

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
10.8.15

Bill 1

LLS NO. 16-0287.01 Kristen Forrestal x4217

COMMITTEE BILL

Colorado Health Insurance Exchange Oversight Committee

BILL TOPIC: "Federal Waiver Application For Health Insurance"

**A BILL FOR AN ACT**

101     **CONCERNING A REQUIREMENT THAT THE COMMISSIONER OF THE**  
102             **DIVISION OF INSURANCE APPLY FOR A FEDERAL WAIVER TO**  
103             **ALLOW FOR A CHANGE IN THE ENROLLMENT PERIODS FOR**  
104             **INDIVIDUAL HEALTH PLANS PURCHASED THROUGH THE HEALTH**  
105             **INSURANCE BENEFIT EXCHANGE.**

**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://www.leg.state.co.us/billsummaries.>)*

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

**Colorado Health Insurance Exchange Oversight Committee.**

The bill requires the commissioner of insurance to apply for a federal waiver to change the federally required health benefit plan enrollment periods so that persons purchasing individual plans through the health benefit exchange have an enrollment period that begins on the first day of the birthday month of the primary policyholder for a plan and ends on the last day of that month. Upon approval of the federal waiver, the exchange is required to implement the approved enrolling periods.

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

**SECTION 1.** In Colorado Revised Statutes, 10-16-105.7, **add** (1.5) as follows:

**10-16-105.7. Application for federal waiver - health benefit plan enrollment periods.** (1.5) (a) ON OR BEFORE SEPTEMBER 1, 2016, THE COMMISSIONER SHALL APPLY TO THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR A WAIVER AUTHORIZED UNDER SECTION 1332 OF THE FEDERAL ACT IN ORDER TO CHANGE THE AUTHORIZED INDIVIDUAL HEALTH BENEFIT PLAN ENROLLMENT PERIODS DETERMINED BY THE SECRETARY OF HEALTH AND HUMAN SERVICES PURSUANT TO SECTION 1311 (c) (6) OF THE FEDERAL ACT AND 45 CFR 155.140 SO THAT THE ENROLLMENT PERIOD FOR EACH PERSON PURCHASING A PLAN THROUGH THE HEALTH BENEFIT EXCHANGE CREATED IN SECTION 10-22-104 BEGINS ON THE FIRST DAY OF THE BIRTHDAY MONTH OF THE PRIMARY POLICYHOLDER AND ENDS ON THE LAST DAY OF THAT MONTH.

(b) UPON APPROVAL OF THE WAIVER BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, APPLIED FOR PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.5), THE ENROLLMENT PERIOD IN SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO INDIVIDUAL HEALTH BENEFIT PLANS PURCHASED THROUGH THE HEALTH BENEFIT

1 EXCHANGE, AND THE HEALTH BENEFIT EXCHANGE SHALL IMPLEMENT THE  
2 ENROLLMENT PERIODS APPROVED PURSUANT TO THE FEDERAL WAIVER.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.