

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB21-1068 be amended as follows:

1 Amend printed bill, page 3, line 13, strike "THE" and substitute "FOR
2 LARGE EMPLOYER POLICIES AND CONTRACTS ISSUED OR RENEWED ON OR
3 AFTER JANUARY 1, 2022, AND FOR INDIVIDUAL AND SMALL GROUP
4 POLICIES AND CONTRACTS ISSUED OR RENEWED ON OR AFTER JANUARY 1,
5 2023, THE".

6 Page 5, strike lines 1 through 4 and substitute:

7 **"SECTION 3.** In Colorado Revised Statutes, 10-16-102, **add**
8 (40.5) as follows:

9 **10-16-102. Definitions.** As used in this article 16, unless the
10 context otherwise requires:

11 (40.5) (a) "LARGE EMPLOYER" MEANS ANY PERSON, FIRM,
12 CORPORATION, PARTNERSHIP, OR ASSOCIATION THAT:

13 (I) IS ACTIVELY ENGAGED IN BUSINESS;

14 (II) EMPLOYED AN AVERAGE OF MORE THAN ONE HUNDRED
15 ELIGIBLE EMPLOYEES ON BUSINESS DAYS DURING THE IMMEDIATELY
16 PRECEDING CALENDAR YEAR, EXCEPT AS PROVIDED IN SUBSECTION
17 (40.5)(c) OF THIS SECTION; AND

18 (III) WAS NOT FORMED PRIMARILY FOR THE PURPOSE OF
19 PURCHASING INSURANCE.

20 (b) FOR PURPOSES OF DETERMINING WHETHER AN EMPLOYER IS A
21 "LARGE EMPLOYER", THE NUMBER OF ELIGIBLE EMPLOYEES IS
22 CALCULATED USING THE METHOD SET FORTH IN 26 U.S.C. SEC. 4980H
23 (c)(2)(E).

24 (c) IN THE CASE OF AN EMPLOYER THAT WAS NOT IN EXISTENCE
25 THROUGHOUT THE PRECEDING CALENDAR QUARTER, THE DETERMINATION
26 OF WHETHER THE EMPLOYER IS A LARGE EMPLOYER IS BASED ON THE
27 AVERAGE NUMBER OF EMPLOYEES THAT THE EMPLOYER IS REASONABLY
28 EXPECTED TO EMPLOY ON BUSINESS DAYS IN THE CURRENT CALENDAR
29 YEAR.

30 (d) THE FOLLOWING EMPLOYERS ARE SINGLE EMPLOYERS FOR
31 PURPOSES OF DETERMINING THE NUMBER OF EMPLOYEES:

32 (I) A PERSON OR ENTITY THAT IS A SINGLE EMPLOYER PURSUANT
33 TO 26 U.S.C. SEC. 414 (b), (c), (m), OR (o); AND

34 (II) AN EMPLOYER AND ANY PREDECESSOR EMPLOYER."

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