

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 14-0468.01 Brita Darling x2241

HOUSE BILL 14-1045

HOUSE SPONSORSHIP

Primavera,

SENATE SPONSORSHIP

Aguilar and Crowder, Kefalas

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE BREAST AND CERVICAL
102 CANCER PREVENTION AND TREATMENT PROGRAM, AND, IN
103 CONNECTION THEREWITH, MAKING AND REDUCING
104 APPROPRIATIONS.

Bill Summary

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

The bill extends the repeal date by 5 years for the breast and cervical cancer prevention and treatment program (program).

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 17, 2014

HOUSE
3rd Reading Unamended
April 1, 2014

HOUSE
Amended 2nd Reading
March 31, 2014

The bill permits a person to receive treatment if the person was screened by any provider, within his or her scope of practice, who does not receive funds through the center for disease control and prevention's detection program (detection program), but whose screening activities have been recognized under the detection program.

The bill permits the program to receive moneys from the sale of the breast cancer awareness license plates and removes language that prevents the transfer of those moneys until certain conditions are met.

The bill includes language concerning the source of funds for the annual appropriation for the program for the next budget year and budget years thereafter.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-308, **amend**
3 (2) (a) (I) (B), (8) (a) (I), and (10); **repeal** (8) (c); and **add** (9) (g) as
4 follows:

5 **25.5-5-308. Breast and cervical cancer prevention and**
6 **treatment program - creation - legislative declaration - definitions -**
7 **funds - repeal.** (2) As used in this section, unless the context otherwise
8 requires:

9 (a) "Eligible person" means a person who:

10 (I) (B) Has been screened for breast or cervical cancer by a ANY
11 provider, WITHIN THE PROVIDER'S SCOPE OF PRACTICE, who does not
12 receive funds through the centers for disease control and prevention's
13 national breast and cervical cancer early detection program but whose
14 screening activities are recognized by the department of public health and
15 environment as part of screening activities under the centers for disease
16 control and prevention's national breast and cervical cancer early
17 detection program. ~~This sub-subparagraph (B) shall apply only if the state~~
18 ~~department receives authority to receive federal financial participation for~~
19 ~~such persons. The state department shall request authority for federal~~

1 ~~financial participation when the state department determines that the~~
2 ~~amount of moneys accumulated in the eligibility expansion account~~
3 ~~created in paragraph (c) of subsection (8) of this section, including any~~
4 ~~amounts pledged or promised through a gift, grant, or donation, is~~
5 ~~sufficient to sustain the projected number of additional persons who~~
6 ~~would be eligible for the program under this sub-subparagraph (B).~~

7 (8) (a) (I) There is hereby created in the state treasury the breast
8 and cervical cancer prevention and treatment fund, referred to in this
9 subsection (8) as the "fund". The fund shall consist of any moneys
10 credited thereto pursuant to section 24-22-115 (1), C.R.S., any gifts,
11 grants, and donations, any moneys appropriated thereto by the general
12 assembly, and any moneys ~~transferred from the eligibility expansion~~
13 ~~account pursuant to subparagraph (H) of paragraph (c) of this subsection~~
14 ~~(8) CREDITED THERETO PURSUANT TO SECTION 42-3-217.5 (3) (c), C.R.S.~~
15 Except as provided for in paragraph (b.5) of this subsection (8), all
16 moneys credited to the fund and all interest and income earned on the
17 moneys in the fund shall remain in the fund for the purposes set forth in
18 this section. Any unexpended and unencumbered moneys remaining in
19 the fund at the end of a fiscal year shall remain in the fund and shall not
20 be credited or transferred to the general fund or another fund. The state
21 department is encouraged to secure private gifts, grants, and donations to
22 fund the state costs of the breast and cervical cancer prevention and
23 treatment program.

24 (c) (I) ~~There is hereby created, as an account within the fund, the~~
25 ~~eligibility expansion account, referred to in this subsection (8) as the~~
26 ~~"account". The account shall consist of moneys credited thereto pursuant~~
27 ~~to section 42-3-217.5 (3) (c), C.R.S., any gifts, grants, and donations, and~~

1 any other moneys appropriated thereto by the general assembly. Moneys
2 in the account shall be expended only to fund the cost to expand the
3 eligibility criteria for participation in the breast and cervical cancer
4 prevention and treatment program to persons described in
5 sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection
6 (2) of this section who are screened for breast or cervical cancer by a
7 provider who does not receive funds through the centers for disease
8 control and prevention's national breast and cervical cancer early
9 detection program established under Title XV of the federal "Public
10 Health Service Act", 42 U.S.C. sec. 300k et seq., to provide screening
11 activities. The state department shall not be required to track or report on
12 the persons who become eligible for participation in the breast and
13 cervical cancer prevention and treatment program pursuant to
14 sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection
15 (2) of this section separately from those persons who are eligible for the
16 program pursuant to sub-subparagraph (A) of subparagraph (I) of
17 paragraph (a) of subsection (2) of this section, nor shall the state
18 department be required to track or report separately on expenditures
19 related to persons eligible to participate in the program pursuant to either
20 such sub-subparagraph.

21 (H) Notwithstanding paragraph (b.5) of this subsection (8), all
22 moneys credited to the account and all interest and income earned on the
23 moneys in the account shall remain in the account for the purposes set
24 forth in this paragraph (c) and shall not be credited or transferred to the
25 general fund or any other fund except as provided in subparagraph (HH)
26 of this paragraph (c). The state department is encouraged to secure private
27 gifts, grants, and donations to help fund the costs to expand the eligibility

1 criteria for participation in the breast and cervical cancer prevention and
2 treatment program as described in this paragraph (c).

3 ~~(HH) (A) Upon determining that the amount of moneys~~
4 ~~accumulated in the account, including any amounts pledged or promised~~
5 ~~through a gift, grant, or donation, is sufficient to sustain the projected~~
6 ~~number of additional persons who would be eligible for the program~~
7 ~~under sub-subparagraph (B) of subparagraph (I) of paragraph (a) of~~
8 ~~subsection (2) of this section, and upon obtaining authority to receive~~
9 ~~federal financial participation for persons eligible under sub-subparagraph~~
10 ~~(B) of subparagraph (I) of paragraph (a) of subsection (2) of this section,~~
11 ~~the state department shall notify the joint budget committee that the~~
12 ~~account balance is sufficient to expand eligibility for the program and~~
13 ~~shall request an appropriation for the fiscal year for which the federal~~
14 ~~authority has been granted to fund the persons eligible pursuant to~~
15 ~~sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection~~
16 ~~(2) of this section.~~

17 ~~(B) Once the state department has notified the joint budget~~
18 ~~committee, the staff director of the joint budget committee shall request~~
19 ~~that the state treasurer transfer the moneys in the eligibility expansion~~
20 ~~account to the breast and cervical cancer prevention and treatment fund~~
21 ~~and dissolve the account.~~

22 ~~(C) This paragraph (c) is repealed, effective when the state~~
23 ~~treasurer transfers the balance of the eligibility expansion account to the~~
24 ~~breast and cervical cancer prevention and treatment fund and dissolves~~
25 ~~the account. The state treasurer shall notify the revisor of statutes in~~
26 ~~writing when the conditions specified in this sub-subparagraph (C) have~~
27 ~~been satisfied.~~

1 (9) (g) FOR THE FISCAL YEARS 2014-15 THROUGH 2018-19, THE
2 GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE ONE HUNDRED
3 PERCENT OF THE STATE COSTS OF THE BREAST AND CERVICAL CANCER
4 PREVENTION AND TREATMENT PROGRAM FROM THE MONEYS CREDITED TO
5 THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND
6 TO SUCH PROGRAM; EXCEPT THAT, IF THE MONEYS IN THE BREAST AND
7 CERVICAL CANCER PREVENTION AND TREATMENT FUND ARE INSUFFICIENT
8 TO FULLY FUND THE PROGRAM, THE GENERAL ASSEMBLY SHALL
9 APPROPRIATE SUFFICIENT MONEYS FROM THE GENERAL FUND.

10 (10) This section is repealed, effective July 1, 2014 2019, unless,
11 in any fiscal year before such date, moneys received as federal financial
12 participation provided pursuant to the federal "Breast and Cervical Cancer
13 Prevention and Treatment Act of 2000", enacted October 24, 2000,
14 Pub.L. 106-354, as amended, are no longer available to the fund or the
15 rate of federal financial participation has been decreased, in which case
16 the general assembly may repeal this section at the regular session of the
17 general assembly immediately following such decrease or discontinuation
18 of federal moneys.

19 **SECTION 2.** In Colorado Revised Statutes, 24-22-117, **amend**
20 (2) (d) (II) introductory portion as follows:

21 **24-22-117. Tobacco tax cash fund - accounts - creation -**
22 **legislative declaration.** (II) Of the moneys appropriated annually by the
23 general assembly to the department of public health and environment
24 pursuant to subparagraph (I) of this paragraph (d), moneys shall be
25 annually allocated by the department of public health and environment for
26 breast and cervical cancer screenings pursuant to section 25-4-1505,
27 C.R.S., and transferred to the department of health care policy and

1 ~~financing for the breast and cervical cancer treatment program established~~
2 ~~in section 25.5-5-308, C.R.S., in the following amounts not to exceed five~~
3 ~~million dollars in any fiscal year:~~

4 **SECTION 3.** In Colorado Revised Statutes, 42-3-217.5, **amend**
5 (3) (c) as follows:

6 **42-3-217.5. Special plates - breast cancer awareness -**
7 **retirement.** (3) (c) In addition to the taxes and fees specified in
8 paragraph (b) of this subsection (3), a person applying for a new or
9 replacement breast cancer awareness special license plate shall pay a
10 surcharge of twenty-five dollars. A person applying on or before June 30,
11 2012, to renew a breast cancer awareness special license plate shall have
12 the option to pay the twenty-five dollar surcharge but shall not be
13 required to pay the surcharge in order to renew the special plate. On or
14 after July 1, 2012, a person applying to renew a breast cancer awareness
15 special license plate shall pay the twenty-five dollar surcharge required
16 by this paragraph (c). The department shall transmit the surcharge to the
17 state treasurer, who shall credit the surcharge to the ~~eligibility expansion~~
18 ~~account of the breast and cervical cancer prevention and treatment fund~~
19 ~~created in section 25.5-5-308 (8) (c), C.R.S., for use in accordance with~~
20 ~~that section; except that once the eligibility expansion account is~~
21 ~~dissolved pursuant to section 25.5-5-308 (8) (c) (III), C.R.S., the state~~
22 ~~treasurer shall credit the surcharge to the breast and cervical cancer~~
23 ~~prevention and treatment fund created in section 25.5-5-308 (8) (a),~~
24 ~~C.R.S. The department shall ensure implementation of this paragraph (c)~~
25 ~~no later than October 31, 2009.~~

26 **SECTION 4. Appropriation - adjustments to 2014 long bill.**

27 (1) For the implementation of this act, the appropriation made in the

1 annual general appropriation act to the department of public health and
2 environment for the fiscal year beginning July 1, 2014, for the prevention
3 services division, for chronic disease prevention programs, for transfer to
4 the department of health care policy and financing for breast and cervical
5 cancer treatment, is decreased by \$936,892 cash funds from the
6 prevention, early detection, and treatment fund created in section
7 24-22-117 (2) (d) (I), Colorado Revised Statutes.

8 (2) For the implementation of this act, the appropriation made in
9 the annual general appropriation act to the department of public health
10 and environment for the fiscal year beginning July 1, 2014, for the
11 prevention services division, for chronic disease prevention programs,
12 breast and cervical cancer screening, is increased by \$936,892 cash funds
13 from the prevention, early detection, and treatment fund created in section
14 24-22-117 (2) (d) (I), Colorado Revised Statutes.

15 **SECTION 5. Appropriation.** (1) In addition to any other
16 appropriation, there is hereby appropriated, to the department of health
17 care policy and financing, for the fiscal year beginning July 1, 2014, the
18 sum of \$7,006,802 and 1.0 FTE, or so much thereof as may be necessary,
19 comprised of \$2,424,016 from the breast and cervical cancer prevention
20 and treatment fund created in section 25.5-5-308 (8) (a) (I), Colorado
21 Revised Statutes, and \$4,582,786 from federal funds, to be allocated for
22 the implementation of this act as follows:

23 (a) \$45,314 and 1.0 FTE, comprised of \$22,657 from the breast
24 and cervical cancer prevention and treatment fund and \$22,657 from
25 federal funds, for personal services;

26 (b) \$2,824, comprised of \$1,412 from the breast and cervical
27 cancer prevention and treatment fund and \$1,412 from federal funds, for

1 health, life, and dental expenses;

2 (c) \$86, comprised of \$43 from the breast and cervical cancer
3 prevention and treatment fund and \$43 from federal funds, for short-term
4 disability;

5 (d) \$1,652, comprised of \$826 from the breast and cervical cancer
6 prevention and treatment fund and \$826 from federal funds, for S.B.
7 04-257 amortization equalization disbursement;

8 (e) \$1,550, comprised of \$775 from the breast and cervical cancer
9 prevention and treatment fund and \$775 from federal funds, for S.B.
10 06-235 supplemental amortization equalization disbursement;

11 (f) \$1,342, comprised of \$671 from the breast and cervical cancer
12 prevention and treatment fund and \$671 from federal funds, for salary
13 survey;

14 (g) \$508, comprised of \$254 from the breast and cervical cancer
15 prevention and treatment fund and \$254 from federal funds, for merit pay;

16 (h) \$332, comprised of \$166 from the breast and cervical cancer
17 prevention and treatment fund and \$166 from federal funds, for operating
18 expenses;

19 (i) \$2,878, comprised of \$1,439 from the breast and cervical
20 cancer prevention and treatment fund and \$1,439 from federal funds, for
21 COFRS modernization;

22 (j) \$6,820,477, comprised of \$2,351,018 from the breast and
23 cervical cancer prevention and treatment fund and \$4,469,459 from
24 federal funds, for medical service premiums; and

25 (k) \$129,839, comprised of \$44,755 from the breast and cervical
26 cancer prevention and treatment fund and \$85,084 from federal funds, for
27 behavioral health capitation payments.

1 **SECTION 6. Effective date.** This act takes effect July 1, 2014.

2 **SECTION 7. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.