

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 22-0541.01 Kristen Forrestal x4217

**SENATE BILL 22-081**

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**SENATE SPONSORSHIP**

**Smallwood and Donovan,**

**HOUSE SPONSORSHIP**

**Tipper and Will,**

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**Senate Committees**

State, Veterans, & Military Affairs  
Finance  
Appropriations

**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.**

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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>.)*

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.

SENATE  
Amended 2nd Reading  
April 29, 2022

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. \_\_\_

9 (b) (I) ON OR BEFORE SEPTEMBER 1, 2023, THE BOARD SHALL USE  
10 THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN TO EDUCATE  
11 CONSUMERS IN COLORADO ON HOW TO ATTAIN AND RETAIN HEALTH-CARE  
12 COVERAGE BASED ON THEIR HEALTH-CARE NEEDS AND FINANCIAL  
13 CIRCUMSTANCES SO THEY CAN ACCESS THE HEALTH CARE THEY NEED. THE  
14 CAMPAIGN MUST INCLUDE EFFORTS TO:

15 (A) IMPROVE HEALTH LITERACY AMONG CONSUMERS IN  
16 COLORADO;

1           (B) ASSIST CONSUMERS IN COLORADO WHO LOSE MINIMUM  
2           ESSENTIAL COVERAGE; AND

3           (C) REDUCE THE NUMBER OF INDIVIDUALS ELIGIBLE FOR  
4           HEALTH-CARE COVERAGE WHO REMAIN UNINSURED OR WITHOUT  
5           HEALTH-CARE COVERAGE.

6           (II) THE CAMPAIGN MUST INCLUDE INFORMATION ABOUT  
7           ELIGIBILITY AND COSTS WHERE PRACTICABLE.

8           (c) THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN MUST  
9           INCLUDE MARKETING AND OUTREACH TO HELP CONSUMERS IN THIS STATE  
10           WHO, AT THE END OF THE COVID-19 PUBLIC HEALTH EMERGENCY AS  
11           DECLARED AND EXTENDED BY THE UNITED STATES SECRETARY OF HEALTH  
12           AND HUMAN SERVICES, ARE NO LONGER ELIGIBLE FOR BENEFITS UNDER  
13           THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF  
14           TITLE 25.5, OR THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF  
15           TITLE 25.5, TO UNDERSTAND COVERAGE OPTIONS AND TO TRANSITION TO  
16           HEALTH-CARE COVERAGE OBTAINED THROUGH THE EXCHANGE.

17           (d) THE BOARD MAY USE PRINT OR ELECTRONIC MEDIA, WRITTEN  
18           MATERIAL, SOCIAL MEDIA, DIRECT MAIL, OR ANY EFFECTIVE MEANS OF  
19           OUTREACH TO CREATE AWARENESS AND EDUCATE CONSUMERS  
20           THROUGHOUT THE CAMPAIGN.

21           (2) THE BOARD SHALL ANNUALLY REPORT TO THE COMMITTEE AT  
22           THE FIRST SCHEDULED MEETING OF THE COMMITTEE EACH CALENDAR  
23           YEAR STARTING IN 2024. THE BOARD SHALL INCLUDE IN THE REPORT THE  
24           FOLLOWING INFORMATION:

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

27           (b) THE AMOUNT OF MONEY SPENT ON THE CAMPAIGN IN THE PRIOR

1 CALENDAR YEAR AND A DETAILED ACCOUNTING OF HOW THE MONEY WAS  
2 SPENT; AND

3 (c) ANY RECOMMENDATIONS OF THE BOARD CONCERNING  
4 CHANGES TO THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN AND  
5 THE CONTINUATION OR REPEAL OF THE DUTIES OF THE BOARD CONCERNING  
6 THE CAMPAIGN.

7 (3) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2027.  
8 THE COMMITTEE MAY REPORT A BILL TO THE LEGISLATIVE COUNCIL OF THE  
9 GENERAL ASSEMBLY PURSUANT TO SECTION 10-22-107 (5) TO EXTEND OR  
10 ELIMINATE THE REPEAL DATE IN THIS SECTION.

11

12 SECTION 2. In Colorado Revised Statutes, 10-22-110, **amend**  
13 (3)(a) introductory portion, (3)(a)(II), (4)(b), and (5) as follows:

14 **10-22-110. Tax credit for contributions to the exchange -**  
15 **allocation notice - rules - repeal.** (3) (a) Subject to paragraph (c) of  
16 subsection (4) SUBSECTION (4)(c) of this section, an insurance company  
17 shall become a qualified taxpayer if all of the following conditions are  
18 met:

19 (II) The total amount of the tax credits granted by the  
20 commissioner does not exceed five million dollars; EXCEPT THAT, ON AND  
21 AFTER SEPTEMBER 1, 2022, THROUGH AUGUST 31, 2028, THE TOTAL  
22 AMOUNT OF THE TAX CREDITS DOES NOT EXCEED TEN MILLION DOLLARS;  
23 and

24 (4) (b) (I) Subject to paragraph (c) of this subsection (4)  
25 SUBSECTION (4)(c) OF THIS SECTION, the commissioner shall allocate no  
26 more than a total of five million dollars THE FOLLOWING TOTAL AMOUNTS  
27 of premium tax credits per year:

1 (A) BEFORE SEPTEMBER 1, 2022, A TOTAL OF FIVE MILLION  
2 DOLLARS;

3 (B) ON AND AFTER SEPTEMBER 1, 2022, THROUGH AUGUST 31,  
4 2028, A TOTAL OF TEN MILLION DOLLARS; AND

5 (C) ON AND AFTER SEPTEMBER 1, 2028, A TOTAL OF FIVE MILLION  
6 DOLLARS.

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

15 (III) If ~~such~~ THE amount of PREMIUM taxes or the sum of all the  
16 PREMIUM taxes filed by all the insurance companies on any one day would  
17 exceed, singly or in the aggregate, the annual maximum aggregate amount  
18 of tax credits available under this section, the commissioner shall reduce  
19 the allocation to the insurance company whose contribution first exceeds  
20 the annual maximum aggregate to the amount needed to satisfy the annual  
21 maximum aggregate. If the commissioner is unable to determine the order  
22 of receipt of tax payments on that day, the commissioner shall allocate the  
23 tax credits to the company or among the companies on a pro rata basis  
24 based on the ratio such company's quarterly tax payment bears to the total  
25 amount of all such companies' quarterly tax payments until the full  
26 amount of credits available pursuant to this section has been allocated.

27 (5) The board shall use ~~moneys~~ MONEY contributed to the

1 exchange AS FOLLOWS:

2 (a) THE AMOUNT OF CONTRIBUTIONS FROM INSURERS TO WHICH  
3 THE FIRST FIVE MILLION DOLLARS OF TAX CREDITS IS ALLOCATED pursuant  
4 to SUBSECTION (4)(b) OF this section and THE interest derived from the  
5 deposit and investment of the ~~moneys~~ MONEY, to operate and sustain the  
6 exchange and to build reserves; EXCEPT THAT, ON AND AFTER SEPTEMBER  
7 1, 2028, THE TOTAL AMOUNT OF CONTRIBUTIONS AND INTEREST DERIVED  
8 FROM THE DEPOSIT AND INVESTMENT OF THE MONEY SHALL BE USED FOR  
9 THE PURPOSES SPECIFIED IN THIS SUBSECTION (5)(a).

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

16 (II) THIS SUBSECTION (5)(b) IS REPEALED, EFFECTIVE DECEMBER  
17 31, 2028.

18 **SECTION 3. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly; except  
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
22 of the state constitution against this act or an item, section, or part of this  
23 act within such period, then the act, item, section, or part will not take  
24 effect unless approved by the people at the general election to be held in  
25 November 2022 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.