

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0541.01 Kristen Forrestal x4217

SENATE BILL 22-081

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House Committees

Public & Behavioral Health & Human Services
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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.**

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.

HOUSE
Amended 3rd Reading
May 11, 2022

HOUSE
Amended 2nd Reading
May 10, 2022

SENATE
3rd Reading Unamended
May 2, 2022

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.

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
22 AT THE FIRST SCHEDULED MEETING OF THE COMMITTEE EACH CALENDAR
23 YEAR STARTING IN 2024. THE BOARD SHALL INCLUDE IN THE REPORT
24 THE 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, 2028**.
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 NINE 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 NINE 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.