

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 15, 2023
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB23-189 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 7, strike line 22 and substitute "**sharing**. IF THE
- 2 TREATMENT OF".

- 3 Page 7, line 24, strike "IN A" and substitute "IS A COVERED SERVICE, THE"
- 4 and after "PROVIDE" insert "THE".

- 5 Page 8, strike line 3 and substitute "IF STERILIZATION SERVICES ARE A
- 6 COVERED SERVICE, THE".

- 7 Page 8, line 4, after "PROVIDE" insert "THE".

- 8 Page 10, line 1, strike "(1)(g), (2.5)," and substitute "(1)(g)".

- 9 Page 10, strike lines 26 and 27.

- 10 Page 11, strike lines 1 through 5 and substitute:

- 11 "(5.5) TO THE EXTENT PRACTICABLE, THE STATE DEPARTMENT
- 12 SHALL".

- 13 Page 12, strike lines 4 through 27.

- 14 Page 13, strike lines 1 though 6.

- 15 Renumber succeeding sections accordingly.

- 16 Page 13, strike lines 21 through 23 and substitute:

1 "(2) (a) THE STATE DEPARTMENT SHALL NOT RESTRICT BY PRIOR
2 AUTHORIZATION OR STEP THERAPY REQUIREMENTS ANY PRESCRIPTION
3 DRUG USED FOR THE TREATMENT."

4 Page 14, after line 4 insert:

5 "(b) NOTHING IN THIS SUBSECTION (2) PREVENTS DRUG
6 UTILIZATION REVIEW THAT MAY BE NECESSARY FOR PATIENT SAFETY,
7 INCLUDING TO PREVENT DRUG RESISTANCE OR DANGEROUS DRUG
8 INTERACTION.

9 **SECTION 11.** In Colorado Revised Statutes, 25-6-101, **amend**
10 (1) as follows:

11 **25-6-101. Legislative declaration.** (1) ~~Continuing population~~
12 ~~growth either causes or aggravates many social, economic, and~~
13 ~~environmental problems, both in this state and in the nation~~ Every
14 individual has a fundamental right to make decisions about the
15 individual's reproductive health care including the fundamental right to
16 use or refuse contraception.

17 **SECTION 12.** In Colorado Revised Statutes, **add** 25-6-104 as
18 follows:

19 **25-6-104. Reproductive privacy affordability grant program**
20 **- creation - rules - report.** (1) THERE IS CREATED IN THE DEPARTMENT
21 OF PUBLIC HEALTH AND ENVIRONMENT THE REPRODUCTIVE PRIVACY
22 AFFORDABILITY GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE
23 "PROGRAM". SUBJECT TO AVAILABLE APPROPRIATIONS, THE PURPOSE OF
24 THE PROGRAM IS TO AWARD REPRODUCTIVE PRIVACY AFFORDABILITY
25 GRANTS, REFERRED TO IN THIS SECTION AS "GRANTS", TO LICENSED
26 HEALTH-CARE PROVIDERS TO COVER THE COST OF CONTRACEPTIVES
27 DISPENSED TO A PATIENT WHO IS UNDER NINETEEN YEARS OF AGE WHO
28 CHOOSES TO SELF-PAY FOR CONTRACEPTIVES DUE TO LACK OF INSURANCE
29 COVERAGE OR BECAUSE USING INSURANCE BENEFITS WOULD JEOPARDIZE
30 THE PATIENT'S PRIVACY AND ABILITY TO CONFIDENTIALLY ACCESS
31 HEALTH-CARE.

32 (2) ON OR BEFORE DECEMBER 1, 2023, OR NOT MORE THAN NINETY
33 DAYS AFTER THE DEPARTMENT RECEIVES SUFFICIENT MONEY TO
34 IMPLEMENT THE PROGRAM, WHICHEVER IS LATER, THE STATE BOARD OF
35 HEALTH SHALL PROMULGATE RULES, AS NECESSARY, TO IMPLEMENT THE
36 PROGRAM. THE BOARD'S RULES MAY PRIORITIZE GRANT AWARDS BY AREA
37 OF THE STATE OR OTHER CRITERIA THAT ENSURES GRANTS ARE AWARDED
38 TO PROVIDERS WHO SERVE A HIGH NUMBER OF PATIENTS WHO ARE LESS
39 LIKELY OR UNABLE TO ACCESS CONTRACEPTIVES WITHOUT THE

1 CONFIDENTIALITY PROVIDED THROUGH SELF-PAY FOR CONTRACEPTIVES.
2 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
3 BEFORE JANUARY 31, 2025, AND BY JANUARY 31 EACH YEAR THEREAFTER
4 FOR A YEAR IN WHICH GRANTS HAVE BEEN AWARDED, THE DEPARTMENT
5 SHALL SUBMIT A REPORT TO THE HOUSE OF REPRESENTATIVES PUBLIC AND
6 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE
7 HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR
8 COMMITTEES, CONCERNING, AT A MINIMUM, THE NUMBER OF PATIENTS
9 WHO RECEIVED CONTRACEPTIVES PURSUANT TO THE PROGRAM, THE
10 NUMBER OF HEALTH-CARE PROVIDERS OR PRACTICE GROUPS THAT
11 RECEIVED GRANTS, THE AMOUNT OF GRANTS AWARDED AND THE AMOUNT
12 OF THE GRANTS, AND AN ANALYSIS BY THE DEPARTMENT OF THE IMPACT
13 OF THE PROGRAM."

14 Renumber succeeding section accordingly.

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