

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1111.02 Kristen Forrestal x4217

HOUSE BILL 16-1387

HOUSE SPONSORSHIP

Primavera,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING HEALTH INSURANCE COVERAGE FOR SEVERE PROTEIN
102 ALLERGIC CONDITIONS.

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://www.leg.state.co.us/bills/summaries>.)

The bill requires health benefit plans, except for supplemental policies, to provide coverage for severe protein allergic conditions including immunoglobulin E and nonimmunoglobulin E-mediated allergies to multiple food proteins; severe food protein induced enterocolitis syndrome; eosinophilic disorders as evidenced by the results of a biopsy; and impaired absorption of nutrients caused by disorders

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes coverage for amino acid-based elemental formulas.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend**
3 (1) (c) (III) (A) and (1) (c) (III) (C) as follows:

4 **10-16-104. Mandatory coverage provisions - definitions -**
5 **rules.** (1) **Newborn children.** (c) (III) (A) Coverage for inherited
6 enzymatic disorders caused by single gene defects involved in the
7 metabolism of amino, organic, and fatty acids ~~shall~~ AS WELL AS SEVERE
8 PROTEIN ALLERGIC CONDITIONS include, ~~but not be limited to~~ WITHOUT
9 LIMITATION, the following diagnosed conditions: Phenylketonuria;
10 maternal phenylketonuria; maple syrup urine disease; tyrosinemia;
11 homocystinuria; histidinemia; urea cycle disorders; hyperlysinemia;
12 glutaric acidemias; methylmalonic acidemia; ~~and~~ propionic acidemia;
13 IMMUNOGLOBULIN E AND NONIMMUNOGLOBULIN E-MEDIATED ALLERGIES
14 TO MULTIPLE FOOD PROTEINS; SEVERE FOOD PROTEIN INDUCED
15 ENTEROCOLITIS SYNDROME; EOSINOPHILIC DISORDERS AS EVIDENCED BY
16 THE RESULTS OF A BIOPSY; AND IMPAIRED ABSORPTION OF NUTRIENTS
17 CAUSED BY DISORDERS AFFECTING THE ABSORPTIVE SURFACE, FUNCTION,
18 LENGTH, AND MOTILITY OF THE GASTROINTESTINAL TRACT. Covered care
19 and treatment of such conditions shall include, to the extent medically
20 necessary, medical foods for home use for which a physician who is a
21 participating provider has issued a written, oral, or electronic prescription.

22 (C) As used in this subparagraph (III), "medical foods" means
23 prescription metabolic formulas and their modular counterparts AND
24 AMINO ACID-BASED ELEMENTAL FORMULAS, obtained through a pharmacy,

1 that are specifically designated and manufactured for the treatment of
2 inherited enzymatic disorders caused by single gene defects involved in
3 the metabolism of amino, organic, and fatty acids and for SEVERE
4 ALLERGIC CONDITIONS FOR which medically standard methods of
5 diagnosis, treatment, and monitoring exist. Such formulas are specifically
6 processed or formulated to be deficient in one or more nutrients. ~~and~~ THE
7 FORMULAS FOR SEVERE FOOD ALLERGIES CONTAIN ONLY SINGULAR FORM
8 ELEMENTAL AMINO ACIDS. THE FORMULAS are to be consumed or
9 administered enterally either via tube or oral route under the direction of
10 a physician who is a participating provider. This sub-subparagraph (C)
11 shall not be construed to apply to cystic fibrosis patients or lactose- or
12 soy-intolerant patients.

13 **SECTION 2. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2016 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.