

CHAPTER 324

INSURANCE

HOUSE BILL 17-1186

BY REPRESENTATIVE(S) Pettersen and Landgraf, Arndt, Becker K., Benavidez, Bridges, Buckner, Coleman, Covarrubias, Danielson, Esgar, Exum, Foote, Garnett, Ginal, Gray, Hammer, Hansen, Herod, Hooton, Jackson, Kennedy, Kraft-Tharp, Lebsock, Lee, Lontine, McLachlan, Melton, Michaelson Jenet, Mitsch Bush, Pabon, Rosenthal, Salazar, Singer, Valdez, Weissman, Winter, Young, Duran;
also SENATOR(S) Coram, Aguilar, Court, Donovan, Fenberg, Garcia, Guzman, Jahn, Jones, Kagan, Kefalas, Kerr, Merrifield, Moreno, Todd, Zenzinger.

AN ACT

CONCERNING A REQUIREMENT THAT HEALTH BENEFIT PLANS REQUIRED TO COVER CONTRACEPTION REIMBURSE DISPENSERS FOR DISPENSING A MULTIPLE-MONTHS' SUPPLY OF PRESCRIPTION CONTRACEPTIVES.

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

SECTION 1. In Colorado Revised Statutes, **add** 10-16-104.2 as follows:

10-16-104.2. Coverage for contraception - definitions. (1) AS PART OF THE COVERAGE REQUIRED FOR CONTRACEPTION PURSUANT TO SECTION 10-16-104 (3)(a)(I) OR (18), AS APPLICABLE, ENTITIES SUBJECT TO PART 2, 3, OR 4 OF THIS ARTICLE 16 THAT ISSUE POLICIES, CONTRACTS, OR PLANS SUBJECT TO THE COVERAGE REQUIREMENTS IN SECTION 10-16-104 (3)(a)(I) OR (18) SHALL REIMBURSE A PARTICIPATING PROVIDER OR DISPENSING ENTITY THAT IS IN-NETWORK FOR DISPENSING TO A COVERED PERSON:

(a) PRESCRIPTION CONTRACEPTIVES INTENDED TO LAST:

(I) FOR A THREE-MONTH PERIOD THE FIRST TIME THE PRESCRIPTION CONTRACEPTIVE IS DISPENSED TO THE COVERED PERSON; AND

(II) FOR A TWELVE-MONTH PERIOD OR THROUGH THE END OF THE COVERED PERSON'S COVERAGE UNDER THE POLICY, CONTRACT, OR PLAN, WHICHEVER IS SHORTER, FOR ANY SUBSEQUENT DISPENSING OF THE SAME PRESCRIPTION CONTRACEPTIVE TO THE COVERED PERSON, REGARDLESS OF WHETHER THE COVERED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PERSON WAS ENROLLED IN THE POLICY, CONTRACT, OR PLAN AT THE TIME THE PRESCRIPTION CONTRACEPTIVE WAS FIRST DISPENSED; OR

(b) A PRESCRIBED VAGINAL CONTRACEPTIVE RING INTENDED TO LAST FOR A THREE-MONTH PERIOD.

(2) AS USED IN THIS SECTION:

(a) "DISPENSING ENTITY" MEANS A PRESCRIPTION DRUG OUTLET, PHARMACY, OR OTHER FACILITY REGISTERED BY THE STATE BOARD OF PHARMACY UNDER PART 1 OF ARTICLE 42.5 OF TITLE 12.

(b) "PRESCRIPTION CONTRACEPTIVE" MEANS A MEDICALLY ACCEPTABLE ORAL DRUG OR CONTRACEPTIVE PATCH OR RING THAT IS USED TO PREVENT PREGNANCY, THAT REQUIRES A PRESCRIPTION, AND THAT IS COVERED UNDER THE TERMS OF THE POLICY, CONTRACT, OR PLAN ISSUED BY AN ENTITY SUBJECT TO PART 2, 3, OR 4 OF THIS ARTICLE 16.

SECTION 2. In Colorado Revised Statutes, 10-16-104, **amend** (3)(a)(I) as follows:

10-16-104. Mandatory coverage provisions - definitions - rules.
(3) Maternity coverage. (a) (I) (A) All group sickness and accident insurance policies providing coverage within the state and issued to an employer by an entity subject to part 2 of this ~~article~~ ARTICLE 16, all group health service contracts issued by an entity subject to part 3 or 4 of this ~~article~~ ARTICLE 16 and issued to an employer, all individual sickness and accident insurance policies issued by an entity subject to part 2 of this ~~article~~ ARTICLE 16, and all individual health care or indemnity contracts issued by an entity subject to part 3 or 4 of this ~~article~~ ARTICLE 16, except supplemental policies covering a specified disease or other limited benefit, ~~shall~~ MUST insure against the expense of normal pregnancy and childbirth or provide coverage for maternity care and provide coverage for contraception in the same manner as any other sickness, injury, disease, or condition is otherwise covered under the policy or contract; EXCEPT THAT COVERAGE FOR CONTRACEPTION MUST BE CONSISTENT WITH THE REQUIREMENTS IN SECTION 10-16-104.2.

(B) Individual sickness and accident insurance policies or contracts may exclude coverage for pregnancy and delivery expenses on the grounds that pregnancy was a preexisting condition; EXCEPT THAT the exclusion for ~~the~~ A pregnancy as a preexisting condition under the policy or contract ~~shall~~ DOES not apply for any subsequent pregnancies. Group sickness and accident insurance policies or contracts ~~shall~~ MUST not exclude coverage for pregnancy and delivery expenses on the grounds that pregnancy was a preexisting condition.

SECTION 3. Act subject to petition - effective date. This act takes effect January 1, 2019; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case,

will take effect on January 1, 2019, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: June 5, 2017