

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 23-0740.02 Kristen Forrestal x4217

**HOUSE BILL 23-1136**

---

**HOUSE SPONSORSHIP**

**Ortiz and Hartsook,**

**SENATE SPONSORSHIP**

**Winter F. and Liston,**

---

**House Committees**

Health & Insurance  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING HEALTH INSURANCE COVERAGE FOR A PROSTHETIC**  
102                    **DEVICE NECESSARY FOR A COVERED PERSON TO ENGAGE IN**  
103                    **CERTAIN TYPES OF ACTIVITIES.**

---

**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://leg.colorado.gov>.)*

For the purposes of health insurance coverage for a prosthetic device (device), the bill requires a health insurance carrier to provide coverage for an additional device for a covered person under 26 years of age if the covered person's treating physician determines that the additional device is necessary for the covered person to engage in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

physical and recreational activity and to maximize the covered person's upper limb functions.

---

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 (14)(d) as follows:

4 **10-16-104. Mandatory coverage provisions - definitions - rules**  
5 **- applicability. (14) Prosthetic devices.** (d) (I) EXCEPT AS PROVIDED IN  
6 SUBSECTION (14)(d)(II) OF THIS SECTION, covered benefits are limited to  
7 ~~the most appropriate model~~ PROSTHETIC DEVICE MODELS ~~that adequately~~  
8 ~~meets~~ MEET the medical needs of the ~~patient~~ COVERED PERSON as  
9 determined by the ~~insured's~~ COVERED PERSON'S treating physician.

10 (II) WITH RESPECT TO A COVERED ~~PERSON~~, COVERED BENEFITS  
11 INCLUDE AN ADDITIONAL PROSTHETIC DEVICE ~~OR DEVICES~~ IF THE  
12 TREATING PHYSICIAN DETERMINES THAT THE ADDITIONAL ~~PROSTHETIC~~  
13 ~~DEVICE OR DEVICES ARE NECESSARY TO ENABLE THE COVERED PERSON TO~~  
14 ~~ENGAGE IN PHYSICAL~~ AND RECREATIONAL ACTIVITIES, INCLUDING  
15 RUNNING, BICYCLING, SWIMMING, CLIMBING, SKIING, SNOWBOARDING,  
16 AND TEAM AND INDIVIDUAL ~~SPORTS~~.

17   
18 (III) THE DIVISION SHALL SUBMIT TO THE FEDERAL DEPARTMENT  
19 OF HEALTH AND HUMAN SERVICES:

20 (A) A DETERMINATION AS TO WHETHER THE BENEFIT SPECIFIED IN  
21 SUBSECTION (14)(d)(II) OF THIS SECTION IS IN ADDITION TO AN ESSENTIAL  
22 HEALTH BENEFIT THAT REQUIRES THE STATE TO DEFRAY THE COST  
23 PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B); AND

24 (B) A REQUEST THAT THE FEDERAL DEPARTMENT CONFIRM THE  
25 DIVISION'S DETERMINATION WITHIN SIXTY DAYS AFTER RECEIVING THE

1 DIVISION'S SUBMISSION.

2 (IV) SUBSECTION (14)(d)(II) OF THIS SECTION APPLIES TO, AND  
3 THE DIVISION SHALL IMPLEMENT THE REQUIREMENTS FOR, LARGE  
4 EMPLOYER POLICIES AND CONTRACTS ISSUED OR RENEWED ON OR AFTER  
5 JANUARY 1, 2025. SUBSECTION (14)(d)(II) OF THIS SECTION APPLIES TO,  
6 AND THE DIVISION SHALL IMPLEMENT THE REQUIREMENTS FOR,  
7 INDIVIDUAL AND SMALL GROUP POLICIES AND CONTRACTS ISSUED ON OR  
8 AFTER JANUARY 1, 2025, IF:

9 (A) THE DIVISION RECEIVES CONFIRMATION OR ANY OTHER  
10 NOTIFICATION FROM THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN  
11 SERVICES THAT THE COVERAGE SPECIFIED IN SUBSECTION (14)(d)(II) OF  
12 THIS SECTION DOES NOT CONSTITUTE AN ADDITIONAL BENEFIT THAT  
13 REQUIRES THE STATE TO DEFRAY THE COST PURSUANT TO 42 U.S.C. SEC.  
14 18031 (d)(3)(B); OR

15 (B) THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES  
16 FAILS TO RESPOND TO THE REQUEST SUBMITTED BY THE DIVISION  
17 PURSUANT TO SUBSECTION (14)(d)(III) OF THIS SECTION WITHIN THREE  
18 HUNDRED SIXTY-FIVE DAYS AFTER SUBMISSION OF THE REQUEST, IN WHICH  
19 CASE THE DIVISION SHALL CONSIDER THE FEDERAL DEPARTMENT'S  
20 UNREASONABLE DELAY A CONFIRMATION THAT THE COVERAGE SPECIFIED  
21 IN SUBSECTION (14)(d)(II) OF THIS SECTION DOES NOT REQUIRE THE STATE  
22 TO DEFRAY THE COST PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B).

23 **SECTION 2. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly; except  
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take  
2 effect unless approved by the people at the general election to be held in  
3 November 2024 and, in such case, will take effect on the date of the  
4 official declaration of the vote thereon by the governor.