

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0794.01 Christy Chase x2008

HOUSE BILL 16-1015

HOUSE SPONSORSHIP

Klingenschmitt, Brown, Humphrey, Joshi, Neville P., Saine

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

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repealed by congress and approved by the president: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 dependent 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; and
- ! The requirements pertaining to grace periods for a newly insured individual to pay premiums for coverage.

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 THIS SECTION IS REPEALED UPON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

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

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 THIS SECTION IS REPEALED UPON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

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

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21 TO (6) AND (8) OF THIS SECTION AND THIS SUBSECTION (9) ARE REPEALED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

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

26 **10-16-105.1. Guaranteed renewability - exceptions - individual**
27 **and small employer health benefit plans - rules - repeal.** (7) IF THE

1 UNITED STATES CONGRESS ENACTS AND THE PRESIDENT SIGNS FEDERAL
2 LEGISLATION REPEALING ALL OR ANY PORTION OF THE FEDERAL ACT THAT
3 ADDRESSES THE SAME REQUIREMENTS AS CONTAINED IN THIS SECTION,
4 THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING.
5 THIS SECTION IS REPEALED UPON THE RECEIPT OF THE NOTICE FROM THE
6 COMMISSIONER THAT THE CONDITION SPECIFIED IN THIS SUBSECTION (7)
7 HAS OCCURRED.

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

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

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

21 **10-16-107.7. Nondiscrimination against providers - repeal.**
22 (3) IF THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT SIGNS
23 FEDERAL LEGISLATION REPEALING ALL OR ANY PORTION OF THE FEDERAL
24 ACT THAT ADDRESSES THE SAME REQUIREMENTS AS CONTAINED IN THIS
25 SECTION, THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES,
26 IN WRITING. THIS SECTION IS REPEALED UPON THE RECEIPT OF THE NOTICE
27 FROM THE COMMISSIONER THAT THE CONDITION SPECIFIED IN THIS

1 SUBSECTION (3) HAS OCCURRED.

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

4 **10-16-108. Continuation privileges - repeal.** (3) IF THE UNITED
5 STATES CONGRESS ENACTS AND THE PRESIDENT SIGNS FEDERAL
6 LEGISLATION REPEALING ALL OR ANY PORTION OF THE FEDERAL ACT THAT
7 ADDRESSES THE SAME REQUIREMENTS AS CONTAINED IN THIS SECTION,
8 THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING.
9 THIS SECTION IS REPEALED UPON THE RECEIPT OF THE NOTICE FROM THE
10 COMMISSIONER THAT THE CONDITION SPECIFIED IN THIS SUBSECTION (3)
11 HAS OCCURRED.

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

14 **10-16-108.5. Fair marketing standards - rules - repeal.** (12) IF
15 THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT SIGNS
16 FEDERAL LEGISLATION REPEALING ALL OR ANY PORTION OF THE FEDERAL
17 ACT THAT ADDRESSES THE SAME REQUIREMENTS AS CONTAINED IN THIS
18 SECTION, THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES,
19 IN WRITING. THIS SECTION IS REPEALED UPON THE RECEIPT OF THE NOTICE
20 FROM THE COMMISSIONER THAT THE CONDITION SPECIFIED IN THIS
21 SUBSECTION (12) HAS OCCURRED.

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

24 **10-16-109. Rules.** Pursuant to article 4 of title 24, C.R.S., the
25 commissioner may ~~promulgate~~ ADOPT OR AMEND reasonable rules
26 consistent with this article that are necessary or proper for implementing
27 and administering this article, including rules necessary to align state law

1 with the requirements imposed by federal law regarding health care
2 coverage in this state.

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

5 **10-16-113. Procedure for denial of benefits - internal review**
6 **- rules - repeal.** (11) IF THE UNITED STATES CONGRESS ENACTS AND THE
7 PRESIDENT SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY PORTION
8 OF THE FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS AS
9 CONTAINED IN THIS SECTION, THE COMMISSIONER SHALL NOTIFY THE
10 REVISOR OF STATUTES, IN WRITING. THIS SECTION IS REPEALED UPON THE
11 RECEIPT OF THE NOTICE FROM THE COMMISSIONER THAT THE CONDITION
12 SPECIFIED IN THIS SUBSECTION (11) HAS OCCURRED.

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

15 **10-16-118. Prohibition against preexisting condition exclusions**
16 **- repeal.** (1) A carrier offering an individual or small employer health
17 benefit plan in this state shall not impose any preexisting condition
18 exclusion with respect to coverage under the plan.

19 (2) IF THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT
20 SIGNS FEDERAL LEGISLATION REPEALING ALL OR ANY PORTION OF THE
21 FEDERAL ACT THAT ADDRESSES THE SAME REQUIREMENTS AS CONTAINED
22 IN THIS SECTION, THE COMMISSIONER SHALL NOTIFY THE REVISOR OF
23 STATUTES, IN WRITING. THIS SECTION IS REPEALED UPON THE RECEIPT OF
24 THE NOTICE FROM THE COMMISSIONER THAT THE CONDITION SPECIFIED IN
25 THIS SUBSECTION (2) HAS OCCURRED.

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

1 **10-16-140. Grace periods - premium payments - rules - repeal.**

2 (5) IF THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT SIGNS
3 FEDERAL LEGISLATION REPEALING ALL OR ANY PORTION OF THE FEDERAL
4 ACT THAT ADDRESSES THE SAME REQUIREMENTS AS CONTAINED IN THIS
5 SECTION, THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES,
6 IN WRITING. THIS SECTION IS REPEALED UPON THE RECEIPT OF THE NOTICE
7 FROM THE COMMISSIONER THAT THE CONDITION SPECIFIED IN THIS
8 SUBSECTION (5) HAS OCCURRED.

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

11 **10-16-104. Mandatory coverage provisions - definitions -**
12 **rules. (3) Maternity coverage.** (a) (I) All group sickness and accident
13 insurance policies providing coverage within the state and issued to an
14 employer by an entity subject to part 2 of this article, all group health
15 service contracts issued by an entity subject to part 3 or 4 of this article
16 and issued to an employer, all individual sickness and accident insurance
17 policies issued by an entity subject to part 2 of this article, and all
18 individual health care or indemnity contracts issued by an entity subject
19 to part 3 or 4 of this article, except supplemental policies covering a
20 specified disease or other limited benefit, shall insure against the expense
21 of normal pregnancy and childbirth or provide coverage for maternity
22 care and provide coverage for contraception THAT DOES NOT DESTROY AN
23 EMBRYO in the same manner as any other sickness, injury, disease, or
24 condition is otherwise covered under the policy or contract. Individual
25 sickness and accident insurance policies or contracts may exclude
26 coverage for pregnancy and delivery expenses on the grounds that
27 pregnancy was a preexisting condition. The exclusion for the pregnancy

1 as a preexisting condition under the policy or contract shall not apply for
2 any subsequent pregnancies. Group sickness and accident insurance
3 policies or contracts shall not exclude coverage for pregnancy and
4 delivery expenses on the grounds that pregnancy was a preexisting
5 condition.

6 **SECTION 14. Act subject to petition - effective date.**

7 (1) Except as provided in subsection (2) of this section, this act takes
8 effect at 12:01 a.m. on the day following the expiration of the ninety-day
9 period after final adjournment of the general assembly (August 10, 2016,
10 if adjournment sine die is on May 11, 2016); except that, if a referendum
11 petition is filed pursuant to section 1 (3) of article V of the state
12 constitution against this act or an item, section, or part of this act within
13 such period, then the act, item, section, or part will not take effect unless
14 approved by the people at the general election to be held in November
15 2016 and, in such case, will take effect on the date of the official
16 declaration of the vote thereon by the governor.

17 (2) Section 13 of this act, amending section 10-16-104 (3) (a) (I),
18 Colorado Revised Statutes, takes effect only if the United States congress
19 enacts and the president signs federal legislation repealing all or any
20 portion of the federal act that addresses requirements that are similar to
21 those contained in said section 13. The commissioner of insurance shall
22 notify the revisor of statutes, in writing, if the condition specified in this
23 subsection (2) occurs, and the amendments to said section 13 are effective
24 upon receipt of the notice from the commissioner.