

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

REREVISED

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

LLS NO. 23-0342.02 Brita Darling x2241

SENATE BILL 23-284

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Senate Committees
Health & Human Services

House Committees
Public & Behavioral Health & Human Services

HOUSE
3rd Reading Unamended
April 29, 2023

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR CONTRACEPTION INSURANCE**
102 **COVERAGE THAT INCREASES CONSISTENT ACCESS TO THE**
103 **CONTRACEPTION MOST SUITED TO THE INDIVIDUAL.**

HOUSE
2nd Reading Unamended
April 28, 2023

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>.)

SENATE
3rd Reading Unamended
April 24, 2023

The bill requires a carrier that offers a health benefit plan or a pharmacy benefit management firm that administers or manages contraception coverage under a health benefit plan to provide coverage for, and reimburse a prescribing provider or in-network dispensing entity for, the single dispensing or furnishing of an amount of contraception

SENATE
Amended 2nd Reading
April 21, 2023

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

intended to last for 12 months' duration, as permitted by the covered person's prescription.

Further, under the bill, a carrier offering a health benefit plan or a pharmacy benefit management firm acting on behalf of a carrier is subject to certain requirements, as applicable, including:

- Allowing coverage of continuous use of contraception, as determined by the prescribing provider;
- Prohibiting utilization management practices that prevent the dispensing of a 12-months' duration of contraception;
- Allowing for alternate prescribed contraception, if medically necessary; and
- Providing coverage for over-the-counter contraception without a prescription and without prior authorization, step therapy, utilization management, or cost sharing.

The bill also requires carriers to report annually to the division of insurance in the department of regulatory agencies concerning contraception coverage and authorizes the commissioner of insurance to promulgate rules regarding the coverage.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 10-16-104.2 as follows:

4 **10-16-104.2. Coverage for contraception - rules - definitions.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "CARRIER" MEANS A CARRIER OFFERING A HEALTH BENEFIT
8 PLAN.

9 (b) "CONTRACEPTION" HAS THE SAME MEANING AS
10 "CONTRACEPTIVE" OR "CONTRACEPTION" SET FORTH IN SECTION 2-4-401
11 (1.5).

12 (c) "DISPENSING ENTITY" MEANS A PHARMACY, OTHER OUTLET, OR
13 OTHER FACILITY REGISTERED BY THE STATE BOARD OF PHARMACY UNDER
14 PART 1 OF ARTICLE 280 OF TITLE 12 THAT DISPENSES OR FURNISHES
15 CONTRACEPTION.

1 (2) AS PART OF THE COVERAGE REQUIRED FOR CONTRACEPTION
2 PURSUANT TO SECTION 10-16-104 (3)(a)(I), (18), OR (18.1), AS
3 APPLICABLE, A CARRIER OR A PHARMACY BENEFIT MANAGEMENT FIRM
4 ACTING ON BEHALF OF THE CARRIER SHALL PROVIDE COVERAGE FOR, AND
5 SHALL REIMBURSE A PROVIDER OR AN IN-NETWORK DISPENSING ENTITY
6 FOR, THE SINGLE DISPENSING OR FURNISHING OF CONTRACEPTION
7 INTENDED TO LAST THE COVERED PERSON FOR A DURATION OF TWELVE
8 MONTHS, AS PERMITTED BY THE COVERED PERSON'S PRESCRIPTION,
9 DISPENSED OR FURNISHED AT ONE TIME, UNLESS REQUESTED OTHERWISE
10 BY THE COVERED PERSON.

11 (3) A CARRIER OR PHARMACY BENEFIT MANAGEMENT FIRM ACTING
12 ON BEHALF OF THE CARRIER SHALL:

13 (a) ALLOW FOR THE CONTINUOUS USE OF CLINICALLY APPROPRIATE
14 CONTRACEPTION AS DETERMINED BY THE PRESCRIBING PROVIDER;

15 (b) REIMBURSE A PROVIDER OR AN IN-NETWORK DISPENSING
16 ENTITY PER UNIT FOR DISPENSING OR FURNISHING CONTRACEPTION;

17 (c) NOT IMPLEMENT STEP THERAPY, PRIOR AUTHORIZATION, OR
18 OTHER UTILIZATION MANAGEMENT PRACTICES, INCLUDING QUANTITY OR
19 FILL LIMITS, FOR CONTRACEPTION COVERAGE IF THE PRACTICE WOULD
20 RESULT IN A COVERED PERSON RECEIVING LESS THAN A TWELVE-MONTHS'
21 DURATION OF CONTRACEPTION DISPENSED OR FURNISHED EITHER AT ONE
22 TIME OR, IF REQUESTED BY THE COVERED PERSON AT THE POINT OF
23 DISPENSING OR FURNISHING, OVER A TWELVE-MONTH PERIOD;

24 (d) INCLUDE AN ALTERNATIVE PRESCRIBED CONTRACEPTION
25 WITHOUT PRIOR AUTHORIZATION, STEP THERAPY, OR COST SHARING IF, IN
26 THE DETERMINATION AND JUDGMENT OF THE PRESCRIBING PROVIDER, THE
27 ALTERNATIVE PRESCRIBED CONTRACEPTION IS MEDICALLY NECESSARY;

1 (e) MAKE AVAILABLE AN EASILY ACCESSIBLE, TIMELY, AND
2 TRANSPARENT EXCEPTIONS PROCESS FOR A COVERED PERSON TO OBTAIN
3 COVERAGE, WITHOUT COST SHARING, FOR MEDICALLY NECESSARY
4 CONTRACEPTION THAT IS NOT OTHERWISE INCLUDED IN THE FORMULARY
5 OR AVAILABLE WITHOUT COST SHARING;

6 (f) NOT REQUIRE A PRESCRIPTION FOR COVERAGE OF
7 FDA-APPROVED, -CLEARED, OR -GRANTED OVER-THE-COUNTER
8 CONTRACEPTION; AND

9 (g) INCLUDE POINT-OF-SALE COVERAGE FOR OVER-THE-COUNTER
10 CONTRACEPTION AT IN-NETWORK DISPENSING ENTITIES WITHOUT PRIOR
11 AUTHORIZATION, STEP THERAPY, UTILIZATION MANAGEMENT, OR COST
12 SHARING.

13 (4) (a) CARRIERS SHALL REPORT ANNUALLY TO THE
14 COMMISSIONER REGARDING THE COVERAGE OF CONTRACEPTION REQUIRED
15 PURSUANT TO SECTION 10-16-104 (3)(a)(I), (18), OR (18.1). AT A
16 MINIMUM, THE REPORTING REQUIREMENTS MUST INCLUDE ANNUAL
17 REPORTING OF DATA RELATING TO CONTRACEPTION COVERAGE PROVIDED
18 IN THE PREVIOUS CALENDAR YEAR.

19 (b) FOR PURPOSES OF THE CARRIER'S REQUIRED REPORTING TO THE
20 COMMISSIONER PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, A
21 PHARMACY BENEFIT MANAGEMENT FIRM ACTING ON BEHALF OF A CARRIER
22 SHALL ANNUALLY PROVIDE DATA TO THE CARRIER RELATING TO
23 CONTRACEPTION COVERAGE IN THE PREVIOUS CALENDAR YEAR, AND THE
24 CARRIER SHALL INCLUDE THE DATA PROVIDED BY A PHARMACY BENEFIT
25 MANAGEMENT FIRM IN ITS ANNUAL REPORT REQUIRED BY SUBSECTION
26 (4)(a) OF THIS SECTION.

27 (5) THE COMMISSIONER MAY PROMULGATE RULES TO IMPLEMENT

1 THIS SECTION.

2 **SECTION 2. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2024 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.