

**NOTE: The governor signed this measure on 4/29/2014.**

# An Act

HOUSE BILL 14-1045

BY REPRESENTATIVE(S) Primavera, Becker, Court, Exum, Fields, Fischer, Foote, Garcia, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, Moreno, Peniston, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Singer, Williams, Young, May, Melton, Mitsch Bush, Pabon, Tyler; also SENATOR(S) Aguilar and Crowder, Kefalas, Heath, Hodge, Jones, Kerr, King, Newell, Nicholson, Roberts, Schwartz, Steadman, Tochtrop, Todd, Zenzinger, Carroll.

CONCERNING THE CONTINUATION OF THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

**SECTION 1.** In Colorado Revised Statutes, 25.5-5-308, **amend** (2) (a) (I) (B), (8) (a) (I), and (10); **repeal** (8) (c); and **add** (9) (g) as follows:

**25.5-5-308. Breast and cervical cancer prevention and treatment program - creation - legislative declaration - definitions - funds - repeal.** (2) As used in this section, unless the context otherwise requires:

(a) "Eligible person" means a person who:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(I) (B) Has been screened for breast or cervical cancer by a ANY provider, WITHIN THE PROVIDER'S SCOPE OF PRACTICE, who does not receive funds through the centers for disease control and prevention's national breast and cervical cancer early detection program but whose screening activities are recognized by the department of public health and environment as part of screening activities under the centers for disease control and prevention's national breast and cervical cancer early detection program. ~~This sub-subparagraph (B) shall apply only if the state department receives authority to receive federal financial participation for such persons. The state department shall request authority for federal financial participation when the state department determines that the amount of moneys accumulated in the eligibility expansion account created in paragraph (c) of subsection (8) of this section, including any amounts pledged or promised through a gift, grant, or donation, is sufficient to sustain the projected number of additional persons who would be eligible for the program under this sub-subparagraph (B).~~

(8) (a) (I) There is hereby created in the state treasury the breast and cervical cancer prevention and treatment fund, referred to in this subsection (8) as the "fund". The fund shall consist of any moneys credited thereto pursuant to section 24-22-115 (1), C.R.S., any gifts, grants, and donations, any moneys appropriated thereto by the general assembly, and ~~any moneys transferred from the eligibility expansion account pursuant to subparagraph (HH) of paragraph (c) of this subsection (8)~~ CREDITED THERETO PURSUANT TO SECTION 42-3-217.5 (3) (c), C.R.S. Except as provided for in paragraph (b.5) of this subsection (8), all moneys credited to the fund and all interest and income earned on the moneys in the fund shall remain in the fund for the purposes set forth in this section. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund. The state department is encouraged to secure private gifts, grants, and donations to fund the state costs of the breast and cervical cancer prevention and treatment program.

~~(c) (f) There is hereby created, as an account within the fund, the eligibility expansion account, referred to in this subsection (8) as the "account". The account shall consist of moneys credited thereto pursuant to section 42-3-217.5 (3) (c), C.R.S., any gifts, grants, and donations, and any other moneys appropriated thereto by the general assembly. Moneys in~~

~~the account shall be expended only to fund the cost to expand the eligibility criteria for participation in the breast and cervical cancer prevention and treatment program to persons described in sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection (2) of this section who are screened for breast or cervical cancer by a provider who does not receive funds through the centers for disease control and prevention's national breast and cervical cancer early detection program established under Title XV of the federal "Public Health Service Act", 42 U.S.C. sec. 300k et seq., to provide screening activities. The state department shall not be required to track or report on the persons who become eligible for participation in the breast and cervical cancer prevention and treatment program pursuant to sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection (2) of this section separately from those persons who are eligible for the program pursuant to sub-subparagraph (A) of subparagraph (I) of paragraph (a) of subsection (2) of this section, nor shall the state department be required to track or report separately on expenditures related to persons eligible to participate in the program pursuant to either such sub-subparagraph.~~

~~(H) Notwithstanding paragraph (b.5) of this subsection (8), all moneys credited to the account and all interest and income earned on the moneys in the account shall remain in the account for the purposes set forth in this paragraph (c) and shall not be credited or transferred to the general fund or any other fund except as provided in subparagraph (H) of this paragraph (c). The state department is encouraged to secure private gifts, grants, and donations to help fund the costs to expand the eligibility criteria for participation in the breast and cervical cancer prevention and treatment program as described in this paragraph (c):~~

~~(H)(A) Upon determining that the amount of moneys accumulated in the account, including any amounts pledged or promised through a gift, grant, or donation, is sufficient to sustain the projected number of additional persons who would be eligible for the program under sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection (2) of this section, and upon obtaining authority to receive federal financial participation for persons eligible under sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection (2) of this section, the state department shall notify the joint budget committee that the account balance is sufficient to expand eligibility for the program and shall request an appropriation for the fiscal year for which the federal authority has been~~

~~granted to fund the persons eligible pursuant to sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection (2) of this section.~~

~~(B) Once the state department has notified the joint budget committee, the staff director of the joint budget committee shall request that the state treasurer transfer the moneys in the eligibility expansion account to the breast and cervical cancer prevention and treatment fund and dissolve the account.~~

~~(C) This paragraph (c) is repealed, effective when the state treasurer transfers the balance of the eligibility expansion account to the breast and cervical cancer prevention and treatment fund and dissolves the account. The state treasurer shall notify the revisor of statutes in writing when the conditions specified in this sub-subparagraph (C) have been satisfied.~~

(9) (g) FOR THE FISCAL YEARS 2014-15 THROUGH 2018-19, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE ONE HUNDRED PERCENT OF THE STATE COSTS OF THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM FROM THE MONEYS CREDITED TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND TO SUCH PROGRAM; EXCEPT THAT, IF THE MONEYS IN THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND ARE INSUFFICIENT TO FULLY FUND THE PROGRAM, THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT MONEYS FROM THE GENERAL FUND.

(10) This section is repealed, effective July 1, 2014 2019, unless, in any fiscal year before such date, moneys received as federal financial participation provided pursuant to the federal "Breast and Cervical Cancer Prevention and Treatment Act of 2000", enacted October 24, 2000, Pub.L. 106-354, as amended, are no longer available to the fund or the rate of federal financial participation has been decreased, in which case the general assembly may repeal this section at the regular session of the general assembly immediately following such decrease or discontinuation of federal moneys.

**SECTION 2.** In Colorado Revised Statutes, 24-22-117, **amend** (2) (d) (II) introductory portion as follows:

**24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration.** (II) Of the moneys appropriated annually by the

general assembly to the department of public health and environment pursuant to subparagraph (I) of this paragraph (d), moneys shall be annually allocated by the department of public health and environment for breast and cervical cancer screenings pursuant to section 25-4-1505, C.R.S., and ~~transferred to the department of health care policy and financing for the breast and cervical cancer treatment program established in section 25.5-5-308, C.R.S.,~~ in the following amounts not to exceed five million dollars in any fiscal year:

**SECTION 3.** In Colorado Revised Statutes, 42-3-217.5, **amend** (3) (c) as follows:

**42-3-217.5. Special plates - breast cancer awareness - retirement.** (3) (c) In addition to the taxes and fees specified in paragraph (b) of this subsection (3), a person applying for a new or replacement breast cancer awareness special license plate shall pay a surcharge of twenty-five dollars. A person applying on or before June 30, 2012, to renew a breast cancer awareness special license plate shall have the option to pay the twenty-five dollar surcharge but shall not be required to pay the surcharge in order to renew the special plate. On or after July 1, 2012, a person applying to renew a breast cancer awareness special license plate shall pay the twenty-five dollar surcharge required by this paragraph (c). The department shall transmit the surcharge to the state treasurer, who shall credit the surcharge to the ~~eligibility expansion account of the breast and cervical cancer prevention and treatment fund created in section 25.5-5-308 (8) (c), C.R.S., for use in accordance with that section; except that once the eligibility expansion account is dissolved pursuant to section 25.5-5-308 (8) (c) (III), C.R.S., the state treasurer shall credit the surcharge to the breast and cervical cancer prevention and treatment fund created in section 25.5-5-308 (8) (a), C.R.S. The department shall ensure implementation of this paragraph (c) no later than October 31, 2009.~~

**SECTION 4. Appropriation - adjustments to 2014 long bill.**

(1) For the implementation of this act, the appropriation made in the annual general appropriation act to the department of public health and environment for the fiscal year beginning July 1, 2014, for the prevention services division, for chronic disease prevention programs, for transfer to the department of health care policy and financing for breast and cervical cancer treatment, is decreased by \$936,892 cash funds from the prevention, early detection, and treatment fund created in section 24-22-117 (2) (d) (I),

Colorado Revised Statutes.

(2) For the implementation of this act, the appropriation made in the annual general appropriation act to the department of public health and environment for the fiscal year beginning July 1, 2014, for the prevention services division, for chronic disease prevention programs, breast and cervical cancer screening, is increased by \$936,892 cash funds from the prevention, early detection, and treatment fund created in section 24-22-117 (2) (d) (I), Colorado Revised Statutes.

**SECTION 5. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2014, the sum of \$7,006,802 and 1.0 FTE, or so much thereof as may be necessary, comprised of \$2,424,016 from the breast and cervical cancer prevention and treatment fund created in section 25.5-5-308 (8) (a) (I), Colorado Revised Statutes, and \$4,582,786 from federal funds, to be allocated for the implementation of this act as follows:

(a) \$45,314 and 1.0 FTE, comprised of \$22,657 from the breast and cervical cancer prevention and treatment fund and \$22,657 from federal funds, for personal services;

(b) \$2,824, comprised of \$1,412 from the breast and cervical cancer prevention and treatment fund and \$1,412 from federal funds, for health, life, and dental expenses;

(c) \$86, comprised of \$43 from the breast and cervical cancer prevention and treatment fund and \$43 from federal funds, for short-term disability;

(d) \$1,652, comprised of \$826 from the breast and cervical cancer prevention and treatment fund and \$826 from federal funds, for S.B. 04-257 amortization equalization disbursement;

(e) \$1,550, comprised of \$775 from the breast and cervical cancer prevention and treatment fund and \$775 from federal funds, for S.B. 06-235 supplemental amortization equalization disbursement;

(f) \$1,342, comprised of \$671 from the breast and cervical cancer

prevention and treatment fund and \$671 from federal funds, for salary survey;

(g) \$508, comprised of \$254 from the breast and cervical cancer prevention and treatment fund and \$254 from federal funds, for merit pay;

(h) \$332, comprised of \$166 from the breast and cervical cancer prevention and treatment fund and \$166 from federal funds, for operating expenses;

(i) \$2,878, comprised of \$1,439 from the breast and cervical cancer prevention and treatment fund and \$1,439 from federal funds, for COFRS modernization;

(j) \$6,820,477, comprised of \$2,351,018 from the breast and cervical cancer prevention and treatment fund and \$4,469,459 from federal funds, for medical service premiums; and

(k) \$129,839, comprised of \$44,755 from the breast and cervical cancer prevention and treatment fund and \$85,084 from federal funds, for behavioral health capitation payments.

**SECTION 6. Effective date.** This act takes effect July 1, 2014.

**SECTION 7. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO