

**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

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.

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 POLICY ISSUED AS A HEALTH
9 COVERAGE PLAN, A HEALTH BENEFIT PLAN, OR A POLICY OF SICKNESS AND

10 ACCIDENT INSURANCE issued or delivered to any policyholder, enrollee,
11 subscriber, or member in Colorado by an insurer subject to the provisions

12 of part 2 of this article or an entity subject to the provisions of part 3 or
13 4 of this article shall not be excessive, inadequate, or unfairly

14 discriminatory to assure compliance with the requirements of this section
15 that rates are not excessive in relation to benefits. Rates are excessive if

16 they are likely to produce a long run profit that is unreasonably high for
17 the insurance provided or if expenses are unreasonably high in relation to

18 services rendered. In determining if rates are excessive, the
19 commissioner may consider the expected filed rates in relation to the

20 actual rates charged. Concerning inadequacy, rates are not inadequate
21 unless clearly insufficient to sustain projected losses and expenses, or the

22 use of such rates, if continued, will tend to create a monopoly in the
23 market. Concerning unfair discrimination, unfair discrimination exists if,

24 after allowing for practical limitations, price differentials fail to reflect
25 equitably the differences in expected losses and expenses.

26 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,

1 AN INSURER SUBJECT TO PART 2 OF THIS ARTICLE OR AN ENTITY SUBJECT
2 TO PART 3 OR 4 OF THIS ARTICLE SHALL NOT VARY THE PREMIUM RATE FOR
3 AN INDIVIDUAL POLICY ISSUED AS A HEALTH COVERAGE PLAN, A HEALTH
4 BENEFIT PLAN, OR A POLICY OF SICKNESS AND ACCIDENT INSURANCE DUE
5 TO THE GENDER OF THE INDIVIDUAL POLICYHOLDER, ENROLLEE,
6 SUBSCRIBER, OR MEMBER. ANY PREMIUM RATE BASED ON THE GENDER OF
7 THE INDIVIDUAL POLICYHOLDER, ENROLLEE, SUBSCRIBER, OR MEMBER
8 SHALL BE CONSIDERED UNFAIRLY DISCRIMINATORY AND SHALL NOT BE
9 ALLOWED.

10 **SECTION 2. Act subject to petition - specified effective date**

11 **- applicability.** (1) This act shall take effect January 1, 2011; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within the ninety-day period after final adjournment of the general
15 assembly, then the act, item, section, or part shall not take effect unless
16 approved by the people at the general election to be held in November
17 2010 and shall take effect on January 1, 2011, or on the date of the
18 official declaration of the vote thereon by the governor, whichever is
19 later.

20 (2) The provisions of this act shall apply to rates for individual
21 health coverage plans, health benefit plans, and policies of sickness and
22 accident insurance set on or after the applicable effective date of this act.