

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

INTRODUCED

LLS NO. 19-0074.01 Richard Sweetman x4333

HOUSE BILL 19-1302

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A BILL FOR AN ACT

101 **CONCERNING THE TREATMENT OF CANCER, AND, IN CONNECTION**
102 **THEREWITH, CONTINUING THE BREAST AND CERVICAL CANCER**
103 **PREVENTION AND TREATMENT PROGRAM, CREATING THE**
104 **UNDERINSURED BREAST AND CERVICAL CANCER TREATMENT**
105 **PROGRAM, AND INCREASING THE SURCHARGE ASSOCIATED WITH**
106 **THE PURCHASE OF A BREAST CANCER AWARENESS LICENSE**
107 **PLATE.**

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>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill extends the repeal date of the breast and cervical cancer prevention and treatment program 10 years to July 1, 2029.

The bill creates the underinsured breast and cervical cancer treatment program (program) in the department of public health and environment (department) to provide treatment to uninsured and underinsured persons who have breast or cervical cancer. The state board of health is required to adopt such rules as are necessary to administer the program.

The bill creates the underinsured breast and cervical cancer treatment fund, which consists of money credited from the sale of breast cancer awareness license plates. The department may use money in the fund to provide treatment for breast and cervical cancer through the program.

The bill increases the surcharge associated with the purchase, replacement, or renewal of a breast cancer awareness license plate from \$25 to \$30. Of this amount, \$10 is credited to the fund and \$20 continues to be credited to the breast and cervical cancer prevention and treatment fund. On and after July 1, 2021, \$5 of the surcharge is credited to the underinsured breast and cervical cancer treatment fund and \$25 of the surcharge is credited to the breast and cervical cancer prevention and treatment fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-308, **amend**
3 (9)(g) and (10) as follows:

4 **25.5-5-308. Breast and cervical cancer prevention and**
5 **treatment program - creation - legislative declaration - definitions -**
6 **funds - repeal.** (9) (g) For the fiscal years 2014-15 ~~through 2018-19~~
7 THROUGH 2028-29, the general assembly shall annually appropriate one
8 hundred percent of the state costs of the breast and cervical cancer
9 prevention and treatment program from the ~~moneys~~ MONEY credited to
10 the breast and cervical cancer prevention and treatment fund to ~~such~~ THE
11 program; except that, if the ~~moneys~~ MONEY in the breast and cervical
12 cancer prevention and treatment fund ~~are~~ IS insufficient to fully fund the
13 program, the general assembly shall appropriate sufficient ~~moneys~~ MONEY

1 from the general fund.

2 (10) This section is repealed, effective ~~July 1, 2019~~ JULY 1, 2029,
3 unless, in any fiscal year before such date, ~~moneys~~ MONEY received as
4 federal financial participation provided pursuant to the federal "Breast
5 and Cervical Cancer Prevention and Treatment Act of 2000", enacted
6 October 24, 2000, Pub.L. 106-354, as amended, ~~are~~ IS no longer available
7 to the fund or the rate of federal financial participation has been
8 decreased, in which case the general assembly may repeal this section at
9 the regular session of the general assembly immediately following such
10 decrease or discontinuation of federal ~~moneys~~ MONEY.

11 **SECTION 2.** In Colorado Revised Statutes, **add** part 26 to article
12 4 of title 25 as follows:

13 PART 26

14 TREATMENT FOR UNDERINSURED

15 BREAST AND CERVICAL CANCER PATIENTS

16 **25-4-2601. Definitions.** AS USED IN THIS PART 26, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "BOARD" MEANS THE STATE BOARD OF HEALTH, CREATED IN
19 SECTION 25-1-103.

20 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
21 AND ENVIRONMENT.

22 (3) "FUND" MEANS THE UNDERINSURED BREAST AND CERVICAL
23 CANCER TREATMENT FUND CREATED IN SECTION 25-4-2603.

24 (4) "PROGRAM" MEANS THE UNDERINSURED BREAST AND
25 CERVICAL CANCER TREATMENT PROGRAM CREATED IN SECTION 25-4-2602.

26 (5) "TREATMENT" MEANS MEDICAL TREATMENT FOR BREAST
27 CANCER OR CERVICAL CANCER.

1 **25-4-2602. Underinsured breast and cervical cancer treatment**
2 **program - creation - rules.** (1) THE UNDERINSURED BREAST AND
3 CERVICAL CANCER TREATMENT PROGRAM IS HEREBY CREATED TO PROVIDE
4 TREATMENT FOR BREAST AND CERVICAL CANCER TO UNINSURED AND
5 UNDERINSURED PERSONS.

6 (2) THE DEPARTMENT MAY ADMINISTER THE PROGRAM ITSELF OR
7 CONTRACT WITH AN INDEPENDENT ENTITY FOR THE ADMINISTRATION OF
8 THE PROGRAM.

9 (3) THE DEPARTMENT HAS THE FOLLOWING POWERS AND DUTIES:

10 (a) TO ESTABLISH, OPERATE, AND MONITOR THE PROGRAM TO
11 PROVIDE TREATMENT FOR BREAST AND CERVICAL CANCER TO UNINSURED
12 AND UNDERINSURED PERSONS; AND

13 (b) TO ACCEPT AND EXPEND ANY GRANT OR AWARD OF MONEY
14 FROM THE FEDERAL GOVERNMENT, ANY MONEY APPROPRIATED BY THE
15 GENERAL ASSEMBLY, AND ANY INTEREST AND INCOME EARNED ON SUCH
16 MONEY FOR THE PURPOSES SET FORTH IN THIS PART 26.

17 (4) THE BOARD, IN CONSULTATION WITH STAKEHOLDERS WHO ARE
18 INTERESTED IN THE PROMOTION OF BREAST AND CERVICAL CANCER
19 TREATMENT, SHALL ADOPT RULES AND PROCEDURES AS NECESSARY TO
20 CARRY OUT THE PROVISIONS OF THIS PART 26.

21 **25-4-2603. Underinsured breast and cervical cancer treatment**
22 **fund.** (1) THE UNDERINSURED BREAST AND CERVICAL CANCER
23 TREATMENT FUND IS HEREBY CREATED IN THE STATE TREASURY. THE
24 FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY
25 FOR THE PURPOSES OF THIS PART 26. THE FUND CONSISTS OF MONEY
26 CREDITED TO THE FUND PURSUANT TO SECTION 42-3-217.5 (3)(c) AND ANY
27 OTHER MONEY THAT MAY BE APPROPRIATED TO THE FUND BY THE

1 GENERAL ASSEMBLY. ALL MONEY CREDITED TO THE FUND AND ALL
2 INTEREST AND INCOME EARNED ON THE MONEY IN THE FUND REMAIN IN
3 THE FUND FOR THE PURPOSES SET FORTH IN THIS PART 26. ANY
4 UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT
5 THE END OF A FISCAL YEAR REMAINS IN THE FUND AND MAY NOT BE
6 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

7 (2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT
8 MAY USE MONEY IN THE FUND TO PROVIDE TREATMENT FOR BREAST AND
9 CERVICAL CANCER TO UNINSURED AND UNDERINSURED PERSONS AS
10 DESCRIBED IN THIS PART 26.

11 **25-4-2604. Gifts, grants, and donations.** THE DEPARTMENT MAY
12 SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM
13 PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 26.

14 **SECTION 3.** In Colorado Revised Statutes, 42-3-217.5, **amend**
15 (3)(c) as follows:

16 **42-3-217.5. Special plates - breast cancer awareness -**
17 **retirement - repeal.** (3) (c) (I) In addition to the taxes and fees specified
18 in ~~paragraph (b) of this subsection (3)~~ SUBSECTION (3)(b) OF THIS
19 SECTION, a person applying for a new or replacement breast cancer
20 awareness special license plate ON OR AFTER THE EFFECTIVE DATE OF THIS
21 SUBSECTION (3)(c)(I), AS AMENDED, shall pay a surcharge of ~~twenty-five~~
22 THIRTY dollars. ~~A person applying on or before June 30, 2012, to renew~~
23 ~~a breast cancer awareness special license plate shall have the option to~~
24 ~~pay the twenty-five dollar surcharge but shall not be required to pay the~~
25 ~~surcharge in order to renew the special plate. On or after July 1, 2012, A~~
26 person applying to renew a breast cancer awareness special license plate
27 ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3)(c)(I), AS

1 AMENDED, shall ALSO pay the ~~twenty-five dollar~~ THIRTY-DOLLAR
2 surcharge required by this ~~paragraph (c)~~ SUBSECTION (3)(c).

3 (II) (A) The department shall transmit the surcharge DESCRIBED
4 IN SUBSECTION (3)(c)(I) OF THIS SECTION to the state treasurer, who shall
5 credit TWENTY DOLLARS OF the surcharge to the breast and cervical cancer
6 prevention and treatment fund created in section 25.5-5-308 (8)(a) ~~C.R.S.~~
7 AND TEN DOLLARS TO THE UNDERINSURED BREAST AND CERVICAL CANCER
8 TREATMENT FUND CREATED IN SECTION 25-4-2603.

9 (B) THIS SUBSECTION (3)(c)(II) IS REPEALED, EFFECTIVE JULY 1,
10 2021.

11 (III) ON AND AFTER JULY 1, 2021, THE DEPARTMENT SHALL
12 TRANSMIT THE SURCHARGE DESCRIBED IN SUBSECTION (3)(c)(I) OF THIS
13 SECTION TO THE STATE TREASURER, WHO SHALL CREDIT TWENTY-FIVE
14 DOLLARS OF THE SURCHARGE TO THE BREAST AND CERVICAL CANCER
15 PREVENTION AND TREATMENT FUND CREATED IN SECTION 25.5-5-308
16 (8)(a) AND FIVE DOLLARS TO THE UNDERINSURED BREAST AND CERVICAL
17 CANCER TREATMENT FUND CREATED IN SECTION 25-4-2603.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.