A BILL FOR AN ACT

CONCERNING THE REPEAL OF CERTAIN PROVISIONS OF THE
"COLORADO HEALTH CARE COVERAGE ACT" CONTINGENT ON
THE REPEAL OF COMPARABLE FEDERAL LAW PROVISIONS.

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.)

In 2013, the general assembly enacted House Bill 13-1266 to align state health insurance laws with the requirements of the federal "Patient Protection and Affordable Care Act" (ACA). The bill adds an automatic repeal to the following provisions in the state health insurance laws that is triggered if the comparable federal law requirement under the ACA is
repealed by congress and approved by the president:
! The requirement that carriers offer health benefit plans that
cover an essential health benefits package with bronze,
silver, gold, and platinum levels of coverage;
! The requirement that dependant coverage under a health
plan be available to a child under 26 years of age,
regardless of dependency or marital status;
! The requirement that carriers issue or renew a plan to any
eligible individual or small employer that agrees to pay the
required premiums;
! The requirements regarding open and special enrollment
periods;
! The prohibition against discriminating with respect to
participation under the plan or coverage by any provider
acting within the scope of his or her license;
! The requirement to offer continuation coverage to an
employee who is no longer employed by the employer
through whom the employee was covered under a health
benefit plan;
! Fair market standards;
! Procedures for denial of benefits and internal reviews;
! The prohibition against preexisting condition exclusions;
! The requirements pertaining to grace periods for a newly
insured individual to pay premiums for coverage; and
! The cap on incentives under a wellness program.

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

SECTION 1. In Colorado Revised Statutes, 10-16-103.4, add (8)

as follows:

10-16-103.4. Essential health benefits - requirements - rules -
repeal. (8) THIS SECTION IS REPEALED IF THE UNITED STATES CONGRESS
ENACTS AND THE PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL
OR ANY PORTION OF THE FEDERAL ACT THAT ADDRESSES THE SAME
REQUIREMENTS AS CONTAINED IN THIS SECTION. THE COMMISSIONER
SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING, IF THE CONDITION
SPECIFIED IN THIS SUBSECTION (8) OCCURS.

SECTION 2. In Colorado Revised Statutes, 10-16-104.3, add (4)
as follows:

10-16-104.3. Health coverage for persons under twenty-six years of age - coverage for students who take medical leave of absence - repeal. (4) This section is repealed if the United States Congress enacts and the President signs federal legislation repealing all or any portion of the federal act that addresses the same requirements as contained in this section. The commissioner shall notify the revisor of statutes, in writing, if the condition specified in this subsection (4) occurs.

SECTION 3. In Colorado Revised Statutes, 10-16-105, add (9) as follows:

10-16-105. Guaranteed issuance of health insurance coverage - individual and small employer health benefit plans - repeal. (9) Subsections (1) to (6) and (8) of this section and this subsection (9) are repealed if the United States congress enacts and the President signs federal legislation repealing all or any portion of the federal act that addresses the same requirements as contained in those subsections. The commissioner shall notify the revisor of statutes, in writing, if the condition specified in this subsection (9) occurs.

SECTION 4. In Colorado Revised Statutes, 10-16-105.1, add (7) as follows:

10-16-105.1. Guaranteed renewability - exceptions - individual and small employer health benefit plans - rules - repeal. (7) This section is repealed if the United States congress enacts and the President signs federal legislation repealing all or any portion of the federal act that addresses the same requirements as
CONTAINED IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE
REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS
SUBSECTION (7) OCCURS.

SECTION 5. In Colorado Revised Statutes, 10-16-105.7, add (4)
as follows:

10-16-105.7. Health benefit plan open enrollment periods -
special enrollment periods - rules - repeal. (4) This section is
repealed if the United States Congress enacts and the president
signs federal legislation repealing all or any portion of the
federal act that addresses the same requirements as contained
in this section. The commissioner shall notify the revisor of
statutes, in writing, if the condition specified in this subsection
(4) occurs.

SECTION 6. In Colorado Revised Statutes, 10-16-107.7, add (3)
as follows:

10-16-107.7. Nondiscrimination against providers - repeal.
(3) This section is repealed if the United States Congress enacts
and the president signs federal legislation repealing all or any
portion of the federal act that addresses the same requirements
as contained in this section. The commissioner shall notify the
revisor of statutes, in writing, if the condition specified in this
subsection (3) occurs.

SECTION 7. In Colorado Revised Statutes, 10-16-108, add (3)
as follows:

10-16-108. Continuation privileges - repeal. (3) This section
is repealed if the United States Congress enacts and the
president signs federal legislation repealing all or any portion
OF THE FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS AS
CONTAINED IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE
REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS
SUBSECTION (3) OCCURS.

SECTION 8. In Colorado Revised Statutes, 10-16-108.5, add
(12) as follows:

10-16-108.5. Fair marketing standards - rules - repeal.
(12) This section is repealed if the United States Congress enacts
and the President signs federal legislation repealing all or any
portion of the federal act that addresses the same requirements
as contained in this section. The commissioner shall notify the
revisor of statutes, in writing, if the condition specified in this
subsection (12) occurs.

SECTION 9. In Colorado Revised Statutes, amend 10-16-109 as
follows:

10-16-109. Rules. Pursuant to article 4 of title 24, C.R.S., the
commissioner may promulgate adopt or amend reasonable rules
consistent with this article that are necessary or proper for implementing
and administering this article, including rules necessary to align state law
with the requirements imposed by federal law regarding health care
coverage in this state.

SECTION 10. In Colorado Revised Statutes, 10-16-113, add (11)
as follows:

10-16-113. Procedure for denial of benefits - internal review
- rules - repeal. (11) This section is repealed if the United States
congress enacts and the President signs federal legislation
repealing all or any portion of the federal act that addresses

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THE SAME REQUIREMENTS AS CONTAINED IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS SUBSECTION (11) OCCURS.

SECTION 11. In Colorado Revised Statutes, amend 10-16-118 as follows:

10-16-118. Prohibition against preexisting condition exclusions - repeal. (1) A carrier offering an individual or small employer health benefit plan in this state shall not impose any preexisting condition exclusion with respect to coverage under the plan.

(2) THIS SECTION IS REPEALED IF THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY PORTION OF THE FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS AS CONTAINED IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS SUBSECTION (2) OCCURS.

SECTION 12. In Colorado Revised Statutes, 10-16-140, add (5) as follows:

10-16-140. Grace periods - premium payments - rules - repeal. (5) THIS SECTION IS REPEALED IF THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY PORTION OF THE FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS AS CONTAINED IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS SUBSECTION (5) OCCURS.

SECTION 13. In Colorado Revised Statutes, 10-16-104, amend (3) (a) (I) as follows:

10-16-104. Mandatory coverage provisions - definitions -
rules. (3) Maternity coverage. (a) (I) All group sickness and accident insurance policies providing coverage within the state and issued to an employer by an entity subject to part 2 of this article, all group health service contracts issued by an entity subject to part 3 or 4 of this article and issued to an employer, all individual sickness and accident insurance policies issued by an entity subject to part 2 of this article, and all individual health care or indemnity contracts issued by an entity subject to part 3 or 4 of this article, except supplemental policies covering a specified disease or other limited benefit, shall insure against the expense of normal pregnancy and childbirth or provide coverage for maternity care and provide coverage for contraception THAT DOES NOT DESTROY AN EMBRYO in the same manner as any other sickness, injury, disease, or condition is otherwise covered under the policy or contract. Individual sickness and accident insurance policies or contracts may exclude coverage for pregnancy and delivery expenses on the grounds that pregnancy was a preexisting condition. The exclusion for the pregnancy as a preexisting condition under the policy or contract shall not apply for any subsequent pregnancies. Group sickness and accident insurance policies or contracts shall not exclude coverage for pregnancy and delivery expenses on the grounds that pregnancy was a preexisting condition.

SECTION 14. In Colorado Revised Statutes, 10-16-136, amend (3.5) (a) (I) (B) as follows:

10-16-136. Wellness and prevention programs - individual and small group health coverage plans - voluntary participation - incentives or rewards - rules - definitions - legislative declaration - repeal. (3.5) An incentive or reward based upon satisfaction of a
standard related to a health risk factor may be offered or provided by a
carrier only pursuant to a bona fide wellness and prevention program and
if the following standards are met:

(a) (I) The incentive for the wellness and prevention program,
together with the incentive for other wellness and prevention programs
with respect to the individual health coverage plan or small group plan
that requires satisfaction of a standard related to a health risk factor:

(B) Does not exceed a percentage TWENTY PERCENT of the cost of
employee-only coverage under the health coverage or small group plan,
or, if an employee's dependents are allowed to participate in the program,
does not exceed a percentage TWENTY PERCENT of the cost of the
coverage in which an employee and dependents are enrolled. The
commissioner shall adopt a rule, consistent with the requirements of
federal law, establishing the maximum amount of the incentive permitted
under a wellness and prevention program for individual health coverage
plans and small group plans.

SECTION 15. Act subject to petition - effective date.
(1) Except as provided in subsection (2) of this section, this act takes
effect at 12:01 a.m. on the day following the expiration of the ninety-day
period after final adjournment of the general assembly (August 5, 2015,
if adjournment sine die is on May 6, 2015); except that, if a referendum
petition is filed pursuant to section 1 (3) of article V of the state
constitution against this act or an item, section, or part of this act within
such period, then the act, item, section, or part will not take effect unless
approved by the people at the general election to be held in November
2016 and, in such case, will take effect on the date of the official
declaration of the vote thereon by the governor.
(2) (a) Section 13 of this act, amending section 10-16-104 (3) (a) (I), Colorado Revised Statutes, takes effect only if the United States congress enacts and the president signs federal legislation repealing all or any portion of the federal act that addresses requirements that are similar to those contained in said section 13. The commissioner of insurance shall notify the revisor of statutes, in writing, if the condition specified in this paragraph (a) occurs.

(b) Section 14 of this act, amending section 10-16-136 (3.5) (a) (I) (B), Colorado Revised Statutes, takes effect only if the United States congress enacts and the president signs federal legislation repealing all or any portion of the federal act that addresses requirements that are similar to those contained in said section 14. The commissioner of insurance shall notify the revisor of statutes, in writing, if the condition specified in this paragraph (b) occurs.