

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 23-0342.02 Brita Darling x2241

**SENATE BILL 23-284**

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**SENATE SPONSORSHIP**

**Bridges and Danielson**, Buckner, Coleman, Cutter, Exum, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Moreno, Mullica, Roberts, Rodriguez, Sullivan, Winter F., Zenzinger

**HOUSE SPONSORSHIP**

**Jodeh**,

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING REQUIREMENTS FOR CONTRACEPTION INSURANCE**  
102              **COVERAGE THAT INCREASES CONSISTENT ACCESS TO THE**  
103              **CONTRACEPTION MOST SUITED TO THE INDIVIDUAL.**

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**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>.)*

The bill requires a carrier that offers a health benefit plan or a pharmacy benefit management firm that administers or manages contraception coverage under a health benefit plan to provide coverage for, and reimburse a prescribing provider or in-network dispensing entity for, the single dispensing or furnishing of an amount of contraception

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.*

SENATE  
3rd Reading Unamended  
April 24, 2023

SENATE  
Amended 2nd Reading  
April 21, 2023

intended to last for 12 months' duration, as permitted by the covered person's prescription.

Further, under the bill, a carrier offering a health benefit plan or a pharmacy benefit management firm acting on behalf of a carrier is subject to certain requirements, as applicable, including:

- Allowing coverage of continuous use of contraception, as determined by the prescribing provider;
- Prohibiting utilization management practices that prevent the dispensing of a 12-months' duration of contraception;
- Allowing for alternate prescribed contraception, if medically necessary; and
- Providing coverage for over-the-counter contraception without a prescription and without prior authorization, step therapy, utilization management, or cost sharing.

The bill also requires carriers to report annually to the division of insurance in the department of regulatory agencies concerning contraception coverage and authorizes the commissioner of insurance to promulgate rules regarding the coverage.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** 10-16-104.2 as follows:

4 **10-16-104.2. Coverage for contraception - rules - definitions.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
6 REQUIRES:

7 (a) "CARRIER" MEANS A CARRIER OFFERING A HEALTH BENEFIT  
8 PLAN.

9 (b) "CONTRACEPTION" HAS THE SAME MEANING AS  
10 "CONTRACEPTIVE" OR "CONTRACEPTION" SET FORTH IN SECTION 2-4-401  
11 (1.5).

12 (c) "DISPENSING ENTITY" MEANS A PHARMACY, OTHER OUTLET, OR  
13 OTHER FACILITY REGISTERED BY THE STATE BOARD OF PHARMACY UNDER  
14 PART 1 OF ARTICLE 280 OF TITLE 12 THAT DISPENSES OR FURNISHES  
15 CONTRACEPTION.

1           (2) AS PART OF THE COVERAGE REQUIRED FOR CONTRACEPTION  
2 PURSUANT TO SECTION 10-16-104 (3)(a)(I), (18), OR (18.1), AS  
3 APPLICABLE, A CARRIER OR A PHARMACY BENEFIT MANAGEMENT FIRM  
4 ACTING ON BEHALF OF THE CARRIER SHALL PROVIDE COVERAGE FOR, AND  
5 SHALL REIMBURSE A PROVIDER OR AN IN-NETWORK DISPENSING ENTITY  
6 FOR, THE SINGLE DISPENSING OR FURNISHING OF CONTRACEPTION  
7 INTENDED TO LAST THE COVERED PERSON FOR A DURATION OF TWELVE  
8 MONTHS, AS PERMITTED BY THE COVERED PERSON'S PRESCRIPTION,         
9 DISPENSED OR FURNISHED AT ONE TIME, UNLESS REQUESTED OTHERWISE  
10 BY THE COVERED PERSON.

11           (3) A CARRIER OR PHARMACY BENEFIT MANAGEMENT FIRM ACTING  
12 ON BEHALF OF THE CARRIER SHALL:

13           (a) ALLOW FOR THE CONTINUOUS USE OF CLINICALLY APPROPRIATE  
14 CONTRACEPTION AS DETERMINED BY THE PRESCRIBING PROVIDER;

15           (b) REIMBURSE A PROVIDER OR AN IN-NETWORK DISPENSING  
16 ENTITY PER UNIT FOR DISPENSING OR FURNISHING CONTRACEPTION;

17           (c) NOT IMPLEMENT STEP THERAPY, PRIOR AUTHORIZATION, OR  
18 OTHER UTILIZATION MANAGEMENT PRACTICES, INCLUDING QUANTITY OR  
19 FILL LIMITS, FOR CONTRACEPTION COVERAGE IF THE PRACTICE WOULD  
20 RESULT IN A COVERED PERSON RECEIVING LESS THAN A TWELVE-MONTHS'  
21 DURATION OF CONTRACEPTION DISPENSED OR FURNISHED EITHER AT ONE  
22 TIME OR, IF REQUESTED BY THE COVERED PERSON AT THE POINT OF  
23 DISPENSING OR FURNISHING, OVER A TWELVE-MONTH PERIOD;

24           (d) INCLUDE AN ALTERNATIVE PRESCRIBED CONTRACEPTION  
25 WITHOUT PRIOR AUTHORIZATION, STEP THERAPY, OR COST SHARING IF, IN  
26 THE DETERMINATION AND JUDGMENT OF THE PRESCRIBING PROVIDER, THE  
27 ALTERNATIVE PRESCRIBED CONTRACEPTION IS MEDICALLY NECESSARY;

1 (e) MAKE AVAILABLE AN EASILY ACCESSIBLE, TIMELY, AND  
2 TRANSPARENT EXCEPTIONS PROCESS FOR A COVERED PERSON TO OBTAIN  
3 COVERAGE, WITHOUT COST SHARING, FOR MEDICALLY NECESSARY  
4 CONTRACEPTION THAT IS NOT OTHERWISE INCLUDED IN THE FORMULARY  
5 OR AVAILABLE WITHOUT COST SHARING;

6 (f) NOT REQUIRE A PRESCRIPTION FOR COVERAGE OF  
7 FDA-APPROVED, -CLEARED, OR -GRANTED OVER-THE-COUNTER  
8 CONTRACEPTION; AND

9 (g) INCLUDE POINT-OF-SALE COVERAGE FOR OVER-THE-COUNTER  
10 CONTRACEPTION AT IN-NETWORK DISPENSING ENTITIES WITHOUT PRIOR  
11 AUTHORIZATION, STEP THERAPY, UTILIZATION MANAGEMENT, OR COST  
12 SHARING.

13 (4) (a) CARRIERS SHALL REPORT ANNUALLY TO THE  
14 COMMISSIONER REGARDING THE COVERAGE OF CONTRACEPTION REQUIRED  
15 PURSUANT TO SECTION 10-16-104 (3)(a)(I), (18), OR (18.1). AT A  
16 MINIMUM, THE REPORTING REQUIREMENTS MUST INCLUDE ANNUAL  
17 REPORTING OF DATA RELATING TO CONTRACEPTION COVERAGE PROVIDED  
18 IN THE PREVIOUS CALENDAR YEAR.

19 (b) FOR PURPOSES OF THE CARRIER'S REQUIRED REPORTING TO THE  
20 COMMISSIONER PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, A  
21 PHARMACY BENEFIT MANAGEMENT FIRM ACTING ON BEHALF OF A CARRIER  
22 SHALL ANNUALLY PROVIDE DATA TO THE CARRIER RELATING TO  
23 CONTRACEPTION COVERAGE IN THE PREVIOUS CALENDAR YEAR, AND THE  
24 CARRIER SHALL INCLUDE THE DATA PROVIDED BY A PHARMACY BENEFIT  
25 MANAGEMENT FIRM IN ITS ANNUAL REPORT REQUIRED BY SUBSECTION  
26 (4)(a) OF THIS SECTION.

27 (5) THE COMMISSIONER MAY PROMULGATE RULES TO IMPLEMENT

1 THIS SECTION.

2           **SECTION 2. Act subject to petition - effective date.** This act  
3 takes effect at 12:01 a.m. on the day following the expiration of the  
4 ninety-day period after final adjournment of the general assembly; except  
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
6 of the state constitution against this act or an item, section, or part of this  
7 act within such period, then the act, item, section, or part will not take  
8 effect unless approved by the people at the general election to be held in  
9 November 2024 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.