

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 19, 2024
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB24-073 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3, after line 21 insert:

2 "(d) (I) IF AN EMPLOYER WAS ISSUED A SMALL GROUP HEALTH
3 BENEFIT PLAN BEFORE JANUARY 1, 2026, AND EMPLOYS BETWEEN
4 FIFTY-ONE AND ONE HUNDRED EMPLOYEES, THE EMPLOYER MAY ELECT TO
5 KEEP THE SMALL GROUP HEALTH BENEFIT PLAN OFFERED BY THE CARRIER
6 FOR FIVE YEARS AFTER THE DATE OF THE ISSUANCE OF THE EMPLOYER'S
7 HEALTH BENEFIT PLAN OR ELECT TO ENTER THE LARGE GROUP HEALTH
8 BENEFIT MARKET AT THE EXPIRATION OF THE EMPLOYER'S EXISTING
9 HEALTH BENEFIT PLAN.

10 (II) AN EMPLOYER THAT WAS ISSUED A SMALL GROUP HEALTH
11 BENEFIT PLAN BEFORE JANUARY 1, 2026, AND EMPLOYS BETWEEN
12 FIFTY-ONE AND ONE HUNDRED EMPLOYEES MAY SWITCH BETWEEN SMALL
13 GROUP HEALTH BENEFIT PLANS BEING OFFERED BY THE CARRIER FOR FIVE
14 YEARS AFTER THE DATE OF THE ISSUANCE OF THE EMPLOYER'S HEALTH
15 BENEFIT PLAN.

16 (III) IF AN EMPLOYER THAT WAS ISSUED A SMALL GROUP HEALTH
17 BENEFIT PLAN BEFORE JANUARY 1, 2026, AND EMPLOYS BETWEEN
18 FIFTY-ONE AND ONE HUNDRED EMPLOYEES ELECTS TO ENTER THE LARGE
19 GROUP HEALTH BENEFIT MARKET AND NOT TO CONTINUE RECEIVING
20 COVERAGE UNDER A SMALL GROUP HEALTH BENEFIT PLAN BEFORE THE
21 EXPIRATION OF THE FIVE-YEAR PERIOD DESCRIBED IN SUBSECTION
22 (3.5)(d)(I), THE EMPLOYER MAY NOT SWITCH BACK TO RECEIVING SMALL
23 GROUP HEALTH BENEFIT COVERAGE WITHIN THE FIVE-YEAR PERIOD AND IS
24 CLASSIFIED AS A LARGE EMPLOYER, AS DEFINED IN SECTION 10-16-102
25 (40.5).

1 (e) (I) ON OR BEFORE JULY 1, 2025, CARRIERS OFFERING SMALL
2 GROUP HEALTH BENEFIT PLANS SHALL SUBMIT TWO RATE FILINGS FOR
3 PLAN YEARS 2025 AND 2026 FOR SMALL GROUP HEALTH BENEFIT PLANS.
4 THE TWO RATE FILINGS MUST DEMONSTRATE THE IMPACT OF SENATE BILL
5 24-073, ENACTED IN 2024, ON PREMIUMS FOR SMALL GROUP HEALTH
6 BENEFIT PLANS FOR EMPLOYERS WITH FEWER THAN FIFTY-ONE
7 EMPLOYEES.

8 (II) THIS SUBSECTION (3.5), SECTION 10-16-102 (40.5) AND (61),
9 AND SECTION 10-16-1401 (15), AS AMENDED BY SENATE BILL 24-073,
10 ENACTED IN 2024, WILL BE REPEALED IF THE RATE FILINGS SUBMITTED BY
11 CARRIERS PURSUANT TO SUBSECTION (3.5)(d)(I) OF THIS SECTION
12 DEMONSTRATE THAT THE PREMIUMS FOR THE MAJORITY OF INDIVIDUALS
13 COVERED BY SMALL GROUP HEALTH BENEFIT PLANS WOULD INCREASE BY
14 MORE THAN THREE PERCENT AFTER ACCOUNTING FOR TYPICAL MARKET
15 FLUCTUATIONS AND NORMAL PREMIUM TRENDS FOR SMALL GROUP HEALTH
16 BENEFIT PLANS.

17 (III) THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES
18 IN WRITING OF THE DATE WHEN THE CONDITIONS SPECIFIED IN SUBSECTION
19 (3.5)(d)(II) OF THIS SECTION HAVE OCCURRED BY E-MAILING THE NOTICE
20 TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS SUBSECTION (3.5),
21 SECTION 10-16-102 (40.5) AND (61), AND SECTION 10-16-1401 (15), AS
22 AMENDED BY SENATE BILL 24-073, ENACTED IN 2024, ARE REPEALED
23 UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE CONDITIONS
24 SPECIFIED IN SUBSECTION (3.5)(d)(II) OF THIS SECTION HAVE OCCURRED
25 OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE
26 NOTICE TO THE REVISOR OF STATUTES."

27 Page 4, strike lines 4 through 12 and substitute:

28 **"SECTION 4. Act subject to petition - effective date.** This act
29 takes effect January 1, 2026; except that section 10-16-105.1 (3.5)(d),
30 Colorado Revised Statutes, as enacted in section 2 of this act, takes effect
31 upon passage; except that, if a referendum petition is filed pursuant to
32 section 1 (3) of article V of the state constitution against this act or an
33 item, section, or part of this act within the ninety-day period after final
34 adjournment of the general assembly, then the act, item, section, or part
35 will not take effect unless approved by the people at the general election
36 to be held in November 2024 and, in such case, will take effect January
37 1, 2026, or on the date of the official declaration of the vote thereon by
38 the governor, whichever is later."

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