



COLORADO **HEALTH** INSTITUTE

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2023 Legislation in Review

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Joe Hanel, Allie Morgan, Kendra Neumann, lead authors

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2023 Session By the Numbers

Bills Introduced
617
311 House Bills
306 Senate Bills



486
Bills Passed



131
Bills Killed



79% Bills sent to governor for signature

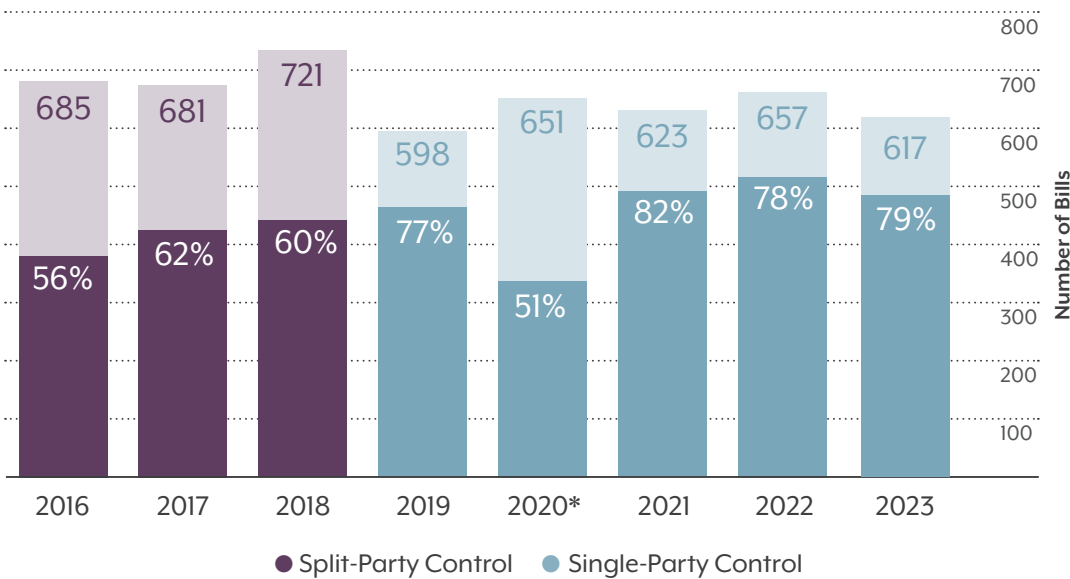


182

Bills undecided with 5 days remaining in session

★ Nearly 30% of all bills

Introduced Bills and Pass Rate by Year



*The COVID-19 pandemic disrupted the session and forced many bills to be tabled due to time and budget constraints.



194

Health-related bills on CHI's tracking list

33

New legislators

★ Out of 100 total legislators

Governor Vetoes

10

Margin of Democratic Control

HOUSE

46

19



SENATE

23

12

8

Number of weekend days worked

★ In the House of Representatives

Introduction

When a roster is stacked, expectations are sky high — and we know from great sports teams that with enough of an advantage, they don't have to be perfect to win. (See: the 2023 Denver Nuggets and 2022 Colorado Avalanche.) Still, both seasoned veterans and heralded rookies feel intense pressure to perform.

Democrats entered this legislative session with confidence, touting a mandate from Colorado voters for their team to deliver bold, progressive policies after the November election. Though the party had been fully in control of state government for four years, their advantage grew to historic margins, especially in the House. And there were plenty of fresh faces: one-third of legislators were new to the Capitol.

With a larger caucus comes greater diversity of opinion, and Democrats didn't always see eye to eye. While Republicans played a hand in policy discussions, the most notable debates often came from internal disagreements among Democrats, with moderates and progressives at odds over key issues. Governor Jared Polis vetoed 10 bills, frustrating members of his party. And despite calls to prevent a crush of bills in the final days and hours of the session, it happened again in 2023.

From budget constraints to Republican delays, Democrats struggled at times to advance their agenda, particularly as the clock ticked down. Members of the party's left wing hit roadblocks in areas such as criminal justice, substance use, and housing, with progressive Democrats unsuccessfully pushing for measures to limit arrests for certain non-violent offenses, allow cities to open overdose prevention centers, and place limits on single-family zoning for homes. Longstanding lobby groups also exerted influence, successfully opposing or amending legislation that critics said threatened the interests of local governments, hospitals, and businesses.

But in the end, Democrats largely delivered on their promises. Two successes of note: passage of bill packages addressing reproductive health and guns. These highly partisan issues proceeded quickly, generally facilitated by support from across the Democratic Party, including both progressives and moderates, legislative leadership, and the governor.

The new laws are receiving national attention, held up as models for other states looking to pass legislation popular with progressives.

Many policy decisions each session come down to money. After being flooded with federal COVID-relief aid the past two sessions, the legislature had fewer dollars to spend on new programs and initiatives. This forced tough decisions for leaders, including members of the Joint Budget Committee, which shapes the state's budget. Legislators focused on pocketbook issues, notably controlling health care costs, promoting affordable housing, and providing tax relief and tax credits.

And health, again, was at the forefront.

Legislators passed bills to improve behavioral health access and funding for screening and treatment services. They changed up some notable new programs, such as the Colorado Option insurance plan and Prescription Drug Affordability Board (PDAB), as well as the Behavioral Health Administration (BHA). They altered licensing and scope-of-practice requirements for health care providers, such as physician assistants and psychologists, and continued to advance a slate of policies focused on climate change by tackling air quality and wildfire issues. They extended coverage for some people on Medicaid.

With a larger caucus comes greater diversity of opinion, and Democrats didn't always see eye to eye.

Without a major election in the fall, the months before the start of the 2024 session should be a quieter time when legislators and stakeholders will savor their wins and contemplate their losses before developing next year's strategy. But make no mistake, this is not a game; the health of our state depends on it.



Housing: High Hopes but Halting Progress

Legislators in both parties devoted a great deal of time to housing bills — not surprising given that many candidates campaigned on bold housing promises and Polis made affordable housing a highlight of his State of the State address in January. But tensions between progressive and moderate Democrats complicated these discussions, as did pressure from local governments, which resented state influence on land use decisions traditionally under local control. Polis also vetoed an affordable housing bill after the session's conclusion (see Page 12).

Zoning

Local government lobbyists had a big win with the defeat of **Senate Bill 213**. This bill, which was the centerpiece of Polis' affordable housing proposal, was most controversial for its zoning provisions, including a ban on single-family zoning in many cities and towns. Many Democrats were skeptical of the original bill, and the Senate passed a watered-down version that essentially amounted to a housing needs assessment. The bill died when the House and Senate couldn't agree on their very different versions. Polis' other proposal to promote affordable housing, **House Bill 1255**, which bans housing growth restrictions, passed both chambers without much fanfare. Many large cities including Boulder, Golden, and Lakewood currently have growth caps, which will disappear once this bill goes into effect.

One other affordable housing bill, **HB 1115**, would have allowed local governments to enact rent control. After opposition by key Democrats, the bill died in committee.

Tenants' Rights

Progressive Democrats also advocated for a slew of bills to provide additional rights and protections to tenants. These bills had mixed results and were less controversial among Democrats. One high-profile tenant rights bill, **HB 1171**, died without receiving a final vote when Democratic leadership chose to spend their limited time on other topics. HB 1171 would have banned evictions without cause, though still allowed landlords to remove tenants for causes like repeated failure to pay rent or substantial misconduct, or to tear down the building.

However, a range of tenant protection measures passed, including one allowing tenants to participate remotely in eviction proceedings (**HB 1186**), a measure to ban rental contracts that require tenants to waive their rights to participate in class-action lawsuits or trial by jury (**HB 1095**), and a bill that requires mediation prior to eviction for tenants receiving cash assistance (**HB 1120**). This includes tenants who receive Social Security or disability payments and benefits through the Temporary Assistance for Needy Families program.

NOTE: Throughout this report, bills that passed are highlighted in **GREEN**. Bills that failed are highlighted in **RED**.



Pocketbook Issues: Social Supports and Workers' Rights

Social conditions play an important part in health. Legislators took steps to expand food access and workers' rights, but progressive Democrats came up short on several votes.

Food Access

HB 1008 provides up to \$10 million in tax credits for family farms and small businesses in the Community Food Access Program, which the legislature set up in 2022 to bring healthy food to underserved parts of the state. Colorado will pay for new credits by eliminating tax breaks on business meals.

However, the House turned down **SB 27**, which would have given \$6 million in grants to food pantries.

Workers' Rights and Civil Rights

Committees rejected two progressive Democratic bills to boost workers' rights. **HB 1118**, called the Fair Workweek bill, would have provided more predictable scheduling for hourly employees as well as pay for some shifts that are cancelled at

the last minute. **SB 98** would have increased job protections and pay transparency for drivers in ride sharing and food delivery services.

Legislators increased workplace rights through **SB 17**, which adds school closures, bereavement, and evacuation from a home as reasons to take paid leave from work.

In the area of disability rights, legislators passed **SB 289** and **HB 1296**. SB 289 expands the range of services Medicaid covers for some members with disabilities, including assistance for daily activities, and HB 1296 sets up a task force to examine other laws on disability rights.

Income

Under **HB 1006** and **HB 1112**, people with lower incomes could soon receive more money in their pockets from earned income and child tax credits. HB 1112 increases earned income and child tax credits, while HB 1006 requires employers to share information about these tax credits with employees.

Mental Health: A Bipartisan Priority

Unlike for many other high priority bills this session, the Democratic caucus united in favor of mental health screenings and treatment. Some of these bills also received Republican support.

Treatment

Many Coloradans still have trouble accessing quality behavioral health treatment. Legislators focused some attention this year on a bill to improve treatment for those with eating disorders (**SB 176**). At the urging of doctors and patients, the law bans some insurers from using body mass index or ideal body weight to determine medical necessity or the appropriate level of care for most eating disorders.

Screening

The strongest opposition to mental health bills centered on **HB 1003** because it initially allowed minors to get mental health screenings without parental consent. In its final form, HB 1003 allows public schools serving students in grades 6-12

to participate in a state-funded mental health screening and referral program, though parents can opt their children out. Parents who expressed concerns did convince the Senate to amend the bill to remove mentions of minors' rights to seek screenings. The bill is among the session's most consequential health policies and is expected to provide screenings for around 90,000 kids, backed by significant funding, in schools across the state.¹

The System

Against the backdrop of new screening and treatment provisions, the legislature also passed **HB 1236** to help with the implementation of the new BHA. When introduced, the bill was expected to be routine. However, due to leadership changes at the BHA, legislators amended the bill late in the session to push back existing BHA timelines, including the deadline for the BHA to set minimum standards for behavioral health entities, take over licensing of these entities, and set up regional organizations to coordinate care.



Harm Reduction vs. Criminalization: Stalemates Over Drugs and the Criminal Justice System

The progressive flank of the Democratic caucus — which includes criminal justice activists, harm reductionists, and even a prison abolitionist — faced off with moderate Democrats, including Polis, and members of law enforcement on Colorado’s response to rising drug overdoses. For most of the session, legislators tied together discussions of crime and overdose, with disagreements over harm reduction, criminal penalties, and a public health approach to both drugs and crime.

Progressive Democrats, particularly new legislators, advocated both for harm reduction and against additional penalties for a range of offenses, including drug-related crimes and motor vehicle theft. Moderate Democrats and Republicans, aided by prosecutors and law enforcement, pushed for harsher criminal penalties and against other interventions that would, in their eyes, enable crimes.

The result? Minor gains for progressive Democrats on some bills and for law-and-order supporters on other bills. But neither coalition was large enough to pass some of their highest-priority policies.

Substance Use

Despite support from doctors and from local governments, the more moderate Senate killed **HB 1202**, a widely publicized bill that would have



allowed cities to open supervised use sites (also known as overdose prevention centers), where people can use pre-obtained drugs under the supervision of trained personnel who can respond to overdoses. Not long after, progressive House Democrats and harm reduction supporters killed **SB 109**, which would have increased penalties for so-called drug-induced homicides (selling drugs that lead to fatal overdoses).

One of the few substance use-related bills to pass, **HB 1167**, expands a law that gives people immunity for certain drug-related crimes when they call 911 to report an overdose.

Kids and Crime

Criminal justice reformers and law-and-order advocates also clashed on minors’ rights in the criminal justice system. Democratic sponsors framed such bills as public health issues. They pointed out that involvement in the juvenile justice system is linked to trauma and worse outcomes, and they advocated for referrals to treatment instead of the juvenile justice system.²

Progressive Democrats passed a bill that aims to prevent police from lying to minors during interrogations (**HB 1042**). However, a bill that would have raised the minimum age for criminal charges from 10 to 13 (**HB 1249**) only passed after the central provision to raise the minimum age was removed. Its final form merely orders a study and provides funding for youth community programs. Legislators had unsuccessfully run both bills in 2022.

Law enforcement and bipartisan supporters scored wins with bills raising criminal penalties in other areas, including for car theft (**SB 97**) and indecent exposure to minors (**HB 1135**). Several progressive Democrats unsuccessfully argued that these bills would increase incarceration rates without preventing crime.



Paying for Health Care: Chipping Away at Costs

For years, Colorado lawmakers have debated ways to curb costs, expand insurance coverage, and promote greater transparency in the health care system. With strong support from the Polis administration, policymakers have introduced reforms targeting hospitals, insurance carriers, pharmacy benefit managers, and others in previous sessions. Those efforts continued in 2023 with tamer results.

Some bills affected implementation of previous big-ticket legislation. Those included changes to the Colorado Option insurance plan (**HB 1224**) and the PDAB (**HB 1225**). While neither bill made major changes, they kept these important new programs in the spotlight. HB 1224 included a policy change to make shopping for Colorado Option plans easier, while HB 1225 included a provision to increase the number of drugs for which the PDAB can set an upper payment limit.

Hospitals

Hospitals successfully battled two measures, saying these bills would reduce their income to unsustainable levels and create burdensome regulations. Although

both measures passed, legislators significantly scaled them down. **HB 1215** began as an attempt to ban hospitals from charging their patients facility fees for many services. After heavy industry pushback and a persuasive media campaign, the final version of the bill only bans facility fees for outpatient preventive services. It also requires a study detailing the impacts of these fees on consumers, employers, providers, and hospitals over the past 10 years — potentially to inform future legislation.

Another ambitious proposal, **HB 1243**, sought to establish a minimum annual threshold for community investment for nonprofit hospitals, giving teeth to a federal requirement that is often loosely interpreted. However, legislators pared it down to require more detailed reporting on hospitals' community benefit spending and more community feedback on how hospitals should spend this money. The outcome of both bills showed the challenges of establishing statewide minimum requirements for community-focused initiatives.

HB 1226, backed by bipartisan sponsors, built on previous health care transparency legislation to add reporting requirements around hospital financials. Hospitals are now required to report on figures including their gross revenue and net profits. Hospitals will also face new transparency requirements around prices, including meaningful compliance measures (**SB 252**), and the availability of certain types of care, such as abortion and medical aid in dying, that are frequently refused by religiously affiliated health systems (**HB 1218**).

Rural hospitals worked with bipartisan legislators to pass **SB 298**, which will allow some public hospitals to enter into agreements with each other in order to jointly pay for needed services and supplies like medical equipment, temporary staffing and consulting, and insurance and data systems.

Prescription Drugs

Pharmaceutical costs were back under the microscope. In addition to the PDAB bill (see HB 1225), state agencies gained additional power to regulate pharmacy benefit managers (**HB 1227**, **HB 1201**), and lawmakers limited the cost of epinephrine auto-injectors, or EpiPens, for people with some health plans and created an affordability program for other Coloradans (**HB 1002**).

Insurance carriers and public insurance didn't escape scrutiny, especially related to drug coverage. Several bills targeted medication step therapy, a health insurance tactic that requires patients to start with less expensive options before "stepping up" to more expensive drugs. **HB 1130** limits insurers to requiring just one failed drug for people experiencing serious mental illness before covering costlier preferred medications, and **HB 1183**, while scaled back from

the original version, allows doctors to request a step therapy exception for their Medicaid patients under certain circumstances. A third effort to prohibit prior approvals for medications for Medicaid patients with serious mental health disorders (**SB 33**) failed, largely because of its steep price tag — more than \$10 million per year.

Health Coverage

Legislators held larger discussions about insurance coverage, too. Advocates of single-payer health care faced a setback when a bill calling for a renewed study of a universal health care system (**HB 1209**) failed late in the session, despite having received preliminary approval to fund the study. Notably, 25 other bills to launch studies or task forces passed the legislature this session.

Advocates for Medicaid members won expanded protections. **HB 1300**, a late bill introduced by the Joint Budget Committee, requires Colorado's Department of Health Care Policy & Financing (HCPF) to extend continuous eligibility coverage for young children (regardless of immigration status) and for adults upon release from incarceration. It also requires HCPF to study how to extend continuous eligibility to other groups.

At the same time, HCPF is dealing with the end of the COVID public health emergency, which stopped Medicaid from disenrolling any members. The federal policy ended on May 11, and **SB 182** will allow Colorado to continue accessing federal assistance as the state addresses the end of the public health emergency over the next year and reaches out to Medicaid members. Still, the state estimates that more than 325,000 current Medicaid enrollees will lose coverage following eligibility redetermination.³





In the National Spotlight: Reproductive Rights and Guns

Democrats presented a united front on two consequential bill packages focused on reproductive health care and gun safety, both of which received national media coverage.

Reproductive Health Care

Democrats had already passed a bill in 2022 to reaffirm legal access to abortion, in anticipation of the Supreme Court overturning *Roe v. Wade* and eliminating the constitutional right to the procedure. While red states moved rapidly to curtail abortion services following the ruling, Colorado did the opposite, establishing the state as a safe haven for people seeking both abortion and gender-affirming care.

The party in power passed three bills in their Safe Access to Protected Health Care package.

SB 188 offers protection from out-of-state litigation and prosecution for people who receive, facilitate, or provide abortion or gender-affirming care in Colorado. The policy recognizes the state's growing role as a destination for those seeking services banned in other states. It also adds these providers to the list of professionals protected from doxxing, or having their identifying personal information posted online.

SB 189 expands coverage for abortion by insurance carriers. It requires large employer health insurance plans — with an exemption for religious and government employers — to cover the procedure starting in 2025. Subject to certain requirements, the state may also require small group and individual insurers to cover abortions.

And **SB 190** bars crisis pregnancy centers from falsely advertising that they offer abortions or emergency contraception. Bill proponents said the centers spread disinformation and fail to present the full scope of choices to their patients. These facilities

outnumber abortion clinics in Colorado by more than two to one.⁴

The bills passed on near party-line votes, with Democrats in favor and Republicans opposed. Only two Democrats opposed this bill package, and no Republicans supported it.

Gun Safety

Spurred by the state's latest mass shooting, which left five people dead at Club Q in Colorado Springs last November, Democrats introduced four bills and delivered them to the governor's desk. These bills create a three-day waiting period for all gun purchases (**HB 1219**), increase the age to purchase a gun to 21 (**SB 169**), remove barriers to suing firearm manufacturers (**SB 168**), and expand the "red flag" process by allowing more classes of people to ask a court to temporarily remove someone's guns (**SB 170**).

A fifth bill to ban ghost guns, or untraceable weapons created at home with 3D printers (**SB 279**), also passed. Shooters at Club Q and Denver's East High School in March used ghost guns, leading students to demand change from legislators.^{5,6}

However, a proposal to ban assault weapons (**HB 1230**) failed. Other states that have enacted similar bans have faced lawsuits, which added to legislators' concerns and skepticism. Ultimately, the sponsors couldn't get it through its first committee hearing — three House Democrats joined with Republicans to oppose the measure. A bill to allow counties to regulate shooting on private property in some unincorporated areas (**HB 1165**) also failed in the Senate.

Still, the five bills that passed rank as some of the strictest regulations ever adopted in this historically gun-friendly state.

The Health Care Workforce: A Bipartisan Priority

According to a recent study, the United States could face a shortage of up to 124,000 doctors by 2034.⁷ Legislators are looking for creative solutions to the health care workforce shortage beyond training more doctors and nurses.

Health workforce bills generally received broad bipartisan approval. The health care workforce itself provided the most notable opposition, with some providers worried about expanding the scopes of practice for other health care workers.

The bill that may have the broadest impact, **SB 2**, would allow Medicaid to reimburse community health workers if the federal government approves. Similarly,

SB 288 requires the state to seek federal approval to reimburse doula services for Medicaid patients, as doulas have been shown to improve birth outcomes.⁸ The state budget also included funding to reimburse for doula services.

Other successful bills expand the number of people who can seek midwife certifications (**SB 167**), allow psychologists who have completed certain training to prescribe medications (**HB 1071**), and enable physician assistants to prescribe and dispense medicine without direct supervision from a doctor (**SB 83**).

Will any of these bills provide the solutions legislators are looking for? Time will tell.

Spotlight: The Governor and State Agencies

Entering his second term in office, Polis remained as involved in the legislative session as ever. In the session's opening days, he floated a long list of priorities including affordable housing, property tax relief, harsher penalties for car theft, and Colorado River Basin water rights.

While Polis worked with the legislature to make headway on some of his priorities, his administration endured a defeat when his marquee housing bill (SB 213) died on the final day. Some activists criticized the bill he championed to create a Colorado River Drought Task Force (**SB 295**), saying it was too weak a stance on a key environmental issue. At the signing ceremony for SB 295, Polis emphasized the move as a way to “bring together stakeholders with a cohesive voice” in preparation for future negotiations with other states.¹¹

The governor's office and health-focused state agencies made progress on a range of other health and climate priorities.

HCPF championed the bill on hospital community benefit spending (HB 1243), as well as a measure to ban “spread pricing” (HB 1201), which is the practice by which a pharmacy benefit manager charges a state, policyholder, or employer a higher price than it pays the pharmacy for dispensing the same drug to the same covered member.¹² The Division of Insurance

(DOI) successfully pushed the bills modifying the Colorado Option (HB 1224) and PDAB (HB 1225).

The DOI also supported measures to make homeowners insurance available (**HB 1288**) and provide homeowners better information about their insurance (**HB 1174**) in preparation for future wildfires.

Both agencies also gained new authority this session. HCPF will have additional enforcement responsibilities around hospital transparency (HB 1226) and will seek to reimburse community health workers and doulas for Medicaid services (SB 2, SB 288). Meanwhile, the DOI will adopt rules on pharmacy benefit managers and dental insurance reporting (HB 1227, **SB 179**).

Polis also inserted himself into legislative conversations through vetoes and veto threats. He vetoed 10 bills, the most of any session during his tenure. His vetoes included **HB 1190**, which would have given local governments priority in buying apartments to turn into affordable housing, and **HB 1258**, which would have created a task force to study the costs associated with criminalizing drug use, sale, and possession. Both vetoes angered progressive Democrats and activists. He also threatened to veto several more if they reached his desk, including the failed bills to allow for overdose prevention centers and to ban assault weapons. The governor's hands-on advocacy continues to reflect his prior role as a legislator, with strong opinions about policy decisions made on his watch.

Climate and Environment: Heated Debates

The summer of 2022 was the third hottest on record in Denver, and the Colorado River is rapidly drying up.^{9,10} Faced with evidence of climate change, lawmakers moved to cut air pollution and prepare Coloradans to live in a warmer world.

Legislators preferred carrots to sticks when it came to cutting emissions. They approved around \$50 million in tax credits for clean energy yet balked at strict new rules on ozone pollution.

Adaptation

As in past years, most climate change legislation focused on cutting emissions, rather than adapting to warming that is already occurring. But legislators did pass two substantial adaptation bills. **SB 166** sets up a statewide board to create a building code in wildfire-prone areas, and SB 295 creates a Colorado River Drought Task Force to suggest future state legislation. Despite a wet winter and spring, the southwestern U.S. remains in danger of not having enough water for cities and farms.

Tax Credits

Coloradans will get millions of dollars in tax credits for electric cars and trucks, electric bikes, geothermal energy, heat pumps, and more under **HB 1272**. The bill sets aside an estimated \$39 million in tax credits during the 2023–24 fiscal year and \$48 million for 2024–25.

HB 1281 offers up to \$5 million in tax credits for hydrogen energy development — a technology that shows promise to power airplanes and heavy trucks, which lack good alternatives to fossil fuels. And **SB 16** gives more than \$5 million in tax credits for electric lawn equipment. The bill also sets state targets for reducing greenhouse gas emissions compared with 2005 levels, with a 65% cut by 2035 and a 100% cut by 2050.

Small Steps On Ozone

Legislators passed a measure to address the Front Range's ozone pollution, but the bill, **HB 1294**, only survived in a weakened form. Originally, it would have subjected oil and gas wells to tight new pollution controls. But after industry opposition, the bill now calls for a committee to study the issue.



The State Budget

Demands on the state budget are growing, yet legislators have kept up thanks to a strong economy that brought in more tax dollars than anticipated during the pandemic recovery.

Overall, the state budget bill (**SB 214**) brings Colorado's budget to \$41.4 billion for the fiscal year that begins July 1, 2023 and ends June 30, 2024. The general fund — the part that legislators have the most control over — will jump by \$1.9 billion to a total of \$15.4 billion.

High inflation is forcing increases in the state's two biggest expenses, health care and education. Medicaid costs for doctor care, behavioral health services, home-based care, and medications will rise around \$200 million in the 2023–24 budget year. In K–12 schools, legislators raised state funding by nearly \$600 per pupil, to at least \$8,076 (more for certain

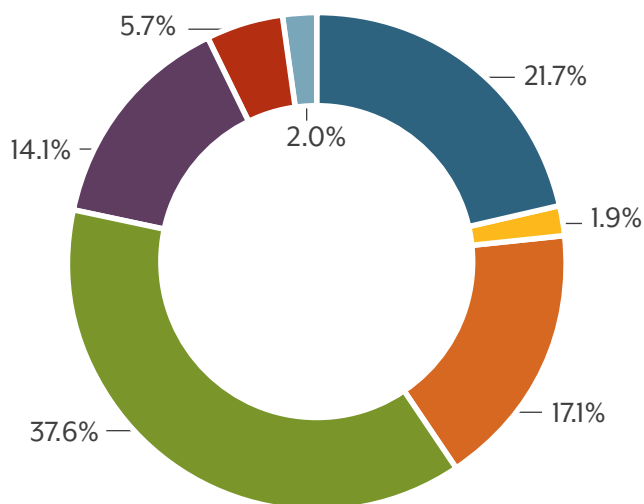
schools). Despite the increase, Colorado still ranks in the bottom third of states for education funding.¹³

The state is also feeling the end of federal pandemic aid. In 2020, Congress started picking up more of the cost of Medicaid, which freed up states to spend that money elsewhere. That aid is ending in the 2023–24 budget, so the state's support for Medicaid will grow by about \$400 million. Paired with the \$200 million increase in medical services, caseload costs in Medicaid are rising more than \$600 million.¹⁴

The Department of Public Health & Environment is also feeling the rollback of federal aid. Its budget will drop by \$112 million, but it's not the shock that it seems at first.¹⁴ The past two years, legislators used federal aid to spend heavily on one-time programs in the health department. That temporary spending is now over.

FY 2023-24 Total Funds

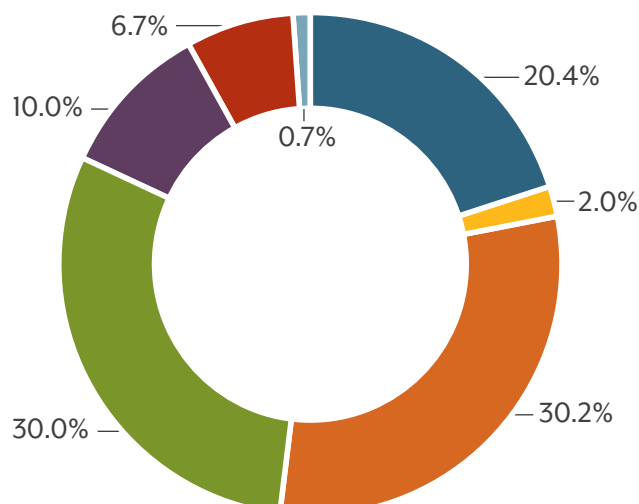
Total: \$41 billion



Early Childhood	\$791.0 million
Education	\$7.0 billion
Health Care Policy & Financing	\$15.4 billion
Higher Education	\$5.8 billion
Human Services	\$2.3 billion
Public Health & Environment	\$803.5 million
Other	\$8.9 billion

FY 2023-24 General Fund

Total: \$15 billion



Early Childhood	\$303.0 million
Education	\$4.5 billion
Health Care Policy & Financing	\$4.5 billion
Higher Education	\$1.5 billion
Human Services	\$995.7 million
Public Health & Environment	\$111.4 million
Other	\$3.1 billion

Source: FY 2023-24 Long Bill Narrative, reflects budget as originally introduced



Looking Ahead

Fiscal Policy on the Ballot

At the eleventh hour, Democrats introduced bills to use Taxpayer's Bill of Rights (TABOR) refunds for property tax relief for the next decade (**SB 303**) and to provide flat TABOR refunds next year, which means that all eligible taxpayers will receive the same amount (**HB 1311**). While these bills passed, neither will go into effect without voters' approval of Proposition HH on the November ballot. Additionally, citizen-initiated measures about fiscal policy may end up on the ballot, including a measure to further reduce the state income tax rate.

If Proposition HH fails, legislators will probably have to deal with tax and TABOR issues all over again next session. This year's bills were contentious, with critics dinging Democrats for their approach and for waiting until the last minute to introduce bills, which limits citizen engagement.

Interim Committees

Democrats remained divided on substance use and criminal justice, and both topics are likely to resurface next session. Some legislators will meet in the summer and fall for continuing interim committees on opioids, jail standards, and behavioral health treatment within the criminal justice system. The legislature also approved new interim committees on facial recognition technology, the definition of recidivism, and the child welfare system.

Interim committees can propose legislation for 2024. The question will be how bold the bills drafted this fall turn out to be — and how legislators will receive them next year.

Conclusion

This session saw some of the widest Democratic majorities in Colorado history, even though political observers had predicted Democrats would lose seats in the 2022 election. Given strong Democratic control of state government, many expected legislators to pass a raft of progressive measures. While progressive policies were introduced — and many were passed — Democrats were at times stymied by intraparty squabbles and by fewer federal dollars to spend compared with the past two legislative sessions.

Although Colorado has become a solidly blue state, tension between progressive and moderate Democrats will likely continue, with Polis in the unenviable position of having to navigate the divide in his own party. The 2023 session provided a look at what the state's Democratic dynasty could look like for years to come.

Endnotes

- ¹ Legislative Council Staff. HB 23-1003 Revised Fiscal Note. (April 21, 2023) Colorado General Assembly. https://leg.colorado.gov/sites/default/files/documents/2023A/bills/fn/2023a_hb1003_r3.pdf
- ² Boyd S. Colorado bill protecting young kids from criminal charges passes committee after Democratic leadership swaps out member. (2023) CBS Colorado. <https://www.cbsnews.com/colorado/news/colorado-bill-protecting-kids-criminal-charges-passes-committee-democratic-leadership-swaps-member/>
- ³ Colorado Department of Health Care Policy & Financing. Keep Coloradans Covered. (2023) Retrieved June 1, 2023, from <https://hcpf.colorado.gov/keepcocoverted>
- ⁴ Metzger H. Colorado Democrats pass trio of abortion rights bills in Senate, sending them to House. (2023) Colorado Politics. https://www.coloradopolitics.com/legislature/colorado-democrats-pass-trio-of-abortion-rights-bills-in-senate-sending-them-to-house/article_7f3956cc-c9d9-11ed-b51e-4b015dddffdda.html
- ⁵ Vaughan K. Club Q suspect carried 'ghost guns' with no serial numbers, sources say. (2022) 9News. <https://www.9news.com/article/news/local/club-q-shooting/club-q-shooting-suspect-ghost-guns/73-7c1a9d2b-8e91-46a1-82f7-d5e917c58664>
- ⁶ Sherry A. East High School shooter's interest in ghost guns derailed a once-promising academic outlook. (2023) Denverite. <https://denverite.com/2023/03/24/east-high-school-shooter-history/>
- ⁷ Howard J. Concern grows around US health-care workforce shortage: 'We don't have enough doctors'. (2023) CNN. <https://www.cnn.com/2023/05/16/health/health-care-worker-shortage/index.html>
- ⁸ Knocke K., Chappel A., Sugar S., et al. Doula Care and Maternal Health: An Evidence Review. (2022) Assistant Secretary for Planning and Evaluation. <https://aspe.hhs.gov/sites/default/files/documents/dfcd768fcaf6fabf3d281f762e8d068/ASPE-Doula-Issue-Brief-12-13-22.pdf>
- ⁹ National Weather Service. Denver Summer Heat. (2023) Retrieved June 1, 2023 from <https://www.weather.gov/bou/DenverSummerHeat>
- ¹⁰ Hager A. Lake Powell drops to a new record low as feds scramble to prop it up. (2023) KUNC. <https://www.kunc.org/news/2023-02-15/lake-powell-drops-to-a-new-record-low-as-feds-scramble-to-prop-it-up>
- ¹¹ Stroud J. Gov. Polis pays a visit to Glenwood Springs to sign river task force, wolf license plate bills. (2023) Post Independent. <https://www.postindependent.com/news/gov-polis-pays-a-visit-to-glenwood-springs-to-sign-river-task-force-wolf-license-plate-bills/>
- ¹² National Community Pharmacists Association. Spread Pricing 101. (2023) Retrieved June 1, 2023, from <https://ncpa.org/spread-pricing-101>
- ¹³ Gilligan C. Which States Invest the Most in Their Students? (2022) U.S. News & World Report. <https://www.usnews.com/news/best-states/articles/2022-08-26/which-states-invest-the-most-in-their-students>
- ¹⁴ Joint Budget Committee. Budget Package & Long Bill Narrative. (2023) Colorado General Assembly. <https://leg.colorado.gov/sites/default/files/231bnarrative.pdf>



1999 Broadway, Suite 600 • Denver, CO 80202 • 303.831.4200
coloradohealthinstitute.org

