## First Extraordinary Session Seventy-fifth General Assembly STATE OF COLORADO

## **INTRODUCED**

LLS NO. 25B-0021.04 Christy Chase x2008

**HOUSE BILL 25B-1006** 

#### **HOUSE SPONSORSHIP**

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# House Committees Health & Human Services

#### **Senate Committees**

	A BILL FOR AN ACT
101	CONCERNING MODIFICATIONS TO THE COLORADO HEALTH INSURANCE
102	AFFORDABILITY ENTERPRISE TO ADDRESS THE AFFORDABILITY
103	OF HEALTH INSURANCE IN THE INDIVIDUAL MARKET USING
104	NONAPPROPRIATED FUNDING SOURCES.

### **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 <a href="http://leg.colorado.gov">http://leg.colorado.gov</a>.)

The bill makes the following changes to the "Health Insurance Affordability Act":

• If the federal enhanced premium tax credit is not extended

on or before December 31, 2025, authorizes an interest-free loan from the unclaimed property trust fund to the health insurance affordability cash fund and allocates the loan proceeds:

- To the reinsurance program;
- To carriers to increase the affordability of health plans on the individual market for individuals who purchase individual health benefit plans on the Colorado health benefit exchange and receive the premium tax credit authorized under federal law (state-based insurance subsidies); and
- For other programs administered by the Colorado health insurance affordability enterprise (enterprise);
- Of the revenues collected by the enterprise before the effective date of the bill that had been allocated for state-based insurance subsidies, allows the enterprise to reallocate any unexpended amount to other programs the enterprise administers;
- Requires the health insurance affordability board (board) to prepare an annual report detailing certain financial information about the enterprise; and
- Directs the board to make recommendations to the commissioner of insurance regarding coverage and plan design of state-subsidized plans to maximize plan enrollment.
- 1 Be it enacted by the General Assembly of the State of Colorado:
- 2 SECTION 1. In Colorado Revised Statutes, 10-16-1203, add
- 3 (2.5) and (16) as follows:
- 4 **10-16-1203. Definitions.** As used in this part 12, unless the
- 5 context otherwise requires:
- 6 (2.5) "ENHANCED PREMIUM TAX CREDIT" MEANS THE PREMIUM
- 7 TAX CREDIT, AS AMENDED BY THE FEDERAL "AMERICAN RESCUE PLAN
- 8 ACT OF 2021", PUB.L. 117-2, AND THE FEDERAL "INFLATION REDUCTION
- 9 ACT OF 2022", PUB.L. 117-169, 136 STAT. 1818 (2022), WHICH EXPANDED
- 10 ELIGIBILITY FOR AND THE AMOUNT OF THE PREMIUM TAX CREDIT.

1	(16) (a) "Unclaimed property trust fund" means the
2	UNCLAIMED PROPERTY TRUST FUND CREATED IN SECTION 38-13-801 (1).
3	(b) This subsection (16) takes effect on January 1, 2026,
4	ONLY IF THE CONDITION SPECIFIED IN SECTION $10-16-1209(1)$ occurs.
5	SECTION 2. In Colorado Revised Statutes, 10-16-1205, amend
6	(2)(d)(I) introductory portion; and <b>add</b> (2)(d)(IV) and (2)(e) as follows:
7	10-16-1205. Health insurance affordability fees - special
8	assessment on hospitals - allocation of revenues. (2) (d) (I) EXCEPT AS
9	PROVIDED IN SUBSECTIONS (2)(d)(IV) AND (2)(e) OF THIS SECTION, the
10	enterprise shall allocate the revenues collected in 2023 and each year
11	thereafter, and any other money deposited in the fund in 2023 and each
12	year thereafter, in the following amounts and order of priority:
13	(IV) On or after the effective date of this subsection
14	(2)(d)(IV), THE ENTERPRISE SHALL REALLOCATE ANY AMOUNT OF
15	REVENUES COLLECTED AND ALLOCATED PURSUANT TO SUBSECTION
16	(2)(d)(I) of this section that have not been expended on or before
17	THE EFFECTIVE DATE OF THIS SUBSECTION (2)(d)(IV), NOT TO EXCEED
18	TWENTY MILLION DOLLARS, FOR ANY OTHER PURPOSE SPECIFIED IN
19	SUBSECTION $(2)(d)(I)$ of this section except administrative costs
20	DESCRIBED IN SUBSECTION $(2)(d)(I)(A)$ OF THIS SECTION.
21	(e) (I) On or after the date on which the state treasurer
22	CREDITS MONEY TO THE FUND IN ACCORDANCE WITH SECTION 10-16-1206
23	(1.5)(a), except as provided in subsection $(2)(e)(II)$ of this section,
24	THE ENTERPRISE SHALL ALLOCATE THE MONEY CREDITED TO THE FUND
25	Pursuant to section $10-16-1206$ $(1.5)(a)$ as follows:
26	(A) Up to fifty million dollars to the reinsurance
27	PROGRAM CASH FUND: AND

1	(B) UP TO FIFTY MILLION DOLLARS TO CARRIERS TO REDUCE THE
2	COSTS OF INDIVIDUAL HEALTH PLANS FOR INDIVIDUALS WHO PURCHASE AN
3	INDIVIDUAL HEALTH BENEFIT PLAN ON THE EXCHANGE AND RECEIVE THE
4	PREMIUM TAX CREDIT.
5	(II) THE ENTERPRISE MAY ALLOCATE UP TO FIVE MILLION DOLLARS
6	OF THE MONEY CREDITED TO THE FUND IN ACCORDANCE WITH SECTION
7	$10\text{-}16\text{-}1206\ (1.5)(a)$ for any other purpose specified in Subsection
8	(2)(d)(I) of this section except administrative costs described in
9	SUBSECTION $(2)(d)(I)(A)$ of this section.
10	(III) This subsection (2)(e) takes effect on January 1, 2026,
11	ONLY IF THE CONDITION SPECIFIED IN SECTION $10-16-1209(1)$ occurs.
12	SECTION 3. In Colorado Revised Statutes, 10-16-1206, add
13	(1.5) as follows:
14	10-16-1206. Health insurance affordability cash fund -
15	creation. (1.5) (a) (I) The fund also consists of one hundred
16	MILLION DOLLARS CREDITED TO THE FUND AS A LOAN FROM THE
17	UNCLAIMED PROPERTY TRUST FUND PURSUANT TO SECTION 38-13-801
18	(7)(a).
19	(II) Money credited to the fund pursuant to section
20	38-13-801 (7)(a) IS AN INTEREST-FREE LOAN FROM THE UNCLAIMED
21	PROPERTY TRUST FUND TO THE FUND. THE ENTERPRISE MAY ACCEPT AND
22	EXPEND THE MOVEL OF CREDITIES AS SPECIFIED BY SECTION 10.10, 1205
23	EXPEND THE MONEY SO CREDITED AS SPECIFIED IN SECTION 10-16-1205
23	(2)(e) AND SHALL REPAY THE LOAN RECEIVED PURSUANT TO SECTION
24	
	(2)(e) AND SHALL REPAY THE LOAN RECEIVED PURSUANT TO SECTION
24	(2)(e) AND SHALL REPAY THE LOAN RECEIVED PURSUANT TO SECTION 38-13-801 (7)(a) NO LATER THAN JANUARY 1, 2045.

1	ACCOUNTING STANDARDS BOARD CODIFICATION 1800.102, MEANING THAT
2	THE LOAN IS NOT CLASSIFIED AS REVENUE AND IS BOOKED AS AN
3	INTERFUND RECEIVABLE OR PAYABLE; AND
4	(B) IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION
5	24-77-102(17), or state revenues, as defined in section $24-77-103.6$
6	(6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR
7	SPENDING LIMIT IMPOSED BY SECTION $20$ OF ARTICLE $X$ OF THE STATE
8	CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN
9	SECTION 24-77-103.6 (6)(b)(I)(G).
10	(IV) LOAN LIABILITIES THAT ARE RECORDED IN THE FUND BUT
11	THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT STATE FISCAL YEAR
12	SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY
13	FUND BALANCE FOR PURPOSES OF SECTION 24-75-109.
14	(b) This subsection $(1.5)$ takes effect on January 1, 2026,
15	ONLY IF THE CONDITION SPECIFIED IN SECTION $10-16-1209$ (1) OCCURS.
16	SECTION 4. In Colorado Revised Statutes, 10-16-1207, amend
17	(4)(c.5)(III); and <b>add</b> (7) as follows:
18	10-16-1207. Health insurance affordability board - creation -
19	membership - powers and duties - subject to open meetings and
20	public records laws - annual report - commissioner rules. (4) The
21	board is authorized to:
22	(c.5) Further recommend, for approval and establishment by the
23	commissioner by rule, additional parameters for implementing the
24	subsidies for state-subsidized individual health coverage plans authorized
25	by this part 12, including that the coverage required pursuant to
26	state-subsidized individual health coverage plans must:
27	(III) For a person who, at the time the person applies for

1	state-subsidized coverage, meets the income requirements to qualify for
2	emergency medical assistance pursuant to section 25.5-5-103 and who is
3	a qualified individual who meets the eligibility criteria established in rule
4	pursuant to subsection (4)(c)(IV) of this section, include coverage AND
5	PLAN DESIGN that:
6	(A) Has no premium;
7	(B) (A) Has an actuarial value of not less than ninety-four percent
8	MAXIMIZES ENROLLMENT IN THE PLAN; and
9	(C) (B) To the extent possible with available funding, includes
10	cost sharing that is further reduced from subsection (4)(c.5)(III)(B) of this
11	section such that the plan has consumer cost-sharing responsibilities for
12	emergency services equivalent to cost-sharing responsibilities for
13	emergency medical assistance pursuant to section 25.5-5-103;
14	(7) (a) By February 15, 2026, and by every February 15
15	THEREAFTER, THE BOARD SHALL PREPARE A REPORT DETAILING:
16	(I) THE TOTAL REVENUE RECEIVED BY THE ENTERPRISE IN THE
17	PREVIOUS CALENDAR YEAR;
18	(II) THE SHARE OF THE TOTAL REVENUE THAT WAS RECEIVED FROM
19	FEDERAL FUNDS;
20	(III) THE SHARE OF THE TOTAL REVENUE THAT WAS RECEIVED
21	FROM THE FEE;
22	(IV) IF ANY ADDITIONAL AMOUNT OF THE TOTAL REVENUE WAS
23	RECEIVED FROM ANY SOURCES OTHER THAN THE FEDERAL GOVERNMENT
24	OR THE FEE, THE SPECIFIC SOURCE OF THOSE REVENUES AND THE SPECIFIC
25	AMOUNT OF REVENUES FOR EACH SOURCE;
26	(V) EACH SPECIFIC PROGRAM THAT RECEIVED FUNDING FROM THE
27	ENTERPRISE;

1	(VI) OF THE TOTAL ALLOCATION FOR EACH PROGRAM:
2	(A) THE SHARE OF THE TOTAL ALLOCATION THAT WAS FROM
3	FEDERAL FUNDING; AND
4	(B) THE SHARE OF THE TOTAL ALLOCATION THAT WAS FROM STATE
5	FUNDING AND THE SOURCE OF THAT STATE FUNDING;
6	(VII) FOR THE REINSURANCE PROGRAM, THE AMOUNT OF THE
7	ACTUAL ALLOCATION OF STATE MONEY TO THE REINSURANCE PROGRAM;
8	(VIII) IF LESS THAN THE MAXIMUM ALLOWABLE ALLOCATION OF
9	STATE MONEY IN THE FUND WAS ALLOCATED TO THE REINSURANCE
10	PROGRAM, AN EXPLANATION OF WHY THE REINSURANCE PROGRAM WAS
11	NOT FULLY FUNDED;
12	(IX) FOR ANY ALLOCATION THAT WAS MADE AT THE DISCRETION
13	OF THE BOARD OR COMMISSIONER AND NOT DEFINED EXPRESSLY IN
14	STATUTE, AN EXPLANATION OF THE ALLOCATIONS, THE AMOUNT OF EACH
15	ALLOCATION, THE RATIONALE FOR THE AMOUNTS, AND THE GOALS
16	INTENDED TO BE ACHIEVED AS A RESULT OF EACH ALLOCATION; AND
17	(X) THE AMOUNT OF SURPLUS IN THE FUND, IF ANY, AND AN
18	EXPLANATION OF WHY THE SURPLUS WAS NOT ALLOCATED TO ENTERPRISE
19	PROGRAMS.
20	(b) By February 28, 2026, and by each February 28
21	THEREAFTER:
22	(I) THE BOARD SHALL SUBMIT THE REPORT TO THE HOUSE OF
23	REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE AND THE
24	SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR
25	COMMITTEES, AND THE JOINT BUDGET COMMITTEE; AND
26	(II) THE DIVISION SHALL POST THE REPORT ON THE DIVISION'S
27	PUBLIC-FACING WERSITE IN AN EASILY ACCESSIBLE LOCATION AND

- 1 MANNER.
- 2 (c) Notwithstanding the requirement in Section 24-1-136
- 3 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT SPECIFIED IN THIS
- 4 SUBSECTION (7) CONTINUES INDEFINITELY.
- 5 **SECTION 5.** In Colorado Revised Statutes, **add** 10-16-1209 as
- 6 follows:
- 7 **10-16-1209.** Repeal of certain provisions notice to the revisor
- 8 repeal. (1) SECTIONS 10-16-1203 (16), 10-16-1205 (2)(e), AND
- 9 10-16-1206(1.5) WILL TAKE EFFECT ONLY IF, BY DECEMBER 31, 2025, THE
- 10 UNITED STATES CONGRESS DOES NOT ENACT AND THE PRESIDENT DOES
- 11 NOT SIGN FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR
- 12 OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT BEYOND
- 13 THE 2025 CALENDAR YEAR. THE COMMISSIONER SHALL NOTIFY THE
- 14 REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS
- 15 SUBSECTION (1) HAS OCCURRED BY EMAILING THE NOTICE TO
- 16 REVISOROFSTATUTES.GA@COLEG.GOV. IF THE CONDITION SPECIFIED IN
- 17 THIS SUBSECTION (1) OCCURS, SECTIONS 10-16-1203 (16), 10-16-1205
- 18 (2)(e), AND 10-16-1206 (1.5) TAKE EFFECT ON JANUARY 1, 2026.
- 19 (2) This section and sections 10-16-1203 (16), 10-16-1205
- 20 (2)(e), AND 10-16-1206 (1.5) WILL BE REPEALED IF, ON OR BEFORE
- DECEMBER 31, 2025, THE UNITED STATES CONGRESS ENACTS AND THE
- 22 PRESIDENT SIGNS FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR
- OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT BEYOND
- DECEMBER 31, 2025, WITH AT LEAST THE SAME ELIGIBILITY AND IN THE
- 25 SAME AMOUNT AS AUTHORIZED BY THE AMENDMENTS TO THE PREMIUM
- 26 TAX CREDIT IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
- Pub.L. 117-2, and the Federal "Inflation Reduction Act of 2022",

- 1 Pub.L. 117-169, 136 Stat. 1818 (2022). The commissioner shall
- 2 NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE CONDITION
- 3 SPECIFIED IN THIS SUBSECTION (2) HAS OCCURRED AND OF THE DATE ON
- 4 WHICH THE CONDITION OCCURRED BY EMAILING THE NOTICE TO
- 5 REVISOROFSTATUTES.GA@COLEG.GOV. THIS SECTION AND SECTIONS
- 6 10-16-1203(16), 10-16-1205(2)(e), AND 10-16-1206(1.5) ARE REPEALED
- 7 UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE CONDITION SPECIFIED
- 8 IN THIS SUBSECTION (2) OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY
- 9 THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.
- SECTION 6. In Colorado Revised Statutes, 38-13-801, amend
- 11 (1)(b), (1)(c), and (2)(f); and **add** (7) as follows:
- 12 38-13-801. Unclaimed property trust fund creation -
- payments interest appropriations records rules repeal.
- 14 (1) (b) Except as provided in subsections (2), (3), and (3.5), (6), AND (7)
- of this section, the principal of the trust fund shall not be expended except
- to pay claims made pursuant to this article 13. Money constituting the
- principal of the trust fund is not fiscal year spending of the state for
- purposes of section 20 of article X of the state constitution and is not
- subject to appropriation by the general assembly.
- 20 (c) Except as provided in subsection (6) SUBSECTIONS (6) AND (7)
- of this section, all interest derived from the deposit and investment of
- money in the trust fund shall be credited to the trust fund. Such interest
- is not fiscal year spending of the state for purposes of section 20 of article
- 24 X of the state constitution.
- 25 (2) (f) (I) Interest and, if necessary, principal credited, as required
- by subsection (6) of this section, as a loan to the provider stabilization
- fund created in section 25.5-3-603 (1) does not constitute fiscal year

spending of the state for purposes of section 20 of article X of the state constitution.

- (II) INTEREST AND, IF NECESSARY, PRINCIPAL CREDITED, AS REQUIRED BY SUBSECTION (7) OF THIS SECTION, AS A LOAN TO THE HEALTH INSURANCE AFFORDABILITY CASH FUND CREATED IN SECTION 10-16-1206 (1) DOES NOT CONSTITUTE FISCAL YEAR SPENDING OF THE STATE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.
  - (7) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (7)(a)(II) OF THIS SECTION, WITHIN TEN DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (7), THE STATE TREASURER SHALL MAKE AN INTEREST-FREE LOAN IN THE AMOUNT OF ONE HUNDRED MILLION DOLLARS FROM INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE UNCLAIMED PROPERTY TRUST FUND TO THE HEALTH INSURANCE AFFORDABILITY CASH FUND CREATED IN SECTION 10-16-1206 (1).
  - (II) IF THERE IS AN INSUFFICIENT AMOUNT OF INTEREST IN THE UNCLAIMED PROPERTY TRUST FUND TO ENABLE THE STATE TREASURER TO CREDIT THE FULL AMOUNT OF THE LOAN SPECIFIED IN SUBSECTION (7)(a)(I) OF THIS SECTION FROM INTEREST ALONE, THE STATE TREASURER SHALL CREDIT AN AMOUNT OF PRINCIPAL IN THE TRUST FUND THAT IS SUFFICIENT TO ENABLE THE STATE TREASURER TO CREDIT TO THE HEALTH INSURANCE AFFORDABILITY CASH FUND THE FULL AMOUNT OF THE LOAN.
  - (b) (I) Subsection (7)(a) of this section will take effect only if, by December 31, 2025, the United States congress does not enact and the president does not sign federal legislation that extends, recreates, or otherwise reinstates the enhanced premium tax credit, as defined in section 10-16-1203 (2.5), beyond the 2025 calendar year. The commissioner shall notify the

1	REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS
2	SUBSECTION (7)(b)(I) HAS OCCURRED AND OF THE DATE ON WHICH THE
3	CONDITION OCCURRED BY EMAILING THE NOTICE TO
4	REVISOROFSTATUTES.GA@COLEG.GOV. IF THE CONDITION SPECIFIED IN
5	THIS SUBSECTION (7)(b)(I) OCCURS, SUBSECTION (7)(a) OF THIS SECTION
6	TAKES EFFECT ON JANUARY 1, 2026.
7	(II) This subsection (7) will be repealed if, on or before
8	DECEMBER 31, 2025, THE UNITED STATES CONGRESS ENACTS AND THE
9	PRESIDENT SIGNS FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR
10	OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT, AS
11	DEFINED IN SECTION 10-16-1203 (2.5), BEYOND DECEMBER 31, 2025, WITH
12	AT LEAST THE SAME ELIGIBILITY AND IN THE SAME AMOUNT AS
13	AUTHORIZED BY THE AMENDMENTS TO THE PREMIUM TAX CREDIT, AS
14	DEFINED IN SECTION 10-16-1203 (10), IN THE FEDERAL "AMERICAN
15	RescuePLanActof2021", Pub.L.117-2, andthefederal"Inflation
16	REDUCTION ACT OF 2022", PUB.L. 117-169, 136 STAT. 1818 (2022). THE
17	COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF
18	THE CONDITION SPECIFIED IN THIS SUBSECTION (7)(b)(II) HAS OCCURRED
19	AND OF THE DATE ON WHICH THE CONDITION OCCURRED BY EMAILING THE
20	NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS SUBSECTION (7)
21	IS REPEALED UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE
22	$\hbox{condition specified in this subsection (7)(b)(II) occurred or, if the}\\$
23	NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO
24	THE REVISOR OF STATUTES.
25	SECTION 7. Safety clause. The general assembly finds,
26	determines, and declares that this act is necessary for the immediate
27	preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.