

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0197.03 Conrad Imel x2313

SENATE BILL 26-008

---

SENATE SPONSORSHIP

Michaelson Jenet,

HOUSE SPONSORSHIP

Gilchrist,

---

Senate Committees  
Health & Human Services

House Committees

---

A BILL FOR AN ACT

101 CONCERNING MEASURES TO IMPROVE ACCESS TO MENTAL HEALTH  
102 SERVICES, AND, IN CONNECTION THEREWITH, CREATING AN  
103 ENTERPRISE TO IMPOSE A FEE TO FUND MENTAL HEALTH  
104 SERVICES AND CREATING A PROGRAM TO FACILITATE ACCESS TO  
105 MENTAL HEALTH SERVICES FOR ADULTS.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill establishes the adult mental health services program (program) to facilitate access for adults to mental health services,

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

including substance use disorder services, and to respond to identified mental health needs. The program reimburses providers for up to 6 mental health sessions with an adult and may provide additional reimbursement, subject to available money. The adult mental health program enterprise (enterprise), created in the bill, creates, operates, and funds the program. The enterprise is required to enter into an agreement with a vendor to create or use an existing website or web-based application as a portal that is available to adults and providers to facilitate the program. The department of human services is required to annually report to the general assembly about the program.

The bill establishes the internet-enabled mental health access grant program (grant program) to award grants to entities that use the internet to facilitate mental health services. The enterprise administers the grant program. The enterprise shall annually report to the health and human services committees of the house of representatives and the senate about the grant program.

The bill creates the mental health services enterprise as a government-owned business within the behavioral health administration for the business purpose of imposing and collecting a surcharge on internet service account holders in Colorado and to use the surcharge revenue to create, operate, and fund the adult mental health services program and internet-enabled mental health access grant program. Each internet service provider shall collect from its account holders located in Colorado the mental health services access surcharge and remit the surcharge to the enterprise.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 6 to article  
3 60 of title 27 as follows:

4 PART 6

5 MENTAL HEALTH ACCESS AND ENTERPRISE

6 **27-60-601. Short title.**

7 THE SHORT TITLE OF THIS PART 6 IS THE "COLORADO MENTAL  
8 HEALTH ACCESS ACT".

9 **27-60-602. Legislative declaration.**

10 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

11 (a) MENTAL HEALTH SERVICES PROGRAMS THAT UTILIZE THE

1 INTERNET TO FACILITATE MENTAL HEALTH SERVICES PROVIDE VALUABLE  
2 BENEFITS TO INTERNET SERVICE ACCOUNT HOLDERS BY MAKING MENTAL  
3 HEALTH SERVICES ACCESSIBLE TO EVERYONE IN THE STATE. COLORADANS'  
4 ACCESS TO MENTAL HEALTH SERVICES HAS INCREASED DUE TO THE  
5 AVAILABILITY OF TELEHEALTH APPOINTMENTS, WHICH USE THE INTERNET  
6 TO CONDUCT VIDEO OR AUDIO APPOINTMENTS. TELEHEALTH ALLOWS A  
7 PROVIDER TO ASSESS, DIAGNOSE, CONSULT, TREAT, AND PROVIDE CARE  
8 MANAGEMENT SERVICES FOR A PERSON LOCATED AT A DIFFERENT SITE  
9 FROM THE PROVIDER. MENTAL HEALTH SERVICE PROGRAMS THAT UTILIZE  
10 THE INTERNET, INCLUDING THE ADULT MENTAL HEALTH SERVICES  
11 PROGRAM CREATED IN THIS PART 6, WILL PROVIDE VALUABLE BENEFITS  
12 AND SERVICES TO INTERNET SERVICE ACCOUNT HOLDERS STATEWIDE  
13 WHEN THE MENTAL HEALTH SERVICES ENTERPRISE FUNDS THE PROGRAMS.  
14 THE PROGRAMS WILL FACILITATE INCREASED ACCESS TO MENTAL HEALTH  
15 SERVICES AVAILABLE FROM ANY JURISDICTION IN COLORADO.

16 (b) BY PROVIDING THE BENEFITS AND SERVICES SPECIFIED IN  
17 SUBSECTION (1)(a) OF THIS SECTION, THE MENTAL HEALTH SERVICES  
18 ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A  
19 BENEFIT, GAIN, OR LIVELIHOOD, AND THEREFORE OPERATES AS A  
20 BUSINESS;

21 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
22 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
23 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
24 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
25 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL  
26 ASSEMBLY THAT THE SURCHARGE IMPOSED BY THE ENTERPRISE IS A FEE,  
27 NOT A TAX, BECAUSE THE SURCHARGE IS IMPOSED FOR THE SPECIFIC

1 PURPOSE OF ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF  
2 PROVIDING THE BENEFITS AND SERVICES SPECIFIED IN SUBSECTION (1)(a)  
3 OF THIS SECTION TO USERS OF INTERNET SERVICE ACCOUNTS AND THE  
4 SURCHARGE IS IMPOSED AT A RATE THAT IS REASONABLY CALCULATED  
5 BASED ON THE COST OF THE SERVICES RECEIVED BY USERS OF INTERNET  
6 SERVICE ACCOUNTS;

7 (d) SO LONG AS THE MENTAL HEALTH SERVICES ENTERPRISE  
8 QUALIFIES AS AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X  
9 OF THE STATE CONSTITUTION, THE REVENUE FROM THE SURCHARGE  
10 IMPOSED BY THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS  
11 DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN  
12 SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE  
13 STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE  
14 X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS  
15 DEFINED IN SECTION 24-77-103.6 (6)(b)(I); AND

16 (e) NO OTHER ENTERPRISE CREATED SIMULTANEOUSLY OR WITHIN  
17 THE PRECEDING FIVE YEARS SERVES PRIMARILY THE SAME PURPOSE AS THE  
18 MENTAL HEALTH SERVICES ENTERPRISE, AND THE MENTAL HEALTH  
19 SERVICES ENTERPRISE WILL GENERATE REVENUE FROM SURCHARGES OF  
20 LESS THAN ONE HUNDRED MILLION DOLLARS TOTAL IN ITS FIRST FIVE  
21 FISCAL YEARS. ACCORDINGLY, THE CREATION OF THE MENTAL HEALTH  
22 SERVICES ENTERPRISE DOES NOT REQUIRE VOTER APPROVAL PURSUANT TO  
23 SECTION 24-77-108.

24 **27-60-603. Definitions.**

25 AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE  
26 REQUIRES:

27 (1) "ADULT MENTAL HEALTH SERVICES PROGRAM" OR "PROGRAM"

1 MEANS THE PROGRAM CREATED IN SECTION 27-60-604.

2 (2) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS  
3 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION  
4 27-50-102.

5 (3) "ELIGIBLE ADULT" MEANS AN INDIVIDUAL WHO IS NOT A  
6 YOUTH, AS DEFINED IN SECTION 27-60-109 (1)(e).

7 (4) "ENTERPRISE" MEANS THE MENTAL HEALTH SERVICES  
8 ENTERPRISE CREATED IN SECTION 27-60-606.

9 (5) "GRANT PROGRAM" MEANS THE INTERNET-ENABLED MENTAL  
10 HEALTH ACCESS GRANT PROGRAM CREATED IN SECTION 27-60-605.

11 (6) "INTERNET SERVICE ACCOUNT HOLDER" OR "ACCOUNT  
12 HOLDER" MEANS A PERSON WHO MAINTAINS AN ACCOUNT WITH AN  
13 INTERNET SERVICE PROVIDER TO RECEIVE BROADBAND INTERNET ACCESS  
14 SERVICE, AS DEFINED IN SECTION 40-15-209 (4)(a).

15 (7) "INTERNET SERVICE PROVIDER" HAS THE MEANING SET FORTH  
16 IN SECTION 40-15-209 (4)(b).

17 (8) "MENTAL HEALTH SERVICE PROVIDER" MEANS A LICENSED  
18 PSYCHIATRIST REGULATED PURSUANT TO ARTICLE 240 OF TITLE 12 OR ANY  
19 OF THE FOLLOWING LICENSEES, CERTIFIED PROFESSIONALS, OR  
20 CANDIDATES REGULATED PURSUANT TO ARTICLE 245 OF TITLE 12: A  
21 LICENSED PSYCHOLOGIST OR PSYCHOLOGIST CANDIDATE; LICENSED SOCIAL  
22 WORKER, LICENSED CLINICAL SOCIAL WORKER, OR CLINICAL SOCIAL  
23 WORKER CANDIDATE; LICENSED MARRIAGE AND FAMILY THERAPIST OR  
24 MARRIAGE AND FAMILY THERAPIST CANDIDATE; LICENSED PROFESSIONAL  
25 COUNSELOR OR LICENSED PROFESSIONAL COUNSELOR CANDIDATE; OR  
26 LICENSED ADDICTION COUNSELOR, CERTIFIED ADDICTION SPECIALIST, OR  
27 ADDICTION COUNSELOR CANDIDATE.

1 (9) "MENTAL HEALTH SERVICES ENTERPRISE CASH FUND" OR  
2 "FUND" MEANS THE MENTAL HEALTH SERVICES ENTERPRISE CASH FUND  
3 CREATED IN SECTION 27-60-606 (5).

4 (10) "PARTICIPANT" MEANS AN INDIVIDUAL WHO PARTICIPATES IN  
5 A MENTAL HEALTH SESSION THAT IS REIMBURSED PURSUANT TO THE  
6 PROGRAM.

7 (11) "PORTAL" MEANS THE WEBSITE OR WEB-BASED APPLICATION  
8 DESCRIBED IN SECTION 27-60-604 (3) THAT FACILITATES THE PROGRAM.

9 (12) "SURCHARGE" MEANS THE MENTAL HEALTH SERVICES ACCESS  
10 SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO SECTION  
11 27-60-606 (2)(a).

12 (13) "TELEHEALTH" HAS THE SAME MEANING SET FORTH IN  
13 SECTION 10-16-123 (4)(e).

14 **27-60-604. Adult mental health services program - created -**  
15 **report - rules.**

16 (1) (a) THE ADULT MENTAL HEALTH SERVICES PROGRAM IS  
17 ESTABLISHED TO FACILITATE ELIGIBLE ADULTS' ACCESS TO MENTAL  
18 HEALTH SERVICES, INCLUDING SUBSTANCE USE DISORDER SERVICES, AND  
19 TO RESPOND TO MENTAL HEALTH NEEDS IDENTIFIED IN AN INITIAL MENTAL  
20 HEALTH SCREENING CONDUCTED THROUGH THE PORTAL. THE PROGRAM  
21 REIMBURSES MENTAL HEALTH SERVICE PROVIDERS FOR UP TO SIX MENTAL  
22 HEALTH SESSIONS WITH AN ELIGIBLE ADULT.

23 (b) THE MENTAL HEALTH SERVICES ENTERPRISE SHALL CREATE,  
24 OPERATE, AND FUND THE PROGRAM. THE ENTERPRISE SHALL CONSULT  
25 WITH THE BHA IN THE CREATION AND OPERATION OF THE PROGRAM.

26 (c) THE PROGRAM MUST REIMBURSE MENTAL HEALTH SERVICE  
27 PROVIDERS WHO PARTICIPATE IN THE PROGRAM FOR EACH MENTAL HEALTH

1 SESSION WITH A PARTICIPANT, EITHER IN PERSON OR BY TELEHEALTH, UP  
2 TO A MAXIMUM OF SIX SESSIONS PER PARTICIPANT; EXCEPT THAT, SUBJECT  
3 TO AVAILABLE MONEY, THE PROGRAM MAY REIMBURSE A PROVIDER FOR  
4 ADDITIONAL SESSIONS. TO BE ELIGIBLE FOR REIMBURSEMENT FROM THE  
5 PROGRAM, A MENTAL HEALTH SERVICE PROVIDER MUST BE AVAILABLE TO  
6 PROVIDE AT LEAST SIX MENTAL HEALTH SESSIONS TO EACH PARTICIPANT  
7 THE PROVIDER ACCEPTS AS A CLIENT.

8 (d) A MENTAL HEALTH SERVICE PROVIDER SHALL MAINTAIN CLIENT  
9 CONFIDENTIALITY PURSUANT TO STATE OR FEDERAL LAW WITH REGARD TO  
10 A CLIENT WHO PARTICIPATES IN A MENTAL HEALTH SESSION WITH THE  
11 PROVIDER WHO IS REIMBURSED PURSUANT TO THE PROGRAM.

12 (2) (a) THE ENTERPRISE SHALL:

13 (I) DEVELOP A PROCESS CONSISTENT WITH THE REQUIREMENTS OF  
14 THIS SECTION FOR MENTAL HEALTH SERVICE PROVIDERS TO APPLY FOR,  
15 AND DEMONSTRATE ELIGIBILITY TO RECEIVE, REIMBURSEMENT FROM THE  
16 PROGRAM;

17 (II) DETERMINE A REASONABLE RATE OF REIMBURSEMENT FOR  
18 EACH MENTAL HEALTH SESSION PROVIDED PURSUANT TO THE PROGRAM.  
19 THE RATE MUST BE THE SAME REGARDLESS OF WHETHER THE  
20 APPOINTMENT IS AN IN-PERSON OR TELEHEALTH APPOINTMENT.

21 (III) IMPLEMENT A STATEWIDE PUBLIC AWARENESS AND OUTREACH  
22 CAMPAIGN ABOUT THE PROGRAM. THE GENERAL ASSEMBLY ENCOURAGES  
23 THE ENTERPRISE TO INVOLVE HEALTH-CARE PROVIDERS, FAITH-BASED  
24 ORGANIZATIONS, AND OTHER COMMUNITY-BASED ORGANIZATIONS IN  
25 DISSEMINATING INFORMATION ABOUT THE PROGRAM.

26 (b) THE ENTERPRISE MAY ADOPT RULES NECESSARY FOR THE  
27 ADMINISTRATION OF THIS SECTION, INCLUDING RULES TO PROTECT THE

1 PRIVACY OF PROGRAM PARTICIPANTS.

2 (3) THE ENTERPRISE SHALL ENTER INTO AN AGREEMENT WITH A  
3 VENDOR TO CREATE OR USE AN EXISTING WEBSITE OR WEB-BASED  
4 APPLICATION AS A PORTAL THAT IS AVAILABLE TO ELIGIBLE ADULTS,  
5 PARTICIPANTS, AND MENTAL HEALTH SERVICE PROVIDERS TO FACILITATE  
6 THE PROGRAM. THE PORTAL MUST:

7 (a) SERVE AS A PLATFORM FOR INITIAL MENTAL HEALTH  
8 SCREENINGS TO DETERMINE IF AN ELIGIBLE ADULT MAY BENEFIT FROM  
9 MENTAL HEALTH SUPPORT;

10 (b) ALLOW MENTAL HEALTH SERVICE PROVIDERS TO REGISTER AND  
11 SHARE IN-PERSON OR TELEHEALTH APPOINTMENT AVAILABILITY;

12 (c) WHEN POSSIBLE, CONNECT AN ELIGIBLE ADULT WITH MENTAL  
13 HEALTH SERVICE PROVIDERS WHO ACCEPT THE ELIGIBLE ADULT'S  
14 INSURANCE OR PAYMENT SOURCE, WHICH MAY COVER THE COSTS OF  
15 ONGOING MENTAL HEALTH TREATMENT, IF THE ELIGIBLE ADULT HAS  
16 INSURANCE OR A PAYMENT SOURCE; AND

17 (d) ALLOW AN ELIGIBLE ADULT, REGARDLESS OF WHETHER THE  
18 ELIGIBLE ADULT HAS INSURANCE OR ANY OTHER PAYMENT SOURCE, TO  
19 SCHEDULE TELEHEALTH APPOINTMENTS WITH A MENTAL HEALTH SERVICE  
20 PROVIDER. AN IN-PERSON APPOINTMENT MAY BE PROVIDED IF AND WHEN  
21 AVAILABLE.

22 (4) (a) ON OR BEFORE JUNE 1, 2028, AND ON OR BEFORE JUNE 1 OF  
23 EACH YEAR THEREAFTER, THE VENDOR DESCRIBED IN SUBSECTION (3) OF  
24 THIS SECTION SHALL DELIVER TO THE ENTERPRISE ANY OF THE FOLLOWING,  
25 COLLECTED DURING THE PRIOR YEAR:

26 (I) INFORMATION ABOUT THE PROGRAM COLLECTED FROM  
27 SURVEYS OF PARTICIPANTS AND MENTAL HEALTH SERVICE PROVIDERS;



1 AND

2 (II) DATA FROM EVALUATIONS CONDUCTED BY THE VENDOR  
3 ABOUT THE EFFICACY OF THE PROGRAM, INCLUDING WHETHER THE  
4 PROGRAM IS SERVING THE MENTAL HEALTH NEEDS OF PARTICIPANTS.

5 (b) ON A SCHEDULE DETERMINED BY THE ENTERPRISE, BUT AT  
6 LEAST ANNUALLY, THE ENTERPRISE SHALL CONDUCT A SURVEY OF EACH  
7 MENTAL HEALTH SERVICE PROVIDER WHO PARTICIPATES IN THE PROGRAM  
8 THAT SOLICITS FEEDBACK ABOUT THE FOLLOWING:

9 (I) THE MET AND UNMET MENTAL HEALTH NEEDS OF THE  
10 PARTICIPANTS WHO RECEIVED TREATMENT FROM THE PROVIDER;

11 (II) WHETHER THE PROVIDER MADE REFERRALS FOR PARTICIPANTS  
12 FOR ADDITIONAL SERVICES BEYOND WHAT IS PROVIDED PURSUANT TO THE  
13 PROGRAM; AND

14 (III) ANY OTHER ELEMENTS OF THE PROGRAM.

15 (c) THE ENTERPRISE SHALL PROVIDE INFORMATION TO THE STATE  
16 DEPARTMENT, INCLUDING INFORMATION LEARNED FROM VENDORS AND  
17 MENTAL HEALTH SERVICE PROVIDERS PURSUANT TO SUBSECTIONS (4)(a)  
18 AND (4)(b) OF THIS SECTION, NECESSARY FOR THE STATE DEPARTMENT TO  
19 MAKE ITS REPORT DESCRIBED IN SUBSECTION (5) OF THIS SECTION TO THE  
20 HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE  
21 AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY  
22 SUCCESSOR COMMITTEE.

23 (d) THIS SUBSECTION (4) DOES NOT AUTHORIZE THE ENTERPRISE,  
24 THE STATE DEPARTMENT, THE BHA, A MENTAL HEALTH SERVICE  
25 PROVIDER, A VENDOR, OR ANY OTHER PERSON TO VIOLATE APPLICABLE  
26 FEDERAL OR STATE PATIENT PRIVACY LAWS.

27 (5) (a) ON OR BEFORE JUNE 30, 2027, AND ON OR BEFORE JUNE 30

1 OF EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL REPORT TO  
2 THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES  
3 COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE,  
4 OR THEIR SUCCESSOR COMMITTEES, REGARDING THE NUMBER OF  
5 PARTICIPANTS WHO RECEIVED SERVICES UNDER THE PROGRAM, EXCLUDING  
6 ANY PERSONALLY IDENTIFIABLE INFORMATION IN ACCORDANCE WITH  
7 STATE AND FEDERAL LAW; INFORMATION IN AGGREGATE ABOUT THE  
8 SERVICES PROVIDED TO PARTICIPANTS UNDER THE PROGRAM; OTHER  
9 RELEVANT INFORMATION REGARDING THE PROGRAM; AND THE  
10 INFORMATION REPORTED TO THE ENTERPRISE BY THE VENDOR PURSUANT  
11 TO SUBSECTION (4)(a) OF THIS SECTION.

12 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
13 REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION (5)  
14 CONTINUES INDEFINITELY.

15 **27-60-605. Internet-enabled mental health access grant**  
16 **program - policies, procedures, and guidelines - report.**

17 (1) (a) THE INTERNET-ENABLED MENTAL HEALTH ACCESS GRANT  
18 PROGRAM IS CREATED TO AWARD GRANTS TO ENTITIES THAT USE THE  
19 INTERNET TO FACILITATE MENTAL HEALTH SERVICES.

20 (b) THE MENTAL HEALTH SERVICES ENTERPRISE SHALL CREATE,  
21 OPERATE, AND FUND THE GRANT PROGRAM. THE ENTERPRISE SHALL  
22 CONSULT WITH THE BHA IN THE CREATION AND OPERATION OF THE GRANT  
23 PROGRAM.

24 (2) TO BE ELIGIBLE FOR A GRANT AWARD, AN ENTITY MUST  
25 OPERATE A PROGRAM THAT USES THE INTERNET, INCLUDING A WEBSITE,  
26 ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION, TO  
27 FACILITATE ACCESS TO OR PROVIDE MENTAL HEALTH SERVICES, INCLUDING

1 SCREENING FOR MENTAL HEALTH NEEDS, FACILITATING PROVIDER  
2 REFERRALS, OR HOSTING TELEHEALTH MENTAL HEALTH APPOINTMENTS.  
3 AN ENTITY IS NOT REQUIRED TO EXCLUSIVELY USE THE INTERNET TO  
4 FACILITATE ACCESS TO OR PROVIDE SERVICES TO BE ELIGIBLE FOR A GRANT  
5 AWARD.

6 (3) (a) THE ENTERPRISE SHALL ADOPT, AND POST PUBLICLY ON THE  
7 BHA'S WEBSITE, POLICIES, PROCEDURES, AND GUIDELINES FOR THE GRANT  
8 PROGRAM THAT INCLUDE, AT A MINIMUM:

9 (I) PROCEDURES AND TIME LINES BY WHICH AN ELIGIBLE RECIPIENT  
10 MAY APPLY FOR A GRANT;

11 (II) CRITERIA FOR DETERMINING GRANT ELIGIBILITY AND THE  
12 AMOUNT OF GRANT AWARDS; AND

13 (III) REPORTING REQUIREMENTS FOR GRANT RECIPIENTS THAT  
14 INCLUDE REPORTING THE USE OF A GRANT AWARD.

15 (b) THE ENTERPRISE SHALL REVIEW GRANT APPLICATIONS AND  
16 AWARD GRANTS IN ACCORDANCE WITH THE GRANT PROGRAM'S POLICIES,  
17 PROCEDURES, AND GUIDELINES.

18 (4) (a) ON OR BEFORE JANUARY 31, 2028, AND ON OR BEFORE  
19 JANUARY 31 OF EACH YEAR THEREAFTER, THE ENTERPRISE SHALL SUBMIT  
20 A REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN  
21 SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES  
22 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, WITH INFORMATION  
23 ABOUT THE GRANT PROGRAM'S ACTIVITIES DURING THE PRECEDING YEAR.  
24 THE ENTERPRISE SHALL ALSO POST THE ANNUAL REPORT ON THE BHA'S  
25 WEBSITE. THE REPORT MUST INCLUDE THE NUMBER AND TOTAL AMOUNT  
26 OF GRANTS AWARDED BY THE GRANT PROGRAM, THE RECIPIENT AND  
27 AMOUNT OF EACH GRANT AWARDED, AND THE USE OF EACH GRANT

1 AWARD.

2 (b) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136  
3 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS  
4 SUBSECTION (4) CONTINUES INDEFINITELY.

5 **27-60-606. Mental health services enterprise - created - board**  
6 **- powers and duties - rules and policies - cash fund - repeal.**

7 (1) (a) THERE IS CREATED IN THE BEHAVIORAL HEALTH  
8 ADMINISTRATION THE MENTAL HEALTH SERVICES ENTERPRISE. THE  
9 ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS  
10 WITHIN THE BHA FOR THE BUSINESS PURPOSE OF IMPOSING AND  
11 COLLECTING SURCHARGES PURSUANT TO THIS SECTION, AND UTILIZING THE  
12 SURCHARGE REVENUE TO CREATE, OPERATE, AND FUND THE ADULT  
13 MENTAL HEALTH SERVICES PROGRAM AND THE INTERNET-ENABLED  
14 MENTAL HEALTH ACCESS GRANT PROGRAM. THE ENTERPRISE IS A **TYPE 1**  
15 ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS POWER AND  
16 PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE BHA.

17 (b) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
18 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT  
19 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS  
20 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL  
21 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
22 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (1), THE  
23 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
24 CONSTITUTION.

25 (c) THE ENTERPRISE IS GOVERNED BY A BOARD OF DIRECTORS  
26 APPOINTED BY THE GOVERNOR.

27 (2) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE TO:

1           (a) EFFECTIVE JANUARY 1, 2027, IMPOSE A MENTAL HEALTH  
2 SERVICES ACCESS SURCHARGE ON INTERNET SERVICE ACCOUNT HOLDERS  
3 IN AN AMOUNT ESTABLISHED ANNUALLY BY THE ENTERPRISE, BUT NOT TO  
4 EXCEED TWENTY-FIVE CENTS PER MONTH PER ACCOUNT. ON OR BEFORE  
5 OCTOBER 1, 2026, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR  
6 THEREAFTER, THE ENTERPRISE SHALL ESTABLISH THE AMOUNT OF THE  
7 SURCHARGE FOR THE NEXT CALENDAR YEAR AND PUBLISH THE  
8 SURCHARGE AMOUNT ON THE BHA'S WEBSITE. THE AMOUNT OF THE  
9 SURCHARGE MUST BE REASONABLY CALCULATED BASED ON THE COST OF  
10 THE SERVICES RECEIVED BY INTERNET SERVICE ACCOUNT HOLDERS  
11 THROUGH THE ADULT MENTAL HEALTH SERVICES PROGRAM AND  
12 PROGRAMS FUNDED THROUGH THE INTERNET-ENABLED MENTAL HEALTH  
13 ACCESS GRANT PROGRAM.

14           (b) AS REQUIRED BY SECTION 27-60-604, CREATE, OPERATE, AND  
15 FUND THE ADULT MENTAL HEALTH SERVICES PROGRAM;

16           (c) AS REQUIRED BY SECTION 27-60-605, CREATE, OPERATE, AND  
17 FUND THE INTERNET-ENABLED MENTAL HEALTH ACCESS GRANT PROGRAM;

18           (d) ENTER INTO CONTRACTS NECESSARY FOR PROFESSIONAL AND  
19 TECHNICAL ASSISTANCE AND ADVICE AND TO SUPPLY OTHER SERVICES  
20 RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE, WITHOUT  
21 REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE  
22 24;

23           (e) BY RESOLUTION, AUTHORIZE AND ISSUE REVENUE BONDS THAT  
24 ARE PAYABLE ONLY FROM THE MONEY IN THE MENTAL HEALTH SERVICES  
25 ENTERPRISE CASH FUND;

26           (f) ADOPT RULES AS NECESSARY TO CARRY OUT THIS PART 6,  
27 INCLUDING RULES THAT ESTABLISH SURCHARGE REMITTANCE PROCEDURES

1 THAT ARE CONSISTENT WITH SECTION 27-60-607 (4)(a); AND

2 (g) ADOPT POLICIES FOR THE REGULATION OF ITS AFFAIRS AND THE  
3 CONDUCT OF ITS BUSINESS CONSISTENT WITH THIS PART 6.

4 (3) (a) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS  
5 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", PART 4 OF  
6 ARTICLE 6 OF TITLE 24.

7 (b) THE ENTERPRISE IS SUBJECT TO THE "COLORADO OPEN  
8 RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24. FOR PURPOSES OF THE  
9 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24,  
10 AND EXCEPT AS MAY OTHERWISE BE PROVIDED BY FEDERAL LAW OR  
11 REGULATION OR STATE LAW, THE RECORDS OF THE ENTERPRISE ARE PUBLIC  
12 RECORDS, AS DEFINED IN SECTION 24-72-202 (6), REGARDLESS OF  
13 WHETHER THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS  
14 TOTAL ANNUAL REVENUE IN GRANTS, AS DEFINED IN SECTION 24-77-102  
15 (7), FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

16 (c) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF THE  
17 "SUPPLEMENTAL PUBLIC SECURITIES ACT", PART 2 OF ARTICLE 57 OF  
18 TITLE 11.

19 (4) THE BHA SHALL PROVIDE OFFICE SPACE AND ADMINISTRATIVE  
20 STAFF TO THE ENTERPRISE PURSUANT TO A CONTRACT ENTERED INTO  
21 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION.

22 (5) (a) THE MENTAL HEALTH SERVICES ENTERPRISE CASH FUND IS  
23 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY  
24 CREDITED TO THE FUND IN ACCORDANCE WITH THIS PART 6; ANY MONEY  
25 RECEIVED FROM THE ISSUANCE OF REVENUE BONDS, AS DESCRIBED IN  
26 SUBSECTION (2)(d) OF THIS SECTION; AND ANY OTHER MONEY THAT THE  
27 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

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

4 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
5 ENTERPRISE. THE ENTERPRISE MAY EXPEND MONEY FROM THE FUND FOR  
6 THE PURPOSES OF THIS PART 6. IN EACH FISCAL YEAR, THE ENTERPRISE  
7 MUST FULLY FUND THE MINIMUM REQUIREMENTS OF THE ADULT MENTAL  
8 HEALTH SERVICES PROGRAM SET FORTH IN SECTION 27-60-604 BEFORE  
9 EXPENDING MONEY FROM THE FUND FOR THE INTERNET-ENABLED MENTAL  
10 HEALTH ACCESS GRANT PROGRAM.

11 (d) (I) SECTION 24-77-108 DOES NOT APPLY TO THE ENTERPRISE  
12 BECAUSE THE TOTAL AMOUNT OF MONEY CREDITED OR APPROPRIATED TO  
13 THE MENTAL HEALTH SERVICES ENTERPRISE CASH FUND AS THE MENTAL  
14 HEALTH SERVICES ACCESS SURCHARGE SHALL NOT EXCEED ONE HUNDRED  
15 MILLION DOLLARS IN THE FIRST FIVE FISCAL YEARS OF THE ENTERPRISE'S  
16 EXISTENCE.

17 (II) THIS SUBSECTION (5)(d) IS REPEALED, EFFECTIVE JULY 1, 2033.

18 (e) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
19 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
20 THIS SECTION, SO LONG AS THE COMBINATION OF GRANTS FROM STATE AND  
21 LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S  
22 TOTAL ANNUAL REVENUE.

23 **27-60-607. Remittance of mental health services access**  
24 **surcharges - incorrect or delinquent reports - penalties -**  
25 **administrative fees - rules.**

26 (1) EACH INTERNET SERVICE PROVIDER SHALL COLLECT FROM ITS  
27 ACCOUNT HOLDERS THE MENTAL HEALTH SERVICES ACCESS SURCHARGE

1 ESTABLISHED BY THE MENTAL HEALTH SERVICES ENTERPRISE PURSUANT  
2 TO SECTION 27-60-606 (2)(a).

3 (2) THE DUTY TO COLLECT AND REMIT THE MENTAL HEALTH  
4 SERVICES ACCESS SURCHARGE COMMENCES ON JANUARY 1, 2027. THE  
5 MENTAL HEALTH SERVICES ACCESS SURCHARGE MUST BE STATED  
6 SEPARATELY ON THE ACCOUNT HOLDER'S BILLING STATEMENT.

7 (3) AN INTERNET SERVICE PROVIDER IS LIABLE ONLY FOR THE  
8 MENTAL HEALTH SERVICES ACCESS SURCHARGE COLLECTED PURSUANT TO  
9 THIS PART 6 UNTIL IT IS REMITTED TO THE ENTERPRISE. THE AMOUNT  
10 REMITTED BY THE INTERNET SERVICE PROVIDER MUST REFLECT THE  
11 ACTUAL COLLECTIONS BASED ON THE ACTUAL ACCOUNT HOLDERS BILLED.

12 (4) (a) AN INTERNET SERVICE PROVIDER SHALL REMIT THE  
13 COLLECTED SURCHARGES TO THE ENTERPRISE ON A MONTHLY BASIS IN A  
14 MANNER ESTABLISHED BY THE ENTERPRISE. THE ENTERPRISE SHALL  
15 ESTABLISH REMITTANCE PROCEDURES BY RULE. AN INTERNET SERVICE  
16 PROVIDER IS SUBJECT TO THE PENALTIES AND PROCEDURES DESCRIBED IN  
17 SUBSECTION (5) OF THIS SECTION FOR THE FAILURE TO COLLECT OR  
18 CORRECTLY REMIT A SURCHARGE IN ACCORDANCE WITH THIS SECTION.

19 (b) AN INTERNET SERVICE PROVIDER MAY DEDUCT AND RETAIN  
20 ONE PERCENT OF THE SURCHARGES THAT ARE COLLECTED BY THE  
21 INTERNET SERVICE PROVIDER FROM ITS ACCOUNT HOLDERS TO COVER THE  
22 INTERNET SERVICE PROVIDER'S ADMINISTRATIVE COSTS IN COLLECTING  
23 THE SURCHARGE.

24 (c) THE ENTERPRISE SHALL TRANSMIT THE SURCHARGES REMITTED  
25 TO THE ENTERPRISE PURSUANT TO THIS SECTION TO THE STATE  
26 TREASURER, WHO SHALL CREDIT THE SURCHARGE COLLECTIONS TO THE  
27 MENTAL HEALTH SERVICES ENTERPRISE CASH FUND CREATED IN SECTION



1 27-60-606 (5). ANY SURCHARGE TRANSMITTED TO THE STATE TREASURER  
2 THAT IS COLLECTED ON BEHALF OF THE MENTAL HEALTH SERVICES  
3 ENTERPRISE IS EXCLUDED FROM STATE FISCAL YEAR SPENDING.

4 (5) (a) AN INTERNET SERVICE PROVIDER SHALL MAINTAIN A  
5 RECORD OF THE AMOUNT OF EACH MENTAL HEALTH SERVICES ACCESS  
6 SURCHARGE COLLECTED FROM EACH ACCOUNT HOLDER FOR A PERIOD OF  
7 THREE YEARS AFTER THE TIME THE SURCHARGE WAS COLLECTED. AN  
8 INTERNET SERVICE PROVIDER SHALL INCLUDE WITH ITS MONTHLY  
9 REMITTANCE TO THE ENTERPRISE A REPORT OF THE SURCHARGES  
10 INCLUDED IN THE REMITTANCE.

11 (b) IF AN INTERNET SERVICE PROVIDER FAILS TO TIMELY FILE A  
12 REPORT AND REMIT THE MENTAL HEALTH SERVICES ACCESS SURCHARGE  
13 AS REQUIRED BY THIS SECTION, OR IF AN INTERNET SERVICE PROVIDER  
14 FILES AN INCORRECT REPORT OR FAILS TO REMIT THE CORRECT AMOUNT,  
15 THE ENTERPRISE SHALL ESTIMATE THE AMOUNT OF THE REMITTANCE DUE  
16 FOR THE PERIOD OR PERIODS FOR WHICH THE INTERNET SERVICE PROVIDER  
17 IS DELINQUENT. THE ENTERPRISE SHALL MAKE THE ESTIMATE BASED UPON  
18 THE INFORMATION AVAILABLE. THE ENTERPRISE SHALL COMPUTE AND  
19 ASSESS A PENALTY EQUAL TO FIFTEEN PERCENT OF THE ESTIMATED  
20 DELINQUENT AMOUNT AND SHALL ASSESS INTEREST ON THE DELINQUENT  
21 SURCHARGES AT THE RATE OF ONE PERCENT EACH MONTH FROM THE DATE  
22 WHEN DUE UNTIL THE DATE PAID.

23 (c) EXCEPT AS PROVIDED IN THIS SECTION AND UNLESS THE TIME  
24 IS EXTENDED BY AGREEMENT PURSUANT TO SUBSECTION (5)(d) OF THIS  
25 SECTION, THE AMOUNT OF A DELINQUENT REMITTANCE AND THE PENALTY  
26 AND INTEREST OWED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION,  
27 OTHER THAN INTEREST ACCRUING THEREAFTER, MUST BE ASSESSED

1        WITHIN THREE YEARS AFTER THE DATE THE INCORRECT REPORT WAS FILED  
2        OR THE DELINQUENT REPORT WAS TO BE FILED. THE ENTERPRISE SHALL  
3        NOT FILE A NOTICE OF LIEN, ISSUE A DISTRAINT WARRANT, INSTITUTE A  
4        SUIT FOR COLLECTION, OR TAKE OTHER ACTION TO COLLECT THE AMOUNT  
5        AFTER THE EXPIRATION OF THE APPLICABLE TIME PERIOD UNLESS THE  
6        ENTERPRISE ISSUES A NOTICE OF ASSESSMENT FOR THE AMOUNT WITHIN  
7        THE APPLICABLE TIME PERIOD.

8            (d) IF, BEFORE THE EXPIRATION OF THE TIME PERIOD PRESCRIBED  
9        FOR THE ASSESSMENT OF DELINQUENT AMOUNTS IN SUBSECTION (5)(c) OF  
10       THIS SECTION, THE ENTERPRISE AND THE INTERNET SERVICE PROVIDER  
11       CONSENT IN WRITING TO AN ASSESSMENT AFTER THE TIME PERIOD, THE  
12       AMOUNT CALCULATED IN ACCORDANCE WITH SUBSECTION (5)(b) OF THIS  
13       SECTION MAY BE ASSESSED AT ANY TIME PRIOR TO THE EXPIRATION OF THE  
14       TIME PERIOD AGREED UPON. THE TIME PERIOD AGREED UPON MAY BE  
15       EXTENDED BY SUBSEQUENT AGREEMENTS IN WRITING MADE BEFORE THE  
16       EXPIRATION OF THE TIME PERIOD PREVIOUSLY AGREED UPON. THE  
17       ENTERPRISE MAY FILE A LIEN AGAINST THE PROPERTY OF THE INTERNET  
18       SERVICE PROVIDER FOR UP TO ONE YEAR AFTER THE EXPIRATION OF ANY  
19       APPLICABLE TIME PERIOD.

20           (e) THE ENTERPRISE MAY CONDUCT AN AUDIT OF AN INTERNET  
21       SERVICE PROVIDER'S BOOKS AND RECORDS CONCERNING THE COLLECTION  
22       AND REMITTANCE OF THE SURCHARGES AUTHORIZED BY THIS PART 6. A  
23       PUBLIC INSPECTION OF THE AUDIT AND OF DOCUMENTS REVIEWED IN THE  
24       AUDIT IS SUBJECT TO SECTION 24-72-204. THE ENTERPRISE IS RESPONSIBLE  
25       FOR EXPENSES THE ENTERPRISE MAY INCUR TO CONDUCT THE AUDIT. IN  
26       CONNECTION WITH AN AUDIT, AN INTERNET SERVICE PROVIDER SHALL  
27       MAKE RELEVANT RECORDS AVAILABLE TO THE AUDITORS AT NO CHARGE.

1 THE ENTERPRISE SHALL ADOPT RULES GOVERNING THE AUDIT AND APPEAL  
2 PROCEDURES.

3 (f) THE ENTERPRISE SHALL DEPOSIT ANY PENALTIES OR INTEREST  
4 COLLECTED PURSUANT TO THIS SUBSECTION (5) IN THE ADULT MENTAL  
5 HEALTH PROGRAM ENTERPRISE CASH FUND.

6 **SECTION 2. Act subject to petition - effective date.** This act  
7 takes effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly (August  
9 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
10 referendum petition is filed pursuant to section 1 (3) of article V of the  
11 state constitution against this act or an item, section, or part of this act  
12 within such period, then the act, item, section, or part will not take effect  
13 unless approved by the people at the general election to be held in  
14 November 2026 and, in such case, will take effect on the date of the  
15 official declaration of the vote thereon by the governor.