

CHAPTER 118

INSURANCE

HOUSE BILL 06-1106

BY REPRESENTATIVE(S) Paccione, Borodkin, Butcher, and Marshall;
also SENATOR(S) Kester, and Groff.

AN ACT

CONCERNING A PROHIBITION AGAINST A COVERAGE EXCLUSION IN A SICKNESS AND ACCIDENT INSURANCE POLICY FOR INJURIES SUSTAINED WHILE UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE.

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

SECTION 1. 10-16-201, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-201. Form and content of individual sickness and accident insurance policies. (6) AN INDIVIDUAL POLICY OF SICKNESS AND ACCIDENT INSURANCE, OTHER THAN A LONG-TERM CARE POLICY, DISABILITY INCOME POLICY, OR SUPPLEMENTAL POLICY COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, ISSUED, RENEWED, OR REINSTATED ON OR AFTER JANUARY 1, 2007, SHALL NOT CONTAIN ANY PROVISION THAT LIMITS OR EXCLUDES PAYMENTS UNDER HOSPITAL OR MEDICAL BENEFITS COVERAGE TO OR ON BEHALF OF THE INSURED BECAUSE THE INSURED OR A COVERED DEPENDENT SUSTAINED AN INJURY WHILE INTOXICATED OR UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S.

SECTION 2. 10-16-214, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-214. Group sickness and accident insurance. (6) A GROUP SICKNESS AND ACCIDENT INSURANCE POLICY, OTHER THAN A LONG-TERM CARE POLICY, DISABILITY INCOME POLICY, OR SUPPLEMENTAL POLICY COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, ISSUED, RENEWED, OR REINSTATED ON OR AFTER JANUARY 1, 2007, SHALL NOT CONTAIN ANY PROVISION THAT LIMITS OR EXCLUDES PAYMENTS UNDER HOSPITAL OR MEDICAL BENEFITS COVERAGE TO OR ON

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

BEHALF OF THE INSURED BECAUSE THE INSURED OR ANY COVERED DEPENDENT SUSTAINED AN INJURY WHILE INTOXICATED OR UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S.

SECTION 3. Effective date - applicability. (1) This act shall take effect January 1, 2007.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to sickness and accident insurance policies issued, renewed, or reinstated on or after the applicable effective date of this act.

Became Law: April 7, 2006