

# 2017 Session: Colorado Health Institute Bill Tracking List

As of June 1, 2017

House bills are listed first (in order of introduction), then Senate bills.

Status options: **Gov. Signed**, **Became Law without Signature**, **Failed in Committee/on Floor**, **Gov. Veto**

This was a busy year for health bills, with a success rate reflective of all bills considered by the legislature:

Total bills tracked by CHI during 2017 session: **95 bills** (47 House bills, 47 Senate bills and 1 resolution)

Success rate for health bills tracked by CHI: **58 percent** (55 bills/resolutions passed out of 95) \*

Success rate for all bills introduced in 2017 session: **62 percent** (423 bills passed out of 681) \*

Health bills assigned to a health committee stood a very good chance of advancing:

Bills considered by House Health, Insurance and Environment: 49; passed **88 percent** of those bills

Bills considered by House Public Health Care and Human Services: 41; passed **98 percent** of those bills

Bills considered by Senate Health and Human Services: 46; passed **98 percent** of those bills

*\*Does not take any governor vetoes into account.*

## HOUSE BILLS

### **House Bill 17-1010: Dental Practice Act and Dental Hygiene**

Sponsors: Rep. Joann Ginal (D), Sen. Larry Crowder (R)

Status: **Governor Signed**

- Offers clarity concerning the practice of dental hygiene through 1) allowing the state Dental Board to create rules around the use of lasers in dental hygiene work, as long as there is appropriate supervision, and 2) explaining what constitutes unsupervised dental hygiene work (e.g., hygienists can prescribe emergency drugs only if authorized by a collaborating dentist).

### **House Bill 17-1020: Staffing Task Force Mental Illness Justice Systems**

Sponsors: Rep. Jonathan Singer (D), Sen. Beth Martinez Humenik (R)

Status: **Governor Signed**

- Modifies current law regarding the funding and staffing for the Mental Illness in the Criminal Juvenile Justice Systems Task Force.

### **House Bill 17-1027: Remove Fund Repeal and Clarify Organ Donor Process**

Sponsors: Reps. Jon Becker (R) and Janet Buckner (D), Sens. Leroy Garcia (D) and Bob Gardner (R)

Status: Passed – waiting for signature

- Changes the “Emily Maureen Ellen Keyes organ and tissue donation awareness fund” to the “Emily Keyes - John W. Buckner organ and tissue donation awareness fund”. The bill clarifies that the organ and tissue designations on a person’s driver’s license, instruction permit and license renewal remain in place unless revoked by the person.

### **House Bill 17-1034: Medical Marijuana License Issues**

Sponsors: Rep. Dan Pabon (D), Sen. Randy Baumgardner (R)

Status: Governor Signed

- Makes changes to the Medical Marijuana Code, including conforming to the Retail Marijuana Code by creating a license for medical marijuana business operators and giving licensees opportunities to address products that test positive for microbials.

### **House Bill 17-1057: Interstate Physical Therapy License Compact**

Sponsors: Reps. Faith Winter (D) and Larry Liston (R), Sens. Bob Gardner (R) and Andy Kerr (D)

Status: Governor Signed

- Allows physical therapists and assistants licensed or certified in a member state to obtain a license or certificate to practice in Colorado.

### **House Bill 17-1080: Requirements Durable Medical Equipment Suppliers**

Sponsors: Rep. Dave Young (D), Sen. Jerry Sonnenberg (R)

Status: Failed in Senate State, Veterans and Military Affairs Committee (3-2)

- Would have amended the current definition of “durable medical equipment suppliers” to include the person or entity that bills the state Medicaid program. It also would have clarified requirements for durable medical equipment suppliers to do business in Colorado, such as being licensed by the Colorado secretary of state and providing proof of the proximity of their service locations.

### **House Bill 17-1085: Women's Health Protection Act**

Sponsors: Rep. Patrick Neville (R)

Status: Failed in House Health, Insurance and Environment Committee (6-5)

- Would have introduced new regulations on clinics that provide abortions, such as a detailed annual registration form filed with the attorney general.

### **House Bill 17-1086: Abortion Pill Reversal Information Act**

Sponsors: Reps. Justin Everett (R) and Dan Nordberg (R), Sen. Vicki Marble (R)

Status: Failed in House Health, Insurance and Environment Committee (6-5)

- Would have required provider to share information about “abortion pill reversal” medication to women seeking a chemical abortion. The state would also have had to post information on its website.

### **House Bill 17-1094: Telehealth Coverage Under Health Benefit Plans**

Sponsors: Reps. Perry Buck (R) and Donald Valdez (D), Sens. Kerry Donovan (D) and Larry Crowder (R)

Status: Governor Signed

- Modifies the existing requirements for health benefit plans to cover services delivered via telehealth. For example, insurance plans can't restrict reimbursement based on the type of technology or application used to deliver telehealth care. But the service must include an audio-visual component, so care delivered via text message, for instance, won't be covered.

**House Bill 17-1108: Protect Human Life at Conception**

Sponsors: Reps. Stephen Humphrey (R) and Kim Ransom (R), Sen. Tim Neville (R)

Status: **Failed in House Health, Insurance and Environment Committee (6-5)**

- Would have made providing an abortion in most cases a class 1 felony, punishable by life imprisonment or the death penalty.

### **House Bill 17-1115: Direct Primary Health Care Services**

Sponsors: Reps. Perry Buck (R) and Joann Ginal (D), Sens. Jack Tate (R) and John Kefalas (D)

Status: **Governor Signed**

- Sets parameters for health care providers who enter into direct primary care agreements with patients. Such agreements are not subject to state regulation because they replace insurance with a doctor/consumer contract. This model has become especially popular in Colorado.

### **House Bill 17-1121: Patient Safety Act**

Sponsor: Rep. Janet Buckner (D), Sen. Nancy Todd (D)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (3-2)**

- Would have expanded fingerprint-based criminal background check requirements to a broad set of health care providers, such as dentists, podiatrists, veterinarians and certified nurse aides. It would also have replaced the existing Nurse Licensure Compact with an enhanced version. The bill came on the heels of a successful 2016 measure that instituted background checks for surgical technicians, but faced opposition from medical professionals and industry groups that worried the checks would be too slow and place a burden on rural law enforcement offices.

### **House Bill 17-1122: Gender Identification on Birth Certificates**

Sponsors: Rep. Daneya Esgar (D), Sen. Dominick Moreno (D)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (3-2)**

- Would have repealed state provisions and created new, less burdensome requirements for issuing birth certificates in cases of changes to gender designation. Under current law, a person born in Colorado who seeks a new birth certificate to reflect a gender change must obtain a court order indicating a surgical procedure and must obtain a court order with a legal name change.

### **House Bill 17-1126: Medicaid Appeal Review Legal Notice Requirements**

Sponsors: Reps. Jessie Danielson (D) and Dafna Michaelson Jenet (D), Sen. Larry Crowder (R)

Status: **Governor Signed**

- For appeals concerning the termination or reduction of Medicaid benefits, requires judges to review the legal sufficiency of the notice that was given to the enrollee and advise them of options if it was insufficient. The bill came from the interim study committee on communications from the Department of Health Care Policy and Financing (HCPF).

### **House Bill 17-1129: Technical Issues Filing Medicaid Appeals**

Sponsors: Rep. Jessie Danielson (D), Sen. Larry Crowder (R)

Status: **Failed in House Public Health Care and Human Services Committee (12-0)**

- Would have clarified that Medicaid enrollees filing an appeal do not need to request to continue benefits during the appeal process. The bill came from the interim study committee on HCPF communications.

### **House Bill 17-1139: Medicaid Provider Compliance Billing Safety Rules**

Sponsors: Reps. Lois Landgraf (R) and Dafna Michaelson Jenet (D), Sens. John Kefalas (D) and Beth Martinez Humenik (R)

Status: Passed – waiting for signature

- Allows HCPF to fine providers who send a balance bill to a Medicaid enrollee for covered services. It also allows HCPF to suspend these providers if the behavior is not corrected. Previously, HCPF could only act retroactively and terminate a provider from the network as a penalty.

### **House Bill 17-1143: Audits of Medicaid Client Correspondence**

Sponsors: Rep. Lois Landgraf (R), Sen. Larry Crowder (R)

Status: Governor Signed

- Directs the Office of the State Auditor to conduct audits of Medicaid client correspondence including letters and notices. Audits will be conducted in 2020 and 2023 and thereafter at the discretion of the state auditor. The bill came from the interim study committee on HCPF communications.

### **House Bill 17-1146: Parents' Rights Related to Minors**

Sponsors: Rep. Patrick Neville (R)

Status: Failed in House Health, Insurance and Environment Committee (6-5)

- Would have allowed school employees to dispense over-the-counter medications to a student if the student's parent or legal guardian provided the district with written authorization. It would also have allowed a parent or guardian to opt out of the education system's collection and storage of any data related to his or her child.

### **House Bill 17-1156: Prohibits Conversion Therapy Mental Health Provider**

Sponsors: Rep. Paul Rosenthal (D), Sen. Stephen Fenberg (D)

Status: Failed in Senate State, Veterans and Military Affairs Committee (3-2)

- Would have prohibited a licensed physician specializing in psychiatry or a licensed or registered mental health provider from providing conversion therapy to a minor. "Conversion therapy" involves efforts that seek to change an individual's sexual orientation.

### **House Bill 17-1173: Health Care Providers and Carriers Contracts**

Sponsors: Rep. Chris Hansen (D), Sen. Tim Neville (R)

Status: Governor Signed

- Requires contracts to explicitly prohibit an insurance carrier from retaliating against a health provider for their disagreement with a carrier's decision on the provision of health care services. Prior law required the contract to state only that the carrier could not terminate the contract.

### **House Bill 17-1186: Health Coverage Prescription Contraceptives Supply**

Sponsors: Reps. Brittany Pettersen (D) and Lois Landgraf (R), Sen. Don Coram (R)

Status: Passed – waiting for signature

- Requires insurers that provide contraception coverage to allow people to get up to a year of prescription contraception at a time.

**House Bill 17-1187: Change Excess State Revenues Cap Growth Factor**

Sponsors: Rep. Dan Thurlow (R), Sen. Larry Crowder (R)

Status: Failed in Senate State, Veterans and Military Affairs Committee (3-2)

- Would have modified the Taxpayer's Bill of Rights (TABOR) revenue cap by allowing an annual adjustment for an increase based on the average annual change of Colorado personal income over the previous five years, rather than adjusting based on inflation and population growth. The bill would have required voter approval for the change, as mandated by TABOR.

### **House Bill 17-1215: Mental Health Support Peace Officers**

Sponsors: Rep. James Coleman (D), Sens. Daniel Kagan (D) and Bob Gardner (R)

Status: Governor Signed

- Creates the Peace Officers Mental Health Support grant program in the Department of Local Affairs (DOLA) to provide money for sheriffs and police officers to engage with mental health professionals. These professionals provide on-scene response services to support officers in handling people with a mental health disorder, as well as counseling services.

### **House Bill 17-1220: Prevent Marijuana Diversion to Illegal Market**

Sponsors: Reps. KC Becker (D) and Cole Wist (R), Sens. Rhonda Fields (D) and Bob Gardner (R)

Status: Passed – waiting for signature

- Limits the total number of medical or retail use marijuana plants that can be possessed or grown on a residential property to 12, unless allowed by a local ordinance, and establishes graduated criminal penalties for violators.

### **House Bill 17-1221: Gray and Black Market Marijuana Enforcement Efforts**

Sponsors: Reps. Yeulin Willet (R) and Dan Pabon (D), Sens. John Cooke (R) and Irene Aguilar (D)

Status: Passed – waiting for signature

- Creates the Gray and Black Market Marijuana Enforcement grant program in DOLA. The program will award grants to local law enforcement to cover investigation and prosecution costs associated with unlicensed and unlawful marijuana cultivation or distribution. The bill establishes priority communities and activities for funding. Also establishes criminal penalties for possessing marijuana grown for another person unless the grower/possessor is a primary caregiver.

### **House Bill 17-1224: Misbranded Adulterated Counterfeit Drugs Penalty**

Sponsors: Rep. Tracy Kraft-Tharp (D), Sen. Bob Gardner (R)

Status: Passed – waiting for signature

- More clearly specifies the laws against the possession, sale, dispensation, receipt and administration of counterfeit drugs and establishes a penalty of \$1,000 to \$10,000 in civil fines.

### **House Bill 17-1235: Financial Relief Defray Individual Health Plan Cost**

Sponsors: Reps. Diane Mitsch Bush (D) and Millie Hamner (D), Sens. Don Coram (R) and Larry Crowder (R)

Status: Failed in Senate State, Veterans and Military Affairs Committee (3-2)

- Would have created a short-term “financial relief program” for people in high-cost areas who spend more than 15 percent of household income on health insurance premiums. To qualify, people’s income would also have to be between 400 percent and 500 percent of the federal poverty line, which is just above the level where federal subsidies for premium assistance end. The bill was amended to reduce its projected \$13.2 million cost to \$5.7 million. *\*Backed by Hickenlooper administration*

### **House Bill 17-1236: Health Care Policy and Financing Annual Report on Hospital Expenditures**



Sponsors: Rep. Chris Kennedy (D), Sens. Don Coram (R) and Jim Smallwood (R)

Status: Failed in Senate State, Veterans and Military Affairs Committee (3-2)

- Would have required HCPF to prepare an annual report detailing uncompensated hospital costs and different categories of hospital expenditures. *\*Backed by Hickenlooper administration*

**House Bill 17-1237: State Employee Group Benefit Plans for Local Government**

Sponsors: Rep. Millie Hamner (D), Sens. Don Coram (R) and Larry Crowder (R)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (3-2)**

- Would have authorized local governments to opt in to providing insurance to their employees through plans currently reserved for state employees. Sponsors believed this would allow local government workers to access more affordable coverage. *\*Backed by Hickenlooper administration*

**House Bill 17-1246: ST-elevation Myocardial Infarction Task Force Recommend. Heart Attack Care**

Sponsors: Rep. Tracy Kraft-Tharp (D), Sens. Jack Tate (R) and Leroy Garcia (D)

Status: **Governor Signed**

- Implements the recommendations of the ST-elevation myocardial infarctions (STEMI) Task Force, which was created through SB 13-225 to study and make recommendations (mostly around reporting) for developing a statewide plan to improve care for heart attack patients.

**House Bill 17-1247: Patient Choice Health Care Provider**

Sponsors: Reps. Jessie Danielson (D) and Jon Becker (R), Sen. Jerry Sonnenberg (R)

Status: **Failed in House Health, Insurance and Environment Committee (7-4)**

- Would have prohibited a health insurance plan from limiting a covered person's ability to select a provider of their choice as long as certain criteria were met. It also would have prohibited carriers from imposing any form of cost-sharing for selecting a provider of the covered person's choosing.

**House Bill 17-1264: PACE Ombudsman Program Add Local Ombudsmen**

Sponsors: Reps. Joann Ginal (D) and Polly Lawrence (R), Sens. Cheri Jahn (D) and Beth Martinez Humenik (R)

Status: **Passed – waiting for signature**

- Adds local all-inclusive care for the elderly (PACE) program ombudsmen to the state ombudsman's office. Previously, there was only a state PACE ombudsman.

**House Bill 17-1278: Insurance Premium Tax Deposit to Local Firefighter Fund**

Sponsors: Reps. Tony Exum (D) and Brittany Pettersen (D), Sens. Lucia Guzman (D) and Leroy Garcia (D)

Status: **Failed in Senate Appropriations Committee (4-3)**

- Would have required the state treasurer to deposit \$2.5 million of the proceeds from the tax on insurance policy premiums in the Local Firefighter Safety and Disease Prevention Fund for three years, beginning in 2017.

**House Bill 17-1279: Construction Defect Actions Notice Vote Approval**

Sponsors: Reps. Alex Garnett (D) and Lori Saine (R), Sens. Lucia Guzman (D) and Jack Tate (R)

Status: **Governor Signed**

- Requires a majority of condo owners to vote on taking legal action against developers for construction defects, rather than a vote by the homeowners' association only. Homeowners'

associations must hold a meeting where the developer can make an offer to remedy the defect(s). The bill addressed a hot topic for affordable housing advocates who link housing availability to health and was one of the session's biggest bipartisan success stories. After years of failure on the issue, HB 1279 passed the House unanimously and picked up all but two votes in the Senate.

### **House Bill 17-1286: State Employee Health Carrier Requirements**

Sponsors: Rep. Daneya Esgar (D), Sen. Larry Crowder (R)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (3-2)**

- Would have required health insurance carriers that contract to provider group benefit plans to state employees to participate in the Colorado health insurance exchange, provide plans in two counties in a geographic rating area with the highest premiums, and participate in Medicaid, CHP+, and certain grant programs. *\*Backed by Hickenlooper administration*

### **House Bill 17-1295: Repeal Governor's Office of Marijuana Coordination**

Sponsors: Rep. Bob Rankin (R), Sen. Dominick Moreno (D) – *Joint Budget Committee bill*

Status: **Governor Signed**

- As of July 1, 2017, repeals the Office of Marijuana Coordination, which was created in 2014 to spearhead the executive branch's response to retail marijuana legalization as directed by the governor.

### **House Bill 17-1307: Family and Medical Leave Insurance Program Wage Replacement**

Sponsors: Rep. Faith Winter (D), Sens. Rhonda Fields (D) and Dominick Moreno (D)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (3-2)**

- Would have created the Family and Medical Leave Insurance (FAMLI) program to provide wage-replacement for individuals who take leave from work to care for themselves or a family member for a major medical issue -- i.e., paid family leave. A similar bill was killed in previous sessions.

### **House Bill 17-1318: Division of Insurance Annual Report Pharmaceutical Costs Data**

Sponsors: Rep. Joann Ginal (D), Sens. John Kefalas (D) and Don Coram (R)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (3-2)**

- Would have required insurance carriers to report pharmaceutical cost data annually to the Division of Insurance (DOI). Data would have included total drug costs (including the amount paid by patients), net drug costs as both a dollar amount and a percentage of total medical costs, and information on the 10 most dispensed and highest-cost drugs. The DOI would then have analyzed the data and reported back to legislators. *\*Backed by Hickenlooper administration*

### **House Bill 17-1320: Age of Consent Outpatient Psychotherapy for Minors**

Sponsors: Reps. Dafna Michaelson Jenet (D) and Lois Landgraf (R), Sens. Stephen Fenberg (D) and Don Coram (R)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (3-2)**

- Would have lowered the age of consent for outpatient psychotherapy services from 15 years to 12 years. Also would have allowed a minor who is at least 10 years old to receive outpatient psychotherapy services without the consent of a parent or guardian.

### **House Bill 17-1322: Domestic Violence Reports by Medical Professionals**

Sponsors: Reps. Daneya Esgar (D) and Lois Landgraf (R), Sens. Kevin Lundberg (R) and Kerry Donovan (D)

Status: Passed – waiting for signature

- States that a licensed physician, physician assistant (PA) or anesthesiologist assistant shall not report an injury resulting from domestic violence if certain conditions are met (e.g., the victim is at least 18 years old and requests that the injury not be reported; the licensee refers the victim to a victim's advocate). The provider is immune to civil or criminal liability as long as the bill's requirements are followed.

### **House Bill 17-1345: Retail Marijuana Sales Tax Rate**

Sponsors: Rep. Bob Rankin (R), Sen. Dominick Moreno (D) – *Joint Budget Committee bill*

Status: **Failed in Senate Finance Committee (3-2)**

- Would have prevented the retail marijuana sales tax rate from decreasing from 10 percent to 8 percent on July 1, 2017, as scheduled. (Colorado charges an additional 2.9 percent sales tax on marijuana.)

### **House Bill 17-1350: Pharmacist Partial Fill Opioid Prescription**

Sponsors: Reps. Larry Liston (R) and Brittany Pettersen (D), Sens. Cheri Jahn (D) and Jim Smallwood (R)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (4-0)**

- Would have allowed pharmacists to partially fill a Schedule II opioid prescription (e.g., seven days instead of 30 days) if authorized by the prescribing physician or patient. *\*Backed by Hickenlooper administration*

### **House Bill 17-1351: Study Inpatient Substance Use Disorder Treatment**

Sponsors: Reps. Brittany Pettersen (D) and Bob Rankin (R), Sens. Cheri Jahn (D) and Larry Crowder (R)

Status: **Passed – waiting for signature**

- Requires HCPF and the Department of Human Services to study options for funding residential and inpatient substance use disorder treatment under Medicaid. Currently, these services are not covered.

### **House Bill 17-1353: Implement Medicaid Delivery and Payment Initiatives**

Sponsors: Rep. Dave Young (D), Sen. Kevin Lundberg (R) – *Joint Budget Committee bill*

Status: **Governor Signed**

- Authorizes HCPF to continue implementation of the Accountable Care Collaborative (ACC), a Medicaid care delivery system. The bill defines the goals of the ACC and the department's implementation of it. It also requires HCPF to submit an annual progress report to the Joint Budget Committee and the health care committees in both chambers.

### **House Bill 17-1367: Authorize Marijuana Clinical Research**

Sponsors: Reps. Dan Pabon (D) and Jeni Arndt (D), Sens. Randy Baumgardner (R) and Cheri Jahn (D)

Status: **Passed – waiting for signature**

- Creates a marijuana research and development license (allows the holder to possess marijuana for research) and a marijuana research and development cultivation license (allows the holder to grow, cultivate, possess and transfer marijuana for research), effective July 2018.

### **House Bill 17-1368: End-of-life Death Certificate Signature**

Sponsors: Rep. Joann Ginal (D), Sen. Lois Court (D)

Status: **Failed in House Health, Insurance and Environment Committee (11-0)**

- Would have made it optional, rather than required, for an attending physician or hospice medical director to sign the death certificate of an individual who obtained and self-administered aid-in-dying medication under the Colorado End-of-life Options Act.

### **House Bill 17-1371: Distribution of Medications to Certain Outlets**

Sponsors: Rep. Pete Lee (D), Sen. John Cooke (R)

Status: **Passed – waiting for signature**

- Broadens the type of facilities that can legally receive medications from accredited hospitals, prescription drug outlets operated by a health maintenance organization, and the state Department of Corrections. Previously, these groups could only distribute medications to affiliated pharmacies.
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## **SENATE BILLS**

### **Senate Bill 17-003: Repeal Colorado Health Benefit Exchange**

Sponsors: Sen. Jim Smallwood (R), Rep. Patrick Neville (R)

Status: **Failed on Senate floor (laid over until after session without a vote)**

- Would have repealed the Colorado Health Benefit Exchange Act (2010) as of January 1, 2018, and required the state exchange, Connect for Health Colorado, to cease operations after one year. At that point, any remaining funds in the exchange would have been transferred to the state general fund.

### **Senate Bill 17-004: Access to Providers for Medicaid Recipients**

Sponsors: Sen. Jack Tate (R), Rep. Cole Wist (R)

Status: **Failed in House State, Veterans and Military Affairs Committee (5-3)**

- Would have allowed Medicaid recipients to pay and receive care from non-Medicaid providers. Prior to providing medical services, a non-enrolled provider would have needed to sign an agreement with the Medicaid enrollee, and could then have charged them for the cost of the services. Enrollees are not currently prohibited from seeing non-Medicaid providers but do not have access to them because the providers are not paid. Opponents worried this would incentivize providers to drop out of the Medicaid program.

### **Senate Bill 17-017: Allow Medical Marijuana Use for Stress Disorders**

Sponsors: Sen. Irene Aguilar (D), Rep. Jonathan Singer (D)

Status: **Passed – waiting for signature**

- Adds “acute stress disorder” and “post-traumatic stress disorder” to the list of conditions approved for using medical marijuana. The bill was recommended by the Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado.

### **Senate Bill 17-019: Medication Mental Illness in Justice Systems**

Sponsors: Sen. Beth Martinez Humenik (R), Rep. Jonathan Singer (D)

Status: **Passed – waiting for signature**

- Promotes increased medication consistency for people with mental illness in the criminal and juvenile justice systems by implementing recommendations from the Legislative Oversight

Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems. These recommendations include requirements around reporting, data sharing and collaboration.

**Senate Bill 17-021: Assistance to Released Mentally Ill Offenders**

Sponsors: Sen. Beth Martinez Humenik (R), Rep. Jonathan Singer (D)

Status: **Passed – waiting for signature**

- Establishes a program to provide vouchers and supportive services to people with a mental illness who are being released from the Department of Corrections or jails.



### **Senate Bill 17-025: Marijuana Education Materials Resource Bank**

Sponsors: Sens. Randy Baumgardner (R) and Chris Holbert (R), Rep. Johnathan Singer (D)

Status: **Passed – waiting for signature**

- Requires the Colorado Department of Education (CDE), with assistance from the Colorado Department of Public Health and Environment, to create and maintain a resource bank of marijuana-related materials and curricula by July 1, 2017. Resources will be free of charge to schools. CDE must also provide technical assistance in developing a marijuana-related curriculum for schools that request it.

### **Senate Bill 17-032: Prescription Drug Monitoring Program Access**

Sponsors: Sen. Michael Merrifield (D)

Status: **Failed in Senate Judiciary Committee (3-2)**

- Would have allowed law enforcement and state regulatory boards to access the prescription drug monitoring program (PDMP), which is used by providers to track prescriptions of substances like opioids, with a court order or warrant issued from probable cause. Currently, these officials must have an official court order or subpoena to access the program.

### **Senate Bill 17-033: Delegate Dispensing Over-the-Counter Medications**

Sponsors: Sen. Irene Aguilar (D), Rep. Polly Lawrence (R)

Status: **Governor Signed**

- Allows a registered nurse to delegate to another person, after appropriate training, the dispensing authority of an over-the-counter medication to a minor with the signed consent of a parent or guardian.

### **Senate Bill 17-057: Colorado Healthcare Affordability and Sustainability Enterprise**

Sponsors: Sen. Lucia Guzman (D)

Status: **Failed in Senate Finance Committee (3-0)**

- Would have reclassified the Hospital Provider Fee as an enterprise fund so it would not count toward the revenue limit established by TABOR. A similar effort to enterprise the fee without accompanying changes failed in 2016. Guzman requested that the bill be killed in its first committee hearing, knowing that a more comprehensive bill with bipartisan support (SB 17-267) was in development.

### **Senate Bill 17-063: Marijuana Club License**

Sponsors: Sen. Vicki Marble (R), Rep. Jovan Melton (D)

Status: **Failed in Senate Business, Labor and Technology Committee (6-1)**

- Would have created a marijuana consumption club license. The clubs would have had to be 21+ and their sales would have been restricted to the same limits as retail marijuana or medical marijuana stores.

### **Senate Bill 17-064: License Freestanding Emergency Departments**

Sponsors: Sen. John Kefalas (D), Rep. Susan Lontine (D)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (3-2)**

- Would have regulated freestanding emergency departments (FSEDs) – those not attached to a hospital. FSEDs, which are being built with increasing frequency (especially in Front Range suburbs), would have needed a new license and been subject to rules regarding safety and care standards, staffing requirements, improved transparency in billing and other requirements. In addition, Colorado would not have licensed any new FSEDs until July 2019, unless the facility was in an underserved (i.e., rural) area.

### **Senate Bill 17-065: Transparency in Direct-Pay Health Care Prices**

Sponsors: Sen. Kevin Lundberg (R), Rep. Susan Lontine (D)

Status: **Governor Signed**

- Requires health care professionals and facilities to publish the direct-pay prices they charge for at least their 15 most common health care services. This does not apply in situations involving a public or third-party payer. The scope goes beyond medical care, also including dental, optometric and mental health services. SB 65 was notable as a successful transparency bill, which passed while others backed by the Hickenlooper administration did not.

### **Senate Bill 17-068: School Counselors Early Support for Students**

Sponsors: Sen. Nancy Todd (D), Rep. Jonathan Singer (D)

Status: **Governor Signed**

- Adds elementary schools to the list of public schools eligible to receive a grant through the Behavioral Health Care Professional Matching Grant Program and the School Counselor Corps Grant Program.

### **Senate Bill 17-074: Create Medication-Assisted Treatment Pilot Program**

Sponsors: Sen. Leroy Garcia (D), Rep. Daneya Esgar (D)

Status: **Governor Signed**

- Expands medication-assisted treatment by training more providers in two areas of the state hit especially hard by the opioid crisis: Pueblo and Routt counties. The program will be administered by the University of Colorado College of Nursing. The bill includes an appropriation of \$500,000 from the Marijuana Tax Cash Fund in each of the next two fiscal years to fund area organizations involved in behavioral health and substance use treatment.

### **Senate Bill 17-081: Rural Broadband Deployment**

Sponsors: Sen. Kerry Donovan (D), Reps. KC Becker (D) and Jeni Arndt (D)

Status: **Failed in Senate Business, Labor and Technology Committee (5-2)**

- Would have changed rules related to statewide broadband competition and funding to increase access in rural Colorado. The bill would have redirected funds within the High-Cost Support Mechanism Fund away from telephone line deployment to strengthen broadband networks.

### **Senate Bill 17-082: Regulation of Methadone Treatment Facilities**

Sponsors: Sen. Kent Lambert (R), Rep. Paul Lundeen (R)

Status: **Failed in House State, Veterans and Military Affairs Committee (6-3)**

- Would have required additional standards for methadone treatment facilities, including minimum distances for such facilities from schools, colleges, residential child care facilities and public parks, and a disclosure of infractions by the owner of the facility. The bill also would have specified that a methadone treatment facility is not a medical clinic for zoning purposes.

### **Senate Bill 17-084: Coverage for Drugs in a Health Coverage Plan**

Sponsors: Sen. Cheri Jahn (D), Reps. Daneya Esgar (D) and Jonathan Singer (D)

Status: Failed in Senate Health and Human Services Committee (3-2)

- Would have prohibited insurers from dropping coverage for a drug for an enrollee if that drug had been covered at the time the person enrolled in the plan. Drug costs couldn't be raised during the plan year.

### **Senate Bill 17-088: Participating Provider Network Selection Criteria**

Sponsors: Sens. Angela Williams (D) and Chris Holbert (R), Reps. Kevin Van Winkle (R) and Edie Hooton (D)

Status: [Governor Signed](#)

- Requires insurers to define criteria for including health care providers in their networks and to hear appeals from providers who are de-selected. The bill states that a carrier cannot discriminate against high-risk populations or exclude providers that treat these populations, which cost more. A carrier must make its standards available to the commissioner of insurance for review, share the standards with the providers in its networks, and make the standards available in plain language to the public.

### **Senate Bill 17-091: Allow Medicaid Home Health Services in Community**

Sponsors: Sens. Dominick Moreno (D) and Larry Crowder (R), Rep. Joann Ginal (D)

Status: [Passed – waiting for signature](#)

- Removes Colorado's location restriction for Medicaid home health services to comply with changes to federal Medicaid rules, which allow services to be delivered in the community as well as the residence. Previously, these services had to be provided at home for some Medicaid clients.

### **Senate Bill 17-095: Repeal the Death Penalty**

Sponsors: Sen. Lucia Guzman (D), Rep. Alec Garnett (D)

Status: [Failed in Senate Judiciary Committee \(3-2\)](#)

- Would have repealed the death penalty in Colorado for offenses committed on or after July 1, 2017.

### **Senate Bill 17-104: Catastrophic Plans in Geographic Rating Areas**

Sponsors: Sen. Kerry Donovan (D)

Status: [Failed in Senate Business, Labor and Technology Committee \(4-2\)](#)

- Would have required health insurance carriers to offer a catastrophic health insurance plan to eligible individuals under 30 years old in certain high-cost geographic rating areas for a minimum of three years.

### **Senate Bill 17-121: Improve Medicaid Client Correspondence**

Sponsors: Sens. Kevin Lundberg (R) and Larry Crowder (R), Reps. Lois Landgraf (R) and Jessie Danielson (D)

Status: [Passed – waiting for signature](#)

- Requires HCPF to engage in an ongoing testing process to improve Medicaid client communications that concern eligibility for or the denial, reduction, suspension, or termination of a benefit. Assuming resources are available, HCPF must make more information available electronically beginning in July 2018. The bill came from the interim study committee on HCPF communications.

### **Senate Bill 17-146: Access to Prescription Drug Monitoring Program**

Sponsors: Sen. Cheri Jahn (D), Rep. Joann Ginal (D)

Status: Governor Signed

- Allows providers and veterinarians to query the PDMP database under an expanded list of circumstances (e.g., even when they're not prescribing or considering prescribing a controlled substance to a patient).

### **Senate Bill 17-151: Consumer Access to Health Care**

Sponsors: Sen. Larry Crowder (R), Rep. Joann Ginal (D)

Status: **Failed in Senate Business, Labor and Technology Committee (5-2)**

- Would have applied new requirements to insurance carriers and intermediaries with the intent of increasing consumer access to care. For example, the bill would have prohibited insurers from creating incentives to reduce or deny coverage authorizations or medical necessity determinations to patients.

### **Senate Bill 17-184: Private Marijuana Clubs Open and Public Use**

Sponsors: Sen. Bob Gardner (R), Rep. Dan Pabon (D)

Status: **Failed (House and Senate rejected Conference Committee report)**

- At first, would have authorized marijuana membership clubs for members 21 and older that allow for on-site consumption (a replacement for SB 63). Jurisdictions would have had to adopt ordinances authorizing them. The bill detailed requirements and prohibitions for clubs (e.g., employees must be Colorado residents). Legislators then disagreed over how to define “open and public” marijuana use, which affects, for example, who can legally consume marijuana on a home’s front porch.

### **Senate Bill 17-190: Insurance Carrier Fees Noncovered Dental Services**

Sponsors: Sen. Larry Crowder (R), Rep. Matt Gray (D)

Status: **Governor Signed**

- Prevents dental insurers from setting standard fees for services they do not cover. The bill authorizes dentists, with patient agreement, to determine the charge for noncovered items or services, as long as the amount is not more than the usual amount charged for the service(s) in question.

### **Senate Bill 17-192: Marijuana Business Efficiency Measures**

Sponsors: Sen. Tim Neville (R), Reps. Jonathan Singer (D) and Jovan Melton (D)

Status: **Passed – waiting for signature**

- Allows medical marijuana centers and retail marijuana stores to apply for approval to deliver marijuana. The centers and stores with the delivery endorsement may use an employee or contract with a medical or retail marijuana transporter to make deliveries. The bill also allows the state to authorize single-instance transfers of retail marijuana or products to a medical marijuana licensee based on a business need due to a change in local, state, or federal law or enforcement policy.

### **Senate Bill 17-193: Research Center Prevention Substance Abuse Addiction**

Sponsors: Sens. Kevin Lundberg (R) and Cheri Jahn (D), Reps. Bob Rankin (R) and Brittany Pettersen (D)

Status: **Governor Signed**

- Establishes the Center for Research into Substance Use Disorder Prevention, Treatment, and Recovery Support Strategies at the University of Colorado Health Sciences Center. The bill appropriates \$1 million from cash funds to the Department of Higher Education for the center.

**Senate Bill 17-198: Public Participate Review Acquire Control Insurer**

Sponsors: Sen. Kevin Priola (R), Rep. Alec Garnett (D)

Status: Passed – waiting for signature

- Expands the public notice for acquisition of a domestic insurer that offers health plans. Public notice and a hearing for such acquisitions was already required, but the bill mandates the insurance commissioner to provide additional information if there is evidence of a violation of legal competitive standards.



### **Senate Bill 17-203: Prohibit Carrier from Requiring Alternative Drug**

Sponsors: Sen. Nancy Todd (D), Reps. Chris Kennedy (D) and Phil Covarrubias (R)

Status: **Passed – waiting for signature**

- States that in certain cases, insurers must cover drugs that are prescribed by a provider and covered by the patient's insurance formulary without requiring the patient to undergo step therapy (the process by which alternative drugs are tried first). Applies to a) patients with a terminal condition and b) patients who have undergone step therapy for the drug in question under another insurance plan and found it to be ineffective, or tried a step-therapy-required drug that was discontinued by the manufacturer.

### **Senate Bill 17-206: Out-of-network Providers Payments Patient Notice**

Sponsors: Sen. Bob Gardner (R), Rep. Jonathan Singer (D)

Status: **Failed in Senate Business, Labor and Technology Committee (7-0)**

- Would have outlined the method by which a health insurer determines the amount it must pay an out-of-network provider that provided covered services to a covered person at an in-network facility. The insurer would have been required to pay the out-of-network provider directly. The bill also would have established an independent dispute resolution process by which out-of-network providers could obtain review of payments from insurers. SB 206 was killed at the request of its sponsor after discussions between doctors and insurers stalled.

### **Senate Bill 17-207: Strengthen Colorado Behavioral Health Crisis System**

Sponsors: Sens. John Cooke (R) and Daniel Kagan (D), Reps. Lang Sias (R) and Joseph Salazar (D)

Status: **Governor Signed**

- Clarifies the role of the state's behavioral health crisis system and puts systems in place to help Colorado end the use of jails to hold individuals experiencing a behavioral health crisis. This will be accomplished by increasing the ability of crisis service facilities (walk-in centers, acute treatment units and crisis stabilization units) to care for those who are brought in needing a 72-hour hold. Follows the governor's veto of a 2016 bill (SB 16-169) that would have changed the emergency mental health hold procedure.

### **Senate Bill 17-242: Modernize Behavioral Health Terminology in Colorado Revised Statutes**

Sponsors: Sen. Beth Humenik (R), Reps. Kim Ransom (R) and Joann Ginal (D)

Status: **Governor Signed**

- Updates terminology in the Colorado Revised Statutes related to behavioral health and substance use disorders, including correcting references to some state offices working in these areas.

### **Senate Bill 17-244: Retail Food Establishment Fees**

Sponsors: Sen. Kevin Priola (R), Rep. Matt Gray (D)

Status: **Passed – waiting for signature**

- Authorizes county or local district boards to set license fees for restaurants that are lower than what is stated in statute, as long as the boards are compliant with food safety laws.

**Senate Bill 17-246: Legislative Committee Person with Mental Health Disorder Justice System**

Sponsors: Sen. Beth Humenik (R), Reps. Jonathan Singer (D) and Dafna Michaelson Jenet (D)

Status: Governor Signed

- Changes the name of the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems to reflect updated terminology. "Mental illness" becomes "mental health disorders".

### **Senate Bill 17-249: Sunset Division of Insurance**

Sponsors: Sens. Angela Williams (D) and Jim Smallwood (R), Rep. Joann Ginal (D)

Status: **Passed – waiting for signature**

- Extends the sunset of the DOI to 2030 and implements recommendations of the Department of Regulatory Agencies' sunset review board (largely based on stakeholder recommendations).

### **Senate Bill 17-250: Student Exemption from Immunization Requirements**

Sponsors: Sens. Tim Neville (R) and Vicki Marble (R), Reps. Patrick Neville (R) and Steve Lebsack (R)

Status: **Failed on Senate floor (second reading)**

- Would have allowed an exemption letter to waive a school immunization requirement to be from a physician, PA or advanced practice nurse or from a parent, guardian, emancipated student or student 18 years of age or older. A person submitting a letter would not have been required to use a specified form.

### **Senate Bill 17-254: 2017-18 Long Appropriations Bill**

Sponsors: Sen. Kent Lambert (R), Rep. Millie Hamner (D) – *Joint Budget Committee bill*

Status: **Governor Signed**

- The state's fiscal year 2017-18 budget, totaling approximately \$27 billion.

### **Senate Bill 17-256: Hospital Reimbursement Rates**

Sponsors: Sen. Kent Lambert (R), Rep. Millie Hamner (D) – *Joint Budget Committee bill*

Status: **Governor Signed**

- Reduces the cash funds appropriation from the Hospital Provider Fee in 2017-18 by just over \$264 million, allowing the state to negate an anticipated TABOR refund. This change was made unnecessary by the subsequent passage of SB 267, which converts the provider fee to an enterprise fund and therefore removes its revenue from under the TABOR cap.

### **Senate Bill 17-264: Funding for Behavioral Mental Health Disorder Services**

Sponsors: Sen. Dominick Moreno (D), Rep. Dave Young (D) – *Joint Budget Committee bill*

Status: **Passed – waiting for signature**

- Clarifies that the marijuana cash fund may be used to fund behavioral health services.

### **Senate Bill 17-267: Sustainability of Rural Colorado**

Sponsors: Sens. Lucia Guzman (D) and Jerry Sonnenberg (R), Reps. KC Becker (D) and Jon Becker (R)

Status: **Governor Signed**

- Converts the Hospital Provider Fee to an enterprise fund in exchange for numerous concessions to conservative legislators. These include: 1) lowering the TABOR cap by \$200 million (changed from \$670 million in initial proposal); 2) requiring all state agencies except Education and Transportation to propose a two-percent-lower budget; 3) securing \$150 million for a \$1.8 billion bond for transportation projects, with 25 percent of funds dedicated to rural counties; 4) allocating more money for rural and small schools; 5) providing \$120 million for capital construction; 6) creating a business personal property tax credit valued at \$21 million annually; and 7) increasing co-

payments for certain Medicaid services. The bill also increases the retail marijuana sales tax rate from 13 to 15 percent to fund aspects of the bill.

### **Senate Bill 17-268: Pharmacy Technician Supervisor Ratio**

Sponsors: Sens. Andy Kerr (D) and Jim Smallwood (R), Reps. Joann Ginal (D) and Kim Ransom (R)

Status: [Governor Signed](#)

- Allows pharmacists to supervise up to six pharmacy interns or technicians. The previous limit was three.

### **Senate Bill 17-274: Non-admitted Insurers Disability Surplus Lines Insurance**

Sponsors: Sen. Chris Holbert (R), Rep. Alec Garnett (D)

Status: [Passed – waiting for signature](#)

- Allows non-admitted insurers (those not been approved by the state insurance department) to offer disability insurance, instead of just property and casualty insurance, as a type of surplus lines insurance.

### **Senate Bill 17-275: Marijuana Pesticides Test Medical Effectiveness**

Sponsors: Sen. Cheri Jahn (D), Sen. Randy Baumgardner (R)

Status: [Failed in House Business Affairs and Labor Committee \(13-0\)](#)

- Would have directed the state Department of Public Health and Environment to use marijuana taxes for research grants regarding the efficacy of Colorado-grown medical marijuana. The bill also would have established interim standards for the use of pesticides on marijuana and related research.

### **Senate Bill 17-284: A Woman's Right to Accurate Health Care Information**

Sponsors: Sens. Kevin Lundberg (R) and Vicki Marble (R), Reps. Kim Ransom (R) and Lori Saine (R)

Status: [Failed on Senate floor \(second reading\)](#)

- Would have required that women seeking an abortion first have an ultrasound, and that abortion providers give detailed information on abortions to women at least 24 hours before performing the procedure. Those not complying with the requirements would have been subject to criminal penalties. This bill had also been attempted in 2016.

### **Senate Bill 17-295: Revise Medicaid Fraud Reporting**

Sponsors: Sen. Kevin Lundberg (R), Rep. Dave Young (D) – *Joint Budget Committee bill*

Status: [Passed – waiting for signature](#)

- Requires HCPF to annually submit a single, more comprehensive report on client and provider fraud in the Medicaid program, and to add the Joint Budget Committee to the list of committees that receive it.

### **Senate Bill 17-300: High-Risk Health Care Coverage Program**

Sponsors: Sen. Kent Lambert (R), Rep. Chris Kennedy (D)

Status: [Passed – waiting for signature](#)

- Directs the DOI to study methods of providing insurance to high-risk individuals and reducing health insurance premiums in Colorado's individual market (e.g., through a high-risk pool or reinsurance program) and to consider potential funding mechanisms, waiver applications, financial impacts, etc. The insurance commissioner will share findings with legislators by October 1, 2017.
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## **OTHER**

### **Senate Joint Resolution 17-034: Support the Affordable Care Act**

Sponsors: Sen. Irene Aguilar (D), Rep. Susan Lontine (D)

Status: **Failed in Senate Agriculture, Natural Resources and Energy Committee (6-5)**

- Would have expressed the legislature's support for the ACA and additional efforts to strengthen access to care, as well as opposition to efforts to repeal or weaken the law, especially without a viable replacement. The bill's assignment to Senate Ag. was a clear sign of Senate leadership's disapproval.