

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1111.02 Kristen Forrestal x4217

HOUSE BILL 16-1387

HOUSE SPONSORSHIP

Primavera,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HEALTH INSURANCE COVERAGE FOR SEVERE PROTEIN**
102 **ALLERGIC CONDITIONS.**

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 requires health benefit plans, except for supplemental policies, to provide coverage for severe protein allergic conditions including immunoglobulin E and nonimmunoglobulin E-mediated allergies to multiple food proteins; severe food protein induced enterocolitis syndrome; eosinophilic disorders as evidenced by the results of a biopsy; and impaired absorption of nutrients caused by disorders

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.*

affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes coverage for amino acid-based elemental formulas.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend**
3 (1) (c) (III) (A) and (1) (c) (III) (C) as follows:

4 **10-16-104. Mandatory coverage provisions - definitions -**
5 **rules.** (1) **Newborn children.** (c) (III) (A) Coverage for inherited
6 enzymatic disorders caused by single gene defects involved in the
7 metabolism of amino, organic, and fatty acids ~~shall include, but not be~~
8 ~~limited to~~ AS WELL AS SEVERE PROTEIN ALLERGIC CONDITIONS INCLUDES,
9 WITHOUT LIMITATION, the following diagnosed conditions:
10 Phenylketonuria; maternal phenylketonuria; maple syrup urine disease;
11 tyrosinemia; homocystinuria; histidinemia; urea cycle disorders;
12 hyperlysinemia; glutaric acidemias; methylmalonic acidemia; ~~and~~
13 propionic acidemia; IMMUNOGLOBULIN E AND NONIMMUNOGLOBULIN
14 E-MEDIATED ALLERGIES TO MULTIPLE FOOD PROTEINS; SEVERE FOOD
15 PROTEIN INDUCED ENTEROCOLITIS SYNDROME; EOSINOPHILIC DISORDERS
16 AS EVIDENCED BY THE RESULTS OF A BIOPSY; AND IMPAIRED ABSORPTION
17 OF NUTRIENTS CAUSED BY DISORDERS AFFECTING THE ABSORPTIVE
18 SURFACE, FUNCTION, LENGTH, AND MOTILITY OF THE GASTROINTESTINAL
19 TRACT. Covered care and treatment of such conditions shall include, to
20 the extent medically necessary, medical foods for home use for which a
21 physician who is a participating provider has issued a written, oral, or
22 electronic prescription.

23 (C) As used in this subparagraph (III), "medical foods" means
24 prescription metabolic formulas and their modular counterparts AND

1 AMINO ACID-BASED ELEMENTAL FORMULAS, obtained through a pharmacy,
2 that are specifically designated and manufactured for the treatment of
3 inherited enzymatic disorders caused by single gene defects involved in
4 the metabolism of amino, organic, and fatty acids and for SEVERE
5 ALLERGIC CONDITIONS, IF DIAGNOSED BY A BOARD-CERTIFIED ALLERGIST
6 OR BOARD-CERTIFIED GASTROENTEROLOGIST, FOR which medically
7 standard methods of diagnosis, treatment, and monitoring exist. Such
8 formulas are specifically processed or formulated to be deficient in one
9 or more nutrients. ~~and~~ THE FORMULAS FOR SEVERE FOOD ALLERGIES
10 CONTAIN ONLY SINGULAR FORM ELEMENTAL AMINO ACIDS. THE FORMULAS
11 are to be consumed or administered enterally either via tube or oral route
12 under the direction of a physician who is a participating provider. This
13 sub-subparagraph (C) shall not be construed to apply to cystic fibrosis
14 patients or lactose- or soy-intolerant patients.

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect January 1, 2018; except that, if a referendum petition is filed
17 pursuant to section 1 (3) of article V of the state constitution against this
18 act or an item, section, or part of this act within the ninety-day period
19 after final adjournment of the general assembly, then the act, item,
20 section, or part will not take effect unless approved by the people at the
21 general election to be held in November 2016 and, in such case, will take
22 effect on January 1, 2018, or on the date of the official declaration of the
23 vote thereon by the governor, whichever is later.