

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 25-0311.01 Kristen Forrestal x4217

**SENATE BILL 25-010**

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**SENATE SPONSORSHIP**

**Mullica and Pelton B.**, Amabile, Bridges, Coleman, Cutter, Daugherty, Frizell, Jaquez Lewis, Jodeh, Kipp, Kirkmeyer, Marchman, Michaelson Jenet, Pelton R., Rodriguez, Snyder, Winter F.

**HOUSE SPONSORSHIP**

**Brown,**

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**Senate Committees**  
Health & Human Services

**House Committees**  
Health & Human Services

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**A BILL FOR AN ACT**

101 **CONCERNING ELECTRONIC COMMUNICATIONS IN HEALTH CARE.**

**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>.)*

Subject to specific requirements, the bill allows a notice to a party or other document required by law in an insurance transaction or that is to serve as evidence of health insurance coverage to be delivered, stored, and presented by electronic means if the electronic means meet the requirements of the "Uniform Electronic Transactions Act". The delivery of a notice or document by electronic means is considered the equivalent to and has the same effect as any other delivery method required by law. The bill requires health insurance carriers to deliver paper

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.*

HOUSE  
2nd Reading Unamended  
February 14, 2025

SENATE  
Amended 3rd Reading  
February 5, 2025

SENATE  
Amended 2nd Reading  
February 4, 2025

communications to individuals that may not have consistent access to the internet and to any individuals that may elect to receive paper communications upon request.

An insurance producer is not subject to civil liability for any harm or injury that occurs because of a party's election to receive any notice or document by electronic means or by a carrier's failure to deliver or a party's failure to receive a notice or document by electronic means.

A carrier may mail, deliver, or, if the carrier obtains separate, specific consent, post on the carrier's website a health coverage plan and an endorsement that does not contain personal identifying information. If the carrier elects to post a health coverage plan and an endorsement on the carrier's website in lieu of mailing or delivering the health coverage plan and endorsement, the carrier shall comply with certain conditions.

The commissioner of insurance is required to adopt rules to implement the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-135, **amend**  
3 **(1)(a) introductory portion, (1)(b), and (1)(c); and add (1)(d) and (1)(e)**  
4 **as follows:**

5 **10-16-135. Health coverage plan information cards - rules -**  
6 **standardization - contents.** (1) (a) The commissioner shall adopt rules  
7 requiring every carrier providing a health benefit plan to issue to covered  
8 persons to whom a health benefit plan identification card is issued a  
9 standardized, printed OR ELECTRONIC card containing plan information.  
10 To the extent possible, the rules shall incorporate and not conflict with the  
11 requirements of section 10-16-124 regarding prescription information  
12 cards. ~~The commissioner shall adopt initial rules by October 31, 2008,~~  
13 ~~that describe the format of a standardized, printed card to be issued by~~  
14 ~~carriers to persons covered under a health benefit plan to whom health~~  
15 ~~benefit plan identification cards are issued. The rules establishing the~~  
16 ~~format for the printed OR ELECTRONIC card shall include a standard size,~~  
17 ~~shall require the card to be legible and photocopied, and shall delineate~~

1 the information to be contained on the card, including but not limited to  
2 the following information, as applicable:

3 (b) The rules adopted pursuant to paragraph (a) of this subsection  
4 (1) shall require all carriers to A CARRIER SHALL issue a standardized,  
5 printed OR ELECTRONIC card to a covered person to whom a health benefit  
6 plan identification card is issued upon the purchase or renewal of or  
7 enrollment in a plan. on or after July 1, 2009. No later than July 1, 2010,  
8 all carriers shall issue the standardized, printed card to covered persons  
9 to whom health benefit plan identification cards are issued.

10 (c) Nothing in this section shall preclude a carrier from including  
11 information on the standardized, printed OR ELECTRONIC cards that is in  
12 addition to the information required to be included on the card pursuant  
13 to rules adopted pursuant to this section.

14 (d) A CARRIER SHALL PROVIDE A PRINTED CARD TO A COVERED  
15 PERSON UPON REQUEST.

16 (e) THE COMMISSIONER MAY ADOPT RULES TO IMPLEMENT THIS  
17 SECTION.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 10-16-170 as  
19 follows:

20 **10-16-170. Delivery of notices and documents by electronic**  
21 **means - definitions - consent required - withdrawal of consent -**  
22 **employers - immunity from liability - posting of plans and**  
23 **endorsements on carrier website - applicability - rules. (1) AS USED**  
24 **IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

25 (a) "DELIVERED BY ELECTRONIC MEANS" MEANS:

26 (I) DELIVERY TO AN ELECTRONIC MAIL ADDRESS AT WHICH A  
27 PARTY HAS CONSENTED TO RECEIVE NOTICES OR DOCUMENTS; OR

1 (II) POSTING ON AN ELECTRONIC NETWORK, SITE, OR CONSUMER  
2 PORTAL ACCESSIBLE VIA THE INTERNET, A MOBILE APPLICATION, A  
3 COMPUTER, A MOBILE DEVICE, A TABLET, OR ANY OTHER ELECTRONIC  
4 DEVICE, TOGETHER WITH SEPARATE NOTICE OF THE POSTING PROVIDED BY  
5 ELECTRONIC MAIL TO THE ADDRESS AT WHICH THE PARTY HAS CONSENTED  
6 TO RECEIVE NOTICE OR BY ANY OTHER DELIVERY METHOD THAT HAS BEEN  
7 CONSENTED TO BY THE PARTY. THE SEPARATE NOTICE OF THE POSTING  
8 MUST CONTAIN THE INTERNET ADDRESS AT WHICH THE DOCUMENTS ARE  
9 POSTED, AND DELIVERY IS EFFECTIVE UPON THE POSTING OR THE ACTUAL  
10 DELIVERY OF THE SEPARATE NOTICE OF THE POSTING, WHICHEVER OCCURS  
11 LATER.

12 (b) "PARTY" MEANS A RECIPIENT OF A NOTICE OR DOCUMENT  
13 REQUIRED AS PART OF AN INSURANCE TRANSACTION, INCLUDING AN  
14 APPLICANT FOR HEALTH INSURANCE COVERAGE, A COVERED PERSON, A  
15 POLICYHOLDER, OR AN ANNUITY CONTRACT HOLDER.

16 (2) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 16 TO  
17 THE CONTRARY, SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A  
18 NOTICE TO OR FROM A PARTY OR OTHER DOCUMENT REQUIRED BY LAW IN  
19 AN INSURANCE TRANSACTION THAT IS RELATED TO A PROVISION IN A  
20 HEALTH INSURANCE CONTRACT OR THAT IS TO SERVE AS EVIDENCE OF  
21 HEALTH INSURANCE COVERAGE MAY BE DELIVERED BY A CARRIER OR TO  
22 A CARRIER, STORED, AND PRESENTED BY ELECTRONIC MEANS IF THE  
23 ELECTRONIC MEANS MEET THE REQUIREMENTS OF THE "UNIFORM  
24 ELECTRONIC TRANSACTIONS ACT", ARTICLE 71.3 OF TITLE 24.

25 (b) THE DELIVERY OF A NOTICE OR DOCUMENT IN ACCORDANCE  
26 WITH THIS SECTION IS CONSIDERED THE EQUIVALENT TO AND HAS THE  
27 SAME EFFECT AS ANY DELIVERY METHOD REQUIRED BY LAW, INCLUDING

1 DELIVERY BY FIRST-CLASS MAIL, FIRST-CLASS MAIL WITH POSTAGE  
2 PREPAID, CERTIFIED MAIL, CERTIFICATE OF MAIL, OR CERTIFICATE OF  
3 MAILING.

4 (c) A CARRIER SHALL ESTABLISH A CONSUMER PORTAL OR OTHER  
5 ACCESSIBLE MEANS FOR POLICYHOLDERS TO SUBMIT REQUESTS, NOTICES,  
6 OR RESPONSES TO THE CARRIER BY ELECTRONIC MEANS, INCLUDING THE  
7 ABILITY TO CONFIRM THAT THE COMMUNICATION BY ELECTRONIC MEANS  
8 HAS BEEN RECEIVED BY THE CARRIER.

9 (d) A CARRIER SHALL NOT REQUIRE POLICYHOLDERS TO SUBMIT  
10 REQUESTS, NOTICES, OR RESPONSES BY FACSIMILE OR NONELECTRONIC  
11 MEANS, UNLESS THE CONSUMER CHOOSES SUBMISSION BY FACSIMILE OR  
12 NONELECTRONIC MEANS.

13 (3) A NOTICE OR DOCUMENT MAY BE DELIVERED BY ELECTRONIC  
14 MEANS BY A CARRIER TO A PARTY PURSUANT TO THIS SECTION IF:

15 (a) THE PARTY HAS AFFIRMATIVELY CONSENTED ELECTRONICALLY,  
16 OR CONFIRMED CONSENT ELECTRONICALLY, IN A MANNER THAT  
17 REASONABLY DEMONSTRATES THAT THE PARTY CAN ACCESS INFORMATION  
18 IN THE ELECTRONIC FORM THAT WILL BE USED FOR NOTICES OR  
19 DOCUMENTS DELIVERED BY ELECTRONIC MEANS TO WHICH THE PARTY HAS  
20 GIVEN CONSENT, AND THE PARTY HAS NOT WITHDRAWN THE CONSENT;  
21 AND

22 (b) BEFORE THE PARTY CONSENTS, THE CARRIER PROVIDES THE  
23 PARTY A CLEAR AND CONSPICUOUS STATEMENT INFORMING THE PARTY OF:

24 (I) THE HARDWARE AND SOFTWARE REQUIREMENTS FOR ACCESS  
25 TO AND RETENTION OF A NOTICE OR DOCUMENT DELIVERED BY  
26 ELECTRONIC MEANS;

27 (II) THE TYPES OF NOTICES AND DOCUMENTS TO WHICH THE

1 PARTY'S CONSENT APPLIES;

2 (III) THE RIGHT OF THE PARTY TO WITHDRAW CONSENT AT ANY  
3 TIME, AT NO CHARGE, AND ANY CONDITIONS OR CONSEQUENCES TO BE  
4 IMPOSED IN THE EVENT CONSENT IS WITHDRAWN;

5 (IV) THE PROCEDURES A PARTY MUST FOLLOW TO WITHDRAW  
6 CONSENT, WHICH PROCEDURES MUST BE NO MORE BURDENSOME THAN THE  
7 PROCEDURES REQUIRED TO PROVIDE CONSENT, TO HAVE A NOTICE OR  
8 DOCUMENT DELIVERED BY ELECTRONIC MEANS, OR TO UPDATE THE  
9 PARTY'S ELECTRONIC MAIL ADDRESS; AND

10 (V) THE PARTY'S RIGHT TO HAVE ANY NOTICE OR DOCUMENT  
11 DELIVERED IN PAPER FORM UPON REQUEST.

12 (4) (a) NOTWITHSTANDING SUBSECTION (3) OF THIS SECTION, AN  
13 EMPLOYER OFFERING A HEALTH COVERAGE PLAN MAY, ON BEHALF OF A  
14 COVERED PERSON ENROLLED IN THE PLAN, PROVIDE CONSENT TO THE  
15 MAILING OF ALL COMMUNICATIONS RELATED TO THE PLAN BY ELECTRONIC  
16 MEANS IF, BEFORE CONSENTING ON BEHALF OF A COVERED PERSON, AN  
17 EMPLOYER HAS:

18 (I) CONFIRMED THAT THE COVERED PERSON ROUTINELY USES  
19 ELECTRONIC COMMUNICATIONS DURING THE NORMAL COURSE OF  
20 EMPLOYMENT AND IS ABLE TO ACCESS AND RETAIN ELECTRONIC  
21 COMMUNICATIONS THAT MAY BE DELIVERED BY THE CARRIER; AND

22 (II) INFORMED THE COVERED PERSON THAT THE CONSENT WILL BE  
23 PROVIDED AND NOTICES AND DOCUMENTS RELATED TO THE PLAN MAY BE  
24 DELIVERED TO THE COVERED PERSON'S WORK ELECTRONIC MAIL ADDRESS  
25 UNLESS THE COVERED PERSON AFFIRMATIVELY OPTS OUT OF DELIVERY BY  
26 ELECTRONIC MEANS OR PROVIDES AN ALTERNATIVE ELECTRONIC MAIL  
27 ADDRESS.

1 (b) THE CARRIER FOR THE HEALTH COVERAGE PLAN SHALL:

2 (I) PROVIDE THE COVERED PERSON WITH A CLEAR AND  
3 CONSPICUOUS STATEMENT INFORMING THE COVERED PERSON OF:

4 (A) THE TYPES OF NOTICES AND DOCUMENTS THAT MAY BE  
5 DELIVERED TO THE COVERED PERSON BY ELECTRONIC MEANS;

6 (B) THE RIGHT OF THE COVERED PERSON TO WITHDRAW CONSENT  
7 TO HAVE A NOTICE OR DOCUMENT DELIVERED BY ELECTRONIC MEANS AT  
8 ANY TIME WITHOUT CHARGE;

9 (C) THE PROCEDURES THE COVERED PERSON MUST FOLLOW TO  
10 WITHDRAW CONSENT TO HAVE A NOTICE OR DOCUMENT DELIVERED BY  
11 ELECTRONIC MEANS AND TO UPDATE THE COVERED PERSON'S ELECTRONIC  
12 MAIL ADDRESS; ==

13 (D) THE RIGHT OF THE COVERED PERSON TO HAVE ANY NOTICE OR  
14 DOCUMENT DELIVERED, UPON REQUEST, IN PAPER FORM FREE OF CHARGE;  
15 AND

16 (E) THE RIGHT OF THE COVERED PERSON TO SUBMIT REQUESTS,  
17 NOTICES, OR RESPONSES THROUGH ELECTRONIC MEANS OR THROUGH A  
18 CONSUMER PORTAL; AND

19 (II) PROVIDE THE COVERED PERSON AN OPPORTUNITY TO OPT OUT  
20 OF DELIVERY BY ELECTRONIC MEANS.

21 (5) A CARRIER THAT RECEIVES A PARTY'S CONSENT FOR THE  
22 DELIVERY OF NOTICES OR DOCUMENTS BY ELECTRONIC MEANS SHALL  
23 ENSURE THAT THE APPLICABLE PROVISIONS OF THE CONDITIONS UNDER  
24 THE "UNIFORM ELECTRONIC TRANSACTIONS ACT", ARTICLE 71.3 OF TITLE  
25 24, ARE SATISFIED, AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION.

26 (6) (a) WHEN A NOTICE OR DOCUMENT IS PROVIDED  
27 ELECTRONICALLY TO A PARTY PURSUANT TO THIS SECTION, A CARRIER

1 SHALL APPRISE THE PARTY OF THE SIGNIFICANCE OF THE NOTICE OR  
2 DOCUMENT, WHEN IT IS NOT OTHERWISE REASONABLY EVIDENT, AND OF  
3 THE RIGHT TO REQUEST AND OBTAIN A PAPER VERSION OF THE NOTICE OR  
4 DOCUMENT.

5 (b) A CARRIER SHALL TAKE ALL REASONABLE MEASURES TO  
6 ENSURE THAT DELIVERY BY ELECTRONIC MEANS PURSUANT TO THIS  
7 SECTION RESULTS IN THE PARTY'S RECEIPT OF THE NOTICE OR DOCUMENT.

8 (7) AFTER A PARTY GIVES CONSENT FOR THE DELIVERY OF NOTICES  
9 AND DOCUMENTS BY ELECTRONIC MEANS, IF A CHANGE IN THE HARDWARE  
10 OR SOFTWARE REQUIREMENTS NEEDED TO ACCESS OR RETAIN A NOTICE OR  
11 DOCUMENT CREATES A MATERIAL RISK THAT THE PARTY WILL NOT BE  
12 ABLE TO ACCESS OR RETAIN A NOTICE OR DOCUMENT TO WHICH THE  
13 CONSENT APPLIES, THE CARRIER SHALL NOT DELIVER THE NOTICE OR  
14 DOCUMENT BY ELECTRONIC MEANS UNLESS THE CARRIER COMPLIES WITH  
15 SUBSECTION (3) OF THIS SECTION AND PROVIDES THE PARTY A STATEMENT  
16 THAT DESCRIBES:

17 (a) THE REVISED HARDWARE AND SOFTWARE REQUIREMENTS FOR  
18 ACCESS TO AND RETENTION OF A NOTICE OR DOCUMENT DELIVERED BY  
19 ELECTRONIC MEANS; AND

20 (b) THE RIGHT OF THE PARTY TO WITHDRAW CONSENT WITHOUT  
21 THE IMPOSITION OF ANY CONDITION OR CONSEQUENCE THAT WAS NOT  
22 DISCLOSED AT THE TIME OF INITIAL CONSENT.

23 (8) (a) THIS SECTION DOES NOT AFFECT REQUIREMENTS RELATED  
24 TO THE CONTENT OR TIMING OF ANY NOTICE OR DOCUMENT REQUIRED BY  
25 ANY OTHER APPLICABLE LAW.

26 (b) IF ANOTHER APPLICABLE LAW EXPRESSLY REQUIRES A  
27 CONFIRMATION OF RECEIPT OF A NOTICE OR DOCUMENT, THE NOTICE OR



1 DOCUMENT MAY BE DELIVERED BY ELECTRONIC MEANS ONLY IF THE  
2 METHOD USED PROVIDES FOR ACTIVE CONFIRMATION OF RECEIPT BY THE  
3 RECIPIENT.

4 (c) THIS SECTION DOES NOT APPLY TO A NOTICE OR DOCUMENT  
5 THAT A CARRIER DELIVERED BY ELECTRONIC MEANS BEFORE THE  
6 EFFECTIVE DATE OF THIS SECTION TO A PARTY WHO, BEFORE THAT DATE,  
7 CONSENTED TO RECEIVE THE NOTICE OR DOCUMENT BY ELECTRONIC  
8 MEANS AS OTHERWISE ALLOWED BY LAW.

9 (d) THE LEGAL EFFECTIVENESS, VALIDITY, OR ENFORCEABILITY OF  
10 ANY CONTRACT OR POLICY OF INSURANCE EXECUTED BY A PARTY SHALL  
11 NOT BE DENIED SOLELY BECAUSE OF THE FAILURE OF THE CARRIER TO  
12 OBTAIN OR CONFIRM THE PARTY'S CONSENT FOR THE DELIVERY OF NOTICES  
13 OR DOCUMENTS BY ELECTRONIC MEANS SO LONG AS THE NOTICE OR  
14 DOCUMENT IS DELIVERED IN PAPER FORM.

15 (9) (a) A PARTY'S WITHDRAWAL OF CONSENT DOES NOT AFFECT  
16 THE LEGAL EFFECTIVENESS, VALIDITY, OR ENFORCEABILITY OF A NOTICE  
17 OR DOCUMENT THAT IS DELIVERED BY ELECTRONIC MEANS TO THE PARTY  
18 BEFORE THE PARTY'S WITHDRAWAL OF CONSENT IS EFFECTIVE.

19 (b) A WITHDRAWAL OF CONSENT BY A PARTY SHALL BE EFFECTIVE  
20 WITHIN A REASONABLE PERIOD OF TIME AFTER RECEIPT OF THE  
21 WITHDRAWAL BY THE CARRIER.

22 (c) A CARRIER'S FAILURE TO COMPLY WITH SUBSECTION (3) OR (4)  
23 OF THIS SECTION MAY BE TREATED, AT THE ELECTION OF A PARTY, AS A  
24 WITHDRAWAL OF THE PARTY'S CONSENT FOR PURPOSES OF THIS SECTION.

25 (10) IF THE CONSENT OF A PARTY TO RECEIVE NOTICES OR  
26 DOCUMENTS BY ELECTRONIC MEANS IS ON FILE WITH A CARRIER BEFORE  
27 THE EFFECTIVE DATE OF THIS SECTION, AND A CARRIER INTENDS TO

1 DELIVER ADDITIONAL NOTICES OR DOCUMENTS TO THE PARTY BY  
2 ELECTRONIC MEANS PURSUANT TO THIS SECTION, THEN PRIOR TO  
3 DELIVERING THE ADDITIONAL NOTICES OR DOCUMENTS BY ELECTRONIC  
4 MEANS, THE CARRIER SHALL COMPLY WITH SUBSECTION (2) OF THIS  
5 SECTION AND SHALL PROVIDE THE PARTY A STATEMENT THAT DESCRIBES:

6 (a) THE NOTICES OR DOCUMENTS TO BE DELIVERED BY ELECTRONIC  
7 MEANS THAT WERE NOT PREVIOUSLY DELIVERED BY ELECTRONIC MEANS;  
8 AND

9 (b) THE PARTY'S RIGHT TO WITHDRAW CONSENT TO HAVE NOTICES  
10 OR DOCUMENTS DELIVERED BY ELECTRONIC MEANS, WITHOUT THE  
11 IMPOSITION OF ANY CONDITION OR CONSEQUENCE THAT WAS NOT  
12 DISCLOSED AT THE TIME OF INITIAL CONSENT.

13 (11) (a) A CARRIER SHALL DELIVER A NOTICE OR DOCUMENT BY  
14 ANY OTHER DELIVERY METHOD PERMITTED BY LAW OTHER THAN BY  
15 ELECTRONIC MEANS IF:

16 (I) THE CARRIER ATTEMPTS TO DELIVER THE NOTICE OR DOCUMENT  
17 BY ELECTRONIC MEANS AND REASONABLY BELIEVES THAT THE NOTICE OR  
18 DOCUMENT HAS NOT BEEN RECEIVED BY THE PARTY; OR

19 (II) THE CARRIER BECOMES AWARE THAT THE ELECTRONIC MAIL  
20 ADDRESS PROVIDED BY THE PARTY IS NO LONGER VALID.

21 (b) A PARTY'S CONSENT TO HAVE NOTICES OR DOCUMENTS  
22 DELIVERED BY ELECTRONIC MEANS DOES NOT PRECLUDE THE CARRIER  
23 FROM DELIVERING A NOTICE OR DOCUMENT BY ANY OTHER DELIVERY  
24 METHOD PERMITTED BY LAW.

25 (12) AN INSURANCE PRODUCER LICENSED PURSUANT TO PART 4 OF  
26 ARTICLE 2 OF THIS TITLE 10 IS NOT SUBJECT TO CIVIL LIABILITY FOR ANY  
27 HARM OR INJURY THAT OCCURS BECAUSE OF A PARTY'S ELECTION TO

1 RECEIVE ANY NOTICE OR DOCUMENT BY ELECTRONIC MEANS OR BY A  
2 CARRIER'S FAILURE TO DELIVER OR A PARTY'S FAILURE TO RECEIVE A  
3 NOTICE OR DOCUMENT BY ELECTRONIC MEANS.

4 (13) (a) A HEALTH COVERAGE PLAN AND AN ENDORSEMENT THAT  
5 DOES NOT CONTAIN PERSONAL IDENTIFYING INFORMATION MAY BE  
6 MAILED, DELIVERED, OR, IF THE CARRIER OBTAINS SEPARATE, SPECIFIC  
7 CONSENT, POSTED ON THE CARRIER'S WEBSITE. IF THE CARRIER ELECTS TO  
8 POST A COVERED PERSON'S HEALTH COVERAGE PLAN AND AN  
9 ENDORSEMENT ON THE CARRIER'S WEBSITE IN LIEU OF MAILING OR  
10 DELIVERING THE HEALTH COVERAGE PLAN AND ENDORSEMENT TO THE  
11 COVERED PERSON, THE CARRIER SHALL COMPLY WITH THE FOLLOWING  
12 CONDITIONS:

13 (I) THE HEALTH COVERAGE PLAN AND ENDORSEMENT MUST BE  
14 ACCESSIBLE TO THE COVERED PERSON AND PRODUCER OF RECORD AND  
15 REMAIN ACCESSIBLE WHILE THE HEALTH COVERAGE PLAN IS IN FORCE;

16 (II) AFTER THE EXPIRATION OF THE HEALTH COVERAGE PLAN, THE  
17 CARRIER SHALL EITHER:

18 (A) MAKE THE EXPIRED HEALTH COVERAGE PLAN AND  
19 ENDORSEMENT AVAILABLE UPON REQUEST, FOR A PERIOD OF FIVE YEARS;

20 OR

21 (B) IF THE CARRIER CONTINUES TO MAKE THE EXPIRED HEALTH  
22 COVERAGE PLAN OR ENDORSEMENT AVAILABLE ON ITS WEBSITE, CONTINUE  
23 TO ALLOW THE COVERED PERSON TO ACCESS THE HEALTH COVERAGE PLAN  
24 AND ENDORSEMENT FOR AT LEAST FIVE YEARS;

25 (III) THE CARRIER SHALL POST THE HEALTH COVERAGE PLAN AND  
26 ENDORSEMENT IN A MANNER THAT ENABLES THE COVERED PERSON AND  
27 PRODUCER OF RECORD TO PRINT AND SAVE THE HEALTH COVERAGE PLAN

1 AND ENDORSEMENT USING A PROGRAM OR APPLICATION THAT IS WIDELY  
2 AVAILABLE ON THE INTERNET AND FREE TO USE;

3 (IV) THE CARRIER SHALL PROVIDE THE FOLLOWING INFORMATION  
4 IN, OR SIMULTANEOUS WITH, EACH DECLARATION PAGE PROVIDED AT THE  
5 TIME OF ISSUANCE OF THE INITIAL HEALTH COVERAGE PLAN AND ANY  
6 RENEWALS OF THE HEALTH COVERAGE PLAN:

7 (A) A DESCRIPTION OF THE EXACT HEALTH COVERAGE PLAN AND  
8 ENDORSEMENT FORM APPLICABLE TO THE COVERED PERSON;

9 (B) A DESCRIPTION OF THE COVERED PERSON'S RIGHT TO RECEIVE,  
10 UPON REQUEST AND WITHOUT CHARGE, AN ELECTRONIC AND A PAPER COPY  
11 OF THE HEALTH COVERAGE PLAN AND ENDORSEMENT; AND

12 (C) THE INTERNET ADDRESS AT WHICH THE HEALTH COVERAGE  
13 PLAN AND ENDORSEMENT ARE POSTED;

14 (V) THE CARRIER, UPON A COVERED PERSON'S REQUEST AND  
15 WITHOUT CHARGE FOLLOWING RECEIPT OF THE INITIAL COPY, SHALL MAIL  
16 A PAPER COPY OF THE HEALTH COVERAGE PLAN AND ENDORSEMENT TO  
17 THE COVERED PERSON; EXCEPT THAT THE CARRIER MAY CHARGE A FEE FOR  
18 SUBSEQUENT MAILINGS OF PAPER COPIES; AND

19 (VI) THE CARRIER SHALL PROVIDE NOTICE, EITHER  
20 ELECTRONICALLY OR IN WRITING AT THE COVERED PERSON'S OPTION, OF:

21 (A) ANY CHANGE TO THE FORMS OR ENDORSEMENT;

22 (B) THE COVERED PERSON'S RIGHT TO OBTAIN, UPON REQUEST AND  
23 ONCE WITHOUT CHARGE FOLLOWING RECEIPT OF THE INITIAL COPY, A  
24 PAPER COPY OF THE FORMS OR ENDORSEMENT; AND

25 (C) THE INTERNET ADDRESS AT WHICH THE FORMS OR  
26 ENDORSEMENT IS POSTED.

27 (b) THIS SUBSECTION (13) DOES NOT AFFECT THE TIMING OR

1       CONTENT OF ANY DISCLOSURE OR DOCUMENT REQUIRED TO BE PROVIDED  
2       OR MADE AVAILABLE TO ANY COVERED PERSON UNDER APPLICABLE LAW.

3               (14) THE COMMISSIONER MAY ADOPT RULES TO IMPLEMENT THIS  
4       SECTION. ==

5               **SECTION 3. Act subject to petition - effective date -**  
6       **applicability.** (1) This act takes effect January 1, 2026; except that, if a  
7       referendum petition is filed pursuant to section 1 (3) of article V of the  
8       state constitution against this act or an item, section, or part of this act  
9       within the ninety-day period after final adjournment of the general  
10      assembly, then the act, item, section, or part will not take effect unless  
11      approved by the people at the general election to be held in November  
12      2026 and, in such case, will take effect January 1, 2026, or on the date of  
13      the official declaration of the vote thereon by the governor, whichever is  
14      later.

15              (2) This act applies to conduct occurring on or after the applicable  
16      effective date of this act.