

**NOTE: The governor signed this measure on 6/1/2016.**

# An Act

HOUSE BILL 16-1387

BY REPRESENTATIVE(S) Primavera, Fields, Ginal, Lontine, Ryden, Singer, Tyler, Winter, Hulinghorst;  
also SENATOR(S) Woods, Aguilar, Carroll, Crowder, Kefalas, Martinez Humenik, Merrifield, Newell, Steadman, Todd.

CONCERNING HEALTH INSURANCE COVERAGE FOR SEVERE PROTEIN ALLERGIC CONDITIONS.

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

**SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend** (1) (c) (III) (A) and (1) (c) (III) (C) as follows:

**10-16-104. Mandatory coverage provisions - definitions - rules.**

(1) **Newborn children.** (c) (III) (A) Coverage for inherited enzymatic disorders caused by single gene defects involved in the metabolism of amino, organic, and fatty acids ~~shall include, but not be limited to~~ AS WELL AS SEVERE PROTEIN ALLERGIC CONDITIONS INCLUDES, WITHOUT LIMITATION, the following diagnosed conditions: Phenylketonuria; maternal phenylketonuria; maple syrup urine disease; tyrosinemia; homocystinuria; histidinemia; urea cycle disorders; hyperlysinemia; glutaric acidemias; methylmalonic acidemia; ~~and~~ propionic acidemia; IMMUNOGLOBULIN E AND NONIMMUNOGLOBULIN E-MEDIATED ALLERGIES TO MULTIPLE FOOD

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

PROTEINS; SEVERE FOOD PROTEIN INDUCED ENTEROCOLITIS SYNDROME; EOSINOPHILIC DISORDERS AS EVIDENCED BY THE RESULTS OF A BIOPSY; AND IMPAIRED ABSORPTION OF NUTRIENTS CAUSED BY DISORDERS AFFECTING THE ABSORPTIVE SURFACE, FUNCTION, LENGTH, AND MOTILITY OF THE GASTROINTESTINAL TRACT. Covered care and treatment of such conditions shall include, to the extent medically necessary, medical foods for home use for which a physician who is a participating provider has issued a written, oral, or electronic prescription.

(C) As used in this subparagraph (III), "medical foods" means prescription metabolic formulas and their modular counterparts AND AMINO ACID-BASED ELEMENTAL FORMULAS, obtained through a pharmacy, that are specifically designated and manufactured for the treatment of inherited enzymatic disorders caused by single gene defects involved in the metabolism of amino, organic, and fatty acids and for SEVERE ALLERGIC CONDITIONS, IF DIAGNOSED BY A BOARD-CERTIFIED ALLERGIST OR BOARD-CERTIFIED GASTROENTEROLOGIST, FOR which medically standard methods of diagnosis, treatment, and monitoring exist. Such formulas are specifically processed or formulated to be deficient in one or more nutrients. ~~and THE FORMULAS FOR SEVERE FOOD ALLERGIES CONTAIN ONLY SINGULAR FORM ELEMENTAL AMINO ACIDS.~~ THE FORMULAS are to be consumed or administered enterally either via tube or oral route under the direction of a physician who is a participating provider. This sub-subparagraph (C) shall not be construed to apply to cystic fibrosis patients or lactose- or soy-intolerant patients.

**SECTION 2. Act subject to petition - effective date.** This act takes effect January 1, 2018; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on

January 1, 2018, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO