

## CHAPTER 95

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**INSURANCE**


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**HOUSE BILL 07-1253**

BY REPRESENTATIVE(S) Madden, Rice, Balmer, Butcher, Cadman, Carroll M., Carroll T., Curry, Frangas, Gallegos, Garcia, Gardner B., Hicks, Hodge, Jahn, Kefalas, Kerr A., King, Labuda, Lambert, Looper, Marostica, Marshall, Massey, Mitchell V., Primavera, Romanoff, Rose, Solano, Stafford, Stephens, Todd, Weissmann, White, and Witwer;  
 also SENATOR(S) Shaffer, Bacon, Boyd, Fitz-Gerald, Gordon, Groff, Isgar, Keller, Morse, Romer, Sandoval, Schwartz, Tapia, Taylor, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams, and Windels.

**AN ACT**

**CONCERNING A PROHIBITION AGAINST AN INSURANCE CARRIER FROM DENYING COVERAGE TO PERSONS SERVING IN THE UNIFORMED SERVICES OF THE UNITED STATES.**

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

**SECTION 1.** 10-16-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**10-16-104. Mandatory coverage provisions.** (16) (a) ALL GROUP AND INDIVIDUAL SICKNESS AND ACCIDENT INSURANCE POLICIES AND ALL SERVICE OR INDEMNITY CONTRACTS ISSUED BY ANY ENTITY SUBJECT TO PART 3 OR 4 OF THIS ARTICLE SHALL NOT REFUSE TO PROVIDE COVERAGE TO AN INDIVIDUAL, REFUSE TO CONTINUE TO COVER AN INDIVIDUAL, OR LIMIT THE AMOUNT OR EXTENT OF COVERAGE AVAILABLE TO AN INDIVIDUAL SOLELY BASED ON THAT INDIVIDUAL'S MEMBERSHIP IN THE UNIFORMED SERVICES OF THE UNITED STATES. NOTHING IN THIS SUBSECTION (16) SHALL PROHIBIT AN INSURER FROM EXCLUDING OR LIMITING COVERAGE FOR SOME OTHER FACTOR OR PREEXISTING CONDITION.

(b) AS USED IN THIS SUBSECTION (16):

(I) "MEMBERSHIP" MEANS ACTIVE DUTY, NATIONAL GUARD, OR RESERVE DUTY IN THE UNIFORMED SERVICES OF THE UNITED STATES, OR RETIREMENT FROM SUCH SERVICES.

(II) "UNIFORMED SERVICES OF THE UNITED STATES" MEANS THE UNITED STATES ARMY, UNITED STATES NAVY, UNITED STATES MARINE CORPS, UNITED STATES AIR

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

FORCE, UNITED STATES COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS, AND THE UNITED STATES PUBLIC HEALTH SERVICE COMMISSIONED CORPS.

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 2, 2007