

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0702.01 Brita Darling x2241

HOUSE BILL 24-1025

HOUSE SPONSORSHIP

Froelich,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO PROVIDE EQUITY IN ASSISTED
102 REPRODUCTION.

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>.)

Under current law, individual and small group health benefit plans (plans) are required to cover fertility diagnosis and treatment and fertility preservation services (fertility services) in the state 12 months after the federal department of health and human services determines that coverage for fertility services does not require defrayal of costs by the state.

The bill removes the language relating to state defrayal of costs

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.

and requires the division of insurance to implement the coverage for plans issued or renewed on and after January 1, 2025.

In addition, the bill:

- Prohibits a health benefit plan from imposing any exclusions, limitations, or other restrictions on coverage of any fertility services based on a covered individual's participation in fertility services provided by or to a third party; and
- Amends the definition of "infertility" to include a "status" as well as a disease or condition.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend**
3 (23)(a), (23)(c)(I), (23)(f)(II), and (23)(g)(VI) introductory portion; and
4 **add** (23)(c)(I.5) as follows:

5 **10-16-104. Mandatory coverage provisions - definitions - rules**
6 **- applicability. (23) Infertility diagnosis and treatment - fertility**
7 **preservation services.** (a) Except as provided in subsection (23)(e) of
8 this section, ~~and subject to subsection (23)(f) of this section,~~ all individual
9 and group health benefit plans issued or renewed in this state ~~shall~~ **MUST**
10 provide coverage for the diagnosis of and treatment for infertility and
11 standard fertility preservation services.

12 (c) The health benefit plan shall not impose:

13 (I) Any exclusions, limitations, or other restrictions on coverage
14 of fertility medications that are different from the exclusions, limitations,
15 or other restrictions imposed on any other prescription medications
16 covered under the health benefit plan; ~~or~~

17 (I.5) ANY EXCLUSIONS, LIMITATIONS, OR OTHER RESTRICTIONS ON
18 COVERAGE REQUIRED PURSUANT TO THIS SUBSECTION (23) BASED ON A
19 COVERED INDIVIDUAL'S PARTICIPATION IN FERTILITY SERVICES PROVIDED
20 BY OR TO A THIRD PARTY; OR

1 (f) (II) This subsection (23) applies to, and the division shall
2 implement the requirements of this subsection (23) for, individual and
3 small group health benefit plans issued or renewed in this state ~~twelve~~
4 ~~months after the federal department of health and human services~~
5 ~~determines that the coverage specified in this subsection (23) does not~~
6 ~~constitute an additional benefit that requires defrayal by the state pursuant~~
7 ~~to 42 U.S.C. sec. 18031 (d)(3)(B)~~ ON OR AFTER JANUARY 1, 2025.

8 (g) As used in this subsection (23):

9 (VI) "Infertility" means a disease, ~~or~~ condition, OR STATUS
10 characterized by:

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