

First Extraordinary Session
Seventy-fifth General Assembly
STATE OF COLORADO

BILLPAPER

LLS NO. 25B-0021.04 Christy Chase x2008

HOUSE BILL

HOUSE SPONSORSHIP

Brown and Gilchrist, McCluskie

SENATE SPONSORSHIP

Jodeh and Mullica, Roberts

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE COLORADO HEALTH INSURANCE**
102 **AFFORDABILITY ENTERPRISE TO ADDRESS THE AFFORDABILITY**
103 **OF HEALTH INSURANCE IN THE INDIVIDUAL MARKET USING**
104 **NONAPPROPRIATED FUNDING SOURCES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

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

- If the federal enhanced premium tax credit is not extended

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

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

- To the reinsurance program;
- To carriers to increase the affordability of health plans on the individual market for individuals who purchase individual health benefit plans on the Colorado health benefit exchange and receive the premium tax credit authorized under federal law (state-based insurance subsidies); and
- For other programs administered by the Colorado health insurance affordability enterprise (enterprise);
- Of the revenues collected by the enterprise before the effective date of the bill that had been allocated for state-based insurance subsidies, allows the enterprise to reallocate any unexpended amount to other programs the enterprise administers;
- Requires the health insurance affordability board (board) to prepare an annual report detailing certain financial information about the enterprise; and
- Directs the board to make recommendations to the commissioner of insurance regarding coverage and plan design of state-subsidized plans to maximize plan enrollment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-1203, **add**
3 (2.5) and (16) as follows:

4 **10-16-1203. Definitions.** As used in this part 12, unless the
5 context otherwise requires:

6 (2.5) "ENHANCED PREMIUM TAX CREDIT" MEANS THE PREMIUM
7 TAX CREDIT, AS AMENDED BY THE FEDERAL "AMERICAN RESCUE PLAN
8 ACT OF 2021", PUB.L. 117-2, AND THE FEDERAL "INFLATION REDUCTION
9 ACT OF 2022", PUB.L. 117-169, 136 STAT. 1818 (2022), WHICH EXPANDED
10 ELIGIBILITY FOR AND THE AMOUNT OF THE PREMIUM TAX CREDIT.

1 (16) (a) "UNCLAIMED PROPERTY TRUST FUND" MEANS THE
2 UNCLAIMED PROPERTY TRUST FUND CREATED IN SECTION 38-13-801 (1).

3 (b) THIS SUBSECTION (16) TAKES EFFECT ON JANUARY 1, 2026,
4 ONLY IF THE CONDITION SPECIFIED IN SECTION 10-16-1209 (1) OCCURS.

5 **SECTION 2.** In Colorado Revised Statutes, 10-16-1205, **amend**
6 (2)(d)(I) introductory portion; and **add** (2)(d)(IV) and (2)(e) as follows:

7 **10-16-1205. Health insurance affordability fees - special**
8 **assessment on hospitals - allocation of revenues.** (2) (d) (I) EXCEPT AS
9 PROVIDED IN SUBSECTIONS (2)(d)(IV) AND (2)(e) OF THIS SECTION, the
10 enterprise shall allocate the revenues collected in 2023 and each year
11 thereafter, and any other money deposited in the fund in 2023 and each
12 year thereafter, in the following amounts and order of priority:

13 (IV) ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
14 (2)(d)(IV), THE ENTERPRISE SHALL REALLOCATE ANY AMOUNT OF
15 REVENUES COLLECTED AND ALLOCATED PURSUANT TO SUBSECTION
16 (2)(d)(I) OF THIS SECTION THAT HAVE NOT BEEN EXPENDED ON OR BEFORE
17 THE EFFECTIVE DATE OF THIS SUBSECTION (2)(d)(IV), NOT TO EXCEED
18 TWENTY MILLION DOLLARS, FOR ANY OTHER PURPOSE SPECIFIED IN
19 SUBSECTION (2)(d)(I) OF THIS SECTION EXCEPT ADMINISTRATIVE COSTS
20 DESCRIBED IN SUBSECTION (2)(d)(I)(A) OF THIS SECTION.

21 (e) (I) ON OR AFTER THE DATE ON WHICH THE STATE TREASURER
22 CREDITS MONEY TO THE FUND IN ACCORDANCE WITH SECTION 10-16-1206
23 (1.5)(a), EXCEPT AS PROVIDED IN SUBSECTION (2)(e)(II) OF THIS SECTION,
24 THE ENTERPRISE SHALL ALLOCATE THE MONEY CREDITED TO THE FUND
25 PURSUANT TO SECTION 10-16-1206 (1.5)(a) AS FOLLOWS:

26 (A) UP TO FIFTY MILLION DOLLARS TO THE REINSURANCE
27 PROGRAM CASH FUND; AND

1 (B) UP TO FIFTY MILLION DOLLARS TO CARRIERS TO REDUCE THE
2 COSTS OF INDIVIDUAL HEALTH PLANS FOR INDIVIDUALS WHO PURCHASE AN
3 INDIVIDUAL HEALTH BENEFIT PLAN ON THE EXCHANGE AND RECEIVE THE
4 PREMIUM TAX CREDIT.

5 (II) THE ENTERPRISE MAY ALLOCATE UP TO FIVE MILLION DOLLARS
6 OF THE MONEY CREDITED TO THE FUND IN ACCORDANCE WITH SECTION
7 10-16-1206 (1.5)(a) FOR ANY OTHER PURPOSE SPECIFIED IN SUBSECTION
8 (2)(d)(I) OF THIS SECTION EXCEPT ADMINISTRATIVE COSTS DESCRIBED IN
9 SUBSECTION (2)(d)(I)(A) OF THIS SECTION.

10 (III) THIS SUBSECTION (2)(e) TAKES EFFECT ON JANUARY 1, 2026,
11 ONLY IF THE CONDITION SPECIFIED IN SECTION 10-16-1209 (1) OCCURS.

12 **SECTION 3.** In Colorado Revised Statutes, 10-16-1206, **add**
13 (1.5) as follows:

14 **10-16-1206. Health insurance affordability cash fund -**
15 **creation.** (1.5) (a) (I) THE FUND ALSO CONSISTS OF ONE HUNDRED
16 MILLION DOLLARS CREDITED TO THE FUND AS A LOAN FROM THE
17 UNCLAIMED PROPERTY TRUST FUND PURSUANT TO SECTION 38-13-801
18 (7)(a).

19 (II) MONEY CREDITED TO THE FUND PURSUANT TO SECTION
20 38-13-801 (7)(a) IS AN INTEREST-FREE LOAN FROM THE UNCLAIMED
21 PROPERTY TRUST FUND TO THE FUND. THE ENTERPRISE MAY ACCEPT AND
22 EXPEND THE MONEY SO CREDITED AS SPECIFIED IN SECTION 10-16-1205
23 (2)(e) AND SHALL REPAY THE LOAN RECEIVED PURSUANT TO SECTION
24 38-13-801 (7)(a) NO LATER THAN JANUARY 1, 2045.

25 (III) A LOAN MADE FROM THE UNCLAIMED PROPERTY TRUST FUND
26 TO A SEPARATE FUND IN THE ENTERPRISE:

27 (A) IS AN INTERFUND LOAN ACCORDING TO GOVERNMENTAL

1 ACCOUNTING STANDARDS BOARD CODIFICATION 1800.102, MEANING THAT
2 THE LOAN IS NOT CLASSIFIED AS REVENUE AND IS BOOKED AS AN
3 INTERFUND RECEIVABLE OR PAYABLE; AND

4 (B) IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION
5 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6
6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR
7 SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE
8 CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN
9 SECTION 24-77-103.6 (6)(b)(I)(G).

10 (IV) LOAN LIABILITIES THAT ARE RECORDED IN THE FUND BUT
11 THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT STATE FISCAL YEAR
12 SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY
13 FUND BALANCE FOR PURPOSES OF SECTION 24-75-109.

14 (b) THIS SUBSECTION (1.5) TAKES EFFECT ON JANUARY 1, 2026,
15 ONLY IF THE CONDITION SPECIFIED IN SECTION 10-16-1209 (1) OCCURS.

16 **SECTION 4.** In Colorado Revised Statutes, 10-16-1207, **amend**
17 (4)(c.5)(III); and **add** (7) as follows:

18 **10-16-1207. Health insurance affordability board - creation -**
19 **membership - powers and duties - subject to open meetings and**
20 **public records laws - annual report - commissioner rules.** (4) The
21 board is authorized to:

22 (c.5) Further recommend, for approval and establishment by the
23 commissioner by rule, additional parameters for implementing the
24 subsidies for state-subsidized individual health coverage plans authorized
25 by this part 12, including that the coverage required pursuant to
26 state-subsidized individual health coverage plans must:

27 (III) For a person who, at the time the person applies for

1 state-subsidized coverage, meets the income requirements to qualify for
2 emergency medical assistance pursuant to section 25.5-5-103 and who is
3 a qualified individual who meets the eligibility criteria established in rule
4 pursuant to subsection (4)(c)(IV) of this section, include coverage AND
5 PLAN DESIGN that:

6 ~~(A) Has no premium;~~

7 ~~(B) (A) Has an actuarial value of not less than ninety-four percent~~
8 MAXIMIZES ENROLLMENT IN THE PLAN; and

9 ~~(C) (B) To the extent possible with available funding, includes~~
10 ~~cost sharing that is further reduced from subsection (4)(c.5)(III)(B) of this~~
11 ~~section~~ such that the plan has consumer cost-sharing responsibilities for
12 emergency services equivalent to cost-sharing responsibilities for
13 emergency medical assistance pursuant to section 25.5-5-103;

14 (7) (a) BY FEBRUARY 15, 2026, AND BY EVERY FEBRUARY 15
15 THEREAFTER, THE BOARD SHALL PREPARE A REPORT DETAILING:

16 (I) THE TOTAL REVENUE RECEIVED BY THE ENTERPRISE IN THE
17 PREVIOUS CALENDAR YEAR;

18 (II) THE SHARE OF THE TOTAL REVENUE THAT WAS RECEIVED FROM
19 FEDERAL FUNDS;

20 (III) THE SHARE OF THE TOTAL REVENUE THAT WAS RECEIVED
21 FROM THE FEE;

22 (IV) IF ANY ADDITIONAL AMOUNT OF THE TOTAL REVENUE WAS
23 RECEIVED FROM ANY SOURCES OTHER THAN THE FEDERAL GOVERNMENT
24 OR THE FEE, THE SPECIFIC SOURCE OF THOSE REVENUES AND THE SPECIFIC
25 AMOUNT OF REVENUES FOR EACH SOURCE;

26 (V) EACH SPECIFIC PROGRAM THAT RECEIVED FUNDING FROM THE
27 ENTERPRISE;

1 (VI) OF THE TOTAL ALLOCATION FOR EACH PROGRAM:

2 (A) THE SHARE OF THE TOTAL ALLOCATION THAT WAS FROM
3 FEDERAL FUNDING; AND

4 (B) THE SHARE OF THE TOTAL ALLOCATION THAT WAS FROM STATE
5 FUNDING AND THE SOURCE OF THAT STATE FUNDING;

6 (VII) FOR THE REINSURANCE PROGRAM, THE AMOUNT OF THE
7 ACTUAL ALLOCATION OF STATE MONEY TO THE REINSURANCE PROGRAM;

8 (VIII) IF LESS THAN THE MAXIMUM ALLOWABLE ALLOCATION OF
9 STATE MONEY IN THE FUND WAS ALLOCATED TO THE REINSURANCE
10 PROGRAM, AN EXPLANATION OF WHY THE REINSURANCE PROGRAM WAS
11 NOT FULLY FUNDED;

12 (IX) FOR ANY ALLOCATION THAT WAS MADE AT THE DISCRETION
13 OF THE BOARD OR COMMISSIONER AND NOT DEFINED EXPRESSLY IN
14 STATUTE, AN EXPLANATION OF THE ALLOCATIONS, THE AMOUNT OF EACH
15 ALLOCATION, THE RATIONALE FOR THE AMOUNTS, AND THE GOALS
16 INTENDED TO BE ACHIEVED AS A RESULT OF EACH ALLOCATION; AND

17 (X) THE AMOUNT OF SURPLUS IN THE FUND, IF ANY, AND AN
18 EXPLANATION OF WHY THE SURPLUS WAS NOT ALLOCATED TO ENTERPRISE
19 PROGRAMS.

20 (b) BY FEBRUARY 28, 2026, AND BY EACH FEBRUARY 28
21 THEREAFTER:

22 (I) THE BOARD SHALL SUBMIT THE REPORT TO THE HOUSE OF
23 REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE AND THE
24 SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR
25 COMMITTEES, AND THE JOINT BUDGET COMMITTEE; AND

26 (II) THE DIVISION SHALL POST THE REPORT ON THE DIVISION'S
27 PUBLIC-FACING WEBSITE IN AN EASILY ACCESSIBLE LOCATION AND

1 MANNER.

2 (c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
3 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT SPECIFIED IN THIS
4 SUBSECTION (7) CONTINUES INDEFINITELY.

5 **SECTION 5.** In Colorado Revised Statutes, **add** 10-16-1209 as
6 follows:

7 **10-16-1209. Repeal of certain provisions - notice to the revisor**
8 **- repeal.** (1) SECTIONS 10-16-1203 (16), 10-16-1205 (2)(e), AND
9 10-16-1206(1.5) WILL TAKE EFFECT ONLY IF, BY DECEMBER 31, 2025, THE
10 UNITED STATES CONGRESS DOES NOT ENACT AND THE PRESIDENT DOES
11 NOT SIGN FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR
12 OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT BEYOND
13 THE 2025 CALENDAR YEAR. THE COMMISSIONER SHALL NOTIFY THE
14 REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS
15 SUBSECTION (1) HAS OCCURRED BY EMAILING THE NOTICE TO
16 REVISOROFSTATUTES.GA@COLEG.GOV. IF THE CONDITION SPECIFIED IN
17 THIS SUBSECTION (1) OCCURS, SECTIONS 10-16-1203 (16), 10-16-1205
18 (2)(e), AND 10-16-1206 (1.5) TAKE EFFECT ON JANUARY 1, 2026.

19 (2) THIS SECTION AND SECTIONS 10-16-1203 (16), 10-16-1205
20 (2)(e), AND 10-16-1206 (1.5) WILL BE REPEALED IF, ON OR BEFORE
21 DECEMBER 31, 2025, THE UNITED STATES CONGRESS ENACTS AND THE
22 PRESIDENT SIGNS FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR
23 OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT BEYOND
24 DECEMBER 31, 2025, WITH AT LEAST THE SAME ELIGIBILITY AND IN THE
25 SAME AMOUNT AS AUTHORIZED BY THE AMENDMENTS TO THE PREMIUM
26 TAX CREDIT IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
27 PUB.L. 117-2, AND THE FEDERAL "INFLATION REDUCTION ACT OF 2022",

1 PUB.L. 117-169, 136 STAT. 1818 (2022). THE COMMISSIONER SHALL
2 NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE CONDITION
3 SPECIFIED IN THIS SUBSECTION (2) HAS OCCURRED AND OF THE DATE ON
4 WHICH THE CONDITION OCCURRED BY EMAILING THE NOTICE TO
5 REVISOROFSTATUTES.GA@COLEG.GOV. THIS SECTION AND SECTIONS
6 10-16-1203 (16), 10-16-1205 (2)(e), AND 10-16-1206 (1.5) ARE REPEALED
7 UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE CONDITION SPECIFIED
8 IN THIS SUBSECTION (2) OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY
9 THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

10 **SECTION 6.** In Colorado Revised Statutes, 38-13-801, **amend**
11 (1)(b), (1)(c), and (2)(f); and **add** (7) as follows:

12 **38-13-801. Unclaimed property trust fund - creation -**
13 **payments - interest - appropriations - records - rules - repeal.**

14 (1) (b) Except as provided in subsections (2), (3), ~~and~~ (3.5), (6), AND (7)
15 of this section, the principal of the trust fund shall not be expended except
16 to pay claims made pursuant to this article 13. Money constituting the
17 principal of the trust fund is not fiscal year spending of the state for
18 purposes of section 20 of article X of the state constitution and is not
19 subject to appropriation by the general assembly.

20 (c) Except as provided in ~~subsection (6)~~ SUBSECTIONS (6) AND (7)
21 of this section, all interest derived from the deposit and investment of
22 money in the trust fund shall be credited to the trust fund. Such interest
23 is not fiscal year spending of the state for purposes of section 20 of article
24 X of the state constitution.

25 (2) (f) (I) Interest and, if necessary, principal credited, as required
26 by subsection (6) of this section, as a loan to the provider stabilization
27 fund created in section 25.5-3-603 (1) does not constitute fiscal year

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

3 (II) INTEREST AND, IF NECESSARY, PRINCIPAL CREDITED, AS
4 REQUIRED BY SUBSECTION (7) OF THIS SECTION, AS A LOAN TO THE HEALTH
5 INSURANCE AFFORDABILITY CASH FUND CREATED IN SECTION 10-16-1206
6 (1) DOES NOT CONSTITUTE FISCAL YEAR SPENDING OF THE STATE FOR
7 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

8 (7) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (7)(a)(II) OF THIS
9 SECTION, WITHIN TEN DAYS AFTER THE EFFECTIVE DATE OF THIS
10 SUBSECTION (7), THE STATE TREASURER SHALL MAKE AN INTEREST-FREE
11 LOAN IN THE AMOUNT OF ONE HUNDRED MILLION DOLLARS FROM INTEREST
12 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
13 UNCLAIMED PROPERTY TRUST FUND TO THE HEALTH INSURANCE
14 AFFORDABILITY CASH FUND CREATED IN SECTION 10-16-1206 (1).

15 (II) IF THERE IS AN INSUFFICIENT AMOUNT OF INTEREST IN THE
16 UNCLAIMED PROPERTY TRUST FUND TO ENABLE THE STATE TREASURER TO
17 CREDIT THE FULL AMOUNT OF THE LOAN SPECIFIED IN SUBSECTION (7)(a)(I)
18 OF THIS SECTION FROM INTEREST ALONE, THE STATE TREASURER SHALL
19 CREDIT AN AMOUNT OF PRINCIPAL IN THE TRUST FUND THAT IS SUFFICIENT
20 TO ENABLE THE STATE TREASURER TO CREDIT TO THE HEALTH INSURANCE
21 AFFORDABILITY CASH FUND THE FULL AMOUNT OF THE LOAN.

22 (b) (I) SUBSECTION (7)(a) OF THIS SECTION WILL TAKE EFFECT
23 ONLY IF, BY DECEMBER 31, 2025, THE UNITED STATES CONGRESS DOES
24 NOT ENACT AND THE PRESIDENT DOES NOT SIGN FEDERAL LEGISLATION
25 THAT EXTENDS, RECREATES, OR OTHERWISE REINSTATES THE ENHANCED
26 PREMIUM TAX CREDIT, AS DEFINED IN SECTION 10-16-1203 (2.5), BEYOND
27 THE 2025 CALENDAR YEAR. THE COMMISSIONER SHALL NOTIFY THE

1 REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS
2 SUBSECTION (7)(b)(I) HAS OCCURRED AND OF THE DATE ON WHICH THE
3 CONDITION OCCURRED BY EMAILING THE NOTICE TO
4 REVISOROFSTATUTES.GA@COLEG.GOV. IF THE CONDITION SPECIFIED IN
5 THIS SUBSECTION (7)(b)(I) OCCURS, SUBSECTION (7)(a) OF THIS SECTION
6 TAKES EFFECT ON JANUARY 1, 2026.

7 (II) THIS SUBSECTION (7) WILL BE REPEALED IF, ON OR BEFORE
8 DECEMBER 31, 2025, THE UNITED STATES CONGRESS ENACTS AND THE
9 PRESIDENT SIGNS FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR
10 OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT, AS
11 DEFINED IN SECTION 10-16-1203 (2.5), BEYOND DECEMBER 31, 2025, WITH
12 AT LEAST THE SAME ELIGIBILITY AND IN THE SAME AMOUNT AS
13 AUTHORIZED BY THE AMENDMENTS TO THE PREMIUM TAX CREDIT, AS
14 DEFINED IN SECTION 10-16-1203 (10), IN THE FEDERAL "AMERICAN
15 RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AND THE FEDERAL "INFLATION
16 REDUCTION ACT OF 2022", PUB.L. 117-169, 136 STAT. 1818 (2022). THE
17 COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF
18 THE CONDITION SPECIFIED IN THIS SUBSECTION (7)(b)(II) HAS OCCURRED
19 AND OF THE DATE ON WHICH THE CONDITION OCCURRED BY EMAILING THE
20 NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS SUBSECTION (7)
21 IS REPEALED UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE
22 CONDITION SPECIFIED IN THIS SUBSECTION (7)(b)(II) OCCURRED OR, IF THE
23 NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO
24 THE REVISOR OF STATUTES.

25 **SECTION 7. Safety clause.** The general assembly finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety or for appropriations for

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