

CHAPTER 323

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 24-1229

BY REPRESENTATIVE(S) English, Bird, Boesenecker, Brown, Clifford, Epps, Herod, Kipp, Lieder, Mauro, McCormick, Ortiz, Parenti, Ricks, Rutinel, Sirota, Taggart, Valdez, Weinberg, Willford, Young, McCluskie;
also SENATOR(S) Mullica and Will, Exum, Ginal, Gonzales, Kirkmeyer, Kolker, Liston, Priola, Roberts, Smallwood, Zenzinger.

AN ACT**CONCERNING PRESUMPTIVE ELIGIBILITY FOR PERSONS IN NEED OF LONG-TERM SERVICES AND SUPPORTS.**

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

SECTION 1. In Colorado Revised Statutes, 25.5-5-204, **amend** (2.7)(c); and **amend as it will become effective July 1, 2024**, (2.7)(b) as follows:

25.5-5-204. Presumptive eligibility - pregnant person - children - long-term care - state plan. (2.7) (b) If the state department receives federal authorization pursuant to subsection (2.7)(a) of this section and sufficient spending authority, a person in need of long-term services and supports shall be presumptively eligible for the medical assistance program if the person or the person's legal representative declares all pertinent information relating to the criteria of income, assets, ~~and~~ immigration status, ~~The person shall be assessed for the appropriate level of care pursuant to section 25.5-6-1704~~ **AND ANY OTHER INFORMATION THAT MAY BE REQUIRED PURSUANT TO THE FEDERAL AUTHORIZATION.** If required due to limitations of federal authorization or spending authority, the state department may implement this subsection (2.7)(b) as a pilot program rather than statewide.

(c) The state department shall make any necessary changes to the state plan ~~and~~ waivers for home- and community-based service programs ~~AND ANY OTHER FEDERAL AUTHORIZATIONS THAT ARE authorized pursuant to this article~~ **ARTICLE 5** and articles 4 and 6 of this ~~title~~ **TITLE 25.5** to comply with this subsection (2.7).

SECTION 2. Act subject to petition - effective date. Section 25.5-5-204 (2.7)(b), Colorado Revised Statutes, as amended in section 1 of this act takes effect January 1, 2026, and the remainder of the act takes effect at 12:01 a.m. on the day

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor; except that section 25.5-5-204 (2.7)(b), Colorado Revised Statutes, as amended in section 1 of this act takes effect January 1, 2026.

Approved: June 3, 2024