

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0554.01 Christy Chase x2008

HOUSE BILL 15-1163

HOUSE SPONSORSHIP

Klingenschmitt, Lundeen, Joshi, Neville P., Humphrey, Dore, Szabo, Landgraf, Brown, Buck, Everett, Lawrence, Nordberg, Rankin, Ransom, Saine

SENATE SPONSORSHIP

(None), Balmer, Grantham

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF CERTAIN PROVISIONS OF THE**
102 **"COLORADO HEALTH CARE COVERAGE ACT" CONTINGENT ON**
103 **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

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.

repealed by congress and approved by the president: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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-103.4, **add** (8)
3 as follows:

4 **10-16-103.4. Essential health benefits - requirements - rules -**
5 **repeal.** (8) THIS SECTION IS REPEALED IF THE UNITED STATES CONGRESS
6 ENACTS AND THE PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL
7 OR ANY PORTION OF THE FEDERAL ACT THAT ADDRESSES THE SAME
8 REQUIREMENTS AS CONTAINED IN THIS SECTION. THE COMMISSIONER
9 SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING, IF THE CONDITION
10 SPECIFIED IN THIS SUBSECTION (8) OCCURS.

11 **SECTION 2.** In Colorado Revised Statutes, 10-16-104.3, **add** (4)

1 as follows:

2 **10-16-104.3. Health coverage for persons under twenty-six**
3 **years of age - coverage for students who take medical leave of**
4 **absence - repeal.** (4) THIS SECTION IS REPEALED IF THE UNITED STATES
5 CONGRESS ENACTS AND THE PRESIDENT SIGNS FEDERAL LEGISLATION
6 REPEALING ALL OR ANY PORTION OF THE FEDERAL ACT THAT ADDRESSES
7 THE SAME REQUIREMENTS AS CONTAINED IN THIS SECTION. THE
8 COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING, IF
9 THE CONDITION SPECIFIED IN THIS SUBSECTION (4) OCCURS.

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

12 **10-16-105. Guaranteed issuance of health insurance coverage**
13 **- individual and small employer health benefit plans - repeal.**
14 (9) SUBSECTIONS (1) TO (6) AND (8) OF THIS SECTION AND THIS
15 SUBSECTION (9) ARE REPEALED IF THE UNITED STATES CONGRESS ENACTS
16 AND THE PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY
17 PORTION OF THE FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS
18 AS CONTAINED IN THOSE SUBSECTIONS. THE COMMISSIONER SHALL NOTIFY
19 THE REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN
20 THIS SUBSECTION (9) OCCURS.

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

23 **10-16-105.1. Guaranteed renewability - exceptions - individual**
24 **and small employer health benefit plans - rules - repeal.** (7) THIS
25 SECTION IS REPEALED IF THE UNITED STATES CONGRESS ENACTS AND THE
26 PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY PORTION
27 OF THE FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS AS

1 CONTAINED IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE
2 REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS
3 SUBSECTION (7) OCCURS.

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

6 **10-16-105.7. Health benefit plan open enrollment periods -**
7 **special enrollment periods - rules - repeal.** (4) THIS SECTION IS
8 REPEALED IF THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT
9 SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY PORTION OF THE
10 FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS AS CONTAINED
11 IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE REVISOR OF
12 STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS SUBSECTION
13 (4) OCCURS.

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

16 **10-16-107.7. Nondiscrimination against providers - repeal.**
17 (3) THIS SECTION IS REPEALED IF THE UNITED STATES CONGRESS ENACTS
18 AND THE PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY
19 PORTION OF THE FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS
20 AS CONTAINED IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE
21 REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS
22 SUBSECTION (3) OCCURS.

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

25 **10-16-108. Continuation privileges - repeal.** (3) THIS SECTION
26 IS REPEALED IF THE UNITED STATES CONGRESS ENACTS AND THE
27 PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY PORTION

1 OF THE FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS AS
2 CONTAINED IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE
3 REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS
4 SUBSECTION (3) OCCURS.

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

7 **10-16-108.5. Fair marketing standards - rules - repeal.**

8 (12) THIS SECTION IS REPEALED IF THE UNITED STATES CONGRESS ENACTS
9 AND THE PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY
10 PORTION OF THE FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS
11 AS CONTAINED IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE
12 REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS
13 SUBSECTION (12) OCCURS.

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

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

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

24 **10-16-113. Procedure for denial of benefits - internal review**

25 **- rules - repeal.** (11) THIS SECTION IS REPEALED IF THE UNITED STATES
26 CONGRESS ENACTS AND THE PRESIDENT SIGNS FEDERAL LEGISLATION
27 REPEALING ALL OR ANY PORTION OF THE FEDERAL ACT THAT ADDRESSES

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

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

6 **10-16-118. Prohibition against preexisting condition exclusions**
7 **- repeal.** (1) A carrier offering an individual or small employer health
8 benefit plan in this state shall not impose any preexisting condition
9 exclusion with respect to coverage under the plan.

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

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

18 **10-16-140. Grace periods - premium payments - rules - repeal.**
19 (5) THIS SECTION IS REPEALED IF THE UNITED STATES CONGRESS ENACTS
20 AND THE PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY
21 PORTION OF THE FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS
22 AS CONTAINED IN THIS SECTION. THE COMMISSIONER SHALL NOTIFY THE
23 REVISOR OF STATUTES, IN WRITING, IF THE CONDITION SPECIFIED IN THIS
24 SUBSECTION (5) OCCURS.

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

27 **10-16-104. Mandatory coverage provisions - definitions -**

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

22 **SECTION 14.** In Colorado Revised Statutes, 10-16-136, **amend**
23 (3.5) (a) (I) (B) as follows:

24 **10-16-136. Wellness and prevention programs - individual and**
25 **small group health coverage plans - voluntary participation -**
26 **incentives or rewards - rules - definitions - legislative declaration -**
27 **repeal.** (3.5) An incentive or reward based upon satisfaction of a

1 standard related to a health risk factor may be offered or provided by a
2 carrier only pursuant to a bona fide wellness and prevention program and
3 if the following standards are met:

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

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

17 **SECTION 15. Act subject to petition - effective date.**

18 (1) Except as provided in subsection (2) of this section, this act takes
19 effect at 12:01 a.m. on the day following the expiration of the ninety-day
20 period after final adjournment of the general assembly (August 5, 2015,
21 if adjournment sine die is on May 6, 2015); except that, if a referendum
22 petition is filed pursuant to section 1 (3) of article V of the state
23 constitution against this act or an item, section, or part of this act within
24 such period, then the act, item, section, or part will not take effect unless
25 approved by the people at the general election to be held in November
26 2016 and, in such case, will take effect on the date of the official
27 declaration of the vote thereon by the governor.

1 (2) (a) Section 13 of this act, amending section 10-16-104 (3) (a)
2 (I), Colorado Revised Statutes, takes effect only if the United States
3 congress enacts and the president signs federal legislation repealing all or
4 any portion of the federal act that addresses requirements that are similar
5 to those contained in said section 13. The commissioner of insurance shall
6 notify the revisor of statutes, in writing, if the condition specified in this
7 paragraph (a) occurs.

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