'S LICENSE THAT WAS ISSUED UNDER SUBSECTION (1)(b) OF THIS SECTION, AS IT EXISTED BEFORE JANUARY 31, 2019, CONVERTS TO A WHOLESALER'S BEER LICENSE ISSUED PURSUANT TO SECTION 44-3-407 (1)(b);

(C) A NONRESIDENT MANUFACTURER'S LICENSE THAT WAS ISSUED UNDER SUBSECTION (1)(d)(I) OF THIS SECTION, AS IT EXISTED BEFORE JANUARY 31, 2019, CONVERTS TO A NONRESIDENT MANUFACTURER'S LICENSE ISSUED PURSUANT TO SECTION 44-3-406 (1); AND

(D) AN IMPORTER'S LICENSE THAT WAS ISSUED UNDER SUBSECTION (1)(d)(II) OF THIS SECTION, AS IT EXISTED BEFORE JANUARY 31, 2019, CONVERTS TO A MALT LIQUOR IMPORTER'S LICENSE ISSUED PURSUANT TO SECTION 44-3-406 (2).

(III) THE CONVERSION OF A LICENSE ISSUED UNDER SUBSECTION (1)(a), (1)(b), OR (1)(d) OF THIS SECTION TO A LICENSE ISSUED UNDER ARTICLE 3 OF THIS TITLE 44 PURSUANT TO SUBSECTION (1)(e)(II) OF THIS SECTION IS A CONTINUATION OF THE PRIOR LICENSE ISSUED PURSUANT TO THIS ARTICLE 4 AND DOES NOT AFFECT:

(A) ANY PRIOR DISCIPLINE, LIMITATION, OR CONDITION IMPOSED BY THE STATE LICENSING AUTHORITY ON A LICENSEE;

(B) THE DEADLINE FOR RENEWAL OF A LICENSE; OR

(C) ANY PENDING OR FUTURE INVESTIGATION OR ADMINISTRATIVE PROCEEDING.

**SECTION 10.** In Colorado Revised Statutes, 44-4-105, amend (1)(a)(I)(A) as follows:

**44-4-105. Fees and taxes - allocation.** (1)(a)(I)(A) Applications for new fermented malt beverage AND NEW FERMENTED MALT BEVERAGE AND WINE RETAILER licenses pursuant to section 44-3-301 and rules thereunder;

**SECTION 11.** In Colorado Revised Statutes, 44-4-106, amend (1) introductory portion, (1)(a), and (1)(b) as follows:

**44-4-106. Lawful acts.** (1) It is lawful for a person under eighteen years of age who is under the supervision of a person on the premises eighteen years of age or older to be employed in a place of business where fermented malt beverages OR WINE are sold at retail in containers for off-premises consumption. During the normal course of such employment, any person under twenty-one years of age may handle and otherwise act with respect to fermented malt beverages OR WINE in the same manner as that person does with other items sold at retail; except that:

(a) A person under eighteen years of age shall not sell or dispense fermented malt beverages OR WINE, check age identification, or make deliveries beyond the customary parking area for the customers of the retail outlet; and

(b) A person who is under twenty-one years of age shall not deliver fermented malt beverages OR WINE in sealed containers to customers under section 44-4-107(6).

**SECTION 12.** In Colorado Revised Statutes, 44-4-107, amend (1) introductory portion, (1)(a), (1)(b), (1)(c)(I), (4), (5), and (6); and add (1)(a)(II), and (7) as follows:

**44-4-107. Local licensing authority - application - fees - definition - rules.** (1) The local licensing authority shall issue only the following classes of fermented malt beverage licenses:

(a)(I) Sales of FERMENTED MALT BEVERAGES AND WINE for consumption off the premises of the licensee;

(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LICENSE ISSUED BY THE LOCAL AND STATE LICENSING AUTHORITIES UNDER THIS SUBSECTION (1)(a) OF THIS SECTION IN EFFECT ON MARCH 1, 2023, SHALL IMMEDIATELY CONVERT FROM A LICENSE TO SELL FERMENTED MALT BEVERAGE FOR CONSUMPTION OFF THE PREMISES TO A FERMENTED MALT BEVERAGES AND WINE RETAILER LICENSE, ON MARCH 1, 2023, WITHOUT ANY FURTHER ACTION BY THE STATE OR LOCAL LICENSING AUTHORITY OR THE LICENSEE.

(b) Sales of FERMENTED MALT BEVERAGES for consumption on the premises of the licensee;

(c)(I) Subject to subsections (1)(c)(II) and (1)(c)(III) of this section, sales of FERMENTED MALT BEVERAGES for consumption both on and off the premises of the licensee.

(4) On or after January 1, 2019 MARCH 1, 2023, a fermented malt beverage AND WINE retailer licensed under subsection (1)(a) of this section:

(a)(I) Shall not sell fermented malt beverages OR WINE to consumers at a price that is below the retailer's cost, as listed on the invoice, to purchase the fermented malt beverages OR WINE, unless the sale is of discontinued or close-out fermented malt beverages OR WINE.

(II) This subsection (4)(a) does not prohibit a fermented malt beverage AND WINE retailer from operating a bona fide loyalty or rewards program for fermented malt beverages OR WINE so long as the price for the product is not below the retailer's costs as listed on the invoice. The state licensing authority may adopt rules to implement this subsection (4) (a).

(b) Shall not allow consumers to purchase fermented malt beverages OR WINE at a self-checkout or other mechanism that allows the consumer to complete the fermented malt beverages OR WINE purchase without assistance from and completion of the entire transaction by an employee of the fermented malt beverage AND WINE retailer.

(5) A person licensed under subsection (1)(a) of this section that holds multiple fermented malt beverage AND WINE retailer's licenses for multiple licensed premises may operate under a single or consolidated corporate entity but shall not commingle purchases of or credit extensions for purchases of alcohol beverage product from a wholesaler licensed under article 3 of this title 44 for more than one licensed premises. A wholesaler licensed under article 3 of this title 44 shall not base the price for the alcohol beverage product it sells to a fermented malt beverage AND WINE retailer licensed under subsection (1)(a) of this section on the total volume of alcohol beverage product that the retailer purchases for multiple licensed premises.

(6)(a) A person licensed under subsection (1)(a) of this section who complies with this subsection (6) and rules promulgated under this subsection (6) may deliver

fermented malt beverages AND WINE in sealed containers to a person of legal age if:

(I) The person receiving the delivery of fermented malt beverages OR WINE is located at a place that is not licensed pursuant to this section;

(II) The delivery is made by an employee of the fermented malt beverage AND WINE retailer who is at least twenty-one years of age and who is using a vehicle owned or leased by the licensee to make the delivery;

(III) The person making the delivery verifies, in accordance with section 44-3-901 (11), that the person receiving the delivery of fermented malt beverages OR WINE is at least twenty-one years of age; and

(IV) The fermented malt beverage AND WINE retailer derives no more than fifty percent of its gross annual revenues from total sales of fermented malt beverages from the sale of fermented malt beverages AND WINE that the fermented malt beverage AND WINE retailer delivers.

(b) The state licensing authority shall promulgate rules as necessary for the proper delivery of fermented malt beverages pursuant to this subsection (6) and may issue a permit to any person who is licensed pursuant to and delivers fermented malt beverages OR WINE under subsection (1)(a) of this section. A permit issued under this subsection (6) is subject to the same suspension and revocation provisions as are set forth in section 44-3-601 for other licenses granted pursuant to article 3 of this title 44.

(7) A FERMENTED MALT BEVERAGE AND WINE RETAILER MAY ALLOW TASTINGS OF FERMENTED MALT BEVERAGES OR WINE TO BE CONDUCTED ON THE LICENSED PREMISES IF THE LICENSEE HAS RECEIVED AUTHORIZATION TO CONDUCT TASTINGS PURSUANT TO SECTION 44-3-301.

**SECTION 13.** Effective date:

This act takes effect on March 1, 2023.

## Proposition 126

### Third-Party Delivery of Alcohol Beverages

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

#### Ballot Title:

Shall there be a change to the Colorado Revised Statutes concerning authorization for the third-party delivery of alcohol beverages, and, in connection therewith, allowing retail establishments licensed to sell alcohol beverages for on-site or off-site consumption to deliver all types of alcohol beverages to a person twenty-one years of age or older through a third-party delivery service that obtains a delivery service permit; prohibiting the delivery of alcohol beverages to a person who is under 21 years of age, is intoxicated, or fails to provide proof of identification; removing the limit on the percentage of gross sales revenues a licensee may receive from alcohol beverage deliveries; and allowing a technology services company, without obtaining a third-party delivery service permit, to provide software or a digital network application that connects consumers and licensed retailers for the delivery of alcohol beverages?

#### Text of Measure:

*Be it enacted by the People of the State of Colorado:*

#### SECTION 1: Declaration

The People of the State of Colorado hereby find and declare that Article 3 of Title 44, Colorado Revised Statutes, known as the "Colorado Liquor Code," shall be amended to permit, beginning March 1, 2023, the home delivery of alcohol sales made by licensed retailers through third-party home delivery service providers.

**SECTION 2:** In Colorado Revised Statutes, add 44-3-911.5 as follows:

#### 44-3-911.5 Third-party delivery of alcohol beverages.

(1) NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, A DELIVERY SERVICE PERMITTEE, OR AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A DELIVERY SERVICE PERMITTEE IN COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44, MAY TRANSPORT AND DELIVER ALCOHOL BEVERAGES FROM AN OFF-PREMISES RETAILER LICENSED PURSUANT TO THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44, OR FROM A RETAILER LICENSEE LICENSED FOR ON PREMISES CONSUMPTION PURSUANT TO THIS ARTICLE 3, TO A PERSON IN THE STATE WHO IS AT LEAST TWENTY-ONE YEARS OF AGE. THE HOLDER OF A LICENSE LISTED IN THIS SUBSECTION (1) MUST APPLY FOR AND TO HOLD A DELIVERY SERVICE PERMIT AS A PRIVILEGE SEPARATE FROM ITS EXISTING LICENSE IN ORDER TO USE INDEPENDENT CONTRACTORS FOR DELIVERY. AN OFF-PREMISES RETAILER LICENSED PURSUANT TO THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 IS NOT REQUIRED TO OBTAIN A DELIVERY SERVICE PERMIT IF THE DELIVERY IS MADE BY AN EMPLOYEE OF THE LICENSEE WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO IS USING A VEHICLE OWNED OR LEASED BY THE LICENSEE TO MAKE THE DELIVERY. A RETAILER LICENSEE LICENSED FOR ON PREMISES CONSUMPTION PURSUANT TO THIS ARTICLE 3 IS NOT REQUIRED TO OBTAIN A DELIVERY SERVICE PERMIT IF THE DELIVERY IS MADE BY AN EMPLOYEE OF THE LICENSEE WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 44-3-911.

(2) ANY INDIVIDUAL, LIMITED LIABILITY COMPANY, CORPORATION, OR PARTNERSHIP THAT IS REGISTERED TO DO BUSINESS IN THIS STATE, REGARDLESS OF THE RESIDENCY OR DOMICILE OF THE INDIVIDUAL, ENTITY, OR OWNERS OF THE ENTITY, MAY APPLY TO THE STATE LICENSING AUTHORITY FOR AND BE ISSUED A DELIVERY SERVICE PERMIT THAT AUTHORIZES THE PERMITTEE TO DELIVER ALCOHOL BEVERAGES FROM A LICENSEE PERMITTED FOR DELIVERY BY SECTION (1) OF THIS SECTION, TO A PERSON IN THE STATE WHO IS AT LEAST TWENTY-ONE YEARS OF AGE.

(3) IN ORDER TO RECEIVE A DELIVERY SERVICE PERMIT, AN APPLICANT SHALL:





# 2022 Statewide Ballot Issues

(a) PROVIDE TO THE STATE LICENSING AUTHORITY A SAMPLE CONTRACT THAT THE APPLICANT INTENDS TO ENTER INTO WITH A LICENSEE LISTED IN SUBSECTION (1) OF THIS SECTION FOR THE DELIVERY OF ALCOHOL BEVERAGES. COMPLIANCE WITH THIS SUBSECTION (3)(a) SHALL NOT BE REQUIRED IN THE EVENT A LICENSEE LISTED IN SUBSECTION (1) OF THIS SECTION, OR AN ENTITY UNDER COMMON OWNERSHIP WITH SUCH LICENSEE, IS THE APPLICANT FOR THE DELIVERY SERVICE PERMIT.

(b) SUBMIT TO THE STATE LICENSING AUTHORITY AN OUTLINE OF AN INTERNAL OR EXTERNAL CERTIFICATION PROGRAM FOR DELIVERY SERVICE PERSONNEL OR CONTRACTORS THAT ADDRESSES TOPICS SUCH AS IDENTIFYING UNDERAGE PERSONS, INTOXICATED PERSONS, AND FAKE OR ALTERED IDENTIFICATION; AND

(c) SUBMIT PROOF OF A GENERAL LIABILITY INSURANCE POLICY IN AN AMOUNT NO LESS THAN ONE MILLION DOLLARS (\$1,000,000) PER OCCURRENCE.

(4) A DELIVERY SERVICE PERMITTEE:

(a) MAY, THROUGH ITS EMPLOYEES OR INDEPENDENT CONTRACTORS, DELIVER ALCOHOL BEVERAGES FOR ANY OFF-PREMISES RETAILER PERMITTED FOR DELIVERY BY SUBSECTION (1) OF THIS SECTION, FOR THE PURPOSE OF DELIVERING ALCOHOL BEVERAGES.

(b) MAY, THROUGH ITS EMPLOYEES OR INDEPENDENT CONTRACTORS, DELIVER ALCOHOL BEVERAGES FOR ANY LICENSEE LICENSED FOR ON PREMISES CONSUMPTION PURSUANT TO THIS ARTICLE 3, WHICH MAY INCLUDE ALCOHOL BEVERAGES BY THE DRINK. SUCH DELIVERIES SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 44-3-911, EXCEPT FOR SUBSECTION 44-3-911(3)(d).

(c) MAY USE ITS OWN EMPLOYEES OR INDEPENDENT CONTRACTORS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE TO DELIVER SUCH ALCOHOL BEVERAGES, IF ALL DELIVERY AGENTS COMPLETE A CERTIFICATION PROGRAM THAT MEETS THE STANDARDS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

(d) MAY FACILITATE ORDERS BY TELEPHONE, INTERNET, OR BY OTHER ELECTRONIC MEANS FOR THE SALE AND DELIVERY OF ALCOHOL BEVERAGES UNDER THIS SECTION. THE FULL AMOUNT OF EACH ORDER SHALL BE HANDLED IN A MANNER THAT GIVES THE LICENSEE CONTROL OVER THE ULTIMATE RECEIPT OF THE PAYMENT FROM THE CONSUMER.

(e) MAY DELIVER ALCOHOL BEVERAGES ANY TIME DURING WHICH THE LICENSEE IS LAWFULLY ALLOWED TO SELL ALCOHOL BEVERAGES.

(f) SHALL VERIFY, AT THE TIME OF DELIVERY, IN ACCORDANCE WITH SUBSECTION 44-3-901(11), THAT THE PERSON RECEIVING THE DELIVERY OF MALT, VINOUS, OR SPIRITUOUS LIQUORS IS AT LEAST TWENTY-ONE YEARS OF AGE.

(g) SHALL REFUSE TO DELIVER ALCOHOL BEVERAGES IF THE RECIPIENT IS UNDER TWENTY-ONE YEARS OF AGE, APPEARS INTOXICATED, OR FAILS TO PROVIDE PROOF OF IDENTIFICATION.

(h) MAY NOT DELIVER TO ANY LOCATION LICENSED PURSUANT TO THIS ARTICLE 3, OR ARTICLE 4 OR ARTICLE 5 OF THIS TITLE 44.

(i) SHALL BE DEEMED TO HAVE CONSENTED TO THE JURISDICTION OF THE STATE LICENSING AUTHORITY OR ANY

LAW ENFORCEMENT AGENCY AND THE COLORADO COURTS CONCERNING ENFORCEMENT OF THIS SECTION AND ANY RELATED LAWS OR RULES.

(5) A DELIVERY SERVICE PERMITTEE MAY RENEW ITS PERMIT WITH THE STATE LICENSING AUTHORITY BY MAINTAINING ALL QUALIFICATIONS AND PAYING ANNUALLY A RENEWAL FEE ESTABLISHED BY THE STATE LICENSING AUTHORITY.

(6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A TECHNOLOGY SERVICES COMPANY TO OBTAIN A DELIVERY SERVICE PERMIT FOR PROVIDING SOFTWARE OR A DIGITAL NETWORK APPLICATION THAT CONNECTS CONSUMERS AND LICENSED RETAILERS FOR THE DELIVERY OF ALCOHOL BEVERAGES FROM THE LICENSED RETAILER BY EMPLOYEES OR OTHER DELIVERY SERVICE PROVIDERS OF THE LICENSED RETAILER. HOWEVER, THE ACT OF CONNECTING CONSUMERS TO LICENSED RETAILERS SHALL SERVE TO GRANT JURISDICTION TO THE STATE OF COLORADO.

(7) THERE SHALL BE NO LIMIT TO THE PERCENTAGE OF A LICENSEE'S GROSS ANNUAL REVENUES FROM TOTAL SALES OF ALCOHOL BEVERAGES THAT THE LICENSEE MAY DERIVE FROM ALCOHOL BEVERAGE DELIVERIES.

(8) THE STATE LICENSING AUTHORITY MAY ENFORCE THE REQUIREMENTS OF THIS SECTION BY THE SAME ADMINISTRATIVE PROCEEDINGS THAT APPLY TO ALCOHOL BEVERAGE LICENSES OR PERMITS, INCLUDING WITHOUT LIMITATION ANY DISCIPLINARY ACTION APPLICABLE TO THE SELLING LICENSEE, OR THE DELIVERY SERVICE PERMITTEE RESULTING FROM ANY UNLAWFUL SALE TO A MINOR.

(9) THE STATE LICENSING AUTHORITY MAY ENFORCE THE REQUIREMENTS OF THIS SECTION AGAINST THE SELLING LICENSEE, DELIVERY SERVICE PERMITTEE, AND ANY EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE DELIVERY SERVICE PERMITTEE, IRRESPECTIVE OF THE STATUS OF ANY DELIVERY SERVICE PERSONNEL AS AN INDEPENDENT CONTRACTOR OR EMPLOYEE. FOR THE LICENSEE'S LICENSE TO BE SUBJECT TO DISCIPLINARY ACTION FOR A VIOLATION OF ALCOHOL LAW DURING DELIVERY, THE LICENSEE MUST EITHER BE THE DELIVERY PERMITTEE OR THE DELIVERY MUST BE MADE BY AN EMPLOYEE OF THE LICENSEE.

(10) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES AS NECESSARY FOR THE PROPER DELIVERY OF ALCOHOL BEVERAGES AS PERMITTED BY THIS SECTION.

**SECTION 3:** In Colorado Revised Statutes, 44-3-409, repeal (3)(a)(II) and (3)(a)(IV) as follows:

**44-3-409. Retail liquor store license - rules.**

(3)(a) A person licensed to sell at retail who complies with this subsection (3) and rules promulgated pursuant to this subsection (3) may deliver malt, vinous, and spirituous liquors to a person of legal age if:

(3)(a)(II) The delivery is made by an employee of the licensed retail liquor store who is at least twenty-one years of age and who is using a vehicle owned or leased by the licensee to make the delivery;

(3)(a)(IV) The retail liquor store derives no more than fifty percent of its gross annual revenues from total sales of malt, vinous, and spirituous liquors from the sale of malt, vinous, and spirituous liquors that the retail liquor store delivers.

**SECTION 4:** In Colorado Revised Statutes, 44-3-410, repeal (3)(a)(II) and (3)(a)(IV) as follows:

**44-3-410. Liquor-licensed drugstore license - multiple licenses permitted - requirements - rules.**

(3)(a) A liquor-licensed drugstore licensee who complies with this subsection (3) and rules promulgated pursuant to this subsection (3) may deliver malt, vinous, and spirituous liquors to a person of legal age if:

(3)(a)(II) The delivery is made by an employee of the liquor-licensed drugstore who is at least twenty-one years of age and who is using a vehicle owned or leased by the licensee to make the delivery;

(3)(a)(IV) The liquor-licensed drugstore derives no more than fifty percent of its gross annual revenues from total sales of malt, vinous, and spirituous liquors from the sale of malt, vinous, and spirituous liquors that the liquor-licensed drugstore delivers.

**SECTION 5:** In Colorado Revised Statutes, 44-3-911, repeal (2)(c), (3)(b), and (7) as follows:

**44-3-911. Takeout and delivery of alcohol beverages - permit - on-premises consumption licenses - requirements and limitations - rules - definition - repeal.**

(2) To sell and deliver an alcohol beverage or to allow a customer to remove an alcohol beverage from the licensed premises as either is authorized under subsection (1) of this section, the licensee must:

(c) Derive no more than fifty percent of its gross annual revenues from total sales of food and alcohol beverages from the sale of alcohol beverages through takeout orders and that the licensee delivers; except that:

(I) This subsection (2)(c) does not apply if the governor has declared a disaster emergency under part 7 of article 33.5 of title 24; or

(II) This subsection (2)(c) does not apply to a sales room at a premises licensed under section 44-3-402 or 44-3-407; and

(3)(b) Be an employee of the licensee who is twenty-one years of age or older;

(7) This section is repealed, effective July 1, 2025.

**SECTION 6:** In Colorado Revised Statutes, 44-4-107 repeal (6) (a)(II) and (IV) as follows:

**44-4-107. Local licensing authority - application - fees - definitions - rules.**

(6)(a) A person licensed under subsection (1)(a) of this section who complies with this subsection (6) and rules promulgated under this subsection (6) may deliver fermented malt beverages in sealed containers to a person of legal age if:

(II) The delivery is made by an employee of the fermented malt beverage retailer who is at least twenty-one years of age and who is using a vehicle owned or leased by the licensee to make the delivery;

(IV) The fermented malt beverage retailer derives no more than fifty percent of its gross annual revenues from total sales of fermented malt beverages from the sale of fermented malt beverages that the fermented malt beverage retailer delivers.

**SECTION 7.** Effective date. This act takes effect March 1, 2023.

## Creede Hotel receives state historic registry designation

*Building will be considered for national historic designation*

By LYNDSE FERRELL

**CREEDE** — Creede Hotel and restaurant owner Shelly Dee received exciting news last week when History Colorado unanimously voted to place the historic hotel on the state registry for historic places and that it would also be considered for national historic designation.

Dee has spent the past two years bringing the old hotel back to life and through this process has made the Creede Hotel once again the heart of town.

“That was my goal when I set out to run this place. It has always been the heart of Creede, right from the very start and I wanted it to continue to be the heart. Bringing it back to life and now having it on the historic registry is really a dream come true,” said Dee.

The hotel has been part of Creede’s history from the beginning in 1892 when it was known as the Zang Hotel and Annex. According to the history provided by Dee and local historians, the hotel was built in Jimtown, one of the many small communities that sprang up during those first days of the silver boom. In June of that same year, most of Jimtown was lost to a fire including the hotel but the original proprietor had it rebuilt within two days.

Though a lot of work has gone into the preservation of the hotel throughout the years, it is receiving the most updated

equipment and attention in its long life and the historical designation will open doors for even more work to be completed.

“We didn’t go for architectural designation and that will allow us a lot of wiggle room when we are looking for funding to restore the main building. We can keep it the blue and burgundy color scheme in the front that was chosen by local artist Steven Quiller and his color wheel. It’s things like that that we want to protect, and this designation will help us do that,” said Dee.

Dee’s vision is slowly coming together as work is finalized on the new state-of-the-art kitchen that has been under construction for much of the summer.

“We are nearing the end of that project and we will be able to be open for most of the winter, but it has been a successful year while we worked out of Arp’s down the street. We will be very happy to be back in the hotel by the end of the month though,” laughed Dee.

One of the greatest joys for Dee was to welcome one of the previous owners that worked to restore the hotel from 1987 until she purchased it in the spring of 2021. In addition to the help, she received locally through contractors and the like, Dee worked with previous Deputy State Preservation Officer with History Colorado Timothy Stroh to apply for the historical designation.

“The nomination has been approved by the national designation historic review board at Colorado SHPO and will now be forwarded to the keeper at the national park service for final

review. Basically, everything is looking very good, the application has been approved at the state level and now we wait for the national review,” stated Stroh. And according to Stroh, Dee’s chances are good.

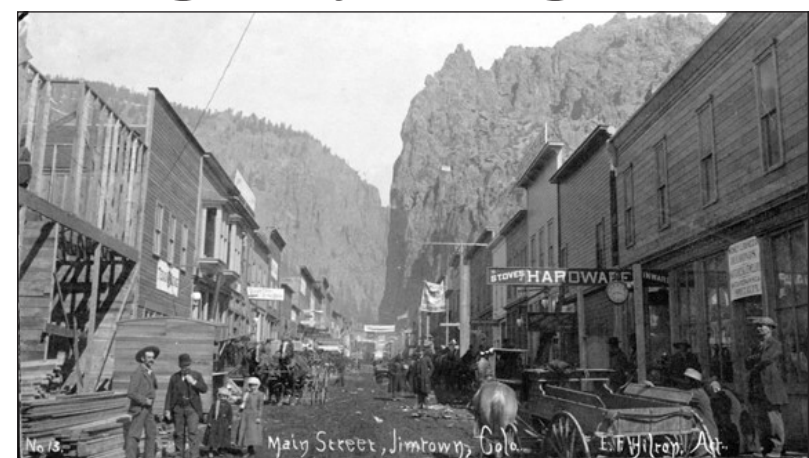
If the hotel is approved for national designation, it will be the only building in Creede to receive the designation.

“It surprised me when I started this process the amount of detail and work that has to go into the application process, and I was also surprised to find out that we would be the only building in Creede with that designation. There is so much history here and I am happy to be able to give this to the town,” Dee said.

When Dee received word of the state designation, she also received news that the board would be considering the national designation as well.

“We are pleased to inform you that the Colorado Historic Preservation Review Board will consider the National Register of Historic Places and Colorado State Register of Historic Properties nomination for the Zang’s Hotel and Annex. The National Register of Historic Places is the federal government’s official list of historic properties worthy of preservation. The state register is Colorado’s official list of historic properties deserving preservation. Properties listed in the national register are automatically listed in the Colorado State Register of Historic Properties.”

Final word could come before the end of fall. Dee plans to use the designation to seek grant funding to continue her work on the preservation of the hotel.



Courtesy photos

**The Creede Hotel and Restaurant received state historic places designation and is awaiting approval for the national historic designation. Originally known in Creede as the Zang Hotel, the building now owned by Shelly Dee, has been the heart of Creede from the town’s beginning.**



**Once lost during a huge fire in 1892, the owner of the Zang Hotel had the building rebuilt in just two days, which is the building that stands on Main Street today. Owner Shelly Dee and her team have been working to restore the hotel.**





# Asuntos de la Boleta Estatal de 2022

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La Constitución de Colorado (Artículo V, Sección 1(7.3)) exige que el Consejo Legislativo de Colorado publique el título y el texto legal de la boleta de cada medida de boleta a nivel estatal.

Un voto de "SÍ/PRO" sobre cualquier asunto de boleta es un voto a favor de cambiar las leyes actuales o circunstancias existentes, y un voto de "NO/CONTRA" sobre cualquier asunto de boleta es un voto en contra de cambiar las leyes actuales o circunstancias existentes.

## Enmienda D Nuevos Jueces del 23er Distrito Judicial

El título de la boleta a continuación es un resumen redactado por el personal jurídico profesional para la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en la constitución de Colorado. El texto de la medida que aparecerá en la constitución de Colorado a continuación fue remitido a los votantes porque se aprobó mediante un voto con dos tercios de la mayoría del senado estatal y la cámara de representantes estatal.

### Título de la boleta:

¿Debe haber una enmienda a la constitución de Colorado en cuanto a jueces del vigésimo tercer distrito judicial recién creado y, en relación con el mismo, indicar al gobernador que designe jueces del décimo octavo distrito judicial para cumplir el resto de sus periodos en el vigésimo tercer distrito judicial y exigir que un juez designado de tal manera establezca residencia dentro del vigésimo tercer distrito judicial?

### Texto de la medida:

*Resuelve la Cámara de Representantes de la Asamblea General Número Setenta y Tres del Estado de Colorado, acordando aquí el Senado:*

**SECCIÓN 1.** En la elección efectuada el 8 de noviembre de 2022, el secretario de estado presentará a los electores registrados del estado el título de boleta estipulado en la sección 2 para la siguiente enmienda de la constitución estatal:

En la constitución del estado de Colorado, la sección 10 del artículo VI, **agregar** (5) de la siguiente manera:

**Sección 10. Distritos judiciales - jueces de distrito - derogar.** (5) CONFORME A LA CREACIÓN DEL VIGÉSIMO TERCER DISTRITO JUDICIAL, A MÁS TARDAR EL 30 DE NOVIEMBRE DE 2024, EL GOBERNADOR DESIGNARÁ A JUECES DE DISTRITO DEL DÉCIMO OCTAVO DISTRITO JUDICIAL PARA DESEMPEÑARSE COMO JUECES DE DISTRITO EN EL VIGÉSIMO TERCER DISTRITO JUDICIAL. A MÁS TARDAR EL 7 DE ENERO DE 2025, CADA JUEZ DE DISTRITO DESIGNADO CONFORME A ESTA SECCIÓN ESTABLECERÁ RESIDENCIA EN EL VIGÉSIMO TERCER DISTRITO JUDICIAL. CADA JUEZ DE DISTRITO DESIGNADO SEGÚN ESTA SECCIÓN, AL CUMPLIR EL ÚLTIMO PERIODO PARA EL CUAL FUE ELEGIDO O NOMBRADO EL JUEZ, ES ELEGIBLE PARA PROCURAR SU RETENCIÓN EN EL VIGÉSIMO TERCER DISTRITO JUDICIAL. UNA VACANTE EN CUALQUIER OFICINA JUDICIAL DEL VIGÉSIMO TERCER DISTRITO JUDICIAL QUE OCURRA DESPUÉS DEL 7 DE ENERO DE 2025, SERÁ LLENADA SEGÚN SE ESTIPULA EN LA SECCIÓN 20 (1) DE ESTE ARTÍCULO VI.

**SECCIÓN 2.** Cada elector que vote en la elección puede votar "Sí/Pro" o "No/Contra" en el siguiente título de la boleta: "¿Debe haber una enmienda a la constitución de Colorado en cuanto a jueces del vigésimo tercer distrito judicial recién creado y, en relación con el mismo, indicar al gobernador que designe jueces del décimo octavo distrito judicial para cumplir el resto de sus periodos en el vigésimo tercer distrito judicial y exigir que un juez designado de tal manera establezca residencia dentro del vigésimo tercer distrito judicial?"

**SECCIÓN 3.** Salvo según se estipule de otro modo en la sección 1-40-123 de los Estatutos Revisados de Colorado, si al menos el cincuenta y cinco por ciento de los electores que votan en el título de la boleta vota "Sí/Pro", la enmienda pasará a formar parte de la constitución estatal.

## Enmienda E Extender la exención de viviendas a cónyuges Gold Star

El título de la boleta a continuación es un resumen redactado por el personal jurídico profesional para la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en la constitución de Colorado. El texto de la medida que aparecerá en la constitución de Colorado a continuación fue remitido a los votantes porque se aprobó mediante un voto con dos tercios de la mayoría del senado estatal y la cámara de representantes estatal.

### Título de la boleta:

¿Debe haber una enmienda a la constitución de Colorado en cuanto a extender la exención del impuesto de viviendas para los ancianos y veteranos discapacitados calificados a fin de incluir al cónyuge sobreviviente de un miembro de las fuerzas armadas de los Estados Unidos que falleciera en el servicio o un veterano cuya muerte fuese resultante de una lesión o enfermedad relacionada con el servicio militar?

### Texto de la medida:

*Resuelve la Cámara de Representantes de la Asamblea General Número Setenta y Tres del Estado de Colorado, acordando aquí el Senado:*

**SECCIÓN 1.** En la elección efectuada el 8 de noviembre de 2022, el secretario de estado presentará a los electores registrados del estado el título de boleta estipulado en la sección 2 para la siguiente enmienda de la constitución estatal:

En la constitución del estado de Colorado, la sección 3.5 del artículo X, **agregar** (1)(d) y (1.7) de la siguiente manera:

**Sección 3.5. Exención de viviendas para ancianos, veteranos discapacitados y cónyuges sobrevivientes calificados que reciben remuneración de indemnización por dependencia - definición.** (1) Para los años de

impuesto sobre la propiedad comenzando el 1 de enero 2002 o después de dicha fecha, el cincuenta por ciento de los primeros doscientos mil dólares de valor real de la propiedad inmueble residencial, según define la ley, que, a la fecha de la tasación, esté ocupada por el propietario y se utilice como residencia principal del propietario-ocupante quedará exento del impuesto sobre la propiedad si:

(d) PARA LOS AÑOS DE IMPUESTO SOBRE LA PROPIEDAD COMENZANDO SOLO EL 1 DE ENERO DE 2023 O DESPUÉS DE DICHA FECHA, EL PROPIETARIO-OCUPANTE, A LA FECHA DE LA TASACIÓN, ES UN CÓNYUGE ELEGIBLE.

(1.7) TAL COMO SE UTILIZA EN ESTA SECCIÓN, "CÓNYUGE ELEGIBLE" SIGNIFICA YA SEA UN CÓNYUGE SOBREVIVIENTE DE UN MIEMBRO DE LAS FUERZAS ARMADAS DE LOS ESTADOS UNIDOS QUE FALLECIERA EN SERVICIO Y RECIBIERA UNA GRATIFICACIÓN POR FALLECIMIENTO DEL DEPARTAMENTO DE DEFENSA CONFORME A LA SEC. 1475 Y SIGUIENTES DEL TÍTULO 10 DEL CÓDIGO DE LOS EE. UU. O UN CÓNYUGE SOBREVIVIENTE DE UN VETERANO CUYO FALLECIMIENTO FUESE RESULTANTE DE UNA LESIÓN O ENFERMEDAD RELACIONADA CON EL SERVICIO SEGÚN LO DETERMINE EL DEPARTAMENTO DE ASUNTOS DE VETERANOS DE LOS ESTADOS UNIDOS SI EL CÓNYUGE SOBREVIVIENTE RECIBE REMUNERACIÓN DE INDEMNIZACIÓN POR DEPENDENCIA ADJUDICADA POR EL DEPARTAMENTO DE ASUNTOS DE VETERANOS LOS ESTADOS UNIDOS CONFORME AL CAPÍTULO 13 DEL APARTADO II DEL TÍTULO 38 DEL CÓDIGO DE LOS ESTADOS UNIDOS, AL CAPÍTULO 5 DEL APARTADO I DEL TÍTULO 38 DEL CÓDIGO DE LOS ESTADOS UNIDOS, Y CUALQUIER OTRA DISPOSICIÓN APLICABLE DE LA LEY FEDERAL.

**SECCIÓN 2.** Cada elector que vote en la elección puede votar "Sí/Pro" o "No/Contra" en el siguiente título de la boleta: "¿Debe haber una enmienda a la constitución de Colorado en cuanto a extender la exención del impuesto sobre la propiedad para los ancianos y veteranos discapacitados calificados a fin de incluir al cónyuge sobreviviente de un miembro de las fuerzas armadas de los Estados Unidos que falleciera en el servicio o un veterano cuya muerte fuese resultante de una lesión o enfermedad relacionada con el servicio militar?"

**SECCIÓN 3.** Salvo según se estipule de otro modo en la sección 1-40-123 de los Estatutos Revisados de Colorado, si al menos el cincuenta y cinco por ciento de los electores que votan en el título de la boleta vota "Sí/Pro", la enmienda pasará a formar parte de la constitución estatal.

## Enmienda F Cambios a las operaciones de juegos de azar con fines caritativos

El título de la boleta a continuación es un resumen redactado por el personal jurídico profesional para la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en la constitución de Colorado. El texto de la medida que aparecerá en la constitución de Colorado a continuación fue remitido a los votantes porque se aprobó mediante un voto con dos tercios de la mayoría del senado estatal y la cámara de representantes estatal.

### Título de la boleta:

¿Debe haber una enmienda a la constitución de Colorado referente a la conducción de actividades de juegos de azar con fines caritativos, y, en relación con ello, permitir que se pague a los administradores y operadores y derogar el período requerido de la existencia continua de una organización de caridad antes de obtener una licencia de juegos de azar con fines caritativos?

### Texto de la medida:

*Resuelve la Cámara de Representantes de la Asamblea General Número Setenta y Tres del Estado de Colorado, acordando aquí el Senado:*

**SECCIÓN 1.** En la elección efectuada el 8 de noviembre de 2022, el secretario de estado presentará a los electores registrados del estado el título de boleta estipulado en la sección 2 para la siguiente enmienda de la constitución estatal:

En la constitución del estado de Colorado, la sección 2 del artículo XVIII, **enmendar** (2), (4)(c) y (6) de la siguiente manera:

**Sección 2. Loterías prohibidas - excepciones - derogar.** (2) Ningún juego de azar conforme a este inciso (2) y los incisos (3) y (4) de esta sección será efectuado por ninguna persona, firma u organización, a menos que se haya emitido una licencia como se estipula en este inciso (2) a la firma u organización que realiza dichos juegos de azar. Ante la solicitud para ello DE UNA LICENCIA en los formularios que disponga el secretario de estado, y al pagar un cargo anual según lo determine la asamblea general, el secretario de estado emitirá una licencia para efectuar dichos juegos de azar a cualquier rama constituida de buena fe o logia o división de una organización nacional o estatal o cualquier organización de buena fe ya sea religiosa, caritativa, laboral, fraternal, educativa, de bomberos voluntarios o veteranos de guerra que LA CUAL OPERE sin fines de lucro para sus miembros y que ESTÉ REGISTRADA ANTE EL SECRETARIO DE ESTADO Y haya existido continuamente por un periodo de cinco años inmediatamente antes de efectuar dicha su solicitud de tal la LICENCIA o, EL 1 DE ENERO DE 2025 O DESPUÉS DE DICHA FECHA, POR EL PERIODO QUE LA ASAMBLEA GENERAL PUEDA ESTABLECER EN EL INCISO (5) DE ESTA SECCIÓN, y haya tenido durante todo el periodo de cinco años DE SU EXISTENCIA una membresía que pague cuotas dedicadas a llevar a cabo los objetivos de dicha empresa u organización, venciendo dicha licencia al terminar cada año calendario en que haya sido emitida.

(4) Dichos juegos de azar estarán sujetos a las siguientes restricciones:

(c) (1) Ninguna persona puede recibir ninguna remuneración o ganancias QUE SUPEREN EL SUELDO MÍNIMO APLICABLE por participar en la gestión o en la operación de tal juego de azar.

(II) ESTE INCISO (4)(c) QUEDA DEROGADO A PARTIR DEL 1 DE JULIO DE 2024.

(6) (a) El acatamiento de esta sección quedará a cargo del funcionario o departamento del gobierno del estado de Colorado que proporcione la asamblea general.

(b) ESTA SECCIÓN NO REQUIERE NI AUTORIZA AL SECRETARIO DE ESTADO A RECIBIR NI EVALUAR RECLAMOS REFERENTES A SALARIOS O REMUNERACIONES DE EMPLEADOS, INCLUIDOS RECLAMOS DE IMPUESTOS, U OTROS ASUNTOS RELACIONADOS CON TRABAJO, EMPLEO O CONTRATOS.

**SECCIÓN 2.** Cada elector que vote en la elección puede votar "Sí/Pro" o "No/Contra" en el siguiente título de la boleta: "¿Debe haber una enmienda a la constitución de Colorado referente a la conducción de actividades de juegos de azar con fines caritativos, y, en relación con ello, permitir que se pague a los administradores y operadores y derogar el período requerido de la existencia continua de una organización de caridad antes de obtener una licencia de juegos de azar con fines caritativos?"

**SECCIÓN 3.** Salvo según se estipule de otro modo en la sección 1-40-123 de los Estatutos Revisados de Colorado, si al menos el cincuenta y cinco por ciento de los electores que votan en el título de la boleta vota "Sí/Pro", la enmienda pasará a formar parte de la constitución estatal.

## Propuesta FF Comidas escolares saludables para todos

El título de la boleta a continuación es un resumen redactado por el personal jurídico profesional para la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en los Estatutos Revisados de Colorado. El texto de la medida que aparecerá en los Estatutos Revisados de Colorado a continuación fue remitido a los votantes porque pasó mediante un voto de la mayoría del senado estatal y la cámara de representantes estatal.

### Título de la boleta:

¿DEBE AUMENTARSE LOS IMPUESTOS ESTATALES \$100,727,820 ANUALMENTE MEDIANTE UN CAMBIO A LOS ESTATUTOS REVISADOS DE COLORADO QUE, A FIN DE APOYAR COMIDAS SALUDABLES PARA LOS ALUMNOS DE ESCUELAS PÚBLICAS, AUMENTE EL INGRESO IMPONIBLE ESTATAL SOLO PARA LOS CONTRIBUYENTES QUE TENGAN INGRESO FEDERAL IMPONIBLE DE \$300,000 O MÁS AL LIMITAR LAS DEDUCCIONES DEL IMPUESTO SOBRE LA RENTA DESGLOSADAS O ESTÁNDAR A \$12,000 PARA CONTRIBUYENTES INDIVIDUALES Y A \$16,000 PARA CONTRIBUYENTES CONJUNTOS, Y, EN RELACIÓN CON ELLO, CREAR EL PROGRAMA DE COMIDAS ESCOLARES SALUDABLES PARA TODOS A FIN DE BRINDAR COMIDAS ESCOLARES GRATIS A LOS ALUMNOS DE ESCUELAS PÚBLICAS; OTORGAR SUBVENCIONES A LAS ESCUELAS PARTICIPANTES A FIN DE COMPRAR PRODUCTOS CULTIVADOS, CRIADOS O PROCESADOS EN COLORADO, PARA AUMENTAR LOS SALARIOS U OFRECER SUBSIDIOS A EMPLEADOS QUE PREPAREN Y SIRVAN COMIDAS ESCOLARES, Y CREAR COMITÉS ASESORES DE PADRES Y ALUMNOS A FIN DE DAR CONSEJO PARA ASEGURAR QUE LAS COMIDAS ESCOLARES SEAN SALUDABLES Y APETITOSAS PARA TODOS LOS ALUMNOS; Y CREAR UN PROGRAMA PARA ASISTIR EN PROMOVER LOS PRODUCTOS ALIMENTARIOS DE COLORADO Y PREPARAR COMIDAS ESCOLARES USANDO INGREDIENTES BÁSICOS NUTRITIVOS QUE DEPENDAN MÍNIMAMENTE DE LOS PRODUCTOS PROCESADOS?

### Texto de la medida:

*Promúlguese por la Asamblea General del Estado de Colorado:*

**SECCIÓN 1.** En los Estatutos Revisados de Colorado, **agregar** apartado 2 al artículo 82.9 del título 22 de la siguiente manera:

APARTADO 2  
PROGRAMA DE COMIDAS ESCOLARES SALUDABLES PARA TODOS

**22-82.9-201. Título corto.** EL TÍTULO CORTO DE ESTE APARTADO 2 ES "LEY DE COMIDAS ESCOLARES SALUDABLES PARA TODOS".

**22-82.9-202. Declaración legislativa.** (1) LA ASAMBLEA GENERAL ENCUENTRA Y DECLARA QUE:

(a) NINGÚN NIÑO DE COLORADO DEBE SUFRIR HAMBRE, Y TODO ALUMNO DE ESCUELA PÚBLICA DEBE TENER EL BENEFICIO DE ACCEDER A COMIDAS SALUDABLES, ADQUIRIDAS LOCALMENTE Y PREPARADAS AL MOMENTO DURANTE LA JORNADA ESCOLAR;

(b) LAS COMIDAS ESCOLARES SALUDABLES SON NECESARIAS PARA TODOS LOS ALUMNOS PARA APRENDER EFICAZMENTE, Y LA INVERSIÓN DE COLORADO EN LA EDUCACIÓN DEBE INCLUIR COMIDAS ESCOLARES SALUDABLES PARA TODOS LOS ALUMNOS A FIN DE APOYAR LA NUTRICIÓN QUE NECESITAN LOS ALUMNOS PARA LOGRAR EL ÉXITO ACADÉMICO;

(c) EL ACCESO A COMIDAS ESCOLARES SALUDABLES NO DEBE CAUSAR ESTIGMA NI TENSIÓN EN NINGÚN ALUMNO QUE PROCURE EDUCARSE;

(d) EL PROGRAMA DE COMIDAS ESCOLARES SALUDABLES DE COLORADO DEBE APOYAR A LOS SISTEMAS ALIMENTARIOS DE COLORADO, INCLUIDOS LOS AGRICULTORES Y RANCHEROS LOCALES;

(e) EL PROGRAMA DE COMIDAS ESCOLARES SALUDABLES DE COLORADO DEBE APOYAR LA NUTRICIÓN DE LOS ALUMNOS Y OFRECER COMIDAS DE CALIDAD PARA FOMENTAR LA SALUD Y EL BIENESTAR DE LOS ALUMNOS EN COLORADO;

(f) DURANTE LA PANDEMIA DE COVID-19, EL DEPARTAMENTO DE AGRICULTURA DE LOS ESTADOS UNIDOS DISMINUYÓ LAS RESTRICCIONES DE PROGRAMAS PARA PERMITIR QUE LAS COMIDAS GRATIS SIGAN ESTANDO A DISPOSICIÓN DE TODOS LOS ALUMNOS UNIVERSALMENTE, ASEGURANDO QUE TODOS





# Asuntos de la Boleta Estatal de 2022

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LOS ALUMNOS QUE ENFRENTAN HAMBRE TUVIESEN ACCESO A COMIDA ESTANDO EN LA ESCUELA; Y

(g) AHORA QUE EXISTEN ESTRATEGIAS A FIN DE PREVENIR EL HAMBRE PARA TODOS LOS ALUMNOS DURANTE LA JORNADA ESCOLAR, ES INDISPENSABLE QUE EL ESTADO PROMUEVA ESTAS ESTRATEGIAS PARA AVANZAR HACIA LA META DE TERMINAR CON EL HAMBRE INFANTIL.

(2) LA ASAMBLEA GENERAL ENCUENTRA, POR LO TANTO, QUE LO QUE MÁS CONVIENE A LOS ALUMNOS DE COLORADO Y SUS FAMILIAS ES PROMULGAR EL PROGRAMA DE COMIDAS ESCOLARES SALUDABLES PARA TODOS A FIN DE OFRECER COMIDAS GRATIS EN LAS ESCUELAS PÚBLICAS PARA TODOS LOS ALUMNOS.

**22-82.9-203. Definiciones.** TAL COMO SE UTILIZA EN ESTE APARTADO 2, A MENOS QUE EL CONTEXTO LO EXIJA DE OTRO MODO:

(1) "PRODUCTOS CULTIVADOS, CRIADOS O PROCESADOS EN COLORADO" SE REFIERE A TODA FRUTA, VERDURA, GRANOS, CARNES Y PRODUCTOS LÁCTEOS, SALVO LECHE LÍQUIDA, QUE SE CULTIVE, CRÍE O PRODUZCA EN COLORADO Y PRODUCTOS MÍNIMAMENTE PROCESADOS O PRODUCTOS PROCESADOS DE VALOR AGREGADO QUE CUMPLEN CON LAS NORMAS PARA LA DESIGNACIÓN COLORADO PROUD, COMO LO ESTABLECE EL DEPARTAMENTO DE AGRICULTURA DE COLORADO, AUN CUANDO EL PRODUCTO NO TENGA LA DESIGNACIÓN COLORADO PROUD.

(2) "DISPOSICIÓN DE ELEGIBILIDAD DE LA COMUNIDAD" SE REFIERE AL PROGRAMA FEDERAL CREADO EN LA SEC. 1759a (a)(1)(F) DEL TÍTULO 42 DEL CÓDIGO DE LOS EE. UU. QUE PERMITE A LOS DISTRITOS ESCOLARES ELEGIR RECIBIR PAGOS DE ASISTENCIA FEDERAL ESPECIAL PARA COMIDAS ESCOLARES A CAMBIO DE OFRECER COMIDAS ESCOLARES GRATIS A TODOS LOS ALUMNOS INSCRITOS EN TODAS O CIERTAS ESCUELAS DEL DISTRITO ESCOLAR.

(3) "DEPARTAMENTO" SE REFIERE AL DEPARTAMENTO DE EDUCACIÓN CREADO EN LA SECCIÓN 24-1-115.

(4) "COMIDA ELEGIBLE" SE REFIERE A UN ALMUERZO O DESAYUNO QUE REÚNA LOS REQUISITOS NUTRICIONALES ESPECIFICADOS EN LA REGULACIÓN 7 CFR 210.10, O EN OTRAS SUCEASIVAS, PARA EL PROGRAMA NACIONAL DE ALMUERZOS ESCOLARES O EL PROGRAMA NACIONAL DE DESAYUNOS ESCOLARES.

(5) "TASA FEDERAL DE REEMBOLSO GRATIS" SE REFIERE A LA TASA DE REEMBOLSO GRATIS ESTABLECIDA POR EL DEPARTAMENTO DE AGRICULTURA DE LOS ESTADOS UNIDOS PARA COMIDAS QUE CALIFICAN PARA REEMBOLSO SEGÚN EL PROGRAMA NACIONAL DE DESAYUNOS ESCOLARES Y EL PROGRAMA NACIONAL DE ALMUERZOS ESCOLARES.

(6) "PORCENTAJE IDENTIFICADO DE ALUMNOS" SE REFIERE AL PORCENTAJE DE ALUMNOS INSCRITOS EN UNA ESCUELA PÚBLICA O DISTRITO ESCOLAR QUE ESTÁN CERTIFICADOS COMO ELEGIBLES PARA COMIDAS GRATIS SEGÚN LA DOCUMENTACIÓN DE RECEPCIÓN DEL BENEFICIO O LA ELEGIBILIDAD CATEGÓRICA SEGÚN SE DESCRIBE EN LA REGULACIÓN 7 CFR 245.6, U OTRAS SUCEASIVAS.

(7) "PRODUCTOS MÍNIMAMENTE PROCESADOS" SE REFIERE A PRODUCTOS CRUDOS O CONGELADOS FABRICADOS; PRODUCTOS QUE RETIENEN SUS CARACTERÍSTICAS INHERENTES, TALES COMO ZANAHORIAS RALLADAS O CEBOLLAS PICADAS; Y PRODUCTOS SECOS, COMO FRIJOLES, PERO NO INCLUYE NINGÚN PRODUCTO CALENTADO, COCINADO NI ENLATADO.

(8) "PROGRAMA NACIONAL DE DESAYUNOS ESCOLARES" SE REFIERE AL PROGRAMA FEDERAL DE DESAYUNOS ESCOLARES CREADO MEDIANTE LA SEC. 1773 DEL TÍTULO 42 DEL CÓDIGO DE LOS EE. UU.

(9) "PROGRAMA NACIONAL DE ALMUERZOS ESCOLARES" SE REFIERE AL PROGRAMA FEDERAL DE ALMUERZOS ESCOLARES CREADO MEDIANTE LA "LEY NACIONAL DE ALMUERZOS ESCOLARES RICHARD B. RUSSELL", SEC. 1751 Y SIGUIENTES DEL TÍTULO 42 DEL CÓDIGO DE LOS EE. UU.

(10) "AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE" SE REFIERE A UNA AUTORIDAD ENCARGADA DE GESTIONAR COMIDAS ESCOLARES QUE DECIDE PARTICIPAR EN EL PROGRAMA DE COMIDAS ESCOLARES SALUDABLES PARA TODOS.

(11) "PROGRAMA" SE REFIERE AL PROGRAMA DE COMIDAS ESCOLARES SALUDABLES PARA TODOS CREADO EN LA SECCIÓN 22-82.9-204.

(12) "AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES" TIENE EL MISMO SIGNIFICADO INDICADO EN LA SECCIÓN 22-32-120 (8).

(13) "JUNTA ESTATAL" SE REFIERE A LA JUNTA ESTATAL DE EDUCACIÓN CREADA Y EXISTENTE CONFORME A LA SECCIÓN 1 DEL ARTÍCULO IX DE LA CONSTITUCIÓN DEL ESTADO.

(14) "PRODUCTOS PROCESADOS CON VALOR AGREGADO" SE REFIERE A PRODUCTOS QUE SON ALTERADOS DE SU ESTADO SIN PROCESAR O MÍNIMAMENTE PROCESADO MEDIANTE TÉCNICAS DE PRESERVACIÓN, COMO COCINAR, HORNEAR O ENLATAR.

**22-82.9-204. Programa de comidas escolares saludables para todos - creación - reglas.** (1) (a) SE CREA EN EL DEPARTAMENTO EL PROGRAMA DE COMIDAS ESCOLARES SALUDABLES PARA TODOS A TRAVÉS DEL CUAL CADA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES QUE DECIDA PARTICIPAR EN EL PROGRAMA:

(I) OFRECE COMIDAS ELEGIBLES, SIN CARGO, A TODOS LOS ALUMNOS INSCRITOS EN LAS ESCUELAS PÚBLICAS A LAS CUALES SIRVE LA AUTORIDAD PARTICIPANTE DE COMIDAS ESCOLARES QUE TOMA PARTE EN EL PROGRAMA NACIONAL DE ALMUERZOS ESCOLARES O EN EL PROGRAMA NACIONAL DE DESAYUNOS ESCOLARES;

(II) RECIBE REEMBOLSO POR LAS COMIDAS COMO SE DESCRIBE EN EL INCISO (1)(b) DE ESTA SECCIÓN;

(III) ES ELEGIBLE PARA RECIBIR UNA SUBVENCIÓN PARA COMPRAR ALIMENTOS LOCALES SEGÚN LA SECCIÓN 22-82.9-205, SUJETO AL INCISO (4)(b) DE ESTA SECCIÓN;

(IV) ES ELEGIBLE PARA RECIBIR FONDOS CONFORME A LA SECCIÓN 22-82.9-206 A FIN DE AUMENTAR SALARIOS U OFRECER SUBSIDIOS A PERSONAS QUE EMPLEA LA AUTORIDAD PARTICIPANTE DE COMIDAS ESCOLARES PARA PREPARAR Y SERVIR DIRECTAMENTE ALIMENTOS PARA COMIDAS ESCOLARES, SUJETO AL INCISO (4)(b) DE ESTA SECCIÓN; Y

(V) ES ELEGIBLE PARA RECIBIR ASISTENCIA A TRAVÉS DEL PROGRAMA DE ASISTENCIA TÉCNICA Y SUBVENCIÓN EDUCATIVA PARA COMPRAR ALIMENTOS DE LA ESCUELA LOCAL SEGÚN LA SECCIÓN 22-82.9-207, SUJETO AL INCISO (4)(b) DE ESTA SECCIÓN.

(b) LA CANTIDAD DEL REEMBOLSO PROVISTO A TRAVÉS DEL PROGRAMA A CADA AUTORIDAD PARTICIPANTE DE COMIDAS ESCOLARES EN CADA AÑO PRESUPUESTARIO ES EQUIVALENTE A LA TASA DE REEMBOLSO GRATIS FEDERAL MULTIPLICADA POR EL NÚMERO TOTAL DE COMIDAS ELEGIBLES QUE SIRVA LA AUTORIDAD PARTICIPANTE DE COMIDAS ESCOLARES DURANTE EL AÑO PRESUPUESTARIO CORRESPONDIENTE MENOS LA CANTIDAD TOTAL DE REEMBOLSO POR COMIDAS ELEGIBLES SERVIDAS DURANTE EL AÑO PRESUPUESTARIO CORRESPONDIENTE QUE RECIBA LA AUTORIDAD PARTICIPANTE DE COMIDAS ESCOLARES CONFORME AL PROGRAMA NACIONAL DE DESAYUNOS ESCOLARES, EL PROGRAMA NACIONAL DE ALMUERZOS ESCOLARES, SECCIONES 22-54-123 Y 22-54-123.5, ARTÍCULO 82.7 DE ESTE TÍTULO 22, Y EL APARTADO 1 DE ESTE ARTÍCULO 82.9.

(c) EL DEPARTAMENTO DESARROLLARÁ PROCEDIMIENTOS PARA ASIGNAR Y DESEMBOLSAR, A PARTIR DEL AÑO PRESUPUESTARIO 2023-24, EL DINERO ADJUDICADO COMO REEMBOLSOS CONFORME A ESTA SECCIÓN ENTRE LAS AUTORIDADES PARTICIPANTES DE COMIDAS ESCOLARES CADA AÑO PRESUPUESTARIO DE MANERA EQUITATIVA Y EN CONFORMIDAD CON LOS REQUISITOS DEL PROGRAMA NACIONAL DE DESAYUNOS ESCOLARES Y EL PROGRAMA NACIONAL DE ALMUERZOS ESCOLARES.

(2) UNA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES QUE DECIDA PARTICIPAR EN EL PROGRAMA DEBE DAR AVISO ANUALMENTE DE SU PARTICIPACIÓN AL DEPARTAMENTO COMO LO ESTIPULA LA REGLA DE LA JUNTA ESTATAL. COMO MÍNIMO, EL AVISO DEBE INCLUIR EVIDENCIA DE QUE LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES ESTÁ PARTICIPANDO EN LA DISPOSICIÓN DE ELEGIBILIDAD DE LA COMUNIDAD COMO SE EXIGE EN EL INCISO (3) DE ESTA SECCIÓN.

(3) SI EL DEPARTAMENTO DE AGRICULTURA DE LOS ESTADOS UNIDOS CREA LA OPCIÓN PARA QUE EL ESTADO, EN SU TOTALIDAD, PARTICIPE EN LA DISPOSICIÓN DE ELEGIBILIDAD COMUNITARIA, EL DEPARTAMENTO PARTICIPARÁ EN LA OPCIÓN Y COLABORARÁ CON LAS AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES Y LOS DEPARTAMENTOS ESTATALES Y LOCALES NECESARIOS PARA REUNIR DATOS E IMPLEMENTAR LA DISPOSICIÓN DE ELEGIBILIDAD COMUNITARIA EN TODO EL ESTADO. HASTA EL MOMENTO EN QUE COLORADO PARTICIPE EN LA DISPOSICIÓN DE ELEGIBILIDAD COMUNITARIA, CADA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE, COMO CONDICIÓN DE PARTICIPAR EN EL PROGRAMA, DEBE MAXIMIZAR LA CANTIDAD DE REEMBOLSO FEDERAL AL PARTICIPAR EN LA DISPOSICIÓN DE ELEGIBILIDAD COMUNITARIA PARA TODAS LAS ESCUELAS QUE CALIFICAN PARA LA DISPOSICIÓN DE ELEGIBILIDAD COMUNITARIA Y A LAS CUALES SIRVE LA AUTORIDAD ENCARGADA DE COMIDAS COMUNITARIAS PARTICIPANTE.

(4) (a) TAN PRONTO SEA PRACTICABLE DESPUÉS DE LA FECHA DE VIGENCIA DE ESTE APARTADO 2, EL DEPARTAMENTO SOLICITARÁ AL SECRETARIO DE AGRICULTURA FEDERAL QUE PARTICIPE EN EL PROYECTO DE DEMOSTRACIÓN OPERADO CONFORME A LA SEC. 1758 (b)(15) DEL TÍTULO 42 DEL CÓDIGO DE LOS EE. UU. PARA LA CERTIFICACIÓN DIRECTA PARA NIÑOS QUE RECIBEN BENEFICIOS DE MEDICAID, CON LA INTENCIÓN DE QUE EL PROYECTO DE DEMOSTRACIÓN SEA IMPLEMENTADO EN TODO EL ESTADO EN LA MEDIDA QUE LO PERMITA LA LEY FEDERAL. SI EL ESTADO ES SELECCIONADO PARA PARTICIPAR EN EL PROYECTO DE DEMOSTRACIÓN, EL DEPARTAMENTO CUMPLIRÁ CON TODOS LOS REQUISITOS DEL PROYECTO DE DEMOSTRACIÓN, INCLUYENDO CELEBRAR UN ACUERDO CON EL DEPARTAMENTO DE POLÍTICA DE ATENCIÓN MÉDICA Y FINANCIAMIENTO A FIN DE ESTABLECER PROCEDIMIENTOS MEDIANTE LOS CUALES UN ESTUDIANTE PUEDE SER CERTIFICADO, SIN PRESENTAR MÁS SOLICITUDES, COMO CUMPLIR CON LOS REQUISITOS DE ELEGIBILIDAD PARA COMIDAS GRATIS O A MENOR PRECIO CONFORME AL PROGRAMA NACIONAL DE DESAYUNOS ESCOLARES Y EL PROGRAMA NACIONAL DE ALMUERZOS ESCOLARES SEGÚN INFORMACIÓN REUNIDA POR EL DEPARTAMENTO DE POLÍTICAS DE ATENCIÓN MÉDICA Y FINANCIAMIENTO EN IMPLEMENTAR EL PROGRAMA DE MEDICAID.

(b) LA IMPLEMENTACIÓN DE LAS SECCIONES 22-82.9-205 A 22-82.9-207 DEPENDE DE QUE EL ESTADO DE COLORADO SEA CERTIFICADO PARA PARTICIPAR EN EL PROYECTO DE DEMOSTRACIÓN PARA CERTIFICACIÓN DIRECTA PARA LOS NIÑOS QUE RECIBEN BENEFICIOS DE MEDICAID QUE ES OPERADO CONFORME A LA SEC. 1758 (b)(15) DEL TÍTULO 42 DEL CÓDIGO DE LOS EE. UU.

(5) LA JUNTA ESTATAL PROMULGARÁ REGLAS SEGÚN SEA NECESARIO PARA IMPLEMENTAR EL PROGRAMA, INCLUIDAS REGLAS PARA MAXIMIZAR LA CANTIDAD DE FONDOS FEDERALES DISPONIBLES A FIN DE IMPLEMENTAR EL PROGRAMA.

**22-82.9-205. Subvención para comprar alimentos locales - cantidad - comité asesor - verificación de facturas.** (1) (a) SUJETO AL INCISO (5) DE ESTA SECCIÓN, CADA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE QUE CREE UN COMITÉ ASESOR COMO SE DESCRIBE EN EL INCISO (3) DE ESTA SECCIÓN ES ELEGIBLE PARA RECIBIR UNA SUBVENCIÓN PARA COMPRAR ALIMENTOS LOCALES CONFORME A ESTA SECCIÓN A FIN DE COMPRAR PRODUCTOS CULTIVADOS, CRIADOS O PROCESADOS EN COLORADO.

(b) EL 1 DE AGOSTO O ANTES DEL PRIMER AÑO PRESUPUESTARIO COMPLETO EN EL CUAL ESTA SECCIÓN ESTÉ VIGENTE COMO SE ESTIPULA EN EL INCISO (5) DE ESTA SECCIÓN Y EL 1 DE AGOSTO O ANTES DE CADA AÑO

PRESUPUESTARIO EN LO SUCESIVO, CADA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE SEGUIRÁ Y REPORTARÁ AL DEPARTAMENTO EN LO QUE RESPECTA AL AÑO PRESUPUESTARIO PRECEDENTE:

(I) LA CANTIDAD TOTAL INVERTIDA EN COMPRAR TODOS LOS PRODUCTOS UTILIZADOS EN PREPARAR COMIDAS Y QUÉ CANTIDAD DE DICHO TOTAL FUE ATRIBUIBLE A LA SUBVENCIÓN PARA COMPRAR ALIMENTOS LOCALES QUE RECIBIÓ LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE;

(II) LA CANTIDAD TOTAL INVERTIDA EN COMPRAR PRODUCTOS CULTIVADOS, CRIADOS O PROCESADOS EN COLORADO Y QUÉ CANTIDAD DE DICHO TOTAL FUE ATRIBUIBLE A LA SUBVENCIÓN PARA COMPRAR ALIMENTOS LOCALES QUE RECIBIÓ LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE;

(III) LA CANTIDAD TOTAL INVERTIDA EN COMPRAR PRODUCTOS PROCESADOS CON VALOR AGREGADO Y QUÉ CANTIDAD DE DICHO TOTAL FUE ATRIBUIBLE A LA SUBVENCIÓN PARA COMPRAR ALIMENTOS LOCALES QUE RECIBIÓ LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE; Y

(IV) EL NÚMERO TOTAL DE COMIDAS ELEGIBLES QUE ENTREGÓ LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE A LOS ALUMNOS.

(2) (a) SUJETO A LAS DISPOSICIONES DEL INCISO (2)(b) DE ESTA SECCIÓN, AL COMENZAR CADA AÑO PRESUPUESTARIO EL DEPARTAMENTO, SUJETO A LAS ADJUDICACIONES DISPONIBLES, DISTRIBUIRÁ A CADA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE QUE SEA ELEGIBLE PARA RECIBIR UNA SUBVENCIÓN CONFORME A ESTA SECCIÓN LO QUE SEA MAYOR ENTRE CINCO MIL DÓLARES O UNA CANTIDAD IGUAL A VEINTICINCO CENTAVOS MULTIPLICADA POR EL NÚMERO DE ALMUERZOS QUE CALIFICARON COMO COMIDA ELEGIBLE QUE SIRVIÓ LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE A LOS ALUMNOS EN EL AÑO ESCOLAR PRECEDENTE. LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE USARÁ EL DINERO RECIBIDO CONFORME A ESTA SECCIÓN PARA COMPRAR SOLO PRODUCTOS CULTIVADOS, CRIADOS O PROCESADOS EN COLORADO Y SEGÚN SE ESTIPULA EN EL INCISO (3) (b) DE ESTA SECCIÓN Y NO USARÁ MÁS DEL VEINTICINCO POR CIENTO DE LA CANTIDAD RECIBIDA PARA COMPRAR PRODUCTOS PROCESADOS CON VALOR AGREGADO. ADEMÁS, UNA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PUEDE USAR HASTA DIEZ POR CIENTO DEL DINERO RECIBIDO CONFORME A ESTA SECCIÓN PARA PAGAR COSTOS PERMISIBLES, COMO SE IDENTIFICA EN LAS REGLAS DE LA JUNTA ESTATAL, INCURRIDOS AL CUMPLIR CON ESTA SECCIÓN.

(b) AL COMENZAR CADA AÑO PRESUPUESTARIO, CADA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE DEBERÁ PRESENTAR AL DEPARTAMENTO UNA ESTIMACIÓN DE LA CANTIDAD QUE PREVÉ GASTAR EN COMPRAR PRODUCTOS CULTIVADOS, CRIADOS O PROCESADOS EN COLORADO EN EL AÑO PRESUPUESTARIO; UNA DESCRIPCIÓN DE LOS ARTÍCULOS Y LAS CANTIDADES QUE PREVÉ COMPRAR; Y UNA LISTA DE LOS PROVEEDORES A LOS CUALES PREVÉ COMPRAR LOS ARTÍCULOS. BASÁNDOSE EN LA INFORMACIÓN PROVISTA, SI EL DEPARTAMENTO DETERMINA QUE ES IMPROBABLE QUE UNA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE GASTE LA TOTALIDAD DE LA CANTIDAD DE LA SUBVENCIÓN DESCRITA EN EL INCISO (2)(a) DE ESTA SECCIÓN, EL DEPARTAMENTO REDUCIRÁ LA CANTIDAD DE LA SUBVENCIÓN SEGÚN CORRESPONDA. EL DEPARTAMENTO DISTRIBUIRÁ A OTRAS AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES PARTICIPANTES QUE SEAN ELEGIBLES PARA RECIBIR SUBVENCIÓNES CONFORME A ESTA SECCIÓN CUALQUIER CANTIDAD QUE SEA RETENIDA SEGÚN ESTE INCISO (2)(b). EL DEPARTAMENTO DISTRIBUIRÁ LAS CANTIDADES ADICIONALES A LAS AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES PARTICIPANTES CON CANTIDADES DE SUBVENCIÓNES CALCULADAS CONFORME AL INCISO (2)(a) DE ESTA SECCIÓN QUE SEAN MENORES DE VEINTICINCO MIL DÓLARES, PRIORIZANDO SEGÚN LOS PORCENTAJES MÁS ALTOS DE ALUMNADO IDENTIFICADOS Y LA MAYOR NECESIDAD FINANCIERA.

(3) (a) A FIN DE RECIBIR UNA SUBVENCIÓN PARA COMPRAR ALIMENTOS LOCALES SEGÚN ESTA SECCIÓN, UNA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE DEBE ESTABLECER UN COMITÉ ASESOR COMPUESTO DE ALUMNOS Y PADRES DE ALUMNOS INSCRITOS EN LAS ESCUELAS PÚBLICAS SERVIDAS POR LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE. AL SELECCIONAR ALUMNOS Y PADRES PARA INTEGRAR EL COMITÉ ASESOR, LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE ASEGURARÁ QUE LOS MIEMBROS DEL COMITÉ ASESOR REFLEJEN LOS DATOS DEMOGRÁFICOS RACIALES, ÉTNICOS Y SOCIOECONÓMICOS DEL ALUMNADO INSCRITO POR LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE. EL COMITÉ ASESOR ASESORARÁ A LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE EN CUANTO A LA SELECCIÓN DE COMIDAS PARA ASEGURAR QUE ESTAS SEAN CULTURALMENTE RELEVANTES, SALUDABLES Y APETITOSAS PARA TODAS LAS EDADES DEL ALUMNADO.

(b) UNA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE PUEDE USAR HASTA EL DOCE POR CIENTO DEL DINERO RECIBIDO CONFORME AL INCISO (2) DE ESTA SECCIÓN PARA APOYAR LA IMPLEMENTACIÓN DEL COMITÉ ASESOR REQUERIDA EN EL INCISO (3)(a) DE ESTA SECCIÓN.

(4) EL DEPARTAMENTO EXIGIRÁ ANUALMENTE A UN GRUPO SELECCIONADO DE AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES PARTICIPANTES QUE RECIBIERON UNA SUBVENCIÓN CONFORME A ESTA SECCIÓN EN EL AÑO PRESUPUESTARIO PRECEDENTE QUE PRESENTE AL DEPARTAMENTO UNA MUESTRA REPRESENTATIVA DE LAS FACTURAS POR LOS PRODUCTOS COMPRADOS UTILIZANDO EL DINERO DE LA SUBVENCIÓN. A MÁS TARDAR EL 1 DE SEPTIEMBRE DEL SEGUNDO AÑO PRESUPUESTARIO EN EL CUAL ESTA SECCIÓN ESTÉ VIGENTE COMO SE ESTIPULA EN EL INCISO (5) DE ESTA SECCIÓN, Y A MÁS TARDAR EL 1 DE SEPTIEMBRE DE CADA AÑO EN LO SUCESIVO, EL DEPARTAMENTO EVALUARÁ LAS FACTURAS PARA VERIFICAR





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QUE LOS PRODUCTOS COMPRADOS REÚNEN LOS REQUISITOS ESPECIFICADOS EN ESTA SECCIÓN. SI EL DEPARTAMENTO ENCUENTRA QUE UNA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES UTILIZA UNA PARTE SIGNIFICATIVA DEL DINERO DE LA SUBVENCIÓN, SEGÚN LO DETERMINA LA REGLA DE LA JUNTA ESTATAL, PARA COMPRAR PRODUCTOS QUE NO CUMPLEN CON LOS REQUISITOS DE ESTA SECCIÓN, LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE NO ES ELEGIBLE PARA RECIBIR UNA SUBVENCIÓN SEGÚN ESTA SECCIÓN EL AÑO PRESUPUESTARIO DESPUÉS DE QUE EL DEPARTAMENTO LLEVE A CABO LA EVALUACIÓN.

(5) ESTA SECCIÓN ENTRA EN VIGENCIA A PARTIR DEL PRIMER AÑO PRESUPUESTARIO COMPLETO DESPUÉS DE QUE EL ESTADO DE COLORADO SEA CERTIFICADO PARA PARTICIPAR EN EL PROYECTO DE DEMOSTRACIÓN FEDERAL PARA LA CERTIFICACIÓN DIRECTA PARA NIÑOS QUE RECIBEN BENEFICIOS DE MEDICAID SEGÚN LO ESTABLECIDO EN LA SECCIÓN 22-82.9-204 (4) Y COMIENZA INCLUYENDO LA CERTIFICACIÓN DIRECTA DE MEDICAID AL DETERMINAR PORCENTAJES DE ALUMNADO IDENTIFICADOS DE LOS DISTRITOS ESCOLARES.

**22-82.9-206. Empleados encargados de preparar y servir comidas escolares - aumento de salario o subsidio.** (1) SUJETO AL INCISO (2) DE ESTA SECCIÓN, ADEMÁS DE LAS CANTIDADES RECIBIDAS CONFORME A LAS SECCIONES 22-82.9-204 Y 22-82.9-205, UNA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE PUEDE RECIBIR LO QUE SEA MAYOR ENTRE TRES MIL DÓLARES O UNA CANTIDAD IGUAL A DOCE CENTAVOS MULTIPLICADA POR EL NÚMERO DE ALMUERZOS ESCOLARES QUE HA ENTREGADO LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE EN EL AÑO PRESUPUESTARIO ANTERIOR, SIEMPRE Y CUANDO LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE USE EL CIENTO POR CIENTO DE LA CANTIDAD RECIBIDA CONFORME A ESTA SECCIÓN PARA AUMENTAR SALARIOS O BRINDAR SUBSIDIOS A QUIENES EMPLEE LA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE PARA PREPARAR Y SERVIR DIRECTAMENTE COMIDAS ESCOLARES. PARA RECIBIR LA CANTIDAD DESCRITA EN ESTA SECCIÓN, UNA AUTORIDAD ENCARGADA DE COMIDAS ESCOLARES PARTICIPANTE DEBE PRESENTAR DOCUMENTACIÓN AL DEPARTAMENTO SEGÚN SE REQUIERE EN LAS REGLAS DE LA JUNTA ESTATAL A FIN DE DEMOSTRAR QUE EL AUMENTO EN LOS SALARIOS O LA ENTREGA DE SUBSIDIOS USANDO LA CANTIDAD RECIBIDA SEGÚN ESTA SECCIÓN ES IMPLEMENTADA EN EL AÑO PRESUPUESTARIO EN QUE SE RECIBE LA CANTIDAD.

(2) ESTA SECCIÓN ENTRA EN VIGENCIA A PARTIR DEL PRIMER AÑO PRESUPUESTARIO COMPLETO DESPUÉS DE QUE EL ESTADO DE COLORADO SEA CERTIFICADO PARA PARTICIPAR EN EL PROYECTO DE DEMOSTRACIÓN FEDERAL PARA LA CERTIFICACIÓN DIRECTA PARA NIÑOS QUE RECIBEN BENEFICIOS DE MEDICAID SEGÚN LO ESTABLECIDO EN LA SECCIÓN 22-82.9-204 (4) Y COMIENZA INCLUYENDO LA CERTIFICACIÓN DIRECTA DE MEDICAID AL DETERMINAR PORCENTAJES DE ALUMNADO IDENTIFICADOS DE LOS DISTRITOS ESCOLARES.

**22-82.9-207. Programa de asistencia técnica y subvención para comprar alimentos locales para escuelas - creación - informe.** (1) SUJETO AL INCISO (4) DE ESTA SECCIÓN, SE CREA EN EL DEPARTAMENTO EL PROGRAMA DE ASISTENCIA TÉCNICA Y SUBVENCIÓN PARA COMPRAR ALIMENTOS LOCALES PARA ESCUELAS A FIN DE EMITIR UNA SUBVENCIÓN A UNA ORGANIZACIÓN SIN FINES DE LUCRO ESTATAL PARA DESARROLLAR Y GESTIONAR UN PROGRAMA DE SUBVENCIÓN DESTINADO A ASISTIR CON LA PROMOCIÓN DE PRODUCTOS CULTIVADOS, CRIADOS O PROCESADOS EN COLORADO ENTRE LAS AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES PARTICIPANTES Y PARA ASISTIR A LAS AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES PARTICIPANTES EN LA PREPARACIÓN DE COMIDAS UTILIZANDO INGREDIENTES BÁSICOS, CON MÍNIMO USO DE PRODUCTOS PROCESADOS.

(2) SUJETO A LAS ADJUDICACIONES DISPONIBLES, LA ORGANIZACIÓN SIN FINES DE LUCRO PUEDE ADJUDICAR SUBVENCIÓNES PARA:

(a) CAPACITACIÓN, ASISTENCIA TÉCNICA E INFRAESTRUCTURA FÍSICA, ADJUDICADA A LAS AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES PARTICIPANTES, ASOCIACIONES DE AGRICULTORES U OTRAS ORGANIZACIONES QUE CONSOLIDAN PRODUCTOS DE LOS PRODUCTORES PARA:

- (I) SERVICIOS PROFESIONALES A CONTRATO A FIN DE APOYAR EL DESARROLLO Y LA SOSTENIBILIDAD DE SISTEMAS ALIMENTARIOS LOCALES Y REGIONALES;
- (II) CAPACITACIÓN DE CHEFS SOBRE MANEJO DE ALIMENTOS, PREPARACIÓN DE COMIDAS USANDO INGREDIENTES BÁSICOS, Y PRÁCTICAS DE ADQUISICIÓN, Y PARA COMPRAS DE EQUIPAMIENTO DE COCINA;
- (III) COSTOS DE CERTIFICACIÓN DE BUENAS PRÁCTICAS AGRÍCOLAS Y COSTOS DE CERTIFICACIÓN DE BUENAS PRÁCTICAS DE MANEJO Y CAPACITACIÓN PARA LA VENTA A ESCUELAS; Y
- (IV) DESARROLLO DE CAPACIDAD PARA PRODUCTOS PROCESADOS LOCALES CON VALOR AGREGADO, Y

(b) EDUCACIÓN, DIFUSIÓN Y PROMOCIÓN PARA:

- (I) ESCUELAS A FIN DE HACER PARTICIPAR A LAS FAMILIAS Y COMUNIDADES EN LOS BENEFICIOS DE GRANJA A ESCUELA Y EN LAS MANERAS DE APOYAR LA INICIATIVA DE GRANJA A ESCUELA; Y
- (II) ASOCIACIONES DE AGRICULTORES Y CULTIVADORES PARA COMUNICAR A LAS ESCUELAS Y COMUNIDADES ESCOLARES ACERCA DE LOS MÚLTIPLES BENEFICIOS DE COMPRAR PRODUCTOS LOCALES.

(3) LA ORGANIZACIÓN SIN FINES DE LUCRO REPORTARÁ ANUALMENTE AL DEPARTAMENTO SOBRE LA IMPLEMENTACIÓN DEL PROGRAMA DE ASISTENCIA TÉCNICA Y SUBVENCIÓN PARA LA EDUCACIÓN, INCLUYENDO:

- (a) EL NÚMERO Y LOS TIPOS DE ENTIDADES QUE RECIBEN SUBVENCIÓNES;
- (b) EL NÚMERO, LOS TIPOS Y PROPÓSITOS DE LAS

SUBVENCIÓNES ADJUDICADAS SEGÚN EL INCISO (2)(a) DE ESTA SECCIÓN; Y

(c) LOS TIPOS DE EDUCACIÓN, DIFUSIÓN Y PROMOCIÓN QUE REALIZAN LAS AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES PARTICIPANTES Y OTROS CONFORME AL INCISO (2)(b) DE ESTA SECCIÓN.

(4) ESTA SECCIÓN ENTRA EN VIGENCIA A PARTIR DEL PRIMER AÑO PRESUPUESTARIO COMPLETO DESPUÉS DE QUE EL ESTADO DE COLORADO SEA CERTIFICADO PARA PARTICIPAR EN EL PROYECTO DE DEMOSTRACIÓN FEDERAL PARA LA CERTIFICACIÓN DIRECTA PARA NIÑOS QUE RECIBEN BENEFICIOS DE MEDICAID SEGÚN LO ESTABLECIDO EN LA SECCIÓN 22-82.9-204 (4) Y COMIENZA INCLUYENDO LA CERTIFICACIÓN DIRECTA DE MEDICAID AL DETERMINAR PORCENTAJES DE ALUMNADO IDENTIFICADOS DE LOS DISTRITOS ESCOLARES.

**22-82.9-208. Informes - auditoría.** (1) (a) EL 1 DE DICIEMBRE DE 2024 O ANTES DE DICHA FECHA, Y EL 1 DE DICIEMBRE O ANTES, CADA DOS AÑOS EN LO SUCESIVO, EL DEPARTAMENTO PREPARARÁ UN INFORME REFERENTE A LA IMPLEMENTACIÓN DE LA SECCIÓN 22-82.9-204 Y LAS SECCIONES 22-82.9-205, 22-82.9-206 Y 22-82.9-207, EN LA MEDIDA QUE DICHAS SECCIONES ESTÉN VIGENTES SEGÚN LO ESTABLECIDO EN LA SECCIÓN 22-82.9-204 (4)(b). COMO MÍNIMO, EL INFORME DEBE DESCRIBIR:

(I) EL AUMENTO EN EL NÚMERO DE ALUMNOS QUE RECIBEN COMIDAS GRATIS ELEGIBLES COMO RESULTADO DE LA IMPLEMENTACIÓN DEL PROGRAMA;

(II) EL EFECTO DEL USO DE SUBVENCIÓNES PARA COMPRAR ALIMENTOS LOCALES CON LA CANTIDAD DE PRODUCTOS CULTIVADOS, CRIADOS O PROCESADOS EN COLORADO, COMPRADOS POR LAS AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES PARTICIPANTES E INCLUIR UNA COMPILACIÓN DE LA INFORMACIÓN REPORTADA POR LAS AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES PARTICIPANTES CONFORME A LA SECCIÓN 22-82.9-205 (1)(b);

(III) EL EFECTO DE LA DISTRIBUCIÓN DE DINERO CONFORME A LA SECCIÓN 22-82.9-206 SOBRE LA CANTIDAD DE SALARIOS PAGADOS O LA CANTIDAD DE SUBSIDIOS ENTREGADOS A EMPLEADOS DE LAS ESCUELAS PÚBLICAS PARA PREPARAR Y SERVIR COMIDAS ESCOLARES; Y

(IV) UN RESUMEN DE LA INFORMACIÓN REPORTADA POR LA ORGANIZACIÓN SIN FINES DE LUCRO CONFORME A LA SECCIÓN 22-82.9-207 (3) CON RESPECTO A LA IMPLEMENTACIÓN DEL PROGRAMA DE ASISTENCIA TÉCNICA Y SUBVENCIÓN DE EDUCACIÓN PARA COMPRAR ALIMENTOS LOCALES PARA LAS ESCUELAS.

(b) EL DEPARTAMENTO PRESENTARÁ EL INFORME A LOS COMITÉS DE EDUCACIÓN DE LA CÁMARA DE REPRESENTANTES Y DEL SENADO; EL COMITÉ DE AGRICULTURA, GANADERÍA Y AGUA DE LA CÁMARA DE REPRESENTANTES; Y EL COMITÉ DE AGRICULTURA Y RECURSOS NATURALES DEL SENADO; O CUALESQUIERA COMITÉS SUCESORES.

(c) NO OBSTANTE EL REQUISITO DE LA SECCIÓN 24-1-136 (11) (a)(I), EL REQUISITO DE PRESENTAR EL INFORME DESCRITO EN ESTE INCISO (1) CONTINÚA INDEFINIDAMENTE.

(2) EL DEPARTAMENTO CONTRATARÁ A UN AUDITOR INDEPENDIENTE PARA EFECTUAR UNA AUDITORÍA BIENAL DE FINANZAS Y RENDIMIENTO EN CUANTO A LA IMPLEMENTACIÓN DEL PROGRAMA, INCLUIDA LA IMPLEMENTACIÓN DE LA SECCIÓN 22-82.9-204 E INCLUIDA LA IMPLEMENTACIÓN DE SUBVENCIÓNES PARA COMPRAR ALIMENTOS LOCALES CONFORME A LA SECCIÓN 22-82.9-205, DISTRIBUCIONES PARA AUMENTAR SALARIOS O DISPONER SUBSIDIOS CONFORME A LA SECCIÓN 22-82.9-206, Y LA IMPLEMENTACIÓN DEL PROGRAMA DE ASISTENCIA TÉCNICA Y SUBVENCIÓN DE EDUCACIÓN PARA COMPRAR ALIMENTOS LOCALES PARA LAS ESCUELAS CONFORME A LA SECCIÓN 22-82.9-207, EN LA MEDIDA QUE DICHAS SECCIONES ESTÉN VIGENTES SEGÚN LO ESTABLECIDO EN LA SECCIÓN 22-82.9-204 (4)(b). LA AUDITORÍA DE LOS DOS AÑOS PRESUPUESTARIOS EN CADA CICLO BIENAL DEBE LLEVARSE A CABO A MÁS TARDAR EL 1 DE DICIEMBRE DEL SIGUIENTE AÑO PRESUPUESTARIO. EL DEPARTAMENTO HARÁ QUE LA AUDITORÍA SEA FÁCILMENTE ACCESIBLE PARA EL PÚBLICO EN EL SITIO WEB DEL DEPARTAMENTO.

**22-82.9-209. Programa - financiamiento.** PARA EL AÑO PRESUPUESTARIO 2023-24 Y EN CADA AÑO PRESUPUESTARIO SUCESIVO, LA ASAMBLEA GENERAL ADJUDICARÁ AL DEPARTAMENTO, MEDIANTE UNA PARTIDA SEPARADA DENTRO DEL DECRETO DE ADJUDICACIÓN GENERAL ANUAL, LA CANTIDAD NECESARIA PARA IMPLEMENTAR EL PROGRAMA, INCLUIDA LA CANTIDAD REQUERIDA PARA REEMBOLSAR A LAS AUTORIDADES ENCARGADAS DE COMIDAS ESCOLARES PARTICIPANTES POR COMIDAS ELEGIBLES ENTREGADAS A LOS ALUMNOS CONFORME A LA SECCIÓN 22-82.9-204 E INCLUYENDO LA CANTIDAD DISTRIBUIDA EN FORMA DE SUBVENCIÓNES PARA COMPRAR ALIMENTOS LOCALES SEGÚN LA SECCIÓN 22-82.9-205, LA CANTIDAD DISTRIBUIDA SEGÚN LA SECCIÓN 22-82.9-206 PARA AUMENTAR LOS SALARIOS O ENTREGAR SUBSIDIOS AL PERSONAL QUE PREPARA Y SIRVE COMIDAS ESCOLARES, Y AL MENOS CINCO MILLONES DE DÓLARES ANUALMENTE PARA IMPLEMENTAR EL PROGRAMA DE ASISTENCIA TÉCNICA Y SUBVENCIÓN DE EDUCACIÓN PARA COMPRAR ALIMENTOS LOCALES PARA LAS ESCUELAS CONFORME A LA SECCIÓN 22-82.9-207, EN LA MEDIDA QUE DICHAS SECCIONES ESTÉN VIGENTES SEGÚN LO ESTABLECIDO EN LA SECCIÓN 22-82.9-204 (4)(b). EL DEPARTAMENTO PUEDE INVERTIR UN PORCENTAJE NO SUPERIOR AL UNO PUNTO CINCUENTA DE LA CANTIDAD TOTAL ADJUDICADA ANUALMENTE CONFORME A ESTA SECCIÓN PARA COMPENSAR POR LOS COSTOS DIRECTOS E INDIRECTOS INCURRIDOS POR EL DEPARTAMENTO AL IMPLEMENTAR ESTE APARTADO 2.

**SECCIÓN 2.** En los Estatutos Revisados de Colorado, **enmendar** 22-82.9-101 de la siguiente manera:

**22-82.9-101. Título corto.** Este artículo será conocido y puede citarse como EL TÍTULO CORTO DE ESTE APARTADO 1 es la "Ley del programa de protección de almuerzos escolares para la nutrición infantil".

**SECCIÓN 3.** En los Estatutos Revisados de Colorado, 22-82.9-103, **enmendar** la introducción de la siguiente manera:

**22-82.9-103. Definiciones.** Tal como se usa en este artículo APARTADO 1, a menos que el contexto lo exija de otro modo:

**SECCIÓN 4.** En los Estatutos Revisados de Colorado, 22-82.9-105, **enmendar** (1) y (2) de la siguiente manera:

**22-82.9-105. Financiamiento del programa.** (1) Para cada año fiscal, la asamblea general efectuará una adjudicación mediante partida separada dentro del decreto de adjudicación general anual para permitir a las autoridades encargadas de comidas entregar almuerzos sin costo alguno para los niños en programas de educación para la primera infancia subsidiados por el estado administrados por las escuelas públicas o en jardines infantiles hasta el grado doce, que participen en el programa de almuerzos escolares, quienes de otro modo deberían pagar un menor precio por el almuerzo. La adjudicación al departamento para el programa debe ser adicional a toda adjudicación efectuada por la asamblea general conforme a la sección 22-54-123 o 22-54-123.5 (1). El departamento puede invertir no más del dos por ciento del dinero adjudicado anualmente para el programa a fin de compensar por los costos directos e indirectos incurridos por el departamento al implementar el programa conforme a este artículo 82-9 APARTADO 1.

(2) El departamento está autorizado a procurar obtener y aceptar obsequios, subvenciones y donaciones de fuentes públicas y privadas para los fines de este artículo APARTADO 1, pero el hecho de recibir obsequios, subvenciones y donaciones no será NO ES prerequisite para implementar el programa.

**SECCIÓN 5.** En los Estatutos Revisados de Colorado, 22-82.9-107, **enmendar** (1) de la siguiente manera:

**22-82.9-107. Sin derecho individual.** (1) Ninguna parte de este artículo será interpretada como ESTE APARTADO 1 NO crea un derecho legal para ningún participante de asistencia provisto conforme al programa.

**SECCIÓN 6.** En los Estatutos Revisados de Colorado, 39-22-104, **enmendar** (3)(p) en la introducción; y **agregar** (3) (p.5) de la siguiente manera:

**39-22-104. Impuesto sobre la renta gravado a individuos, sucesiones y fondos fiduciarios - tasa única - informe - declaración legislativa - definiciones - derogación.** (3) Se agregará al impuesto sobre la renta federal:

(p) SALVO SEGÚN SE ESTIPULE EN EL INCISO (3)(p.5) DE ESTA SECCIÓN, para los años del impuesto sobre la renta que comienzan el 1 de enero de 2022 o antes de dicha fecha, para los contribuyentes que declaran deducciones desglosadas como se define en la sección 63 (d) del código de impuestos internos y quienes tengan un ingreso bruto ajustado federal en el año del impuesto sobre la renta que sea igual a cuatrocientos mil dólares o más:

(p.5) (I) PARA LOS AÑOS DEL IMPUESTO SOBRE LA RENTA QUE COMIENZAN EL 1 DE ENERO DE 2023 O ANTES DE DICHA FECHA, PARA LOS CONTRIBUYENTES QUE DECLARAN DEDUCCIONES DESGLOSADAS COMO SE DEFINE EN LA SECCIÓN 63 (d) DEL CÓDIGO DE IMPUESTOS INTERNOS O LA DEDUCCIÓN ESTÁNDAR SEGÚN SE DEFINE EN LA SECCIÓN 63 (c) DEL CÓDIGO DE IMPUESTOS INTERNOS Y QUIENES TENGAN UN INGRESO BRUTO AJUSTADO FEDERAL EN EL AÑO DEL IMPUESTO SOBRE LA RENTA QUE SEA IGUAL A TRESCIENTOS MIL DÓLARES O MÁS:

(A) PARA UN CONTRIBUYENTE QUE PRESENTE UNA DECLARACIÓN INDIVIDUAL, LA CANTIDAD POR DEDUCCIONES DESGLOSADAS DEDUCIDA DEL INGRESO BRUTO SEGÚN LA SECCIÓN 63 (a) DEL CÓDIGO DE IMPUESTOS INTERNOS SUPERA, O LA DEDUCCIÓN ESTÁNDAR DEDUCIDA DEL INGRESO BRUTO SEGÚN LA SECCIÓN 63 (c) DEL CÓDIGO DE IMPUESTOS INTERNOS SUPERA, DIECISÉIS MIL DÓLARES; Y

(B) PARA CONTRIBUYENTES QUE PRESENTEN UNA DECLARACIÓN CONJUNTA, LA CANTIDAD POR DEDUCCIONES DESGLOSADAS DEDUCIDA DEL INGRESO BRUTO SEGÚN LA SECCIÓN 63 (a) DEL CÓDIGO DE IMPUESTOS INTERNOS SUPERA, O LA DEDUCCIÓN ESTÁNDAR DEDUCIDA DEL INGRESO BRUTO SEGÚN LA SECCIÓN 63 (c) DEL CÓDIGO DE IMPUESTOS INTERNOS SUPERA, DIECISÉIS MIL DÓLARES.

(II) PARA EL AÑO FISCAL ESTATAL 2023-24 Y EN LOS AÑOS FISCALES ESTATALES SUCESIVOS, LA ASAMBLEA GENERAL ADJUDICARÁ ANUALMENTE UNA CANTIDAD DE RECAUDACIÓN DE FONDO GENERAL AL MENOS IGUAL A LA CANTIDAD DE RECAUDACIÓN GENERADA POR LA ADICIÓN AL INGRESO IMPONIBLE FEDERAL DESCRITA EN EL INCISO (3)(p.5)(I) DE ESTA SECCIÓN, PERO NO MÁS DE LA CANTIDAD REQUERIDA, PARA FINANCIAR PLENAMENTE LOS COSTOS DIRECTOS E INDIRECTOS DE IMPLEMENTAR LAS COMIDAS ESCOLARES SALUDABLES PARA TODO PROGRAMA SEGÚN SE ESTIPULA EN LA SECCIÓN 22-82.9-209. LAS DISPOSICIONES DEL INCISO (3)(p.5)(I) DE ESTA SECCIÓN CONSTITUYEN UN CAMBIO DE RECAUDACIÓN APROBADO POR LOS VOTANTES, APROBADO POR LOS VOTANTES EN LA ELECCIÓN ESTATAL DE NOVIEMBRE DE 2022, Y LA RECAUDACIÓN GENERADA POR ESTE CAMBIO DE RECAUDACIÓN APROBADO POR LOS VOTANTES PUEDE COBRARSE, RETENERSE, ADJUDICARSE Y GASTARSE SIN APROBACIÓN SUBSIGUIENTE DE LOS VOTANTES, NO OBSTANTE CUALQUIER OTRO LÍMITE DENTRO DE LA CONSTITUCIÓN O LEY DEL ESTADO. LA ADICIÓN AL INGRESO IMPONIBLE FEDERAL DESCRITA EN EL INCISO (3)(p.5)(I) DE ESTA SECCIÓN NO ES APLICABLE PARA UN AÑO DE IMPUESTO SOBRE LA RENTA QUE COMIENZE DESPUÉS DE QUE SE DEROGUE EL PROGRAMA DE COMIDAS ESCOLARES SALUDABLES PARA TODOS, O CUALQUIER PROGRAMA SUCESOR. AL DEROGARSE EL PROGRAMA DE COMIDAS ESCOLARES SALUDABLES PARA TODOS, O CUALQUIER PROGRAMA SUCESOR, EL COMISIONADO DE EDUCACIÓN NOTIFICARÁ INMEDIATAMENTE AL DIRECTOR EJECUTIVO POR ESCRITO DE QUE SE HA DEROGADO EL PROGRAMA.

**SECCIÓN 7.** En los Estatutos Revisados de Colorado, 22-2-112, **agregar** (1)(v) de la siguiente manera:

**22-2-112. Comisionado - deberes - informe - declaración legislativa - derogación.** (1) Sujeto a la supervisión de la





# Asuntos de la Boleta Estatal de 2022

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junta estatal, el comisionado tiene los siguientes deberes:

(v) AL DEROGAR EL APARTADO 2 DEL ARTÍCULO 82.9 DE ESTE TÍTULO 22 Y DE CONFORMIDAD CON LA SECCIÓN 39-22-104 (3)(p.5)(II), NOTIFICAR INMEDIATAMENTE AL DIRECTOR EJECUTIVO DEL DEPARTAMENTO DE HACIENDA POR ESCRITO QUE SE HA DEROGADO EL PROGRAMA DE COMIDAS ESCOLARES SALUDABLES PARA TODOS.

## SECCIÓN 8. Consultar al pueblo mediante referéndum.

En la elección efectuada el 8 de noviembre de 2022, el secretario de estado presentará esta ley mediante su título de boleta a los electores registrados del estado para someterla a su aprobación o rechazo. Cada elector que vote en la elección puede votar "Sí/Pro" o "No/Contra" en el siguiente título de la boleta: "¿Debe aumentarse los impuestos estatales \$100,727,820 anualmente mediante un cambio a los Estatutos Revisados de Colorado que, a fin de apoyar comidas saludables para los alumnos de escuelas públicas, aumente el ingreso imponible estatal solo para los contribuyentes que tengan ingreso federal imponible de \$300,000 o más al limitar las deducciones del impuesto sobre la renta desglosadas o estándar a \$12,000 para contribuyentes individuales y a \$16,000 para contribuyentes conjuntos, y, en relación con ello, crear el programa de comidas escolares saludables para todos a fin de brindar comidas escolares gratis a los alumnos de escuelas públicas; otorgar subvenciones a las escuelas participantes a fin de comprar productos cultivados, criados o procesados en Colorado, para aumentar los salarios u ofrecer subsidios a empleados que preparen y sirvan comidas escolares, y crear comités asesores de padres y alumnos a fin de dar consejo para asegurar que las comidas escolares sean saludables y apetitosas para todos los alumnos; y crear un programa para asistir en promover los productos alimentarios de Colorado y preparar comidas escolares usando ingredientes básicos nutritivos que dependan mínimamente de los productos procesados?" Salvo según se estipule de otro modo en la sección 1-40-123 de los Estatutos Revisados de Colorado, si una mayoría de los electores que vota en cuanto al título de la boleta vota "Sí/Pro", la enmienda pasará a formar parte de los Estatutos Revisados de Colorado.

### Propuesta GG

#### Agregar una tabla informativa de impuestos a las peticiones y boletas

El título de la boleta a continuación es un resumen redactado por el personal jurídico profesional para la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en los Estatutos Revisados de Colorado. El texto de la medida que aparecerá en los Estatutos Modificados de Colorado a continuación fue remitido a los votantes porque pasó mediante un voto de la mayoría del senado estatal y la cámara de representantes estatal.

#### Título de la boleta:

¿Debe haber un cambio a los Estatutos Revisados de Colorado exigiendo que el título de la boleta y el resumen fiscal de toda iniciativa electoral que aumente o disminuya las tasas de impuestos sobre la renta estatales incluya una tabla que muestre el cambio promedio del impuesto para los contribuyentes en distintas categorías de ingreso?

#### Texto de la medida:

*Promúlguese por la Asamblea General del Estado de Colorado:*

**SECCIÓN 1.** En los Estatutos Revisados de Colorado, 1-5-407, **enmendar** (7) de la siguiente manera:

**1-5-407. Forma de las boletas.** (7) No debe haber marcas impresas ni distintivas en la boleta salvo como se estipule específicamente en este código, o en la sección 1-40-106 (3)(e) a (3)(g) y (3)(j).

**SECCIÓN 2.** En los Estatutos Revisados de Colorado, 1-40-105.5, **enmendar** (1.5)(a)(III); y **agregar** (1.5)(a)(V) de la siguiente manera:

#### 1-40-105.5. Declaración inicial de impacto fiscal - definición.

(1.5) (a) Para toda medida iniciada debidamente presentada al comité encargado de títulos, el director preparará un resumen fiscal que consta de la información siguiente:

(III) Toda información de la medida iniciada o una descripción de la implementación de gobierno estatal y local a fin de proporcionar la información requerida en el inciso (1.5)(a)(I) o (1.5)(a)(II) de esta sección; y

(V) SI LA MEDIDA AUMENTARÍA O DISMINUIRÍA LA TASA DE IMPUESTO SOBRE LA RENTA INDIVIDUAL, UNA TABLA QUE MUESTRE EL EFECTO ESTIMADO DEL CAMBIO EN EL IMPUESTO ADEUDADO POR LOS CONTRIBUYENTES EN DISTINTAS CATEGORÍAS DE INGRESO. LA TABLA PREPARADA POR EL DIRECTOR DEBE TENER UNA COLUMNA TITULADA "CATEGORÍAS DE INGRESO" QUE MUESTRA LAS CATEGORÍAS DE INGRESO, UNA COLUMNA TITULADA "IMPUESTO SOBRE LA RENTA PROMEDIO ACTUAL ADEUDADO" QUE MUESTRA EL IMPUESTO SOBRE LA RENTA PROMEDIO ADEUDADO POR LOS CONTRIBUYENTES DENTRO DE CADA CATEGORÍA DE INGRESO, UNA COLUMNA TITULADA "IMPUESTO SOBRE LA RENTA PROMEDIO PROPUESTO ADEUDADO" QUE MUESTRA EL IMPUESTO SOBRE LA RENTA PROMEDIO ADEUDADO POR LOS CONTRIBUYENTES DENTRO DE CADA CATEGORÍA DE INGRESO SI SE PROMULGARA LA MEDIDA INICIADA, Y UNA COLUMNA TITULADA "CAMBIO PROPUESTO EN EL IMPUESTO SOBRE LA RENTA PROMEDIO ADEUDADO" QUE IDENTIFICA LA DIFERENCIA ENTRE EL IMPUESTO SOBRE LA RENTA PROMEDIO ADEUDADO POR LOS CONTRIBUYENTES DENTRO DE CADA CATEGORÍA DE INGRESO SI SE PROMULGARA LA MEDIDA INICIADA Y SI LA MEDIDA INICIADA NO SE PROMULGARA. SI LA DIFERENCIA EN LA CANTIDAD DE IMPUESTO ADEUDADO EN LA TABLA ES UN AUMENTO, EL CAMBIO DEBE EXPRESARSE COMO CANTIDAD EN DÓLARES PRECEDIDA POR UN SIGNO MÁS. SI EL CAMBIO EN LA CANTIDAD DE IMPUESTO ADEUDADO EN LA TABLA ES UNA DISMINUCIÓN, EL CAMBIO DEBE EXPRESARSE COMO CANTIDAD EN DÓLARES PRECEDIDA POR UN SIGNO MENOS. EL DIRECTOR DEBERÁ USAR LAS SIGUIENTES CATEGORÍAS DE INGRESO AL CREAR LA TABLA:

(A) INGRESO FEDERAL BRUTO AJUSTADO DE VEINTICINCO MIL DÓLARES O MENOS;

(B) INGRESO FEDERAL BRUTO AJUSTADO MAYOR DE VEINTICINCO MIL DÓLARES Y NO MÁS DE CINCUENTA MIL DÓLARES;

(C) INGRESO FEDERAL BRUTO AJUSTADO MAYOR DE CINCUENTA MIL DÓLARES Y NO MÁS DE CIENTO MIL DÓLARES;

(D) INGRESO FEDERAL BRUTO AJUSTADO MAYOR DE CIENTO MIL DÓLARES Y NO MÁS DE DOSCIENTOS MIL DÓLARES;

(E) INGRESO FEDERAL BRUTO AJUSTADO MAYOR DE DOSCIENTOS MIL DÓLARES Y NO MÁS DE QUINIENTOS MIL DÓLARES;

(F) INGRESO FEDERAL BRUTO AJUSTADO MAYOR DE QUINIENTOS MIL DÓLARES Y NO MÁS DE UN MILLÓN DE DÓLARES;

(G) INGRESO FEDERAL BRUTO AJUSTADO MAYOR DE UN MILLÓN DE DÓLARES Y NO MÁS DE DOS MILLONES DE DÓLARES; Y

(H) INGRESO FEDERAL BRUTO AJUSTADO MAYOR DE DOS MILLONES DE DÓLARES Y NO MÁS DE CINCO MILLONES DE DÓLARES.

**SECCIÓN 3.** En los Estatutos Revisados de Colorado, 1-40-106, **enmendar** (3)(h); y **agregar** (3)(j) de la siguiente manera:

**1-40-106. Comité encargado de títulos - reuniones - título de boleta - iniciativa y referéndum - definiciones.** (3) (h) Al determinar si un título de boleta califica como abreviación para los fines de la ~~secciones~~ SECCIÓN 1-40-102 (10) y ~~1-40-106 (3)(b)~~ INCISO (3)(b) DE ESTA SECCIÓN, no puede considerarse el texto requerido por el inciso (3)(e), (3)(f), o (3)(g), o (3)(j) de esta sección.

(j) UN TÍTULO DE BOLETA PARA UNA MEDIDA QUE AUMENTA O DISMINUYE LA TASA DEL IMPUESTO SOBRE LA RENTA INDIVIDUAL DEBE INCLUIR, SI CORRESPONDE, LA TABLA CREADA PARA EL RESUMEN FISCAL CONFORME A LA SECCIÓN 1-40-105.5 (1.5)(a)(V).

**SECCIÓN 4.** En los Estatutos Revisados de Colorado, 1-40-124.5, **enmendar** (1)(b)(III) en la introducción de la siguiente manera:

**1-40-124.5. Folleto informativo de la boleta.** (1) (b) El director de investigación del consejo legislativo de la asamblea general preparará una declaración de impacto fiscal para toda medida iniciada o derivada, tomando en consideración la información de impacto fiscal presentada por la oficina de planificación y presupuestos de la secretaría de estado, el departamento de asuntos locales o cualquier otra entidad estatal, y cualquier proponente u otro interesado. La declaración de impacto fiscal preparada para cada medida será sustancialmente similar en su forma y contenido a las notas fiscales provistas por el consejo legislativo de la asamblea general para medidas legislativas conforme a la sección 2-2-322. Habrá una copia completa de la declaración de impacto fiscal para dicha medida disponible a través del consejo legislativo o la asamblea general. El folleto informativo de la boleta indicará si hay un impacto fiscal para cada medida iniciada o derivada y creará un extracto de la declaración de impacto fiscal de dicha medida. El extracto de cada medida aparecerá después de los argumentos a favor y en contra de dicha medida en la sección de análisis del folleto informativo de la boleta, e incluirá, entre otras cosas:

(III) Para toda medida iniciada o derivada que modifique las leyes de impuestos estatales, si la medida ya sea aumenta o disminuye la recaudación de impuesto sobre la renta individual o la recaudación del impuesto de ventas estatales, una tabla que muestre el número de contribuyentes en cada categoría de ingreso, el total de cambio en la carga impositiva EN LA CANTIDAD DE IMPUESTO ADEUDADO para cada categoría de ingreso, y el cambio promedio en la carga impositiva EN LA CANTIDAD DE IMPUESTO ADEUDADO por cada contribuyente dentro de cada categoría de ingreso. Si el cambio en una carga impositiva LA CANTIDAD DE IMPUESTO ADEUDADO mostrado en la tabla es un aumento, el cambio de expresarse como cantidad en dólares precedida de un signo más. Si el cambio en una carga impositiva LA CANTIDAD DE IMPUESTO ADEUDADO mostrado en la tabla es una disminución, el cambio de expresarse como cantidad en dólares precedida de un signo menos. La tabla debe usar las siguientes categorías de ingreso:

**SECCIÓN 5. Consultar al pueblo mediante referéndum.** En la elección efectuada el 8 de noviembre de 2022, el secretario de estado presentará esta ley mediante su título de boleta a los electores registrados del estado para someterla a su aprobación o rechazo. Cada elector que vote en la elección puede votar "Sí/Pro" o "No/Contra" en el siguiente título de la boleta: "¿Debe haber un cambio a los Estatutos Revisados de Colorado exigiendo que el título de la boleta y el resumen fiscal de toda iniciativa electoral que aumente o disminuya las tasas de impuestos sobre la renta estatales incluya una tabla que muestre el cambio promedio del impuesto para los contribuyentes en distintas categorías de ingreso?" Salvo según se estipule de otro modo en la sección 1-40-123 de los Estatutos Revisados de Colorado, si una mayoría de los electores que vota en cuanto al título de la boleta vota "Sí/Pro", la enmienda pasará a formar parte de los Estatutos Revisados de Colorado.

### Propuesta 121

#### Reducción de la tasa del impuesto estatal sobre la renta

El título de la boleta indicado a continuación es un resumen redactado por el personal profesional de las oficinas del secretario de estado, el procurador general, y el personal jurídico de la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en los Estatutos Revisados de Colorado. El texto de la medida que aparecerá en los Estatutos Revisados de Colorado a continuación fue redactado por quienes proponen la iniciativa. Se incluye la medida iniciada en la boleta como cambio propuesto a la ley actual porque quienes la proponen reunieron la cantidad requerida de firmas para la petición.

#### Título de la boleta:

¿Debe haber un cambio en los Estatutos Revisados de Colorado, que reduzca la tasa del impuesto estatal sobre la renta de 4.55% a 4.40%?

#### Texto de la medida:

*Promúlguese por el Pueblo del Estado de Colorado:*

**SECCIÓN 1.** En los Estatutos Revisados de Colorado, 39-22-104, **enmendar** (1.7) de la siguiente manera:

#### 39-22-104. Impuesto sobre la renta gravado a individuos, sucesiones y fondos fiduciarios – tasa única – declaración legislativa – definiciones – derogación.

(1.7) (a) Salvo según se estipule de otro modo en la sección 39-22-627, sujeto al inciso (2) de esta sección, con respecto a los años imposables a partir del 1 de enero de 2000 o después, pero antes del 1 de enero de 2020, se grava un impuesto de cuatro punto sesenta y tres por ciento sobre el ingreso imponible federal, según se determine conforme a la sección 63 del código de impuestos internos, de cada individuo, sucesión y fondo fiduciario.

(b) Salvo según se estipule de otro modo en la sección 39-22-627, sujeto al inciso (2) de esta sección, con respecto a los años imposables a partir del 1 de enero de 2020 o después, PERO ANTES DEL 1 DE ENERO DE 2022, se grava un impuesto de cuatro punto cincuenta y cinco por ciento sobre la renta imponible federal, según se determine conforme a la sección 63 del código de impuestos internos, de cada individuo, sucesión y fondo fiduciario.

(c) SALVO SEGÚN SE ESTIPULE DE OTRO MODO EN LA SECCIÓN 39-22-627, SUJETO AL INCISO (2) DE ESTA SECCIÓN, CON RESPECTO A LOS AÑOS IMPONIBLES A PARTIR DEL 1 DE ENERO DE 2022 O DESPUÉS, SE GRAVA UN IMPUESTO DE CUATRO PUNTO CUARENTA Y UNO POR CIENTO SOBRE LA RENTA IMPONIBLE FEDERAL, SEGÚN SE DETERMINE CONFORME A LA SECCIÓN 63 DEL CÓDIGO DE IMPUESTOS INTERNOS, DE CADA INDIVIDUO, SUCESIÓN Y FONDO FIDUCIARIO.

**SECCIÓN 2.** En los Estatutos Revisados de Colorado, 39-22-301, **enmendar** (I)(d)(I)(J) y **agregar** (1)(d)(I)(K) de la siguiente manera:

**39-22-301. Impuesto corporativo gravado.** (1) (d) (I) Se grava un impuesto a cada corporación C nacional y corporación C extranjera que tenga actividades comerciales en Colorado anualmente por una suma del ingreso neto de dicha corporación C durante el año derivada de fuentes dentro de Colorado como se estipula en la siguiente escala de tasas:

(I) Salvo según se establezca en la sección 39-22-627, para los años de impuesto sobre la renta que comiencen el 1 de enero de 2000 o después, pero antes del 1 de enero de 2020, cuatro punto sesenta y tres por ciento del ingreso neto en Colorado;

(J) Salvo según se establezca en la sección 39-22-627, para los años de impuesto sobre la renta que comiencen el 1 de enero de 2020 o después, PERO ANTES DEL 1 DE ENERO DE 2022, cuatro punto cincuenta y cinco por ciento del ingreso neto en Colorado.

(K) SALVO SEGÚN SE ESTABLEZCA DE OTRO MODO EN LA SECCIÓN 39-22-627, PARA LOS AÑOS DE IMPUESTO SOBRE LA RENTA QUE COMIENCEN EL 1 DE ENERO DE 2022 O DESPUÉS, CUATRO PUNTO CUARENTA Y UNO POR CIENTO DEL INGRESO NETO EN COLORADO.

**SECCIÓN 3. Fecha de vigencia.** ESTA ACTA ENTRARÁ EN VIGENCIA TRAS LA PROCLAMACIÓN DEL GOBERNADOR.

### Propuesta 122

#### Acceso a sustancias psicodélicas naturales

El título de la boleta indicado a continuación es un resumen redactado por el personal profesional de las oficinas del secretario de estado, el procurador general, y el personal jurídico de la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en los Estatutos Revisados de Colorado. El texto de la medida que aparecerá en los Estatutos Revisados de Colorado a continuación fue redactado por quienes proponen la iniciativa. Se incluye la medida iniciada en la boleta como cambio propuesto a la ley actual porque quienes la proponen reunieron la cantidad requerida de firmas para la petición.

#### Título de la boleta:

¿Debe haber un cambio a los Estatutos Revisados de Colorado en lo que respecta al acceso legal regulado a la medicina natural para personas de 21 años de edad o mayores y, en relación con ello, definir la medicina natural como ciertas plantas u hongos que afectan la salud mental de una persona y son sustancias controladas según la ley estatal; establecer un programa de acceso regulado a la medicina natural para atención supervisada, y requerir que el departamento de agencias regulatorias implemente el programa y regule integralmente la medicina natural a fin de proteger la salud pública y la seguridad; crear un comité asesor para aconsejar al departamento en cuanto a la implementación del programa; conceder una autoridad limitada del gobierno local para regular el momento, lugar y modo de prestar servicios de medicina natural; permitir poseer personalmente, usar y compartir de manera limitada sin recibir remuneración por la medicina natural; aportar protecciones específicas según la ley estatal, incluyendo inmunidad penal y civil, para proveedores y usuarios autorizados de la medicina natural y, en circunstancias limitadas, permitir la eliminación retroactiva y la reducción de sanciones penales relacionadas con la posesión, el uso y la venta de medicina natural?

#### Texto de la medida:

*Promúlguese por el Pueblo del Estado de Colorado:*

**SECCIÓN 1.** En los Estatutos Revisados de Colorado, **agregar** artículo 170 al título 12 de la siguiente manera:

#### ARTÍCULO 170

#### LEY DE SALUD DE MEDICINA NATURAL DE 2022

**12-170-101. Título corto.** EL TÍTULO CORTO DE ESTE ARTÍCULO





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170 ES LA "LEY DE SALUD DE MEDICINA NATURAL DEL 2022".

**12-170-102. Declaración legislativa.** (1) LOS VOTANTES DEL ESTADO DE COLORADO ENCUENTRAN Y DECLARAN QUE:

(a) EL ENFOQUE ACTUAL DE COLORADO FRENTE A LA SALUD MENTAL NO HA CUMPLIDO CON LO PROMETIDO. LOS RESIDENTES DE COLORADO MERECEMOS MÁS HERRAMIENTAS PARA ABORDAR PROBLEMAS DE SALUD MENTAL, INCLUYENDO ESTRATEGIAS COMO MEDICINAS NATURALES BASADAS EN TRATAMIENTO, RECUPERACIÓN, SALUD Y BIENESTAR EN VEZ DE CRIMINALIZAR, ESTIGMATIZAR, HACER SUFRIR Y CASTIGAR.

(b) LOS RESIDENTES DE COLORADO ESTÁN PRESENTANDO AFECCIONES DE SALUD MENTAL PROBLEMÁTICAS, ENTRE ELLAS TENDENCIAS SUICIDAS, ADICCIÓN, DEPRESIÓN Y ANSIEDAD.

(c) UNA CANTIDAD EXTENSA Y CRECIENTE DE INVESTIGACIÓN ESTÁ AVANZANDO PARA RESPALDAR LA EFICACIA DE LAS MEDICINAS NATURALES COMBINADAS CON PSICOTERAPIA COMO TRATAMIENTO PARA LA DEPRESIÓN, LA ANSIEDAD, TRASTORNOS DE USO DE SUSTANCIAS, ANGUSTIA DEL FIN DE VIDA Y OTRAS AFECCIONES.

(d) EL GOBIERNO FEDERAL TARDARÁ AÑOS EN ACTUAR Y LOS RESIDENTES DE COLORADO MERECEMOS EL DERECHO DE ACCEDER AHORA A LAS MEDICINAS NATURALES.

(e) LAS MEDICINAS NATURALES SE HAN UTILIZADO DE MANERA SEGURA PARA SANAR DURANTE MILENIOS EN CULTURAS.

(f) COLORADO PUEDE PROMOVER MEJOR LA SALUD Y LA SANACIÓN AL REDUCIR SU ENFOQUE EN CASTIGOS PENALES PARA LAS PERSONAS QUE SUFREN PROBLEMAS DE SALUD MENTAL Y AL ESTABLECER ACCESO REGULADO A MEDICINAS NATURALES MEDIANTE UN ENFOQUE HUMANO, EFICAZ EN CUANTO A COSTOS Y RESPONSABLE.

(g) LOS VOTANTES DE LA CIUDAD Y EL CONDADO DE DENVER PROMULGARON LA ORDENANZA 301 EN MAYO DE 2019 PARA HACER QUE LA POSESIÓN Y EL USO PERSONAL POR PARTE DE ADULTOS DE LA MEDICINA NATURAL PSILOCIBINA SEA LA PRIORIDAD POLICIAL MÁS BAJA EN LA CIUDAD Y EL CONDADO DE DENVER Y PARA PROHIBIR QUE LA CIUDAD Y EL CONDADO GASTEN RECURSOS EN HACER ACATAR PENAS RELACIONADAS.

(h) LOS VOTANTES DE OREGÓN PROMULGARON LA MEDIDA 109 EN OREGÓN EN NOVIEMBRE DE 2020 A FIN DE ESTABLECER UN SISTEMA REGULADO DE ENTREGA DE MEDICINA NATURAL, EN PARTE PARA BRINDAR ACCESO A PSILOCIBINA DESTINADO A PROPÓSITOS TERAPÉUTICOS.

(i) CRIMINALIZAR LAS MEDICINAS NATURALES HA NEGADO A LAS PERSONAS EL ACCESO A EDUCACIÓN E INFORMACIÓN PRECISAS SOBRE REDUCCIÓN DE DAÑOS EN RELACIÓN CON EL USO DE MEDICINAS NATURALES, Y LIMITÓ EL DESARROLLO DE CAPACITACIÓN ADECUADA PARA SOCORRISTAS Y ENCARGADOS DE MÚLTIPLES INCIDENTES COMO PERSONAL DEL ORDEN PÚBLICO, SERVICIOS MÉDICOS DE EMERGENCIA, SERVICIOS SOCIALES Y SERVICIOS DE BOMBEROS.

(j) EL PROPÓSITO DE ESTA LEY DE SALUD DE MEDICINA NATURAL DE 2022 ES ESTABLECER UNA ESTRATEGIA NUEVA, COMPASIVA Y EFECTIVA PARA LAS MEDICINAS NATURALES AL:

(I) ADOPTAR UNA ESTRATEGIA DE SALUD PÚBLICA Y REDUCCIÓN DE DAÑOS FRENTE A LAS MEDICINAS NATURALES AL ELIMINAR LAS SANCIONES PENALES PARA EL USO PERSONAL DE ADULTOS DE VEINTIÚN AÑOS DE EDAD Y MAYORES;

(II) DESARROLLAR Y PROMOVER LA EDUCACIÓN DEL PÚBLICO EN CUANTO AL USO DE MEDICINAS NATURALES Y CAPACITACIÓN ADECUADA PARA SOCORRISTAS; Y

(III) ESTABLECER ACCESO REGULADO POR ADULTOS DE VEINTIÚN AÑOS Y MAYORES A MEDICINAS NATURALES QUE DEMUESTRAN SER PROMETEDORAS EN MEJORAR EL BIENESTAR, LA SATISFACCIÓN EN LA VIDA Y LA SALUD EN GENERAL.

(k) LAS DISPOSICIONES DE ESTE ARTÍCULO 170 SE INTERPRETARÁN DE MANERA CONGRUENTE CON LOS HALLAZGOS Y PROPÓSITOS ESTABLECIDOS EN ESTA SECCIÓN Y NO SE VERÁN LIMITADAS POR NINGUNA LEY DE COLORADO QUE PUDIESE ENTRAR EN CONFLICTO O SER INTERPRETADA PARA ENTRAR EN CONFLICTO CON LOS FINES Y LOS OBJETIVOS DE LA POLÍTICA SEÑALADA EN ESTA SECCIÓN.

(l) EL PUEBLO DEL ESTADO DE COLORADO ENCUENTRA Y DECLARA ADEMÁS QUE ES NECESARIO ASEGURAR LA UNIFORMIDAD Y ECUANIMIDAD EN LA APLICACIÓN DE ESTE ARTÍCULO 170 EN TODO EL ESTADO Y QUE, POR LO TANTO, LOS ASUNTOS ABORDADOS POR ESTE ARTÍCULO 170 SON, SALVO SEGÚN SE ESPECIFIQUE AQUÍ, ASUNTOS DE PREOCUPAN EN TODO EL ESTADO.

**12-170-103. Definiciones.** (1) TAL COMO SE UTILIZA EN ESTE ARTÍCULO 170, A MENOS QUE EL CONTEXTO LO EXIJA DE OTRO MODO:

(a) "SESIÓN DE ADMINISTRACIÓN" SE REFIERE A UNA SESIÓN EN UN CENTRO DE SANACIÓN O EN OTRO LUGAR SEGÚN LO PERMITAN LAS REGLAS ADOPTADAS POR EL DEPARTAMENTO EN DONDE UN PARTICIPANTE COMPRE, CONSUMA Y EXPERIMENTE LOS EFECTOS DE UNA MEDICINA NATURAL BAJO LA SUPERVISIÓN DE UN FACILITADOR.

(b) "DEPARTAMENTO" SE REFIERE AL DEPARTAMENTO DE ENTIDADES REGULADORAS.

(c) "FACILITADOR" SE REFIERE A UNA PERSONA CON LICENCIA DEL DEPARTAMENTO QUE:

(I) TIENE VEINTIÚN AÑOS DE EDAD O ES MAYOR.

(II) HA ACEPTADO BRINDAR SERVICIOS DE MEDICINA NATURAL A UN PARTICIPANTE.

(III) HA CUMPLIDO CON LOS REQUISITOS ESTABLECIDOS POR EL DEPARTAMENTO.

(d) "CENTRO DE SANACIÓN" SE REFIERE A UNA ENTIDAD CON LICENCIA DEL DEPARTAMENTO QUE ES ORGANIZADO Y OPERADO COMO ORGANIZACIÓN CON PERMISO:

(I) QUE ADQUIERE, POSEE, CULTIVA, FABRICA, ENTREGA, TRANSFIERE, TRANSPORTA, ABASTECE, VENDE O DISPENSA

MEDICINA NATURAL Y SUMINISTROS RELACIONADOS; O PRESTA SERVICIOS DE MEDICINA NATURAL EN CENTROS DE MEDICINA NATURAL EN LUGARES CON PERMISO DEL DEPARTAMENTO; O PARTICIPA EN DOS O MÁS DE ESTAS ACTIVIDADES;

(II) DONDE SE REALIZAN SESIONES DE ADMINISTRACIÓN; O

(III) DONDE UN FACILITADOR PRESTA SERVICIOS DE MEDICINA NATURAL.

(e) "CENTRO DE ATENCIÓN DE SALUD" SE REFIERE A UN HOSPITAL, HOSPICIO PARA DESAHUCIADOS, CENTRO COMUNITARIO DE SALUD MENTAL, CENTRO DE SALUD CALIFICADO POR EL GOBIERNO FEDERAL, CLÍNICA DE SALUD RURAL, ORGANIZACIÓN PÁCE, CENTRO DE CUIDADOS A LARGO PLAZO, UNA COMUNIDAD DE CUIDADOS CONTINUOS PARA JUBILADOS U OTRO TIPO DE CENTRO DONDE SE IMPARTEN CUIDADOS DE SALUD.

(f) "SESIÓN DE INTEGRACIÓN" SE REFIERE A UNA REUNIÓN ENTRE UN PARTICIPANTE Y FACILITADOR QUE OCURRE DESPUÉS DE QUE EL PARTICIPANTE HA CONCLUIDO UNA SESIÓN DE ADMINISTRACIÓN.

(g) "LOCALIDAD" SE REFIERE A UN CONDADO, MUNICIPIO O CIUDAD Y CONDADO.

(h) "MEDICINA NATURAL" SE REFIERE A LAS SIGUIENTES SUSTANCIAS EN CUALQUIER FORMA QUE CAUSE QUE DICHA PLANTA U HONGO SE DESCRIBA EN LA "LEY UNIFORME DE SUSTANCIAS CONTROLADAS DE 2013", ARTÍCULO 18 DEL TÍTULO 18: DIMETILTRIPAMINA; IBOGAINA; Mescalina (EXCLUYENDO LOPHOPHORA WILLIAMSII ("PEYOTE")); PSILOCIBINA; O PSILOCINA.

(i) "SERVICIOS DE MEDICINA NATURAL" SE REFIERE A SERVICIOS PRESTADOS POR UN FACILITADOR U OTRA PERSONA AUTORIZADA A UN PARTICIPANTE ANTES, DURANTE Y DESPUÉS DE QUE EL PARTICIPANTE CONSUMA UNA MEDICINA NATURAL, INCLUYENDO, COMO MÍNIMO EN:

(I) UNA SESIÓN DE PREPARACIÓN;

(II) UNA SESIÓN DE ADMINISTRACIÓN; Y

(III) UNA SESIÓN DE INTEGRACIÓN.

(j) "PARTICIPANTE" SE REFIERE A UNA PERSONA DE VEINTIÚN AÑOS DE EDAD O MAYOR QUE RECIBE SERVICIOS DE MEDICINA NATURAL.

(k) "ORGANIZACIÓN CON PERMISO" SE REFIERE A CUALQUIER ENTIDAD LEGAL REGISTRADA Y CALIFICADA PARA HACER NEGOCIOS EN EL ESTADO DE COLORADO QUE CUMPLE CON LAS NORMAS ESTABLECIDAS POR EL DEPARTAMENTO CONFORME A LA SECCIÓN 12-170-104.

(f) "SESIÓN DE PREPARACIÓN" SE REFIERE A UNA REUNIÓN ENTRE UN PARTICIPANTE Y UN FACILITADOR QUE OCURRE ANTES DE QUE EL PARTICIPANTE HA TOMADO PARTE EN LA SESIÓN DE ADMINISTRACIÓN.

**12-170-104. Programa de acceso regulado a la medicina natural.** (1) EL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL SE ESTABLECE Y EL DEPARTAMENTO REGULARÁ LA FABRICACIÓN, EL CULTIVO, LAS PRUEBAS, EL ALMACENAMIENTO, LA TRANSFERENCIA, EL TRANSPORTE, LA ENTREGA Y COMPROBANTE DE MEDICINAS NATURALES POR Y ENTRE CENTROS DE SANACIÓN Y OTRAS ENTIDADES CON PERMISO Y LA PRESTACIÓN DE SERVICIOS DE MEDICINA NATURAL A LOS PARTICIPANTES.

(2) A MÁS TARDAR EL 1 DE ENERO DE 2024, EL DEPARTAMENTO ADOPTARÁ REGLAS PARA ESTABLECER LAS CALIFICACIONES, EDUCACIÓN Y REQUISITOS DE CAPACITACIÓN QUE DEBEN CUMPLIR LOS FACILITADORES ANTES DE PRESTAR SERVICIOS DE MEDICINA NATURAL, Y APROBAR TODO PROGRAMA DE CAPACITACIÓN REQUERIDO.

(3) A MÁS TARDAR EL 30 DE SEPTIEMBRE DE 2024, EL DEPARTAMENTO ADOPTARÁ LAS REGLAS NECESARIAS PARA IMPLEMENTAR EL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL Y COMENZARÁ A ACEPTAR SOLICITUDES PARA LICENCIAS PARA DICHA FECHA EFECTUÁNDOSE LAS DECISIONES SOBRE TODAS LAS SOLICITUDES DE LICENCIAS DENTRO DE UN PLAZO DE 60 DÍAS DE HABER RECIBIDO LA SOLICITUD.

(4) PARA LOS FINES DEL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL ESTIPULADO EN ESTA SECCIÓN:

(a) HASTA EL 1 DE JUNIO DE 2026, EL TÉRMINO MEDICINA NATURAL SOLO INCLUIRÁ PSILOCIBINA Y PSILOCINA.

(b) DESPUÉS DEL 1 DE JUNIO DE 2026, SI ASÍ LO RECOMIENDA LA JUNTA ASESORA DE MEDICINA NATURAL, EL DEPARTAMENTO PUEDE AGREGAR UNA O MÁS DE LAS SIGUIENTES AL TÉRMINO MEDICINA NATURAL: DIMETILTRIPAMINA; IBOGAINA Y Mescalina (EXCLUYENDO LOPHOPHORA WILLIAMSII ("PEYOTE")).

(c) EL DEPARTAMENTO PUEDE PREPARAR REGLAS PROPUESTAS PARA AGREGAR DIMETILTRIPAMINA; IBOGAINA Y Mescalina (EXCLUYENDO LOPHOPHORA WILLIAMSII ("PEYOTE")) AL TÉRMINO MEDICINA NATURAL ANTES DEL 1 DE JUNIO DE 2026, EN CASO DE QUE SE AGREGUEN DIMETILTRIPAMINA; IBOGAINA O Mescalina (EXCLUYENDO LOPHOPHORA WILLIAMSII ("PEYOTE")) AL TÉRMINO MEDICINA NATURAL SEGÚN EL INCISO (4)(b) DE ESTA SECCIÓN.

(5) EN EL DESEMPEÑO DE SUS DEBERES CONFORME A ESTE ARTÍCULO 170, EL DEPARTAMENTO CONSULTARÁ CON LA JUNTA ASESORA DE MEDICINA NATURAL Y PUEDE TAMBIÉN CONSULTAR CON OTRAS ENTIDADES ESTATALES O CUALQUIER OTRO INDIVIDUO O ENTIDAD QUE EL DEPARTAMENTO CONSIDERE NECESARIO.

(6) LAS REGLAS ADOPTADAS POR EL DEPARTAMENTO INCLUIRÁN, ENTRE OTRAS, REGLAS PARA:

(a) ESTABLECER LOS REQUISITOS QUE RIGEN LA PRESTACIÓN DE SERVICIOS DE MEDICINA NATURAL A LOS PARTICIPANTES QUE INCLUYEN:

(I) LLEVAR A CABO Y VERIFICAR LA CONCLUSIÓN DE UNA SESIÓN DE PREPARACIÓN, UNA SESIÓN DE ADMINISTRACIÓN Y UNA SESIÓN DE INTEGRACIÓN.

(II) DEBEN ENTREGARSE ADVERTENCIAS DE SALUD Y SEGURIDAD A LOS PARTICIPANTES ANTES DE COMENZAR LOS SERVICIOS DE MEDICINA NATURAL.

(III) DEBEN ENTREGARSE MATERIALES EDUCATIVOS A LOS PARTICIPANTES ANTES DE COMENZAR LOS SERVICIOS DE MEDICINA NATURAL.

(IV) EL FORMULARIO QUE DEBE FIRMAR CADA FACILITADOR, PARTICIPANTE Y REPRESENTANTE AUTORIZADO DE UN CENTRO DE SANACIÓN ANTES DE PRESTAR O RECIBIR SERVICIOS DE MEDICINA NATURAL CONFIRMANDO QUE EL PARTICIPANTE RECIBIÓ INFORMACIÓN PRECISA Y COMPLETA DE SALUD Y FUE INFORMADO DE FACTORES DE RIESGO Y CONTRAINDICACIONES QUE SE HAN IDENTIFICADO.

(V) DEBIDA SUPERVISIÓN DURANTE LA SESIÓN DE ADMINISTRACIÓN Y TRANSPORTE SEGURO PARA EL PARTICIPANTE CUANDO TERMINE LA SESIÓN.

(VI) DISPOSICIONES PARA SESIONES GRUPALES DE ADMINISTRACIÓN DONDE UNO O MÁS FACILITADORES PRESTAN SERVICIOS DE MEDICINA NATURAL A MÁS DE UN PARTICIPANTE COMO PARTE DE LA MISMA SESIÓN DE ADMINISTRACIÓN.

(VII) DISPOSICIONES PARA PERMITIR QUE UN FACILITADOR O UN CENTRO DE SANACIÓN NIEGUE PRESTAR SERVICIOS DE MEDICINA NATURAL A UN PARTICIPANTE.

(VIII) LOS REQUISITOS Y LAS NORMAS PARA HACER PRUEBAS INDEPENDIENTES DE MEDICINAS NATURALES EN CUANTO A CONCENTRACIÓN Y CONTAMINANTES, EN LA MEDIDA QUE LO PERMITA RAZONABLEMENTE LA TECNOLOGÍA DISPONIBLE.

(IX) EL OTORGAMIENTO DE LICENCIAS A ENTIDADES CON PERMISO PARA PARTICIPAR EN HACER PRUEBAS DE MEDICINAS NATURALES PARA USO EN SERVICIOS DE MEDICINA NATURAL O DE OTRO MODO.

(X) LAS NORMAS PARA PUBLICIDAD Y COMERCIALIZACIÓN DE MEDICINAS NATURALES Y SERVICIOS DE MEDICINA NATURAL.

(XI) LAS NORMAS PARA CALIFICACIÓN COMO ORGANIZACIÓN CON PERMISO ABORDANDO, ENTRE OTROS, CRITERIOS AMBIENTALES, SOCIALES Y DE GOBERNANZA DIRIGIDOS A LOS HALLAZGOS Y LAS DECLARACIONES ESTABLECIDAS EN LA SECCIÓN 12-170-102.

(b) ESTABLECER LOS REQUISITOS QUE RIGEN EL OTORGAMIENTO DE LICENCIAS Y LA LABOR DE LOS FACILITADORES QUE INCLUYEN:

(I) LA FORMA Y EL CONTENIDO DE SOLICITUDES DE LICENCIA Y RENOVACIONES PARA LOS FACILITADORES PRESENTADAS CONFORME A ESTE ARTÍCULO 170.

(II) LAS CALIFICACIONES, LA EDUCACIÓN Y LOS REQUISITOS DE CAPACITACIÓN QUE DEBEN CUMPLIR LOS FACILITADORES ANTES DE PRESTAR SERVICIOS DE MEDICINA NATURAL. LOS REQUISITOS:

(A) SE DIVIDIRÁN EN NIVELES A FIN DE EXIGIR VARIOS NIVELES DE EDUCACIÓN Y CAPACITACIÓN DEPENDIENDO DE LOS PARTICIPANTES CON QUE TRABAJE EL FACILITADOR Y LOS SERVICIOS QUE PRESTE EL FACILITADOR.

(B) INCLUIRÁN EDUCACIÓN Y CAPACITACIÓN SOBRE SEGURIDAD DEL CLIENTE; CONTRAINDICACIONES; SALUD MENTAL; ESTADO MENTAL; SALUD FÍSICA; ESTADO FÍSICO; CONSIDERACIONES SOCIALES Y CULTURALES; AMBIENTE FÍSICO; PREPARACIÓN; INTEGRACIÓN Y ÉTICA.

(C) PERMITIRÁN EXENCIONES LIMITADAS DE LOS REQUISITOS DE EDUCACIÓN Y CAPACITACIÓN DEPENDIENDO DE LA EXPERIENCIA PREVIA DE UN SOLICITANTE, SU CAPACITACIÓN O HABILIDAD, INCLUYENDO ENTRE OTRAS CON MEDICINAS NATURALES.

(D) NO IMPONDRÁN BARRERAS IRRAZONABLES FINANCIERAS O LOGÍSTICAS QUE HAGAN LA OBTENCIÓN DE UNA LICENCIA DE FACILITADOR COMERCIALMENTE IRRAZONABLE PARA PERSONAS DE BAJOS INGRESOS U OTROS SOLICITANTES.

(E) NO REQUERIRÁN UNA LICENCIA PROFESIONAL O TÍTULO PROFESIONAL APARTE DE UNA LICENCIA DE FACILITADOR OTORGADA CONFORME A ESTA SECCIÓN.

(F) PERMITIRÁN REMUNERACIONES PAGADAS POR SERVICIOS DE MEDICINA NATURAL.

(G) PERMITIRÁN LA PRESTACIÓN DE SERVICIOS DE MEDICINA NATURAL A MÁS DE UN PARTICIPANTE A LA VEZ EN SESIONES GRUPALES DE ADMINISTRACIÓN.

(III) REQUISITOS DE SUPERVISIÓN PARA FACILITADORES, COMO NORMAS DE RESPONSABILIDAD PROFESIONAL Y REQUISITOS DE EDUCACIÓN CONTINUA.

(IV) UN PROCESO DE DENUNCIA, EVALUACIÓN Y DISCIPLINA PARA FACILITADORES DE CONDUCTA OBJETABLE.

(V) MANTENIMIENTO DE REGISTROS, PRIVACIDAD Y REQUISITOS DE CONFIDENCIALIDAD PARA FACILITADORES, SIEMPRE Y CUANDO DICHO MANTENIMIENTO DE REGISTROS NO PROVOQUE LA DIVULGACIÓN AL PÚBLICO O ALGUNA ENTIDAD GUBERNAMENTAL DE INFORMACIÓN PERSONALMENTE IDENTIFICABLE DE LOS PARTICIPANTES.

(VI) PROCEDIMIENTOS PARA SUSPENDER O REVOCAR LAS LICENCIAS DE FACILITADORES QUE CONTRAVENGAN LAS DISPOSICIONES DE ESTE ARTÍCULO 170 O LAS REGLAS ADOPTADAS POR EL DEPARTAMENTO.

(c) ESTABLECER LOS REQUISITOS QUE RIGEN EL OTORGAMIENTO DE LICENCIAS Y LA OPERACIÓN DE LOS CENTROS DE SANACIÓN QUE INCLUYEN:

(I) CALIFICACIONES PARA OTORGAR LICENCIAS Y RENOVARLAS.

(II) REQUISITOS DE SUPERVISIÓN PARA CENTROS DE SANACIÓN.

(III) MANTENIMIENTO DE REGISTROS, PRIVACIDAD Y REQUISITOS DE CONFIDENCIALIDAD PARA CENTROS DE SANACIÓN, SIEMPRE Y CUANDO DICHO MANTENIMIENTO DE REGISTROS NO PROVOQUE LA DIVULGACIÓN AL PÚBLICO O A ALGUNA ENTIDAD GUBERNAMENTAL DE INFORMACIÓN PERSONALMENTE IDENTIFICABLE DE LOS PARTICIPANTES.

(IV) REQUISITOS DE SEGURIDAD PARA CENTROS DE SANACIÓN, INCLUIDOS REQUISITOS DE PROTECCIÓN DE LA SEDE DE CADA CENTRO DE SANACIÓN CON LICENCIA MEDIANTE UN SISTEMA DE ALARMAS DE SEGURIDAD PLENAMENTE OPERATIVO.





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(V) PROCEDIMIENTOS PARA SUSPENDER O REVOCAR LAS LICENCIAS DE CENTROS DE SANACIÓN QUE CONTRAVENGAN LAS DISPOSICIONES DE ESTE ARTÍCULO 170 O LAS REGLAS ADOPTADAS POR EL DEPARTAMENTO.

(VI) RELACIONES FINANCIERAS PERMISIBLES ENTRE CENTROS DE SANACIÓN CON LICENCIA, FACILITADORES Y OTRAS ENTIDADES.

(VII) PROCEDIMIENTOS Y POLÍTICAS QUE PERMITEN QUE LOS CENTROS DE SANACIÓN RECIBAN PAGO POR BRINDAR SERVICIOS Y MEDICINAS NATURALES.

(VIII) PROCEDIMIENTOS Y POLÍTICAS PARA ASEGURAR EL ACCESO EN TODO EL ESTADO A CENTROS DE SANACIÓN Y SERVICIOS DE MEDICINA NATURAL.

(IX) REGLAS QUE PROHIBEN QUE UNA PERSONA TENGA UN INTERÉS FINANCIERO EN MÁS DE CINCO CENTROS DE SANACIÓN.

(X) REGLAS QUE PERMITEN A LOS CENTROS DE SANACIÓN COMPARTIR LA MISMA SEDE CON OTROS CENTROS DE SANACIÓN O COMPARTIR LA MISMA SEDE CON INSTITUCIONES DE ATENCIÓN DE SALUD.

(XI) REGLAS QUE PERMITEN A LOS FACILITADORES CON LICENCIA PRESTAR SERVICIOS DE MEDICINA NATURAL EN SEDES QUE NO SON PROPIEDAD DE UN CENTRO DE SANACIÓN, INCLUYENDO ENTRE OTRAS, INSTITUCIONES DE ATENCIÓN DE SALUD Y RESIDENCIAS PARTICULARES.

(d) ESTABLECER PROCEDIMIENTOS, POLÍTICAS Y PROGRAMAS PARA ASEGURAR QUE EL PROGRAMA DE ACCESO REGULADOR SEA EQUITATIVO E INCLUSIVO Y PROMOVER EL OTORGAMIENTO DE LICENCIAS Y LA PRESTACIÓN DE SERVICIOS DE MEDICINA NATURAL A PERSONAS DE COMUNIDADES QUE HAN SIDO DAÑADAS DESPROPORCIONADAMENTE POR ALTOS ÍNDICES DE ARRESTOS POR SUSTANCIAS CONTROLADAS; A PERSONAS QUE ENFRENTAN BARRERAS DE ACCESO A LA ATENCIÓN DE SALUD; A PERSONAS QUE TIENEN UN HISTORIAL TRADICIONAL O INDÍGENA CON MEDICINAS NATURALES; O A PERSONAS QUE SON VETERANOS DE GUERRA QUE INCLUYEN ENTRE OTROS:

(I) CUOTAS REDUCIDAS PARA OTORGAR LICENCIAS Y CAPACITAR FACILITADORES.

(II) INCENTIVAR LA PRESTACIÓN DE SERVICIOS DE MEDICINA NATURAL A MENOR COSTO PARA PERSONAS DE BAJOS INGRESOS.

(III) INCENTIVAR LA DIVERSIDAD GEOGRÁFICA Y CULTURAL EN EL OTORGAMIENTO DE LICENCIAS Y EN LA PRESTACIÓN Y DISPONIBILIDAD DE SERVICIOS DE MEDICINA NATURAL.

(VI) UN PROCESO PARA EVALUAR ANUALMENTE LA EFECTIVIDAD DE DICHAS POLÍTICAS Y PROGRAMAS PROMULGADOS SEGÚN ESTE INCISO (6)(d).

(e) ESTABLECER CUOTAS DE SOLICITUDES, LICENCIAS Y RENOVACIONES PARA LICENCIAS DE CENTROS DE SANACIÓN Y FACILITADORES. LAS CUOTAS SERÁN:

(I) SUFICIENTES, PERO NO SUPERARÁN LA CANTIDAD NECESARIA, PARA CUBRIR EL COSTO DE ADMINISTRAR EL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL, INCLUYENDO EL FONDO DEL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL EN 12-170-106.

(II) PARA CUOTAS DE LICENCIAS Y RENOVACIONES, EN ESCALA DEPENDIENDO DEL VOLUMEN DEL NEGOCIO DEL TITULAR DE LICENCIA O EL INGRESO ANUAL BRUTO DEL TITULAR DE LICENCIA.

(f) DESARROLLAR Y PROMOVER CAMPAÑAS DE EDUCACIÓN PÚBLICA PRECISAS RELACIONADAS CON EL USO DE LA MEDICINA NATURAL, INCLUYENDO ENTRE OTRAS ANUNCIOS DE SERVICIO PÚBLICO, PROGRAMAS EDUCACIONALES Y RESPUESTA ADECUADA ANTE CRISIS Y CAPACITACIÓN ADECUADA PARA SOCORRISTAS Y ENCARGADOS DE MÚLTIPLES INCIDENTES COMO PERSONAL DEL ORDEN PÚBLICO, SERVICIOS MÉDICOS DE EMERGENCIA, SERVICIOS SOCIALES Y SERVICIOS DE BOMBEROS.

(g) ESTUDIAR Y ENTREGAR RECOMENDACIONES A LOS PARLAMENTARIOS ACERCA DE LA REGULACIÓN DE LA DOSIS PARA EL USO DE MEDICINAS NATURALES FUERA DEL CENTRO.

(h) RECOLECTAR Y PUBLICAR ANUALMENTE DATOS SOBRE LA IMPLEMENTACIÓN Y LOS RESULTADOS DEL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL CONFORME A ÓPTIMA INFORMACIÓN Y PRÁCTICAS DE PRIVACIDAD Y QUE NO DIVULGUE NINGÚN DATO DE IDENTIFICACIÓN ACERCA DE TITULARES DE LICENCIAS O PARTICIPANTES INDIVIDUALES.

(i) ADOPTAR, ENMENDAR Y DEROGAR REGLAS SEGÚN SEA NECESARIO PARA IMPLEMENTAR EL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL Y PROTEGER LA SALUD PÚBLICA Y LA SEGURIDAD.

(7) LOS REGISTROS DE PARTICIPANTES RECOPIADOS Y MANTENIDOS POR LOS CENTROS DE SANACIÓN, FACILITADORES, ENTIDADES REGISTRADAS O EL DEPARTAMENTO CONSTITUIRÁN DATOS MÉDICOS SEGÚN SE DEFINE EN LA SECCIÓN 24-72-204 (3)(a)(I) Y NO SON REGISTROS PÚBLICOS SUJETOS A DIVULGACIÓN.

(8) EL DEPARTAMENTO TENDRÁ LA AUTORIDAD DE CREAR Y EMITIR TIPOS ADICIONALES DE LICENCIAS Y REGISTROS QUE CONSIDERE NECESARIOS PARA LLEVAR A CABO LAS INTENCIONES Y PROPÓSITOS DEL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL, INCLUIDO PERMITIR LA PRESTACIÓN DE SERVICIOS DE MEDICINA NATURAL EN OTROS TIPOS DE CENTROS DE SALUD CON LICENCIA O POR PARTE DE INDIVIDUO A FIN DE AUMENTAR EL ACCESO Y LA DISPONIBILIDAD DE LOS SERVICIOS DE MEDICINA NATURAL.

(9) EL DEPARTAMENTO TENDRÁ LA AUTORIDAD PARA ADOPTAR REGLAS QUE DISTINGAN ENTRE MEDICINAS NATURALES Y QUE REGULEN CADA MEDICINA NATURAL DE MANERA DIFERENTE DEPENDIENDO DE SUS CUALIDADES ESPECÍFICAS, USOS TRADICIONALES Y PERFIL DE SEGURIDAD.

(10) EL DEPARTAMENTO ADOPTARÁ, ENMENDARÁ Y DEROGARÁ TODAS LAS REGLAS CONFORME A LA LEY DE PROCEDIMIENTO ADMINISTRATIVO ESTATAL, ARTÍCULO 4 DEL TÍTULO 24, C.R.S., CON SUS ENMIENDAS, Y LAS REGLAS PROMULGADAS SEGÚN EL MISMO.

**12-170-105. Junta Asesora de Medicina Natural** (1) LA JUNTA ASESORA DE MEDICINA NATURAL SE ESTABLECERÁ DENTRO DEL DEPARTAMENTO PARA LOS FINES DE ASESORAR AL DEPARTAMENTO EN CUANTO A LA IMPLEMENTACIÓN DEL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL.

(2) LA JUNTA CONSISTIRÁ EN QUINCE MIEMBROS. LOS MIEMBROS SERÁN NOMBRADOS POR EL GOBERNADOR, CON EL CONSENTIMIENTO DEL SENADO.

(3) LOS MIEMBROS DE LA JUNTA INICIAL DEBEN SER NOMBRADOS DENTRO DE UN PLAZO HASTA EL 31 DE ENERO DE 2023. AL EFECTUAR NOMBRAMIENTOS, EL GOBERNADOR NOMBRARÁ:

(a) AL MENOS SIETE MIEMBROS CON ESPECIALIZACIÓN Y EXPERIENCIA SIGNIFICATIVAS EN UNA O MÁS DE LAS SIGUIENTES ÁREAS: TERAPIA DE MEDICINA NATURAL, MEDICINA E INVESTIGACIÓN; MICROLOGÍA Y CULTIVO DE MEDICINA NATURAL; CRITERIOS DE ORGANIZACIONES PERMITIDAS; SERVICIOS MÉDICOS DE EMERGENCIA Y SERVICIOS PRESTADOS POR SOCORRISTAS; PROVEEDORES DE SALUD MENTAL Y CONDUCTUAL; SEGURO DE ATENCIÓN DE SALUD Y POLÍTICAS DE ATENCIÓN DE SALUD Y SALUD PÚBLICA, POLÍTICA SOBRE DROGAS Y REDUCCIÓN DE DAÑOS.

(b) AL MENOS OCHO MIEMBROS CON ESPECIALIZACIÓN Y EXPERIENCIA SIGNIFICATIVAS EN UNA O MÁS DE LAS SIGUIENTES ÁREAS: USO RELIGIOSO DE MEDICINAS NATURALES; PROBLEMAS QUE ENFRENTAN LOS VETERANOS; USO INDÍGENA TRADICIONAL DE MEDICINAS NATURALES; NIVELES Y DISPARIDADES EN EL ACCESO A SERVICIOS DE ATENCIÓN DE SALUD ENTRE DISTINTAS COMUNIDADES; Y ESFUERZOS PASADOS DE REFORMA DE LA JUSTICIA PENAL EN COLORADO. AL MENOS UNO DE LOS OCHO MIEMBROS TENDRÁ LA ESPECIALIZACIÓN O EXPERIENCIA EN EL USO TRADICIONAL INDÍGENA DE MEDICINAS NATURALES.

(4) PARA LA JUNTA INICIAL, SIETE DE LOS MIEMBROS DEBEN SER NOMBRADOS POR UN PERIODO DE DOS AÑOS Y OCHO MIEMBROS DEBEN SER NOMBRADOS POR UN PERIODO DE CUATRO AÑOS. CADA MIEMBRO NOMBRADO EN LO SUCESIVO SERÁ NOMBRADO POR UN PERIODO DE CUATRO AÑOS. LOS MIEMBROS DE LA JUNTA PUEDEN DESEMPEÑAR HASTA DOS PERIODOS CONSECUTIVOS. LOS MIEMBROS ESTÁN SUJETOS A DESTITUCIÓN SEGÚN SE ESTIPULA EN EL ARTÍCULO IV DE LA SECCIÓN 6 DE LA CONSTITUCIÓN DE COLORADO.

(5) A MÁS TARDAR EL 30 DE SEPTIEMBRE DE 2023, Y CADA AÑO EN LO SUCESIVO, LA JUNTA HARÁ RECOMENDACIONES AL DEPARTAMENTO RELACIONADAS CON TODAS LAS ÁREAS SIGUIENTES, ENTRE OTRAS:

(a) ESTRATEGIAS PRECISAS DE SALUD PÚBLICA ACERCA DEL USO, EFECTO Y LA REDUCCIÓN DE RIESGO DE LA MEDICINA NATURAL Y EL CONTENIDO Y ALCANCE DE LAS CAMPAÑAS EDUCATIVAS RELACIONADAS CON LA MEDICINA NATURAL;

(b) INVESTIGACIÓN RELACIONADA CON LA EFICACIA Y REGULACIÓN DE LA MEDICINA NATURAL, INCLUSIVE RECOMENDACIONES RELACIONADAS CON SEGURIDAD DEL PRODUCTO, REDUCCIÓN DE DAÑOS Y RESPONSABILIDAD CULTURAL;

(c) EL CONTENIDO ADECUADO DE PROGRAMAS DE CAPACITACIÓN, REQUISITOS DE EDUCACIÓN Y EXPERIENCIA Y CALIFICACIONES PARA LOS FACILITADORES;

(d) ACCESO ASEQUIBLE, EQUITATIVO, ÉTICO Y CULTURALMENTE RESPONSABLE A LA MEDICINA NATURAL Y REQUISITOS PARA ASEGURAR QUE EL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL SEA EQUITATIVO E INCLUSIVO;

(e) CONSIDERACIONES REGLAMENTARIAS ADECUADAS PARA CADA MEDICINA NATURAL;

(f) LA INCLUSIÓN DE MEDICINAS NATURALES EN EL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL SEGÚN LA SECCIÓN 12-170-104(4)(b) DEPENDIENDO DE INFORMACIÓN DISPONIBLE MÉDICA, PSICOLÓGICA Y ESTUDIOS CIENTÍFICOS, INVESTIGACIÓN Y OTRA INFORMACIÓN RELACIONADA CON LA SEGURIDAD Y EFICACIA DE CADA MEDICINA NATURAL;

(g) TODAS LAS REGLAS A SER PROMULGADAS POR EL DEPARTAMENTO CONFORME A 12-170-104; Y

(h) REQUISITOS PARA RECOPIAR DATOS PRECISOS Y COMPLETOS, REPORTAR Y PUBLICAR INFORMACIÓN RELACIONADA CON LA IMPLEMENTACIÓN DE ESTE ARTÍCULO 170.

(6) LA JUNTA REVISARÁ Y EVALUARÁ CONSTANTEMENTE DATOS EXISTENTES DE INVESTIGACIÓN, ESTUDIOS Y DATOS DE LA VIDA REAL EN RELACIÓN CON LA MEDICINA NATURAL Y EFECTUARÁ RECOMENDACIONES A LOS PARLAMENTARIOS Y OTRAS ENTIDADES ESTATALES RELEVANTES EN CUANTO A SI LA MEDICINA NATURAL Y LOS SERVICIOS ASOCIADOS DEBEN ESTAR CUBIERTOS POR HEALTH FIRST COLORADO U OTROS PROGRAMAS DE SEGUROS COMO INTERVENCIÓN ECONÓMICA PARA DIVERSAS AFECCIONES DE SALUD MENTAL, INCLUYENDO ENTRE OTRAS LA ANSIEDAD POR FIN DE VIDA, TRASTORNO DE USO DE SUSTANCIAS, ALCOHOLISMO, TRASTORNOS DEPRESIVOS, TRASTORNOS NEUROLÓGICOS, CÉFALEA EN RACIMOS Y TRASTORNO DE ESTRÉS POSTRAUMÁTICO.

(7) LA JUNTA REVISARÁ Y EVALUARÁ CONSTANTEMENTE PROBLEMAS DE SOSTENIBILIDAD RELACIONADOS CON LA MEDICINA NATURAL Y EL IMPACTO EN CULTURAS INDÍGENAS, DOCUMENTANDO ADEMÁS ESFUERZOS EXISTENTES DE RECIPROCIDAD Y MEDIDAS DE APOYO CONTINUO QUE SE NECESITAN COMO PARTE DE SU INFORME ANUAL.

(8) LA JUNTA PUBLICARÁ UN INFORME ANUAL DESCRIBIENDO SUS ACTIVIDADES E INCLUYENDO LAS RECOMENDACIONES Y CONSEJOS ENTREGADOS AL DEPARTAMENTO Y A LOS PARLAMENTARIOS.

(9) EL DEPARTAMENTO PROPORCIONARÁ APOYO SOLICITADO TÉCNICO, LOGÍSTICO Y OTRO A LA JUNTA PARA ASISTIRLA CON SUS DEBERES Y OBLIGACIONES.

(10) ÉSTA SECCIÓN SE DEROGA A PARTIR DEL 31 DE DICIEMBRE DE 2033.

**12-170-106. Fondo del programa de acceso regulado a la medicina natural.** (1) SE CREA POR ESTE INTERMEDIO EL PROGRAMA

DE ACCESO REGULADO A LA MEDICINA NATURAL EN LA TESORERÍA ESTATAL. EL FONDO ES ADMINISTRADO POR EL DEPARTAMENTO Y CONSTA DE TODO EL DINERO DE CUOTAS COBRADAS Y DINERO TRANSFERIDO DEL FONDO GENERAL SEGÚN ESTE ARTÍCULO 170. TODO INTERÉS E INGRESO GANADO AL DEPOSITAR E INVERTIR DINERO EN EL FONDO DEBE SER ACREDITADO AL FONDO Y NO DEBE SER TRANSFERIDO AL FONDO GENERAL NI A NINGÚN OTRO FONDO ESTATAL AL TERMINAR UN AÑO FISCAL ESTATAL.

(2) EL DEPARTAMENTO PUEDE BUSCAR, ACEPTAR Y GASTAR TODO OBSEQUIO, BECA, DONACIÓN, PRÉSTAMO DE FONDOS, BIENES O CUALQUIER OTRO INGRESO O AYUDA EN ALGUNA FORMA DEL ESTADO, CUALQUIER ENTIDAD ESTATAL, CUALQUIER OTRA FUENTE PÚBLICA, CUALQUIER FUENTE PRIVADA, O CUALQUIER COMBINACIÓN DE ELLAS, Y TODO RECIBO MONETARIO DEBE SER ACREDITADO AL FONDO Y TALES RECIBOS EN ESPECIE DEBEN APLICARSE A FAVOR DEL FONDO.

(3) EL DINERO EN EL FONDO SE ASIGNA CONTINUAMENTE AL DEPARTAMENTO PARA COSTOS DIRECTOS E INDIRECTOS DE LLEVAR A CABO LAS DISPOSICIONES DE ESTE ARTÍCULO 170.

(4) LOS FONDOS PARA EL ESTABLECIMIENTO Y RESPALDO INICIALES DE LAS ACTIVIDADES REGLAMENTARIAS DEL DEPARTAMENTO SEGÚN ESTE ARTÍCULO 170, INCLUYENDO LA JUNTA ASESORA DE MEDICINA NATURAL, EL DESARROLLO Y LA PROMOCIÓN DE CAMPAÑAS DE EDUCACIÓN PÚBLICA EN CUANTO AL USO DE MEDICINA NATURAL, Y EL DESARROLLO DE LAS POLÍTICAS, PROCEDIMIENTOS Y PROGRAMAS REQUERIDOS POR 12-170-104(6)(d) SE ADELANTARÁN DESDE EL FONDO GENERAL AL FONDO DEL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL Y SE RESTITUIRÁN AL FONDO GENERAL MEDIANTE LAS GANANCIAS INICIALES DE CUOTAS COBRADAS CONFORME A ESTE ARTÍCULO 170.

(5) LA OFICINA ESTATAL DE PLANIFICACIÓN Y PRESUPUESTOS DETERMINARÁ LA CANTIDAD DEL ADELANTO INICIAL DEL FONDO GENERAL AL FONDO DEL PROGRAMA DE ACCESO REGULADO A LA MEDICINA NATURAL DEPENDIENDO DE LOS COSTOS ESTIMADOS DE ESTABLECER EL PROGRAMA.

**12-170-107. Localidades.** (1) UNA LOCALIDAD PUEDE REGULAR LA HORA, EL LUGAR Y LA MANERA EN QUE OPERAN LOS CENTROS DE SANACIÓN CON LICENCIA CONFORME A ESTE ARTÍCULO 170 DENTRO DE SUS LÍMITES.

(2) UNA LOCALIDAD NO PUEDE PROHIBIR O IMPEDIR COMPLETAMENTE QUE SE ESTABLEZCAN U OPEREN CENTROS DE SANACIÓN CON LICENCIA CONFORME A ESTE ARTÍCULO 170 DENTRO DE SUS LÍMITES.

(3) UNA LOCALIDAD NO PUEDE IMPEDIR NI PROHIBIR COMPLETAMENTE QUE UN CENTRO DE ATENCIÓN DE SALUD O INDIVIDUO CON LICENCIA DENTRO DE SUS LÍMITES PRESTE SERVICIOS DE MEDICINA NATURAL SI EL CENTRO DE ATENCIÓN DE SALUD O INDIVIDUO CON LICENCIA TIENE PERMISO PARA PRESTAR SERVICIOS DE MEDICINA NATURAL OTORGADO POR EL DEPARTAMENTO CONFORME A ESTE ARTÍCULO 170.

(4) UNA LOCALIDAD NO PUEDE PROHIBIR EL TRANSPORTE DE MEDICINA NATURAL A TRAVÉS DE SU JURISDICCIÓN EN CALLES PÚBLICAS EFECTUADO POR UN TITULAR DE LICENCIA O SEGÚN LO PERMITA DE OTRO MODO ESTE ARTÍCULO 170.

(5) UNA LOCALIDAD NO PUEDE ADOPTAR ORDENANZAS NI REGULACIONES QUE SON IRRAZONABLES O ENTRAN EN CONFLICTO CON ESTE ARTÍCULO 170, PERO PUEDE PROMULGAR LEYES IMPONIENDO SANCIONES PENALES O CIVILES MENORES QUE LO ESTABLECIDO POR ESTE ARTÍCULO 170

**12-170-108. Protecciones.** (1) SUJETO A LAS LIMITACIONES EN ESTE ARTÍCULO 170, PERO NO OBSTANTE CUALQUIER OTRA DISPOSICIÓN DE LA LEY:

(a) LOS ACTOS Y LA CONDUCTA PERMITIDOS CONFORME A UNA LICENCIA O REGISTRO EMITIDOS POR EL DEPARTAMENTO O POR REGLA DEL DEPARTAMENTO, O POR QUIENES PERMITAN USAR BIENES CONFORME A UNA LICENCIA O REGISTRO EMITIDOS POR EL DEPARTAMENTO O POR REGLA DEL DEPARTAMENTO, NO SON ILÍCITOS Y NO CONSTITUIRÁN DELITO SEGÚN LA LEY ESTATAL, NI LAS LEYES DE NINGUNA LOCALIDAD DENTRO DEL ESTADO, NI ESTARÁN SUJETOS A SANCIONES CIVILES, MULTAS NI PENAS, NI CONSTITUIRÁN LA BASE PARA DETENCIONES, CATEOS O ARRESTOS, COMO TAMPOCO PARA DENEGAR NINGÚN DERECHO O PRIVILEGIO, NI INCAUTAR O DECOMISAR BIENES SEGÚN LA LEY ESTATAL O LAS LEYES DE NINGUNA LOCALIDAD DENTRO DEL ESTADO.

(b) UN CONTRATO NO ES PRACTICABLE SOBRE LA BASE DE QUE LAS MEDICINAS NATURALES, SEGÚN LO PERMITIDO POR ESTE ARTÍCULO 170, ESTÁN PROHIBIDAS POR LA LEY FEDERAL.

(c) UN TITULAR DE UNA LICENCIA, CERTIFICACIÓN O REGISTRO PROFESIONAL U OCUPACIONAL, NO ESTÁ SUJETO A DISCIPLINA PROFESIONAL O PÉRDIDA DE UNA LICENCIA O CERTIFICACIÓN PROFESIONAL POR BRINDAR CONSEJO O SERVICIOS RESULTANTES O RELACIONADOS CON LICENCIAS DE MEDICINA NATURAL, SOLICITUDES DE LICENCIAS SOBRE LA BASE DE QUE LAS MEDICINAS NATURALES ESTÁN PROHIBIDAS POR LA LEY FEDERAL, O POR EL USO PERSONAL DE MEDICINAS NATURALES SEGÚN LO PERMITIDO POR ESTE ARTÍCULO 170. ÉSTA SECCIÓN NO PERMITE A UNA PERSONA EJERCER DE MANERA NEGLIGENTE.

(d) LOS SERVICIOS DE SALUD MENTAL, TRASTORNOS DE USO DE SUSTANCIAS O SALUD CONDUCTUAL CUBIERTOS DE OTRO MODO POR LA LEY DE ASISTENCIA MÉDICA DE COLORADO, ARTÍCULOS 4 A 6 DEL TÍTULO 25.5, C.R.S., NO SERÁN DENEGADOS POR MOTIVO DE ESTAR CUBIERTOS EN CONJUNTO CON SERVICIOS DE MEDICINA NATURAL O PORQUE LAS MEDICINAS NATURALES ESTÁN PROHIBIDAS POR LA LEY FEDERAL. NO SE EXIGE A NINGÚN SEGURO NI ASEGURADORA CUBRIR EL COSTO DE LA MEDICINA NATURAL MISMA.

(e) NINGUNA PARTE DE ÉSTA SECCIÓN SE INTERPRETARÁ COMO QUE IMPIDE QUE EL DEPARTAMENTO HAGA RESPETAR SUS REGLAS CONTRA UN TITULAR DE LICENCIA O LIMITE LA CAPACIDAD DE UNA AGENCIA DEL ORDEN PÚBLICO ESTATAL O LOCAL PARA INVESTIGAR ACTIVIDAD ILÍCITA EN RELACIÓN CON UN TITULAR DE LICENCIA.

**12-170-109. Uso personal.** (1) SUJETO A LAS LIMITACIONES





# Asuntos de la Boleta Estatal de 2022

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EN ESTE ARTÍCULO 170, PERO A PESAR DE CUALQUIER OTRA DISPOSICIÓN DE LA LEY, LOS SIGUIENTES ACTOS NO SON DELITO CONFORME A LA LEY ESTATAL NI LAS LEYES DE NINGUNA LOCALIDAD DENTRO DEL ESTADO O ESTÁN SUJETAS A MULTA CIVIL, PENALIDAD O SANCIÓN, NI CONSTITUYEN BASE PARA DETENCIÓN, CATEO O ARRESTO, NI PARA INCAUTAR O DECOMISAR BIENES SEGÚN LA LEY ESTATAL NI LAS LEYES DE NINGUNA LOCALIDAD, SI LA PERSONA TIENE VEINTIÚN AÑOS DE EDAD O ES MAYOR:

(a) POSEER, ALMACENAR, USAR, PROCESAR, TRANSPORTAR, COMPRAR, OBTENER O INGERIR MEDICINA NATURAL PARA USO PERSONAL, U OBSEQUIAR MEDICINA NATURAL PARA USO PERSONAL SIN REMUNERACIÓN A UNA PERSONA O PERSONAS DE VEINTIÚN AÑOS DE EDAD O MAYORES.

(b) CULTIVAR O PROCESAR PLANTAS U HONGOS CAPACES DE PRODUCIR MEDICINA NATURAL PARA USO PERSONAL SI:

(I) LAS PLANTAS Y HONGOS SE MANTIENEN EN O SOBRE EL TERRENO DE UN HOGAR O RESIDENCIA PARTICULAR; Y

(II) LAS PLANTAS Y HONGOS ESTÁN FUERA DEL ACCESO DE PERSONAS MENORES DE VEINTIÚN AÑOS DE EDAD.

(c) ASISTIR A OTRA(S) PERSONA(S) QUE TIENE(N) VEINTIÚN AÑOS DE EDAD O SON MAYORES, O PERMITIR USAR BIENES, EN CUALQUIERA DE LOS ACTOS O CONDUCTAS PERMITIDOS SEGÚN EL INCISO (1).

(2) PARA LOS FINES DE ESTE ARTÍCULO 170, "USO PERSONAL" SE REFIERE A LA INGESTIÓN O EL USO PERSONALES DE UNA MEDICINA NATURAL E INCLUYE LA CANTIDAD QUE PUEDE CULTIVAR O POSEER UNA PERSONA DE LA MEDICINA NATURAL NECESARIA PARA COMPARTIR MEDICINAS NATURALES CON OTRAS PERSONAS DE VEINTIÚN AÑOS DE EDAD O MAYORES DENTRO DEL CONTEXTO DE DAR CONSEJO, GUÍA ESPIRITUAL, USO Y SANACIÓN A BENEFICIO DE LA COMUNIDAD, USO RESPALDADA O SERVICIOS AFINES. "USO PERSONAL" NO INCLUYE LA VENTA DE MEDICINAS NATURALES PARA RECIBIR REMUNERACIÓN.

(3) LA CONDUCTA PERMITIDA POR ESTE ARTÍCULO 170 EN SÍ NO:

(a) CONSTITUIRÁ MALTRATO NI NEGLIGENCIA DE MENORES SIN UN HALLAZGO DE AMENAZA REAL A LA SALUD O EL BIENESTAR DE UN MENOR BASADO EN TODOS LOS FACTORES RELEVANTES.

(b) CONSTITUIRÁ LA BASE PARA RESTRINGIR TIEMPO CON LOS PADRES QUE TENGA UN MENOR SIN UN HALLAZGO DE QUE EL TIEMPO CON LOS PADRES PUEDE PONER EN PELIGRO LA SALUD FÍSICA DEL MENOR O AFECTAR CONSIDERABLEMENTE EL DESARROLLO EMOCIONAL DEL MENOR.

(4) LA CONDUCTA PERMITIDA POR ESTE ARTÍCULO 170 NO CONSTITUIRÁ EN SÍ LA BASE PARA CASTIGAR O PENALIZAR DE OTRO MODO A UNA PERSONA ACTUALMENTE EN LIBERTAD BAJO PALABRA, LIBERTAD CONDICIONAL U OTRO TIPO DE SUPERVISIÓN ESTATAL, O LIBERADA EN ESPERA DE JUICIO U OTRA AUDIENCIA.

(5) LA CONDUCTA PERMITIDA POR ESTE ARTÍCULO 170 NO CONSTITUIRÁ EN SÍ LA BASE PARA DETENCIÓN, CATEO NI ARRESTO; Y LA POSESIÓN O SOSPECHA DE POSESIÓN DE MEDICINA NATURAL, O LA POSESIÓN DE MÚLTIPLES ENVASES DE MEDICINAS NATURALES, NO CONSTITUIRÁ INDIVIDUALMENTE NI EN COMBINACIÓN ENTRE SÍ UNA SOSPECHA RAZONABLEMENTE ARGUMENTABLE DE UN DELITO. LAS MEDICINAS NATURALES COMO SE PERMITE EN ESTE ARTÍCULO 170 NO SON CONTRABANDO NI ESTÁN SUJETAS A INCAUTACIÓN Y NO DEBEN DAÑARSE NI DESTRUIRSE.

(6) LA CONDUCTA PERMITIDA POR ESTE ARTÍCULO 170 NO CONSTITUIRÁ EN SÍ LA BASE PARA DENEGAR ELEGIBILIDAD PARA UN PROGRAMA DE ASISTENCIA PÚBLICA, A MENOS QUE ASÍ LO EXIJA LA LEY FEDERAL.

(7) PARA LOS FINES DE ATENCIÓN MÉDICA, INCLUYENDO TRASPLANTES DE ÓRGANOS, LA CONDUCTA PERMITIDA POR ESTE ARTÍCULO 170 NO CONSTITUYE EL USO DE UNA SUSTANCIA ILÍCITA NI DESCALIFICA DE OTRO MODO A UNA PERSONA DE LA ATENCIÓN MÉDICA O DEL SEGURO MÉDICO.

(8) NINGUNA PARTE DE ESTA SECCIÓN SE INTERPRETARÁ QUE PERMITE A UNA PERSONA OBSEQUIAR NINGUNA CANTIDAD DE MEDICINA NATURAL COMO PARTE DE UNA PROMOCIÓN COMERCIAL U OTRA ACTIVIDAD DE NEGOCIOS O PERMITIR PUBLICIDAD PAGADA RELACIONADA CON LA MEDICINA NATURAL, COMPARTIR MEDICINA NATURAL O SERVICIOS DESTINADOS A USARSE SIMULTÁNEAMENTE CON EL CONSUMO DE MEDICINA NATURAL DE UNA PERSONA. DICHA PUBLICIDAD PUEDE CONSIDERARSE EVIDENCIA DE ACTIVIDAD COMERCIAL PROHIBIDA CONFORME A ESTA SECCIÓN. ESTA DISPOSICIÓN NO IMPIDE DONAR MEDICINA NATURAL POR PARTE DE UNA PERSONA DE VEINTIÚN AÑOS DE EDAD O MAYOR, PAGAR POR SERVICIOS DE BUENA FE PARA REDUCIR DAÑOS, SERVICIOS TERAPÉUTICOS DE BUENA FE U OTROS SERVICIOS DE APOYO DE BUENA FE, MANTENER SITIOS WEB PERSONALES O PROFESIONALES RELACIONADOS CON SERVICIOS DE MEDICINA NATURAL, DISEMINAR MATERIALES EDUCATIVOS RELACIONADOS CON MEDICINA NATURAL NI LIMITA LA CAPACIDAD DE UN CENTRO DE SANACIÓN PARA DONAR MEDICINA NATURAL O BRINDAR MEDICINA NATURAL A COSTO REDUCIDO CONFORME A LAS REGLAS DEL DEPARTAMENTO.

(9) UNA PERSONA QUE HA CONCLUIDO UNA SENTENCIA POR UNA CONDENA, YA SEA MEDIANTE JUICIO O DECLARACIÓN DE CULPABILIDAD O *NO Oponerse*, QUE NO HABRÍA SIDO CULPABLE DE UN DELITO SI ESTA LEY HUBIESE ESTADO EN VIGOR EN EL MOMENTO DEL DELITO, PUEDE PRESENTAR UNA PETICIÓN ANTE EL TRIBUNAL LITIGANTE QUE REGISTRÓ EL VEREDICTO DE CONDENA EN EL CASO DE LA PERSONA PARA SELLAR EL REGISTRO DE LA CONDENA SIN COSTO. SI NO HAY OBJECCIÓN DEL FISCAL DE DISTRITO, EL TRIBUNAL SELLARÁ AUTOMÁTICAMENTE DICHO REGISTRO. SI HAY OBJECCIÓN POR PARTE DEL FISCAL DE DISTRITO, SE SOSTENDRÁ UNA AUDIENCIA Y EL TRIBUNAL DETERMINARÁ SI LA CONDENA ANTERIOR NO CALIFICA PARA SER SELLADA SEGÚN ESTA LEY. SI NO CALIFICA EL REGISTRO PARA SER SELLADO, EL TRIBUNAL DENEGARÁ SELLAR EL REGISTRO. NINGUNA PARTE DE ESTA SECCIÓN SE INTERPRETARÁ COMO QUE DISMINUYE O DEROGA NINGÚN DERECHO O REMEDIO DISPONIBLE DE OTRO MODO PARA EL PETICIONARIO O SOLICITANTE.

**12-170-110. Sanciones por uso personal.** (1) A MENOS QUE SE ESTIPULE DE OTRO MODO EN EL INCISO (2) DE ESTA SECCIÓN, UNA PERSONA MENOR DE VEINTIÚN AÑOS DE EDAD ESTÁ SUJETA A UN DELITO MENOR DE DROGA, Y AL SER CONDENADO POR EL MISMO, ESTARÁ SUJETA SOLO A UNA PENA DE NO MÁS DE CUATRO (4) HORAS DE EDUCACIÓN O CONSEJERÍA SOBRE DROGAS OFRECIDAS SIN COSTO PARA LA PERSONA, SI LA PERSONA:

(a) POSEE, USA, INGIERE, INHALA O TRANSPORTA MEDICINA NATURAL PARA USO PERSONAL;

(b) OBSEQUIA SIN REMUNERACIÓN MEDICINA NATURAL PARA USO PERSONAL; O

(c) POSEE, USA U OBSEQUIA SIN REMUNERACIÓN PARA FERNALIA DE MEDICINA NATURAL.

(2) EN LA MEDIDA QUE EL INCISO (1) ESTABLECE UNA PENA POR CONDUCTA NO PROHIBIDA DE OTRO MODO POR LEY O ESTABLECE UNA PENA QUE ES MAYOR QUE LA EXISTENTE EN OTRAS PARTES DE LA LEY POR LA CONDUCTA ESTIPULADA EN EL INCISO (1), LAS PENAS EN EL INCISO (1) NO SERÁN APLICABLES.

(3) UNA PERSONA QUE CULTIVE MEDICINAS NATURALES DE FÁCIL ACCESO PARA UNA PERSONA MENOR DE VEINTIÚN AÑOS DE EDAD EN CONTRAVENCIÓN DE 12-170-109(1)(b) ESTÁ SUJETA A UNA MULTA QUE NO SUPERE DOSCIENTOS CINCUENTA DÓLARES, ADEMÁS DE CUALQUIER OTRA SANCIÓN APLICABLE.

(4) UNA PERSONA NO ESTARÁ SUJETA A NINGÚN CARGO ADICIONAL, MULTAS NI OTRAS SANCIONES POR LAS INFRACCIONES MENCIONADAS EN ESTA SECCIÓN APARTE DE LAS ESTABLECIDAS EN ESTA SECCIÓN. ADEMÁS, UNA PERSONA NO ESTARÁ SUJETA A MAYOR CASTIGO POR NINGÚN OTRO DELITO SOBRE LA BASE DE QUE DICHA PERSONA TUVO UNA CONDUCTA PERMITIDA POR ESTE ARTÍCULO 170.

**12-170-111. Limitaciones.** (1) ESTE ARTÍCULO 170 NO DEBE INTERPRETARSE PARA:

(a) PERMITIR A UNA PERSONA CONDUCIR U OPERAR UN VEHÍCULO MOTORIZADO, BOTE, NAVE, AVIÓN U OTRO DISPOSITIVO QUE SEA CAPAZ DE DESPLAZARSE POR SÍ SOLO, O SER DESPLAZADO, DE UN LUGAR A OTRO SOBRE RUEDAS O CARRILES SIN FIN ESTANDO BAJO LA INFLUENCIA DE MEDICINAS NATURALES;

(b) PERMITIR A UNA PERSONA USAR O POSEER MEDICINAS NATURALES EN UNA ESCUELA, INSTITUCIÓN PARA DETENIDOS O EDIFICIOS PÚBLICOS;

(c) PERMITIR A UNA PERSONA INGERIR MEDICINAS NATURALES EN UN LUGAR PÚBLICO, APARTE DE UN LUGAR CON LICENCIA O PERMITIDO DE OTRO MODO POR EL DEPARTAMENTO PARA TAL USO;

(d) PERMITIR LA TRANSFERENCIA DE MEDICINA NATURAL, CON O SIN REMUNERACIÓN, A UNA PERSONA MENOR DE VEINTIÚN AÑOS DE EDAD O PERMITIR A UNA PERSONA MENOR DE VEINTIÚN AÑOS DE EDAD USAR O POSEER MEDICINA NATURAL;

(e) PERMITIR A UNA PERSONA PARTICIPAR EN CONDUCTA QUE PONGA EN PELIGRO O DAÑO A OTROS;

(f) REQUERIR QUE UN PROGRAMA GUBERNAMENTAL DE ASISTENCIA MÉDICA O UNA ASEGURADORA PRIVADA DE SALUD REEMBOLSE A UNA PERSONA POR LOS COSTOS DE COMPRAR MEDICINAS NATURALES;

(g) REQUERIR QUE UN EMPLEADOR PERMITA O SE ADAPTE AL USO, CONSUMO, POSESIÓN, TRANSFERENCIA, EXHIBICIÓN, TRANSPORTE O CULTIVO DE MEDICINAS NATURALES EN EL LUGAR DE TRABAJO;

(h) PROHIBIR A UN BENEFICIARIO DE UNA SUBVENCIÓN FEDERAL O UN SOLICITANTE DE SUBVENCIÓN FEDERAL QUE PROHIBA EL USO, CONSUMO, POSESIÓN, TRANSFERENCIA, EXHIBICIÓN, TRANSPORTE O CULTIVO DE MEDICINAS NATURALES EN LA MEDIDA QUE SEA NECESARIO PARA SATISFACER LOS REQUISITOS FEDERALES PARA LA SUBVENCIÓN;

(i) PROHIBIR A UNA PARTE DE UN CONTRATO FEDERAL O A UNA PERSONA QUE SOLICITA SER PARTE DE UN CONTRATO FEDERAL QUE PROHIBA ALGÚN ACTO PERMITIDO EN ESTE ARTÍCULO 170 EN LA MEDIDA QUE SEA NECESARIO PARA CUMPLIR CON LOS TÉRMINOS Y CONDICIONES DEL CONTRATO O SATISFACER REQUISITOS FEDERALES PARA EL CONTRATO;

(j) REQUERIR QUE UNA PERSONA INFIRJA UNA LEY FEDERAL; O

(k) EXIMIR A UNA PERSONA DE UNA LEY FEDERAL U OBSTRUIR EL ACATAMIENTO DE UNA LEY FEDERAL.

**12-170-112. Interpretación liberal.** ESTA LEY SE INTERPRETARÁ LIBERALMENTE PARA EFECTUAR SU PROPÓSITO.

**12-170-113. Precedencia.** NINGUNA LOCALIDAD ADOPTARÁ, PROMULGARÁ NI APLICARÁ NINGUNA ORDENANZA, REGLA NI RESOLUCIÓN QUE IMPONGA UNA SANCIÓN PENAL O CIVIL MAYOR QUE LA ESTABLECIDA POR ESTA LEY O QUE ENTRE EN CONFLICTO DE OTRO MODO CON LAS DISPOSICIONES DE ESTA LEY. UNA LOCALIDAD PUEDE PROMULGAR LEYES QUE IMPONEN SANCIONES PENALES O CIVILES MENORES QUE LO ESTIPULADO EN ESTA LEY.

**12-170-114. Autoejecución, divisibilidad, disposiciones conflictivas.** TODAS LAS DISPOSICIONES DE ESTE ARTÍCULO 170 SON AUTOEJECUTADAS SALVO SEGÚN SE ESPECIFICA AQUÍ, SON DIVISIBLES Y, SALVO DONDE SE INDIQUE DE OTRO MODO EN EL TEXTO, SUSTITUIRÁN DISPOSICIONES EN CONFLICTO DE LEYES ESTATALES, ACTAS LOCALES, ORDENANZAS O RESOLUCIONES, ASÍ COMO OTRAS DISPOSICIONES ESTATALES Y LOCALES. SI ALGUNA DISPOSICIÓN DE ESTA LEY O SU APLICACIÓN A CUALQUIER PERSONA O CIRCUNSTANCIA SE CONSIDERA NO VÁLIDA, NO SE VERÁN AFECTADOS POR ELLO LAS OTRAS DISPOSICIONES O APLICACIONES DE ESTA LEY QUE PUEDEN ENTRAR EN VIGOR SIN LA DISPOSICIÓN O APLICACIÓN NO VÁLIDA, Y PARA ESTE FIN LAS DISPOSICIONES DE ESTA LEY SON DIVISIBLES.

**12-170-115. Fecha de vigencia.** A MENOS QUE LO INDIQUE ESTA LEY DE OTRO MODO, TODAS LAS DISPOSICIONES DE ESTA LEY ENTRARÁN EN VIGENCIA ANTE LO QUE TENGA LUGAR ANTES

ENTRE LA DECLARACIÓN OFICIAL DEL VOTO AL RESPECTO POR PROCLAMACIÓN DEL GOBERNADOR O TREINTA DÍAS DESPUÉS DEL ESCRUTINIO DEL VOTO, CONFORME A LA SECCIÓN 1(4) DEL ARTÍCULO V DE LA CONSTITUCIÓN DE COLORADO. LA ELIMINACIÓN Y REDUCCIÓN DE SANCIONES PENALES MEDIANTE ESTA LEY ESTÁN DESTINADAS A TENER EFECTO RETROACTIVO.

**SECCIÓN 2.** En los Estatutos Revisados de Colorado, 18-18-403.5 **enmendar** (1) de la siguiente manera:

**18-18-403.5. Posesión ilícita de una sustancia controlada.** (1) Salvo según se autorice en el apartado 1 o 3 del artículo 280 del título 12, apartado 2 del artículo 80 del título 27, sección 18-1-711, sección 18-18-428(1)(b), o el apartado 2 o 3 de este artículo 18, o LA "LEY DE SALUD DE MEDICINA NATURAL DE 2022", ARTÍCULO 170 DEL TÍTULO 12 es ilícito que una persona a sabiendas posea una sustancia controlada.

**SECCIÓN 3.** En los Estatutos Revisados de Colorado, 18-18-404 **enmendar** (1)(a) de la siguiente manera:

**18-18-404. Uso ilícito de una sustancia controlada.** (1)(a) Salvo según se estipula de otro modo para delitos referentes a marihuana y concentrado de marihuana en las secciones 18-18-406 y 18-18-406.5 o POR LA "LEY DE SALUD DE MEDICINA NATURAL DE 2022", ARTÍCULO 170 DEL TÍTULO 12 cualquier persona que use alguna sustancia controlada, salvo cuando la dispense o dirija una persona con licencia o autorizada por ley para recetar, administrar o dispensar la sustancia controlada para necesidades médicas de buena fe, comete un delito menor de droga nivel 2.

**SECCIÓN 4.** En los Estatutos Revisados de Colorado, 18-18-405 **enmendar** (1)(a) de la siguiente manera:

**18-18-405. Distribución, fabricación, dispensación o venta ilícitas.** (1)(a) Salvo según se autorice en el apartado 1 del artículo 280 del título 12, apartado 2 del artículo 80 del título 27, o el apartado 2 o 3 de este artículo 18, o POR LA "LEY DE SALUD DE MEDICINA NATURAL DE 2022", ARTÍCULO 170 DEL TÍTULO 12 es ilícito que cualquier persona a sabiendas fabrique, dispense, venda o distribuya, o posea con la intención de fabricar, dispensar, vender o distribuir, una sustancia controlada; o induzca, intente inducir o conspire con una o más personas, para fabricar, dispensar, vender, distribuir o poseer con la intención de fabricar, dispensar, vender o distribuir una sustancia controlada; o poseer uno o más agentes químicos o suministros o equipo con la intención de fabricar una sustancia controlada.

**SECCIÓN 5.** En los Estatutos Revisados de Colorado, **enmendar** 18-18-410 de la siguiente manera:

**18-18-410. Declaración de alteración del orden público clase 1.** SALVO SEGÚN LO PERMITA LA "LEY DE SALUD DE MEDICINA NATURAL DE 2022", ARTÍCULO 170 DEL TÍTULO 12 cualquier tienda, local, bodega, residencia, edificio, vehículo, embarcación o avión o cualquier lugar que sea frecuentado por adictos a sustancias controladas para el uso ilícito de sustancias controladas o que se use ilícitamente para almacenamiento, fabricación, venta o distribución de sustancias controladas se declara que es una perturbación pública clase 1 y queda sujeto a las disposiciones de la sección 16-13-303, C.R.S. Se dispondrá de todo bien inmueble o personal que sea incautado o confiscado a consecuencia de una acción para mitigar una perturbación pública conforme al apartado 7 del artículo 13 del título 16, C.R.S.

**SECCIÓN 6.** En los Estatutos Revisados de Colorado, 18-18-411 **agregar** (5) de la siguiente manera:

**18-18-411. Conservar, mantener, controlar, alquilar o poner a disposición bienes para distribución o fabricación ilícita de sustancias controladas.**

(5) UNA PERSONA QUE ACTÚA EN CUMPLIMIENTO DEL ARTÍCULO 170 DEL TÍTULO 12 DE LA "LEY DE SALUD DE MEDICINA NATURAL DE 2022", NO CONTRAVIENE ESTA SECCIÓN.

**SECCIÓN 7.** En los Estatutos Revisados de Colorado, 18-18-412.7 **agregar** (3) de la siguiente manera:

**18-18-412.7. Venta o distribución de materiales para fabricar sustancias controladas.**

(3) UNA PERSONA QUE ACTÚA EN CUMPLIMIENTO DEL ARTÍCULO 170 DEL TÍTULO 12 DE LA "LEY DE SALUD DE MEDICINA NATURAL DE 2022", NO CONTRAVIENE ESTA SECCIÓN.

**SECCIÓN 8.** En los Estatutos Revisados de Colorado, 18-18-430.5, **agregar** (1)(c) de la siguiente manera:

**18-18-430.5. Parafernalia de droga—exención.** (1) Una persona está exenta de las secciones 18-18-425 a 18-18-430 si la persona:

(c) USA EQUIPO, PRODUCTOS O MATERIALES EN CUMPLIMIENTO DEL ARTÍCULO 170 DEL TÍTULO 12 DE LA "LEY DE SALUD DE MEDICINA NATURAL DE 2022". LA FABRICACIÓN, POSESIÓN Y DISTRIBUCIÓN DE DICHO EQUIPO, PRODUCTOS O MATERIALES ESTARÁN AUTORIZADOS DENTRO DEL SIGNIFICADO DE LA SEC. (f) del título 21 del Código de los EE. UU.

**SECCIÓN 9.** En los Estatutos Revisados de Colorado, 16-13-303 **agregar** (9) de la siguiente manera:

**16-13-303. Alteración del orden público clase 1.**

(9) UNA PERSONA QUE ACTÚA EN CUMPLIMIENTO DEL ARTÍCULO 170 DEL TÍTULO 12 DE LA "LEY DE SALUD DE MEDICINA NATURAL DE 2022", NO CONTRAVIENE ESTA SECCIÓN.

**SECCIÓN 10.** En los Estatutos Revisados de Colorado, 16-13-304 **agregar** (2) de la siguiente manera:

**16-13-304. Alteración del orden público clase 2.**

(2) UNA PERSONA QUE ACTÚA EN CUMPLIMIENTO DEL ARTÍCULO 170 DEL TÍTULO 12 DE LA "LEY DE SALUD DE MEDICINA NATURAL DE 2022", NO CONTRAVIENE ESTA SECCIÓN.





# Asuntos de la Boleta Estatal de 2022

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## Propuesta 123

### Dedicar recaudaciones a programas de vivienda asequible

El título de la boleta indicado a continuación es un resumen redactado por el personal profesional de las oficinas del secretario de estado, el procurador general y el personal jurídico de la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en los Estatutos Revisados de Colorado. El texto de la medida que aparecerá en los Estatutos Revisados de Colorado a continuación fue redactado por quienes proponen la iniciativa. Se incluye la medida iniciada en la boleta como cambio propuesto a la ley actual porque quienes la proponen reunieron la cantidad requerida de firmas para la petición.

#### Título de la boleta:

¿Debe haber un cambio a los Estatutos Revisados de Colorado en cuanto al financiamiento estatal para vivienda asequible adicional y, en relación con ello, dedicar ingresos recaudados por el estado a través de un impuesto existente de un décimo de uno por ciento sobre el ingreso imponible federal de cada persona, sucesión, fideicomiso y corporación, como se define en la ley, para vivienda asequible y eximir las recaudaciones dedicadas de la limitación constitucional sobre el gasto fiscal estatal anual; asignar 60% de las recaudaciones dedicadas a financiar programas de vivienda asequible que reduzcan alquileres, comprar tierras para desarrollar proyectos de vivienda asequible y construir bienes para inquilinos; asignar 40% de las recaudaciones dedicadas a programas que apoyen a las personas para comprar viviendas asequibles, sirvan a quienes sufren desamparo y apoyen la capacidad local de planificación; exigir a los gobiernos locales que procuren financiamiento de viviendas asequibles adicionales para acelerar aprobaciones para desarrollar proyectos de vivienda asequible y comprometerse a aumentar el número de unidades de vivienda asequible en un 3% anual; y especificar que las recaudaciones dedicadas no sustituyan asignaciones existentes para programas de vivienda asequible?

#### Texto de la medida:

*Promúlguese por el Pueblo del Estado de Colorado:*

**SECCIÓN 1.** En los Estatutos Revisados de Colorado, agregar artículo 32 título 29 de la siguiente manera:

#### ARTÍCULO 32

##### Fondo de vivienda asequible estatal

**29-32-101. Definiciones.** TAL COMO SE UTILIZA EN ESTE ARTÍCULO, A MENOS QUE EL CONTEXTO LO EXIJA DE OTRO MODO:

- (1) "ADMINISTRADOR" SE REFIERE A UNA SUBDIVISIÓN POLÍTICA DEL ESTADO DE COLORADO ESTABLECIDA PARA LOS FINES, ENTRE OTROS, DE AUMENTAR LA PROVISIÓN DE VIVIENDA DECENTE, SEGURA Y SANITARIA PARA FAMILIAS DE BAJOS Y MODERADOS INGRESOS, U OTROS TERCEROS ESTABLECIDOS PARA DICHOS FINES, SELECCIONADOS POR LA OFICINA PARA ADMINISTRAR CIERTOS PROGRAMAS DE VIVIENDA ASEQUIBLE CREADOS EN LA SECCIÓN 29-32-104.
- (2) "VIVIENDA ASEQUIBLE" SE REFIERE A VIVIENDA ASEQUIBLE PARA RENTAR A FAMILIAS CON INGRESOS ANUALES DE SESENTA POR CIENTO O MENOS DEL INGRESO MEDIO EN EL ÁREA, Y QUE CUESTA A LA FAMILIA MENOS DEL TREINTA POR CIENTO DE SU INGRESO MENSUAL. "VIVIENDA ASEQUIBLE" TAMBIÉN SIGNIFICA VIVIENDAS EN VENTA QUE PUDIERAN COMPRAR FAMILIAS CON UN INGRESO ANUAL DEL CIENTO POR CIENTO O MENOS DEL INGRESO MEDIO EN EL ÁREA, POR LAS CUALES LOS COSTOS DE PAGO DE HIPOTECA REPRESENTAN PARA LA FAMILIA MENOS DEL TREINTA POR CIENTO DE SU INGRESO MENSUAL. LOS OBJETIVOS ESTABLECIDOS PARA LOS GOBIERNOS LOCALES CONFORME A LA SECCIÓN 29-32-105 PARA VIVIENDA ASEQUIBLE ESTARÁN BASADOS EN EL INGRESO MEDIO DEL ÁREA. SI UN GOBIERNO LOCAL DETERMINA QUE LA APLICACIÓN DE ESTA DEFINICIÓN DE VIVIENDA ASEQUIBLE CAUSARÍA LA IMPLEMENTACIÓN DE ESTE ARTÍCULO DE MANERA QUE INCUMPLA LAS NECESIDADES DE VIVIENDA Y DE LA FUERZA LABORAL DENTRO DE LA JURISDICCIÓN, PUEDE PEDIR A LA DIVISIÓN DEJAR DE USAR EL CÁLCULO APLICABLE A UNA JURISDICCIÓN ADYACENTE O EL INGRESO MEDIO ESTATAL QUE MEJOR REFLEJE LAS NECESIDADES LOCALES.
- (3) "INGRESO MEDIO DEL ÁREA" SE REFIERE AL INGRESO FAMILIAR MEDIO DE LAS FAMILIAS DE UN TAMAÑO DETERMINADO EN EL MUNICIPIO, O EL ÁREA METROPOLITANA ESTADÍSTICA QUE ABARCA UN MUNICIPIO, O EL CONDADO EN DONDE SE UBICA LA VIVIENDA, SEGÚN CALCULA Y PUBLICA PARA UN AÑO DETERMINADO EL DEPARTAMENTO DE VIVIENDA Y DESARROLLO URBANO DE LOS ESTADOS UNIDOS.
- (4) "DIVISIÓN" SE REFIERE A LA DIVISIÓN DE VIVIENDA EN EL DEPARTAMENTO DE ASUNTOS LOCALES CREADA EN LA SECCIÓN 24-32-704 (1).
- (5) "FONDO DE APOYO" SE REFIERE AL FONDO DE APOYO PARA VIVIENDA ASEQUIBLE CREADO EN LA SECCIÓN 29-32-103(1).
- (6) "FONDO" SE REFIERE AL FONDO ESTATAL DE VIVIENDA ASEQUIBLE CREADO EN LA SECCIÓN 29-32-102 (1).
- (7) "GOBIERNO LOCAL" SE REFIERE A UN MUNICIPIO, YA SEA DE REGENCIA LOCAL O ESTATUTARIA; UN CONDADO, YA SEA DE REGENCIA LOCAL O ESTATUTARIA; UNA CIUDAD Y CONDADO; O UNA AUTORIDAD LOCAL DE VIVIENDA.
- (8) "OFICINA" SE REFIERE A LA OFICINA DE DESARROLLO ECONÓMICO CREADA EN LA SECCIÓN 24-48.5-101.
- (9) "FONDO DE FINANCIAMIENTO" SE REFIERE AL FONDO DE FINANCIAMIENTO DE VIVIENDA ASEQUIBLE CREADO EN LA SECCIÓN 29-32-103(2).

**29-32-102. Fondo estatal de vivienda asequible** (1) SE CREA POR ESTE INTERMEDIO EL FONDO ESTATAL DE VIVIENDA ASEQUIBLE EN LA TESORERÍA ESTATAL. A PARTIR DEL 1 DE ENERO DE 2023, TODOS LOS INGRESOS ESTATALES RECAUDADOS DE UN IMPUESTO EXISTENTE SOBRE UN DÉCIMO DE UNO POR CIENTO DEL INGRESO IMPOSIBLE FEDERAL, SEGÚN LO MODIFICADO POR LEY, DE CADA INDIVIDUO, SUCESIÓN, FIDEICOMISO Y

CORPORACIÓN, COMO SE DEFINE EN LA LEY, CONFORME A LO CALCULADO SUJETO AL INCISO (4) DE ESTA SECCIÓN, SERÁ DEPOSITADO EN EL FONDO POR EL TESORERO DEL ESTADO. LA RECAUDACIÓN DEPOSITADA EN EL FONDO CONFORME A ESTE INCISO (1) NO ESTARÁ SUJETA A LA LIMITACIÓN DEL GASTO DEL AÑO FISCAL ESPECIFICADA EN LA SECCIÓN 20 DEL ARTÍCULO X DE LA CONSTITUCIÓN ESTATAL.

(2) EL FONDO CONSISTIRÁ EN DINERO DEPOSITADO EN EL FONDO SEGÚN EL INCISO (1) DE ESTA SECCIÓN; TODO DINERO ASIGNADO AL FONDO POR LA ASAMBLEA GENERAL; Y TODO OBSEQUIO, SUBVENCIÓN O DONACIÓN DE FUENTES PÚBLICAS O PRIVADAS, INCLUIDAS LAS ENTIDADES GUBERNAMENTALES, QUE LA DIVISIÓN Y LA OFICINA ESTÁ POR LA PRESENTE AUTORIZADA A PROCURAR Y ACEPTAR.

(3) TODO DINERO NO INVERTIDO O GRAVADO, Y TODOS LOS INTERESES DEVENGADOS AL INVERTIR O DEPOSITAR EL DINERO EN EL FONDO, PERMANECERÁ EN EL FONDO Y NO REVERTIRÁ AL FONDO GENERAL NI A NINGÚN OTRO FONDO AL CONCLUIR EL AÑO FISCAL.

(4)(a) EL CONSEJO LEGISLATIVO, EN CONSULTA CON LA OFICINA DE PLANIFICACIÓN Y PRESUPUESTOS ESTATALES, CALCULARÁ LA CANTIDAD DE LAS RECAUDACIONES A DEPOSITAR EN EL FONDO CORRESPONDIENTE AL PERIODO QUE COMIENZA EL 1 DE ENERO DE 2023 Y TERMINA EL 30 DE JUNIO DE 2023, Y PARA CADA AÑO FISCAL ESTATAL QUE COMIENZA EL 1 DE JULIO DE 2023 O DESPUÉS DE DICHA FECHA. EL CONSEJO LEGISLATIVO Y LA OFICINA DE PLANIFICACIÓN Y PRESUPUESTOS ESTATALES SE GUIARÁ POR LAS ESTIMACIONES DE RECAUDACIONES ESTATALES TRIMESTRALES EMITIDAS POR EL CONSEJO LEGISLATIVO AL CALCULAR DICHAS CANTIDADES Y ACTUALIZARÁ SUS CÁLCULOS A MÁS TARDAR CINCO DÍAS DESPUÉS DE EMITIDA LA ESTIMACIÓN DE RECAUDACIÓN ESTATAL TRIMESTRAL.

(b) PARA ASEGURAR QUE TODAS LAS RECAUDACIONES DEL FONDO SEAN TRANSFERIDAS AL FONDO Y QUE OTRAS RECAUDACIONES ESTATALES NO SEAN TRANSFERIDAS POR ERROR AL FONDO:

(I) A MÁS TARDAR DOS DÍAS DESPUÉS DE CALCULAR O RECALCULAR LA CANTIDAD DE RECAUDACIONES DEL FONDO PARA EL PERIODO QUE COMIENZA EL 1 DE ENERO DE 2023 Y TERMINA EL 30 DE JUNIO DE 2023, Y CUALQUIER AÑO FISCAL QUE COMIENZE EL 1 DE JULIO DE 2023 O DESPUÉS DE DICHA FECHA, EL CONSEJO LEGISLATIVO, EN CONSULTA CON LA OFICINA DE PLANIFICACIÓN Y PRESUPUESTOS ESTATALES, CERTIFICARÁ AL DEPARTAMENTO DE HACIENDA LA CANTIDAD DE RECAUDACIONES DEL FONDO QUE DEBE TRANSFERIR EL DEPARTAMENTO AL TESORERO DEL ESTADO PARA DEPOSITAR EN EL FONDO EL PRIMER DÍA DE CADA UNO DE LOS TRES MESES CALENDARIOS SUCESIVOS SEGÚN SE EXIGE EN EL PÁRRAFO (c) DE ESTE INCISO (4);

(II) NO OBSTANTE LAS DISPOSICIONES DEL APARTADO (I) DE ESTE PÁRRAFO (b), A MÁS TARDAR EL 25 DE MAYO DE 2023 Y DE CUALQUIER AÑO FISCAL ESTATAL QUE COMIENZE EL 1 DE JULIO DE 2023 O DESPUÉS DE DICHA FECHA, EL CONSEJO LEGISLATIVO, EN CONSULTA CON LA OFICINA DE PLANIFICACIÓN Y PRESUPUESTOS ESTATALES, PUEDE CERTIFICAR AL DEPARTAMENTO DE HACIENDA UNA CANTIDAD AJUSTADA PARA CUALQUIER TRANSFERENCIA A EFECTUAR EL PRIMER DÍA LABORABLE DEL MES DE JUNIO INMEDIATAMENTE SUCESIVO; Y

(III) SUJETO A EVALUACIÓN DEL AUDITOR ESTATAL, EL CONSEJO LEGISLATIVO, EN CONSULTA CON LA OFICINA DE PLANIFICACIÓN Y PRESUPUESTOS ESTATALES, PUEDE CORREGIR CUALQUIER ERROR EN LA CANTIDAD TOTAL DE RECAUDACIONES ESTATALES DE VIVIENDA ASEQUIBLE TRANSFERIDA DURANTE CUALQUIER AÑO FISCAL ESTATAL AJUSTANDO LA CANTIDAD DE TODA TRANSFERENCIA A EFECTUAR DURANTE EL PRÓXIMO AÑO FISCAL ESTATAL.

(c) EL PRIMER DÍA LABORABLE DE CADA MES CALENDARIO QUE COMIENZA DESPUÉS DEL 5 DE ENERO DE 2023, EL DEPARTAMENTO DE HACIENDA TRANSFERIRÁ AL TESORERO DEL ESTADO PARA DEPOSITAR EN EL FONDO RECAUDACIONES EN LA CANTIDAD CERTIFICADA AL DEPARTAMENTO POR EL CONSEJO LEGISLATIVO, EN CONSULTA CON LA OFICINA DE PLANIFICACIÓN Y PRESUPUESTOS ESTATALES, CONFORME AL PÁRRAFO (b) DE ESTE INCISO (4).

#### 29-32-103. Transferencias de dinero - usos permitidos del fondo

- **asignación continua.** (1) SE CREA POR ESTE INTERMEDIO EL FONDO DE APOYO PARA VIVIENDA ASEQUIBLE EN LA TESORERÍA DEL ESTADO. EL FONDO DE APOYO CONSISTIRÁ EN DINERO DEPOSITADO EN EL MISMO CONFORME AL INCISO (3) DE ESTA SECCIÓN. LA DIVISIÓN ADMINISTRARÁ EL FONDO DE APOYO Y GASTARÁ EL DINERO DEL FONDO DE APOYO SOLO PARA LOS FINES ESTIPULADOS EN LA SECCIÓN 29-32-104(3). TODO DINERO NO GASTADO O GRAVADO Y TODOS LOS INTERESES DEVENGADOS SOBRE INVERSIONES O DEPÓSITO DEL DINERO DEL FONDO DE APOYO, PERMANECERÁ EN EL FONDO DE APOYO Y NO REVERTIRÁ AL FONDO GENERAL NI A NINGÚN OTRO FONDO AL TERMINAR UN AÑO FISCAL. TODO DINERO TRANSFERIDO AL FONDO DE APOYO CONFORME AL INCISO (3) DE ESTA SECCIÓN SE ASIGNA CONTINUAMENTE A LA DIVISIÓN PARA LOS FINES ESTIPULADOS EN LA SECCIÓN 29-32-104(3).

(2) SE CREA POR ESTE INTERMEDIO EL FONDO DE FINANCIAMIENTO DE VIVIENDA ASEQUIBLE EN LA TESORERÍA ESTATAL. EL FONDO DE FINANCIAMIENTO CONSISTIRÁ DEL DINERO DEPOSITADO EN EL MISMO CONFORME AL INCISO (3) DE ESTA SECCIÓN. LA OFICINA ADMINISTRARÁ EL FONDO DE FINANCIAMIENTO Y GASTARÁ LOS DINEROS DEL FONDO DE FINANCIAMIENTO SOLO PARA LOS FINES ESTIPULADOS EN LA SECCIÓN 29-32-104(1). TODO DINERO NO GASTADO O GRAVADO, Y TODOS LOS INTERESES DEVENGADOS SOBRE INVERSIONES O DEPÓSITO DEL DINERO DEL FONDO DE FINANCIAMIENTO, PERMANECERÁ EN EL FONDO DE FINANCIAMIENTO Y NO REVERTIRÁ AL FONDO GENERAL NI A NINGÚN OTRO FONDO AL TERMINAR UN AÑO FISCAL.

TODO DINERO TRANSFERIDO AL FONDO DE FINANCIAMIENTO CONFORME AL INCISO (3) DE ESTA SECCIÓN SE ASIGNA CONTINUAMENTE A LA OFICINA PARA LOS FINES ESTIPULADOS EN LA SECCIÓN 29-32-104(1).

(3) EL 1 DE JULIO DE 2023, O TAN PRONTO RESULTE

PRACTICABLE EN LO SUCESIVO, Y EL 1 DE JULIO DE CADA AÑO FISCAL ESTATAL SUCESIVO, EL TESORERO DEL ESTADO TRANSFERIRÁ EL CUARENTA POR CIENTO DEL SALDO DEL FONDO EN LA FECHA DE LA TRANSFERENCIA AL FONDO DE APOYO Y SESENTA POR CIENTO DEL SALDO DEL FONDO EN LA FECHA DE LA TRANSFERENCIA AL FONDO DE FINANCIAMIENTO.

#### 29-32-104. Gastos permisibles - programas de vivienda asequible.

(1) LA OFICINA CONTRATARÁ AL ADMINISTRADOR. LA OFICINA PUEDE SELECCIONAR A UN ADMINISTRADOR SIN UN PROCESO COMPETITIVO DE ADQUISICIÓN, PERO ANUNCIARÁ LA VACANTE DEL CONTRATO PÚBLICAMENTE Y SELECCIONARÁ AL ADMINISTRADOR EN UNA REUNIÓN ABIERTA AL PÚBLICO, A MÁS TARDAR SETENTA Y DOS HORAS DESPUÉS DE QUE ESTÉ DISPONIBLE PÚBLICAMENTE EL AVISO DE DICHA REUNIÓN. NINGÚN CONTRATO INDIVIDUAL PUEDE SUPERAR CINCO AÑOS DE DURACIÓN. AL VENCER EL PLAZO DE UN CONTRATO, LA OFICINA PUEDE RENOVAR EL CONTRATO CON EL MISMO ADMINISTRADOR O PUEDE SELECCIONAR A OTRO ADMINISTRADOR. EL ADMINISTRADOR SELECCIONADO POR LA OFICINA GASTARÁ EL DINERO TRANSFERIDO AL FONDO DE FINANCIAMIENTO EN LA SECCIÓN 29-32-103(2) SOLO PARA APOYAR LOS SIGUIENTES PROGRAMAS:

(a) UN PROGRAMA DE BANCA PARA TERRENOS QUE GESTIONARÁ EL ADMINISTRADOR. EL PROGRAMA APORTARÁ SUBVENCIÓNES A GOBIERNOS LOCALES Y PRÉSTAMOS A ORGANIZACIONES SIN FINES DE LUCRO CON ANTECEDENTES DEMOSTRADOS DE BRINDAR VIVIENDAS ASEQUIBLES PARA ADQUIRIR Y CONSERVAR TERRENOS DESTINADOS A DESARROLLAR VIVIENDAS ASEQUIBLES. EL DESARROLLO URBANO PARA USO MIXTO ES UN USO PERMISIBLE DE LOS TERRENOS COMPRADOS CONFORME A ESTE PROGRAMA SI EL USO PREDOMINANTE DEL TERRENO ES PARA VIVIENDA ASEQUIBLE. LOS PRÉSTAMOS EFECTUADOS POR EL PROGRAMA SERÁN PERDONADOS SI EL TERRENO ADQUIRIDO CON LA ASISTENCIA DEL PROGRAMA ESTÁ DEBIDAMENTE DIVIDIDO EN ZONAS CON UN PLAN ACTIVO PARA DESARROLLAR VIVIENDAS ASEQUIBLES DENTRO DE UN PLAZO DE 5 AÑOS DESDE LA FECHA EN QUE SE REALICE EL PRÉSTAMO Y SI EL DESARROLLO ES PERMITIDO Y FINANCIADO DENTRO DE UN PLAZO DE 10 AÑOS. EL PRESTAMISTA Y EL PRESTATARIO PUEDEN ESTABLECER TÉRMINOS ADICIONALES SI ES NECESARIO. SI EL TERRENO ADQUIRIDO CON LA ASISTENCIA DEL PROGRAMA NO SE DESARROLLA DENTRO DEL PLAZO ANTERIOR, DEBE PAGARSE EL PRÉSTAMO, CON INTERESES, TAN PRONTO RESULTE PRÁCTICO, PERO NO MÁS DE SEIS MESES DESPUÉS DE VENCER DICHO PLAZO. EL TERRENO ADQUIRIDO CON LA ASISTENCIA DEL PROGRAMA QUE NO SE DESARROLLA DENTRO DEL PLAZO ANTERIOR PUEDE USARLO EL PROPIETARIO PARA CUALQUIER FIN AL PAGAR EL PRÉSTAMO CON INTERESES O, A CAMBIO DE UNA EXONERACIÓN DE INTERÉS, TRANSMITIDA A UNA AGENCIA ESTATAL U OTRA ENTIDAD PARA EL DESARROLLO DE VIVIENDA ASEQUIBLE CON LA APROBACIÓN DEL ADMINISTRADOR. TODOS LOS PAGOS DEL MONTO PRINCIPAL E INTERESES EN LOS PRÉSTAMOS EFECTUADOS SEGÚN ESTE PÁRRAFO (a) SE EFECTUARÁN AL ADMINISTRADOR Y EL ADMINISTRADOR LOS UTILIZARÁ PARA LOS FINES ESTABLECIDOS EN ESTE INCISO (1). TAL COMO LO DETERMINE EL ADMINISTRADOR, SE PUEDE USAR UN MÍNIMO DEL 15% Y UN MÁXIMO DEL 25% DE LOS DINEROS TRANSFERIDOS A LA OFICINA DESDE EL FONDO ANUALMENTE PARA EL PROGRAMA. EL ADMINISTRADOR PUEDE UTILIZAR HASTA EL DOS POR CIENTO DE LOS FONDOS QUE RECIBE DE LA OFICINA PARA EL PROGRAMA ANUALMENTE A FIN DE PAGAR LOS COSTOS DE ADMINISTRAR EL PROGRAMA.

(b) UN PROGRAMA DE PARTICIPACIÓN DE VIVIENDA ASEQUIBLE QUE GESTIONARÁ EL ADMINISTRADOR. EL PROGRAMA EFECTUARÁ INVERSIONES DE PARTICIPACIÓN EN DESARROLLAR UNIDADES DE RENTA PARA FAMILIAS DE BAJOS Y MEDIANOS INGRESOS. EL PROGRAMA TAMBIÉN EFECTUARÁ INVERSIONES DE PARTICIPACIÓN EN PROYECTOS EXISTENTES DE VIVIENDA ASEQUIBLE QUE INCLUYEN UNIDADES DE RENTA MULTIFAMILIARES PARA LOS FINES DE ASEGURAR QUE DICHOS PROYECTOS SIGAN SIENDO ASEQUIBLES. EL PROMEDIO DE LAS RENTAS PARA PROYECTOS FINANCIADOS POR EL PROGRAMA (CALCULADO AL SUMAR LA RENTA MENSUAL DE TODAS LAS UNIDADES EN UN PROYECTO Y DIVIDIR POR EL NÚMERO DE UNIDADES EN EL PROYECTO) DEBE PERMANECER ASEQUIBLE DE TAL MODO QUE UNA FAMILIA PARTICIPANTE NO DEBA GASTAR MÁS DEL 30% DEL INGRESO FAMILIAR EN RENTA PARA FAMILIAS QUE ESTÁN AL NIVEL DEL 90% O MENOS DEL INGRESO MEDIO DEL ÁREA DE FAMILIAS DE ESE TAMAÑO EN EL TERRITORIO O LA JURISDICCIÓN DEL GOBIERNO LOCAL EN DONDE SE UBICA LA VIVIENDA, COMO LO CALCULA Y PUBLICA EN UN AÑO DETERMINADO EL DEPARTAMENTO DE VIVIENDA Y DESARROLLO URBANO DE LOS ESTADOS UNIDOS. EL PROGRAMA INCLUIRÁ UN VEHÍCULO DE PARTICIPACIÓN PARA INQUILINOS, ES DECIR, EN LOS PROYECTOS FINANCIADOS POR EL PROGRAMA, LOS INQUILINOS QUE RESIDEN EN EL PROYECTO POR LO MENOS UN AÑO TENDRÁN DERECHO A UNA PARTE DEL AUMENTO DE LA PARTICIPACIÓN EN EL PROYECTO, SI LO HAY, EN FORMA DE FINANCIAMIENTO DEL PROGRAMA PARA UN PAGO INICIAL DESTINADO A UNA VIVIENDA O FINES RELACIONADOS, EN UNA CANTIDAD QUE DETERMINE EL ADMINISTRADOR. LAS INVERSIONES DE PARTICIPACIÓN EFECTUADAS POR EL PROGRAMA SE EFECTUARÁN CON LA EXPECTATIVA DE RENDIMIENTOS POR DEBAJO DE LOS RENDIMIENTOS PREVALECIENTES DEL MERCADO. LOS RENDIMIENTOS DE LAS INVERSIONES DEL PROGRAMA HASTA LA CANTIDAD DE LA INVERSIÓN INICIAL DEL PROGRAMA SE RETENDRÁN EN EL PROGRAMA Y SE REINVERTIRÁN. LOS RENDIMIENTOS DE LAS INVERSIONES DEL PROGRAMA QUE SEAN MAYORES DE LA INVERSIÓN INICIAL DEL PROGRAMA SE RETENDRÁN EN EL PROGRAMA PARA FINANCIAR EL VEHÍCULO DE PARTICIPACIÓN DE LOS INQUILINOS. AL SELECCIONAR INVERSIONES SEGÚN ESTE PROGRAMA, EL ADMINISTRADOR PRIORIZARÁ VIVIENDAS DE ALTA DENSIDAD, VIVIENDAS DE INGRESO MIXTO Y PROYECTOS QUE CONCIERDEN CON LA META DE SOSTENIBILIDAD ECOLÓGICA. TAL COMO LO DETERMINE EL ADMINISTRADOR, SE PUEDE USAR UN MÍNIMO DEL 40% DE LOS DINEROS Y UN MÁXIMO DEL 70% DE LOS DINEROS TRANSFERIDOS A LA OFICINA DESDE EL FONDO ANUALMENTE PARA EL PROGRAMA. EL ADMINISTRADOR PUEDE UTILIZAR HASTA EL DOS POR CIENTO DE LOS FONDOS QUE RECIBE DE LA OFICINA PARA EL PROGRAMA ANUALMENTE





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A FIN DE PAGAR LOS COSTOS DE ADMINISTRAR EL PROGRAMA.

(c) UN PROGRAMA DE DEUDA DE CONCESIONARIOS QUE GESTIONARÁ EL ADMINISTRADOR. EL PROGRAMA:

(I) PROPORCIONARÁ FINANCIAMIENTO DE DEUDAS DE LOS DESARROLLOS DE UNIDADES DE RENTA PARA INGRESOS MEDIANOS Y MULTIFAMILIARES,

(II) PROPORCIONARÁ FINANCIAMIENTO DE BRECHAS EN FORMA DE DEUDA SUBORDINADA Y PRÉSTAMOS PRE-DESARROLLO PARA PROYECTOS QUE CALIFICAN PARA CRÉDITOS DEL IMPUESTO FEDERAL PARA VIVIENDA ASEQUIBLE,

(III) PROPORCIONARÁ FINANCIAMIENTO DE DEUDA EN PROYECTOS EXISTENTES DE VIVIENDA ASEQUIBLE PARA LOS FINES DE CONSERVAR UNIDADES EXISTENTES MULTIFAMILIARES DE RENTA, Y

(IV) PROPORCIONARÁ FINANCIAMIENTO DE DEUDAS PARA FABRICANTES DE VIVIENDAS MODULARES Y PREFABRICADAS. EL PROMEDIO DE LAS RENTAS PARA PROYECTOS FINANCIADOS POR EL PROGRAMA (CALCULADO AL SUMAR LA RENTA MENSUAL DE TODAS LAS UNIDADES EN UN PROYECTO Y DIVIDIR POR EL NÚMERO DE UNIDADES EN EL PROYECTO) DEBE PERMANECER ASEQUIBLE (ES DECIR QUE UNA FAMILIA PARTICIPANTE NO DEBA GASTAR MÁS DEL 30% DEL INGRESO FAMILIAR EN RENTA Y SERVICIOS PÚBLICOS BÁSICOS) PARA FAMILIAS QUE ESTÁN AL NIVEL DEL 60% O MENOS DEL INGRESO MEDIO DEL ÁREA DE FAMILIAS DE ESE TAMAÑO EN EL TERRITORIO O LA JURISDICCIÓN DEL GOBIERNO LOCAL EN DONDE SE UBICA LA VIVIENDA, COMO LO CALCULA Y PUBLICA EN UN AÑO DETERMINADO EL DEPARTAMENTO DE VIVIENDA Y DESARROLLO URBANO DE LOS ESTADOS UNIDOS (EL UMBRAL DE ASEQUIBILIDAD); SALVO QUE DONDE EL PROGRAMA SEA UNA FUENTE SECUNDARIA DE FINANCIAMIENTO, PUEDE CORRESPONDER EL UMBRAL DE ASEQUIBILIDAD REQUERIDO POR LA FUENTE PRIMARIA DE FINANCIAMIENTO, SI LO HAY. EL FINANCIAMIENTO Y LOS PRÉSTAMOS EFECTUADOS POR EL PROGRAMA SE EFECTUARÁ BAJO EL NIVEL DE LAS TASAS DE INTERÉS DEL MERCADO COMO LO DETERMINE EL ADMINISTRADOR. LOS RENDIMIENTOS DE LAS INVERSIONES DEL PROGRAMA HASTA LA CANTIDAD DE LA INVERSIÓN INICIAL DEL PROGRAMA SE RETENDRÁN EN EL PROGRAMA Y LOS REINVERTIRÁ EL ADMINISTRADOR EN EL PROGRAMA ESTABLECIDO EN ESTE PÁRRAFO (c). LOS RENDIMIENTOS DE LAS INVERSIONES DEL PROGRAMA QUE SEAN MAYORES DE LA INVERSIÓN INICIAL DEL PROGRAMA SE RETENDRÁN EN EL PROGRAMA PARA FINANCIAR EL VEHÍCULO DE PARTICIPACIÓN DE LOS INQUILINOS DEL PROGRAMA DE PARTICIPACIÓN PARA VIVIENDA ASEQUIBLE CREADO EN EL INCISO (1)(b) DE ESTA SECCIÓN. TAL COMO LO DETERMINE EL ADMINISTRADOR, SE PUEDE USAR UN MÍNIMO DEL 15% DE LOS DINEROS Y UN MÁXIMO DEL 35% DE LOS DINEROS TRANSFERIDOS A LA OFICINA DESDE EL FONDO ANUALMENTE PARA EL PROGRAMA. EL ADMINISTRADOR PUEDE UTILIZAR HASTA EL DOS POR CIENTO DE LOS FONDOS QUE RECIBE DE LA OFICINA PARA EL PROGRAMA ANUALMENTE A FIN DE PAGAR LOS COSTOS DE ADMINISTRAR EL PROGRAMA.

(2) AL SELECCIONAR INVERSIONES A EFECTUAR POR LOS PROGRAMAS DEL INCISO (1) DE ESTA SECCIÓN, EL ADMINISTRADOR PRIORIZARÁ LOS PROYECTOS QUE LOGRAN VIVIENDAS DE ALTA DENSIDAD, VIVIENDAS DE INGRESO MIXTO Y PROYECTOS QUE CONCUERDEN CON LA META DE SOSTENIBILIDAD ECOLÓGICA, SEGÚN CORRESPONDA.

(3) LA DIVISIÓN GASTARÁ EL DINERO TRANSFERIDO AL FONDO DE APOYO EN LA SECCIÓN 29-32-103(1) SOLO PARA APOYAR LOS SIGUIENTES PROGRAMAS:

(a) UN PROGRAMA PARA COMPRAR VIVIENDAS ASEQUIBLES ADMINISTRADO POR LA DIVISIÓN O UNO O MÁS CONTRATISTAS DE LA DIVISIÓN. EL PROGRAMA OFRECERÁ ASISTENCIA CON EL PAGO INICIAL EN FOMENTO DE PROPIETARIOS DE VIVIENDAS PARA QUIENES COMPRAN CASA POR PRIMERA VEZ Y PRIORIZARÁ LA ASISTENCIA, EN LA MEDIDA QUE RESULTE PRACTICABLE, A QUIENES FORMEN PARTE DE LA PRIMERA GENERACIÓN QUE COMPRA VIVIENDA. LA ASISTENCIA SE OTORGARÁ A FAMILIAS CON INGRESOS MENORES O IGUALES AL 120% DEL INGRESO MEDIO DE LAS FAMILIAS DE ESE TAMAÑO EN EL TERRITORIO O EN LA JURISDICCIÓN DEL GOBIERNO LOCAL EN DONDE SE UBICA LA VIVIENDA, SEGÚN CALCULA Y PUBLICA PARA UN AÑO DETERMINADO EL DEPARTAMENTO DE VIVIENDA Y DESARROLLO URBANO DE LOS ESTADOS UNIDOS. EL PROGRAMA TAMBIÉN OFRECERÁ SUBSIDIOS O PRÉSTAMOS A ORGANIZACIONES SIN FINES DE LUCRO Y FIDEICOMISOS DE TERRENOS COMUNITARIOS PARA APOYAR A LOS PROPIETARIOS DE VIVIENDAS ASEQUIBLES Y A GRUPOS O ASOCIACIONES DE PROPIETARIOS DE CASAS MÓVILES PARA ASISTIRLOS CON LA COMPRA DE UN PARQUE DE CASAS MÓVILES CONFORME A LA SECCIÓN 38-12-217. DICHS SUBSIDIOS Y PRÉSTAMOS SE USARÁN PARA APOYAR PROPIETARIOS DE VIVIENDAS ASEQUIBLES DE FAMILIAS CON INGRESOS MENORES O IGUALES AL 100% DEL INGRESO MEDIO DE LAS FAMILIAS DE ESE TAMAÑO EN EL TERRITORIO O EN LA JURISDICCIÓN DEL GOBIERNO LOCAL EN DONDE SE UBICAN LAS FAMILIAS, SEGÚN CALCULA Y PUBLICA PARA UN AÑO DETERMINADO EL DEPARTAMENTO DE VIVIENDA Y DESARROLLO URBANO DE LOS ESTADOS UNIDOS. TODOS LOS PAGOS DEL MONTO PRINCIPAL E INTERESES EN LOS PRÉSTAMOS EFECTUADOS SEGÚN ESTE PÁRRAFO (a) SE EFECTUARÁN A LA DIVISIÓN Y EL ADMINISTRADOR LOS USARÁ PARA LOS FINES ESTABLECIDOS EN ESTE INCISO (3). SE PUEDE USAR HASTA EL 50% DE LOS DINEROS TRANSFERIDOS A LA DIVISIÓN DESDE EL FONDO ANUALMENTE PARA EL PROGRAMA. LA DIVISIÓN DETERMINARÁ QUÉ CANTIDAD DEL FINANCIAMIENTO DISPONIBLE SE ASIGNARÁ A CADA ASPECTO DEL PROGRAMA. LA DIVISIÓN PUEDE UTILIZAR HASTA EL 5% DE LOS FONDOS QUE RECIBE DEL FONDO PARA EL PROGRAMA ANUALMENTE A FIN DE PAGAR LOS COSTOS DIRECTOS E INDIRECTOS DE ADMINISTRAR EL PROGRAMA.

(b) UN PROGRAMA DE ATENCIÓN A LAS PERSONAS QUE SUFREN DESAMPARO QUE GESTIONARÁ LA DIVISIÓN. EL PROGRAMA APORTARÁ ASISTENCIA DE RENTA, CUPONES DE VIVIENDA Y ASISTENCIA DEFENSIVA CONTRA DESALOJOS, INCLUYENDO GESTIÓN JURÍDICA, FINANCIERA Y DE CASOS, A PERSONAS QUE SUFREN DESAMPARO O EN RIESGO DE QUEDAR DESAMPARADAS. EL PROGRAMA TAMBIÉN OFRECERÁ

SUBVENCIONES O PRÉSTAMOS A ORGANIZACIONES SIN FINES DE LUCRO, GOBIERNOS LOCALES O ENTIDADES PRIVADAS PARA APOYAR EL DESARROLLO Y LA CONSERVACIÓN DE VIVIENDAS DE APOYO A PERSONAS QUE SUFREN DESAMPARO, Y OTRAS ACTIVIDADES RELACIONADAS CON EL DESAMPARO QUE LA DIVISIÓN DETERMINE QUE CONTRIBUYEN A RESOLVER O PREVENIR EL DESAMPARO, INCLUYENDO PROGRAMAS DE VIVIENDA PAGADOS POR ORGANIZACIONES SIN FINES DE LUCRO, GOBIERNOS LOCALES O ENTIDADES PRIVADAS CON PAGO POR LOGRAR EL ÉXITO, ES DECIR QUE UNA ORGANIZACIÓN, UN GOBIERNO LOCAL O UNA ENTIDAD PRIVADA RECIBIRÍA APOYO FINANCIERO DEL PROGRAMA AL LOGRAR OBJETIVOS ACORDADOS MEDIANTE CONTRATO CON LA DIVISIÓN. TODOS LOS PAGOS DEL MONTO PRINCIPAL E INTERESES EN LOS PRÉSTAMOS EFECTUADOS SEGÚN ESTE PÁRRAFO (b) SE EFECTUARÁN A LA DIVISIÓN Y EL ADMINISTRADOR LOS USARÁ PARA LOS FINES ESTABLECIDOS EN ESTE INCISO (3). SE PUEDE USAR HASTA EL 45% DE LOS DINEROS TRANSFERIDOS A LA DIVISIÓN DESDE EL FONDO ANUALMENTE PARA EL PROGRAMA. LA DIVISIÓN PUEDE UTILIZAR HASTA EL 5% DE LOS FONDOS QUE RECIBE DEL FONDO PARA EL PROGRAMA ANUALMENTE A FIN DE PAGAR LOS COSTOS DIRECTOS E INDIRECTOS DE ADMINISTRAR EL PROGRAMA.

(c) UN PROGRAMA DE DESARROLLO DE CAPACIDAD DE PLANIFICACIÓN LOCAL QUE GESTIONARÁ LA DIVISIÓN. EL PROGRAMA APORTARÁ SUBVENCIONES A GOBIERNOS LOCALES PARA AUMENTAR LA CAPACIDAD DE LOS DEPARTAMENTOS DE PLANIFICACIÓN DE GOBIERNOS LOCALES RESPONSABLES DE PROCESAR SOLICITUDES DE USO DE TERRENOS, PERMISOS Y ZONIFICACIÓN PARA PROYECTOS DE VIVIENDA. SE PUEDE USAR HASTA EL 5% DE LOS DINEROS TRANSFERIDOS A LA DIVISIÓN DESDE EL FONDO ANUALMENTE PARA EL PROGRAMA. LA DIVISIÓN PUEDE UTILIZAR HASTA EL 5% DE LOS FONDOS QUE RECIBE DEL FONDO PARA EL PROGRAMA ANUALMENTE A FIN DE PAGAR LOS COSTOS DIRECTOS E INDIRECTOS DE ADMINISTRAR EL PROGRAMA.

(5) SI EL PRONÓSTICO ECONÓMICO Y DE RECAUDACIÓN DE MARZO DEL PERSONAL DEL CONSEJO LEGISLATIVO EN UN AÑO DADO PROYECTA RECAUDACIONES PARA EL PRÓXIMO AÑO FISCAL ESTATAL QUE QUEDEN BAJO EL LÍMITE DE RECAUDACIONES IMPUESTO SEGÚN LA SECCIÓN 20 DEL ARTÍCULO X DE LA CONSTITUCIÓN ESTATAL, LA ASAMBLEA GENERAL PUEDE REDUCIR EL FINANCIAMIENTO ASIGNADO A LA OFICINA QUE REQUIERE ESTA SECCIÓN PARA EL PRÓXIMO AÑO FISCAL ESTATAL A FIN DE EQUILIBRAR EL PRESUPUESTO ESTATAL PARA DICHO AÑO FISCAL ESTATAL.

**29-32-105. Compromisos de vivienda asequible del gobierno local – ciclo de compromisos de tres años - proceso acelerado de aprobación para desarrollo - elegibilidad para asistencia del fondo.**

(1) (a) A MÁS TARDAR EL 1 DE NOVIEMBRE DE 2023, LA ENTIDAD REGENTE DE CADA GOBIERNO LOCAL, APARTE DE LAS AUTORIDADES LOCALES DE VIVIENDA, QUE DESEEN RECIBIR FINANCIAMIENTO SEGÚN ESTA SECCIÓN O QUE DESEEN REALIZAR PROYECTOS DE VIVIENDA ASEQUIBLE DENTRO DE SUS LÍMITES TERRITORIALES ELEGIBLES PARA FINANCIAMIENTO SEGÚN ESTA SECCIÓN EFECTUARÁN Y PRESENTARÁN ANTE LA DIVISIÓN UN COMPROMISO QUE ESPECIFIQUE CÓMO, PARA EL 31 DE DICIEMBRE DE 2026, EL NÚMERO COMBINADO DE UNIDADES DE VIVIENDA ASEQUIBLE RECIENTE CONSTRUIDAS Y LAS UNIDADES EXISTENTES CONVERTIDAS EN VIVIENDA ASEQUIBLE, DENTRO DE SUS LÍMITES TERRITORIALES AUMENTARÁ EN UN TRES POR CIENTO CADA AÑO SOBRE EL NÚMERO DE BASE DE UNIDADES DE VIVIENDA ASEQUIBLE DENTRO DE SUS LÍMITES TERRITORIALES, DETERMINADO COMO SE ESTIPULA EN EL INCISO (1)(c) DE ESTA SECCIÓN.

(b) EN CASO DE UN CONDADO, LOS REQUISITOS DE ESTE INCISO (1) SOLO CORRESPONDEN A LAS ÁREAS NO INCORPORADAS DEL CONDADO.

(c) EL NÚMERO DE BASE DE UNIDADES DE VIVIENDA ASEQUIBLE DENTRO DE LOS LÍMITES TERRITORIALES DE UN GOBIERNO LOCAL, COMO SE MENCIONA EN ESTE INCISO (1), LO DETERMINARÁ EL GOBIERNO LOCAL HACIENDO REFERENCIA A:

(I) LAS ESTIMACIONES DE 5 AÑOS 2017-2021 DE LA ENCUESTA COMUNITARIA ESTADOUNIDENSE PUBLICADAS POR LA OFICINA DEL CENSO DE LOS ESTADOS UNIDOS. EL NÚMERO DE BASE SE RESTABLEZCA PARA 2027, DEPENDIENDO DE LAS ESTIMACIONES DE 5 AÑOS 2020-2024 DE LA ENCUESTA COMUNITARIA ESTADOUNIDENSE, QUE SE PREVÉ SEAN PUBLICADAS EN LA PRIMAVERA DE 2026 Y CADA TERCER AÑO EN LO SUCESIVO CON LA PUBLICACIÓN DE LAS ESTIMACIONES DE 5 AÑOS DE LA ENCUESTA COMUNITARIA ESTADOUNIDENSE CORRESPONDIENTE; O

(II) LAS ESTIMACIONES DISPONIBLES MÁS RECIENTES DE LAS ESTRATEGIAS INTEGRALES DE ASEQUIBILIDAD DE LA VIVIENDA PUBLICADAS POR EL DEPARTAMENTO DE VIVIENDA Y DESARROLLO URBANO DE LOS ESTADOS UNIDOS; O

(III) UN SISTEMA EN LA WEB CREADO, MANTENIDO Y ACTUALIZADO POR LA DIVISIÓN CON LAS ESTIMACIONES ESPECIFICADAS EN EL INCISO (1)(c)(I) DE ESTA SECCIÓN, O SI LA DIVISIÓN ENCUENTRA QUE LAS ESTIMACIONES ESPECIFICADAS EN DICHO INCISO (1) (c)(I) SERÍAN IMPRÁCTICAS O PERJUDICIALES PARA LA EFICAZ IMPLEMENTACIÓN DE ESTA SECCIÓN, UNA FUENTE ALTERNATIVA DE ESTIMACIONES QUE LA DIVISIÓN ENCUENTRE ADECUADA.

(1) (a) A MÁS TARDAR EL 1 DE NOVIEMBRE DE 2026 Y EL 1 DE NOVIEMBRE DE CADA AÑO SUBSIGUIENTE EN QUE SE RESTABLEZCA LA BASE, LA ENTIDAD REGENTE DE CADA GOBIERNO LOCAL, APARTE DE LAS AUTORIDADES LOCALES DE VIVIENDA, QUE DESEEN RECIBIR FINANCIAMIENTO SEGÚN ESTA SECCIÓN O QUE DESEEN REALIZAR PROYECTOS DE VIVIENDA ASEQUIBLE DENTRO DE SUS LÍMITES TERRITORIALES ELEGIBLES PARA FINANCIAMIENTO SEGÚN ESTA SECCIÓN EFECTUARÁN Y PRESENTARÁN ANTE LA DIVISIÓN UN COMPROMISO QUE ESPECIFIQUE CÓMO, PARA EL 31 DE DICIEMBRE DEL TERCER AÑO EN ADELANTE, EL NÚMERO COMBINADO DE UNIDADES DE VIVIENDA ASEQUIBLE RECIENTE CONSTRUIDAS Y LAS UNIDADES EXISTENTES CONVERTIDAS EN VIVIENDA ASEQUIBLE, DENTRO DE SUS LÍMITES

TERRITORIALES AUMENTARÁ EN UN TRES POR CIENTO CADA AÑO SOBRE EL NÚMERO DE BASE DE UNIDADES DE VIVIENDA ASEQUIBLE DENTRO DE SUS LÍMITES TERRITORIALES, DETERMINADO COMO SE ESTIPULA EN EL INCISO (1)(c) DE ESTA SECCIÓN.

(e) AL REDACTAR Y PROMULGAR COMPROMISOS SEGÚN ESTE INCISO (1) LOS GOBIERNOS LOCALES DEBEN PRIORIZAR VIVIENDAS DE ALTA DENSIDAD, VIVIENDAS PARA INGRESOS MIXTOS Y PROYECTOS QUE CONCUERDEN CON LA META DE SOSTENIBILIDAD ECOLÓGICA, CUANDO CORRESPONDA, Y DEBEN PRIORIZAR VIVIENDAS ASEQUIBLES EN COMUNIDADES EN DONDE EXISTEN BAJAS CONCENTRACIONES DE VIVIENDAS ASEQUIBLES.

(2)(a) A FIN DE RECIBIR ASISTENCIA FINANCIERA SEGÚN ESTE ARTÍCULO, O A FIN DE QUE LOS PROYECTOS DE VIVIENDA ASEQUIBLE EN UN MUNICIPIO, UNA CIUDAD Y UN CONDADO, O EL ÁREA NO INCORPORADA DE UN CONDADO SEAN ELEGIBLES PARA FINANCIAMIENTO, EL GOBIERNO LOCAL, APARTE DE UNA AUTORIDAD LOCAL DE VIVIENDA ASEQUIBLE, DEBE ESTABLECER PROCESOS PARA PERMITIRLE ENTREGAR UNA DECISIÓN FINAL SOBRE TODA SOLICITUD DE PERMISO ESPECIAL, VARIACIÓN U OTRO PERMISO DE DESARROLLO, EXCLUYENDO SUBDIVISIONES, DE UN PROYECTO DE DESARROLLO EN EL CUAL EL CINCUENTA POR CIENTO O MÁS DE LAS UNIDADES RESIDENCIALES EN EL CONJUNTO CONSTITUYEN VIVIENDAS ASEQUIBLES NO MÁS DE NOVENTA DÍAS CALENDARIO DESPUÉS DE PRESENTAR UNA SOLICITUD COMPLETA, DENOMINADO AQUÍ "PROCESO ACELERADO DE APROBACIÓN".

(b) EL PROCESO ACELERADO DE APROBACIÓN DE UN GOBIERNO LOCAL PUEDE INCLUIR UNA OPCIÓN DE PRORROGAR EL PERIODO DE EVALUACIÓN POR NOVENTA DÍAS ADICIONALES A PEDIDO DE UN DESARROLLADOR, PARA CUMPLIR CON LA LEY ESTATAL O UN ORDEN JUDICIAL, O POR UN PERIODO DE EVALUACIÓN REQUERIDO POR OTRO GOBIERNO O ENTIDAD LOCAL, DENTRO DEL GOBIERNO LOCAL O FUERA DE ÉL, PARA CUALQUIER COMPONENTE DE LA SOLICITUD QUE REQUIERA LA APROBACIÓN DE DICHO GOBIERNO O ENTIDAD.

(c) EL PROCESO ACELERADO DE APROBACIÓN DE UN GOBIERNO LOCAL PUEDE INCLUIR PRÓRROGAS DESTINADAS A PERMITIR LA PRESENTACIÓN DE DATOS ADICIONALES O REVISIONES A UNA SOLICITUD EN RESPUESTA A SOLICITUDES DEL GOBIERNO LOCAL. DICHAS PRÓRROGAS NO SUPERARÁN LA CANTIDAD DE TIEMPO DESDE LA SOLICITUD A LA PRESENTACIÓN DE LA RESPUESTA DEL SOLICITANTE MÁS TREINTA DÍAS. LOS SOLICITANTES ENTREGARÁN DICHS DATOS ADICIONALES O RESPUESTAS RÁPIDAMENTE Y, SIEMPRE QUE RESULTE PRACTICABLE, DARÁN RESPUESTA DENTRO DE UN PLAZO DE CINCO DÍAS LABORABLES.

(d) NINGÚN CONTENIDO DE ESTE INCISO (2) SERÁ INTERPRETADO COMO QUE EXIGE QUE UN DESARROLLADOR DE VIVIENDA ASEQUIBLE UTILICE UN PROCESO ACELERADO DE APROBACIÓN.

(3) (a) A PARTIR DE 2027, PARA SER ELEGIBLE SEGÚN ESTE ARTÍCULO PARA FINANCIAMIENTO DIRECTO, O PARA QUE LOS PROYECTOS DE VIVIENDA ASEQUIBLE DENTRO DE LOS LÍMITES TERRITORIALES DE UN GOBIERNO LOCAL SEAN ELEGIBLES PARA FINANCIAMIENTO, LOS GOBIERNOS LOCALES, APARTE DE LAS AUTORIDADES LOCALES DE VIVIENDA, DEBEN CUMPLIR CON AMBOS REQUISITOS DEL INCISO (1) DE ESTA SECCIÓN PARA COMPROMETERSE Y LOGRAR AUMENTOS ANUALES EN EL NÚMERO DE UNIDADES DE VIVIENDA ASEQUIBLE DENTRO DE SUS LÍMITES TERRITORIALES, Y LOS REQUISITOS DEL INCISO (2) DE ESTA SECCIÓN PARA IMPLEMENTAR UN SISTEMA DESTINADO A ACELERAR EL PROCESO DE APROBACIÓN DE DESARROLLO PARA PROYECTOS DE VIVIENDA ASEQUIBLE.

(b)(I) SI UN GOBIERNO LOCAL EFECTÚA Y PRESENTA ANTE LA DIVISIÓN EL COMPROMISO REQUERIDO POR EL INCISO (1) DE ESTA SECCIÓN PARA EL 1 DE NOVIEMBRE DE 2023, SE CONSIDERARÁ QUE HA CUMPLIDO CON LOS REQUISITOS DEL INCISO (1) DE ESTA SECCIÓN HASTA EL 31 DE DICIEMBRE DE 2026.

(II) SI UN GOBIERNO LOCAL EFECTÚA Y PRESENTA ANTE LA DIVISIÓN EL COMPROMISO REQUERIDO POR EL INCISO (1) DE ESTA SECCIÓN PARA EL 1 DE NOVIEMBRE DE 2026, O PARA EL 1 DE NOVIEMBRE DE UN AÑO SUBSIGUIENTE EN QUE SE RESTABLEZCA LA BASE, Y CUMPLE CON SU COMPROMISO DE AUMENTAR VIVIENDAS ASEQUIBLES EFECTUADO SEGÚN EL INCISO (1) DE ESTA SECCIÓN PARA EL CICLO PREVIO DE TRES AÑOS, SE CONSIDERARÁ QUE HA CUMPLIDO CON LOS REQUISITOS DEL INCISO (1) DE ESTA SECCIÓN HASTA TERMINAR EL CICLO ACTUAL DE TRES AÑOS.

(III) SI UN GOBIERNO LOCAL, APARTE DE UNA AUTORIDAD DE VIVIENDA LOCAL, NO EFECTÚA Y PRESENTA ANTE LA DIVISIÓN EL COMPROMISO REQUERIDO POR EL INCISO (1) DE ESTA SECCIÓN PARA EL 1 DE NOVIEMBRE DE 2023, O PARA EL 1 DE NOVIEMBRE DE UN AÑO SUBSIGUIENTE EN QUE SE RESTABLEZCA LA BASE, NO CALIFICARÁ PARA RECIBIR ASISTENCIA FINANCIERA DE LA DIVISIÓN NI DEL ADMINISTRADOR DURANTE EL SIGUIENTE AÑO CALENDARIO.

(IV) SI UN GOBIERNO LOCAL NO CUMPLE CON SU COMPROMISO DE AUMENTAR VIVIENDAS ASEQUIBLES EFECTUADO Y PRESENTADO SEGÚN EL INCISO (1) DE ESTA SECCIÓN EN CUALQUIER CICLO DE TRES AÑOS, NO CALIFICARÁ PARA RECIBIR ASISTENCIA FINANCIERA DE LA DIVISIÓN NI DEL ADMINISTRADOR DURANTE EL PRIMER AÑO CALENDARIO DEL PRÓXIMO CICLO DE TRES AÑOS.

(V) UN GOBIERNO LOCAL QUE NO CALIFIQUE PUEDE SOLICITAR UN AÑO SUBSIGUIENTE CON UN NUEVO COMPROMISO SEGÚN EL INCISO (1) DE ESTA SECCIÓN POR EL RESTO DEL CICLO DE TRES AÑOS VIGENTE ENTONCES.

(VI) UN DESARROLLADOR, YA SEA CON O SIN FINES DE LUCRO, O UN GOBIERNO LOCAL QUE DESARROLLE UN PROYECTO DE VIVIENDA ASEQUIBLE DENTRO DE LOS LÍMITES TERRITORIALES DE UN GOBIERNO LOCAL QUE NO CUMPLA CON LOS REQUISITOS DEL INCISO (1) O (2) DE ESTA SECCIÓN NO CALIFICARÁ PARA RECIBIR ASISTENCIA FINANCIERA DE LA DIVISIÓN NI DEL ADMINISTRADOR. A PESAR DE ESTA RESTRICCIÓN, UN PROYECTO DENTRO DE LOS LÍMITES TERRITORIALES DE UN MUNICIPIO ELEGIBLE CALIFICARÁ PARA





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FINANCIAMIENTO AUN CUANDO NO CALIFIQUE EL CONDADO DONDE SE UBIQUE EL PROYECTO.

(VII) LOS GOBIERNOS LOCALES Y DESARROLLADORES NO CALIFICADOS DE PROYECTOS EN JURISDICIONES DE GOBIERNOS LOCALES QUE NO CALIFICAN NO DEBERÁN PAGAR A LA DIVISIÓN O AL ADMINISTRADOR LOS DINEROS QUE RECIBIERON SEGÚN ESTE ARTÍCULO ANTES DE NO CALIFICAR.

(d) LA DIVISIÓN SERÁ RESPONSABLE DE DETERMINAR EL CUMPLIMIENTO CON ESTA SECCIÓN. PARA LOS FINES DE CALCULAR SI UN GOBIERNO LOCAL HA CUMPLIDO CON LOS REQUISITOS DEL INCISO (1) DE ESTA SECCIÓN, SE DEBE CONTAR UNA NUEVA UNIDAD DE VIVIENDA RESIDENCIAL EN EL MOMENTO EN QUE SE CONCEDA PERMISO EN VEZ DE SERLO AL MOMENTO DE SER CONSTRUIDA. UNA UNIDAD DE VIVIENDA EXISTENTE RECIÉN CALIFICADA COMO VIVIENDA ASEQUIBLE DEBE CONTARSE EN EL MOMENTO QUE SE CONCEDA PERMISO Y SE FINANCIE PLENAMENTE EN VEZ DE SERLO AL MOMENTO DE EFECTUAR LA CONVERSIÓN. PARA LOS FINES DE CALCULAR SI UN GOBIERNO LOCAL HA CUMPLIDO CON LOS REQUISITOS DEL INCISO (1) DE ESTA SECCIÓN, ADEMÁS DEL CRECIMIENTO DE LA VIVIENDA ASEQUIBLE LOGRADO A TRAVÉS DE LOS PROGRAMAS EN ESTE ARTÍCULO, TODA NUEVA VIVIENDA ASEQUIBLE CON ESCRITURA RESTRINGIDA, RECIÉN CONSTRUIDA O CONVERTIDA EN ASEQUIBLE, DENTRO DE LOS LÍMITES TERRITORIALES DE UN GOBIERNO LOCAL CONTARÁ PARA EL REQUISITO DE CRECIMIENTO DEL GOBIERNO LOCAL. EL CRECIMIENTO DE LA VIVIENDA ASEQUIBLE EN OTRA JURISDICCIÓN RESULTANTE DIRECTAMENTE DEL FINANCIAMIENTO DE UN GOBIERNO LOCAL DE DICHA VIVIENDA ASEQUIBLE EN COOPERACIÓN CON OTRO GOBIERNO LOCAL SE ATRIBUIRÁ A UN GOBIERNO LOCAL EN PROPORCIÓN AL FINANCIAMIENTO PROVISTO POR EL GOBIERNO LOCAL PARA TAL VIVIENDA.

**29-32-106. Mantenimiento de la labor.** EN CUALQUIER AÑO FISCAL ESTATAL EN DONDE SE ASIGNE DINERO DEL FONDO CONFORME A LOS REQUISITOS DE ESTE ARTÍCULO, TODO DINERO QUE SE ASIGNE DE TAL MODO DEBE SUPLEMENTAR Y NO SUSTITUIR EL NIVEL DE LAS ASIGNACIONES DEL FONDO GENERAL Y DEL FONDO DE EFECTIVO PARA PROGRAMAS DE VIVIENDA ASEQUIBLE A PARTIR DEL AÑO FISCAL ESTATAL 2022-23.

## Propuesta 124

### Aumentar ubicaciones permisibles de botillerías

El título de la boleta indicado a continuación es un resumen redactado por el personal profesional de las oficinas del secretario de estado, el procurador general, y el personal jurídico de la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en los Estatutos Revisados de Colorado. El texto de la medida que aparecerá en los Estatutos Revisados de Colorado a continuación fue redactado por quienes proponen la iniciativa. Se incluye la medida iniciada en la boleta como cambio propuesto a la ley actual porque quienes la proponen reunieron la cantidad requerida de firmas para la petición.

#### Título de la boleta:

¿Debe haber un cambio en los Estatutos Revisados de Colorado con respecto a aumentar el número de licencias para botillerías en donde una persona puede poseer intereses y, en relación con ello, introducir en fases el aumento permitiendo hasta 8 licencias para el 31 de diciembre de 2026, hasta 13 licencias para el 31 de diciembre de 2031, hasta 20 licencias para el 31 de diciembre de 2036, y un número ilimitado de licencias el 1 de enero de 2037 o en lo sucesivo?

#### Texto de la medida:

*Promúlguese por el Pueblo del Estado de Colorado:*

#### SECCIÓN 1. Declaración de propósito.

El Pueblo del Estado Colorado encuentra y declara que conviene a los intereses de Colorado crear un campo más equitativo para los diversos tipos de negocios que venden alcohol para consumo fuera del local permitiendo un número igual de licencias para farmacias, supermercados y botillerías. Crear paridad y una ampliación ordenada para todos los negocios promoverá la competencia, creará empleos, aumentará la selección y opciones para los consumidores y reducirá los costos para los residentes de Colorado.

**SECCIÓN 2.** En los Estatutos Revisados de Colorado, 44-3-409, **enmendar** (4)(b)(III) de la siguiente manera:

**44-3-409. Licencia de botillería – reglas.** (4)(b) Un propietario, dueño parcial, accionista o interesado directa o indirectamente en una botillería puede poseer intereses en:

(III) Para una botillería con licencia del 1 de enero de 2016 o antes, y cuyo titular de licencia es residente de Colorado, licencias adicionales de botillería de la siguiente manera, pero solo si el local para el cual se procura obtener licencia satisface los requisitos de distancia especificados en el inciso (1)(a)(II) de esta sección:

(A) El 1 de enero de 2017 o en lo sucesivo, y antes del 1 de enero de 2022, una licencia adicional de botillería, para un máximo de hasta dos licencias de botillería en total;

(B) El 1 de enero de 2022 o en lo sucesivo, y antes del 1 de enero de 2027, hasta ~~dos~~ SIETE licencias adicionales de botillería, para un máximo de ~~tres~~ OCHO licencias de botillería en total; y

(C) El 1 de enero de 2027 o en lo sucesivo, Y ANTES DEL 1 DE ENERO DE 2032, hasta ~~tres~~ DOCE licencias adicionales de botillería, para un máximo de ~~cuatro~~ TRECE licencias de botillería en total;

(D) EL 1 DE ENERO DE 2032 O EN LO SUCESIVO, Y ANTES DEL 1 DE ENERO DE 2037, HASTA DIECINUEVE LICENCIAS ADICIONALES DE BOTILLERÍA, PARA UN MÁXIMO DE VEINTE LICENCIAS DE BOTILLERÍA EN TOTAL;

(E) EL 1 DE ENERO DE 2037 O EN LO SUCESIVO, UN NÚMERO ILIMITADO DE LICENCIAS ADICIONALES DE BOTILLERÍA, O

**SECCIÓN 3. Fecha de vigencia.** Esta medida entra en vigencia tras la declaración oficial del gobernador del estado de

Colorado.

## Propuesta 125

### Permitir que los supermercados y tiendas de conveniencia vendan vino

El título de la boleta indicado a continuación es un resumen redactado por el personal profesional de las oficinas del secretario de estado, el procurador general y el personal jurídico de la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en los Estatutos Revisados de Colorado. El texto de la medida que aparecerá en los Estatutos Revisados de Colorado a continuación fue redactado por quienes proponen la iniciativa. Se incluye la medida iniciada en la boleta como cambio propuesto a la ley actual porque quienes la proponen reunieron la cantidad requerida de firmas para la petición.

#### Título de la boleta:

¿Debe haber un cambio en los Estatutos Revisados de Colorado acerca de ampliar la venta al por menor de bebidas alcohólicas y, en relación con ello, establecer una nueva licencia para comerciantes de bebidas fermentadas de malta y vinos para consumo fuera del punto de venta a fin de permitir que los supermercados, las tiendas de conveniencia y otros establecimientos comerciales con licencia para vender bebidas fermentadas de malta, como cerveza, para consumo fuera del punto de venta vendan también vino; convertir automáticamente dicha licencia para comerciantes de bebidas fermentadas de malta en la nueva licencia; y permitir que los titulares de licencias de comerciantes de bebidas fermentadas de malta y vino realicen degustaciones si así lo aprueba la autoridad local que otorga licencias?

#### Texto de la medida:

*Promúlguese por el Pueblo del Estado de Colorado:*

#### SECCIÓN 1: Declaración

El Pueblo del Estado de Colorado encuentra y declara que el Artículo 4 del Título 44 de los Estatutos Revisados de Colorado, conocido como el "Código de Cerveza de Colorado", será enmendado para permitir, a partir del 1 de marzo de 2023, la venta de vinos en supermercados y tiendas de conveniencia con licencia para vender cerveza.

**SECCIÓN 2.** En los Estatutos Revisados de Colorado, 44-3-103, **agregar** (18.5), (32.5) y (60.5) de la siguiente manera:

**44-3-103. Definiciones.** Tal como se usa en este artículo 3 y en el artículo 4 de este título 44, a menos que el contexto lo exija de otro modo:

(18.5) "COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS" SE REFIERE A UN COMERCIANTE CON LICENCIA SEGÚN EL ARTÍCULO 4 DE ESTE TÍTULO 44 PARA VENDER BEBIDAS FERMENTADAS DE MALTA Y VINOS, PERO NO LICORES ESPIRITUOSOS, EN ENVASES SELLADOS ORIGINALES PARA CONSUMO FUERA DEL LOCAL CON LICENCIA.

(32.5) "COMERCIANTE PARA CONSUMO FUERA DEL PUNTO DE VENTA" SE REFIERE A TODO COMERCIANTE CON LICENCIA SEGÚN ESTE ARTÍCULO 3 O EL ARTÍCULO 4 DE ESTE TÍTULO 44 AL CUAL SE PERMITA VENDER BEBIDAS ALCOHÓLICAS AL POR MENOR PARA CONSUMO FUERA DEL LOCAL CON LICENCIA.

(60.5) "VINOS" SE REFIERE A LICORES VINOSOS.

**SECCIÓN 3.** En los Estatutos Revisados de Colorado, 44-3-301, **enmendar** 9(a)(I)(B), (10)(b), 10(c)(I)(A), 10(c)(XII), 10(d), 10(e); y **derogar y volver a promulgar, con enmiendas**, (12) de la siguiente manera:

**44-3-301. Licencias en general.** (9)(a)(I)(B) Las autoridades estatales y locales que otorgan licencias no concederán permiso según este inciso (9)(a)(I) a un comerciante de bebidas fermentadas de malta y vinos con licencia según la sección 44-4-107 (1)(a) para trasladar su ubicación permanente si la nueva ubicación: Está dentro de mil quinientos pies de distancia de una botillería con licencia según la sección 44-3-409; para un local situado en un municipio con una población de diez mil habitantes o menos, dentro de tres mil pies de una botillería con licencia según la sección 44-3-409; o en el caso de un local situado en un municipio con una población de diez mil habitantes o menos que es contigua a la ciudad y al condado de Denver, dentro de mil quinientos pies de una botillería con licencia según la sección 44-3-409.

(10)(b) Una botillería, e farmacia con licencia de licores, o COMERCIANTE TITULAR DE LICENCIA DE BEBIDAS FERMENTADAS DE MALTA Y VINOS que desee efectuar degustaciones puede presentar una solicitud o renovación de solicitud a la autoridad local que otorga licencias. La autoridad local que otorga licencias puede rechazar la solicitud si el solicitante no establece que puede efectuar degustaciones sin contravenir las disposiciones de esta sección ni crear un riesgo para la seguridad del público en el vecindario. Una autoridad local que otorga licencias puede establecer su propio procedimiento de solicitud y puede cobrar una cuota razonable de solicitud.

(c) Las degustaciones están sujetas a las siguientes limitaciones:

(I) Las degustaciones solo deben ser efectuadas:

(A) Por una persona que: Haya concluido un programa de capacitación para servir que cumpla con las normas establecidas por la división de acatamiento de licores en el departamento y que sea una botillería al por menor, e farmacia con licencia de licores, o COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS titular de licencia, un empleado de una botillería, e farmacia con licencia de licores, o COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS titular de licencia, o un representante, empleado o agente del vendedor al por mayor con licencia, pub cervecería, pub destilería, fabricante, viña limitada, importadora o restaurante de viñatero que promueve bebidas alcohólicas para degustar; y

(XII) Ningún fabricante de licores espirituosos o vinosos inducirá a un titular de licencia mediante productos

gratuitos o asistencia financiera o en especie a favorecer los productos del fabricante que se presentan en una degustación. La botillería, e farmacia con licencia de licores, o EL COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS titular de licencia tiene la responsabilidad financiera y toda otra responsabilidad por una degustación efectuada en su local con licencia.

(d) Una contravención de una limitación especificada en este inciso (10) por una botillería, e farmacia con licencia de licores, o COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS titular de licencia, ya sea por los empleados, agentes u otros del titular de licencia o un representante, empleado o agente del comerciante al por mayor con licencia, pub cervecería, pub destilería, fabricante, viña limitada, importador o restaurante de viñatero que promueve las bebidas alcohólicas para degustación, es la responsabilidad de, y la sección 44-3-801 es aplicable a, la botillería al por menor, e farmacia con licencia de licores, o EL COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS titular de licencia que efectuó la degustación.

(e) Una botillería, e farmacia con licencia de licores, o COMERCIANTE TITULAR DE LICENCIA DE BEBIDAS FERMENTADAS DE MALTA Y VINOS que efectúe una degustación quedará sujeto a las mismas disposiciones de revocación, suspensión y acatamiento que correspondan de otro modo al titular de licencia.

(12)(a) NO OBSTANTE CUALQUIER OTRA DISPOSICIÓN DE ESTE ARTÍCULO 3, EL 1 DE JULIO DE 2016 Y EN LO SUCESIVO, LAS AUTORIDADES ESTATALES Y LOCALES QUE OTORGAN LICENCIAS NO EMITIRÁN UNA NUEVA LICENCIA SEGÚN ESTE ARTÍCULO 3 AUTORIZANDO LA VENTA AL POR MENOR LICORES DE MALTA, VINOSOS O ESPIRITUOSOS EN ENVASES SELLADOS PARA CONSUMO FUERA DEL LOCAL CON LICENCIA SI EL LOCAL PARA EL CUAL SE PROCURA OBTENER LICENCIA COMERCIAL ESTÁ UBICADO:

(I) DENTRO DE MIL QUINIENTOS PIES DE DISTANCIA DE OTRO LOCAL CON LICENCIA PARA VENDER LICORES DE MALTA, VINOSOS O ESPIRITUOSOS AL POR MENOR PARA CONSUMO FUERA DEL PUNTO DE VENTA;

(II) PARA LOCALES SITUADOS EN UN MUNICIPIO CON UNA POBLACIÓN DE DIEZ MIL HABITANTES O MENOS, DENTRO DE TRES MIL PIES DE DISTANCIA DE OTRO LOCAL CON LICENCIA PARA VENDER LICORES DE MALTA, VINOSOS O ESPIRITUOSOS AL POR MENOR PARA CONSUMO FUERA DEL PUNTO DE VENTA; O

(III) PARA LOCALES SITUADOS EN UN MUNICIPIO CON UNA POBLACIÓN DE DIEZ MIL O MENOR QUE SEA CONTIGUA A LA CIUDAD Y CONDADO DE DENVER, DENTRO DE MIL QUINIENTOS PIES DE DISTANCIA DE OTRO LOCAL CON LICENCIA PARA VENDER LICORES DE MALTA, VINOSOS O ESPIRITUOSOS AL POR MENOR PARA CONSUMO FUERA DEL PUNTO DE VENTA.

(a.5)(I) NO OBSTANTE CUALQUIER OTRA DISPOSICIÓN DEL INCISO 12(a) DE ESTA SECCIÓN, EL 1 DE MARZO DE 2023 Y EN LO SUCESIVO, LAS AUTORIDADES ESTATALES Y LOCALES QUE OTORGAN LICENCIAS NO EMITIRÁN UNA NUEVA LICENCIA SEGÚN ESTE ARTÍCULO 4 DE ESTE TÍTULO 44 AUTORIZANDO LA VENTA AL POR MENOR DE BEBIDAS FERMENTADAS DE MALTA Y VINOS EN ENVASES SELLADOS PARA CONSUMO FUERA DEL LOCAL CON LICENCIA SI EL LOCAL PARA EL CUAL SE PROCURA OBTENER LICENCIA COMERCIAL ESTÁ UBICADO DENTRO DE QUINIENTOS PIES DE UNA BOTILLERÍA AL POR MENOR CON LICENCIA SEGÚN LA SECCIÓN 44-3-409.

(II) ESTE INCISO (12)(a.5) NO CORRESPONDE A UNA PERSONA QUE SEA DUEÑA O ARRIENDE UN LOCAL PROPUESTO DE VENTA DE BEBIDAS FERMENTADAS DE MALTA CON LICENCIA Y, A PARTIR DEL 1 DE ENERO DE 2019, HA SOLICITADO O RECIBIDO DEL MUNICIPIO, CIUDAD Y CONDADO, O EL CONDADO EN DONDE SE UBICA EL LOCAL:

(A) UN PERMISO DE CONSTRUCCIÓN PARA LA ESTRUCTURA A UTILIZAR PARA EL LOCAL DE VENTA DE BEBIDAS FERMENTADAS DE MALTA CON LICENCIA, CUYO PERMISO ESTÉ ACTUALMENTE VIGENTE Y SIN VENCER ANTES DE CONCLUIR EL PROCESO DE LICENCIAS DE LICORES; O

(B) UN CERTIFICADO DE OCUPACIÓN DE LA ESTRUCTURA A UTILIZAR PARA EL LOCAL DE VENTA DE BEBIDAS FERMENTADAS DE MALTA CON LICENCIA.

(b) PARA LOS FINES DEL INCISO (12)(a) DE ESTA SECCIÓN, UNA LICENCIA SEGÚN ESTE ARTÍCULO 3 AUTORIZANDO LA VENTA AL POR MENOR DE LICORES DE MALTA, VINOSOS O ESPIRITUOSOS EN ENVASES CERRADOS PARA CONSUMO FUERA DEL LOCAL CON LICENCIA INCLUYE UNA LICENCIA SEGÚN ESTE ARTÍCULO 3 AUTORIZANDO LA VENTA DE BEBIDAS DE MALTA Y LICORES VINOSOS EN ENVASES SELLADOS NO DESTINADOS A CONSUMO EN EL PUNTO DE VENTA DE LAS BEBIDAS DE MALTA Y LICORES VINOSOS.

(c)(I) PARA LOS FINES DE DETERMINAR SI SE CUMPLEN LOS REQUISITOS DE DISTANCIA ESPECIFICADOS EN LOS INCISOS (12)(a) Y (12)(a.5) DE ESTA SECCIÓN, LA DISTANCIA SE DETERMINARÁ MEDIANTE LA MEDICIÓN DE UN RADIO QUE EMPIECE EN EL UMBRAL DE LA ENTRADA PRINCIPAL DEL LOCAL PARA EL CUAL SE PRESENTA LA SOLICITUD Y TERMINE EN EL UMBRAL DE LA ENTRADA PRINCIPAL DEL OTRO LOCAL CON LICENCIA AL POR MENOR.

(II) ESTE INCISO (12) NO CORRESPONDE A LA CONVERSIÓN DE UNA LICENCIA SEGÚN LA SECCIÓN 44-4-107(1)(a)(II).

(III) NO OBSTANTE CUALQUIER OTRA DISPOSICIÓN DEL INCISO 12(a) DE ESTA SECCIÓN, LAS AUTORIDADES ESTATALES Y LOCALES QUE OTORGAN LICENCIAS NO EMITIRÁN UNA NUEVA LICENCIA DE BOTILLERÍA AL POR MENOR SEGÚN EL ARTÍCULO 3 DE ESTE TÍTULO 44 AUTORIZANDO LA VENTA AL POR MENOR DE LICORES DE MALTA, VINOSOS O ESPIRITUOSOS EN ENVASES SELLADOS PARA CONSUMO FUERA DEL LOCAL CON LICENCIA SI EL LOCAL PARA EL CUAL SE PROCURA OBTENER LICENCIA COMERCIAL ESTÁ UBICADO DENTRO DE QUINIENTOS PIES DE UN COMERCIANTE CON LICENCIA PARA BEBIDAS FERMENTADAS DE MALTA Y VINOS SEGÚN LA SECCIÓN 44-4-107.

**SECCIÓN 4.** En los Estatutos Revisados de Colorado, 44-3-313, **enmendar** (1)(e)(I), (1)(e)(II), (1)(e)(IV) y (1)(e)(V) de la siguiente manera:





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## 44-3-313. Restricciones para las solicitudes de nuevas licencias.

(1) No se recibirá ni se procesará una solicitud para emitir cualquier licencia especificada en la sección 44-3-309 (1) o 44-4-107 (1):

(e)(I) Si el edificio en donde se va a vender bebidas fermentadas de malta Y VINOS conforme a una licencia según la sección 44-4-107 (1)(a) está situado dentro de quinientos pies de distancia de una escuela pública o parroquial o el campus principal de un instituto de educación superior, universidad o seminario; salvo que este inciso (1)(e)(I) no corresponde a:

(A) Los locales con licencia situados o que van a situarse en terrenos que son propiedad de un municipio;

(B) Un local existente con licencia en terreno que es propiedad del estado;

(C) Un comerciante de bebidas fermentadas de malta Y VINOS que tuviera una licencia válida e hiciera negocios activamente antes de que se construyera el campus principal;

(D) Un club ubicado dentro del campus principal de cualquier instituto de educación superior, universidad o seminario que limite su membresía a los docentes o al personal de la institución; o

(E) Un complejo de licores en el campus.

(II) Las distancias mencionadas en el inciso (1)(e)(I) de esta sección deben calcularse mediante medición directa desde la línea de la propiedad más cercana del terreno utilizado para fines educativos hasta la parte más cercana del edificio en donde se van a vender bebidas fermentadas de malta Y VINOS, usando una ruta de acceso peatonal directo.

(IV) Además de los requisitos de la sección 44-3-312 (2), la autoridad local que otorga licencias considerará la evidencia y efectuará un hallazgo de hecho específico en cuanto a si el edificio en donde se van a vender bebidas fermentadas de malta Y VINOS se ubica dentro de una distancia restringida establecida por este inciso (1)(e) o según el mismo. El hallazgo está sujeto a evaluación judicial conforme a la sección 44-3-802.

(V) Este inciso (1)(e) es aplicable a:

(A) Las solicitudes de nuevas licencias de comerciante de bebidas fermentadas de malta Y VINOS según la sección 44-4-107 (1)(a) presentadas el 4 de junio de 2018 1 DE MARZO DE 2023 o después de dicha fecha; y

(B) Las solicitudes presentadas el 4 de junio de 2018 1 DE MARZO DE 2023 o después de dicha fecha según la sección 44-3-301 (9) por comerciantes de bebidas fermentadas de malta Y VINOS con licencia según la sección 44-4-107 (1)(a) para cambiar el lugar permanente del local del comerciante de bebidas fermentadas de malta Y VINOS con licencia.

**SECCIÓN 5.** En los Estatutos Revisados de Colorado, 44-3-901, **enmendar** (1)(g), (1)(i)(III), (6)(i)(II), (6)(k)(I), (6)(k)(II)(B), (6)(k)(IV), (6)(k)(V), and (6)(p)(III) y (8)(b) de la siguiente manera:

**44-3-901. Actos ilícitos - excepciones - definiciones.** (1) Excepto según lo estipulado en la sección 18-13-122, es ilícito para cualquier persona:

(g) Vender al por menor cualquier licores de malta, vinosos o espirituosos en envases sellados sin poseer una licencia de botillería al por menor o farmacia con licencia de licores, salvo según se permite en la sección 44-3-107 (2) o 44-3-301 (6)(b) o cualquier otra disposición de este artículo 3, o vender al por menor cualquier bebida fermentada de malta en envases sellados sin poseer una licencia de comerciante de bebidas fermentadas de malta según la sección 44-4-104 (1)(c) o **VENDER AL POR MENOR CUALQUIER BEBIDA FERMENTADA DE MALTA Y VINOS EN ENVASES SELLADOS SIN POSEER UNA LICENCIA DE COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS SEGÚN LA SECCIÓN 44-4-107 (1)(a).**

(i)(III)(A) No obstante el inciso (1)(i)(I) de esta sección, no será ilícito que los clientes adultos de una botillería al por menor o farmacia con licencia de licores consuman licores de malta, vinosos o espirituosos en el local con licencia cuando el consumo se realiza dentro de las limitaciones de la licencia del titular y forma parte de una degustación si se ha concedido la autorización para la degustación conforme a la sección 44-3-301.

(i)(III)(B) **NO OBSTANTE EL INCISO (1)(i)(I) DE ESTA SECCIÓN, NO SERÁ ILÍCITO QUE LOS CLIENTES ADULTOS DE UN COMERCIANTE AL POR MENOR TITULAR DE LICENCIA DE BEBIDAS DE MALTA Y VINOS CONSUMAN MALTA O VINOS EN EL LOCAL CON LICENCIA CUANDO EL CONSUMO SE REALIZA DENTRO DE LAS LIMITACIONES DE LA LICENCIA DEL TITULAR Y FORMA PARTE DE UNA DEGUSTACIÓN SI SE HA CONCEDIDO LA AUTORIZACIÓN PARA LA DEGUSTACIÓN CONFORME A LA SECCIÓN 44-3-301.**

(6) Es ilícito que cualquier persona con licencia para vender al por menor conforme a este artículo 3 o el artículo 4 de este título 44:

(i)(II) No obstante el i (6)(i)(I) de esta sección, no será ilícito que una botillería, farmacia con licencia de licores, o UN COMERCIANTE AL POR MENOR DE BEBIDAS FERMENTADAS DE MALTA Y VINOS con licencia permita realizar degustaciones en su local con licencia si se ha concedido la autorización para las degustaciones conforme a la sección 44-3-301.

(k)(I) Salvo según se estipula en los incisos (6)(k)(II), (6)(k)(IV), y (6)(k)(V) de esta sección, tener en el local con licencia, si se posee licencia como botillería al por menor, farmacia con licencia de licores, comerciante de bebidas fermentadas de malta, o **COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS, cualquier envase que presente evidencia de haber sido abierto una vez o que contenga un volumen de licor menor del especificado en la etiqueta del envase;**

(II)(B) Una persona que posee una licencia de comerciante de bebidas fermentadas de malta Y VINOS según la sección 44-4-107 (1)(a) puede tener en el local con licencia bebidas fermentadas de malta Y VINOS en envases abiertos cuando

los envases abiertos fueron llevados al local con licencia por el personal de venta de una persona con licencia para vender al por mayor y se mantiene exclusivamente en su posesión conforme al artículo 4 de este título 44 solo para los fines de probar bebidas fermentadas de malta Y VINOS por parte del comerciante de bebidas fermentadas de malta Y VINOS con licencia.

(IV) No es ilícito que una botillería, farmacia con licencia de licores o **COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS** con licencia permita efectuar degustaciones en el local con licencia si se ha otorgado autorización para las degustaciones conforme a la sección 44-3-301.

(V) Una persona que posea una licencia de botillería o farmacia con licencia de licores según este artículo 3 o una licencia de comerciante de bebidas fermentadas de malta Y VINOS según la sección 44-4-107 (1)(a) puede tener en el local con licencia un envase abierto de un producto de bebida alcohólica que el titular de licencia descubra dañado o defectuoso siempre y cuando el titular de licencia marque el producto como dañado o para devolver y guarde el envase abierto fuera del área de venta del local con licencia hasta que el titular de licencia pueda devolver el producto al vendedor al por mayor a quien compró el producto.

(p)(III) Si tiene licencia como botillería según la sección 44-3-409, farmacia con licencia de licores según la sección 44-3-410, o comerciante de bebidas fermentadas de malta Y VINOS según la sección 44-4-107 (1)(a), para permitir a un empleado o A CUALQUIER OTRA PERSONA que sea menor de veintidós años de edad entregar licores de malta, vinosos o espirituosos o bebidas fermentadas de malta ofrecidas en venta en, o vendidas y retiradas de, el local con licencia de la botillería, farmacia con licencia de licores o comerciante de bebidas fermentadas de malta Y VINOS.

(8)(b) No obstante el inciso (8)(a) de esta sección, no será ilícito que una botillería, farmacia con licencia de licores o UN **COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS** con licencia permita realizar degustaciones en su local con licencia si se ha concedido la autorización para las degustaciones conforme a la sección 44-3-301.

**SECCIÓN 6.** En los Estatutos Revisados de Colorado, **enmendar** 44-4-101 de la siguiente manera:

**44-4-101. Título corto.** El título corto de este artículo 4 es "CÓDIGO DE CERVEZAS Y VINOS DE COLORADO".

**SECCIÓN 7.** En los Estatutos Revisados de Colorado, **enmendar** 44-4-102 de la siguiente manera:

**44-4-102. Declaración legislativa.** (1) Por medio de la presente la asamblea general declara que conviene al público que las bebidas fermentadas de malta Y VINOS PARA CONSUMO FUERA DEL LOCAL DEL TITULAR LICENCIA, BEBIDAS FERMENTADAS DE MALTA PARA CONSUMO EN EL LOCAL DEL TITULAR DE LICENCIA Y LAS BEBIDAS FERMENTADAS DE MALTA PARA CONSUMO TANTO DENTRO COMO FUERA DEL LOCAL DEL TITULAR DE LICENCIA se vendan al por menor solo mediante personas con licencia según lo estipulado en este artículo 4 TÍTULO 44. La asamblea general declara además que es legal vender bebidas fermentadas de malta Y VINOS al por menor sujeto a este artículo 4 y a las disposiciones aplicables de los artículos 3 y 5 de este título 44.

(2) La asamblea general reconoce además que las bebidas fermentadas de malta y licores de malta son separados y distintos de, y tienen un historial regulatorio singular en relación con, licores vinosos y espirituosos; sin embargo, mantener una estructura regulatoria separada y una estructura de licencias para bebidas fermentadas de malta Y BEBIDAS FERMENTADAS DE MALTA Y VINOS según este artículo 4 ya no es necesario salvo al por menor. Además, para ayudar en la eficiencia administrativa, el artículo 3 de este título 44 corresponde a la regulación de bebidas fermentadas de malta Y BEBIDAS FERMENTADAS DE MALTA Y VINOS, salvo cuando se estipule expresamente de otro modo en este artículo 4.

**SECCIÓN 8.** En los Estatutos Revisados de Colorado, 44-4-103, **enmendar** (2) y (3); y **agregar** (7) de la siguiente manera:

**44-4-103. Definiciones.** También aparecen las definiciones aplicables a este artículo 4 en el artículo 3 de este título 44. Tal como se utiliza en este artículo 4, a menos que el contexto lo exija de otro modo:

(2) "Licencia" se refiere a conceder a un titular licencia para vender bebidas fermentadas de malta o BEBIDAS FERMENTADAS DE MALTA Y VINOS al por menor según se estipula en este artículo 4.

(3) "Local con licencia" se refiere al local especificado en una solicitud de licencia según este artículo 4 que es propiedad o está en posesión del titular de licencia y dentro del cual el titular de licencia está autorizado a vender, expender o servir bebidas fermentadas de malta o BEBIDAS FERMENTADAS DE MALTA Y VINOS conforme a las disposiciones de este artículo 4.

(7) "VINO" SE REFIERE A LICORES VINOSOS, COMO SE DEFINE EN LA SECCIÓN 44-3-103(59), CUANDO LOS COMPRA UN COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS A UN VENDEDOR AL POR MAYOR CON LICENCIA CONFORME AL ARTÍCULO 3 DE ESTE TÍTULO 44.

**SECCIÓN 9.** En los Estatutos Revisados de Colorado, 44-4-104, **derogar y volver a promulgar, con enmiendas**, (1) de la siguiente manera:

**44-4-104. Licencias - cuotas de licencias estatales - requisitos - definición.** (1) LAS LICENCIAS A OTORGAR Y EMITIR POR PARTE DE LA AUTORIDAD ESTATAL DE LICENCIAS CONFORME A ESTE ARTÍCULO 4 PARA LA VENTA AL POR MENOR DE BEBIDAS FERMENTADAS DE MALTA O BEBIDAS FERMENTADAS DE MALTA Y VINOS SON LAS SIGUIENTES:

(a) Y (b) DEROGADAS.

(c)(I)(A) UNA LICENCIA PARA COMERCIANTE SE OTORGARÁ Y EMITIRÁ A CUALQUIER PERSONA, SOCIEDAD, ASOCIACIÓN, ORGANIZACIÓN O CORPORACIÓN QUE CALIFIQUE SEGÚN LA SECCIÓN 44-3-301 Y SIN PROHIBICIÓN DE LICENCIA SEGÚN LA SECCIÓN 44-3-307 PARA VENDER AL POR MENOR BEBIDAS FERMENTADAS DE MALTA Y VINOS YA SEA PARA CONSUMO

FUERA DEL LOCAL CON LICENCIA, O BEBIDAS FERMENTADAS DE MALTA PARA CONSUMO EN EL LOCAL CON LICENCIA O, SUJETO AL INCISO (1)(C)(III) DE ESTA SECCIÓN, BEBIDAS FERMENTADAS DE MALTA PARA CONSUMO DENTRO Y FUERA DEL LOCAL CON LICENCIA, AL PAGAR UNA CUOTA DE LICENCIA ANUAL DE SETENTA Y CINCO DÓLARES A LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS.

(B) UNA PERSONA CON LICENCIA CONFORME A ESTE INCISO (1)(C) PARA VENDER BEBIDAS FERMENTADAS DE MALTA O BEBIDAS FERMENTADAS DE MALTA Y VINOS AL POR MENOR COMPRARÁ LAS BEBIDAS FERMENTADAS DE MALTA O BEBIDAS FERMENTADAS DE MALTA Y VINOS SOLO A UN MAYORISTA CON LICENCIA CONFORME AL ARTÍCULO 3 DE ESTE TÍTULO 44.

(II) SALVO SEGÚN SE ESTIPULE DE OTRO MODO EN EL INCISO (1)(C)(III) DE ESTA SECCIÓN:

(A) LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS NO EMITIRÁ UNA NUEVA LICENCIA NI LA RENOVARÁ PARA COMERCIANTES DE BEBIDAS FERMENTADAS DE MALTA EN CUANTO A LA VENTA DE BEBIDAS FERMENTADAS DE MALTA PARA CONSUMO DENTRO Y FUERA DEL LOCAL CON LICENCIA; Y

(B) CUALQUIER TITULAR DE LICENCIA QUE POSEA UNA LICENCIA DE BEBIDAS FERMENTADAS DE MALTA QUE AUTORICE LA VENTA DE BEBIDAS FERMENTADAS DE MALTA PARA CONSUMO DENTRO Y FUERA DEL LOCAL CON LICENCIA QUE FUE EMITIDA POR LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS SEGÚN ESTE INCISO (1)(C) ANTES DEL 4 DE JUNIO DE 2018 O DESPUÉS DE DICHA FECHA, Y CUYO LOCAL CON LICENCIA SE UBICA EN UN CONDADO CON UNA POBLACIÓN DE TREINTA Y CINCO MIL HABITANTES O MÁS Y NO EN UN ÁREA MARGINADA DEBE SOLICITAR SIMULTÁNEAMENTE CONVERTIR LA LICENCIA YA SEA EN UNA LICENCIA PARA LA VENTA DE BEBIDAS FERMENTADAS DE MALTA AL POR MENOR PARA CONSUMO FUERA DEL LOCAL CON LICENCIA O EN UNA LICENCIA PARA LA VENTA DE BEBIDAS FERMENTADAS DE MALTA AL POR MENOR PARA CONSUMO EN EL LOCAL CON LICENCIA.

(III) (A) LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS PUEDE EMITIR UNA NUEVA LICENCIA O RENOVARLA PARA COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA EN CUANTO A LA VENTA DE BEBIDAS FERMENTADAS DE MALTA PARA CONSUMO DENTRO Y FUERA DEL LOCAL CON LICENCIA SI EL LOCAL CON LICENCIA SE ENCUENTRA EN UN CONDADO CON UNA POBLACIÓN DE MENOS DE TREINTA Y CINCO MIL HABITANTES O EN UN ÁREA MARGINADA.

(B) DEROGADO.

(IV) TAL COMO SE UTILIZA EN ESTE INCISO (1)(C), "ÁREA MARGINADA" SE REFIERE A UN ÁREA QUE SE HALLA DENTRO DE UN CONDADO CON UNA POBLACIÓN DE TREINTA Y CINCO MIL HABITANTES O MÁS, PERO QUEDA FUERA DE LOS LÍMITES MUNICIPALES O ES UNA CIUDAD O PUEBLO CON UNA POBLACIÓN DE MENOS DE SIETE MIL QUINIENTOS HABITANTES.

(V) PARA LOS FINES DE ESTE INCISO (1)(C), LA POBLACIÓN SE DETERMINA CONFORME A LAS ESTADÍSTICAS DE POBLACIÓN MÁS RECIENTES DISPONIBLES DE LA OFICINA DEL CENSO DE LOS ESTADOS UNIDOS.

(d) DEROGADO.

(e) (I) NO OBSTANTE CUALQUIER LEY QUE INDIQUE LO CONTRARIO, A PARTIR DEL 31 DE ENERO DE 2019, LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS NO EMITIRÁ NI RENOVARÁ NINGUNA LICENCIA SEGÚN ESTA SECCIÓN SALVO PARA LICENCIAS AUTORIZADAS SEGÚN EL INCISO (1)(C) DE ESTA SECCIÓN.

(II) LAS LICENCIAS EMITIDAS POR LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS SEGÚN EL INCISO (1)(a), (1)(b), o (1)(d) DE ESTA SECCIÓN VIGENTES EL 31 DE ENERO DE 2019, SE CONVIERTEN INMEDIATAMENTE, EL 31 DE ENERO DE 2019, SIN MÁS MEDIDAS POR PARTE DE LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS NI DEL TITULAR DE LICENCIA, DE LA SIGUIENTE MANERA:

(A) UNA LICENCIA DE FABRICANTE QUE FUE EMITIDA SEGÚN EL INCISO (1)(a) DE ESTA SECCIÓN, COMO EXISTÍA ANTES DEL 31 DE ENERO DE 2019, SE CONVIERTE EN UNA LICENCIA DE FABRICANTE EMITIDA CONFORME A LA SECCIÓN 44-3-402 PARA LA FABRICACIÓN DE LICORES DE MALTA;

(B) UNA LICENCIA DE MAYORISTA QUE FUE EMITIDA SEGÚN EL INCISO (1)(b) DE ESTA SECCIÓN, COMO EXISTÍA ANTES DEL 31 DE ENERO DE 2019, SE CONVIERTE EN UNA LICENCIA DE MAYORISTA DE CERVEZA EMITIDA CONFORME A LA SECCIÓN 44-3-407 (1)(b);

(C) UNA LICENCIA DE FABRICANTE NO RESIDENTE QUE FUE EMITIDA SEGÚN EL INCISO (1)(d)(I) DE ESTA SECCIÓN, COMO EXISTÍA ANTES DEL 31 DE ENERO DE 2019, SE CONVIERTE EN UNA LICENCIA DE FABRICANTE NO RESIDENTE CONFORME A LA SECCIÓN 44-3-406 (1); Y

(D) UNA LICENCIA DE IMPORTADOR QUE FUE EMITIDA SEGÚN EL INCISO (1)(d)(II) DE ESTA SECCIÓN, COMO EXISTÍA ANTES DEL 31 DE ENERO DE 2019, SE CONVIERTE EN UNA LICENCIA DE IMPORTADOR DE LICORES DE MALTA EMITIDA CONFORME A LA SECCIÓN 44-3-406 (2).

(III) LA CONVERSIÓN DE UNA LICENCIA EMITIDA SEGÚN EL INCISO (1)(a), (1)(b), o (1)(d) DE ESTA SECCIÓN EN UNA LICENCIA EMITIDA SEGÚN EL ARTÍCULO 3 DE ESTE TÍTULO 44 CONFORME AL INCISO (1)(e)(II) DE ESTA SECCIÓN ES UNA CONTINUACIÓN DE LA LICENCIA PREVIA EMITIDA SEGÚN ESTE ARTÍCULO 4 Y NO AFECTA:

(A) NINGUNA DISCIPLINA, LIMITACIÓN O CONDICIÓN PREVIA IMPUESTA AL TITULAR DE LICENCIA POR LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS;

(B) EL PLAZO PARA RENOVAR UNA LICENCIA; O

(C) CUALQUIER INVESTIGACIÓN O PROCESO ADMINISTRATIVO PENDIENTE O FUTURO.

**SECCIÓN 10.** En los Estatutos Revisados de Colorado, 44-4-105, **enmendar** (1)(a)(I)(A) de la siguiente manera:

**44-4-105. Cuotas e impuestos - asignación.** (1)(a)(I)(A) Las solicitudes de nuevas licencias de comerciante de bebidas fermentadas de malta Y NUEVAS LICENCIAS DE COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS según la





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sección 44-3-301 y las reglas conforme a las mismas;

**SECCIÓN 11.** En los Estatutos Revisados de Colorado, 44-4-106, **enmendar** (1) introducción, (1)(a) y (1)(b) de la siguiente manera:

**44-4-106. Actos legales.** (1) Es legal que una persona menor de dieciocho años de edad que esté bajo la supervisión de una persona en el local de dieciocho años de edad o mayor sea empleada en un negocio donde se venden al por menor bebidas fermentadas de malta o VINOS en envases para consumo fuera del local. Durante el transcurso normal de dicho empleo, toda persona menor de veintidós años de edad puede manipular y de otro modo actuar con respecto a bebidas fermentadas de malta o VINOS del mismo modo que aquella persona lo hace con otros artículos vendidos al por menor; salvo que:

(a) Una persona menor de dieciocho años de edad no venderá ni expondrá bebidas fermentadas de malta o VINOS, confirmará identificación por edad o efectuará entregas más allá del área habitual de estacionamiento a los clientes del comercio al por menor; y

(b) Una persona menor de veintidós años de edad no entregará bebidas fermentadas de malta o VINOS en envases sellados a clientes según la sección 44-4-107 (6);

**SECCIÓN 12.** En los Estatutos Revisados de Colorado, 44-4-107, **enmendar** (1) introducción, (1)(a), (1)(b), (1)(c)(I), (4), (5) y (6); y **agregar** (1)(a)(II) y (7) de la siguiente manera:

**44-4-107. Autoridad local que otorga licencias - solicitud - cuotas - definición - reglas.** (1) La autoridad local que otorga licencias emitirá solo las siguientes clases de licencias de ~~bebidas fermentadas de malta~~:

(a)(I) Ventas de BEBIDAS FERMENTADAS DE MALTA Y VINOS para consumo fuera del local del titular de licencia;

(II) NO OBSTANTE CUALQUIER OTRA DISPOSICIÓN DE LA LEY, UNA LICENCIA EMITIDA POR LAS AUTORIDADES LOCALES Y ESTATALES QUE OTORGAN LICENCIAS SEGÚN ESTE INCISO (1)(a) DE ESTA SECCIÓN EN VIGOR EL 1 DE MARZO DE 2023, SE CONVERTIRÁN INMEDIATAMENTE DE UNA LICENCIA PARA VENDER BEBIDAS FERMENTADAS DE MALTA PARA CONSUMO FUERA DEL LOCAL EN UNA LICENCIA DE COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS, EL 1 DE MARZO DE 2023, SIN NINGUNA OTRA MEDIDA POR PARTE DE LA AUTORIDAD ESTATAL O LOCAL QUE OTORGA LICENCIAS NI EL TITULAR DE LICENCIA.

(b) Las ventas de BEBIDAS FERMENTADAS DE MALTA para consumo en el local del titular de licencia;

(c)(I) Sujeto a los incisos (1)(c)(II) y (1)(c)(III) de esta sección, las ventas de BEBIDAS FERMENTADAS DE MALTA para consumo tanto dentro como fuera del local del titular de licencia.

(4) El 1 de enero de 2019 1 DE MARZO DE 2023 o después, un comerciante de bebidas fermentadas de malta y VINOS con licencia según el inciso (1)(a) de esta sección:

(a)(I) No venderá bebidas fermentadas de malta ni VINOS a los consumidores a un precio menor del costo para el comerciante, como aparece en la factura, para comprar las bebidas fermentadas de malta o VINOS, a menos que la venta se trate de bebidas fermentadas de malta o VINOS DESCONTINUADOS O LIQUIDADOS.

(II) Este inciso (4)(a) no prohíbe que un comerciante de bebidas fermentadas de malta y VINOS opere un programa de buena fe para recompensar la lealtad de su clientela en cuanto a bebidas fermentadas de malta o VINOS siempre y cuando el precio del producto no se encuentre bajo el costo del comerciante como aparece en la factura. La autoridad estatal que otorga licencias puede adoptar reglas para implementar este inciso (4)(a).

(b) No permitirá a los consumidores comprar bebidas fermentadas de malta o VINOS en una caja automática u otro mecanismo que permita que el consumidor lleve a cabo la compra de bebidas fermentadas de malta o VINOS sin asistencia y concluir toda la transacción mediante un empleado del comerciante de bebidas fermentadas de malta y VINOS.

(5) Una persona con licencia según el inciso (1)(a) de esta sección que posee múltiples licencias de comerciante de bebidas fermentadas de malta y VINOS para múltiples locales con licencia puede operar bajo una sola entidad o corporación consolidada pero no combinará compras o créditos extendidos para compras de productos de bebidas alcohólicas de un mayorista con licencia conforme al artículo 3 de este título 44 para más de un local con licencia. Un mayorista con licencia según el artículo 3 de este título 44 no basará el precio del producto de bebidas alcohólicas que vende a un comerciante de bebidas fermentadas de malta y VINOS con licencia según el inciso (1)(a) de esta sección sobre el volumen total de producto de bebidas alcohólicas que compra el comerciante para múltiples locales con licencia.

(6)(a) Una persona con licencia según este inciso (1)(a) de esta sección que cumpla con este inciso (6) y reglas promulgadas según este inciso (6) puede entregar bebidas fermentadas de malta y VINOS en envases sellados a una persona de edad legal si:

(I) La persona que recibe la entrega de bebidas fermentadas de malta o VINOS se encuentra en un lugar que no tiene licencia según esta sección;

(II) La entrega es efectuada por un empleado del comerciante que vende bebidas fermentadas de malta y VINOS que tenga por lo menos veintidós años de edad y que utilice un vehículo de propiedad del titular de licencia o arrendado por él para efectuar la entrega;

(III) La persona que realiza la entrega verifica, conforme a la sección 44-3-901 (11), que la persona que recibe la entrega de bebidas fermentadas de malta o VINOS tiene al menos veintidós años de edad; y

(IV) El comerciante que vende bebidas fermentadas de malta y VINOS no deriva más del cincuenta por ciento de sus ingresos anuales brutos de las ventas totales de bebidas

fermentadas de malta de la venta de bebidas fermentadas de malta y VINOS que lo entregado por el comerciante en bebidas fermentadas de malta y VINOS.

(b) La autoridad estatal que otorga licencias promulgará reglas según sea necesario para la entrega adecuada de bebidas fermentadas de malta conforme a este inciso (6) y puede emitir un permiso a cualquier persona que tenga licencia conforme y entregue bebidas fermentadas de malta o VINOS según el inciso (1)(a) de esta sección. Un permiso emitido según este inciso (6) queda sujeto a las mismas disposiciones de suspensión y revocación que se estipulan en la sección 44-3-601 para otras licencias concedidas conforme al artículo 3 de este título 44.

(7) UN COMERCIANTE DE BEBIDAS FERMENTADAS DE MALTA Y VINOS PUEDE PERMITIR DEGUSTACIONES DE BEBIDAS FERMENTADAS DE MALTA O VINOS EN EL LOCAL CON LICENCIA SI EL TITULAR DE LICENCIA HA RECIBIDO AUTORIZACIÓN PARA REALIZAR DEGUSTACIONES CONFORME A LA SECCIÓN 44-3-301.

**SECCIÓN 13.** Fecha de vigencia:

Esta ley entra en vigencia el 1 de marzo de 2023.

## Propuesta 126

### Entrega independiente de bebidas alcohólicas

El título de la boleta indicado a continuación es un resumen redactado por el personal profesional de las oficinas del secretario de estado, el procurador general y el personal jurídico de la asamblea general solo para los fines de la boleta. No aparecerá el título de la boleta en los Estatutos Revisados de Colorado. El texto de la medida que aparecerá en los Estatutos Revisados de Colorado a continuación fue redactado por quienes proponen la iniciativa. Se incluye la medida iniciada en la boleta como cambio propuesto a la ley actual porque quienes la proponen reunieron la cantidad requerida de firmas para la petición.

#### Título de la boleta:

¿Debe haber un cambio en los Estatutos Revisados de Colorado sobre autorizar la entrega independiente de bebidas alcohólicas y, en relación con ello, permitir que los establecimientos al por menor con licencia para vender bebidas alcohólicas para consumo dentro o fuera del punto de venta para entregar todo tipo de bebidas alcohólicas a una persona de veintidós años de edad o mayor a través de un servicio independiente de entregas que obtenga un permiso de servicio de entregas; prohibiendo la entrega de bebidas alcohólicas a una persona que sea menor de 21 años de edad, que esté ebria o se niegue a presentar identificación; eliminar el límite en el porcentaje de ingresos por ventas brutas que puede recibir un titular de licencia provenientes de entregas de bebidas alcohólicas; y permitir que una empresa de servicios tecnológicos, sin obtener un permiso de servicio de entregas independiente, proporcione software o una aplicación de red digital que conecte a los consumidores y a los comerciantes con licencia para la entrega de bebidas alcohólicas?

#### Texto de la medida:

*Promúlguese por el Pueblo del Estado de Colorado:*

#### SECCIÓN 1: Declaración

Por medio de la presente, el Pueblo del Estado de Colorado encuentra y declara que el Artículo 3 del Título 44 de los Estatutos Revisados de Colorado, conocido como el "Código de Licores de Colorado", será enmendado para permitir, a partir del 1 de marzo de 2023, la entrega a domicilio de ventas de bebidas alcohólicas por parte de comerciantes con licencia a través de servicios independientes de entregas a domicilio.

**SECCIÓN 2:** En los Estatutos Revisados de Colorado, **agregar** 44-3-911.5 de la siguiente manera:

#### 44-3-911.5 Entrega independiente de bebidas alcohólicas.

(1) NO OBSTANTE CUALQUIER LEY O REGLA QUE INDIQUE LO CONTRARIO, UN TITULAR DE PERMISO COMO SERVICIO DE ENTREGAS, O UN EMPLEADO O CONTRATISTA INDEPENDIENTE DE UN SERVICIO DE ENTREGAS CON PERMISO EN CUMPLIMIENTO CON LAS DISPOSICIONES DE ESTE ARTÍCULO 3 O EL ARTÍCULO 4 DE ESTE TÍTULO 44, PUEDE TRANSPORTAR Y ENTREGAR BEBIDAS ALCOHÓLICAS DE UN COMERCIANTE AL POR MENOR FUERA DEL PUNTO DE VENTA CON LICENCIA CONFORME A ESTE ARTÍCULO 3 O ARTÍCULO 4 DE ESTE TÍTULO 44, O DE UN COMERCIANTE AL POR MENOR CON PERMISO TITULAR DE LICENCIA PARA EL CONSUMO EN EL PUNTO DE VENTA CONFORME A ESTE ARTÍCULO 3, A UNA PERSONA EN EL ESTADO QUE TENGA POR LO MENOS VEINTIDÓS AÑOS DE EDAD. EL TITULAR DE UNA LICENCIA INDICADO EN ESTE INCISO (1) DEBE SOLICITAR Y TENER UN PERMISO DE SERVICIO DE ENTREGAS COMO PRIVILEGIO SEPARADO DE SU LICENCIA EXISTENTE A FIN DE UTILIZAR CONTRATISTAS INDEPENDIENTES PARA LAS ENTREGAS. A UN COMERCIANTE FUERA DEL PUNTO DE VENTA CON LICENCIA CONFORME A ESTE ARTÍCULO 3 O ARTÍCULO 4 DE ESTE TÍTULO 44 NO SE LE EXIGE OBTENER UN PERMISO DE SERVICIO DE ENTREGAS SI LA ENTREGA ES EFECTUADA POR UN EMPLEADO DEL TITULAR DE LICENCIA QUE TENGA POR LO MENOS VEINTIDÓS AÑOS DE EDAD Y QUE UTILICE UN VEHÍCULO DE PROPIEDAD DEL TITULAR DE LICENCIA O ARRENDADO POR ÉL PARA EFECTUAR LA ENTREGA. A UN COMERCIANTE AL POR MENOR TITULAR DE LICENCIA CON LICENCIA PARA CONSUMO EN EL PUNTO DE VENTA CONFORME A ESTE ARTÍCULO 3 NO SE LE EXIGE OBTENER UN PERMISO DE SERVICIO DE ENTREGAS SI LA ENTREGA ES EFECTUADA POR UN EMPLEADO DEL TITULAR DE LICENCIA QUE TENGA POR LO MENOS VEINTIDÓS AÑOS DE EDAD CONFORME A LAS DISPOSICIONES DE LA SECCIÓN 44-3-911.

(2) CUALQUIER PERSONA, COMPAÑÍA DE RESPONSABILIDAD LIMITADA, CORPORACIÓN O SOCIEDAD QUE ESTÉ REGISTRADA PARA HACER NEGOCIOS EN EL ESTADO, SIN IMPORTAR LA RESIDENCIA O DOMICILIO DE LA PERSONA, ENTIDAD O LOS PROPIETARIOS DE LA ENTIDAD, PUEDE SOLICITAR A LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS QUE SE LE EMITA UN PERMISO DE SERVICIO DE ENTREGAS QUE AUTORICE AL TITULAR DEL PERMISO A ENTREGAR BEBIDAS

ALCOHÓLICAS DE UN TITULAR DE LICENCIA CON PERMISO DE ENTREGAS SEGÚN LA SECCIÓN (1) DE ESTA SECCIÓN, A UNA PERSONA EN EL ESTADO QUE TENGA POR LO MENOS VEINTIDÓS AÑOS DE EDAD.

(3) A FIN DE RECIBIR UN PERMISO DE SERVICIO DE ENTREGAS, UN SOLICITANTE DEBE:

(a) PRESENTAR A LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS UN CONTRATO DE MUESTRA QUE EL SOLICITANTE TIENE LA INTENCIÓN DE FIRMAR CON UN TITULAR DE LICENCIA INDICADO EN EL INCISO (1) DE ESTA SECCIÓN PARA ENTREGAR BEBIDAS ALCOHÓLICAS. EL CUMPLIMIENTO CON ESTE INCISO (3)(a) NO SE REQUERIRÁ EN CASO DE QUE UN TITULAR DE LICENCIA INCLUIDO EN EL INCISO (1) DE ESTA SECCIÓN, O UNA ENTIDAD DE PROPIEDAD EN COMÚN CON DICHO TITULAR DE LICENCIA, ES EL SOLICITANTE DEL PERMISO COMO SERVICIO DE ENTREGAS.

(b) PRESENTAR A LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS UNA DESCRIPCIÓN DE UN PROGRAMA DE CERTIFICACIÓN INTERNO O EXTERNO PARA EL PERSONAL O LOS CONTRATISTAS DEL SERVICIO DE ENTREGAS QUE ABORDE TEMAS COMO: IDENTIFICAR PERSONAS MENORES DE EDAD, PERSONAS EBRIAS E IDENTIFICACIÓN FALSA O ALTERADA; Y

(c) PRESENTAR EVIDENCIA DE UNA PÓLIZA DE SEGURO DE RESPONSABILIDAD CIVIL GENERAL POR UNA SUMA NO INFERIOR A UN MILLÓN DE DÓLARES (\$1,000,000) POR INCIDENTE.

(4) UN TITULAR DE PERMISO COMO SERVICIO DE ENTREGAS:

(a) PUEDE, A TRAVÉS DE SUS EMPLEADOS O CONTRATISTAS INDEPENDIENTES, ENTREGAR BEBIDAS ALCOHÓLICAS DE CUALQUIER COMERCIANTE FUERA DEL PUNTO DE VENTA CON PERMISO PARA ENTREGAR SEGÚN EL INCISO (1) DE ESTA SECCIÓN, PARA LOS FINES DE ENTREGAR BEBIDAS ALCOHÓLICAS.

(b) PUEDE, A TRAVÉS DE SUS EMPLEADOS O CONTRATISTAS INDEPENDIENTES, ENTREGAR BEBIDAS ALCOHÓLICAS DE CUALQUIER TITULAR DE LICENCIA CON LICENCIA PARA CONSUMO EN EL PUNTO DE VENTA SEGÚN ESTE ARTÍCULO 3, QUE PUEDE INCLUIR BEBIDAS ALCOHÓLICAS POR PORCIÓN INDIVIDUAL. DICHAS ENTREGAS SE EFECTUARÁN CONFORME A LAS DISPOSICIONES DE LA SECCIÓN 44-3-911, SALVO EL INCISO 44-3-911(3)(d).

(c) PUEDE USAR A SUS PROPIOS EMPLEADOS O CONTRATISTAS INDEPENDIENTES QUE TENGAN POR LO MENOS VEINTIDÓS AÑOS DE EDAD PARA ENTREGAR DICHAS BEBIDAS ALCOHÓLICAS, SI TODOS LOS AGENTES DE ENTREGA LLEVAN A CABO UN PROGRAMA DE CERTIFICACIÓN QUE CUMPLA CON LAS NORMAS ESTABLECIDAS POR LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS.

(d) PUEDE FACILITAR PEDIDOS POR TELÉFONO, INTERNET O MEDIANTE OTROS MEDIOS ELECTRÓNICOS PARA VENDER O ENTREGAR BEBIDAS ALCOHÓLICAS SEGÚN ESTE INCISO. LA CANTIDAD TOTAL DE CADA PEDIDO DEBE MANEJARSE DE TAL MODO QUE EL TITULAR DE LICENCIA TENGA CONTROL SOBRE LA RECEPCIÓN DEFINITIVA DEL PAGO DEL CONSUMIDOR.

(e) PUEDE ENTREGAR BEBIDAS ALCOHÓLICAS EN CUALQUIER MOMENTO DURANTE EL CUAL EL TITULAR DE LICENCIA TENGA LEGALMENTE PERMITIDO VENDER BEBIDAS ALCOHÓLICAS.

(f) VERIFICARÁ, EN EL MOMENTO DE LA ENTREGA, CONFORME AL INCISO 44-3-901(11), QUE LA PERSONA QUE RECIBE LA ENTREGA LICORES DE MALTA, VINOSOS O LICORES ESPÍRITUOSOS TENGA POR LO MENOS VEINTIDÓS AÑOS DE EDAD.

(g) SE NEGARÁ A ENTREGAR BEBIDAS ALCOHÓLICAS SI QUIEN LAS RECIBE ES MENOR DE VEINTIDÓS AÑOS DE EDAD, PARECE ESTAR EBRIO O NO PRESENTA IDENTIFICACIÓN.

(h) NO PUEDE ENTREGAR A NINGÚN LUGAR CON LICENCIA CONFORME A ESTE ARTÍCULO 3, O EL ARTÍCULO 4 O EL ARTÍCULO 5 DE ESTE TÍTULO 44.

(i) SE CONSIDERARÁ QUE HA CONSENTIDO A LA JURISDICCIÓN DE LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS O CUALQUIER AGENCIA DEL ORDEN PÚBLICO Y LOS TRIBUNALES DE COLORADO CON RESPECTO AL ACATAMIENTO DE ESTA SECCIÓN Y CUALQUIER LEY O REGLA RELACIONADA.

(5) UN TITULAR DE PERMISO COMO SERVICIO DE ENTREGA PUEDE RENOVAR SU PERMISO ANTE LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS MANTENIENDO TODAS LAS CALIFICACIONES Y PAGANDO ANUALMENTE UNA CUOTA DE RENOVACIÓN ESTABLECIDA POR LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS.

(6) NINGUNA PARTE DE ESTA SECCIÓN DEBE INTERPRETARSE COMO QUE EXIGE A UNA COMPAÑÍA DE SERVICIOS TECNOLÓGICOS OBTENER UN PERMISO COMO SERVICIO DE ENTREGA PARA PROPORCIONAR SOFTWARE O UNA APLICACIÓN DE RED DIGITAL QUE CONECTE A LOS CONSUMIDORES Y A LOS COMERCIANTES CON LICENCIA PARA LA ENTREGA DE BEBIDAS ALCOHÓLICAS DEL COMERCIANTE CON LICENCIA MEDIANTE EMPLEADOS U OTROS PROVEEDORES DE SERVICIO DE ENTREGAS DEL COMERCIANTE CON LICENCIA. SIN EMBARGO, EL HECHO DE CONECTAR CONSUMIDORES CON COMERCIANTES CON LICENCIA SERVIRÁ PARA CONCEDER JURISDICCIÓN AL ESTADO DE COLORADO.

(7) NO HABRÁ LÍMITE EN CUANTO AL PORCENTAJE DE LOS INGRESOS ANUALES BRUTOS DE UN TITULAR DE LICENCIA DE LAS VENTAS TOTALES DE BEBIDAS ALCOHÓLICAS QUE EL TITULAR DE LICENCIA PUEDE DERIVAR DE LAS ENTREGAS DE BEBIDAS ALCOHÓLICAS.

(8) LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS PUEDE APLICAR LOS REQUISITOS DE ESTE SECCIÓN MEDIANTE LOS MISMOS PROCEDIMIENTOS ADMINISTRATIVOS CORRESPONDIENTES A LAS LICENCIAS Y PERMISOS DE BEBIDAS ALCOHÓLICAS, INCLUYENDO ENTRE OTROS, CUALQUIER MEDIDA DISCIPLINARIA APLICABLE AL TITULAR DE LICENCIA QUE VENDE, O AL TITULAR DE PERMISO COMO SERVICIO DE ENTREGAS RESULTANTE DE CUALQUIER VENTA ILÍCITA A UN MENOR DE EDAD.

(9) LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS PUEDE APLICAR LOS REQUISITOS DE ESTE SECCIÓN CONTRA EL TITULAR DE LICENCIA QUE VENDE, O EL TITULAR DE PERMISO COMO SERVICIO DE ENTREGAS, Y CUALQUIER





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EMPLEADO O CONTRATISTA INDEPENDIENTE DEL TITULAR DE PERMISO COMO SERVICIO DE ENTREGAS, SIN IMPORTAR EL ESTATUS DEL PERSONAL DE SERVICIO DE ENTREGAS COMO CONTRATISTA O EMPLEADO INDEPENDIENTE. PARA QUE LA LICENCIA DEL TITULAR DE LICENCIA QUEDE SUJETA A MEDIDAS DISCIPLINARIAS POR UNA INFRACCIÓN DE LA LEY DE ALCOHOLES DURANTE LA ENTREGA, EL TITULAR DE LICENCIA DEBE SER EL TITULAR DE PERMISO DE ENTREGA O DEBE EFECTUAR LA ENTREGA UN EMPLEADO DEL TITULAR DE LICENCIA.

(10) LA AUTORIDAD ESTATAL QUE OTORGA LICENCIAS PROMULGARÁ REGLAS SEGÚN SEA NECESARIO PARA LA ENTREGA APROPIADA DE BEBIDAS ALCOHÓLICAS CONFORME A LO PERMITIDO EN ESTA SECCIÓN.

**SECCIÓN 3:** En los Estatutos Revisados de Colorado, 44-3-409, **derogar** (3)(a)(II) y (3)(a)(IV) de la siguiente manera:

**44-3-409. Licencia de botillería al por menor - reglas.**

(3)(a) Una persona con licencia para vender al por menor que cumpla con este inciso (3) y reglas promulgadas según este inciso (3) puede entregar malta, vinos y licores espirituosos a una persona de edad legal si:

(3)(a)(II) La entrega es efectuada por un empleado de la botillería al por menor con licencia que tenga por lo menos veintiún años de edad y que utilice un vehículo de propiedad del titular de licencia o arrendado por él para efectuar la entrega;

(3)(a)(IV) La botillería al por menor no deriva más del cincuenta por ciento de sus ingresos anuales brutos de las ventas totales de licores de malta, vinosos y espirituosos de la venta de licores de malta, vinosos y licores espirituosos que lo entregado por la botillería.

**SECCIÓN 4:** En los Estatutos Revisados de Colorado, 44-3-

410, **derogar** (3)(a)(II) y (3)(a)(IV) de la siguiente manera:

**44-3-410. Licencia para farmacia con licencia para licores - múltiples licencias permitidas - requisitos - reglas.**

(3)(a) Un titular de licencia de farmacia con licencia para licores que cumpla con este inciso (3) puede entregar malta, vinos y licores espirituosos a una persona de edad legal si:

(3)(a)(II) La entrega es efectuada por un empleado de la farmacia con licencia de licores que tenga por lo menos veintiún años de edad y que utilice un vehículo de propiedad del titular de licencia o arrendado por él para efectuar la entrega;

(3)(a)(IV) La farmacia con licencia para licores no deriva más del cincuenta por ciento de sus ingresos anuales brutos de las ventas totales de licores de malta, vinosos y espirituosos de la venta de licores de malta, vinosos y espirituosos que lo entregado por la farmacia con licencia para licores.

**SECCIÓN 5:** En los Estatutos Revisados de Colorado, 44-3-911, **derogar** (2)(c), (3)(b) y (7) de la siguiente manera:

**44-3-911. Bebidas alcohólicas para llevar y entregar - permiso - licencias para consumo en el punto de venta - requisitos y limitaciones - reglas - definición - derogar.**

(2) Para vender y entregar una bebida alcohólica o para permitir que un cliente salga del punto de venta con licencia con una bebida alcohólica según lo autorizada por este inciso (1) de esta sección, el titular de licencia debe:

(c) Derivar no más del cincuenta por ciento de sus ingresos anuales brutos de las ventas totales de comida y bebidas alcohólicas de la venta de bebidas alcohólicas a través de pedidos para llevar y que entrega el titular de licencia; salvo que:

(I) Este inciso (2)(c) no corresponde si el gobernador ha declarado una emergencia por desastre según el apartado 7 del artículo 33.5 del título 24; o

(II) Este inciso (2)(c) no corresponde a una sala de ventas en un punto de venta con licencia según la sección 44-3-402 o 44-3-407; y

(3)(b) Ser un empleado del titular de licencia que tiene veintiún años de edad o es mayor;

(7) Este inciso queda derogado, a partir del 1 de julio de 2025.

**SECCIÓN 6:** En los Estatutos Revisados de Colorado, 44-4-107 **derogar** (6)(a)(II) y (IV) de la siguiente manera:

**44-4-107. Autoridad local que otorga licencias - solicitud - cuotas - definiciones - reglas.**

(6)(a) Una persona con licencia según este inciso (1)(a) de esta sección que cumpla con este inciso (6) y reglas promulgadas según este inciso (6) puede entregar bebidas fermentadas de malta en contenedores sellados a una persona mayor de edad si:

(II) La entrega es efectuada por un empleado del comerciante que vende bebidas fermentadas de malta que tenga por lo menos veintiún años de edad y que utilice un vehículo de propiedad del titular de licencia o arrendado por él para efectuar la entrega;

(IV) El comerciante que vende bebidas fermentadas de malta no deriva más del cincuenta por ciento de sus ingresos anuales brutos de las ventas totales de bebidas fermentadas de malta que lo entregado por el comerciante en bebidas fermentadas de malta.

**SECCIÓN 7.** Fecha de vigencia. Esta ley entra en vigencia el 1 de marzo de 2023.



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## Mother Mary's Garden — a tranquil place off the beaten path

By DIANE DREKMANN

**SAN LUIS** — Five miles south of San Luis is a special place called Mother Mary's Garden.

The vision of Milt and Susan Sanderford, they dreamed of a garden and space where people could meditate, find peace and healing.

They created a non-profit called Casa de Santa Maria in 2005 to create a retreat center. A few years later, the Sanderfords moved to San Luis and found a piece of property to build their dream.

They wanted to make a meditation garden that would be available to everyone for free. Through the non-profit and donations, the Sanderfords commissioned Master Totem Carver, Lee Wallace, from Alaska, to carve a statue of Mother Mary for the centerpiece of the garden.

Carved out of red cedar, the statue of Mother Mary stands atop a star surrounded by meditation circles.

Susan Sanderford says, "Mother Mary's Garden is a place for honoring the Divine Mother and introduce her love to all people of faith or no faith."

One walks along a short path and is greeted by a circle built of concentric rings of stone.

*Please see GARDEN on Page 2*

**Mother Mary's Garden is five miles south of San Luis.**

Photos by Diane Drekmann



Courtesy photo

The Proud Military Parents and Supporters group of the San Luis Valley is asking for donations for care packages for the coming holiday season. The group was formed in 2019 and sends care packages to the local military during the holidays.

## Proud Military Parents group seeking care package donations

By MARIE MCCOLM

**MONTE VISTA** — The Proud Military Parents and Supporters group of the San Luis Valley is asking for donations for care packages for the coming holiday season.

Founder of the group and President Kelly Avila said, "This is the first time some of these children will be away from home for the holidays. We would

like to send out packages to these children to show them that we care."

The Proud Military Parents and Supporters group was founded in 2019. Avila said that the idea for the group came as her son was leaving for basic training from Canon City. Representatives from Canon City sent care packages with the new enlistees

*Please see PROUD on Page 7*

## Careful planning required for climbing 14ers

### Land, Water and People

By GREGG GOODLAND

The dark, flat-bottomed thunderstorm was slowly sliding towards us as we scrambled over the steep edge of the loose rock couloir onto the flatter slope near the top of Uncompahgre Peak. At fourteen-thousand-feet in elevation we were nearing the top of the world, at least in that area. Fueled by the coming thunderstorm, the electricity in the air was thick. Too thick for my liking. My wife turned to me and, trying to swat a bug off her neck that wasn't there, asked me to help her take it off. As the hair on her neck and head started to rise, I realized the mistake I had made.

I had predicted that the storm would track to the south of us, near Wetterhorn Peak. It didn't, and was now coming right at us, filling the air with electricity and my mind with fear. Turning in our tracks we descended the chute as fast as the loose rock on steep slopes would allow. We bypassed our ridgeline turn to avoid further exposure and kept going down into a drainage that I knew would be safer if the lightning decided to reach out to our location. It would add another hour to the trip back to the truck but, at least we were safe. That was over 20 years ago. I've climbed that mountain a few times since and one thing is certain, I've learned from my arrogant mistake that day that could have easily led to a dire outcome.

At a wildfire conference in Pueblo many

years ago, I was the only one that provided the correct answer to the question posed by the State Climatologist. The question, a seemingly an easy one to many, was "What is the best month of the year for predicting weather in Colorado?" Guesses came in for mid-winter and early summer. But when I answered mid-September to mid-October, a slow smile developed on his face as he turned to me and asked if I climbed 14ers. Back then, I was climbing those high peaks from time to time, so the question was a no-brainer for me. That month is the time of year that weather is the most predictable in the high country. Forecasts, as such as they can be at 13,000+ feet are generally reliable without the constant threat of thunderstorm development due to readily available monsoonal moisture. During that time, we experience relatively stable air mass conditions, and that air mass movement is typically slow and predictable. The fall weather comes with its own challenges for climbers but, good preparation meets most of those challenges.

You might wonder why I bring this up now as the best window of opportunity has seemingly passed. My response is simple. I am hesitant to encourage anyone to read an article about climbing these majestic but dangerous mountains, then decide to do it on a whim. Climbing our high peaks takes

thoughtful planning and careful consideration of your personal ability as well as your available gear. Knowledge of your destination and surrounding area is important and route selection is critical. Of course, favorable weather forecasts are a must. It's best to wait until you have undergone some purposeful planning before heading to the high peaks. My thinking is that you now have time to get your trips planned out for next year. It is advisable to wait to do it when you are set up with a plan that provides for your best chances for success. The mountains aren't going anywhere, they'll wait.

Over the past few years we have experienced an increase in high altitude rescues on the high peaks surrounding the San Luis Valley and across the state. Climbers have been caught by the rather predictable thunderstorm during the monsoon, or they have deviated from safe routes, often on their descents. Some of these situations have led to fatalities. I would suggest that these tragedies were, in fact, preventable. Our high-altitude peaks and basins can regularly experience unpredictable weather systems and often require technical skills for navigating and traversing.

Knowledge of these complex situations and better planning can make a huge difference in personal safety.

An excellent resource for folks planning to climb 14ers is the aptly named website [www.14ers.com](http://www.14ers.com). There is great route information, a conditions update section and a forum where climbers contribute information. Just be aware that some folks posting may not be the right ones to take advice from.

I haven't summited a 14er for many years now. It just hasn't been on my list of to-dos recently. But as I frequently look to the east at the amazing Blanca Peak, I find myself longing inside. I feel like, next summer, I may meet that mountain in person and ask to borrow her view from the top for a while. When I do, the forecast will be stellar, the conditions prime and my knowledge of climbing routes will be solid. I'll have a good plan, the appropriate gear and will surely write about it when I come down.

*Gregg Goodland is the Public Affairs Officer for the Rio Grande National Forest. An avid outdoor enthusiast, you'll find him enjoying all public lands as often as possible.*

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# Adams State 2022 Exceptional New Alumna Madrigal figures it out

CONTRIBUTED

**ALAMOSA** — When Azarel Madrigal decided to further her education at Adams State University, the first-generation student's parents told her, "You will have to figure it out."

Not only did Madrigal figure out the process to begin her academics, but she also soon involved herself in the student government organization, including serving as the student trustee; participated on the cheer squad; and won a top award at an international Model United Nations event in Menton, France.

Madrigal, Class of 2016 and 2018, is the Adams State 2022 Exceptional New Alumna.

"My parents were always supportive," Madrigal said. "They just didn't know anything about going to college."

After earning her bachelor's degree in history/political science, Madrigal set her sights on a master's degree and pursuing a profession to help others "figure it out."

After a referral from Dr. Beverlee McClure, a member of the First Southwest Community Fund Board, Madrigal joined the nonprofit board.

"I have focused my career on creating equity in capital disparities in rural Colorado and my skill set was a good fit as a volunteer board member. I was super excited about the nonprofit and being a part of it," she said.

When a paid position for a program director was created, Madrigal considered the idea of switching careers and filling her days working full-time with the FSW Community Fund.

She stepped down from the board,

assuring the members to apply. It was a pivotal time, women in rural businesses received funding and Madrigal built and implemented the program for the San Luis Valley.

"I came on board and hit the ground running," Madrigal said.

She worked with a "phenomenal" director, Cass Walker, who became a great leader and mentor for Madrigal.

With Walker's encouragement, Madrigal applied for the position as executive director when it became available.

"To have real social justice, you have to reach economic justice. I am excited to be a part of developing change in our community," Madrigal said.

In addition to her role with FSW Community Fund, Madrigal serves on the Community Foundation of the San Luis Valley Board. One of the key activities of this organization is awarding scholarships to female students of Hispanic decent in the SLV.

"I recently presented one to a first-generation student from Center. As I read her essay, I could see some of myself in her," Madrigal said. "By presenting her award in Spanish, her parents were aware of what was happening. I am happy to help bridge the divide. My story isn't that inspiring but if potential students relate to it — and see if 'she can do it, why can't I,' it shows you don't have to be exceptional to be a good fit for higher education."

Although Madrigal may not believe she is exceptional, the Alumni Board members believe differently, as Madrigal will receive the Exceptional New Alumna during the annual Homecom-

ing Alumni Banquet on Oct. 7, in the Student Union Building.

Madrigal is quick to credit faculty and staff for providing support and the opportunities to sharpen her skills. From the start, Adams State brought Madrigal into the fold with a personal touch.

"Priscilla Gardea, Class of 2006, (then admissions counselor) met me at a public library to help build my first ever class schedule. Priscilla was there for me during my entire college career," she said.

Professors invested themselves in her success as well. Mari Centeno, professor political science and Model United Nations sponsor; and Michael Mumper, director of the master's program in public administration, were key to building her self-esteem and professional skills.

"Dr. Centeno saw the potential in me I didn't see in myself," Madrigal said. "I had a lot of self-doubt and Mari gave me positive feedback and encouraged me to take leadership roles across campus and network. She really helped me become a strong public speaker. The impromptu speeches she required in class really paid off."

Madrigal said all her history professors were passionate about their subject matter. Ed Crowther, then department chair and current emeritus professor of history; Rich Loosbrock, professor of history; and Nick Saenz, professor of history, taught relevant skills for her future profession.

"As an English Language Learner, I would often have issues transferring the thoughts in my head to paper," Madrigal

said. "The history professors provided useful feedback and did not make me feel bad about it. They all took the time to help me."

As an Adams State Associated Students and Faculty Executive Board member, Madrigal worked collaboratively and networked with departments and community and served as the student trustee for the Adams State Board of Trustees.

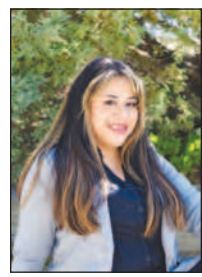
"I was directly involved in policy change at the state legislative level," Madrigal said.

She served as vice president of the Adams State Model UN organization and at the Annual International Conference Sciences Po Paris — Campus de Menton in Menton, France, won the

outstanding delegate award.

"I came from Adams State and competed against big universities like Duke and Brown and because of the amazing coaching from Dr. Mari Centeno and the skills I learned from her, I beat out these big-name, large universities.

"Adams State will always have a place in my heart," she said. "I was there for seven years, (earning an undergraduate and graduate degree) and I am honored and humbled to receive this award."



## GARDEN

Continued from Page 1



Photos by Diane Drekmann  
**Mother Mary's Garden** outside of San Luis features a carving of Mother Mary at its center

Another has large boulders staring upward like a mini Stonehenge, one circle has different colors of sand.

Tucked in the corner of the garden is a small adobe sanctuary where people have paintings, benches, honoring loved ones — a place for meditation and reflection.

Mother Mary's Garden exudes peace and tranquility. It is quiet, with no traffic. One is surrounded by the Sangre de Christo Mountains, breathing mountain air, with the smell of lavender and other various flowers.

Mother Mary's Garden is wheelchair accessible, and open 365 days a year, free. National Geographic has recommended Mother Mary's

Garden as a place not to miss.

Mother Mary's Garden continues to grow and evolve. The Sanderfords hope to have a retreat center some day. To help, visit [www.casademaria.org](http://www.casademaria.org)

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An adobe sanctuary at Mother Mary's Garden is a space for people to mediate and reflect.

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# Del Norte Chamber of Commerce announces start of Scarecrow Bash

**CONTRIBUTED**  
**DEL NORTE** — The Del Norte Chamber of Commerce's annual Scarecrow Bash is happening. "We're doing things a little differently this year, so be sure to read through the flyer and form. We're also breaking it down, step-by-step, right here," organizers stated.

Step 1: Build your scarecrow.  
 Step 2: Register your scarecrow with the Google form (<https://forms.gle/EbGG5eTJNZoCAyi5A> and on the chamber's website).  
 Step 3: The chamber will swing by the address you provided to take a photo of your scarecrow and post it to their social media channels.  
 Step 4: Share. The most Facebook likes will win. The chamber also encourages Instagram likes.

The contest ends on Oct. 28 and the chamber will have prizes for "Residential" and "Business" winners.



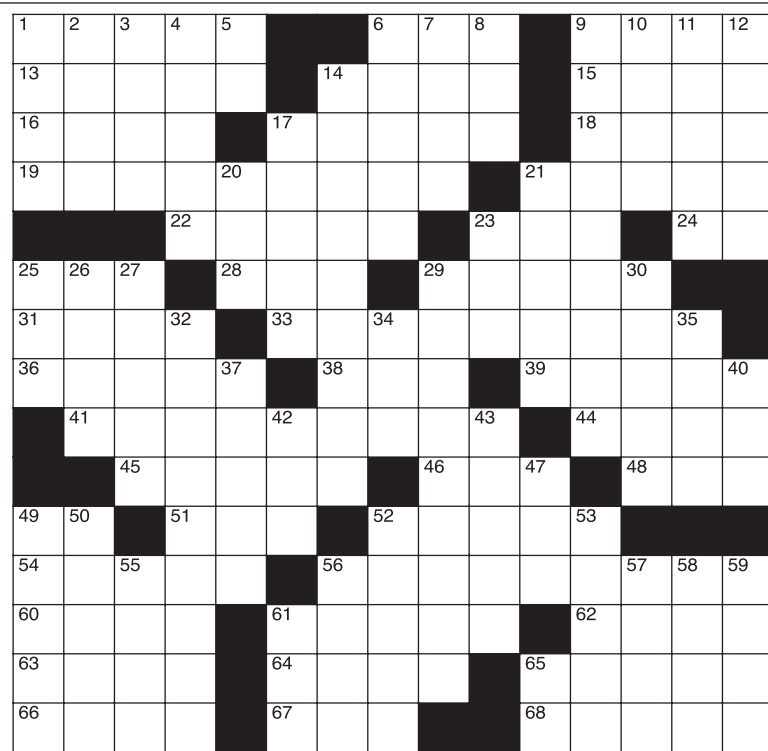
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### CLUES ACROSS

1. Hillsides
6. A way to ingest
9. Large number
13. Southeastern Minnesota city
14. Cronies
15. Having sufficient skill, knowledge
16. Supplements with difficulty
17. Former VP nominee Palin
18. Cambodian monetary unit
19. Where coaches work
21. Secret political clique
22. A type of lute
23. Tan
24. Empire State
25. Where golfers begin
28. For each
29. Muslim inhabitants of the Philippines
31. Bird genus
33. Popular Dave Matthews Band song
36. Domesticates
38. "Boardwalk Empire" actress Gretchen
39. Asian antelope
41. One who takes apart
44. Kin
45. Dresses
46. Says something about you (abbr.)
48. Doctor of Education
49. One quintillion bytes (abbr.)
51. Overcharge
52. Sailboats
54. Indian musical patterns
56. Predisposition to a condition
60. Share a common boundary with



61. Wide
62. Skin disease
63. Monetary unit of Samoa
64. Source of the Blue Nile
65. Instrument
66. Red deer
67. Unidentified flying object
68. Bar or prelude
23. Fifth note of a major scale
25. Body art
26. Amounts of time
27. Designed chairs
29. Sensational dramatic piece
30. Arrangement of steps
32. Classifies
34. Young child
35. Oh, no!
37. Astronomical period of about 18 years
40. Not or
42. Poke fun at
43. Consisting of roots
47. "\_\_\_ Humbug!"
49. A way to remove
50. A confusion of voices and other sounds
52. Keyed instrument
53. Varnishes
55. Unpleasantly sticky substance
56. Unable to hear
57. A short erect tail
58. Indicates interest
59. Flow or leak through
61. British thermal unit
65. Iron

### CLUES DOWN

1. Flying insects
2. Strong alcoholic spirit
3. Old
4. Moves in slowly
5. Symbol for tin
6. Having certain appendages
7. Expression of sorrow or pity
8. Type of hormone (abbr.)
9. One with an unjustified mistrust
10. Hebrew calendar month
11. Pure
12. LSU football coach
14. Unbroken views
17. Fathers
20. Part of a race
21. Hairstyle

### Solution to last week's puzzle

6	3	8	5	7	4	1	2	9
7	9	5	1	2	3	6	4	8
1	2	4	6	9	8	3	5	7
4	1	3	9	5	2	7	8	6
2	6	7	3	8	1	5	9	4
5	8	9	7	4	6	2	1	3
9	7	6	4	1	5	8	3	2
3	5	2	8	6	9	4	7	1
8	4	1	2	3	7	9	6	5

# Halloween courtyard



Courtesy photo  
**Tri County Senior Center of Monte Vista spent the past few fall days decorating its courtyard for Halloween. The scene is sure to bring all the little goblins and ghouls seeking sweet treats.**

## MV Historical Society meeting Oct. 21

**MONTE VISTA** — The Monte Vista Historical Society will hold its annual meeting for 2022 on Oct. 21 at the back room of Nino's restaurant. The meeting will include Dutch lunch from 11:30 a.m. to 1 p.m. Two board members will be elected. All are welcome to attend.

## RG Public Health flu shot clinic Oct. 20

**DEL NORTE** — Rio Grande Public Health will be offering a flu shot clinic from 3 to 6 p.m. on Oct. 20 at the Del Norte Annex, 965 6th St. This clinic will provide both regular and high-dose flu shots. Several insurances including Medicare will be accepted. No appointment needed. For more information, call 719-657-3352.

## ASU athletics to host 3rd annual Toys for Tots

**ALAMOSA** — Adams State University Athletics Department will host its 3rd annual drive for the Marine Corps Toys for Tots Saturday during ASU's homecoming game. Those who wish to donate can bring new, unwrapped toys for children ages 1 to 6. Donations can also be made through [alamosa-toys-for-toys.toysfortots.org](http://alamosa-toys-for-toys.toysfortots.org).

# Business Showcase

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### 07 Help Wanted

**The City of Monte Vista is hiring for the position of Recreation Director.** The Recreation Director plans, coordinates and implements recreational activities, sports leagues and other programs for community participants ranging in age from youth through adult. Coordinates marketing and promotion for recreation activities, including fundraising and writing grant fund applications to acquire funding for programs. Supervises as-

signed staff and volunteers. This is full time employment with full benefits. Starting pay range is \$18.00-\$23.00 per hour DOE. To view the complete position description or apply, please visit [www.cityofmontevista.colorado.gov](http://www.cityofmontevista.colorado.gov) Position will remain open until filled. (11/9)

**Looking for reliable hard workers** to build timber frame log homes call Jesse 791-480-2660 (11/9)

**Head Wrestling Coach** needed at Del Norte Jr/Sr High School. Experience as a wrestling coach or assistant coach at the high school or level is preferred. Must possess: effective coaching techniques and skills; a thorough knowledge of the rules, regulations, strategies, and techniques of the sport; and have the ability to establish and maintain effective working relationships with school administrators, parents, and students. Please contact Gibbs Sanchez, Athletic Director, at: [gsanchez@urtigers.co](mailto:gsanchez@urtigers.co) 719-657-4020; or

Annie Hardy, Principal, at: [ahardy@urtigers.co](mailto:ahardy@urtigers.co) , 719-657-4020. (10/19)

**Full-time Custodian/Maintenance** position open at the Upper Rio Grande School District. This is a 4-10 hour day (Monday-Thursday with some weekends needed) position with a salary range of \$25,000-\$32,000 based on experience. Applicant must pass a background check, be able to work independently, and be a forward-thinking individual with an overall team approach to all tasks at hand. Applicant must also be able to work in all weather conditions (snow removal/general landscaping). If interested, please contact Demo Trujillo, 719-657-4040 x4007, [dtrujillo@urtigers.co](mailto:dtrujillo@urtigers.co). Applications can be retrieved online at: [www.urtigers.co](http://www.urtigers.co). (10/19)

**Seeking Director of Single-Family Housing Development** for Alamosa nonprofit company, CRHDC. Oversees SLV Self-Help & Contract Housing Development. \$63K-68K

+benefits. See full description at [www.crhdc.org](http://www.crhdc.org) Resume and cover letter to [melanie@crhdc.org](mailto:melanie@crhdc.org) (11/2)

**Cafeteria Cook** needed at Upper Rio Grande School District. Must have a high school diploma and some knowledge of working in a kitchen or a willingness to be trained. Pay is dependent on prior experience. Please contact Leslie Martinez at 719-657-4040, x1100 or email her at [lmartinez@urtigers.co](mailto:lmartinez@urtigers.co). (10-19)

**Bus Drivers** needed for the Upper Rio Grande School District, CDL and Non-CDL drivers. Will pay for CDL license and training with contract. Must be able to pass a background and pre employment drug test. If interested, please contact Demo Trujillo, 719-657-4040 x4007, [dtrujillo@urtigers.co](mailto:dtrujillo@urtigers.co). Applications can be retrieved online at: [www.urtigers.co](http://www.urtigers.co). (10/19)

**MAINTENANCE TECH.** Experienced individual needed for maintenance services with responsibility for maintenance

or Saguache County facilities. This is a Full-time position working 32 to 40 hours a week, with variable hours which include evening and/or early morning work times. Starting salary will be \$15.05/hr. To view the job description and an application they are available at Saguache County Administration office 505 3<sup>rd</sup> Street, Saguache or printable at [www.saguachecounty.colorado.gov](http://www.saguachecounty.colorado.gov). Call 719-655-2231 for more information. Position opened until filled. Saguache County is an EEO employer. Valid Driver's License, Drug testing which includes marijuana and a background check will be required also a physical exam may be required for final applicants. (10-19)

**Wanted: K-12 Tutors for Math and Reading/ Language.** Center School District is seeking qualified hourly and part time tutors for excellent pay. Get paid up to \$40 an hour. Pay depends on experience and credentials. Tutors will need to commit to at

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# Valley Wide Classifieds

least one hour of tutoring 2x per week. This is a wonderful opportunity for someone searching for a flexible and professional work experience. Tutors can work anywhere from 3-29 hours per week during school hours (8am-4pm) and/or after school hours (anywhere from 4pm-8pm depending on the needs of our students.) Bilingual is preferred but not required. To apply, send a Cover Letter, Resume, and application found at [www.center.k12.co.us/page/employment-opportunities](http://www.center.k12.co.us/page/employment-opportunities) to Carrie Zimmerman, Superintendent of Schools, Center School District 26JT, 550 S. Sylvester Avenue, Center, CO 81125. Email [kktola@center.k12.co.us](mailto:kktola@center.k12.co.us) or [Kruggles@center.k12.co.us](mailto:Kruggles@center.k12.co.us) for more information. (10-26)

**Position for a full-time permanent AR clerk at Mountain King Potato** in Monte Vista, Colo. Requires computer skills, must be dependable with strong organizational skills. Duties include invoicing and freight allocations. Must be able to multitask and work some Saturdays. Will train right person. Benefits include paid vacation, insurance and 401(k). E-mail questions and resume to [dchapman@mtknking.com](mailto:dchapman@mtknking.com). (10-26)

**Del Norte Bank is seeking to fill a full-time position for a Teller in the Creede Branch.** Duties will be to accept deposits, loan payments and process withdrawals while maintaining a balanced cash drawer. Must be personable and pleasant answering the phone and greeting customers. Many other duties will be assigned as needed. The position is permanent, full-time, M - F, 8am - 4:30pm with 1/2 hour lunch and a robust benefits package. Application available at [TrueLocalBank.com/careers](http://TrueLocalBank.com/careers) or inquire at 117 N. Main, Creede or call 719-657-3376 and ask for Dawn. Job closes 9/30/22. EOE. (10/19)

**12 Houses for Rent**  
Cozy one-bedroom house, Dennis Street Monte Vista, partially furnished house, NO PETS! \$650/Month, \$650/Deposit call 719-580-5400. (10/19)

**Del Norte country living,** furnished duplex, two bedrooms, mature adults. \$800 per month, \$800 deposit. No pets. Call 719-580-5400. (11/2)

**17 Real Estate For Sale**  
35.71 acres between Monte Vista and Alamosa on County Line Road, borders highway, good grass, easy access, power and ready to build on. Priced \$109,000. Call Bruce at Steffens & Company Realty Inc 719-873-1700. TFN

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**23 Lawn and Garden**  
**For Sale or Rent: 35 Ton Log-splitter available at County Line Small Engine Repair LLC.** Call 719-589-6466. (10/12)

**Sprinkler repair.** Done at reasonable rates. **Quick Service.** Call anytime, weekdays, weekends, evenings. 719-580-0033 or 719-376-2593. TFN

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# Valley Wide Classifieds

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## 35 Heavy Equipment

**For rent construction equipment.** Skidloader CAT 262 D-2017, bucket, pallet forks, brush hog, auger with 1 foot bit and 2 foot bit. Excavator CAT 306 CR 2021, 2 foot and 3 foot buckets. Dozer 2022 CAT D3, weighs approximately 30,000 pounds, blade in front and ripper in back. Call only 719-849-0367. (10-26)

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## 37 Wanted

**WANTED: 5-40 acres in Costilla County Hwy 159 or along-side Hwy 160.** Call Shawn at 217-851-2078. (10/19)

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849-8261 (11/19)

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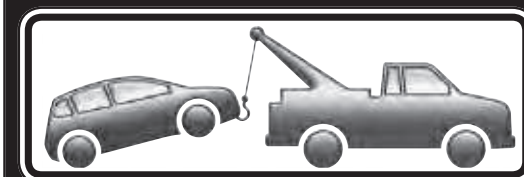
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# Bear Creek Community awards \$22,500 to three students

CONTRIBUTED

**BEAR CREEK** — The mountain community of Bear Creek, located 17 miles west of Antonito, has awarded three scholarships to three graduating high school seniors for 2022.

The Bear Creek Scholarship Committee raises funds throughout each year from its residents as well as many local businesses for these college scholarships. The scholarships are awarded to one graduating senior from each high school

in Conejos Canyon — Antonito, Sanford, and Centauri.

This year Bear Creek provided \$7,500 scholarships to these three outstanding and well deserving students.

**Dalton Romero**

Dalton is a car enthusiast from Antonito High School. He will be pursuing the study of High Performance Powertrains. He plans to become a Professional Tuner and hopes to have his own shop that specializes in tuning, modifying,

and building performance cars.

**Dailin Estrada**

Dailin is the first person in her family to go to college. She is from Sanford High school and will pursue a degree in Nursing. She plans to become a Humanitarian Aid Nurse, and eventually, a Nurse Practitioner.

**Giovanna Martinez**

Giovanna is from Centauri High School and looks forward to pursuing a degree in Molecular, Cellular and Developmental Biology.

Giovanni's future goals include becoming a Physician Assistant.

Bear Creek has been awarding scholarships since 1999, and as the community grows, its ability to give more help to others in the county has grown as well.

Scholarship Committee Chairperson, Lynn Rezzuti, said that her committee works year-round seeking cash donations as well as new and used items that can be sold

at its annual auction.

"We appreciate the many businesses in Alamosa, Chama, and Conejos County that generously donate to the fund, and to the auction each year," Rezzuti said. "Their gift certificates get lively bidding, often going far over the actual value of the certificate. These scholarships can change young peoples' lives, and we are grateful to be able to help so many deserving students."



Courtesy photos

## PROUD

Continued from Page 1



the day that they left. Her daughter joined the National Guard.

Instead of sending something with the military bound recruits the day they leave, the Proud Military Parents group sends its packages during the holidays.

"Waiting to send out these packages is also a way for us to get the community involved. We have had the police department involved and the fire department involved, and other community members get involved as well," said Avila.

The group raises funds and takes donations to help send Christmas care packages to local military members

who are presently serving. The group also holds sendoff ceremonies for local people who are leaving home after enlisting in a U.S. military branch.

At a Monte Vista City Council meeting on Oct. 6, the group asked the council to sponsor the care packages with a donation. Last year, the council donated \$1,000 to the group. This year, the group was also given \$1,000 to help with the care packages.

Group member Michelle Velasquez spoke about what it was like having a child in the military.

"My son is in the Navy. I actually didn't find out about the group until right after Christian left, but I am definitely a supportive parent," Velasquez said. "I found out about the group and thought it was a neat idea. I have traveled many miles to see my son Christian when we are able to see him. I have also participated in a few send-offs for other children. If we know when the children are going to leave, we can give them a send-off ceremony. We try to put together a package before they leave with a little bit of money and other things that they may need."

Velasquez said the group provides support to parents, too.

"It's honestly a support group, too, we can call each other and talk to each other about our children. I am not going to lie, it's tough being a military parent, but we are there for our kids, and being a part of this group helps a lot, too," she said.

The Proud Military Parents group accepts money and individually packaged items — like snacks, toiletries, writing utensils, and hygiene. The goal of the group is to send the children many of the comforts of home that they do not have where they are currently stationed.

The group is accepting donations through Oct. 28. The care packages

will be boxed on Nov. 5, and sent out the first part of November. The group is also willing to pick up items. For more information, visit their Facebook page or call 719-580-6280.

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**FOR SALE**

Charming D-Log 1,807 sq ft 2-bedroom 2 bath mountain home with attached garage and circular drive. Your perfect get away or full-time residence located in the well sought-after neighborhood, Ponderosa Estates. This home has a large Master/Guest room upstairs with full bath that could easily be used for large family rec room or used as a bunk room with plenty of sleeping space for guest if so desired. You have lots of options! There is an additional room upstairs you can use for craft/hobby room or small home office. Top of the stairs landing is adorable sitting area that would make the perfect spot for a relaxing reading hook to enjoy a good Book. This home has an open floor plan with eat in kitchen and large living room area with wood burning stove that will keep you cozy and warm all winter long. Kitchen door leads out to a nice back deck with large yard and beautiful views of the mountains. Perfect for that first hot cup of coffee in the mornings. Downstairs bedroom off the kitchen area has been used as the main bedroom with hallway bath and located on the main floor. This residence is close to town and only moments away from the Rio Grande River, Golf Club, and 20 minutes from Wolf Creek ski area. Off your front deck is a wonderful place for viewing all the mule deer and wild turkeys that frequent this neighborhood! No active HOA and in an area that does allow short term rentals. Close to skiing, fishing, hiking, four wheeling, hunting and everything outdoors. Start Your Adventure! Call and schedule your showing today! \$450,000 MLS #797758  
 298 Aspen Drive • South Fork

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Custom built, impeccable quality, full log home located just minutes from the heart of South Fork, Colorado. **SOLD**  
 This home and 1015 sq. ft. bunk house provides a total sq. ft. of 5458. Features in the home include a massive rock fireplace, 3 bedrooms, 3-1/2 bathrooms, loft that boasts a futon plus two-window beds, office, playroom, and a large living room for you to enjoy with family and friends. The wrap around deck will allow you to experience world-class high mountain views. Above the garage is a custom log guest quarters with a spectacular kitchen, bath, large living room, and bedroom combined into one unit. Bear Creek subdivision offers controlled access through a gated entrance. MLS #738155  
 107 Marmot Lane • South Fork

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**418 Loveland Road - South Fork**  
 .90 acres in Upper Alpine. No covenants, Air B&B OK. Call Dee Plucinski 719-873-5605.  
**MLS #796652 \$38,000**



**Text 134123 to 25678 for more info**  
**Dee Plucinski**  
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 (719) 873-5605  
 dee@steffenscorealty.com

**SOLD**

**\$658,000** MLS #785486  
 441 Lande • South Fork

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**SOLD**

**\$433,000** MLS #789027  
 83 Highland • South Fork

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**IMPROVED PRICE \$649,900**  
**THIS HOME YOU HAVE TO SEE TO BELIEVE!**

**SOLD**

• 3 bedroom • 2 bathroom  
 This could be your new home. Amazing Custom - Built Full log Home - Entry room, living room, large kitchen with island, lots of cabinet space, laundry. This home has beautiful wrap around porches that offer great views of the mountains and cliffs. The attached double garage is 576 Sq. Ft. with concrete floor. The home is fully fenced. Additional 2,000 sq. ft. workshop. MLS#772697  
 181 Doe Circle • South Fork

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**FOR SALE**

**Incredible views from this Mountain property!** Varied topography with mature Fir, Aspen, Pine and Pinion trees. This 5.02-acre property allows you several building sites to choose from. Paved roads located in gated Bear Creek subdivision. This property gives you great sun exposure with access to the forest service and a common area for homeowners located on 20+ acres of the Rio Grande River. Utilities and Good Well already in place 15 GPM. Gold Medal fishing, hunting and 4 wheeling just moments away. Not to mention fabulous skiing at Wolf Creek Ski Resort! Bring Your house plans this is the perfect property to build your Dream Home! Start your Adventure! Call and schedule your showing today! \$149,500 MLS #795402  
 4495 Bear Creek Circle • South Fork

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**JUST LISTED!**

Lot in great neighborhood with no HOA just a hop, skip and jump from the majestic South Fork River. This is the perfect place to build your dream home. Water, sewer, electricity and highspeed internet! Beautiful views and close to all the amenities the town of South Fork has to offer. Moments from the South Fork River as well as the mighty Rio Grande, World class fishing, hunting, hiking, snowmobiling, 4 wheeling and all things outdoors. Start your adventure and schedule your showing today!  
 Price can't be beat! **\$29,900** MLS#796452  
**63 Rivercrest Drive • South Fork**  
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**Thinking of Selling Your Home? If so, I can help!**  
**Residential/Commercial/Ranch**  
**Call 719-850-1993**

**We work hard for you!**



**Call Bernadette today!**

**Steffens & Company Realty, INC**  
**719-850-1993**  
**Bernadette Gingrass, Broker Associate**  
 30635 US Hwy 160 • South Fork  
 www.bernadettegingrassrealestate.com

**SOLD**

2,023 Sq. Ft. Mountain Oasis Home with Charm and Elegance in Lo Lomita at South Fork Ranches. This 3-bedroom 2 bath home with attached 675 Sq. Ft. 2 car garage is magical! Home is adjacent to BML Land & National Forest with amazing mountain views of Del Norte Peak, Beaver Mountain and Acua Ramon from the front porch and additional large wrap around rear deck with concrete pad and hook up ready for your own personal hot tub. Open floor plan with kitchen, dining and living area beautifully hand finished on walls with cathedral ceilings, wood floor, large bay windows, wood burning stove, propane rock fireplace, radiant floor heating and propane on demand water system. This home has three heat sources to keep you warm and comfortable all winter long. Master bedroom has large his & her master walk-in closets and patio door leading out to the back deck. Perfect place to enjoy your hot morning cup of coffee. The master bath has a beautiful large walk-in tile shower and dual sinks. There are two additional nice size guest bedrooms for your company to stay and enjoy. The kitchen overlooks the living area with large eat in counter and plenty of counter space and lots of built-in cabinets. There is a butler pantry for extra storage that features a beautiful, frosted glass door. This is an outstanding property with abundant wildlife surrounded by national forest and BML land and close to the mighty Rio Grande River, Wolf Creek Ski area and the Rio Grande golf Resort. There is numerous hiking, four wheeling, mountain biking trails in the area for you to have fun and explore! Don't miss this opportunity! Start your adventure! call/text me and schedule your personal showing today. Price **\$669,500** MLS #796518  
 115 La Lomita Circle • South Fork

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 (719)850-1993 • bernadette@steffenscorealty.com

**SOLD**

Beautiful 1,728 Sq. Ft. Mountain Home property, 3 beds, 2 baths with additional large lot. Welcoming entrance with closed in front porch. Beautiful Kitchen with matching appliances and custom-made cabinets with soft close drawers that include spice rack and corner round with plenty of storage for all your cooking entertainment needs. Dining area just off the kitchen and living room area with propane stove and beautiful brick fireplace with wood burning stove in living area. Perfect place with beautiful views to curl up enjoy the fire and devour a good book. This home has three heat sources to keep you cozy and warm all winter long. Off back side of the kitchen is a bright sunroom, currently being used for a wonderful craft room with large sliding door looking out to the back deck with stunning views of trees and mountains perfect for bird watching with the many varieties of birds that visit this area. Downstairs Master/Guest bedroom with large closet and cozy picture window seat for bird watching. Wonderful place to just sit with your morning cup of coffee, relax and enjoy. Off the sunroom is door to large 2 car garage with huge workbench and cabinets for all your tools and woodworking needs. Upstairs you have an additional bath and two guest bedrooms with large windows where you feel as if you are sleeping amongst the beautiful pine trees. Off the Sunroom and out the back garage door awaits a wonderful deck to the back yard with a gas grill hooked up to propane for grilling, and entertaining friends and family. Out back you will be charmed by the little fly shop with electricity and all its storage amenities with extra shelving. There's an additional shed which is used and perfect for wood storage. This home is one you must see! Located in Ponderosa Country Estates with no HOA, paved roads and Town of South Fork water and sewer system. You will love visiting with the abundant wildlife that visits this neighborhood, moments from the Rio Grande River, Rio Grande Golf Club, Wolf Creek ski area and everything outdoors! Don't let this one pass you by! Won't last! Call me and schedule your personal showing today! \$585,000 MLS #796641  
 484 Conifer Drive • South Fork  
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**Valley Publishing**

**CALL TODAY!**  
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**Sandra Marquez — smarquez@valleypublishinginc.com**  
**Brian Williams — bwilliams@valleypublishinginc.com**

**FOR SALE**

This South Fork Beauty checks all the boxes, both his and hers - and is a fun place for family and friends. Custom built Log home tucked in the trees and backs up to the National Forest. The majestic South Fork River and Mighty Rio Grande with world class fishing is just a short walk from the property. The main floor consists of an open kitchen, dining and living area with beautiful carved mantel stone fireplace with large log cathedral ceiling. Stunning entrance to behold! Custom designed kitchen with beautiful designer backsplash and large eat in counter space looking over the living area with custom soft close cabinets and plenty of storage and room for all your entertaining. Kitchen has wonderful large butler pantry with pantry sink and beautiful custom stained-glass door. The Detailed Check Boxes include radiant floor heating with four zones and two Touch lighting system and electrical in the floor. Master bedroom is on the main floor with sitting area with luscious mountain views. Master bath with beautiful large tiled walk-in shower. Guest bedroom and bath on main floor with elegant soaking antique tub. Upstairs spacious loft with two electronic skylights with rain sensors that will close automatically with additional sleeping areas including office space and additional large size bedroom with barn door and bath. Enjoy your 3-car garage with large workshop and more than enough room for all your mountain toys. Your family and friends will love the upstairs bungalow above the garage with kitchenette, living area, built-in beds additional bedroom and bath. Bring your family and friends together to enjoy the great outdoors! Boarders National Forest, with streams, creeks, lakes rolling topography, open fields, pine, fir, aspen trees, mountain views and abundant wildlife! Beautifully designed home tucked peacefully into the woods and easily accessible to the town, Wolf Creek Ski Area and the Rio Grande Golf Course Resort. Once in a lifetime Opportunity! This property perfectly captures the best of both worlds between outdoor recreation and exceptional entertainment. Start your dream and Call/Text me to schedule your personal showing today! \$1,395,000 MLS #796960  
 37 Milton Court • South Fork

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