

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 09-1083.01 Jerry Barry

**HOUSE BILL 09-1353**

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**HOUSE SPONSORSHIP**

**Miklosi,**

**SENATE SPONSORSHIP**

**Foster,** Newell

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**House Committees**

Health and Human Services  
Appropriations

**Senate Committees**

Health and Human Services  
Appropriations

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**A BILL FOR AN ACT**

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

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**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.*

SENATE  
3rd Reading Unam ended  
May 5, 2009

SENATE  
2nd Reading Unam ended  
May 4, 2009

HOUSE  
3rd Reading Unam ended  
April 29, 2009

HOUSE  
2nd Reading Unam ended  
April 28, 2009

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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.