

## 2018 Session: Colorado Health Institute Bill Tracking List

Final Version

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

Status options: **Gov. Signed**, **Became Law Without Signature**, **Failed in Committee or on Floor**, **Gov. Veto\***

This year saw a flood of bills — the most introduced since 2004 and the most health bills ever tracked by CHI.

- Total measures tracked by CHI during 2018 session: **146** (85 House bills, 59 Senate bills and 2 resolutions)
- Success rate for health bills tracked by CHI: **49 percent** (72 passed out of 146 tracked)
- Success rate for all bills introduced in 2018 session: **60 percent** (432 passed out of 721 introduced)

As in past sessions, bills assigned to a health committee stood a good chance of advancing:

- Success rate for bills in House Health, Insurance and Environment: **74 percent** (killed 13 bills out of 50)
- Success rate for bills in House Public Health Care and Human Services: **93 percent** (killed 3 bills out of 41)
- Success rate for bills in Senate Health and Human Services: **89 percent** (killed 5 bills out of 46)

*\* Of bills tracked by CHI in 2018, one became law without the governor's signature and two were vetoed.*

### - HOUSE BILLS -

#### **House Bill 18-1001: FAMLI — Family Medical Leave Insurance Program**

Sponsors: Reps. Faith Winter (D) and Matt Gray (D), Sens. Kerry Donovan (D) and Rhonda Fields (D)

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

- Would have created the Family and Medical Leave Insurance program to provide partial wage-replacement to people taking leave for an illness or to care for a new child or sick family member. The program would have been funded by premiums on employees' wages. This effort has failed in past sessions as well, though proponents did not introduce a bill in the 2017 session.

#### **House Bill 18-1003: Opioid Misuse Prevention**



Sponsors: Rep. Brittany Pettersen (D), Sens. Kevin Priola (R) and Cheri Jahn (U)

Status: **Governor Signed**

- This wide-ranging bill makes the Opioid and Other Substance Use Disorders interim committee a permanent study committee, expands the definition of behavioral health services to include substance use disorder (SUD) for purposes of school-based health center (SBHC) grants, and appropriates funding for the grants. The bill also extends grant funding for Screening, Brief Intervention, and Referral to Treatment (SBIRT).

#### **House Bill 18-1006: Infant Newborn Screening**

Sponsors: Reps. Millie Hamner (D) and Larry Liston (R), Sens. Bob Gardner (R) and Dominick Moreno (D)

Status: **Governor Signed**

- Updates the newborn screening program to require more timely hearing tests and allow the Department of Public Health and Environment (CDPHE) to access a screening fee to help cover costs.

**House Bill 18-1007: Substance Use Disorder Payment and Coverage**

Sponsors: Reps. Chris Kennedy (D) and Jonathan Singer (D), Sens. Kent Lambert (R) and Cheri Jahn (U)

Status: **Governor Signed**

- Similarly wide-ranging to HB 1003. Prohibits prior authorization for at least one form of a Food and Drug Administration (FDA)-approved drug for SUD treatment and bans opioid “step therapy” that would require an individual to try an opioid before a more expensive pain alternative. The bill also allows pharmacists in collaborative practice agreements to receive enhanced fees for medication-assisted treatment (MAT).

**House Bill 18-1009: Diabetes Drug Pricing Transparency Act 2018**

Sponsors: Rep. Dylan Roberts (D), Sen. Kerry Donovan (D)

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

- Would have required drug manufacturers, pharmacy benefit managers, insurers and pharmacies to submit annual reports about the price and wholesale acquisition cost of prescription insulin drugs used to treat diabetes. That information, along with details like administrative expenses and research and development costs, would have been published in a report.

**House Bill 18-1012: Vision Care Plans Carriers and Eye Care Providers**

Sponsors: Reps. Jon Becker (R) and Susan Lontine (D), Sens. Kevin Lundberg (R) and Irene Aguilar (D)

Status: **Governor Signed**

- Establishes certain protections related to eye care providers and the vision plans with which they contract. Vision plan carriers cannot establish the payments for these services outside of usual and customary amounts and they must notify providers if terms in their contract change.

**House Bill 18-1015: Repeal Ammunition Magazine Prohibition**

Sponsors: Reps. Stephen Humphrey (R) and Lori Saine (R), Sen. Owen Hill (R)

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

- Would have repealed Colorado’s ban on large-capacity ammunition magazines.

**House Bill 18-1017: Psychology Interjurisdictional Compact**

Sponsors: Rep. Dafna Michaelson Jenet (D), Sens. Bob Gardner (R) and Stephen Fenberg (D)

Status: **Governor Signed**

- Enters Colorado into a multi-state compact allowing psychologists licensed in other compact states to provide telepsychology services and temporary in-person services to clients in any other compact state.

**House Bill 18-1021: Task Force for Youth Experiencing Homelessness**

Sponsors: Reps. Edie Hooton (D) and Lois Landgraf (R), Sen. John Kefalas (D)

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

- Would have established a task force concerning youth who are experiencing homelessness to study Colorado’s current system of care and services for youth and study how to prevent and end youth homelessness. The task force would have consisted of 21 members.

**House Bill 18-1032: Access Medical Records in State EMS Patient Care Database**

Sponsors: Reps. Chris Kennedy (D) and Dan Thurlow (R), Sens. Rhonda Fields (D) and Jack Tate (R)

Status: **Governor Signed**

- Requires CDPHE to make patient information in the Emergency Medical Services (EMS) Agency Patient Care Database available to the state’s health information exchanges.

**House Bill 18-1037: Concealed Handguns on School Grounds**

Sponsors: Rep. Patrick Neville (R), Sen. Tim Neville (R)

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

- Would have allowed an individual with a concealed carry permit to carry a concealed handgun onto public school grounds.

**House Bill 18-1044: Colorado Children’s Trust Fund Act**

Sponsors: Rep. Tracy Kraft-Tharp (D), Sen. Kevin Priola (R)

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

- Would have amended statutory language to place a higher priority on preventing deaths related to child maltreatment. This bill also would have increased the number of members on the Colorado Children’s Trust Fund board from nine to 21 and expanded members’ responsibilities to include, for instance, advising the governor and other stakeholders on child maltreatment prevention strategies.

**House Bill 18-1045: Dental Hygienist Apply Silver Diamine Fluoride**

Sponsors: Rep. Jonathan Singer (D), Sen. Jack Tate (R)

Status: **Governor Signed**

- Allows hygienists to apply silver diamine fluoride under the supervision of a dentist. The fluoride is a restorative measure that temporarily reduces sensitivity in decaying teeth. Dentists can oversee the procedure via telehealth technology.

**House Bill 18-1046: New Birth Certificate to Reflect Gender Change**

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

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

- Under current law, a person whose gender identity is different from the designated gender on their birth certificate must legally change their name and undergo surgery to get an amended birth certificate. This bill would have allowed a person to get a completely new certificate (not an amended version) and to do so without undergoing a name change and sex change surgery.

**House Bill 18-1054: Affordable Housing Plastic Shopping Bag Tax**

Sponsors: Rep. Paul Rosenthal (D), Sen. Lois Court (D)

Status: **Failed in House Local Government Committee (12-1)**

- Contingent on prior voter approval, the bill stated that if a store that meets certain criteria provides any plastic shopping bags to a customer, then the store is required to collect a tax of 25 cents from the customer. Tax revenue would have been deposited into the general fund, then into a housing development grant fund which exists to improve, preserve or expand the supply of affordable housing.

**House Bill 18-1064: Training Program for Prevention of Child Sexual Abuse**

Sponsors: Sens. Don Coram (R) and Rhonda Fields (D), Rep. Dafna Michaelson Jenet (D)

Status: **Governor Signed**

- Directs the Colorado Children’s Trust Fund board to develop and administer an evidence-based sexual abuse prevention training model for early childhood service providers, such as parents, child care providers, medical professionals and others, with the goal of preventing child sexual abuse.

**House Bill 18-1068: Eliminate “Registered” in Naturopathic Doctor Title**

Sponsors: Reps. Joann Ginal (D) and Lois Landgraf (R), Sens. Larry Crowder (R) and Don Coram (R)

Status: **Failed in Senate Business, Labor, and Technology Committee (4-3)**

- Would have changed the title that naturopathic doctors may use by eliminating the work “registered.”

**House Bill 18-1071: Regulate Oil and Gas Operations to Protect Public Safety**

Sponsors: Rep. Joseph Salazar (D), Sen. Dominick Moreno (D)

Status: **Failed in Senate Agriculture, Natural Resources and Energy Committee (8-3)**

- Would have encouraged more stringent regulation of oil and gas development. More specifically, this bill would have codified the result reached by the Colorado court of appeals in *Martinez v. Colo. Oil & Gas Conservation Commission* that construed existing language to mean that oil and gas development *is not balanced* with the protection of public health, safety, and welfare, including protection of the environment and wildlife resources.

**House Bill 18-1080: Climate Leadership Awards Program**

Sponsors: Rep. Edie Hooton (D)

Status: **Failed in House Transportation and Energy Committee (12-0)**

- Would have created the Colorado Climate Leadership Awards Program, which would have recognized organizations and individuals for their leadership in response to climate change.

**House Bill 18-1082: A Woman's Right to Accurate Health Care Information**

Sponsors: Rep. Lori Saine (R), Sen. Vicki Marble (R)

Status: **Failed in House Health, Insurance and Environment Committee (7-6)**

- Would have required additional information around options for pregnant women with the main focus of preventing abortions. HB 1082 would have made uncompliant medical providers liable for criminal action. This bill has been introduced and failed in several previous legislative sessions.

**House Bill 18-1085: Health Effects of Industrial Wind Turbines**

Sponsors: Rep. Paul Lundeen (R)

Status: **Failed in House Transportation and Energy Committee (8-4)**

- Would have required CDPHE to research the health effects of noise and stray voltage from wind turbines. CDPHE would then have published a report on the impacts and presented it to the General Assembly in 2020. The bill provided no research funds; rather, it encouraged the department to seek alternative funding sources.

**House Bill 18-1086: Community College Bachelor of Science Degree in Nursing**

Sponsors: Reps. Janet Buckner (D) and Paul Lundeen (R), Sens. Tim Neville (R) and Irene Aguilar (D)

Status: **Became Law Without Governor's Signature**

- Allows community colleges in the state system to offer Bachelor of Science degrees in nursing, based on student and workforce demand, cost effectiveness, and accreditation / licensing. Due to concerns raised about the bill and its impact on existing programs, Governor Hickenlooper chose to let it become law without his signature (he did not feel strongly enough to veto it).

### **House Bill 18-1091: Dementia Diseases and Related Disabilities**

Sponsors: Reps. Susan Beckman (R) and Joann Ginal (D), Sens. Jim Smallwood (R) and Nancy Todd (D)

Status: **Governor Signed**

- Updates statutory references to Alzheimer's and other dementia diseases and changes the name of the CU School of Medicine's Alzheimer's Disease Treatment and Research Center to the Dementia Diseases and Related Disabilities Treatment and Research Center.

### **House Bill 18-1092: Marijuana Delivery Pilot Project**

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

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

- Would have created a pilot program to allow marijuana delivery in up to three municipalities.

### **House Bill 18-1094: Children and Youth Mental Health Treatment Act**

Sponsors: Reps. Leslie Herod (D) and Cole Wist (R), Sens. Beth Martinez Humenik (R) and Dominick Moreno (D)

Status: **Governor Signed**

- Extends the Child Mental Health Treatment Act and expands the scope of the act through changes such as new reporting requirements.

### **House Bill 18-1097: Patient Choice of Pharmacy**

 CHI Priority Bill

Sponsors: Reps. Marc Catlin (R) and Jessie Danielson (D), Sens. Don Coram (R) and Nancy Todd (D)

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

- Would have prohibited insurance carriers and pharmacy benefit managers from limiting an enrollee's ability to select a pharmacy or pharmacist of their choice. The bill included a ban on imposing cost-sharing requirements (such as copayments) on an enrollee in return for selecting a particular pharmacy, and it said that insurers could not deny a licensed pharmacy or pharmacist from participating in their network.

### **House Bill 18-1112: Pharmacist Health Care Services Coverage**

Sponsors: Reps. Jon Becker (R) and Daneya Esgar (D), Sen. Larry Crowder (R)

Status: **Governor Signed**

- Requires insurance companies to cover certain health care services provided by pharmacists, as long as the services are delivered in a health provider shortage area and the insurer covers the same services when they are provided by a physician or advanced practice nurse. HB 1112 aims to alleviate the burden on rural health providers.

### **House Bill 18-1114: Require License to Practice Genetic Counseling**

Sponsors: Reps. Joann Ginal (D) and Janet Buckner (D), Sen. Nancy Todd (D)

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

- Would have required that individuals practicing genetic counseling be licensed by the Department of Regulatory Agencies (DORA), hold an appropriate genetic counseling degree and be certified by a national body.

### **House Bill 18-1118: Create Health Care Legislative Review Committee**

Sponsors: Reps. Joann Ginal (D) and Susan Beckman (R), Sens. Irene Aguilar (D) and Larry Crowder (R)

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

- Would have revived a defunct health care task force as the Statewide Health Care Review Committee. The group — comprised of members of the legislature's three health committees — would have been able to meet twice during the interim, including field trips, to study health care issues that affect Coloradans.

### **House Bill 18-1120: The Prohibition of Dismemberment Abortions**

Sponsors: Rep. Patrick Neville (R), Sens. Tim Neville (R) and Vicki Marble (R)

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

- Would have prohibited dismemberment abortions in Colorado except in cases of a medical emergency.

### **House Bill 18-1136: Substance Use Disorder Treatment**

 CHI Priority Bill

Sponsors: Rep. Brittany Pettersen (D), Sens. Kevin Priola (R) and Cheri Jahn (U)

Status: **Governor Signed**

- Directs the Department of Health Care Policy and Financing (HCPF) to pursue a federal waiver to add residential and inpatient SUD treatment, as well as medical detoxification services, to the list of Medicaid benefits. It includes a provision to pay providers for their cost of offering care, an attempt to help with rural providers' lower patient volume. The bill's champion, Rep. Brittany Pettersen (D-Lakewood), convinced her colleagues to focus on the manageable costs to establish the program next year, rather than on the predicted \$34 million net budget impact in fiscal year 2020-21. CHI produced a report in 2017 at the direction of the legislature (HB17-1351) to evaluate the costs and benefits of such a change. The governor hesitated to sign the bill. When he did so, he attached a "signing statement" that noted his reservations, including that there are not enough hospital beds available to serve those expected to want access to the newly covered services.

### **House Bill 18-1148: Stage Four Advanced Metastatic Cancer Step Therapy**

Sponsors: Rep. Dafna Michaelson Jenet (D), Sen. Larry Crowder (R)

Status: **Governor Signed**

- Prohibits a carrier that covers treatment for stage four advanced metastatic cancer from requiring a cancer patient to undergo step therapy (using less expensive drugs first) prior to receiving a drug approved by the FDA, as long as the approved drug is consistent with best practices for treatment and is on the carrier's prescription drug formulary.

### **House Bill 18-1149: Sunset Continue Consumer Insurance Council**

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

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

- Would have continued the Consumer Insurance Council through fall 2028 while repealing the Council's authority to issue consumer's choice awards to health insurers.

### **House Bill 18-1155: Sunset Continue Physical Therapy Board Functions**

Sponsors: Reps. Jonathan Singer (D) and Larry Liston (R), Sen. Beth Martinez Humenik (R)

Status: **Governor Signed**

- Implements the recommendations made by DORA during the sunset review process of the Physical Therapy Practice Act, and extends the licensing of physical therapists and assistants through 2024.

### **House Bill 18-1157: Increased Reporting of Oil and Gas Incidents**

Sponsors: Reps. KC Becker (D) and Jonathan Singer (D), Sen. Stephen Fenberg (D)

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

- Would have required oil and gas operators to file written reports to the Colorado Oil and Gas Conservation Commission and other affected stakeholders for every major and minor “reportable event,” such as fires, well malfunctions, the unauthorized release of oil or chemicals, and serious accidents. The incidents would be posted in a publicly accessible database and report.

### **House Bill 18-1177: Youth Suicide Prevention**

 CHI Priority Bill

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

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

- Would have created a “youth friendly, culturally sensitive” website in Spanish and English that highlights mental health resources in the state; expanded youth-specific services of the existing statewide crisis hotline, including text-based services; and provided training on suicide prevention for people who work with youth outside a school, such as camp counselors. It also proposed lowering the age at which a minor could receive therapy without a parent knowing from 15 to 12.

### **House Bill 18-1179: Prohibit Price Gouging on Prescription Drugs**

Sponsors: Reps. Joseph Salazar (D) and Jovan Melton (D)

Status: **Failed on House Floor when vote was delayed until after end of session**

- Would have prohibited pharmaceutical manufacturers or wholesalers from price gouging — charging unreasonably high prices — on sales of essential off-patent or generic drugs. The bill would have made the practice of price gouging a deceptive trade practice under the Colorado Consumer Protection Act and required the state Board of Pharmacy and head of HCPF to report suspected price gouging to the state’s attorney general. SB 152, which had the same bill title, failed early in the session.

### **House Bill 18-1182: Statewide System for Advance Directives**

Sponsors: Reps. Joann Ginal (D) and Lois Landgraf (R), Sens. Lois Court (D) and Don Coram (R)

Status: **Failed in House Health, Insurance and Environment Committee (13-0)**

- Would have used \$750,000 in unspecified outside funds to create and administer a statewide electronic system for doctors to upload and access patients’ advance directives. These include information such as declaration of preferred medical treatment and a medical durable power of attorney.

### **House Bill 18-1187: Food and Drug Administration Cannabidiol Drug Use**

Sponsors: Reps. Janet Buckner (D) and Lois Landgraf (R), Sens. John Cooke (R) and Dominick Moreno (D)

Status: **Governor Signed**

- Amends the definition of marijuana to exclude prescription drug products with cannabidiol that are approved by the U.S. FDA.

### **House Bill 18-1192: Application Assistance for Federal Disability Benefits**

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

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

- Would have created a program to help people with disabilities participating in the state Aid to the Needy Disabled (AND) program navigate the application process for federal disability benefits. The services, which would have been administered by county departments under supervision of CDHS, would have included assistance with compiling supporting documentation and with completing and submitting applications.

**House Bill 18-1196: Applications for Aid to the Needy Disabled Program**

Sponsors: Rep. Tony Exum (D), Sens. Nancy Todd (D) and Beth Martinez Humenik (R)

Status: **Governor Signed**

- Expands the list of providers who can examine applicants to the AND program — which is required for those requesting assistance through AND — to include licensed psychologists and any other licensed providers deemed appropriate by CDHS. Previously, the list was limited to physicians, physician assistants, advanced practice nurses and registered nurses.

**House Bill 18-1205: Financial Relief to Defray Individual Health Plan Costs**

 CHI Priority Bill

Sponsors: Rep. Dylan Roberts (D), Sen. Kerry Donovan (D)

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

- Would have provided financial assistance to qualified individuals purchasing insurance on the state exchange who do not currently qualify for advance premium tax credits under the Affordable Care Act. To qualify, the purchaser must have been: between 400 and 500 percent of the federal poverty level, living in one of the three most costly geographic rating areas of the state, and spending at least 20 percent of their income on health insurance premiums, among other criteria.

**House Bill 18-1207: Hospital Financial Transparency Measures**

 CHI Priority Bill

Sponsors: Reps. Chris Kennedy (D) and Bob Rankin (R), Sens. Dominick Moreno (D) and Jim Smallwood (R)

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

- Would have required hospitals to share more financial information HCPF, such as their audited financial statements and the hospital cost reports they file with the federal government. HCPF then would have developed a Hospital Expenditure Report detailing uncompensated care costs, major cost drivers and more.

**House Bill 18-1211: Medicaid Fraud Control Unit**

Sponsors: Reps. Cole Wist (R) and Mike Foote (D), Sens. Jim Smallwood (R) and Irene Aguilar (D)

Status: **Governor Signed**

- Establishes a Medicaid fraud control unit responsible for investigating fraud, waste, abuse, neglect and exploitation within Medicaid, and gives HCPF the power to require reporting on these topics.

**House Bill 18-1212: Freestanding Emergency Departments (EDs) Licensure**

 CHI Priority Bill

Sponsors: Reps. Chris Kennedy (D) and Lois Landgraf (R), Sen. John Kefalas (D)

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

- Would have created a new license for freestanding emergency departments (FSEDs). The bill would have authorized CDPHE to regulate the facility fees that FSEDs could charge, limiting them to the costs reasonably related to the operating expenses.

**House Bill 18-1219: Provider Access to Colorado Benefits Management System**

Sponsors: Rep. Hugh McKean (R), Sen. Cheri Jahn (U)

Status: **Failed in House Public Health Care and Human Services Committee (8-0)**

- Would have given Program of All-Inclusive Care for the Elderly (PACE) providers access to the Colorado Benefits Management System to allow monitoring of their client's Medicaid eligibility.



### **House Bill 18-1223: Declare Autism Epidemic in Colorado**

Sponsors: Rep. Judy Reyher (R), Sen. Larry Crowder (R)

Status: **Failed in House Health, Insurance and Environment Committee (12-1)**

- Would have directed CDPHE to convene a committee to determine if an autism epidemic has emerged in Colorado since 1990. If the committee determined there was an epidemic, the bill would have required a declaration from the governor and urged additional state funds for the response.

### **House Bill 18-1225: Protect Human Life at Conception**

Sponsors: Rep. Stephen Humphrey (R), Sen. Kevin Lundberg (R)

Status: **Failed in House Health, Insurance and Environment Committee (7-6)**

- Would have made terminating the life of an unborn child a class one felony. Licensed professionals who performed abortions would have been at fault for the crime, which is punishable by the death penalty.

### **House Bill 18-1245: Prohibit Conversion Therapy by a Mental Health Provider**

Sponsors: Reps. Paul Rosenthal (D) and Dafna Michaelson Jenet (D), Sens. Stephen Fenberg (D) and Lucia Guzman (D)

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

- Would have prohibited licensed mental health care providers from providing conversion therapy for any patients under the age of 18. Such therapy is designed to change an individual's sexual orientation. Past efforts to prohibit conversion therapy with minors have failed multiple times in the legislature.

### **House Bill 18-1258: Marijuana Accessory Consumption Establishments**

Sponsors: Reps. Jonathan Singer (D) and Jovan Melton (D); Sens. Tim Neville (R) and Stephen Fenberg (D)

Status: **Governor Veto**

- Would have endorsed retail marijuana establishments to sell marijuana concentrates and edibles to be consumed on the premises. The endorsement would have been valid for one year and renewed annually. Individuals could not bring in medical or retail marijuana from outside the establishment to be consumed, and establishments could not allow the on-site sale or consumption of alcoholic beverages or tobacco. Local licensing authority approval would have been needed before the state issued an endorsement.

### **House Bill 18-1260: Colorado Prescription Drug Price Transparency Act**



Sponsors: Reps. Joann Ginal (D) and Dominique Jackson (D), Sen. Dominick Moreno (D)

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

- Would have required health insurers to submit information on covered prescription drugs — such as lists of their 25 most frequently prescribed and 25 most costly for total plan spending — to the Commissioner of Insurance, who would make it publicly available. HB 1260 also added reporting requirements for drug manufacturers; for example, they would have had to notify insurers and pharmacy benefit managers when introducing new specialty drugs for sale or increasing the price of certain prescription drugs by more than 10 percent.

### **House Bill 18-1263: Medical Marijuana Use for Autism and Acute Pain**

Sponsors: Reps. Edie Hooton (D) and Jovan Melton (D), Sens. Don Coram (R) and Stephen Fenberg (D)

Status: **Governor Veto**

- Would have added autism spectrum disorders to the list of conditions for which medical marijuana can be used. The governor decided he could not support the policy change, making this the second marijuana-related bill to be vetoed in 2018.

**House Bill 18-1267: Income Tax Credit for Retrofitting Home for Health**

Sponsors: Reps. Matt Gray (D) and Hugh McKean (R)

Status: **Governor Signed**

- Provides an income tax credit for people who retrofit their homes (by themselves or with the help of a contractor) if the changes meet a set of criteria, including that they are necessary for health and safety, enable greater accessibility and independence, and better allow residents to age in place.

**House Bill 18-1279: Electronic Prescribing of Controlled Substances**

Sponsors: Rep. Daneya Esgar (D), Sens. Dominick Moreno (D) and Kevin Priola (R)

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

- Would have required podiatrists, physicians, physician assistants, advanced practice nurses and optometrists, starting in 2021, and dentists and practitioners serving rural communities or in a solo practice, starting in 2022, to electronically prescribe drugs (rather than writing prescriptions or calling a pharmacy) except in certain circumstances.

**House Bill 18-1282: Health Care Provider Unique ID Per Site or Service**

 CHI Priority Bill

Sponsors: Reps. Susan Lontine (D) and Lang Sias (R), Sens. Jim Smallwood (R) and John Kefalas (D)

Status: **Governor Signed**

- Requires FSEDs and other off-campus hospital facilities to obtain a unique National Provider Identifier (NPI) that is separate from the affiliated hospital NPI. FSEDs must use this NPI on claims for reimbursement, so that the costs associated with these facilities are transparent and accountable.

**House Bill 18-1284: Disclosure of Prescription Costs at Pharmacies**

Sponsors: Reps. Janet Buckner (D) and Jim Wilson (R), Sens. Beth Martinez Humenik (R) and John Kefalas (D)

Status: **Governor Signed**

- Prohibits insurance carriers from applying so-called “gag clauses” that penalize pharmacists who provide information on the cost of a person’s share for a prescription drug or on the clinical efficacy of other equivalent and more affordable drugs. The bill also bars pharmacies from collecting unreasonably high copayments (those higher than the insurer’s total cost of a drug).

**House Bill 18-1286: School Nurse Give Medical Marijuana at School**

Sponsors: Rep. Dylan Roberts (D), Sens. Irene Aguilar (D) and Vicki Marble (R)

Status: **Governor Signed**

- Allows a school nurse, nurse’s designee, or school personnel designated by a parent to administer medical marijuana to a student at school.

**House Bill 18-1294: Sunset Continue Regulation Nursing Home Administrators**

Sponsors: Reps. Janet Buckner (D) and Susan Lontine (D), Sen. Larry Crowder (R)

Status: **Governor Signed**

- Partially implements recommendations from DORA’s sunset review of nursing home administrators and continues their regulation for five years (until September 2023). The bill requires recorded votes on imposing discipline or dismissing a complaint, and states that administrators must report possible felony conduct by an employee to law enforcement.

### **House Bill 18-1297: Climate Change Preparedness and Resiliency**

Sponsors: Reps. Faith Winter (D) and Brittany Pettersen (D), Sen. Kerry Donovan (D)

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

- Would have adopted a set of goals regarding greenhouse gas emissions and resiliency efforts that parallel those of the U.S. Climate Alliance, designed to mitigate the impacts of climate change. The emissions must be cut by 26 percent of 2005 levels by the year 2026. The bill also called for Colorado's Resiliency and Recovery Office to develop models, conduct research and create resources for local communities on the impacts of climate change.

### **House Bill 18-1300: Bachelor of Nursing Completion Degree at Local District College**

Sponsors: Reps. Dave Young (D) and Perry Buck (R), Sens. Vicki Marble (R) and John Cooke (R)

Status: **Governor Signed**

- Allows community colleges to offer a Bachelor of Science degree in nursing as a completion degree to students who have or will complete an associates degree in nursing.

### **House Bill 18-1307: Limit Access to Products with Dextromethorphan**

Sponsors: Reps. Jonathan Singer (D) and Pete Lee (D), Sens. John Cooke (R) and Bob Gardner (R)

Status: **Governor Signed**

- Makes it unlawful for a seller, retailer or vendor to knowingly or willfully dispense sell or distribute a finished drug product containing any quantity of dextromethorphan to a person less than 18 years of age.

### **House Bill 18-1311: Single Geographic Rating Area Individual Health Plan**

Sponsors: Reps. Bob Rankin (R) and Millie Hamner (D)

Status: **Failed in House Health, Insurance and Environment Committee (12-0)**

- Colorado is divided into nine geographic rating regions for the purpose of pricing health insurance. This bill would have prohibited insurers from considering the geographic location of a policyholder when establishing rates for an individual or group plan, effectively changing to a single geographic rating area for the entire state. A 2016 actuarial analysis had recommended against the idea. The sponsors asked for the bill to be killed and threw their support behind HB 1392 (reinsurance program).

### **House Bill 18-1313: Pharmacists to Serve as Practitioners**

Sponsors: Reps. Joann Ginal (D) and Jon Becker (R), Sens. Irene Aguilar (D) and Kevin Priola (R)

Status: **Governor Signed**

- Clarifies that a licensed pharmacist may serve as a practitioner and prescribe over-the-counter medication under the 'Colorado Medical Assistance Act' and a drug therapy program in coordination with a medical practice.

### **House Bill 18-1321: Efficient Administration Medicaid Transportation**

Sponsors: Reps. Jeni Arndt (D) and Hugh McKean (R), Sens. Beth Martinez Humenik (R) and Dominick Moreno (D)

Status: **Governor Signed**

- Requires HCPF to develop and implement a plan for meeting urgent (but non-emergency) transportation needs of Medicaid recipients, such as discharge from dialysis treatments, in all counties in Colorado, potentially through the use of services like Uber and Lyft. The plan will be within the existing framework of the Non-Emergency Medical Transportation program.

### **House Bill 18-1322: 2018-19 Long Appropriations Act**

Sponsors: Rep. Millie Hamner (D), Sen. Kent Lambert (R)

Status: **Governor Signed**

- The state budget bill. Legislators had more flexibility in the budget process than in past years after they learned that the General Fund was projected to grow by \$1.3 billion — the most robust growth in a decade. Health programs weren't among the major winners for extra dollars, although the bill did set aside \$6.5 million to cover the costs of two bills to address the opioid crisis: HB 1003 and SB 24. *Joint Budget Committee bill.*

### **House Bill 18-1327: All-Payer Health Claims Database**

Sponsors: Rep. Dave Young (D), Sen. Dominick Moreno (D)

Status: **Governor Signed**

- Authorizes the legislature to appropriate funds to HCPF to pay for expenses related to the All Payer Claims Database (APCD) and establishes a grant program to assist nonprofits and government agencies, in accessing the database for research. *Joint Budget Committee bill.*

### **House Bill 18-1328: Redesign Residential of Child Health Care Waiver**

Sponsors: Rep. Dave Young (D), Sens. Kent Lambert (R) and Dominick Moreno (D)

Status: **Governor Signed**

- Directs HCPF to initiate a stakeholder process to prepare and submit a redesigned federal waiver that allows for home- and community-based services for children with intellectual and developmental disabilities who have complex behavioral support needs. *Joint Budget Committee bill.*

### **House Bill 18-1329: Supplemental Payment for Durable Medical Equipment**

Sponsors: Rep. Bob Rankin (R), Sen. Dominick Moreno (D)

Status: **Governor Signed**

- Authorizes a supplemental payment of state-only money to qualified providers of durable medical equipment who saw decreased reimbursement in 2017-18 as a result of the implementation of the federal "21<sup>st</sup> Century Cures Act." *Joint Budget Committee bill.*

### **House Bill 18-1330: Supplemental Payment for Office-Administered Drugs in Medicaid**

Sponsors: Rep. Dave Young (D), Sen. Dominick Moreno (D)

Status: **Governor Signed**

- Authorizes a supplemental payment of state-only money to Medicaid providers of certain oncology drugs who experienced a decrease in aggregate reimbursements in 2017-18 as a result of the implementation of a federal final rule. *Joint Budget Committee bill.*

### **House Bill 18-1352: Oil and Gas Facilities Distance from School Property**

Sponsors: Reps. Mike Foote (D) and Matt Gray (D), Sens. Matt Jones (D) and Irene Aguilar (D)

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

- Would have clarified that the minimum 1,000-foot distance requirement for new oil and gas production, set by the Colorado Oil and Gas Conservation Commission, applies to school property lines and not school buildings.

### **House Bill 18-1357: Behavioral Health Care Ombudsperson Parity Reports**

Sponsors: Rep. Dafna Michaelson Jenet (D), Sens. Bob Gardner (R) and Angela Williams (D)

Status: **Governor Signed**

- Establishes an independent ombudsman within the Department of Human Services (CDHS) to assist Coloradans in accessing behavioral health care. HB 1357 also requires insurance carriers and the Commissioner of Insurance to annually report on compliance with mental health parity requirements. It was amended to further clarify that the office should be viewed as independent within the state, after some had raised conflict-of-interest concerns.

### **House Bill 18-1358: Health Care Charges Billing Required Disclosures**

 CHI Priority Bill

Sponsors: Reps. Mike Foote (D) and Susan Beckman (R), Sens. Kevin Lundberg (R) and Irene Aguilar (D)

Status: **Failed in House Health, Insurance and Environment Committee (12-1)**

- Beginning in 2019, would have required hospitals, surgical centers, community clinics and physician groups to publish their charges for health care services and include detailed price breakdowns on patients' bills. It also would have required pharmacies to publish a list of retail drug prices and insurance carriers to share additional information about contracts and pricing. The far-reaching bill failed overwhelmingly in committee, but backers now have their sights set on the statewide ballot.

### **House Bill 18-1365: Primary Care Infrastructure Creation**

Sponsors: Reps. Joann Ginal (D) and Lang Sias (R), Sens. Kevin Priola (R) and Dominick Moreno (D)

Status: **Failed in Legislative Council Committee (18-0)**

- Would have established a primary care payment reform collaborative in the primary care office within CDPHE. The APCD administrator would have reported on primary care spending by private health insurers and by insurers providing state employee health benefit plans, Medicaid and CHP+ coverage.

### **House Bill 18-1370: Drug Coverage by Health Plan**

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

Status: **Failed in House Health, Insurance and Environment Committee (13-0)**

- Would have prohibited health insurance carriers from excluding or limiting a drug under a benefit plan if the drug was covered at the time the covered person enrolled in the plan. It also would have kept carriers from increasing the amount a covered person pays for a copayment, coinsurance, or deductible for drugs covered at the time they enrolled.

### **House Bill 18-1376: Regulate Residential Services and Supports Providers**

Sponsors: Rep. Dan Pabon (D), Sen. Irene Aguilar (D)

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

- Would have added clarity to the definition of an "individual residential services and supports provider" and granted authority to HCPF to develop rules, inspect individual providers for compliance and require permissible corrective actions. Such providers offer services in their home to one or more people with intellectual and developmental disabilities.

### **House Bill 18-1384: Study Health Care Coverage Options**

 CHI Priority Bill

Sponsors: Reps. Dylan Roberts (D) and Marc Catlin (R), Sens. Don Coram (R) and Kerry Donovan (D)

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

- Would have required the state to conduct a study and submit a report regarding the costs, benefits and feasibility of implementing several models: a Medicaid buy-in program (“public option”), a public-private partnership option, or a community- or regionally based option for health coverage.

### **House Bill 18-1392: State Innovation Waiver Reinsurance Program**

 CHI Priority Bill

Sponsors: Reps. Chris Kennedy (D) and Bob Rankin (R), Sens. Don Coram (R) and Kerry Donovan (D)

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

- Would have directed the state to submit a 1332 waiver to establish a reinsurance fund. The fund would have helped insurance carriers pay for high-cost customers, with the idea that insurers could in turn reduce premiums for the rest of their customers who purchase insurance on the individual market. The program could have begun operation in 2019. Alaska has successfully been operating a similar model.

### **House Bill 18-1399: Regulation of Surgical Smoke**

Sponsors: Rep. Janet Buckner (D), Sen. Irene Aguilar (D)

Status: **Failed in House Health, Insurance and Environment Committee (12-0)**

- Would have required hospitals with surgical services and ambulatory surgical centers to adopt, by mid-2019, a policy to prevent exposure to surgical smoke, which is a gaseous byproduct produced by energy-generating surgical medical devices.

### **House Bill 18-1400: Increase Fees for Stationary Sources of Air Pollutants**

Sponsors: Reps. KC Becker (D) and Hugh McKean (R), Sens. Ray Scott (R) and Cheri Jahn (U)

Status: **Governor Signed**

- Increases the statutory caps for regulated pollutants, hazardous pollutants, emission notices and permit processing fees.

### **House Bill 18-1407: Access to Disability Services and Stable Workforce**

Sponsors: Reps. Dave Young (D) and Bob Rankin (R), Sens. Kent Lambert (R) and Dominick Moreno (D)

Status: **Governor Signed**

- Requires HCPF to seek federal approval for a 6.5 percent increase in the reimbursement rate for certain services delivered through the Home- and Community-Based Services Intellectual and Developmental Disabilities, Supported Living Services, and Children's Extensive Supports waivers. If granted, the entirety of the increased reimbursement rate would go to compensation for direct support professionals. *Joint Budget Committee bill.*

### **House Bill 18-1416: Student Suicide Prevention Grant Program**

Sponsors: Reps. Barbara McLachlan (D) and Terri Carver (R), Sens. Nancy Todd (D) and Don Coram (R)

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

- Would have created, under CDPHE, the Student Suicide Prevention Grant Program. Grants would have funded schools to develop and implement suicide prevention policies and training programs. The bill was very similar to SB 272, which passed.

### **House Bill 18-1431: Statewide Managed Care System**

Sponsors: Rep. Joann Ginal (D), Sen. Jim Smallwood (R)

Status: **Governor Signed**

- Updates managed care provisions in Colorado Revised Statutes to align with a 2016 federal rule and reflect the implementation of the Accountable Care Collaborative (ACC) as the statewide managed care system. For example, the bill specifies capitated rates for community mental health services and establishes the medical home model of care for the ACC.

### **House Bill 18-1433: Naturopathic Doctor Terminology and Disclosure**

Sponsors: Rep. Matt Gray (D), Sens. Jack Tate (R) and Don Coram (R)

Status: **Governor Signed**

- Requires that the statement provided to a patient before treatment disclose that the naturopathic doctor is registered, and removes the requirement that 'registered' appear in their title.

### **House Bill 18-1436: Extreme Risk Protection Orders**

Sponsors: Reps. Alec Garnett (D) and Cole Wist (R), Sen. Lois Court (D)

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

- Would have created a process for a family or household member or a law enforcement officer to petition the court for a temporary extreme risk protection order (ERPO) for persons who pose significant risk of causing personal injury to themselves or others by having a firearm in their possession. The order requires persons to surrender all firearms and concealed carry permits to local law enforcement for a temporary period of time.

### **House Bill 18-1438: Health Care Coverage for Reproductive Health Care**

Sponsors: Rep. Daneya Esgar (D)

Status: **Failed in House Health, Insurance and Environment Committee (12-1)**

- Would have required broad coverage of reproductive health care services, drugs, devices and procedures. HB 1438 also would have directed HCPF to reimburse the cost of such services, drugs, devices or procedures for Medicaid and CHP+ enrollees and for people without documentation.

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## **- SENATE BILLS -**

### **Senate Bill 18-002: Financing Rural Broadband Deployment**

Sponsors: Sens. Don Coram (R) and Jerry Sonnenberg (R), Reps. KC Becker (D) and Crisanta Duran (D)

Status: **Governor Signed**

- Shifts funding from the High Cost Support Mechanism (HCSM) to support broadband deployment grants. SB 2 makes changes to the Broadband Deployment Board's membership and grant application process and repeals the Public Utilities Commission's oversight of the HCSM in 2024, following a sunset review.

**Senate Bill 18-013: Expand Child Nutrition School Lunch Protection Act**

Sponsors: Sens. Rhonda Fields (D) and Bob Gardner (R), Rep. Dafna Michaelson Jenet (D)

Status: **Governor Signed**

- Provides lunch at no charge to low-income children in state-subsidized early childhood education programs and in school from kindergarten through eighth grade. Previously, only kids in fifth grade and younger qualified for no-cost meals through the Lunch Protection Program.

**Senate Bill 18-020: Registered Psychotherapists Auricular Acudetox**

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

Status: **Governor Signed**

- Expands the list of mental health professionals approved to provide auricular acudetox, which uses acupuncture around the ear to alleviate symptoms of withdrawal from substance use, to include registered psychotherapists.

**Senate Bill 18-022: Clinical Practice for Opioid Prescribing**

 CHI Priority Bill

Sponsors: Sens. Jack Tate (R) and Irene Aguilar (D), Reps. Brittany Pettersen (D) and Chris Kennedy (D)

Status: **Governor Signed**

- Limits physicians, dentists, advanced practice nurses and other providers to prescribing a seven-day initial supply of opioids and seven-day refills. The bill allows exemptions for patients with cancer, chronic pain and other conditions. An amendment says these rules only apply for patients who have not received an opioid prescription from the provider in question in the past 12 months. SB 22 also clarifies that a health care practitioner may electronically prescribe opioids, and it requires providers in most cases to check the Prescription Drug Monitoring Program before prescribing an opioid refill prescription.

**Senate Bill 18-023: Promote Off-Label Use of Pharmaceutical Products**

Sponsors: Sen. Beth Martinez Humenik (R), Rep. Joann Ginal (D)

Status: **Failed in Senate Health and Human Services Committee (4-1)**

- Would have allowed pharmaceutical manufacturers and representatives to promote off-label uses of a prescription drug, biological product, or device approved by the U.S. FDA.

**Senate Bill 18-024: Expand Access to Behavioral Health Providers**

 CHI Priority Bill

Sponsors: Sens. Jack Tate (R) and Cheri Jahn (U), Rep. Jonathan Singer (D)

Status: **Governor Signed**

- Allows behavioral health providers to participate in the state's loan repayment program and establishes a scholarship program for those obtaining certification or continuing education as an addiction counselor. The bill directs \$2.5 million from the Marijuana Tax Cash Fund to provide loan repayment through the Colorado Health Service Corps and award scholarships to addiction counselors. Sponsors hope SB 24 will help address the provider shortage in many communities, especially rural areas.



### **Senate Bill 18-027: Enhanced Nurse Licensure Compact**

Sponsors: Sens. Jim Smallwood (R) and Nancy Todd (D), Reps. Tracy Kraft-Tharp (D) and Hugh McKean (R)

Status: **Governor Signed**

- Allows new nurses to practice in any of 27 licensure compact states without needing a state-specific license and maintains licenses for 86,000 nurses who would have otherwise had to reapply and undergo another background check. By enabling nurses from any participating state to practice in-person or via conference call or computer link, Colorado hopes to reduce its nursing shortage. The bill was the first signed into law this session, necessitated by a January 19 deadline to avoid extra red tape.

### **Senate Bill 18-029: Development of Marijuana Tracking Technology**

Sponsors: Sens. Kent Lambert (R) and Leroy Garcia (D), Reps. Dan Pabon (D) and Yeulin Willett (R)

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

- Would have required CSU Pueblo's Institute of Cannabis Research to develop scannable tracking technology for marijuana plants and products as well as industrial hemp plants and products to ensure they are grown and sold legally. The bill was killed at the request of Sen. Lambert, who cited confusion over what the bill would do and unintentional errors such as the inclusion of hemp as a regulated substance. Lambert said stakeholders will re-work the bill and narrow its scope for a future effort.

### **Senate Bill 18-040: Substance Use Disorder Harm Reduction**

Sponsors: Sens. Kent Lambert (R) and Cheri Jahn (U), Rep. Jonathan Singer (D)

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

- Would have set up a supervised injection facility pilot program in Denver, allowing users to inject illegal drugs in a clean environment without fear of arrest. It also would have allowed school districts to supply and administer the overdose reversal drug Naloxone. Ultimately, the concept of such a facility was not palatable for some Republicans, despite unanimous consent among the 2017 interim committee.

### **Senate Bill 18-050: Freestanding Emergency Facility as Safe Haven**

Sponsors: Sen. Jim Smallwood (R), Reps. James Coleman (D) and Marc Catlin (R)

Status: **Governor Signed**

- Expands Colorado's safe haven laws to allow FSEDs to take temporary custody of infants 72 hours old or younger when voluntarily surrendered by the infant's parent.

### **Senate Bill 18-051: Prohibit Multi-Burst Trigger Activators**

Sponsors: Sen. Michael Merrifield (D)

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

- Would have made possessing, selling or purchasing a "multi-burse trigger activator" a class 4 or 5 felony.

### **Senate Bill 18-052: Repeal Ammunition Magazine Prohibition**

Sponsors: Sen. Owen Hill (R), Reps. Stephen Humphrey (R) and Lori Saine (R)

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

- Would have repealed Colorado's ban on large-capacity ammunition magazines.

**Senate Bill 18-053: Primary Offense for No Safety Belt**

Sponsors: Sen. Lois Court (D), Rep. Dave Young (D)

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

- Would have allowed law enforcement to pull over a vehicle driver and issue them a ticket solely for not wearing a seat belt. This would also apply to anyone in the vehicle, including backseat passengers. Currently, drivers must be pulled over for another offense in order to be cited for not wearing a seat belt.

**Senate Bill 18-054: Cap Fee Increases for Assisted Living Residences**

Sponsors: Sen. Larry Crowder (R), Rep. Larry Liston (R)

Status: **Governor Signed**

- Imposes an inflation rate limitation on fees assessed against assisted living residences. The fees are collected to meet the indirect and direct costs of regulating the facilities.

**Senate Bill 18-058: Failure to Report Child Abuse Statute of Limitations**

Sponsors: Sen. Rhonda Fields (D), Rep. Terri Carver (R)

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

- Would have changed the statute of limitations to begin when a crime of child abuse is first discovered, instead of when it is recognized by the court. Failure to report an incident of child abuse is a class three misdemeanor.

**Senate Bill 18-071: Extend Substance Abuse Trend and Response Task Force**

Sponsors: Sens. Cheri Jahn (U) and Larry Crowder (R), Rep. Daneya Esgar (D)

Status: **Governor Signed**

- Extends the repeal of the state Substance Abuse Trend and Response Task Force by 10 years (to September 1, 2028) and appropriates \$3,000 from the Substance Abuse Prevention, Intervention, and Treatment Cash Fund to cover the expenses of the task force next year.

**Senate Bill 18-074: Designate Prader-Willi Syndrome Developmental Disability**

Sponsors: Sen. Nancy Todd (D), Rep. Chris Hansen (D)

Status: **Governor Signed**

- Adds individuals with Prader-Willi Syndrome to the list of persons with intellectual and developmental disabilities who are eligible for services and supports. The genetic disorder has many different symptoms, including intellectual disability, short stature and constant hunger leading to obesity.

**Senate Bill 18-080: Wholesale Canadian Drug Importation Program**

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

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

- Would have created the "Colorado Wholesale Importation of Prescription Drugs Act," which would require HCPF to design a program to import prescription pharmaceuticals from Canada for sale to Colorado consumers. The program design required both drug safety and cost savings for Coloradans. The idea: that drugs sold in other countries are often cheaper than they are in the U.S.

**Senate Bill 18-081: Emergency Medical Service Providers Licensing**

Sponsors: Sen. Leroy Garcia (D)

Status: **Failed in Senate Business, Labor and Technology Committee (4-3)**

- Would have changed the certification requirements for emergency medical service (EMS) personnel to a licensure program, thereby creating more thorough screening and increased transparency. SB 81 was backed by the EMS Association of Colorado.

**Senate Bill 18-082: Physician Noncompete Exemption for Rare Disorder**

Sponsors: Sen. Rachel Zenzinger (D), Rep. Chris Kennedy (D)

Status: **Governor Signed**

- Contracts between a physician and their practice group may include a provision known as a noncompete clause, which prohibits physicians from taking patients with them if they leave. SB 82 provides an exemption from the clause, allowing specialists who leave a practice group to continue treating patients with rare disorders.

**Senate Bill 18-088: Taxation of Retail Marijuana Sales**

Sponsors: Sen. Bob Gardner (R), Rep. KC Becker (D)

Status: **Governor Signed**

- Allows special districts levying sales taxes on retail marijuana prior to July 1, 2017 to retain their authority to continue levying taxes.

**Senate Bill 18-091: Modernize Behavioral Health Terminology**

Sponsors: Sen. Beth Martinez Humenik (R), Rep. Dan Thurlow (R)

Status: **Governor Signed**

- Ensures that statute matches the updated behavioral health terminology enacted by SB17-242.

**Senate Bill 18-093: Repeal Obsolete Medicaid Waiver Persons with AIDS**

Sponsors: Sen. Dominick Moreno (D), Rep. Jeni Arndt (D)

Status: **Governor Signed**

- Repeals an inactive waiver related to persons living with AIDS-related health issues. People with AIDS-related issues are now included under another waiver, rendering this obsolete.

**Senate Bill 18-094: Behavioral Health Definition Sections**

Sponsors: Sen. Beth Martinez Humenik (R), Rep. Edie Hooton (D)

Status: **Governor Signed**

- Repeals duplicative definitions in behavioral health statute. SB 17-242 already updated terminology related to behavioral health, mental health, alcohol abuse and substance abuse to recognize them as disorders.

**Senate Bill 18-096: Modernize "Mental Retardation" Terminology**

Sponsors: Sen. Beth Martinez Humenik (R), Rep. Dan Thurlow (R)

Status: **Governor Signed**

- Modernizes state laws that use terms like "mental retardation" or "mentally retarded" by replacing the terms with more appropriate "intellectual and developmental disability" language.

### **Senate Bill 18-113: Circle Substance Use Disorder Treatment Program**

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

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

- Would have established the 90-day inpatient dual diagnosis "Circle Program," which most recently had been in operation at the Colorado Mental Health Institute in Pueblo but has since ended due to resource challenges. The program was subsequently restored through the budget process.

### **Senate Bill 18-114: Suicide Prevention to Enhance Student Life Skills**

Sponsors: Sen. Nancy Todd (D), Reps. Barbara McLachlan (D) and Jim Wilson (R)

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

- Would have encouraged school districts and charter schools to develop a student suicide prevention policy and designate a staff person to serve as a suicide prevention coordinator, in addition to creating the Student Suicide Prevention grant program. Opponents said it cost too much and represented government interference into community problems.

### **Senate Bill 18-115: Apply Stark Laws to Medical Referrals Outside Medicaid**

Sponsors: Sen. Irene Aguilar (D), Rep. Brittany Pettersen (D)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (5-0)**

- Current law prohibits Medicaid providers from referring patients to entities owned by themselves or an immediate family member. This bill would have extended this restriction to all health care providers.

### **Senate Bill 18-117: Collect Long-Term Climate Change Data**

Sponsors: Sen. Kerry Donovan (D), Rep. Chris Hansen (D)

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

- Would have required CDPHE to collect and report on greenhouse gas emissions data.

### **Senate Bill 18-129: Reorganize Drugs and Medical Devices Sales Tax Exemption**

Sponsors: Sen. Dominick Moreno (D), Rep. Jeni Arndt (D)

Status: **Governor Signed**

- A clean-up bill, SB 129 creates a single definition for the word "prescription," clarifies other defined terms and streamlines language in the law exempting certain drugs and devices from state sales tax.

### **Senate Bill 18-130: Repeal Carrier Reporting Requirements to Division of Insurance**

Sponsors: Sen. Jim Smallwood (R), Rep. Hugh McKean (R)

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

- Would have repealed the current requirement that insurance carriers report data on average reimbursement rates. The basis for the bill was a Division of Insurance employee who said this information was not currently being used by anyone.

### **Senate Bill 18-132: 1332 State Waiver Catastrophic Health Plans**

Sponsors: Sen. Jim Smallwood (R), Rep. Chris Kennedy (D)

Status: **Governor Signed**

- Requires the state to conduct a study and then, assuming positive results, to submit an ACA waiver allowing the sale of catastrophic health insurance plans to anyone shopping on Colorado's exchange. These plans provide minimal financial protection and are therefore cheaper. Currently, catastrophic plans are limited to people who are under age 30 or those who meet a hardship requirement.

### **Senate Bill 18-136: Health Insurance Producer Fees and Fee Disclosure**

Sponsors: Sen. Tim Neville (R), Reps. Tracy Kraft-Tharp (D) and Lang Sias (R)

Status: **Governor Signed**

- Allows insurance brokers working in the individual market to charge clients a fee if the broker a) doesn't receive a commission from the insurance carrier that provides the selected plan and b) discloses the fee in writing.

### **Senate Bill 18-139: Statewide Regulation of Products with Nicotine**

Sponsors: Rep. Jonathan Singer (D), Sen. John Cooke (R)

Status: **Failed in Senate Finance Committee (6-1)**

- Would have created a state license requirement for businesses that want to sell tobacco products. However, the bill also prohibited local governments from using state tobacco education, prevention and cessation funds to advocate for additional local license requirements, fees or taxes on tobacco products — making it more of a pro-tobacco measure than an anti-tobacco one.

### **Senate Bill 18-142: Pilot Project for Sustainable Communities**

Sponsors: Sens. Larry Crowder (R) and John Kefalas (D), Reps. Jovan Melton (D) and Leslie Herod (D)

Status: **Failed in Senate State, Veterans and Military Affairs Committee (4-1)**

- Would have created a pilot project to facilitate sustainable communities based on affordable housing.

### **Senate Bill 18-146: Freestanding EDs Required Consumer Notices**

 CHI Priority Bill

Sponsors: Sens. John Kefalas (D) and Jim Smallwood (R), Reps. Lang Sias (R) and Jonathan Singer (D)

Status: **Governor Signed**

- Requires FSEDs to give written and oral notices to customers about the costs of procedures and their rights. FSEDs must inform customers that they will be screened and treated regardless of ability to pay and that they have the right to ask questions about treatment options and costs. FSEDs must also provide written disclosures about the health insurance carriers with which the FSED participates and fee schedules for common health care services it provides.

### **Senate Bill 18-149: Records of Denver Health and Hospital Authority**

Sponsors: Sen. Bob Gardner (R), Reps. Matt Gray (D) and Leslie Herod (D)

Status: **Governor Signed**

- Clarifies that certain documents maintained by Denver Health and Hospital Authority are subject to the Colorado Open Records Act (CORA), though the content of electronic medical record systems and individuals' medical records, personal medical information and other documents are not public records.

### **Senate Bill 18-151: Colorado Department of Education Bullying Policies Research**

Sponsors: Sens. Rhonda Fields (D) and Kevin Priola (R), Reps. Janet Buckner (D) and Jim Wilson (R)

Status: **Governor Signed**

- Requires the Department of Education to research and create a bullying prevention policy for schools around the state. Research and the policy must be updated every three years.

### **Senate Bill 18-152: Prohibit Price Gouging on Prescription Drugs**

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

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

- Would have prohibited pharmaceutical manufacturers or wholesalers from price gouging — the practice of raising the price of drugs to an unreasonable or unfair level — on sales of essential off-patent or generic drugs. The bill would have made the practice of price gouging a deceptive trade practice under the Colorado Consumer Protection Act and required the state Board of Pharmacy and head of HCPF to report suspected price gouging to the state’s attorney general.

### **Senate Bill 18-153: Behavioral Health Care Related to Suicide Ideation**

Sponsor: Sen. John Kefalas (D)

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

- Would have increased the responsibilities of CDPHE’s Office of Suicide Prevention by requiring additional analysis of suicide data, training for primary care providers in identifying risk signs for suicide, an evaluation of behavioral health care standards and best practices in suicide prevention, and other efforts.

### **Senate Bill 18-155: Hospital Community Benefits Reporting Requirements**



Sponsors: Sen. Irene Aguilar (D), Rep. Brittany Pettersen (D)

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

- Would have required most hospitals that are exempt from state or local taxes to annually report information about the tax benefits they receive and the community benefits they provide. Would have also created a Hospital Community Benefits Advisory Council within HCPF to oversee the process and report to the legislature.

### **Senate Bill 18-161: Repeal Behavioral Health Transformation Council**

Sponsors: Sen. Jim Smallwood (R), Reps. Tracy Kraft-Tharp (D) and Lois Landgraf (R)

Status: **Governor Signed**

- Repeals the Behavioral Health Transformation Council. Previously, the group had worked to identify mental health medications that would increase continuity across public systems and for individuals in the criminal and juvenile justice systems.

### **Senate Bill 18-168: Medication-Assisted Treatment Through Pharmacies**

Sponsors: Sen. Jack Tate (R)

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

- Would have required extended-release opioid antagonists for use in MAT to be included as a pharmacy benefit under Medicaid, and permitted a pharmacist who has entered into a collaborative practice agreement to administer injectable MAT medications for SUD and qualify for an enhanced fee. The bill was made unnecessary thanks to the passage of HB 1007.

### **Senate Bill 18-174: Service Providers for Persons with Developmental Disabilities**

Sponsors: Sen. Bob Gardner (R), Rep. Lang Sias (R)

Status: **Governor Signed**

- Defines “case management agency” and adds it to the list of providers that offer services to people with developmental disabilities. The bill makes other changes, such as requiring person-centered planning to occur prior to removing an at-risk person with a developmental disability from a residential setting.

**Senate Bill 18-186: Allow Retail Marijuana Store to Sell Consumables**

Sponsors: Sen. Vicki Marble (R)

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

- Would have allowed retail marijuana stores to sell consumable products that do not contain marijuana, such as soda and candy.

**Senate Bill 18-195: Healthcare Affordability and Sustainability Fee Cash Fund Appropriations**

Sponsors: Sen. Dominick Moreno (D), Rep. Bob Rankin (R)

Status: **Governor Signed**

- Changes the way money in the Healthcare Affordability and Sustainability Fee Cash Fund is dispensed from a continuous appropriation to an annual appropriation beginning in Fiscal Year 2018-19. The change provides greater control to the legislature. *Joint Budget Committee bill.*

**Senate Bill 18-214: Request Self-Sufficiency Medicaid Waiver Program**

 CHI Priority Bill

Sponsors: Sen. Larry Crowder (R), Rep. Susan Beckman (R)

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

- Would have required HCPF to submit a work requirement waiver to the federal Centers for Medicare and Medicaid Services (CMS), which would require able-bodied Medicaid enrollees to be working, seeking work, in school or in a job-training program. Such requirements have been pursued recently in other states. In addition, the bill would have required able-bodied adults to verify their income eligibility each month and established a five-year lifetime limit on Medicaid benefits for nonexempt enrollees.

**Senate Bill 18-226: Prohibit Colorado Involvement in Climate Alliance**

Sponsors: Sens. Kevin Lundberg (R) and John Cooke (R), Rep. Yeulin Willett (R)

Status: **Failed in House Transportation and Energy Committee (8-7)**

- Would have prohibited the governor from involving Colorado in the U.S. Climate Alliance, which aligns the state with emission regulations in the Paris Agreement. SB 226 was in direct opposition to HB 1297.

**Senate Bill 18-237: Out-of-Network Providers Carriers Required Notices**

 CHI Priority Bill

Sponsors: Sen. Bob Gardner (R), Rep. Daneya Esgar (D)

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

- Would have required health insurance carriers to cover emergency services that are provided out-of-network at in-network benefit levels. For non-emergency services, SB 237 would have strengthened existing requirements for notifying patients.

**Senate Bill 18-249: Redirection from Criminal Justice to Behavioral Health**

Sponsors: Sens. Bob Gardner (R) and Kent Lambert (R), Reps. Pete Lee (D) and Dave Young (D)

Status: **Governor Signed**

- Creates four pilot programs to redirect people with low-level criminal behavior and a mental health condition to community treatment services.

**Senate Bill 18-250: Jail-based Behavioral Health Services**

Sponsors: Sens. Bob Gardner (R) and Kent Lambert (R), Reps. Pete Lee (D) and Dave Young (D)

Status: **Governor Signed**

- Opens up more funds through an existing program to provide treatment for people served through the jail-based Behavioral Health Services Program.

**Senate Bill 18-251: Statewide Behavioral Health Court Liaison Program**

Sponsors: Sens. Bob Gardner (R) and Kent Lambert (R), Reps. Pete Lee (D) and Dave Young (D)

Status: **Governor Signed**

- Directs for the designation of local behavioral health professionals as court liaisons to facilitate collaboration and communication among judicial, health care and behavioral health systems.

**Senate Bill 18-252: Competency to Proceed Evaluations and Services**

Sponsors: Sens. Bob Gardner (R) and Kent Lambert (R), Reps. Pete Lee (D) and Dave Young (D)

Status: **Failed in Senate after floor delay — had passed both chambers and conference committee**

- Would have made extensive changes to the process for determining competency to proceed in a criminal case. Senator Irene Aguilar ran out the clock on the session's last day to prevent a final vote.

**Senate Bill 18-259: Local Government Retail Marijuana Taxes**

Sponsors: Sen. Jim Smallwood (R), Rep. Dan Pabon (D)

Status: **Governor Signed**

- Updates rules regarding the taxation of retail marijuana by local governments.

**Senate Bill 18-261: Medical Marijuana Condition Opiates Prescribed For**

Sponsors: Sen. Vicki Marble (R), Reps. Edie Hooton (D) and Kim Ransom (R)

Status: **Failed in Senate on Third Reading (23-12)**

- Would have allowed conditions for which a physician can prescribe an opiate for pain to qualify for medical marijuana use as well.

**Senate Bill 18-263: Pilot Program Court Approval for Treatment Medications in Jails**

Sponsors: Sen. Beth Martinez Humenik (R), Reps. Jonathan Singer (D) and Lois Landgraf (R)

Status: **Failed in House Judiciary Committee (10-1)**

- Would have created a pilot program within CDHS to determine and, if appropriate, establish the safety and effectiveness of allowing a licensed psychiatrist to petition the court for authority to administer medications in a jail over the objection of a respondent. Up to five jails could have participated.

**Senate Bill 18-266: Controlling Medicaid Costs**

 CHI Priority Bill

Sponsors: Sen. Kevin Lundberg (R), Rep. Dave Young (D)

Status: **Governor Signed**

- Directs HCPF to provide information to providers participating in the state's ACC regarding the cost and quality of a) medical services provided by hospitals and Medicaid providers and b) pharmaceuticals prescribed by Medicaid providers. This bill also directs the department to create a hospital review program and evaluate coding to ensure payment accuracy, and authorizes it to identify and pursue various cost-control strategies, which would need approval from the JBC before implementation. *Joint Budget Committee bill.*



**Senate Bill 18-270: Behavioral Health Crisis Transition Referral Program**

Sponsors: Sens. Cheri Jahn (U) and Tim Neville (R), Reps. Brittany Pettersen (D) and Cole Wist (R)

Status: [Governor Signed](#)

- Establishes a program to coordinate referrals of high-risk individuals to transition specialists, who provide advocacy, housing and other supportive services. “High-risk individuals” are under an emergency or involuntary hold, have a significant mental health or substance use disorder and are not in consistent behavioral health treatment. The bill was considered by some to be a step toward policies proposed in the failed HB 1436.

**Senate Bill 18-272: Crisis and Suicide Prevention Training Grant Program**

 CHI Priority Bill

Sponsors: Sens. Beth Martinez Humenik (R) and Nancy Todd (D), Reps. Terri Carver (R) and Barbara McLachlan (D)

Status: [Governor Signed](#)

- Creates the Crisis and Suicide Prevention Training Grant Program for teachers and staff at schools across the state. Grants to administer the program can total up to \$400,000 per year.

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**- OTHER MEASURES -**

**House Joint Resolution 18-1012: Medicaid Eligibility of Detained Individuals**

Sponsors: Reps. Adrienne Benavidez (D) and Dafna Michaelson Jenet (D), Sens. Larry Crowder (R) and Rhonda Fields (D)

Status: [Signed by Speaker of the House and Senate President](#)

- Amends the law concerning the Medicaid eligibility of incarcerated individuals so that people detained in state and local facilities who have not been convicted of a crime retain their Medicaid eligibility until they are convicted. Among other things, the resolution notes that county jails are forced to pay for medical expenses if a pretrial detainee becomes ill and that the coverage gap caused by terminating Medicaid coverage can lead to rearrest and recidivism.

**Senate Resolution 18-005: CDPHE Assisted Living Residence Rules**

Sponsors: Sen. Kevin Lundberg (R)

Status: [Signed by Senate President](#)

- Directs CDPHE and the Colorado Board of Health to delay for six months the implementation and enforcement of new rules for small assisted living residences with fewer than 20 beds, citing the lack of available funding and staff to comply with them. The resolution also asks the JBC to work with CDPHE to ensure adequate funding to protect older Coloradans who rely on assisted living.