

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 21-0116.01 Yelana Love x2295

HOUSE BILL 21-1140

HOUSE SPONSORSHIP

Titone, Bernett, Bird, Cutter, Garnett, Hooton, Kipp, Lontine, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Roberts, Valdez A., Valdez D., Weissman, Young

SENATE SPONSORSHIP

Coram, Bridges, Buckner, Hansen, Hisey, Jaquez Lewis, Moreno, Sonnenberg, Story, Zenzinger

House Committees

Health & Insurance
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF COSTS ASSOCIATED WITH LIVING**
102 **ORGAN DONATION FOR A LIVING ORGAN DONOR, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 prohibits a hospital, health facility, or person offering an individual or group health benefit plan from charging a living organ donor any deductibles, copayments, coinsurance, benefit maximums, waiting periods, or other limitations on coverage for health care services necessary for the living organ donation.

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

SENATE
3rd Reading Unamended
May 21, 2021

SENATE
2nd Reading Unamended
May 20, 2021

HOUSE
3rd Reading Unamended
April 26, 2021

HOUSE
Amended 2nd Reading
April 23, 2021

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **add** (24)
3 as follows:

4 **10-16-104. Mandatory coverage provisions - rules -**
5 **definitions.** (24) **Living organ donation.** (a) (I) ALL INDIVIDUAL AND
6 GROUP HEALTH BENEFIT PLANS ISSUED OR RENEWED IN THIS STATE ON AND
7 AFTER JANUARY 1, 2022, SHALL PROVIDE COVERAGE FOR HEALTH CARE
8 SERVICES RELATED TO LIVING ORGAN DONATION FOR A COVERED PERSON
9 WHO IS A LIVING ORGAN DONOR.

10 (II) THE HEALTH BENEFIT PLAN SHALL NOT IMPOSE ANY
11 DEDUCTIBLES, COPAYMENTS, COINSURANCE, BENEFIT MAXIMUMS,
12 WAITING PERIODS, OR OTHER LIMITATIONS ON COVERAGE FOR THE LIVING
13 ORGAN DONATION.

14 (III) THE COMMISSIONER SHALL ADOPT RULES CONSISTENT WITH
15 AND AS ARE NECESSARY TO IMPLEMENT THIS SUBSECTION (24).

16 (b) AS USED IN THIS SUBSECTION (24):

17 (I) "HEALTH CARE SERVICES" MEANS A PROCEDURE TO HARVEST
18 AN ORGAN OF A LIVING ORGAN DONOR AND ALL SERVICES REQUIRED
19 BEFORE AND AFTER THE PROCEDURE.

20 (II) "LIVING ORGAN DONOR" MEANS A LIVING PERSON WHO HAS
21 DONATED ALL OR PART OF AN ORGAN.

22 **SECTION 2.** In Colorado Revised Statutes, **add** 25-1.5-116 as
23 follows:

24 **25-1.5-116. Costs associated with living organ donation -**
25 **definitions.** (1) ON AND AFTER JANUARY 1, 2022, A HOSPITAL OR OTHER
26 HEALTH FACILITY LICENSED OR CERTIFIED PURSUANT TO SECTION

1 25-1.5-103 (1) SHALL NOT BILL OR CHARGE A LIVING ORGAN DONOR FOR
2 ANY COSTS ASSOCIATED WITH PROVIDING THE HEALTH CARE SERVICES
3 RELATED TO LIVING ORGAN DONATION.

4 (2) AS USED IN THIS SECTION:

5 (a) "HEALTH CARE SERVICES" MEANS A PROCEDURE TO HARVEST
6 AN ORGAN OF A LIVING ORGAN DONOR AND ALL SERVICES REQUIRED
7 BEFORE AND AFTER THE PROCEDURE.

8 (b) "LIVING ORGAN DONOR" MEANS A LIVING PERSON WHO HAS
9 DONATED ALL OR PART OF AN ORGAN.

10 **SECTION 3. Appropriation.** For the 2021-22 state fiscal year,
11 \$13,353 is appropriated to the department of regulatory agencies for use
12 by the division of insurance. This appropriation is from the division of
13 insurance cash fund created in section 10-1-103 (3), C.R.S., and is based
14 on an assumption that the division will require an additional 0.2 FTE. To
15 implement this act, the division may use this appropriation for personal
16 services.

17 **SECTION 4. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2022 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.