

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0158.01 Christy Chase

HOUSE BILL 10-1008

HOUSE SPONSORSHIP

Schafer S. and McCann, Apuan, Frangas, Massey

SENATE SPONSORSHIP

Carroll M. and Schwartz, Boyd, Foster

House Committees

Health and Human Services

Senate Committees

Health and Human Services

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST CONSIDERATION OF GENDER IN**
102 **SETTING RATES FOR INDIVIDUAL HEALTH INSURANCE POLICIES.**

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://www.leg.state.co.us/billsummaries>.)

Health Care Task Force. The bill prohibits carriers from using gender as a basis for varying premium rates for individual health insurance policies and declares premium rates based on gender to be unfairly discriminatory.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
February 18, 2010

HOUSE
Amended 2nd Reading
February 17, 2010

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

2 **SECTION 1.** 10-16-107 (1.5), Colorado Revised Statutes, is
3 amended to read:

4 **10-16-107. Rate regulation - rules - approval of policy forms**
5 **- benefit certificates - evidences of coverage - benefits ratio -**

6 **disclosures on treatment of intractable pain.** (1.5) (a) Rates for an
7 ~~individual sickness, accident, or health insurance policy, contract,~~
8 ~~certificate, or other evidence of coverage~~ HEALTH COVERAGE PLAN
9 ~~issued or delivered to any policyholder, enrollee, subscriber, or member~~
10 ~~in Colorado by an insurer subject to the provisions of part 2 of this article~~
11 ~~or an entity subject to the provisions of part 3 or 4 of this article shall not~~
12 ~~be excessive, inadequate, or unfairly discriminatory to assure compliance~~
13 ~~with the requirements of this section that rates are not excessive in~~
14 ~~relation to benefits. Rates are excessive if they are likely to produce a~~
15 ~~long run profit that is unreasonably high for the insurance provided or if~~
16 ~~expenses are unreasonably high in relation to services rendered. In~~
17 ~~determining if rates are excessive, the commissioner may consider the~~
18 ~~expected filed rates in relation to the actual rates charged. Concerning~~
19 ~~inadequacy, rates are not inadequate unless clearly insufficient to sustain~~
20 ~~projected losses and expenses, or the use of such rates, if continued, will~~
21 ~~tend to create a monopoly in the market. Concerning unfair~~
22 ~~discrimination, unfair discrimination exists if, after allowing for practical~~
23 ~~limitations, price differentials fail to reflect equitably the differences in~~
24 ~~expected losses and expenses.~~

25 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
26 AN INSURER SUBJECT TO PART 2 OF THIS ARTICLE OR AN ENTITY SUBJECT

1 TO PART 3 OR 4 OF THIS ARTICLE SHALL NOT VARY THE PREMIUM RATE FOR
2 AN INDIVIDUAL HEALTH COVERAGE PLAN DUE TO THE GENDER OF THE
3 INDIVIDUAL POLICYHOLDER, ENROLLEE, SUBSCRIBER, OR MEMBER. ANY
4 PREMIUM RATE BASED ON THE GENDER OF THE INDIVIDUAL
5 POLICYHOLDER, ENROLLEE, SUBSCRIBER, OR MEMBER SHALL BE
6 CONSIDERED UNFAIRLY DISCRIMINATORY AND SHALL NOT BE ALLOWED.

7 **SECTION 2. Act subject to petition - specified effective date**
8 **- applicability.** (1) This act shall take effect January 1, 2011; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within the ninety-day period after final adjournment of the general
12 assembly, then the act, item, section, or part shall not take effect unless
13 approved by the people at the general election to be held in November
14 2010 and shall take effect on January 1, 2011, or on the date of the
15 official declaration of the vote thereon by the governor, whichever is
16 later.

17 (2) The provisions of this act shall apply to rates for individual
18 health coverage plans that are issued or renewed on or after the applicable
19 effective date of this act.