

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0039.02 Christy Chase x2008

HOUSE BILL 17-1186

HOUSE SPONSORSHIP

Pettersen and Landgraf,

SENATE SPONSORSHIP

Coram,

House Committees

Health, Insurance, & Environment

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT HEALTH BENEFIT PLANS**
102 **REQUIRED TO COVER CONTRACEPTION REIMBURSE DISPENSERS**
103 **FOR DISPENSING A MULTIPLE-MONTHS' SUPPLY OF**
104 **PRESCRIPTION CONTRACEPTIVES.**

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://leg.colorado.gov/>.)

The bill requires individual and group sickness and accident policies, contracts, or plans that are required under current law to provide contraception coverage to reimburse participating providers or in-network

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.*

SENATE
3rd Reading Unamended
April 17, 2017

SENATE
2nd Reading Unamended
April 11, 2017

HOUSE
3rd Reading Unamended
March 21, 2017

HOUSE
Amended 2nd Reading
March 16, 2017

dispensing entities for:

- ! Dispensing prescription contraceptives in a 3-month supply for the first dispensing to the insured person and for a 12-month supply for subsequent dispensings of the same prescription contraceptive to the insured person; or
- ! Dispensing to the insured person a prescribed vaginal contraceptive ring intended to last for 3 months.

"Prescription contraceptive" is defined as a medically acceptable oral drug or contraceptive patch that is used to prevent pregnancy and that requires a prescription.

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

SECTION 1. In Colorado Revised Statutes, **add** 10-16-104.2 as follows:

10-16-104.2. Coverage for contraception - definitions. (1) AS PART OF THE COVERAGE REQUIRED FOR CONTRACEPTION PURSUANT TO SECTION 10-16-104 (3)(a)(I) OR (18), AS APPLICABLE, ENTITIES SUBJECT TO PART 2, 3, OR 4 OF THIS ARTICLE 16 THAT ISSUE POLICIES, CONTRACTS, OR PLANS SUBJECT TO THE COVERAGE REQUIREMENTS IN SECTION 10-16-104 (3)(a)(I) OR (18) SHALL REIMBURSE A PARTICIPATING PROVIDER OR DISPENSING ENTITY THAT IS IN-NETWORK FOR DISPENSING TO A COVERED PERSON:

(a) PRESCRIPTION CONTRACEPTIVES INTENDED TO LAST:

(I) FOR A THREE-MONTH PERIOD THE FIRST TIME THE PRESCRIPTION CONTRACEPTIVE IS DISPENSED TO THE COVERED PERSON; AND

(II) FOR A TWELVE-MONTH PERIOD OR THROUGH THE END OF THE COVERED PERSON'S COVERAGE UNDER THE POLICY, CONTRACT, OR PLAN, WHICHEVER IS SHORTER, FOR ANY SUBSEQUENT DISPENSING OF THE SAME PRESCRIPTION CONTRACEPTIVE TO THE COVERED PERSON, REGARDLESS OF WHETHER THE COVERED PERSON WAS ENROLLED IN THE POLICY, CONTRACT, OR PLAN AT THE TIME THE PRESCRIPTION CONTRACEPTIVE WAS

1 FIRST DISPENSED; OR

2 (b) A PRESCRIBED VAGINAL CONTRACEPTIVE RING INTENDED TO
3 LAST FOR A THREE-MONTH PERIOD.

4 (2) AS USED IN THIS SECTION:

5 (a) "DISPENSING ENTITY" MEANS A PRESCRIPTION DRUG OUTLET,
6 PHARMACY, OR OTHER FACILITY REGISTERED BY THE STATE BOARD OF
7 PHARMACY UNDER PART 1 OF ARTICLE 42.5 OF TITLE 12.

8 (b) "PRESCRIPTION CONTRACEPTIVE" MEANS A MEDICALLY
9 ACCEPTABLE ORAL DRUG OR CONTRACEPTIVE PATCH OR RING THAT IS
10 USED TO PREVENT PREGNANCY, THAT REQUIRES A PRESCRIPTION, AND
11 THAT IS COVERED UNDER THE TERMS OF THE POLICY, CONTRACT, OR PLAN
12 ISSUED BY AN ENTITY SUBJECT TO PART 2, 3, OR 4 OF THIS ARTICLE 16.

13 **SECTION 2.** In Colorado Revised Statutes, 10-16-104, **amend**
14 **(3)(a)(I)** as follows:

15 **10-16-104. Mandatory coverage provisions - definitions -**
16 **rules. (3) Maternity coverage. (a) (I) (A)** All group sickness and
17 accident insurance policies providing coverage within the state and issued
18 to an employer by an entity subject to part 2 of this ~~article~~ ARTICLE 16, all
19 group health service contracts issued by an entity subject to part 3 or 4 of
20 this ~~article~~ ARTICLE 16 and issued to an employer, all individual sickness
21 and accident insurance policies issued by an entity subject to part 2 of this
22 ~~article~~ ARTICLE 16, and all individual health care or indemnity contracts
23 issued by an entity subject to part 3 or 4 of this ~~article~~ ARTICLE 16, except
24 supplemental policies covering a specified disease or other limited
25 benefit, ~~shall~~ **MUST** insure against the expense of normal pregnancy and
26 childbirth or provide coverage for maternity care and provide coverage
27 for contraception in the same manner as any other sickness, injury,

1 disease, or condition is otherwise covered under the policy or contract;
2 EXCEPT THAT COVERAGE FOR CONTRACEPTION MUST BE CONSISTENT WITH
3 THE REQUIREMENTS IN SECTION 10-16-104.2.

4 (B) Individual sickness and accident insurance policies or
5 contracts may exclude coverage for pregnancy and delivery expenses on
6 the grounds that pregnancy was a preexisting condition; EXCEPT THAT the
7 exclusion for ~~the~~ A pregnancy as a preexisting condition under the policy
8 or contract ~~shall~~ DOES not apply for any subsequent pregnancies. Group
9 sickness and accident insurance policies or contracts ~~shall~~ MUST not
10 exclude coverage for pregnancy and delivery expenses on the grounds
11 that pregnancy was a preexisting condition.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect January 1, 2019; except that, if a referendum petition is filed
14 pursuant to section 1 (3) of article V of the state constitution against this
15 act or an item, section, or part of this act within the ninety-day period
16 after final adjournment of the general assembly, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2018 and, in such case, will take
19 effect on January 1, 2019, or on the date of the official declaration of the
20 vote thereon by the governor, whichever is later.