

## CHAPTER 447

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**INSURANCE**

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**HOUSE BILL 21-1140**

BY REPRESENTATIVE(S) Titone, Bernett, Bird, Cutter, Hooton, Kipp, Lontine, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Roberts, Valdez A., Valdez D., Weissman, Young, Garnett;  
also SENATOR(S) Coram, Bridges, Buckner, Hansen, Hisey, Jaquez Lewis, Moreno, Sonnenberg, Story, Zenzinger.

**AN ACT**

**CONCERNING THE ELIMINATION OF COSTS ASSOCIATED WITH LIVING ORGAN DONATION FOR A LIVING ORGAN DONOR, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 10-16-104, **add** (24) as follows:

**10-16-104. Mandatory coverage provisions - rules - definitions. (24) Living organ donation.** (a) (I) ALL INDIVIDUAL AND GROUP HEALTH BENEFIT PLANS ISSUED OR RENEWED IN THIS STATE ON AND AFTER JANUARY 1, 2022, SHALL PROVIDE COVERAGE FOR HEALTH CARE SERVICES RELATED TO LIVING ORGAN DONATION FOR A COVERED PERSON WHO IS A LIVING ORGAN DONOR.

(II) THE HEALTH BENEFIT PLAN SHALL NOT IMPOSE ANY DEDUCTIBLES, COPAYMENTS, COINSURANCE, BENEFIT MAXIMUMS, WAITING PERIODS, OR OTHER LIMITATIONS ON COVERAGE FOR THE LIVING ORGAN DONATION.

(III) THE COMMISSIONER SHALL ADOPT RULES CONSISTENT WITH AND AS ARE NECESSARY TO IMPLEMENT THIS SUBSECTION (24).

(b) AS USED IN THIS SUBSECTION (24):

(I) "HEALTH CARE SERVICES" MEANS A PROCEDURE TO HARVEST AN ORGAN OF A LIVING ORGAN DONOR AND ALL SERVICES REQUIRED BEFORE AND AFTER THE PROCEDURE.

(II) "LIVING ORGAN DONOR" MEANS A LIVING PERSON WHO HAS DONATED ALL OR PART OF AN ORGAN.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**SECTION 2.** In Colorado Revised Statutes, **add** 25-1.5-116 as follows:

**25-1.5-116. Costs associated with living organ donation - definitions.** (1) ON AND AFTER JANUARY 1, 2022, A HOSPITAL OR OTHER HEALTH FACILITY LICENSED OR CERTIFIED PURSUANT TO SECTION 25-1.5-103 (1) SHALL NOT BILL OR CHARGE A LIVING ORGAN DONOR FOR ANY COSTS ASSOCIATED WITH PROVIDING THE HEALTH CARE SERVICES RELATED TO LIVING ORGAN DONATION.

(2) AS USED IN THIS SECTION:

(a) "HEALTH CARE SERVICES" MEANS A PROCEDURE TO HARVEST AN ORGAN OF A LIVING ORGAN DONOR AND ALL SERVICES REQUIRED BEFORE AND AFTER THE PROCEDURE.

(b) "LIVING ORGAN DONOR" MEANS A LIVING PERSON WHO HAS DONATED ALL OR PART OF AN ORGAN.

**SECTION 3. Appropriation.** For the 2021-22 state fiscal year, \$13,353 is appropriated to the department of regulatory agencies for use by the division of insurance. This appropriation is from the division of insurance cash fund created in section 10-1-103 (3), C.R.S., and is based on an assumption that the division will require an additional 0.2 FTE. To implement this act, the division may use this appropriation for personal services.

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: July 6, 2021