

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0427.02 Kristen Forrestal x4217

**HOUSE BILL 20-1236**

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**HOUSE SPONSORSHIP**

**Lontine and Will,**

**SENATE SPONSORSHIP**

**Tate and Bridges,**

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**House Committees**

Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A HEALTH CARE COVERAGE ENROLLMENT PROGRAM**  
102            **THAT USES INFORMATION GATHERED FROM STATE INDIVIDUAL**  
103            **INCOME TAX RETURN FORMS TO AID UNINSURED INDIVIDUALS IN**  
104            **OBTAINING HEALTH CARE COVERAGE.**

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**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 creates the Colorado affordable health care coverage easy enrollment program (program) for the purpose of leveraging the tax filing process to connect uninsured Coloradans to free or subsidized health care

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.

coverage. The program will allow Coloradans to ask on their state income tax returns for the Colorado health benefit exchange (exchange) to assess whether uninsured household members are potentially eligible for free or subsidized health care coverage. If the tax filer requests that the eligibility of uninsured household members be assessed under the program, the tax filer will receive information about coverage options and assistance with enrollment.

The bill creates the affordable health care coverage easy enrollment advisory committee (advisory committee) to guide implementation of the program. The advisory committee will be chaired by the executive director of the exchange and the executive director of the department of revenue (department) and will include representatives of the department of health care policy and financing, the division of insurance in the department of regulatory agencies, consumer advocacy groups, health care consumers, small employers, health insurance carriers, tax preparers, and insurance producers.

The department is required to implement the tax forms and schedules created by the advisory committee and to share the tax information gathered, as authorized by individual tax filers, with the exchange.

The executive director of the department shall promulgate rules to implement the new tax forms and schedules and to implement the authorized sharing of the tax information provided on the state individual income tax return forms for the purpose of enrolling uninsured individuals in a health care coverage affordability program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-105.7, **amend**  
3 (3)(a)(II)(F); and **add** (3)(a)(II)(F.5) as follows:

4 **10-16-105.7. Health benefit plan open enrollment periods -**  
5 **special enrollment periods - rules.** (3) (a) (II) A triggering event occurs  
6 when:

7 (F) An individual gains access to other creditable coverage as a  
8 result of a permanent change of residence; ~~or~~

9 (F.5) THE EXCHANGE NOTIFIES THE INDIVIDUAL BASED ON  
10 INFORMATION PROVIDED THROUGH THE COLORADO AFFORDABLE HEALTH  
11 CARE COVERAGE EASY ENROLLMENT PROGRAM CREATED IN SECTION

1 10-22-113, CONCERNING THE INDIVIDUAL'S POTENTIAL ELIGIBILITY FOR A  
2 HEALTH CARE COVERAGE AFFORDABILITY PROGRAM AS DEFINED IN  
3 SECTION 10-22-103 (6.5); OR

4 **SECTION 2.** In Colorado Revised Statutes, 10-22-103, **amend**  
5 the introductory portion; and **add** (6.5) as follows:

6 **10-22-103. Definitions.** As used in this ~~article~~ ARTICLE 22, unless  
7 the context otherwise requires:

8 (6.5) "HEALTH CARE COVERAGE AFFORDABILITY PROGRAM"  
9 MEANS:

10 (a) A MEDICAL ASSISTANCE PROGRAM UNDER THE "COLORADO  
11 MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5;

12 (b) THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF  
13 TITLE 25.5; OR

14 (c) A HEALTH BENEFIT PLAN OFFERED THROUGH THE EXCHANGE  
15 FOR WHICH A PREMIUM TAX CREDIT OR COST-SHARING REDUCTIONS ARE  
16 AVAILABLE.

17 **SECTION 3.** In Colorado Revised Statutes, **add** 10-22-113 as  
18 follows:

19 **10-22-113. Colorado affordable health care coverage easy**  
20 **enrollment program - advisory committee - creation - appointments**  
21 **- duties - definitions - repeal.** (1) THERE IS HEREBY CREATED THE  
22 COLORADO AFFORDABLE HEALTH CARE COVERAGE EASY ENROLLMENT  
23 PROGRAM FOR THE PURPOSE OF LEVERAGING THE INDIVIDUAL INCOME TAX  
24 FILING PROCESS TO MAXIMIZE THE ENROLLMENT OF ELIGIBLE UNINSURED  
25 INDIVIDUALS IN A HEALTH CARE COVERAGE AFFORDABILITY PROGRAM.

26 (2) (a) FOR THE PURPOSE OF GUIDING THE IMPLEMENTATION AND  
27 ADMINISTRATION OF THE PROGRAM, THERE IS HEREBY CREATED THE

1 AFFORDABLE HEALTH CARE COVERAGE EASY ENROLLMENT ADVISORY  
2 COMMITTEE. THE EXECUTIVE DIRECTORS OF THE EXCHANGE AND THE  
3 DEPARTMENT OF REVENUE, OR THEIR DESIGNEES, SHALL SERVE AS  
4 CO-CHAIRS OF THE ADVISORY COMMITTEE. ON OR BEFORE SEPTEMBER 1,  
5 2020, THE BOARD SHALL APPOINT NINE ADDITIONAL MEMBERS, AS  
6 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION, TO SERVE ON THE  
7 ADVISORY COMMITTEE. IN MAKING THE APPOINTMENTS, THE BOARD SHALL  
8 CONSIDER THE GEOGRAPHIC, ECONOMIC, ETHNIC, AND OTHER  
9 CHARACTERISTICS OF THE STATE.

10 (b) MEMBERS OF THE ADVISORY COMMITTEE MUST INCLUDE:

11 (I) A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH CARE  
12 POLICY AND FINANCING;

13 (II) A REPRESENTATIVE OF THE DIVISION;

14 (III) A REPRESENTATIVE OF CONSUMER ADVOCACY GROUPS;

15 (IV) A REPRESENTATIVE OF SMALL EMPLOYERS, AS DEFINED IN  
16 SECTION 10-16-102 (61);

17 (V) A REPRESENTATIVE OF INSURERS;

18 (VI) A HEALTH CARE CONSUMER;

19 (VII) A HEALTH COVERAGE GUIDE OR OTHER PERSON WITH  
20 EXPERTISE IN THE PROCESS OF APPLYING FOR FEDERAL INSURANCE OR  
21 ASSISTANCE AS PROVIDED BY:

22 (A) TITLE XIX OF THE FEDERAL "SOCIAL SECURITY ACT", AS  
23 AMENDED, AND THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES  
24 4, 5, AND 6 OF TITLE 25.5; OR

25 (B) THE CHILDREN'S BASIC HEALTH PLAN, AS DEFINED IN ARTICLE  
26 8 OF TITLE 25.5;

27 (VIII) AN INSURANCE PRODUCER, AS DEFINED IN SECTION 10-2-103

1 (6); AND

2 (IX) A PROVIDER OF INCOME TAX PREPARATION SERVICES.

3 (c) OF THE MEMBERS FIRST APPOINTED, IN ORDER TO ENSURE  
4 STAGGERED TERMS, THE INITIAL TERM OF OFFICE OF FIVE OF THE MEMBERS  
5 IS TWO YEARS AND THE INITIAL TERM OF OFFICE OF FOUR OF THE MEMBERS  
6 IS FOUR YEARS. THEREAFTER, THE TERM OF OFFICE OF ALL MEMBERS IS  
7 FOUR YEARS.

8 (d) MEMBERS OF THE ADVISORY COMMITTEE MAY BE REMOVED  
9 FOR CAUSE BY THE BOARD OR BY A MAJORITY VOTE OF THE ADVISORY  
10 COMMITTEE MEMBERS.

11 (e) THE ADVISORY COMMITTEE SHALL MEET AS OFTEN AS  
12 NECESSARY TO CARRY OUT ITS DUTIES PURSUANT TO THIS SECTION.

13 (f) MEMBERS OF THE ADVISORY COMMITTEE ARE NOT ENTITLED TO  
14 RECEIVE PER DIEM OR OTHER COMPENSATION FOR PERFORMANCE OF  
15 SERVICES FOR THE ADVISORY COMMITTEE BUT MAY BE REIMBURSED FOR  
16 ACTUAL AND NECESSARY EXPENSES, INCLUDING ANY REQUIRED  
17 DEPENDENT CARE AND DEPENDENT OR ATTENDANT TRAVEL, FOOD, AND  
18 LODGING, WHILE ENGAGED IN THE PERFORMANCE OF OFFICIAL DUTIES OF  
19 THE ADVISORY COMMITTEE.

20 (g) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
21 2030.

22 (3) (a) THE ADVISORY COMMITTEE SHALL:

23 (I) DETERMINE THE MINIMUM INFORMATION NECESSARY TO  
24 COLLECT THROUGH THE STATE INDIVIDUAL INCOME TAX FORMS TO  
25 IDENTIFY UNINSURED INDIVIDUALS AND ALLOW THE EXCHANGE TO ASSESS  
26 WHETHER THEY ARE POTENTIALLY ELIGIBLE FOR ENROLLMENT IN A  
27 HEALTH CARE COVERAGE AFFORDABILITY PROGRAM OR OTHER

1 CREDITABLE COVERAGE;

2 (II) DETERMINE THE PROCEDURES THAT WILL BE USED TO  
3 TRANSFER TAX FILER INFORMATION FROM THE DEPARTMENT OF REVENUE  
4 TO THE EXCHANGE IN ORDER TO FACILITATE THE PROGRAM;

5 (III) RECOMMEND REVISIONS TO THE STATE INDIVIDUAL INCOME  
6 TAX FORM, SUPPLEMENTAL SCHEDULES, OR BOTH TO BE IMPLEMENTED BY  
7 THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-22-5202 THAT  
8 ARE NEEDED TO IMPLEMENT THE PROGRAM. THE RECOMMENDATIONS  
9 MUST INCLUDE:

10 (A) A QUESTION ASKING IF THE TAX FILER WANTS THE EXCHANGE  
11 TO ASSESS WHETHER THE UNINSURED INDIVIDUALS IN THE TAX  
12 HOUSEHOLD ARE POTENTIALLY ELIGIBLE FOR A HEALTH CARE COVERAGE  
13 AFFORDABILITY PROGRAM OR OTHER CREDITABLE COVERAGE USING  
14 INFORMATION FROM THE TAX FILER'S STATE INDIVIDUAL INCOME TAX  
15 RETURN AND OTHER SOURCES AVAILABLE TO THE EXCHANGE;

16 (B) FOR TAX FILERS THAT WANT THE EXCHANGE TO ASSESS  
17 POTENTIAL ELIGIBILITY, A REQUEST FOR: THE IDENTITY OF THE UNINSURED  
18 INDIVIDUALS AND ANY ADDITIONAL INFORMATION, INCLUDING THE  
19 HOUSEHOLD SIZE OF THE TAX FILER, THAT IS NOT OTHERWISE AVAILABLE  
20 TO THE EXCHANGE AND THAT IS DEEMED ESSENTIAL BY THE ADVISORY  
21 COMMITTEE FOR MAKING ASSESSMENTS OF POTENTIAL ELIGIBILITY;  
22 EXCEPT THAT THE REQUEST FOR ADDITIONAL INFORMATION SHALL NOT  
23 INCLUDE REQUESTS FOR CITIZENSHIP, IMMIGRATION, OR HEALTH STATUS;

24 (IV) DRAFT RECOMMENDED INSTRUCTIONS FOR THE INDIVIDUAL  
25 TAX FORM INSTRUCTION BOOKLET THAT EXPLAIN HOW TO ANSWER THE  
26 QUESTIONS ADDED TO THE TAX RETURN FORM OR SCHEDULES PURSUANT  
27 TO SECTION 39-22-5202 (1)(b) AND THE EFFECTS OF INDICATING THAT THE

1 TAX FILER WOULD LIKE THE EXCHANGE TO ASSESS THE ELIGIBILITY OF  
2 UNINSURED HOUSEHOLD MEMBERS;

3 (V) DETERMINE THE PROCESS THAT THE EXCHANGE WILL USE  
4 UNDER THE PROGRAM TO ASSESS POTENTIAL ELIGIBILITY FOR AND ASSIST  
5 WITH ENROLLMENT IN A HEALTH CARE COVERAGE AFFORDABILITY  
6 PROGRAM OR OTHER CREDITABLE COVERAGE INCLUDING:

7 (A) A TIMELINE FOR ASSESSING EACH INDIVIDUAL'S POTENTIAL  
8 ELIGIBILITY FOR A HEALTH CARE COVERAGE AFFORDABILITY PROGRAM OR  
9 OTHER CREDITABLE COVERAGE;

10 (B) A PROCESS TO NOTIFY INDIVIDUALS REGARDING THE  
11 OUTCOMES OF ASSESSMENTS OF POTENTIAL ELIGIBILITY, WHICH PROCESS  
12 IS DESIGNED TO MAXIMIZE HEALTH CARE COVERAGE ENROLLMENT LEVELS;  
13 AND

14 (C) A PROCESS FOR HANDLING UNINSURED INDIVIDUALS WHOSE  
15 STATUS AS UNITED STATES CITIZENS CANNOT BE VERIFIED THROUGH  
16 INFORMATION AVAILABLE TO THE EXCHANGE; AND

17 (VI) DETERMINE THE FEASIBILITY OF AND, IF FEASIBLE,  
18 RECOMMEND A PROCESS FOR AUTOMATIC ENROLLMENT, THROUGH THE  
19 PROGRAM, OF ELIGIBLE UNINSURED INDIVIDUALS IN A MEDICAL  
20 ASSISTANCE PROGRAM UNDER THE "COLORADO MEDICAL ASSISTANCE  
21 ACT", ARTICLES 4, 5, 6, OF TITLE 25.5 OR OTHER ZERO-NET-PREMIUM  
22 CREDITABLE COVERAGE.

23 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
24 2030.

25 (4) THE EXCHANGE, THROUGH PROCEDURES DETERMINED BY THE  
26 ADVISORY COMMITTEE, SHALL:

27 (a) ASSESS WHETHER UNINSURED INDIVIDUALS IDENTIFIED

1 THROUGH THE PROGRAM ARE POTENTIALLY ELIGIBLE FOR A HEALTH CARE  
2 COVERAGE AFFORDABILITY PROGRAM OR OTHER CREDITABLE COVERAGE;

3 (b) NOTIFY THE UNINSURED INDIVIDUALS REGARDING THEIR  
4 POTENTIAL ELIGIBILITY;

5 (c) ENROLL OR ASSIST WITH ENROLLING THE UNINSURED  
6 INDIVIDUALS IN CREDITABLE COVERAGE; AND

7 (d) NOT TAKE ADDITIONAL STEPS TO DETERMINE ELIGIBILITY FOR  
8 OR ENROLL AN UNINSURED INDIVIDUAL IDENTIFIED THROUGH THE  
9 PROGRAM IF THE EXCHANGE CANNOT VERIFY THAT THE UNINSURED  
10 INDIVIDUAL IS A UNITED STATES CITIZEN UNTIL THE INDIVIDUAL PROVIDES  
11 AFFIRMATIVE CONSENT USING PROCEDURES DEVELOPED BY THE ADVISORY  
12 COMMITTEE PURSUANT TO SUBSECTION (3)(a)(V)(C) OF THIS SECTION.

13 (5) AS USED IN THIS SECTION:

14 (a) (I) "ADVISORY COMMITTEE" MEANS THE AFFORDABLE HEALTH  
15 CARE COVERAGE EASY ENROLLMENT ADVISORY COMMITTEE.

16 (II) THIS SUBSECTION (5)(a) IS REPEALED, EFFECTIVE SEPTEMBER  
17 1, 2030.

18 (b) "CREDITABLE COVERAGE" HAS THE SAME MEANING AS SET  
19 FORTH IN SECTION 10-16-102 (16).

20 (c) "PROGRAM" MEANS THE COLORADO AFFORDABLE HEALTH  
21 CARE COVERAGE EASY ENROLLMENT PROGRAM.

22 (d) "UNINSURED INDIVIDUAL" MEANS AN INDIVIDUAL WHO DOES  
23 NOT HAVE CREDITABLE COVERAGE.

24 **SECTION 4.** In Colorado Revised Statutes, 39-21-113, **add** (25)  
25 as follows:

26 **39-21-113. Reports and returns - rule.** (25) NOTWITHSTANDING  
27 THE CONFIDENTIALITY REQUIREMENTS IN THIS SECTION, THE EXECUTIVE



1 DIRECTOR SHALL PROVIDE THE INFORMATION AUTHORIZED BY THE  
2 TAXPAYER TO BE COLLECTED PURSUANT TO SECTION 39-22-5202 (1) TO  
3 THE COLORADO HEALTH BENEFIT EXCHANGE CREATED IN ARTICLE 22 OF  
4 TITLE 10 AND MAY SHARE THE INFORMATION WITH THE DEPARTMENT OF  
5 HEALTH CARE POLICY AND FINANCING TO FACILITATE ASSESSMENT OF  
6 POTENTIAL ELIGIBILITY FOR AND ENROLLMENT IN A HEALTH CARE  
7 COVERAGE AFFORDABILITY PROGRAM THROUGH THE COLORADO  
8 AFFORDABLE HEALTH CARE COVERAGE EASY ENROLLMENT PROGRAM  
9 CREATED IN SECTION 10-22-113. ANY INFORMATION PROVIDED TO THE  
10 COLORADO HEALTH BENEFIT EXCHANGE OR THE DEPARTMENT OF HEALTH  
11 CARE POLICY AND FINANCING PURSUANT TO THIS SUBSECTION (25)  
12 REMAINS CONFIDENTIAL, AND THE BOARD OF DIRECTORS AND ALL  
13 OFFICERS, AGENTS, CLERKS, AND EMPLOYEES OF THE COLORADO HEALTH  
14 BENEFIT EXCHANGE AND THE EXECUTIVE DIRECTOR AND ALL AGENTS,  
15 CLERKS, AND EMPLOYEES OF THE DEPARTMENT OF HEALTH CARE POLICY  
16 AND FINANCING ARE SUBJECT TO THE LIMITATIONS SET FORTH IN  
17 SUBSECTION (4) OF THIS SECTION AND THE PENALTIES IN SUBSECTION (6)  
18 OF THIS SECTION.

19 **SECTION 5.** In Colorado Revised Statutes, **add** part 52 to article  
20 22 of title 39 as follows:

21 **PART 52**

22 **COLORADO AFFORDABLE HEALTH CARE**  
23 **COVERAGE EASY ENROLLMENT PROGRAM**

24 **39-22-5201. Definitions.** AS USED IN THIS PART 52, UNLESS THE  
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "ADVISORY COMMITTEE" MEANS THE AFFORDABLE HEALTH  
27 CARE COVERAGE EASY ENROLLMENT ADVISORY COMMITTEE CREATED IN

1 SECTION 10-22-113.

2 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

3 (3) "EXCHANGE" MEANS THE COLORADO HEALTH BENEFIT  
4 EXCHANGE CREATED IN ARTICLE 22 OF TITLE 10.

5 (4) "HEALTH CARE COVERAGE AFFORDABILITY PROGRAM" MEANS:

6 (a) A MEDICAL ASSISTANCE PROGRAM UNDER THE "COLORADO  
7 MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5;

8 (b) THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF  
9 TITLE 25.5; OR

10 (c) A HEALTH BENEFIT PLAN, AS DEFINED IN SECTION 10-22-103  
11 (6), OFFERED THROUGH THE EXCHANGE FOR WHICH PREMIUM TAX CREDITS  
12 OR COST-SHARING REDUCTIONS ARE AVAILABLE.

13 **39-22-5202. Uninsured designation - required forms - rules.**

14 (1) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1,  
15 2021:

16 (a) THE COLORADO STATE INDIVIDUAL INCOME TAX FORM MUST  
17 ALLOW TAX FILERS TO:

18 (I) REQUEST THAT THE EXCHANGE ASSESS WHETHER UNINSURED  
19 TAX HOUSEHOLD MEMBERS ARE POTENTIALLY ELIGIBLE FOR FREE OR  
20 LOWER-COST HEALTH COVERAGE UNDER A HEALTH CARE COVERAGE  
21 AFFORDABILITY PROGRAM USING INFORMATION FROM THEIR TAX RETURN  
22 AND OTHER SOURCES AVAILABLE TO THE EXCHANGE; AND

23 (II) IDENTIFY UNINSURED HOUSEHOLD MEMBERS AND PROVIDE  
24 OTHER INFORMATION DETERMINED NECESSARY BY THE ADVISORY  
25 COMMITTEE PURSUANT TO SECTION 10-22-113 (3)(a) TO FACILITATE THE  
26 COLORADO AFFORDABLE HEALTH CARE COVERAGE EASY ENROLLMENT  
27 PROGRAM CREATED IN SECTION 10-22-113;

1 (b) THE ASSOCIATED TAX FORM INSTRUCTION BOOKLET MUST  
2 EXPLAIN HOW TO ANSWER THE QUESTIONS ADDED TO THE STATE  
3 INDIVIDUAL INCOME TAX FORM OR SCHEDULES PURSUANT TO THIS SECTION  
4 AND SECTION 10-22-113 (3)(a)(IV) AND THE EFFECT OF ASKING THE  
5 EXCHANGE TO ASSESS WHETHER UNINSURED HOUSEHOLD MEMBERS ARE  
6 POTENTIALLY ELIGIBLE FOR FREE OR LOWER-COST HEALTH COVERAGE  
7 UNDER A HEALTH CARE COVERAGE AFFORDABILITY PROGRAM.

8 (2) IN IMPLEMENTING SUBSECTION (1) OF THIS SECTION, THE  
9 DEPARTMENT SHALL CONSIDER THE DETERMINATIONS AND  
10 RECOMMENDATIONS DEVELOPED BY THE ADVISORY COMMITTEE PURSUANT  
11 TO SECTION 10-22-113 (3)(a).

12 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL  
13 PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE TAX FORMS AND  
14 SCHEDULES REQUIRED BY THIS SECTION AND TO IMPLEMENT THE SHARING  
15 OF INFORMATION AUTHORIZED BY THIS SECTION WITH THE EXCHANGE AND  
16 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

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