

# An Act

HOUSE BILL 22-1008

BY REPRESENTATIVE(S) Tipper and Soper, Ortiz, Amabile, Bacon, Bernett, Bird, Boesenecker, Caraveo, Cutter, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jodeh, Kennedy, Lindsay, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ricks, Roberts, Sirota, Sullivan, Titone, Valdez A., Valdez D., Weissman, Young, Garnett;

also SENATOR(S) Fenberg and Winter, Buckner, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Moreno, Pettersen, Rodriguez, Story, Zenzinger.

CONCERNING THE FEDERAL REQUIREMENTS FOR THE IMPLEMENTATION OF FERTILITY COVERAGE UNDER HEALTH BENEFIT PLANS.

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

**SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend** (23)(f) as follows:

**10-16-104. Mandatory coverage provisions - definitions - rules.**  
**(23) Infertility diagnosis and treatment - fertility preservation services.**  
**(f) (I) ~~Within one hundred twenty days after April 1, 2020, the division shall submit to the federal department of health and human services its~~**

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

~~determination as to whether the coverage specified in this subsection (23) is in addition to essential health benefits and would be subject to defrayal by the state pursuant to 42 U.S.C. sec. 18031 (d)(3)(B) and a request that the federal department confirm the division's determination within sixty days after receipt of the division's request and submission of its determination~~ THIS SUBSECTION (23) APPLIES TO, AND THE DIVISION SHALL IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION (23) FOR, LARGE EMPLOYER HEALTH BENEFIT PLANS ISSUED OR RENEWED IN THIS STATE ON OR AFTER JANUARY 1, 2023.

(II) This subsection (23) applies to, AND THE DIVISION SHALL IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION (23) FOR, INDIVIDUAL AND SMALL GROUP health benefit plans issued or renewed in this state that are subject to this subsection (23), and the division shall implement the requirements of this subsection (23), if:

(A) ~~The division receives confirmation from~~ TWELVE MONTHS AFTER the federal department of health and human services DETERMINES that the coverage specified in this subsection (23) does not constitute an additional benefit that requires defrayal by the state pursuant to 42 U.S.C. sec. 18031 (d)(3)(B). or

(B) ~~More than three hundred sixty-five days have passed since the division submitted its determination and request for confirmation that the coverage specified in this subsection (23) is not an additional benefit that requires state defrayal pursuant to 42 U.S.C. sec. 18031 (d)(3)(B), and the federal department of health and human services has failed to respond to the request within that period, in which case the division shall consider the federal department's unreasonable delay a preclusion from requiring defrayal by the state.~~

**SECTION 2. Safety clause.** The general assembly hereby finds,

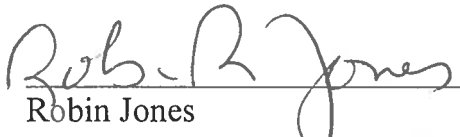
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Steve Fenberg  
PRESIDENT OF  
THE SENATE

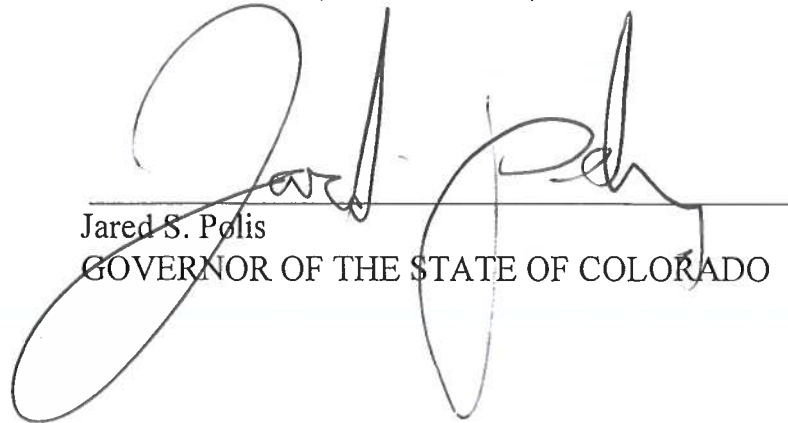


Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED April 13, 2022 at 1:30 pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO