

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

To: Suzanne Taheri and Michael Fields

From: Legislative Council Staff and Office of Legislative Legal Services

Date: August 19, 2025

Subject: Proposed initiative measure 2025-2026 #138, concerning the single-payer health insurance prohibition.

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Colorado Legislative Council and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

Purposes

The major purposes of the proposed amendment to the Colorado Constitution appear to be:

1. To ensure that the state or a local government cannot ban access to private health insurance; and
2. To prohibit the state or a local government from requiring residents to contribute to or participate in a single-payer insurance system, which is defined as a public, universal health insurance system that is administered by the state and that provides the same health insurance to all residents.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Article V, section 1 (4)(a) of the Colorado Constitution requires that when the majority of voters approve a proposed initiative, the initiative is effective on and after the date of the official declaration of the vote and proclamation of the governor.

Because the proposed initiative does not contain an effective date, this would be the default effective date. Does this default effective date satisfy your intent? If not, would the proponents consider specifying the intended effective date that is not earlier than the default effective date to comply with this constitutional requirement?

3. The proposed initiative defines “single-payer insurance” as “insurance that every resident of the state is required to hold.” The proposed initiative then prohibits single-payer insurance. “Universal health insurance” is then defined separately. For clarity, would the proponents consider combining these definitions into one definition—for example, “‘single-payer insurance’ means state-administered health insurance that provides the same health insurance coverage to all residents of the state’—and then prohibit the state or a local government from requiring participation in or contribution to a single-payer insurance system?

4. The proposed initiative states that “state and local governments shall not ban access to private health insurance, nor shall the state and local governments require residents to contribute to or participate in a single-payer insurance system.” Is the intent to prohibit local governments from requiring participation in a statewide single-payer system or a single-payer system set up by a local government for residents of the local government authority? Would the proponents consider clarifying the intent?
5. If the federal government establishes a national single-payer system and requires the state or local governments to administer the system, would the state or local governments be in violation of the constitutional provision set forth in this proposed initiative if they cooperate with the federal government in requiring residents to contribute to or participate in the national single-payer system?
6. “Local government” is defined multiple times and in multiple ways throughout the Colorado Revised Statutes. Would the proponents consider defining “local government” for the purposes of the proposed initiative?
7. Subsection (2)(b) of the proposed initiative references “health care provided to individuals qualified to receive benefits through medicaid.” Would the proponents consider using the terms used in the Colorado Revised Statutes that describe the federal program? For example: “... the state from administering the ‘Colorado Medical Assistance Act’, articles 4, 5, and 6 of title 25.5 of the Colorado Revised Statutes, or any other...”.

Technical Comments

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public hearing only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment hearing. Please consider revising the proposed initiative as follows:

1. In subsection (1) of the proposed initiative, “Within this section:” should be changed to “As used in this section, unless the context otherwise requires:” to adhere with standard drafting practices.

2. In subsection (1)(a) of the proposed initiative, the proponents may refer to “the state” or “Colorado” rather than “the State of Colorado” to adhere with standard drafting practices.
3. Subsection (2)(a) of the proposed initiative contains multiple substantive points. The proponents may consider breaking subsection (2)(a) into multiple parts as follows:
 - (a) The state or a local government shall not:
 - (I) Ban residents’ access to private health insurance; or
 - (II) Require residents to contribute to or participate in a single-payer insurance system.
4. To conform with other uses in statute, “healthcare” should be two words (“health care”) and “Medicaid” should not be capitalized (“medicaid”).
5. As part of standard drafting practice, adverbs are not typically hyphenated. “Federally-funded” should be two words (“federally funded”).