



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note Memorandum

TO: Members of the Senate Health & Human Services Committee
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Fiscal Assessment of L.001 to SB 26-041

This memorandum is an assessment of the fiscal impact of the attached proposed amendment L.001 to Senate Bill 26-041. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

Summary of Proposed Amendment

Amendment L.001 removes the introduced bill's authorization for the Attorney General to assess a fee of up to \$5,000 on each pre-merger filing party. It also narrowly expands the health care entities exempt from merger requirements, aligns violations with existing antitrust provisions rather than competition-based standards, and revises terminology related to charitable services.

Fiscal Impact of Amendment

The amendment removes the ability for the Attorney General to assess fees on filing parties, which eliminates the estimated state revenue and change in TABOR refunds.

Bill's Revised Fiscal Impact with Amendment

As amended, the bill may minimally increase state revenue, and will minimally increase workload in the Department of Law, the Judicial Department, and the Department of Regulatory Agencies. These impacts are summarized in Table 1 and described below.



Table 1
State Fiscal Impacts with Amendment L.001

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

State Revenue

Starting in FY 2025-26, the bill may increase state revenue from civil penalties and court filing fees by a minimal amount. Under the Uniform Antitrust Pre-Merger Notification Act, a person who fails to file a pre-merger notification may be subject to a civil penalty of up to \$10,000 for each violation. The bill also creates a civil penalty of \$200 per violation for entities that fail to provide timely information to the Attorney General related to health care transactions. This revenue is classified as a damage award and not subject to TABOR. The fiscal note assumes a high level of compliance and any fine revenue is assumed to be minimal

The bill may also minimally increase revenue to the Judicial Department from an increase in civil case filings. Revenue from filing fees is subject to TABOR.

State Expenditures

Starting in FY 2026-27, workload will minimally increase in the Department of Law, the Judicial Department, and the Department of Regulatory Agencies (DORA), as discussed below.

Department of Law

Workload in the Department of Law may increase if the Attorney General performs additional assessments of covered transactions, conducts investigations, or takes action against involved entities. The Attorney General's expanded authority under the bill is permissive and the exact amount of potential workload depends on the number and types of transactions and level of compliance. Further, workload will increase for the department to study the impacts of referral-disclosure requirements. It is assumed that any required work will be prioritized and conducted within existing appropriations.



Judicial Department

The trial courts in the Judicial Department may have an increase in cases filed under the Uniform Antitrust Pre-Merger Notification Act. It is assumed that entities will abide by the law and that any violation of the legislation will result in minimal number of new cases. The fiscal note assumes that any additional cases can be managed within existing resources and that no change in appropriations is required.

Department of Regulatory Agencies

Workload in the Division of Professions and Occupations in DORA will minimally increase to conduct outreach and education to licensed health care providers regarding disclosures in patient referrals. This workload can be accomplished within existing appropriations.

SB041_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB26-041 be amended as follows:

1 Amend printed bill, page 4, line 25, strike "**requirement - rules.**" and
2 substitute "**requirement.**".

3 Page 5, strike line 13 and substitute:

4 "(d) The attorney general may not charge a fee".

5 Page 5, strike lines 16 through 18.

6 Page 9, strike lines 23 through 26 and substitute:

7 "(I) A FACILITY OR SERVICE REQUIRED TO BE LICENSED OR
8 CERTIFIED PURSUANT TO ARTICLE 27 OR 27.5 OF TITLE 25, SECTION
9 25-1-120 OR 25.5-10-214, SECTION 25.5-5-412, ARTICLE 6 OF TITLE 25.5,
10 OR OTHER NURSING, LONG-TERM, HOME, OR HOSPICE CARE FACILITIES
11 DESCRIBED IN SECTION 25-1.5-103; OR".

12 Page 19, strike lines 17 through 20 and substitute:

13 "(1) A MATERIAL CHANGE TRANSACTION THAT VIOLATES PART 1
14 OF THIS ARTICLE 4 IS UNLAWFUL AND SUBJECTS THE PARTIES TO THE
15 MATERIAL CHANGE TRANSACTION TO ALL REMEDIES AVAILABLE UNDER
16 PART 1 OF THIS ARTICLE 4."

17 Page 20, lines 25 and 26, strike "MAY SUBSTANTIALLY LESSEN
18 COMPETITION OR TEND TO CREATE A MONOPOLY OR MAY HARM CONSUMER
19 WELFARE." and substitute "VIOLATES PART 1 OF THIS ARTICLE 4."

20 Page 25, lines 18 and 19, strike "SERVICES PROVIDED IN FURTHERANCE OF
21 THE CHARITABLE PURPOSES OR MISSIONS" and substitute "CHARITABLE
22 SERVICES".

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