

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0293.01 Christy Chase x2008

HOUSE BILL 20-1158

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HOUSE SPONSORSHIP

Tipper and Herod,

SENATE SPONSORSHIP

Winter,

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House Committees  
Health & Insurance

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING INSURANCE COVERAGE FOR INFERTILITY.

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 enacts the "Colorado Building Families Act", which requires health benefit plans issued or renewed in Colorado on or after January 1, 2022, to cover diagnosis of infertility, treatment for infertility, and fertility preservation services. The coverage for fertility medications must not impose any limits that are not applicable to coverage under the plan for other prescription medications, and the plan cannot impose deductibles, copayments, coinsurance, benefit maximums, waiting periods, or other limitations that are not applicable to other medical

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.

services covered under the plan.

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

2 **SECTION 1. Short title.** The short title of this act is the  
3 "Colorado Building Families Act".

4 **SECTION 2.** In Colorado Revised Statutes, 10-16-104, **add** (23)  
5 as follows:

6 **10-16-104. Mandatory coverage provisions - definitions -**  
7 **rules. (23) Infertility diagnosis and treatment - fertility preservation**  
8 **services.** (a) ALL INDIVIDUAL AND GROUP HEALTH BENEFIT PLANS ISSUED  
9 OR RENEWED IN THIS STATE SHALL PROVIDE COVERAGE FOR THE  
10 DIAGNOSIS OF AND TREATMENT FOR INFERTILITY AND STANDARD  
11 FERTILITY PRESERVATION SERVICES.

12 (b) THE COVERAGE REQUIRED BY THIS SUBSECTION (23) INCLUDES  
13 FOUR COMPLETED OOCYTE RETRIEVALS WITH UNLIMITED EMBRYO  
14 TRANSFERS IN ACCORDANCE WITH THE GUIDELINES OF THE ASRM, USING  
15 SINGLE EMBRYO TRANSFER WHEN RECOMMENDED AND MEDICALLY  
16 APPROPRIATE.

17 (c) THE HEALTH BENEFIT PLAN SHALL NOT IMPOSE:

18 (I) ANY EXCLUSIONS, LIMITATIONS, OR OTHER RESTRICTIONS ON  
19 COVERAGE OF FERTILITY MEDICATIONS THAT ARE DIFFERENT FROM THE  
20 EXCLUSIONS, LIMITATIONS, OR OTHER RESTRICTIONS IMPOSED ON ANY  
21 OTHER PRESCRIPTION MEDICATIONS COVERED UNDER THE HEALTH BENEFIT  
22 PLAN; OR

23 (II) DEDUCTIBLES, COPAYMENTS, COINSURANCE, BENEFIT  
24 MAXIMUMS, WAITING PERIODS, OR OTHER LIMITATIONS ON COVERAGE FOR  
25 THE DIAGNOSIS OF AND TREATMENT FOR INFERTILITY AND STANDARD

1 FERTILITY PRESERVATION SERVICES, EXCEPT AS OTHERWISE SPECIFIED IN  
2 THIS SUBSECTION (23), THAT ARE DIFFERENT FROM DEDUCTIBLES,  
3 COPAYMENTS, COINSURANCE, BENEFIT MAXIMUMS, WAITING PERIODS, OR  
4 OTHER LIMITATIONS IMPOSED ON BENEFITS FOR SERVICES COVERED UNDER  
5 THE HEALTH BENEFIT PLAN THAT ARE NOT RELATED TO INFERTILITY.

6 (d) THE COMMISSIONER SHALL ADOPT RULES CONSISTENT WITH  
7 AND AS ARE NECESSARY TO IMPLEMENT THIS SUBSECTION (23).

8 (e) FOR PURPOSES OF THIS SUBSECTION (23):

9 (I) "ACOG" MEANS THE AMERICAN COLLEGE OF OBSTETRICIANS  
10 AND GYNECOLOGISTS OR ITS SUCCESSOR ORGANIZATION.

11 (II) "ASCO" MEANS THE AMERICAN SOCIETY OF CLINICAL  
12 ONCOLOGY OR ITS SUCCESSOR ORGANIZATION.

13 (III) "ASRM" MEANS THE AMERICAN SOCIETY FOR  
14 REPRODUCTIVE MEDICINE OR ITS SUCCESSOR ORGANIZATION.

15 (IV) "DIAGNOSIS OF AND TREATMENT FOR INFERTILITY" MEANS  
16 THE PROCEDURES AND MEDICATIONS RECOMMENDED BY A LICENSED  
17 PHYSICIAN THAT ARE CONSISTENT WITH ESTABLISHED, PUBLISHED, OR  
18 APPROVED MEDICAL PRACTICES OR PROFESSIONAL GUIDELINES FROM  
19 ACOG OR ASRM FOR DIAGNOSING AND TREATING INFERTILITY.

20 (V) "FAILURE TO IMPREGNATE OR CONCEIVE" MEANS THE FAILURE  
21 TO ESTABLISH A CLINICAL PREGNANCY AFTER TWELVE MONTHS OF  
22 REGULAR, UNPROTECTED SEXUAL INTERCOURSE OR THERAPEUTIC DONOR  
23 INSEMINATION FOR A WOMAN UNDER THE AGE OF THIRTY-FIVE, OR AFTER  
24 SIX MONTHS OF REGULAR, UNPROTECTED SEXUAL INTERCOURSE OR  
25 THERAPEUTIC DONOR INSEMINATION FOR A WOMAN THIRTY-FIVE YEARS OF  
26 AGE OR OLDER. CONCEPTION RESULTING IN A MISCARRIAGE DOES NOT  
27 RESTART THE TWELVE-MONTH OR SIX-MONTH CLOCK TO QUALIFY AS

1 HAVING INFERTILITY.

2 (VI) "INFERTILITY" MEANS A DISEASE OR CONDITION  
3 CHARACTERIZED BY:

4 (A) THE FAILURE TO IMPREGNATE OR CONCEIVE;

5 (B) A PERSON'S INABILITY TO REPRODUCE EITHER AS AN  
6 INDIVIDUAL OR WITH THE PERSON'S PARTNER; OR

7 (C) A LICENSED PHYSICIAN'S FINDINGS BASED ON A PATIENT'S  
8 MEDICAL, SEXUAL, AND REPRODUCTIVE HISTORY, AGE, PHYSICAL  
9 FINDINGS, OR DIAGNOSTIC TESTING.

10 (VII) "LICENSED PHYSICIAN" MEANS A PERSON LICENSED BY THE  
11 COLORADO MEDICAL BOARD PURSUANT TO ARTICLE 240 OF TITLE 12 TO  
12 PRACTICE MEDICINE IN THIS STATE.

13 (VIII) "STANDARD FERTILITY PRESERVATION SERVICES" MEANS  
14 PROCEDURES AND SERVICES THAT ARE CONSISTENT WITH ESTABLISHED  
15 MEDICAL PRACTICES OR PROFESSIONAL GUIDELINES PUBLISHED BY ASRM  
16 OR ASCO FOR A PERSON WHO HAS A MEDICAL CONDITION OR IS EXPECTED  
17 TO UNDERGO MEDICATION THERAPY, SURGERY, RADIATION,  
18 CHEMOTHERAPY, OR OTHER MEDICAL TREATMENT THAT IS RECOGNIZED BY  
19 MEDICAL PROFESSIONALS TO CAUSE A RISK OF IMPAIRMENT TO FERTILITY.

20 **SECTION 3. Act subject to petition - effective date -**  
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
22 the expiration of the ninety-day period after final adjournment of the  
23 general assembly (August 5, 2020, if adjournment sine die is on May 6,  
24 2020); except that, if a referendum petition is filed pursuant to section 1  
25 (3) of article V of the state constitution against this act or an item, section,  
26 or part of this act within such period, then the act, item, section, or part  
27 will not take effect unless approved by the people at the general election

1 to be held in November 2020 and, in such case, will take effect on the  
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to health benefit plans issued or renewed on  
4 or after January 1, 2022.