

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0541.01 Kristen Forrestal x4217

SENATE BILL 22-081

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SENATE SPONSORSHIP

Smallwood,

HOUSE SPONSORSHIP

(None),

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Senate Committees

State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE BOARD OF DIRECTORS OF THE  
102 COLORADO HEALTH BENEFIT EXCHANGE CREATE A CONSUMER  
103 OUTREACH CAMPAIGN TO PROVIDE CONSUMERS WITH  
104 COMPREHENSIVE INFORMATION REGARDING COVERED  
105 HEALTH-CARE SERVICES, AND, IN CONNECTION THEREWITH,  
106 ADJUSTING THE LIMIT ON THE TOTAL AMOUNT OF TAX CREDITS  
107 THAT MAY BE GRANTED TO HEALTH INSURANCE COMPANIES AND  
108 REINSTATING SPECIAL FEES ASSESSED BY THE EXCHANGE  
109 AGAINST HEALTH INSURANCE COMPANIES IN ORDER TO FUND  
110 THE CONSUMER OUTREACH CAMPAIGN.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does*

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.

*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 requires the board of directors (board) of the Colorado health benefit exchange (exchange) to create and implement a consumer outreach campaign (campaign) to provide consumers information regarding the details of the Colorado medical assistance program and subsidized and nonsubsidized health benefit plans available for purchase in the individual and small group markets.

To pay for the campaign:

- The board is required to collect a special fee from insurers; and
- The amount of the tax credits that the commissioner of insurance is allowed to allocate to insurers that contribute to the exchange increases from \$5 million to \$10 million.

The board is required to annually report its progress and accounting to the Colorado health insurance exchange oversight committee at the committee's first meeting of the calendar year. The requirements of the bill repeal on December 31, 2027.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-22-115 as  
3 follows:

4 **10-22-115. Public awareness and education campaign - board**

5 **- report - repeal.** (1) (a) ON OR BEFORE JULY 1, 2023, THE BOARD SHALL

6 CREATE AND IMPLEMENT A PUBLIC AWARENESS AND EDUCATION

7 CAMPAIGN IN ORDER TO EDUCATE CONSUMERS IN COLORADO REGARDING

8 THE OPTIONS FOR OBTAINING HEALTH-CARE COVERAGE, INCLUDING THE

9 SPECTRUM OF THE INDIVIDUAL AND SMALL GROUP HEALTH BENEFIT PLANS

10 AVAILABLE FOR PURCHASE IN THIS STATE AND THE AVAILABILITY AND

11 ELIGIBILITY CRITERIA FOR ENROLLMENT IN THE COLORADO MEDICAID

12 PROGRAM. THE CAMPAIGN SHALL INCLUDE COMPREHENSIVE INFORMATION

13 FOR THE MEDICAID PROGRAM AND EACH HEALTH BENEFIT PLAN

1 AVAILABLE FOR PURCHASE, EITHER THROUGH THE EXCHANGE OR  
2 DIRECTLY FROM AN INSURER, BY INDIVIDUALS AND BY SMALL GROUP  
3 EMPLOYERS AND SHALL INFORM CONSUMERS ON HOW TO EASILY ACCESS  
4 INFORMATION FOR THE MEDICAID PROGRAM AND FOR EACH HEALTH  
5 BENEFIT PLAN. THE INFORMATION PROVIDED THROUGH THE CAMPAIGN  
6 MUST INCLUDE:

7 (I) THE BENEFIT DESIGN FOR EACH HEALTH BENEFIT PLAN OFFERED  
8 IN THE STATE SO THAT EACH CONSUMER CAN EASILY ACCESS A  
9 COMPREHENSIVE SUMMARY OF THE HEALTH-CARE SERVICES COVERED  
10 UNDER EACH HEALTH BENEFIT PLAN;

11 (II) THE OUT-OF-POCKET COSTS TO INDIVIDUALS ENROLLED IN THE  
12 MEDICAID PROGRAM OR A HEALTH BENEFIT PLAN, INCLUDING ANY  
13 COPAYMENT, COST-SHARING, AND DEDUCTIBLE AMOUNTS FOR BOTH  
14 COVERED HEALTH-CARE SERVICES AND PRESCRIPTION DRUG BENEFITS;

15 (III) THE RANGE OF COSTS AND ELIGIBILITY REQUIREMENTS FOR  
16 ENROLLMENT IN THE MEDICAID PROGRAM;

17 (IV) COSTS TO THE EMPLOYER FOR EACH SMALL GROUP HEALTH  
18 BENEFIT PLAN; AND

19 (V) ELIGIBILITY REQUIREMENTS FOR EACH SUBSIDIZED HEALTH  
20 BENEFIT PLAN.

21 (b) THE BOARD MAY USE PRINT OR ELECTRONIC MEDIA, WRITTEN  
22 MATERIAL, SOCIAL MEDIA, DIRECT MAIL, OR ANY EFFECTIVE MEANS OF  
23 OUTREACH TO CREATE AWARENESS AND EDUCATE CONSUMERS  
24 THROUGHOUT THE CAMPAIGN.

25 (2) THE BOARD SHALL ANNUALLY REPORT TO THE COMMITTEE AT  
26 THE FIRST SCHEDULED MEETING OF THE COMMITTEE EACH CALENDAR  
27 YEAR STARTING IN 2024. THE BOARD SHALL INCLUDE IN THE REPORT THE

1 FOLLOWING INFORMATION:

2 (a) THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN  
3 ACTIVITIES OF THE BOARD IN THE PRIOR CALENDAR YEAR;

4 (b) THE AMOUNT OF MONEY SPENT ON THE CAMPAIGN IN THE PRIOR  
5 CALENDAR YEAR AND A DETAILED ACCOUNTING OF HOW THE MONEY WAS  
6 SPENT; AND

7 (c) ANY RECOMMENDATIONS OF THE BOARD CONCERNING  
8 CHANGES TO THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN AND  
9 THE CONTINUATION OR REPEAL OF THE DUTIES OF THE BOARD CONCERNING  
10 THE CAMPAIGN.

11 (3) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2027.  
12 THE COMMITTEE MAY REPORT A BILL TO THE LEGISLATIVE COUNCIL OF THE  
13 GENERAL ASSEMBLY PURSUANT TO SECTION 10-22-107 (5) TO EXTEND OR  
14 ELIMINATE THE REPEAL DATE IN THIS SECTION, BUT ONLY IF THE BILL ALSO  
15 PROPOSES TO EXTEND OR REPEAL THE REPEAL DATE IN SECTION 10-22-109  
16 (2).

17 **SECTION 2.** In Colorado Revised Statutes, 10-22-109, **amend**  
18 **(1); and repeal and reenact, with amendments, (2)** as follows:

19 **10-22-109. Funding for the operation of the exchange and**  
20 **reserves - special fees - rules - repeal.** (1) On and after ~~January 1, 2014~~  
21 JANUARY 1, 2023, among other funding sources derived through the  
22 operation of the exchange, funding for the exchange may be from ~~the~~  
23 ~~following sources:~~

24 ~~(a) Special fees assessed against insurers as provided in~~  
25 ~~subsection (2) of this section; and~~

26 (b) any ~~moneys~~ MONEY accepted through gifts, grants, or  
27 donations received by the board for operation, reserves, and sustainability

1 of the exchange, including contributions received pursuant to the  
2 premium tax credit allocation in section 10-22-110.

3 ~~(c) Repealed.~~

4 (2) (a) (I) ON AND AFTER JANUARY 1, 2023, THROUGH DECEMBER  
5 31, 2027, THE BOARD SHALL ASSESS AGAINST AND COLLECT FROM  
6 INSURERS SPECIAL FEES IN AN AMOUNT NECESSARY TO PROVIDE FUNDING  
7 TO CREATE, IMPLEMENT, AND OPERATE THE BOARD-APPROVED PUBLIC  
8 AWARENESS AND EDUCATION CAMPAIGN IN SECTION 10-22-115. THE  
9 BOARD SHALL DETERMINE THE AMOUNT OF THE SPECIAL FEES BASED ON  
10 THE BOARD-APPROVED PUBLIC AWARENESS AND EDUCATION CAMPAIGN  
11 AND ANTICIPATED BUDGETARY NEEDS FOR THE UPCOMING YEAR TO  
12 COMPLY WITH SECTION 10-22-115.

13 (II) AMOUNTS ASSESSED AGAINST INSURERS PURSUANT TO THIS  
14 SUBSECTION (2) ARE NOT CONSIDERED PREMIUMS FOR ANY PURPOSE,  
15 INCLUDING THE COMPUTATION OF GROSS PREMIUM TAX OR AGENTS'  
16 COMMISSIONS.

17 (III) IF AN INSURER FAILS TO PAY THE SPECIAL FEE ASSESSED  
18 PURSUANT TO THIS SUBSECTION (2), THE COMMISSIONER MAY, AFTER  
19 PROPER NOTICE AND HEARING, SUSPEND OR REVOKE THE INSURER'S  
20 CERTIFICATE OF AUTHORITY TO TRANSACT INSURANCE BUSINESS IN THIS  
21 STATE.

22 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE DECEMBER 31,  
23 2027. THE COMMITTEE MAY REPORT A BILL TO THE LEGISLATIVE COUNCIL  
24 OF THE GENERAL ASSEMBLY PURSUANT TO SECTION 10-22-107 (5) TO  
25 EXTEND OR REPEAL THE REPEAL DATE IN THIS SUBSECTION (2), BUT ONLY  
26 IF THE BILL ALSO PROPOSES TO EXTEND OR REPEAL THE REPEAL DATE IN  
27 SECTION 10-22-115 (3).

1           **SECTION 3.** In Colorado Revised Statutes, 10-22-110, **amend**  
2 (4)(b) and (5) as follows:

3           **10-22-110. Tax credit for contributions to the exchange -**  
4 **allocation notice - rules - repeal.** (4) (b) (I) Subject to ~~paragraph (c) of~~  
5 ~~this subsection (4)~~ SUBSECTION (4)(c) OF THIS SECTION, the commissioner  
6 shall allocate no more than ~~a total of five million dollars~~ THE FOLLOWING  
7 TOTAL AMOUNTS of premium tax credits per year:

8           (A) BEFORE JANUARY 1, 2023, A TOTAL OF FIVE MILLION DOLLARS;

9           (B) ON AND AFTER JANUARY 1, 2023, THROUGH DECEMBER 31,  
10 2027, A TOTAL OF TEN MILLION DOLLARS; AND

11           (C) ON AND AFTER JANUARY 1, 2028, A TOTAL OF FIVE MILLION  
12 DOLLARS.

13           (II) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(III) OF THIS  
14 SECTION, the commissioner shall allocate to an insurance company that  
15 has declared its intent to contribute to the exchange pursuant to this  
16 section tax credits in an amount equal to the amount of premium taxes  
17 paid by the insurance company in its quarterly tax payment due on or  
18 about July 31 in the order in which the division receives such quarterly  
19 tax payments until the full amount of credits available pursuant to this  
20 section has been allocated. ~~except that,~~

21           (III) If ~~such~~ THE amount of PREMIUM taxes or the sum of all the  
22 PREMIUM taxes filed by all the insurance companies on any one day would  
23 exceed, singly or in the aggregate, the annual maximum aggregate amount  
24 of tax credits available under this section, the commissioner shall reduce  
25 the allocation to the insurance company whose contribution first exceeds  
26 the annual maximum aggregate to the amount needed to satisfy the annual  
27 maximum aggregate. If the commissioner is unable to determine the order

1 of receipt of tax payments on that day, the commissioner shall allocate the  
2 tax credits to the company or among the companies on a pro rata basis  
3 based on the ratio such company's quarterly tax payment bears to the total  
4 amount of all such companies' quarterly tax payments until the full  
5 amount of credits available pursuant to this section has been allocated.

6 (5) The board shall use ~~moneys~~ MONEY contributed to the  
7 exchange AS FOLLOWS:

8 (a) THE AMOUNT OF CONTRIBUTIONS FROM INSURERS TO WHICH  
9 THE FIRST FIVE MILLION DOLLARS OF TAX CREDITS IS ALLOCATED pursuant  
10 to SUBSECTION (4)(b) OF this section and THE interest derived from the  
11 deposit and investment of the ~~moneys~~ MONEY, to operate and sustain the  
12 exchange and to build reserves; EXCEPT THAT, ON AND AFTER JANUARY  
13 1, 2028, THE TOTAL AMOUNT OF CONTRIBUTIONS AND INTEREST DERIVED  
14 FROM THE DEPOSIT AND INVESTMENT OF THE MONEY SHALL BE USED FOR  
15 THE PURPOSES SPECIFIED IN THIS SUBSECTION (5)(a).

16 (b) (I) ANY AMOUNT OF CONTRIBUTIONS FROM INSURERS TO WHICH  
17 ANY AMOUNT IN EXCESS OF THE FIRST FIVE MILLION DOLLARS OF TAX  
18 CREDITS IS ALLOCATED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION  
19 AND THE INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF THE  
20 MONEY, FOR THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN IN  
21 SECTION 10-22-115.

22 (II) THIS SUBSECTION (5)(b) IS REPEALED, EFFECTIVE DECEMBER  
23 31, 2027.

24 **SECTION 4. Act subject to petition - effective date.** This act  
25 takes effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly; except  
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this  
2 act within such period, then the act, item, section, or part will not take  
3 effect unless approved by the people at the general election to be held in  
4 November 2022 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.