

CHAPTER 11

INSURANCE

SENATE BILL 25-010

BY SENATOR(S) Mullica and Pelton B., Amabile, Bridges, Cutter, Daugherty, Frizzell, Jodeh, Kipp, Kirkmeyer, Marchman, Michaelson Jenet, Pelton R., Rodriguez, Snyder, Winter F., Coleman;
also REPRESENTATIVE(S) Brown, Clifford, Duran, English, Garcia, Hamrick, Joseph, Lieder, McCormick, Smith, Story, McCluskie.

AN ACT**CONCERNING ELECTRONIC COMMUNICATIONS IN HEALTH CARE.**

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

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

10-16-135. Health coverage plan information cards - rules - standardization - contents. (1) (a) The commissioner shall adopt rules requiring every carrier providing a health benefit plan to issue to covered persons to whom a health benefit plan identification card is issued a standardized, printed OR ELECTRONIC card containing plan information. To the extent possible, the rules shall incorporate and not conflict with the requirements of section 10-16-124 regarding prescription information cards. ~~The commissioner shall adopt initial rules by October 31, 2008, that describe the format of a standardized, printed card to be issued by carriers to persons covered under a health benefit plan to whom health benefit plan identification cards are issued.~~ The rules establishing the format for the printed OR ELECTRONIC card shall include a standard size, shall require the card to be legible and photocopied, and shall delineate the information to be contained on the card, including but not limited to the following information, as applicable:

(b) ~~The rules adopted pursuant to paragraph (a) of this subsection (1) shall require all carriers to~~ A CARRIER SHALL issue a standardized, printed OR ELECTRONIC card to a covered person to whom a health benefit plan identification card is issued upon the purchase or renewal of or enrollment in a plan. ~~on or after~~

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.

~~July 1, 2009. No later than July 1, 2010, all carriers shall issue the standardized, printed card to covered persons to whom health benefit plan identification cards are issued.~~

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

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

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

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

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

(a) "DELIVERED BY ELECTRONIC MEANS" MEANS:

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

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

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

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

(b) THE DELIVERY OF A NOTICE OR DOCUMENT IN ACCORDANCE WITH THIS SECTION IS CONSIDERED THE EQUIVALENT TO AND HAS THE SAME EFFECT AS ANY DELIVERY METHOD REQUIRED BY LAW, INCLUDING DELIVERY BY FIRST-CLASS MAIL, FIRST-CLASS MAIL WITH POSTAGE PREPAID, CERTIFIED MAIL, CERTIFICATE OF MAIL, OR CERTIFICATE OF MAILING.

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

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

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

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

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

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

(II) THE TYPES OF NOTICES AND DOCUMENTS TO WHICH THE PARTY'S CONSENT APPLIES;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6)(a) WHEN A NOTICE OR DOCUMENT IS PROVIDED ELECTRONICALLY TO A PARTY PURSUANT TO THIS SECTION, A CARRIER SHALL APPRISE THE PARTY OF THE SIGNIFICANCE OF THE NOTICE OR DOCUMENT, WHEN IT IS NOT OTHERWISE REASONABLY EVIDENT, AND OF THE RIGHT TO REQUEST AND OBTAIN A PAPER VERSION OF THE NOTICE OR DOCUMENT.

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

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

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

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

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

(b) IF ANOTHER APPLICABLE LAW EXPRESSLY REQUIRES A CONFIRMATION OF RECEIPT OF A NOTICE OR DOCUMENT, THE NOTICE OR DOCUMENT MAY BE DELIVERED BY ELECTRONIC MEANS ONLY IF THE METHOD USED PROVIDES FOR ACTIVE CONFIRMATION OF RECEIPT BY THE RECIPIENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) AN INSURANCE PRODUCER LICENSED PURSUANT TO PART 4 OF ARTICLE 2 OF THIS TITLE 10 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.

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

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

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

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

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

(III) THE CARRIER SHALL POST THE HEALTH COVERAGE PLAN AND ENDORSEMENT IN A MANNER THAT ENABLES THE COVERED PERSON AND PRODUCER OF RECORD TO PRINT AND SAVE THE HEALTH COVERAGE PLAN AND ENDORSEMENT USING A PROGRAM OR APPLICATION THAT IS WIDELY AVAILABLE ON THE INTERNET AND FREE TO USE;

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

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

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

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

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

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

(A) ANY CHANGE TO THE FORMS OR ENDORSEMENT;

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

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

(b) THIS SUBSECTION (13) DOES NOT AFFECT THE TIMING OR CONTENT OF ANY DISCLOSURE OR DOCUMENT REQUIRED TO BE PROVIDED OR MADE AVAILABLE TO ANY COVERED PERSON UNDER APPLICABLE LAW.

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

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2026; 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 the ninety-day period after final adjournment of the general assembly, 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 2026 and, in such case, will take effect January 1, 2026, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

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

Approved: March 14, 2025