

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

INTRODUCED

LLS NO. 09-1083.01 Jerry Barry

HOUSE BILL 09-1353

HOUSE SPONSORSHIP

Miklosi,

SENATE SPONSORSHIP

Foster, Newell

House Committees
Health and Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LEGAL IMMIGRANTS' ELIGIBILITY FOR PUBLIC MEDICAL**
102 **BENEFITS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Subject to sufficient appropriations and the receipt of federal financial participation, authorizes the department of health care policy and financing to provide benefits under medicaid and the children's basic health plan to pregnant women and children who are legal immigrants prior to the 5-year waiting period following their date of entry into the United States.

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.

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

2 **SECTION 1.** 25.5-5-101 (2) (b), Colorado Revised Statutes, is
3 amended to read:

4 **25.5-5-101. Mandatory provisions - eligible groups.**

5 (2) (b) (I) A qualified alien who entered the United States on or after
6 August 22, 1996, shall not be eligible for benefits under this article or
7 article 4 or 6 of this title, except as provided in section 25.5-5-103 (3), for
8 five years after the date of entry into the United States unless he or she
9 meets the exceptions described in the federal "Personal Responsibility
10 and Work Opportunity Reconciliation Act of 1996", Public Law 104-193,
11 as amended.

12 (II) NOTWITHSTANDING THE FIVE-YEAR WAITING PERIOD
13 ESTABLISHED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), BUT SUBJECT
14 TO THE AVAILABILITY OF SUFFICIENT APPROPRIATIONS AND THE RECEIPT
15 OF FEDERAL FINANCIAL PARTICIPATION, THE STATE DEPARTMENT MAY
16 PROVIDE BENEFITS UNDER THIS ARTICLE AND ARTICLES 4 AND 6 OF THIS
17 TITLE TO A PREGNANT WOMAN WHO IS A QUALIFIED ALIEN AND A CHILD
18 UNDER NINETEEN YEARS OF AGE WHO IS A QUALIFIED ALIEN SO LONG AS
19 SUCH WOMAN OR CHILD MEETS ELIGIBILITY CRITERIA OTHER THAN
20 CITIZENSHIP.

21 **SECTION 2.** 25.5-5-201 (2), Colorado Revised Statutes, is
22 amended to read:

23 **25.5-5-201. Optional provisions - optional groups.** (2) (a) A
24 qualified alien, who entered the United States on or after August 22,
25 1996, shall not be eligible for benefits under this article and articles 4 and
26 6 of this title, except as provided in section 25.5-5-103 (3), for five years

1 after the date of entry into the United States unless he or she meets the
2 exceptions described in the federal "Personal Responsibility and Work
3 Opportunity Reconciliation Act of 1996", Public Law 104-193, as
4 amended. After five years, such qualified alien shall be eligible for
5 benefits under this article and articles 4 and 6 of this title but shall have
6 sponsor income and resources deemed to the individual or family under
7 rules established by the state board of human services pursuant to section
8 26-2-137, C.R.S.

9 (b) NOTWITHSTANDING THE FIVE-YEAR WAITING PERIOD
10 ESTABLISHED IN PARAGRAPH (a) OF THIS SUBSECTION (2), BUT SUBJECT TO
11 THE AVAILABILITY OF SUFFICIENT APPROPRIATIONS AND THE RECEIPT OF
12 FEDERAL FINANCIAL PARTICIPATION, THE STATE DEPARTMENT MAY
13 PROVIDE BENEFITS UNDER THIS ARTICLE AND ARTICLES 4 AND 6 OF THIS
14 TITLE TO A PREGNANT WOMAN WHO IS A QUALIFIED ALIEN AND A CHILD
15 UNDER NINETEEN YEARS OF AGE WHO IS A QUALIFIED ALIEN SO LONG AS
16 SUCH WOMAN OR CHILD MEETS ELIGIBILITY CRITERIA OTHER THAN
17 CITIZENSHIP.

18 **SECTION 3.** 25.5-8-109, Colorado Revised Statutes, is amended
19 BY THE ADDITION OF A NEW SUBSECTION to read:

20 **25.5-8-109. Eligibility - children - pregnant women - legal**
21 **immigrants - repeal.** (6) NOTWITHSTANDING ANY OTHER PROVISION OF
22 LAW, BUT SUBJECT TO THE AVAILABILITY OF SUFFICIENT APPROPRIATIONS
23 AND THE RECEIPT OF FEDERAL FINANCIAL PARTICIPATION, THE
24 DEPARTMENT MAY PROVIDE BENEFITS UNDER THIS ARTICLE TO A
25 PREGNANT WOMAN WHO IS A QUALIFIED ALIEN AND A CHILD UNDER
26 NINETEEN YEARS OF AGE WHO IS A QUALIFIED ALIEN SO LONG AS SUCH
27 WOMAN OR CHILD MEETS ELIGIBILITY CRITERIA OTHER THAN CITIZENSHIP.

1 **SECTION 4. Act subject to petition - effective date.** (1) This
2 act shall take effect July 1, 2010.

3 (2) However, if a referendum petition is filed against this act or
4 an item, section, or part of this act during the ninety-day period after final
5 adjournment of the general assembly that is allowed for submitting a
6 referendum petition pursuant to article V, section 1 (3) of the state
7 constitution, then the act, item, section, or part, shall not take effect unless
8 approved by the people at a biennial regular general election and shall
9 take effect on the date specified in subsection (1) of this section or on the
10 date of the official declaration of the vote thereon by proclamation of the
11 governor, whichever is later.