

2019 Summary of Relevant Bills



During the legislative session the Colorado Children’s Campaign, Children’s Hospital Colorado and Clayton Early Learning monitor, support or oppose legislation related to child health, early childhood and child well-being. Listed below are key bills that our organizations are following this session:

HEALTH

HB 19-1076: Clean Indoor Air Act Add E-cigarettes Remove Exceptions

Bill Sponsors: Reps. Michaelson Jenet and Larson/Sens. Priola and Donovan

Colorado and the nation are grappling with an “epidemic” of teen electronic cigarette use, according to the U.S. Surgeon General. In 2017, 44 percent of Colorado youth reported trying e-cigarettes, or “vaping,” at least once and 27 percent reported current use. This is the highest rate of teen e-cigarette use in the nation—a distinction that all Colorado elected officials should agree is unacceptable. Not only does nicotine negatively affect the developing brain, particularly in terms of addiction and toxicity, but the aerosols in e-cigarettes also can increase a consumer’s exposure to carcinogens and heavy metals like lead and arsenic, both directly and through secondhand smoke. In 2006, Colorado passed the Clean Indoor Act, prohibiting the smoking of cigarettes and other tobacco products in enclosed public indoor places. Smoking marijuana was added in 2013. This bill would update the Clean Indoor Air Act to add the use of e-cigarettes as a prohibited activity in public indoor places and workplaces.

What We Think: Support. A key strategy to addressing youth use of e-cigarettes is to eliminate them in public places, as youth can be highly sensitive to normalization and perceptions of harm based on what they see in the environment. We also know that smoke-free laws reduce exposure to toxins in secondhand smoke and can contribute to reductions in smoking rates and lead to direct population-level health benefits, such as declines in heart disease morbidity and improvements in respiratory health.

Status on Feb. 25: Scheduled to be heard at the House Health & Insurance Committee on Wednesday, February 27th at 1:30pm.

HB 19-1122 Colorado Department Of Public Health and Environment Maternal Mortality Review Committee

Bill Sponsors: Reps. Buckner and Landgraf/Sens. Fields and Gardner

Colorado’s maternal mortality rate has dramatically increased in recent years. Women in rural areas are more likely to die than those in urban areas, and African American women are more likely to die than white women, even when controlling for income and educational attainment. Nearly 80% of maternal deaths are preventable.

What We Think: Support. Maternal Mortality Review Committees (MMRCs) are the best way to understand rates of maternal mortality and identify interventions to prevent deaths and other adverse maternal outcomes. This bill would codify in statute the MMRC convened by the Colorado Department of Public Health and Environment (CDPHE), and provide CDPHE with the resources needed to properly administer the Committee. The bill also provides legal protections to members of the Committee, which will allow the MMRC to review up-to-date data and provide timely recommendations to the Colorado General Assembly.

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Status on Feb. 25: House Public Health Care & Human Services Committee referred as amended on a bipartisan 11-0 vote to House Appropriations.

Allowing for Medicaid Reimbursement to Doulas

Bill Sponsors: TBA

While infant mortality rates in Colorado have lowered over the past decade, stark disparities still exist, with disproportionate rates affecting African American and rural families. The issues surrounding poor maternal and infant outcomes are extremely complex, and will therefore need a multi-year, multi-pronged strategy to achieve improvements. One model that could have a positive impact on birth outcomes for both mom and baby, particularly for those disproportionately impacted, includes allowing doulas to receive Medicaid reimbursement.

What We Think: Support. This bill would request that the Department of Health Care Policy and Financing (HCPF) explore options to allow doulas to become an eligible provider through Health First Colorado, the state's Medicaid program. Research has shown that doulas improve overall health outcomes for moms and babies, including reducing the chances for low birth weight and birth complications. Medicaid reimbursement for doula services is an innovative approach nationwide, and Colorado, along with a few other states, could create a model for other states to replicate in the years to come.

Status on Feb. 25: The bill will be introduced within the coming weeks.

HB 19-1038: Dental Services for Pregnant Women on CHP+

Bill Sponsors: Reps. Duran and Lontine/Sens. Ginal and Story

Cavities are one of the most common chronic childhood conditions in the United States. When untreated, they can negatively impact the ability to eat, speak, learn and play. To help ensure that no child or pregnant woman experiences this unnecessary pain and discomfort, this bill will add dental benefits for pregnant women participating in the Children's Health Insurance Program (CHIP)—or CHP+ in Colorado—to improve the oral health of moms and their children. This bill would provide dental insurance for the 900 pregnant Coloradans each year who use Colorado's Children's Basic Health Plan Plus (CHP+) for their health insurance. Currently, these pregnant individuals do not have any coverage for oral health care. Lack of dental insurance is a leading reason why pregnant people in Colorado do not seek oral health care during their pregnancy. Periodontal disease in pregnant people has been linked to adverse birth outcomes such as preterm birth and low newborn birth weights. A mother's prenatal oral health also has lifelong effects on her child's oral health. The bacteria associated with poor oral health can pass from mother to baby with the potential to cause dental caries in infancy and early childhood. Tooth decay remains the most common chronic condition in childhood and adolescence. It can lead to poor performance in school and increased absences.

What We Think: Support. This bill will improve the health of moms and their new babies. .

Status on Feb. 25: House Committee of the Whole passed the bill on 3rd reading, and now heads to the Senate for consideration.

HB 19-1171 Expand Child Nutrition School Lunch Protection Act

Bill Sponsors: Rep. Michaelson Jenet/Sens. Fields and Priola

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Colorado law provides lunches at no charge to public school children in pre-K through eighth grade who would otherwise have to pay for a reduced-price lunch. This bill would extend the grade of eligibility to twelfth grade.

What We Think: Support. A wide body of research supports the health and educational benefits of providing children a healthy and nutritious lunch at school, which reduces food insecurity, obesity rates, and poor health outcomes for kids. Adolescence is a period of nutritional vulnerability; children in middle school require sufficient calories and a well-balanced diet for developmental growth.

Status on Feb. 25: House Education Committee referred on a bipartisan 9-3 vote to Appropriations.

MENTAL HEALTH

SB 19-010: Professional Behavioral Health Service for Schools

Bill Sponsors: Sen. Fields/Reps. McLachlan and Valdez

The School Health Professionals Grant Program was created in 2014 and provides time-limited funding to schools to increase the presence of school health professionals and support the behavioral health needs of students. School health professionals facilitate prevention education, screening for early identification and referral care coordination for students with substance use and other behavioral health needs. This bill strengthens the School Health Professionals Grant program by clarifying the definition of behavioral health to include mental health, allowing schools to use the funding for telehealth technology, allowing schools to use the funding to contract with a community partner for behavioral health services, allowing (but not requiring) professionals hired through the grant program to provide therapy to students and changing the criteria by which schools are prioritized for grants, by including suicide attempts, deaths by suicides, prevalence of bullying and more.

What We Think: Support. In 2017, 42 districts were funded by the grant program at \$9.4M; an additional 24 districts applied but did not receive grant funding. There is an enormous need for behavioral health professionals in schools. Services that support mental health and social-emotional development in schools promote a positive school climate and help students feel more connected to their school and peers, which increases student academic achievement, decreases risky behaviors among youth and adolescents, including substance use, and acts as a protective factor against school violence and youth and adolescent suicide. These services also help prevent out-of-school suspensions and expulsions, including for young children who may need additional supports as they develop social-emotional skills in the classroom.

Status on Feb. 25: Senate Health & Human Services referred on a bipartisan 4-1 vote to Appropriations.

Colorado Behavioral Health Coverage and Parity Modernization Act

Bill Sponsors: TBA

Federal and state laws that require health plans and Medicaid managed care plans to guarantee equal coverage for mental health and substance use conditions as the coverage offered for physical health conditions. Yet we continue to see people paying enormous out of pocket costs, getting their claims denied, put on waitlists for months or falling through the cracks in the behavioral health system. This bill updates

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coverage language to align with modern medical practice so that when we talk about conditions involving people and their brain, statute can be responsive to evolving medical innovations. It also shifts Colorado's behavioral health system away from responding to a mental health or substance use when it reaches crisis and instead invest in prevention and early intervention.

What We Think: Support. This bill will make it easier and more accessible for people to get screenings and mental wellness exams, not only with their primary care providers, but also gives consumers a choice to see trained mental health professionals who may be more adept at catching those early signs and prevent a crisis from occurring down the road.

Status on Feb. 25: The bill will be introduced within the coming weeks.

EARLY CHILDHOOD

Full Funding for Full-Day Kindergarten

Bill Sponsors: Reps. Wilson and McLachlan/TBA

Colorado prospers when our kids thrive because they are our future workforce, leaders and community members. No matter where they live in our state—the plains, mountains, rural areas or urban centers—children need high-quality support for development. The foundation of our civic, social and economic well-being in Colorado starts with a strong early childhood and education system—yet that base is missing a critical piece: statewide, full-day kindergarten. The proposal will accomplish the following:

- Funding full-day kindergarteners as full-day students rather than treating them as half-day students as we do currently. This will mean parents will no longer face the burden of tuition and districts will free up local resources for local needs. This is not a mandate to offer full-day kindergarten to districts nor is it a mandate to parents to send their children. Rather, it adequately funds parents' educational choices for their children.
- Providing funding to help school districts implement full-day kindergarten.
- Allowing districts to retain more than 5,000 early learning slots currently being used for kindergarten to expand preschool access for at-risk children.
- Supporting the partnership between charter schools and their authorizers by outlining processes that would allow full-day kindergarten to be offered at a CSI or district-authorized charter school.
- Averaging recent enrollment numbers for full-day kindergarten to smooth the impact of counting full-day kindergarteners as full-day students in declining enrollment districts.

What We Think: Support. The research on full-day kindergarten and its benefits are robust, from improving literacy skills, greater math and reading gains during the school year, and overall academic growth. In addition, children with developmental delays and special learning needs are able to be identified earlier and supported with appropriate interventions. Parents, even those with low incomes in many communities, must pay tuition to access a full-day experience. With tuition reaching more \$4,500 per school year in some communities, this

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cost is either prohibitive or represents a strain on family budgets that full-funding could alleviate. In addition, many school districts, especially in rural areas, are already absorbing the cost of providing full-day kindergarten. Ensuring adequate state investment will alleviate pressure on many school district budgets to invest in local priorities such as teacher pay, lower class sizes, and other support services. Fully funding full-day kindergarten frees up more than 5,000 early learning slots currently used to support full-day kindergarten access for at-risk children. Only 24 percent of 4-year-olds in Colorado have access to our state-funded preschool program and there are several thousand children on our state preschool wait list. Fully investing in full-day kindergarten allows us to open up preschool access for children facing the most barriers to learning.

Status on Feb. 25: The bill will be introduced within the coming weeks.

HB 19-1005 Income Tax Credit For Early Childhood Educators

Bill Sponsors: Reps. Buckner and Wilson/ Sens. Todd and Priola

This bill would establish an income tax credit available to early childhood educators who hold an early childhood professional credential and provide care at an eligible early education program or family child care home. This tax credit would include several key components designed to encourage improvements in providers' quality, improve compensation of the early childhood workforce, and increase access to child care providers for those facing the greatest barriers. Key features of include: tiered credit tied to credential level; targeted to providers with a Colorado Child Care Assistance Program (CCCAP) fiscal agreement or participating in programs available to children who most need quality early education and those engaged with our state's Quality Rating and Improvement System (Colorado Shines); adjusted annually based on the Consumer Price Index; and refundable credit so it is available to all eligible members of the early childhood workforce.

What We Think: Support. The Colorado Teacher Shortage Report recommended an early childhood educator tax credit as a strategy to improve their compensation and increase the number of early childhood teachers entering and remaining in the sector. Similar tax credits in Louisiana and Nebraska have been successful in improving the number of credentialed educators and incentivized teachers to reach higher credential levels as well. This credit would increase the take-home income of high-quality early childhood and child care professionals who are providing a valuable service to families and children in our state.

Status on Feb. 25: Passed the House Education Committee and the House Finance Committee with bipartisan support and is awaiting funding decisions in House Appropriations.

HB 19-1194 School Discipline For Preschool Through Second Grade

Bill Sponsors: Reps. Lontine and Larsen/Sens. Priola and Fields

This bill would reduce public preschool and early elementary out-of-school suspensions and expulsions, so that removal of a young child would be focused on addressing health and safety issues. By limiting the use of

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exclusionary discipline practices, the bill encourages alternatives to school removal, such as restorative practices, parent engagement, conferences, restitution, and referrals to services.

What We Think: Support. Out-of-school suspensions result in a loss of valuable learning and enrichment time, and can put children behind the rest of the class. Precisely when the focus should be on meeting children's many developmental needs, removing a child from school results in missed opportunities and make it less likely those needs will be met. Suspensions and expulsions increase the likelihood that students will experience academic failure and grade retention, drop out of school, and ultimately enter the criminal justice system. These poor outcomes are particularly important to note given the fact that boys, children with disabilities, and children of color are disproportionately impacted by exclusionary practices.

Status on Feb. 25: Introduced in the House on February 20 and assigned to the House Education Committee.

HB 19-1052 Early Childhood Development Special District

Bill Sponsors: Reps. McCluskie and Rich/Sens. Rankin and Bridges

This bill allows for the creation of special districts for the purpose of delivering early childhood development services. Special districts are used to fund and deliver services for a number of purposes including, but not limited to, parks and recreation, health and fire protection. Local communities across the state are interested in working together, across municipal, county and school district boundaries, to offer high quality early childhood development services in a regional way, designed to meet local community needs.

What We Think: Support. This bill does not create any special districts or raise taxes, but it will allow communities expressing interest in exploring the creation of special districts in their area to do so. This bill would: 1) Empower local collaboration; 2) Build on a successful Colorado model; and 3) Enable the provision of early childhood services to families and communities in need.

Status on Feb. 25: House Committee of the Whole passed the bill on 3rd reading. Now heads to the Senate for consideration.

SB 19-063 Infant And Family Child Care Action Plan

Bill Sponsors: Reps. Buentello and Valdez/ Sens. Priola and Story

This bill requires the Colorado Department of Human Services to conduct a detailed analysis of the issues, engage diverse stakeholders, and create a strategic action plan with policy recommendations by December 2019 to address the declining availability of infant care and family child care homes in Colorado.

What We Think: Support. Since 2010, Colorado has experienced a steep decline in the availability of infant and family child care, which has led to a shortage of licensed child care slots throughout the state. The reasons behind the loss of family child care homes and the extreme shortage of quality infant care are not completely known or understood, given the extreme complexity to the child care market. The policy recommendations

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that come out of the strategic action plan will be critical in the process towards increasing access to infant and family child care.

Status on Feb. 25: Passed the Senate. Introduced in the House on February 14 and assigned to House Public Health Care & Human Services Committee.

SB 19-104 Elimination of Duplicate Regulation of School Building

Bill Sponsors: Rep. Baisley/ Sen. Holbert

This bill would affect all programs that operate in a school district, charter school, or charter school institute facilities, including child care, public and private preschools, day treatment centers, teen parent programs serving infants and toddlers, and before and after-school care. The bill would make it so school district and Colorado Department of Education regulations supersede all other regulations/regulating entities, such as those for health and safety overseen by the Department of Human Services and the Department of Public Health and Environment.

What We Think: Oppose. Programs serving infants, toddlers, and preschoolers have more rigorous health and safety standards than those for older children based on what is developmentally appropriate for their ages. Applying the K-12 standard of care to young children could endanger their health and safety. This could also have repercussions for Colorado's ability to access federal funding that have higher health and safety standards attached, such as the Child Care and Development Block Grant which funds our CCCAP program, or Head Start programs.

Status on Feb. 25: Introduced in the Senate and assigned to the Senate State, Veterans, & Military Affairs Committee.

ADDITIONAL BILLS

Everyone Counts in Colorado Act

Bill Sponsors: Reps. Tipper and Rep. Caraveo

This bill creates the Census Outreach Grant Program. The grant program would provide funding to local governments and nonprofits for outreach efforts to promote participation in the 2020 Census.

What We Think: Support. The decennial census is vitally important to Colorado. The population counts obtained through the census help determine how the federal government will allocate billions of dollars in funding to states. In fiscal year 2016, Colorado received more than \$13 billion in federal funding based on statistics derived from the census. Much of this funding goes to programs that are critical to Colorado kids and families, including the Children's Health Insurance Program (CHIP), Head Start, special education grants and child care assistance. With billions of dollars on the line, undercounting Coloradans in the 2020 Census by even a small fraction could cost our state hundreds of millions of dollars in federal funding. And because the census is conducted only once every 10 years, an inaccurate count of Coloradans would have far-reaching impacts for the next decade. We also know that young children under age 5 are the age group most likely to be

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undercounted, and that children of color and those in families with low incomes are at even higher risk of being undercounted. By providing local governments and nonprofits with funding they can use to create outreach strategies tailored to their own communities, we can help ensure a full and accurate count of Coloradans in 2020.

Status on Feb. 25: The bill will be introduced within the coming weeks.

Family Medical Leave Insurance Program

Bill Sponsors: TBA

The bill creates the family and medical leave insurance (FAMLI) program in the division of family and medical leave insurance in the Colorado Department of Labor and Employment. The bill would provide partial wage-replacement benefits to an eligible individual who takes leave from work to care for a new child or a family member with a serious health condition or who is unable to work due to the individual's own serious health condition.

What We Think: Monitor. Early bonding between a parent and a newborn is critical for a young child's development. Paid leave helps parents take time during a critical period to care for their young child and develop a connection that will support their child's healthy development. Research shows that paid leave can reduce infant mortality and improve maternal physical and mental health. It also gives new parents time to breastfeed, attend well-child visits, and detect developmental delays earlier.

Status on Feb. 25: The bill will be introduced within the coming weeks.

HB 19-1170 Residential Tenants Health And Safety Act

Bill Sponsors: Reps. Jackson and Weissman/Sens. Williams and Bridges

This bill would update Colorado's current State Statute that requires landlords to uphold and maintain safe and habitable conditions in rental units. Current law provides tenants with very little protections if they try to take action against a landlord that has not properly maintained their property. The updates in this bill define reasonable timeframes for repairs to begin and provides tenants with protections, such as the ability to withhold rent, should the landlord be unresponsive to their concerns.

What We Think: Support. Families need access to safe and sanitary living conditions. Substandard housing impacts children's health, development, and academic achievement. It was found to contribute to developmental delays in young children by the age of two, and found to contribute to poor health for children at the age of six. Poor quality housing is also associated with an increase in maternal depression. This bill would strengthen a tenant's ability to resolve uninhabitable conditions.

Status on Feb. 25: The House Committee of the Whole passed on 2nd reading with amendments.

State Budget or "The Long Bill"

Bill sponsors: TBA

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Each year, the state legislature must pass a budget that is known as "The Long Bill." This year, there are several key budget priorities for children and families. The budget process will heat up in late March and early April. Issues in the budget to keep an eye out for:

- **Full funding for Full-Day Kindergarten (FDK)**

The budget will likely include a \$227 million investment to fully fund FDK throughout Colorado, which will free up other funding streams to support a dramatic increase in preschool access. Additional information can be found in the Early Childhood section above.

- **Funding for the Colorado Child Care Assistance Program (CCCAP)**

CCCAP provides child care assistance to low-income families so that parents can go to work, job training, or school, and children can access the early childhood experiences that support their healthy development. CCCAP is a prime example of a two generation model—a program that helps families achieve self-sufficiency and children access quality early childhood education to help them thrive. The January 1, 2019 Request for Information (RFI) delivered to the Joint Budget Committee by Colorado Department of Human Services cautions that in order maintain the current level of service, families need the support of an additional \$10.53 million in funding for the program. Without the funding to address increased rates, quality, and time spent in the program, fewer low-income children and families will be served in this very important program. Additionally, the RFI concludes that for each 1% increase in access to the CCCAP program, an additional \$11.2 million will need to be invested in FY19-20. This funding would be a step towards addressing the gap in access, as only 9 percent of potentially-eligible families receive the child care assistance they need in Colorado.

- **Funding for Long-Acting Reversible Contraceptive (LARC) program**

Keeping LARCs affordable and available to women of child-bearing age has dramatically reduced unintended pregnancy and abortion rates in Colorado. This program promotes effective family planning, saves the state millions of dollars, and has become a national model of success. An additional \$3.5 million would allow the program to expand its reach to women, especially in rural areas, who cannot afford to pay the up-front costs associated with LARCs.

- **Increasing maternity care rates in Medicaid**

Medicaid payments for maternity care are so low that they are threatening access to quality maternity care services in some parts of the state. Increasing reimbursement rates for maternity care through the state Medicaid program will help ensure that pregnant people who use Medicaid for their health insurance can get critical prenatal, delivery and postpartum care.