

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0468.01 Brita Darling x2241

HOUSE BILL 14-1045

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HOUSE SPONSORSHIP

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House Committees

Public Health Care & Human Services  
Appropriations

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A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE BREAST AND CERVICAL  
102 CANCER PREVENTION AND TREATMENT PROGRAM.

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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 extends the repeal date by 5 years for the breast and cervical cancer prevention and treatment program (program).

The bill permits a person to receive treatment if the person was screened by any provider, within his or her scope of practice, who does not receive funds through the center for disease control and prevention's

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.*

detection program (detection program), but whose screening activities have been recognized under the detection program.

The bill permits the program to receive moneys from the sale of the breast cancer awareness license plates and removes language that prevents the transfer of those moneys until certain conditions are met.

The bill includes language concerning the source of funds for the annual appropriation for the program for the next budget year and budget years thereafter.

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

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

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

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

10 (I) (B) Has been screened for breast or cervical cancer by a ANY  
11 provider, WITHIN THE PROVIDER'S SCOPE OF PRACTICE, who does not  
12 receive funds through the centers for disease control and prevention's  
13 national breast and cervical cancer early detection program but whose  
14 screening activities are recognized by the department of public health and  
15 environment as part of screening activities under the centers for disease  
16 control and prevention's national breast and cervical cancer early  
17 detection program. ~~This sub-subparagraph (B) shall apply only if the state~~  
18 ~~department receives authority to receive federal financial participation for~~  
19 ~~such persons. The state department shall request authority for federal~~  
20 ~~financial participation when the state department determines that the~~  
21 ~~amount of moneys accumulated in the eligibility expansion account~~

1 ~~created in paragraph (c) of subsection (8) of this section, including any~~  
2 ~~amounts pledged or promised through a gift, grant, or donation, is~~  
3 ~~sufficient to sustain the projected number of additional persons who~~  
4 ~~would be eligible for the program under this sub-subparagraph (B).~~

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

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

1 eligibility criteria for participation in the breast and cervical cancer  
2 prevention and treatment program to persons described in  
3 sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection  
4 (2) of this section who are screened for breast or cervical cancer by a  
5 provider who does not receive funds through the centers for disease  
6 control and prevention's national breast and cervical cancer early  
7 detection program established under Title XV of the federal "Public  
8 Health Service Act", 42 U.S.C. sec. 300k et seq., to provide screening  
9 activities. The state department shall not be required to track or report on  
10 the persons who become eligible for participation in the breast and  
11 cervical cancer prevention and treatment program pursuant to  
12 sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection  
13 (2) of this section separately from those persons who are eligible for the  
14 program pursuant to sub-subparagraph (A) of subparagraph (I) of  
15 paragraph (a) of subsection (2) of this section, nor shall the state  
16 department be required to track or report separately on expenditures  
17 related to persons eligible to participate in the program pursuant to either  
18 such sub-subparagraph.

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

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

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

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

26           (9) (g) FOR THE FISCAL YEARS 2014-15 THROUGH 2018-19, THE  
27           GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE ONE HUNDRED

1 PERCENT OF THE STATE COSTS OF THE BREAST AND CERVICAL CANCER  
2 PREVENTION AND TREATMENT PROGRAM FROM THE MONEYS CREDITED TO  
3 THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND  
4 TO SUCH PROGRAM; EXCEPT THAT, IF THE MONEYS IN THE BREAST AND  
5 CERVICAL CANCER PREVENTION AND TREATMENT FUND ARE INSUFFICIENT  
6 TO FULLY FUND THE PROGRAM, THE GENERAL ASSEMBLY SHALL  
7 APPROPRIATE SUFFICIENT MONEYS FROM THE GENERAL FUND.

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

17 **SECTION 2.** In Colorado Revised Statutes, 42-3-217.5, **amend**  
18 (3) (c) as follows:

19 **42-3-217.5. Special plates - breast cancer awareness -**  
20 **retirement.** (3) (c) In addition to the taxes and fees specified in  
21 paragraph (b) of this subsection (3), a person applying for a new or  
22 replacement breast cancer awareness special license plate shall pay a  
23 surcharge of twenty-five dollars. A person applying on or before June 30,  
24 2012, to renew a breast cancer awareness special license plate shall have  
25 the option to pay the twenty-five dollar surcharge but shall not be  
26 required to pay the surcharge in order to renew the special plate. On or  
27 after July 1, 2012, a person applying to renew a breast cancer awareness

1 special license plate shall pay the twenty-five dollar surcharge required  
2 by this paragraph (c). The department shall transmit the surcharge to the  
3 state treasurer, who shall credit the surcharge to the ~~eligibility expansion~~  
4 ~~account of the breast and cervical cancer prevention and treatment fund~~  
5 ~~created in section 25.5-5-308 (8) (c), C.R.S., for use in accordance with~~  
6 ~~that section; except that once the eligibility expansion account is~~  
7 ~~dissolved pursuant to section 25.5-5-308 (8) (c) (III), C.R.S., the state~~  
8 ~~treasurer shall credit the surcharge to the breast and cervical cancer~~  
9 ~~prevention and treatment fund created in section 25.5-5-308 (8) (a),~~  
10 ~~C.R.S. The department shall ensure implementation of this paragraph (c)~~  
11 ~~no later than October 31, 2009.~~

12 **SECTION 3. Effective date.** This act takes effect July 1, 2014.

13 **SECTION 4. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.