

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0826.01 Christy Chase

HOUSE BILL 08-1327

HOUSE SPONSORSHIP

Gardner C.,

SENATE SPONSORSHIP

Mitchell S.,

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ACCESS TO AFFORDABLE HEALTH INSURANCE PRODUCTS
102 FOR COLORADO RESIDENTS THROUGH THE ELIMINATION OF
103 CERTAIN REGULATORY RESTRICTIONS THAT INCREASE THE
104 COSTS OF HEALTH INSURANCE PRODUCTS FOR CONSUMERS.

Bill Summary

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

Allows Colorado residents to purchase, and a health insurance carrier, whether or not the carrier is subject to Colorado insurance laws and regulations, to sell in Colorado, a health insurance product that is lawfully sold, offered, or issued in another state without subjecting that

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.

insurance product to the requirements of Colorado insurance laws and regulations. Subjects a carrier that is not otherwise subject to Colorado insurance laws and regulations and that sells, offers, or issues in this state a health insurance product lawfully sold in another state to regulation by the commissioner of insurance with regard to enforcement of the contractual benefits under the health insurance product.

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

2 **SECTION 1.** Part 1 of article 16 of title 10, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **10-16-102.5. Right to purchase health insurance - products**
6 **lawfully sold in other states - legislative declaration.** (1) THE
7 GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

8 (a) WHILE MANY COLORADANS HAVE ACCESS TO FIRST-RATE
9 HEALTH CARE, AFFORDABLE HEALTH CARE COVERAGE IS NOT AVAILABLE
10 TO ALL WHO WISH TO PURCHASE IT;

11 (b) BY REMOVING BARRIERS THAT LIMIT ACCESS TO AFFORDABLE
12 HEALTH CARE COVERAGE AND EXPANDING OPPORTUNITIES FOR
13 COLORADANS TO PURCHASE MORE AFFORDABLE COVERAGE, THE STATE
14 CAN IMPROVE ACCESS TO HEALTH CARE AND REIN IN RISING HEALTH CARE
15 COSTS WHILE PRESERVING THE FIRST-RATE CARE THAT SO MANY
16 COLORADANS ALREADY ENJOY;

17 (c) IT IS THEREFORE IMPORTANT TO PROVIDE COLORADANS WITH
18 MORE CHOICES WHEN SELECTING A HEALTH INSURANCE PRODUCT TO
19 ALLOW INDIVIDUALS AND FAMILIES THE ABILITY TO PURCHASE
20 AFFORDABLE HEALTH CARE COVERAGE, THEREBY INCREASING THEIR
21 ACCESS TO QUALITY HEALTH CARE.

22 (2) NOTWITHSTANDING ANY PROVISION OF THIS TITLE TO THE

1 CONTRARY:

2 (a) NO PERSON SHALL BE DENIED THE RIGHT TO PURCHASE OR
3 ENROLL IN A POLICY OF SICKNESS AND ACCIDENT INSURANCE OR A HEALTH
4 BENEFIT PLAN THAT IS LAWFULLY SOLD, OFFERED, OR ISSUED IN ANOTHER
5 STATE; AND

6 (b) NO CARRIER, REGARDLESS OF WHETHER THE CARRIER IS
7 SUBJECT TO COLORADO INSURANCE LAWS AND REGULATIONS, SHALL BE
8 PRECLUDED FROM SELLING OR ISSUING A POLICY OF SICKNESS AND
9 ACCIDENT INSURANCE OR A HEALTH BENEFIT PLAN TO A COLORADO
10 RESIDENT IF THE POLICY OR PLAN IS LAWFULLY SOLD, OFFERED, OR ISSUED
11 IN ANOTHER STATE.

12 (3) IF A COLORADO RESIDENT PURCHASES OR ENROLLS IN A POLICY
13 OF SICKNESS AND ACCIDENT INSURANCE OR A HEALTH BENEFIT PLAN THAT
14 IS LAWFULLY SOLD, OFFERED, OR ISSUED IN ANOTHER STATE, THE POLICY
15 OR PLAN SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE,
16 AND THE CARRIER, IF NOT OTHERWISE SUBJECT TO THE INSURANCE LAWS
17 AND REGULATIONS OF THIS STATE, SHALL NOT BE SUBJECT TO REGULATION
18 UNDER THIS TITLE WITH REGARD TO SUCH POLICY OR PLAN; EXCEPT THAT,
19 THE CARRIER SHALL BE SUBJECT TO REGULATION BY THE COMMISSIONER
20 WITH REGARD TO ENFORCEMENT OF THE CONTRACTUAL BENEFITS UNDER
21 THE POLICY OR PLAN, INCLUDING THE REQUIREMENTS REGARDING THE
22 PROMPT PAYMENT OF CLAIMS FOR BENEFITS, PURSUANT TO SECTION
23 10-16-106.5, AND THE PROCEDURE FOR THE DENIAL OF BENEFITS,
24 PURSUANT TO SECTION 10-16-113.

25 (4) NOTHING IN THIS SECTION SHALL LIMIT THE ABILITY OF THE
26 COMMISSIONER TO REGULATE A CARRIER WITH REGARD TO INSURANCE
27 PRODUCTS SOLD, OFFERED, OR ISSUED IN THIS STATE THAT ARE SUBJECT TO

1 THE REQUIREMENTS OF THIS TITLE.

2 **SECTION 2. Effective date.** This act shall take effect at 12:01
3 a.m. on the day following the expiration of the ninety-day period after
4 final adjournment of the general assembly that is allowed for submitting
5 a referendum petition pursuant to article V, section 1 (3) of the state
6 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
7 except that, if a referendum petition is filed against this act or an item,
8 section, or part of this act within such period, then the act, item, section,
9 or part, if approved by the people, shall take effect on the date of the
10 official declaration of the vote thereon by proclamation of the governor.