

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0754.01 Christy Chase x2008

**HOUSE BILL 18-1205**

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**HOUSE SPONSORSHIP**

**Roberts, Willett**

**SENATE SPONSORSHIP**

**Donovan, Crowder**

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**House Committees**

Health, Insurance, & Environment  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A FINANCIAL RELIEF PROGRAM TO PROVIDE FINANCIAL**  
102            **ASSISTANCE TO AN INDIVIDUAL EARNING A HOUSEHOLD INCOME**  
103            **OF NOT MORE THAN FIVE HUNDRED PERCENT OF THE FEDERAL**  
104            **POVERTY LINE OF WHICH THE INDIVIDUAL SPENDS MORE THAN**  
105            **TWENTY PERCENT ON HEALTH INSURANCE PREMIUMS FOR**  
106            **INDIVIDUAL HEALTH INSURANCE PURCHASED THROUGH THE**  
107            **COLORADO HEALTH BENEFIT EXCHANGE, AND, IN CONNECTION**  
108            **THEREWITH, MAKING AN APPROPRIATION.**

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**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*

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.

<http://leg.colorado.gov>.)

The bill creates a financial relief program, available from July 1, 2018, through December 31, 2019, to provide financial assistance to individuals and their families who reside in a county within one of the 3 most costly geographic insurance rating areas of the state and who spend more than 20% of their household income on individual health insurance premiums. The Colorado health benefit exchange (exchange) is to oversee the program, and counties may elect to administer the program in their counties. For any county that opts not to administer the program, the exchange is to administer the program in that county.

Financial relief is available to individuals and families determined eligible based on the following:

- ! The individual or family enrolled in and paid premiums for a bronze, silver, or gold level individual health benefit plan purchased through the exchange;
- ! The individual or family has a household income of more than 400%, but not more than 500%, of the federal poverty line;
- ! The individual or family does not have access to a government-sponsored program, such as medicaid or medicare, or an affordable employer-sponsored plan; and
- ! The individual or family pays more than 20% of the household income on premiums for the plan.

The exchange is to certify that an individual or family has enrolled in one of the specified health benefit plans, the premium amount of the plan, the household income of the individual or family, and that the individual or family does not have access to a government-sponsored program or employer-sponsored plan.

The amount of financial relief is calculated based on the cost of the premium for the lowest-cost bronze health benefit plan available to the individual or family through the exchange, minus an amount equal to 20% of the individual's or family's household income. The general assembly is to appropriate not more than \$6 million from the general fund to provide financial assistance to individuals who qualify under the program.

A carrier offering individual health benefit plans on the exchange must permit an individual to purchase an individual health benefit plan on the exchange during a special enrollment period that begins June 1, 2018, and ends August 1, 2018, for plans effective through December 31, 2018. For the 2019 plan year, individuals are subject to the standard open enrollment period specified in law.

The program repeals on September 1, 2020, unless congress enacts and the president signs legislation repealing the advance premium tax credit authorized under federal law, in which case the program repeals upon the date of the repeal of said tax credit.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4           (a) Currently, premiums for health insurance across the nine  
5 health insurance geographic rating regions in Colorado, as well as the  
6 number of insurance carriers available and the number and variety of  
7 plans offered in the different regions, vary significantly;

8           (b) Premiums in rural areas, especially in the eastern plains and  
9 the western slope areas of the state, are considerably higher than  
10 premiums in metropolitan areas, and the number of carriers and the  
11 diversity of plans they offer are very limited in those areas. In fact, only  
12 one carrier is currently offering plans on the health benefit exchange in  
13 rural areas of the state.

14           (c) Many Coloradans in rural areas whose incomes fall between  
15 four hundred percent and five hundred percent of the federal poverty line  
16 are cost-burdened in that they spend more than twenty percent of their  
17 household income on premiums for health insurance but earn too much  
18 to qualify for subsidies available under federal law;

19           (d) Because of the financial burden high-cost health insurance  
20 places on individuals in rural areas of the state, a considerable number of  
21 these cost-burdened individuals may not purchase health insurance in  
22 2018, exacerbating the problems of few carriers, few plan options, and  
23 high costs of health insurance in rural regions of the state, as well as  
24 increasing the number of uninsured individuals in those areas;

25           (e) It is therefore important to establish a program to provide  
26 temporary financial relief to Coloradans who earn between four and five

1 hundred percent of the federal poverty line and are spending more than  
2 twenty percent of their household income on health insurance premiums.

3 **SECTION 2.** In Colorado Revised Statutes, **add** part 2 to article  
4 22 of title 10 as follows:

5 **PART 2**

6 **FINANCIAL RELIEF PROGRAM TO DEFRAY**

7 **INDIVIDUAL HEALTH INSURANCE PREMIUMS**

8 **10-22-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "ADMINISTERING BODY" MEANS THE COUNTY DEPARTMENT OR  
11 AGENCY ADMINISTERING THE PROGRAM IN ITS COUNTY OR, IN THE CASE OF  
12 A COUNTY THAT ELECTS NOT TO ADMINISTER THE PROGRAM, THE  
13 EXCHANGE.

14 (2) "ELIGIBLE EMPLOYER-SPONSORED PLAN" HAS THE SAME  
15 MEANING AS SET FORTH IN 26 U.S.C. SEC. 5000A (f)(2) OF THE FEDERAL  
16 "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

17 (3) "FEDERAL POVERTY LINE" HAS THE SAME MEANING AS  
18 "POVERTY LINE", AS DEFINED IN 42 U.S.C. SEC. 9902 (2).

19 (4) "GOVERNMENT-SPONSORED PROGRAM" MEANS A PROGRAM  
20 LISTED IN 26 U.S.C. SEC. 5000A (f)(1)(A) OF THE FEDERAL "INTERNAL  
21 REVENUE CODE OF 1986", AS AMENDED.

22 (5) "HOUSEHOLD INCOME" HAS THE SAME MEANING AS SET FORTH  
23 IN 26 U.S.C. SEC. 36B (d)(2) OF THE FEDERAL "INTERNAL REVENUE CODE  
24 OF 1986", AS AMENDED.

25 (6) "PROGRAM" MEANS THE FINANCIAL RELIEF PROGRAM  
26 ESTABLISHED UNDER THIS PART 2.

27 (7) "PROGRAM AREA" MEANS ANY COUNTY CONTAINED WITHIN

1 ONE OF THE THREE MOST COSTLY GEOGRAPHIC INSURANCE RATING AREAS  
2 OF THE STATE, AS DETERMINED BASED ON THE AMOUNT OF THE PREMIUMS  
3 CHARGED FOR INDIVIDUAL HEALTH BENEFIT PLANS SOLD ON THE  
4 EXCHANGE IN THE GEOGRAPHIC RATING AREA.

5 (8) "QUALIFIED INDIVIDUAL" MEANS AN INDIVIDUAL OR FAMILY  
6 WHO SATISFIES THE CRITERIA FOR, AND IS DETERMINED ELIGIBLE FOR,  
7 FINANCIAL RELIEF UNDER THE PROGRAM.

8 **10-22-202. Financial relief program - assistance to defray**  
9 **individual health insurance premiums - plans purchased through**  
10 **exchange - income criteria.** (1) BEGINNING JULY 1, 2018, AND  
11 CONTINUING THROUGH DECEMBER 31, 2019, OR UNTIL THE TOTAL  
12 AMOUNT OF MONEY APPROPRIATED PURSUANT TO SECTION 10-22-204 FOR  
13 FINANCIAL RELIEF UNDER THE PROGRAM IS DISTRIBUTED, WHICHEVER  
14 OCCURS FIRST, THE EXCHANGE SHALL OVERSEE A FINANCIAL RELIEF  
15 PROGRAM IN ACCORDANCE WITH THIS PART 2 TO PROVIDE FINANCIAL  
16 ASSISTANCE TO INDIVIDUALS AND FAMILIES RESIDING IN THE PROGRAM  
17 AREA WHO PURCHASE INDIVIDUAL HEALTH INSURANCE THROUGH THE  
18 EXCHANGE AND SPEND MORE THAN TWENTY PERCENT OF THEIR  
19 HOUSEHOLD INCOME ON HEALTH INSURANCE PREMIUMS. A COUNTY IN THE  
20 PROGRAM AREA MAY DESIGNATE A COUNTY DEPARTMENT OR AGENCY TO  
21 ADMINISTER THE PROGRAM TO PROVIDE FINANCIAL RELIEF TO QUALIFIED  
22 INDIVIDUALS WITHIN THE COUNTY, BUT IF A COUNTY ELECTS NOT TO  
23 ADMINISTER THE PROGRAM, THE EXCHANGE SHALL ADMINISTER THE  
24 PROGRAM FOR THAT COUNTY.

25 (2) (a) TO BE ELIGIBLE FOR FINANCIAL RELIEF UNDER THE  
26 PROGRAM, AN INDIVIDUAL OR FAMILY APPLYING TO THE PROGRAM MUST  
27 DEMONSTRATE THAT THE APPLICANT:

- 1 (I) RESIDES IN THE PROGRAM AREA;
- 2 (II) ENROLLED IN AND, WITHIN SIX MONTHS AFTER APPLYING AND  
3 PRIOR TO JANUARY 1, 2020, PAID PREMIUMS FOR A BRONZE, SILVER, OR  
4 GOLDLEVEL INDIVIDUAL HEALTH BENEFIT PLAN, AS DESCRIBED IN SECTION  
5 10-16-103.4, PURCHASED THROUGH THE EXCHANGE;
- 6 (III) HAS A HOUSEHOLD INCOME OF MORE THAN FOUR HUNDRED  
7 PERCENT, BUT NOT MORE THAN FIVE HUNDRED PERCENT, OF THE FEDERAL  
8 POVERTY LINE;
- 9 (IV) DOES NOT HAVE ACCESS TO, OR ELIGIBILITY FOR,  
10 ENROLLMENT IN:
- 11 (A) A GOVERNMENT-SPONSORED PROGRAM; OR
- 12 (B) AN AFFORDABLE, ELIGIBLE EMPLOYER-SPONSORED PLAN, AS  
13 DETERMINED UNDER 26 U.S.C. SEC. 36B (c)(2)(C)(i) OF THE FEDERAL  
14 "INTERNAL REVENUE CODE OF 1986", AS AMENDED; AND
- 15 (V) PAYS MORE THAN TWENTY PERCENT OF THE HOUSEHOLD  
16 INCOME ON PREMIUMS FOR THE INDIVIDUAL HEALTH BENEFIT PLAN  
17 PURCHASED THROUGH THE EXCHANGE.
- 18 (b) FOR AN INDIVIDUAL OR FAMILY APPLYING FOR FINANCIAL  
19 RELIEF UNDER THE PROGRAM, THE EXCHANGE SHALL CERTIFY:
- 20 (I) THAT THE APPLICANT RESIDES IN THE PROGRAM AREA;
- 21 (II) THAT THE APPLICANT HAS ENROLLED IN A BRONZE, SILVER, OR  
22 GOLDLEVEL HEALTH BENEFIT PLAN PURCHASED THROUGH THE EXCHANGE;
- 23 (III) THE MONTHLY PREMIUM AMOUNT THE APPLICANT PAYS FOR  
24 THE PLAN;
- 25 (IV) THAT THE HOUSEHOLD INCOME OF THE APPLICANT IS MORE  
26 THAN FOUR HUNDRED PERCENT, BUT NOT MORE THAN FIVE HUNDRED  
27 PERCENT, OF THE FEDERAL POVERTY LINE; AND

1           (V) THAT THE APPLICANT DOES NOT HAVE ACCESS TO, OR IS NOT  
2 ELIGIBLE TO ENROLL IN, A GOVERNMENT-SPONSORED PROGRAM OR AN  
3 AFFORDABLE, ELIGIBLE EMPLOYER-SPONSORED PLAN.

4           (c) THE ADMINISTERING BODY SHALL ESTABLISH PROCEDURES AND  
5 GUIDELINES FOR OPERATING THE PROGRAM, INCLUDING PROCEDURES FOR  
6 INDIVIDUALS AND FAMILIES TO APPLY FOR THE PROGRAM.

7           (d) THE ADMINISTERING BODY SHALL ISSUE FINANCIAL RELIEF TO  
8 QUALIFIED INDIVIDUALS ON A QUARTERLY BASIS IN THE MONTH  
9 IMMEDIATELY FOLLOWING THE END OF EACH CALENDAR QUARTER IN  
10 WHICH THE APPLICANT IS DETERMINED TO BE QUALIFIED. AN APPLICANT  
11 FOR THE PROGRAM MUST APPLY FOR FINANCIAL RELIEF IN EACH CALENDAR  
12 QUARTER FOR WHICH THE APPLICANT IS SEEKING FINANCIAL ASSISTANCE  
13 AND MUST DEMONSTRATE COMPLIANCE WITH THE ELIGIBILITY CRITERIA  
14 SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION. UPON RECEIVING  
15 CERTIFICATION FROM THE EXCHANGE PURSUANT TO SUBSECTION (2)(b) OF  
16 THIS SECTION, IF THE ADMINISTERING BODY DETERMINES THAT AN  
17 APPLICANT IS QUALIFIED FOR FINANCIAL RELIEF FOR A GIVEN CALENDAR  
18 QUARTER, THE ADMINISTERING BODY SHALL CALCULATE THE FINANCIAL  
19 RELIEF PAYABLE TO THE QUALIFIED INDIVIDUAL AS SPECIFIED IN  
20 SUBSECTION (2)(e) OF THIS SECTION AND SHALL ISSUE THE FINANCIAL  
21 RELIEF TO THE QUALIFIED INDIVIDUAL IN THE MONTH IMMEDIATELY  
22 FOLLOWING THE END OF THE CALENDAR QUARTER FOR WHICH FINANCIAL  
23 RELIEF IS SOUGHT.

24           (e) THE AMOUNT OF FINANCIAL RELIEF PAYABLE TO A QUALIFIED  
25 INDIVIDUAL FOR A CALENDAR QUARTER EQUALS THE COST OF THE  
26 PREMIUM IN THAT QUARTER FOR THE LOWEST-COST BRONZE PLAN  
27 AVAILABLE TO THE QUALIFIED INDIVIDUAL THROUGH THE EXCHANGE

1 MINUS TWENTY PERCENT OF THE QUALIFIED INDIVIDUAL'S HOUSEHOLD  
2 INCOME IN THAT QUARTER.

3 **10-22-203. Special enrollment period.** TO FACILITATE  
4 PARTICIPATION IN THE PROGRAM, INDIVIDUALS AND FAMILIES MAY ENROLL  
5 IN AN INDIVIDUAL HEALTH BENEFIT PLAN PURCHASED THROUGH THE  
6 EXCHANGE DURING A SPECIAL ENROLLMENT PERIOD ESTABLISHED UNDER  
7 SECTION 10-16-105.7 (4).

8 **10-22-204. Program funding - administration within existing**  
9 **resources.** (1) THE GENERAL ASSEMBLY SHALL APPROPRIATE NOT MORE  
10 THAN SIX MILLION DOLLARS FROM THE GENERAL FUND TO THE  
11 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR ALLOCATION  
12 TO THE EXCHANGE TO PROVIDE FINANCIAL RELIEF TO QUALIFIED  
13 INDIVIDUALS UNDER THE PROGRAM. UPON REQUEST OF A COUNTY  
14 DEPARTMENT OR AGENCY ADMINISTERING THE PROGRAM IN THAT COUNTY,  
15 WHICH REQUEST DETAILS THE NUMBER OF QUALIFIED INDIVIDUALS IN THE  
16 COUNTY AND AMOUNT NEEDED TO PROVIDE FINANCIAL RELIEF TO THOSE  
17 QUALIFIED INDIVIDUALS, AS CALCULATED IN ACCORDANCE WITH SECTION  
18 10-22-202 (2)(e), THE EXCHANGE SHALL ALLOCATE AND DISTRIBUTE  
19 MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (1) TO THE  
20 ADMINISTERING COUNTY DEPARTMENT OR AGENCY. THE EXCHANGE SHALL  
21 ESTABLISH THE PROCESS FOR HOW AND WHEN AN ADMINISTERING COUNTY  
22 DEPARTMENT OR AGENCY IS TO SUBMIT THE REQUEST AND REQUIRED  
23 DOCUMENTATION IN ORDER TO FACILITATE PAYMENT OF FINANCIAL RELIEF  
24 AS SPECIFIED IN SECTION 10-22-202 (2)(d).

25 (2) ADMINISTERING BODIES SHALL ADMINISTER THE PROGRAM  
26 WITHIN EXISTING RESOURCES AND SHALL NOT USE ANY OF THE MONEY  
27 MADE AVAILABLE TO PROVIDE FINANCIAL RELIEF UNDER THE PROGRAM



1 FOR THEIR DIRECT OR INDIRECT COSTS IN ADMINISTERING THE PROGRAM.

2 **10-22-205. Repeal of part - notice to revisor.** (1) EXCEPT AS  
3 PROVIDED IN SUBSECTION (2) OF THIS SECTION, THIS PART 2 IS REPEALED,  
4 EFFECTIVE SEPTEMBER 1, 2020.

5 (2) THIS PART 2 WILL BE REPEALED IF, PRIOR TO SEPTEMBER 1,  
6 2020, THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT SIGNS  
7 FEDERAL LEGISLATION AMENDING THE FEDERAL "INTERNAL REVENUE  
8 CODE OF 1986", AS AMENDED, TO REPEAL 26 U.S.C. SEC. 36B, WHICH  
9 AUTHORIZES A REFUNDABLE CREDIT FOR COVERAGE UNDER A QUALIFIED  
10 HEALTH PLAN, AS DEFINED UNDER THE FEDERAL ACT. THE CHAIR OF THE  
11 BOARD SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE  
12 ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (2) HAS  
13 OCCURRED BY E-MAILING THE NOTICE TO  
14 REVISOROFSTATUTES.GA@STATE.CO.US. THIS PART 2 IS REPEALED,  
15 EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE REPEAL  
16 OF 26 U.S.C. SEC. 36B OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY  
17 THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

18 **SECTION 3.** In Colorado Revised Statutes, **amend** 10-22-108 as  
19 follows:

20 **10-22-108. Money for implementation, operation, and**  
21 **sustainability of the exchange - notice to revisor - repeal.** (1) ~~Moneys~~  
22 MONEY received by the board for the implementation of this ~~article~~  
23 ARTICLE 22, and for building reserves for the operation and sustainability  
24 of the exchange pursuant to section 10-22-109, must be transferred  
25 directly to the exchange for the purposes of this ~~article~~ ARTICLE 22. The  
26 board shall deposit any ~~moneys~~ MONEY received in a banking institution  
27 within or outside the state. ~~Moneys~~ MONEY from the general fund shall

1 not be used for the implementation of this ~~article~~ ARTICLE 22, except for  
2 the sums specified in section 10-22-107 (3) and for legislative staff  
3 agency services. The account of the banking institution must be insured  
4 by the federal deposit insurance corporation and compliant with the  
5 "Public Deposit Protection Act", article 10.5 of title 11. ~~C.R.S.~~

6 (2) (a) THIS SECTION DOES NOT PRECLUDE THE GENERAL  
7 ASSEMBLY FROM APPROPRIATING, AND THE EXCHANGE FROM EXPENDING,  
8 MONEY FROM THE GENERAL FUND TO PROVIDE FINANCIAL ASSISTANCE TO  
9 INDIVIDUALS AND FAMILIES WHO QUALIFY FOR THE FINANCIAL RELIEF  
10 PROGRAM ESTABLISHED IN PART 2 OF THIS ARTICLE 22. HOWEVER, THE  
11 EXCHANGE SHALL NOT USE ANY GENERAL FUND MONEY APPROPRIATED TO  
12 THE EXCHANGE UNDER PART 2 OF THIS ARTICLE 22 TO ADMINISTER OR  
13 OTHERWISE PAY FOR COSTS INCURRED BY THE EXCHANGE OR AN  
14 ADMINISTERING COUNTY DEPARTMENT OR AGENCY IN ADMINISTERING THE  
15 FINANCIAL RELIEF PROGRAM.

16 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(II) OF THIS  
17 SECTION, THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
18 2020.

19 (II) THIS SUBSECTION (2) WILL BE REPEALED IF, PRIOR TO  
20 SEPTEMBER 1, 2020, THE UNITED STATES CONGRESS ENACTS AND THE  
21 PRESIDENT SIGNS FEDERAL LEGISLATION AMENDING THE FEDERAL  
22 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, TO REPEAL 26 U.S.C.  
23 SEC. 36B, WHICH AUTHORIZES A REFUNDABLE CREDIT FOR COVERAGE  
24 UNDER A QUALIFIED HEALTH PLAN, AS DEFINED UNDER THE FEDERAL ACT.  
25 THE CHAIR OF THE BOARD SHALL NOTIFY THE REVISOR OF STATUTES IN  
26 WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS  
27 SUBSECTION (2)(b)(II) HAS OCCURRED BY E-MAILING THE NOTICE TO

1 REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION (2) IS  
2 REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT  
3 THE REPEAL OF 26 U.S.C. SEC. 36B OCCURRED OR, IF THE NOTICE DOES  
4 NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR  
5 OF STATUTES.

6 **SECTION 4.** In Colorado Revised Statutes, 10-16-105.7, **add** (4)  
7 as follows:

8 **10-16-105.7. Health benefit plan open enrollment periods -**  
9 **special enrollment periods - rules - notice to revisor - repeal.**

10 (4) (a) FOR PURPOSES OF ALLOWING INDIVIDUALS AND FAMILIES TO  
11 PARTICIPATE IN THE FINANCIAL RELIEF PROGRAM ESTABLISHED UNDER  
12 PART 2 OF ARTICLE 22 OF THIS TITLE 10, A CARRIER OFFERING AN  
13 INDIVIDUAL HEALTH BENEFIT PLAN ON THE EXCHANGE SHALL PERMIT AN  
14 INDIVIDUAL TO PURCHASE AN INDIVIDUAL HEALTH BENEFIT PLAN ON THE  
15 EXCHANGE DURING A SIXTY-DAY SPECIAL ENROLLMENT PERIOD THAT  
16 BEGINS JUNE 1, 2018. AN INDIVIDUAL HEALTH BENEFIT PLAN PURCHASED  
17 DURING THE SPECIAL ENROLLMENT PERIOD ESTABLISHED BY THIS  
18 SUBSECTION (4) IS EFFECTIVE THROUGH DECEMBER 31, 2018, AND AN  
19 INDIVIDUAL WHO WISHES TO PURCHASE COVERAGE FOR THE 2019 BENEFIT  
20 YEAR MUST ENROLL DURING THE OPEN ENROLLMENT PERIOD SPECIFIED IN  
21 SUBSECTION (1)(c) OF THIS SECTION FOR THAT BENEFIT YEAR. THE  
22 COMMISSIONER SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT THIS  
23 SUBSECTION (4).

24 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(II) OF THIS  
25 SECTION, THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
26 2020.

27 (II) THIS SUBSECTION (4) WILL BE REPEALED IF, PRIOR TO

1 SEPTEMBER 1, 2020, THE UNITED STATES CONGRESS ENACTS AND THE  
2 PRESIDENT SIGNS FEDERAL LEGISLATION AMENDING THE FEDERAL  
3 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, TO REPEAL 26 U.S.C.  
4 SEC. 36B, WHICH AUTHORIZES A REFUNDABLE CREDIT FOR COVERAGE  
5 UNDER A QUALIFIED HEALTH PLAN, AS DEFINED UNDER THE FEDERAL ACT.  
6 THE CHAIR OF THE BOARD SHALL NOTIFY THE REVISOR OF STATUTES IN  
7 WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS  
8 SUBSECTION (4)(b)(II) HAS OCCURRED BY E-MAILING THE NOTICE TO  
9 REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION (4) IS  
10 REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT  
11 THE REPEAL OF 26 U.S.C. SEC. 36B OCCURRED OR, IF THE NOTICE DOES  
12 NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR  
13 OF STATUTES.

14 **SECTION 5. Appropriation.** For the 2018-19 state fiscal year,  
15 \$6,000,000 is appropriated to the department of health care policy and  
16 financing for use by connect for health colorado. This appropriation is  
17 from the general fund. Any money appropriated in this section not  
18 expended prior to July 1, 2019, is further appropriated to connect for  
19 health colorado for the 2019-20 state fiscal year for the same purpose.

20 **SECTION 6. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, and safety.