

CHAPTER 360

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 09-1353

BY REPRESENTATIVE(S) Miklosi, Apuan, Fischer, Frangas, Green, Hullinghorst, Kagan, Kefalas, Labuda, Levy, Pace, Riesberg, Ryden, Todd, Vigil;
also SENATOR(S) Foster, Newell, Boyd, Groff.

AN ACT**CONCERNING LEGAL IMMIGRANTS' ELIGIBILITY FOR PUBLIC MEDICAL BENEFITS.**

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

SECTION 1. 25.5-5-101 (2) (b), Colorado Revised Statutes, is amended to read:

25.5-5-101. Mandatory provisions - eligible groups. (2) (b) (I) A qualified alien who entered the United States on or after August 22, 1996, shall not be eligible for benefits under this article or article 4 or 6 of this title, except as provided in section 25.5-5-103 (3), for five years after the date of entry into the United States unless he or she meets the exceptions described in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", Public Law 104-193, as amended.

(II) NOTWITHSTANDING THE FIVE-YEAR WAITING PERIOD ESTABLISHED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), BUT SUBJECT TO THE AVAILABILITY OF SUFFICIENT APPROPRIATIONS AND THE RECEIPT OF FEDERAL FINANCIAL PARTICIPATION, THE STATE DEPARTMENT MAY PROVIDE BENEFITS UNDER THIS ARTICLE AND ARTICLES 4 AND 6 OF THIS TITLE TO A PREGNANT WOMAN WHO IS A QUALIFIED ALIEN AND A CHILD UNDER NINETEEN YEARS OF AGE WHO IS A QUALIFIED ALIEN SO LONG AS SUCH WOMAN OR CHILD MEETS ELIGIBILITY CRITERIA OTHER THAN CITIZENSHIP.

SECTION 2. 25.5-5-201 (2), Colorado Revised Statutes, is amended to read:

25.5-5-201. Optional provisions - optional groups. (2) (a) A qualified alien, who entered the United States on or after August 22, 1996, shall not be eligible for benefits under this article and articles 4 and 6 of this title, except as provided in

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

section 25.5-5-103 (3), for five years after the date of entry into the United States unless he or she meets the exceptions described in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", Public Law 104-193, as amended. After five years, such qualified alien shall be eligible for benefits under this article and articles 4 and 6 of this title but shall have sponsor income and resources deemed to the individual or family under rules established by the state board of human services pursuant to section 26-2-137, C.R.S.

(b) NOTWITHSTANDING THE FIVE-YEAR WAITING PERIOD ESTABLISHED IN PARAGRAPH (a) OF THIS SUBSECTION (2), BUT SUBJECT TO THE AVAILABILITY OF SUFFICIENT APPROPRIATIONS AND THE RECEIPT OF FEDERAL FINANCIAL PARTICIPATION, THE STATE DEPARTMENT MAY PROVIDE BENEFITS UNDER THIS ARTICLE AND ARTICLES 4 AND 6 OF THIS TITLE TO A PREGNANT WOMAN WHO IS A QUALIFIED ALIEN AND A CHILD UNDER NINETEEN YEARS OF AGE WHO IS A QUALIFIED ALIEN SO LONG AS SUCH WOMAN OR CHILD MEETS ELIGIBILITY CRITERIA OTHER THAN CITIZENSHIP.

SECTION 3. 25.5-8-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25.5-8-109. Eligibility - children - pregnant women - legal immigrants - repeal. (6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BUT SUBJECT TO THE AVAILABILITY OF SUFFICIENT APPROPRIATIONS AND THE RECEIPT OF FEDERAL FINANCIAL PARTICIPATION, THE DEPARTMENT MAY PROVIDE BENEFITS UNDER THIS ARTICLE TO A PREGNANT WOMAN WHO IS A QUALIFIED ALIEN AND A CHILD UNDER NINETEEN YEARS OF AGE WHO IS A QUALIFIED ALIEN SO LONG AS SUCH WOMAN OR CHILD MEETS ELIGIBILITY CRITERIA OTHER THAN CITIZENSHIP.

SECTION 4. Act subject to petition - effective date. (1) This act shall take effect July 1, 2010.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during 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, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) of this section or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: June 1, 2009