



**Legislative Council Staff**

*Nonpartisan Services for Colorado's Legislature*

**Revised Fiscal Note**

(replaces fiscal note dated March 20, 2023)

<b>Drafting Number:</b>	LLS 23-0473	<b>Date:</b>	April 26, 2023
<b>Prime Sponsors:</b>	Sen. Moreno; Cutter Rep. deGruy Kennedy	<b>Bill Status:</b>	House Public & Behavioral Health
		<b>Fiscal Analyst:</b>	Shukria Maktabi   303-866-4720 shukria.maktabi@coleg.gov

**Bill Topic:**                   **PROTECTIONS FOR PEOPLE WITH AN EATING DISORDER**

<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates prohibitions and requirements related to health care services for individuals with disordered eating. The bill minimally increases state expenditures beginning in FY 2023-24.

**Appropriation Summary:**           No appropriation is required.

**Fiscal Note Status:**               This revised fiscal note reflects the reengrossed bill.

**Summary of Legislation**

The bill creates prohibitions and requirements related to health care services for individuals with disordered eating, including:

- prohibiting Medicaid, starting July 1, 2023, and health insurance plans, starting January 1, 2024, from using body mass index, ideal body weight, or any achieved weight standard to determine medical need or the level of care for individuals with disordered eating; and
- prohibiting retail establishments from selling over-the-counter diet pills to individuals under 18-years-old without prescriptions, with rules to be created by the State Board of Pharmacy within the Department of Regulatory Agencies (DORA).

**State Expenditures**

The bill increases state workload for DORA and the Department of Health Care Policy and Financing beginning in FY 2023-24, as discussed below.

**Department of Regulatory Agencies.** Workload in the Division of Insurance and the State Board of Pharmacy, both located within DORA, will increase by a minimal amount starting in FY 2023-24. Specifically, these divisions will need to update rules, conduct outreach with health insurance carriers and retail establishments, and respond to consumer inquiries and complaints. It is assumed that this work can be accomplished within existing appropriations.

**Department of Health Care Policy and Financing.** Any impact from the prohibition on using certain metrics to determine medical necessity is anticipated to have a minimal effect on the number of Medicaid members with disordered eating from being admitted and discharged from residential facilities, or the length of time members stay in such facilities. Any changes in utilization will be addressed through the annual budget process.

### **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, except the requirement for health benefit plans takes effect on January 1, 2024, and the requirement on retail establishments takes effect July 1, 2024.

### **State and Local Government Contacts**

Behavioral Health Administration  
Health Care Policy and Financing  
Human Services  
Law  
Regulatory Agencies

Corrections  
Higher Education  
Information Technology  
Public Health and Environment  
Revenue