

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

**REVISED**

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

LLS NO. 11-0376.01 Brita Darling

**SENATE BILL 11-008**

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**SENATE SPONSORSHIP**

**Boyd,**

**HOUSE SPONSORSHIP**

**Gerou,**

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**Senate Committees**  
Health and Human Services

**House Committees**  
Health and Environment  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING ALIGNING MEDICAID ELIGIBILITY FOR CHILDREN.**

**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>.)*

The bill increases the current medicaid income eligibility threshold of 100% of the federal poverty line for children who are between 6 and 19 years of age to equal the income eligibility threshold for pregnant women and children from birth to 5 years of age, which is currently set at 133% of the federal poverty line.

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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  
2nd Reading Unam ended  
March 22, 2011

SENATE  
3rd Reading Unam ended  
February 21, 2011

SENATE  
Am ended 2nd Reading  
February 18, 2011

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

2 SECTION 1. The introductory portion to 24-22-117 (2) (a) (II)  
3 and 24-22-117 (2) (a) (II) (F), Colorado Revised Statutes, are amended  
4 to read:

5 24-22-117. Tobacco tax cash fund - accounts - creation -  
6 legislative declaration - repeal. (2) There are hereby created in the state  
7 treasury the following funds:

8 (a) (II) Except as provided in subparagraphs (III) and (IV)  
9 SUBPARAGRAPH (III) of this paragraph (a), for fiscal year 2005-06 and  
10 each fiscal year thereafter, moneys in the health care expansion fund shall  
11 be annually appropriated by the general assembly to the department of  
12 health care policy and financing for the following purposes:

13 (F) To pay for enrollment increases above the average enrollment  
14 for state fiscal year 2003-04 in the children's basic health plan, article 8  
15 of title 25.5, C.R.S. OR, FOR STATE FISCAL YEAR 2011-12 AND FOR EACH  
16 FISCAL YEAR THEREAFTER, TO PAY FOR COSTS ASSOCIATED WITH  
17 CHILDREN ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM, ARTICLES 4,  
18 5, AND 6 OF TITLE 25.5, C.R.S., WHOSE FAMILY INCOME IS MORE THAN ONE  
19 HUNDRED PERCENT BUT DOES NOT EXCEED ONE HUNDRED THIRTY-THREE  
20 PERCENT OF THE FEDERAL POVERTY LINE AND WHO WOULD HAVE BEEN  
21 ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S BASIC HEALTH PLAN PRIOR  
22 TO SEPTEMBER 1, 2011;

23 SECTION 2. 25.5-5-205 (3) (c), Colorado Revised Statutes, is  
24 amended to read:

25 25.5-5-205. Baby and kid care program - creation - eligibility.  
26 (3) (c) (I) On and after July 1, 1991 SEPTEMBER 1, 2011, children born  
27 after September 30, 1983, who have attained ~~age~~ six YEARS OF AGE but

1 have not attained age nineteen YEARS OF AGE shall be eligible for benefits  
2 under the baby and kid care program. except that, For the purpose of  
3 eligibility under this paragraph (c) only, such individual's family income  
4 shall exceed the eligibility threshold used in determining eligibility for aid  
5 to families with dependent children assistance pursuant to rules in effect  
6 on July 16, 1996, and the method adopted by the state board pursuant to  
7 sections 25.5-5-101 (4) (c) and 25.5-5-201 (5) (c), but shall not exceed  
8 the equivalent of the percentage level of the federal poverty line that is  
9 specified pursuant to subparagraph (II) of this paragraph (c).

10 (II) The percentage level of the federal poverty line, as defined  
11 pursuant to 42 U.S.C. sec. 9902 (2), used to determine eligibility under  
12 this paragraph (c) shall be one hundred percent. If the federal  
13 government establishes a new federal minimum percentage level of the  
14 federal poverty line used to determine eligibility under this paragraph (c)  
15 that is different from the level set in this subparagraph (II), the state  
16 department is authorized to meet such federal minimum level without  
17 requiring additional legislation; however, such minimum federal level  
18 shall be established by rule of the state board EQUIVALENT TO THE FAMILY  
19 INCOME ELIGIBILITY THRESHOLD APPLIED TO CHILDREN UNDER SIX YEARS  
20 OF AGE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3).

21 **SECTION 3.** 25.5-8-105 (1) and (2) (a), Colorado Revised  
22 Statutes, are amended, and the said 25.5-8-105 is further amended BY  
23 THE ADDITION OF A NEW SUBSECTION, to read:

24 **25.5-8-105. Trust - created.** (1) A fund to be known as the  
25 children's basic health plan trust is hereby created and established in the  
26 state treasury. Except as provided for in subsection (4) SUBSECTIONS (4)  
27 AND (8) of this section, all moneys deposited in the trust and all interest

1 earned on moneys in the trust shall remain in the trust for the purposes set  
2 forth in this article, and no part thereof shall be expended or appropriated  
3 for any other purpose. The principal of the trust shall be expended,  
4 subject to annual appropriation by the general assembly, solely for the  
5 purposes set forth in this article.

6 (2) (a) Except as provided for in ~~subsection (4)~~ SUBSECTIONS (4)  
7 AND (8) of this section, all or a portion of the moneys in the trust shall be  
8 annually appropriated by the general assembly for the purposes of this  
9 article and shall not be transferred to or revert to the general fund of the  
10 state at the end of any fiscal year.

11 (8) BEGINNING IN THE 2011-2012 FISCAL YEAR AND FOR EACH  
12 FISCAL YEAR THEREAFTER, MONEYS IN THE TRUST MAY BE USED FOR COSTS  
13 ASSOCIATED WITH CHILDREN ENROLLED IN THE MEDICAL ASSISTANCE  
14 PROGRAM, ARTICLES 4, 5, AND 6 OF THIS TITLE, WHOSE FAMILY INCOME IS  
15 MORE THAN ONE HUNDRED PERCENT BUT DOES NOT EXCEED ONE HUNDRED  
16 THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LINE AND WHO WOULD  
17 HAVE BEEN ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S BASIC HEALTH  
18 PLAN PRIOR TO SEPTEMBER 1, 2011.

19 **SECTION 4. Act subject to petition - effective date.** This act  
20 shall take effect September 1, 2011; except that, if a referendum petition  
21 is filed pursuant to section 1 (3) of article V of the state constitution  
22 against this act or an item, section, or part of this act within the ninety-day  
23 period after final adjournment of the general assembly, then the act, item,  
24 section, or part shall not take effect unless approved by the people at the  
25 general election to be held in November 2012 and shall take effect on the  
26 date of the official declaration of the vote thereon by the governor.