
Public Health Nurses Association of Colorado

[HB11-1016](#)

Prohibit E-cigarette Possession By Minor

Notes:

Position: **Monitor**

Short Title: Prohibit E-cigarette Possession By Minor

Sponsors: SUMMERS / BOYD

Summary: For the purpose of existing provisions addressing the furnishing of cigarettes or tobacco products to minors, the use of cigarettes or tobacco products by a minor, and the use of cigarettes or tobacco products on school property, the bill expands the definition of "tobacco product" to include any device that is designed to deliver inhaled, ingested, or physically applied doses of nicotine. For the purpose of taxation, "tobacco product" is redefined to include any device that is designed to deliver inhaled, ingested, or physically applied doses of nicotine; except that "tobacco product" does not include cigarettes, which are taxed separately. The bill extends the repeal date of the statutes concerning the regulation of tobacco sales to minors from July 1, 2011, to July 1, 2016.

Status: 03/25/2011 Governor Action - Signed

[HB11-1019](#)

Exempt School-based Clinics Copay

Notes:

Position: **Support**

Short Title: Exempt School-based Clinics Copay

Sponsors: KAGAN / BOYD

Summary: Under certain circumstances, it is the crime of abuse of health insurance to knowingly waive a patient's required deductible or copayment and then seek payment from a third-party payor. The bill exempts health care services provided by school-based health

centers from the crime.

Status: 03/17/2011 Governor Action - Signed

[HB11-1025](#)

Repeal Hospital Provider Fee

Notes:

Position: **Monitor**

Short Title: Repeal Hospital Provider Fee

Sponsors: JOSHI / LUNDBERG

Summary: The bill repeals the "Health Care Affordability Act of 2009" that established hospital provider fees on outpatient and inpatient services provided by all licensed or certified hospitals.

Status: 02/22/2011 House Committee on Health and Environment Postpone Indefinitely

[HB11-1043](#)

Medical Marijuana

Notes:

Position: **Monitor**

Short Title: Medical Marijuana

Sponsors: MASSEY / STEADMAN

Summary: The bill clarifies a number of provisions in the "Colorado Medical Marijuana Code". Under current law, any person applying for or who has been issued a medical marijuana license is subject to certain residency requirements. The bill narrows the application of the residency requirements to owners only, as defined by rule of the department of revenue. A medical marijuana infused-products manufacturer is limited to having no more than 500 marijuana plants on site unless the manufacturer is granted a waiver. A primary caregiver who cultivates medical marijuana for his or her patients must register the cultivation site and all patient identification numbers with the medical marijuana state licensing authority and comply with all zoning and building codes. Under current law, a medical marijuana center is subject to prohibitions on unfair business practices that may include selling products below cost. The bill allows a center to sell at a reduced cost or donate medical marijuana to indigent patients. A medical marijuana center is authorized to sell clones in addition to medical marijuana and medical marijuana infused-products. A medical marijuana center is

permitted to trade medical marijuana with another center in exact equal amounts and can sell that medical marijuana, but the medical marijuana may not be traded again. Under current law, a medical marijuana license may not be issued to a person who has been convicted of a felony within the last 5 years or who has ever been convicted of a felony drug offense. The bill changes the requirement so that only those persons who have been convicted of felony drug offense in the last 5 years may not be issued a license. Current law imposes a 2-year residency requirement on all license applicants. The bill changes the residency requirement so that it applies only to those applicants who are going to be owners of a medical marijuana business. Currently, a licensed medical marijuana center may not be located within 1,000 feet of a school, drug or alcohol treatment facility, higher education facility, or residential child care facility. The bill grandfathered in those centers that were located at their present sites on or before December 15, 2009. The bill repeals the provisions that made the location of optional premises cultivation operations confidential. The bill creates 2 new classes of medical marijuana licenses:

- * A primary caregiver cultivation license, which gives a primary caregiver who has received a waiver to serve more than 5 patients or who grows more than 30 plants at a time the authority to grow medical marijuana only for his or her patients or for the patients of another primary caregiver, if the licensee has been delegated authority over the patients.

- * An infused-products manufacturing facility license, which allows a facility to be licensed for exclusive use by multiple infused-products manufacturers. The bill clarifies that if a patient has applied for, but has not yet received, a registry identification card, the patient may present the application and a photo identification at the time of purchase in lieu of the registration card. The bill states that the labeling of medical marijuana-infused products is a matter of statewide concern. The bill creates a process by which a physician who has a restricted license to practice medicine may apply for clarification of whether the restriction prohibits the physician from making a medical marijuana recommendation. A primary caregiver may delegate his or her authority to another primary caregiver with whom the primary caregiver has an existing business relationship if he or she maintains a professional relationship with a patient. The bill states that land that is used for the cultivation of medical marijuana cannot be classified as agricultural land for tax purposes. The bill clarifies that medical marijuana medical records are medical records for the purposes of the theft of medical records statute. An owner, officer, or employee of a licensed medical marijuana business who releases the medical record of a patient commits a class 1 misdemeanor. The state

licensing authority may adopt rules regarding licensing action against a licensed business that releases patient information.

Status: 05/11/2011 House Considered Senate Amendments - Result was to Concur - Repass

[HB11-1062](#)

San Luis Valley Farm-to-school Pilot

Notes:

Position:

Short Title: San Luis Valley Farm-to-school Pilot

Sponsors: VIGIL / SCHWARTZ

Summary: The bill directs the interagency farm-to-school coordination task force, created by Senate Bill 10-081, to study the feasibility of developing a farm-to-school program pilot, and methods to incorporate geothermally heated greenhouses into such program pilot, for schools in the San Luis valley.

Status: 01/31/2011 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely

[HB11-1063](#)

Animal Welfare And Control

Notes:

Position:

Short Title: Animal Welfare And Control

Sponsors: MCKINLEY

Summary: The bill makes various changes regarding animal welfare laws. Section 1 identifies a person engaged in animal control for a local governmental entity as a peace officer and specifies that the person's authority is limited to enforcement of ordinances and resolutions related to pet animal control. Section 2 allows conviction of an offense of any felony or crime of moral turpitude to be used as grounds for denial of employment in local animal control or as an animal protection agent in the bureau of animal protection (agent). Section 3:

- * Grants a court discretion to waive the bond requirement for indigent owners of impounded animals;
- * Requires courts to hear on an expedited basis matters related to the reasonableness of a bond requirement in a case involving an impounded animal;

* Requires the bonds paid by an owner of an animal impounded in connection with a charge or investigation of an animal-related offense to be refunded, or the entire amount of the proceeds from sale of the animal to be forwarded, to the owner if the owner is not convicted of the charges; and

* Applies the Colorado rules of civil procedure to impoundment hearings, establishes a clear and convincing standard of proof for such proceedings, and prohibits testimony given by the owner or custodian of an impounded animal from being admitted in any subsequent criminal prosecution. Section 4 requires nongovernmental entities that contract with counties to enforce pet animal control regulations to make certain information available for public inspection. Section 5:

* Limits the authority of animal control officers to enforcement of laws concerning the control of pet animals;

* Requires persons engaged in animal control to undergo a criminal history record check prior to such engagement;

* Requires personnel engaged in pet animal control by local governments to carry picture identification and to produce the identification upon request by any interested person;

* Requires animal control officers engaged on and after January 1, 2012, to undergo, at a minimum, the same training as is required for an agent prior to being so engaged; and

* Declares the imposition of minimum standards for persons engaged in animal control to be a valid exercise of the state police power and a matter of statewide concern. Sections 6 and 13 describe the scope of the "Animal Protection Act" (act). Section 7 prohibits the commissioner of the Colorado department of agriculture (commissioner) from appointing any nongovernmental entity as an agent or contracting with a nongovernmental entity for the provision of any services relating to the inspection or protection of livestock. Section 8:

* Requires the commissioner to revoke or refuse to renew the commission of any agent convicted of an offense of cruelty to animals or other felony or crime of moral turpitude;

* Eliminates the power of the commissioner to appoint employees of nonprofit corporations as agents;

* Restricts the authority of agents to enforcement of laws related to animal care, welfare, and protection; and

* Requires that the commissioner shall not renew the contract of an agent who's convicted of or pleads nolo contendere to a felony or crime of moral turpitude. Section 9 eliminates the requirement that each employee of a nonprofit corporation that is appointed as an agent shall carry minimum liability insurance in the amount of \$100,000. Section 10 requires an agent to undergo a criminal history record check before being commissioned to enforce the act,

and prohibits the commissioner from appointing a person convicted of an offense of cruelty to animals after the commissioner's review of the person's criminal history record check. Agents are required to carry picture identification and to produce the identification upon request by any interested person. Section 11 repeals the requirement that the animal of an owner adjudged to be able to adequately provide for the animal and fit to care for the animal not be returned to the owner until the owner pays the costs of the food, shelter, and care of the animal during the pendency of the matter. Section 12 requires the commissioner to obtain a search warrant from a court of competent jurisdiction before conducting a search of private property for purposes of the act. Section 14 clarifies that the dangerous dog registry is open to public inspection.

Status: 02/07/2011 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely

[HB11-1069](#)

Physical Activity Expectation In Schools

Notes:

Position: **Support**

Short Title: Physical Activity Expectation In Schools

Sponsors: MASSEY / AGUILAR

Summary: The bill directs each school district board of education and the state charter school institute to adopt a policy that incorporates a minimum number of minutes of physical activity each week into each elementary school student's schedule. Each school district and the state charter school institute must report to the department of education (department) specified information concerning the incorporation of physical activity into the school day, including during before- and after-school programming. The department must post the information on its web site, correlated with academic information through each school's school performance report.

Status: 04/20/2011 Governor Action - Signed

[HB11-1087](#)

Pest Control Reimbursement

Notes:

Position: **Monitor**

Short Title: Pest Control Reimbursement

Sponsors: VIGIL / GIRON

Summary: If a private landowner enters into a cooperative agreement with a county under which the county agrees to control rodent pests on the landowner's real property, section 1 of the bill requires the private landowner to reimburse the county for actual expenses incurred by the county in connection with such rodent pests control operations. Section 2 of the bill deletes outdated statutory language. Section 3 of the bill removes an existing statutory cap on the annual price to be charged a private landowner by the county for pest control operations. Section 4 of the bill allows the board of commissioners of a county to select a published meeting date for the meeting at which a private landowner is given an opportunity to raise objections to the amount and accuracy of the county's claim for reimbursement. Under existing law, the date of the meeting is set by statute. Section 5 of the bill removes an existing statutory cap on the amount of moneys that may be expended by a county on an annual basis for rodent pests control operations.

Status: 03/11/2011 Governor Action - Signed

[HB11-1105](#)

Hospital Worker Assault Protection

Notes:

Position: **Monitor**

Short Title: Hospital Worker Assault Protection

Sponsors: ACREE / WHITE

Summary: Under current law, if a person is convicted of third degree assault and the victim is a peace officer, emergency medical technician, or firefighter, the court must impose a mandatory jail term that exceeds the maximum, but is no more than twice the maximum for a class 1 misdemeanor. The bill adds hospital workers to the category of victims that trigger the enhanced sentencing. Under current law, it is third degree assault to throw various bodily fluids at a peace officer, emergency medical technician, or firefighter. The bill adds hospital workers to that list.

Status: 05/11/2011 House Considered Senate Amendments - Result was to Concur - Repass

[HB11-1112](#)

Exempt Medicaid Trans Vehicle Pub Util

Notes:

Position:

Short Title: Exempt Medicaid Trans Vehicle Pub Util

Sponsors: LOOPER

Summary: Section 1 of the bill exempts from regulation as a public utility motor vehicles used for the nonemergency transportation of persons eligible for public medical benefits under medicaid. Section 2 requires the driver of such a vehicle to undergo a criminal history record check. Section 3 requires a driver of a transport vehicle to have a driver's license and pay a \$35 fee.

Status: 02/08/2011 House Committee on Economic and Business Development Postpone Indefinitely

[HB11-1143](#) **Off-label Use Of Prescription Drugs**

Notes:

Position: **Monitor**

Short Title: Off-label Use Of Prescription Drugs

Sponsors: DURAN / AGUILAR

Summary: Current law allows the off-label use of prescription drugs only for the treatment of cancer. The bill allows the off-label use of prescription drugs for the treatment of life-threatening diseases and conditions and for the treatment of chronic and seriously debilitating conditions as long as certain conditions are met.

Status: 02/15/2011 House Committee on Health and Environment Postpone Indefinitely

[HB11-1144](#) **Fetal Alcohol Spectrum Disorders**

Notes:

Position: **Monitor**

Short Title: Fetal Alcohol Spectrum Disorders

Sponsors: SOLANO / TOCHTROP

Summary: The bill includes a legislative declaration of the general assembly's findings regarding fetal alcohol spectrum disorders (FASD), the FASD commission (commission), and the purposes for the bill. The number of members of the commission is increased by adding a representative of the department of education and a representative of a licensed beverage trade association in Colorado. The automatic repeal date for the commission is extended until June 30, 2015. The

commission is directed to evaluate the use of health warning information about the dangers of alcohol consumption during pregnancy. The commission is directed to report to the unit that administers alcohol and drug abuse programs in the department of human services and to the health and human services committees of the senate and the house of representatives, or any successor committees, about the responses from licensed beverage retailers and patrons to the warning signs and make recommendations on how and where to use the signs and other information in the future. The bill requires individual and group insurance policies issued or renewed on or after January 1, 2012, by companies regulated by the state insurance commissioner to cover the cost of a multidisciplinary evaluation as requested by the primary health care provider of a child under the age of 18 who is suspected of having FASD. The bill directs that the written report of the evaluation shall be sent by the diagnostic team to the child's primary health care provider and to the parent, guardian, or primary caregiver of the child. The bill states that nothing in the mandated coverage provision shall be construed to affect any existing benefits or services provided to a policyholder or dependent child. The evaluation is subject to the same copayments applicable for other diagnostic and evaluation benefits covered within the policyholder's health benefit plan. The evaluation shall be exempt from a deductible or dollar limit provision under the policyholder's health benefit plan. If the "essential benefits" provisions for insurance policies offered through the health exchange marketplaces in 2014 under the federal health care reform act do not include coverage for a multidisciplinary evaluation for diagnosing FASD, thereby triggering a potential cost to the state, the bill directs the Colorado interagency health reform implementing board in the governor's office to study the coverage of FASD and to advise and make recommendations to the general assembly about whether the state should cover the costs of a multidisciplinary evaluation or treatment or both of FASD for health care exchange enrollees. The general assembly finds that the Colorado health care program for children with special health care needs housed in the prevention services division in the department of public health and environment is an effective method to provide information and support to local communities and families in need of diagnostic and evaluation services. The department of public health and environment is encouraged to enhance the capacity of local communities to serve families of children who have or are suspected of having neurodevelopmental delays, including FASD, by supporting and promoting local multidisciplinary diagnostic and evaluation clinics.

Status:

03/25/2011 Governor Action - Signed

[HB11-1148](#)**Disclosure Health Worker Employment Info**

Notes:

Position:

Monitor

Short Title:

Disclosure Health Worker Employment Info

Sponsors:

LABUDA / BOYD

Summary:

The bill allows current and former employers to disclose certain information about a health care worker in response to a request from a prospective employer of the health care worker. The disclosing employer is granted immunity from civil liability for the good faith disclosure of information. The bill also creates an exception to the current prohibitions against blacklisting for the disclosure of information.

Status:

03/21/2011 Governor Action - Signed

[HB11-1149](#)**Identity Verification Of Lawful Presence**

Notes:

Position:

Monitor

Short Title:

Identity Verification Of Lawful Presence

Sponsors:

ACREE / HARVEY

Summary:

Current law requires an agency or political subdivision of the state to verify the lawful presence of each applicant 18 years of age or older for federal public benefits or state or local public benefits. The bill amends that law by requiring the applicant to provide the applicant's social security card for inspection. Current law requires an applicant to sign an affidavit attesting that he or she is a United States citizen or legal permanent resident or that he or she is otherwise lawfully present in the United States pursuant to federal law and the attestation is subject to the perjury laws. Instead of signing the affidavit, the bill provides that an applicant may submit for inspection a birth certificate or other documents that indicate the applicant's lawful presence in the United States. The bill clarifies that an employer of a newly hired employee must check legally acceptable documents to verify the identity of the employee as well as check the authority of the person to legally work in the United States.

Status:

04/21/2011 House Second Reading Laid Over with Amendments

[HB11-1152](#)**Health Care Workforce Data Collection**

Notes:**Position:** **Monitor****Short Title:** Health Care Workforce Data Collection**Sponsors:** LABUDA / BOYD

Summary: The bill requires the director of the division of registrations (director) to implement a system to collect workforce data from specified health care professionals. The data is required to be anonymous and extractable for research purposes. The director is also required to provide the option for health care professionals to provide additional workforce data through a voluntary on-line survey. The director will designate an advisory group to develop the structure of the mandatory questions and the on-line survey and to advise the director regarding the appropriate release of the data to the public.

Status: 02/15/2011 House Committee on Economic and Business Development Postpone Indefinitely

[HB11-1166](#)**Type 1 Diabetes Special License Plate**

Notes:**Position:** **Monitor****Short Title:** Type 1 Diabetes Special License Plate**Sponsors:** MURRAY / AGUILAR

Summary: The bill creates the type 1 diabetes special license plate. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

Status: 05/11/2011 House Considered Senate Amendments - Result was to Concur - Repass

[HB11-1171](#)**Study Constitutional Health Care Moneys**

Notes:**Position:** **Monitor****Short Title:** Study Constitutional Health Care Moneys

Sponsors:

FERRANDINO / STEADMAN

Summary:

Certain provisions of the state constitution that are enumerated in the bill dedicate moneys from specific revenue sources to support specific health care programs or uses. Due to the passage of the "Health Care Affordability Act of 2009" and the federal "Patient Protection and Affordable Care Act", and related federal laws and regulations, the dedication of certain moneys in the state constitution may be inefficient or obsolete. Further, the state economic downturn and the desirability of drawing federal matching dollars may warrant revisions to the constitutional requirements relating to certain sources of revenue. The bill creates a 15-member study committee consisting of 6 legislators, the governor, or his designee, and nonlegislative members who shall be appointed by the senate president, the speaker of the house of representatives, and the governor, and shall include members representing various stakeholder groups. The study committee shall meet no more than 3 times during the legislative interim and shall consider the following issues:

* What changes, if any, may be proposed to section 21 (5) (a), (5) (b), and (5) (e) of article X of the state constitution due to the passage of state and federal health care reform;

* What changes, if any, may be proposed to section 21 (5) (b) of article X of the state constitution to ensure that revenues collected pursuant to that section are eligible for federal matching dollars;

* What changes, if any, may be proposed to section 7 (b) of article XXIV of the state constitution that would allow the general assembly to appropriate moneys placed in the stabilization fund created in that section; and

* What changes, if any, may be proposed to section 7 (c) of article XXIV of the state constitution due to the passage of certain state and federal health care reform laws. The study committee shall be limited to consideration of the issues specified in the bill and any issues necessarily related to the study of those issues. The legislative and nonlegislative members of the study committee shall serve without compensation or reimbursement for expenses. On or before November 30, 2011, the study committee shall submit written recommendations to the joint budget committee, the health and human services committee of the senate, the health and environment committee of the house of representatives, and the governor. The provisions of the bill repeal, effective July 1, 2012.

Status:

02/22/2011 House Committee on Health and Environment Postpone Indefinitely

Notes:

Position: **Monitor**

Short Title: Health Care Prof Transparency Act

Sponsors: BALMER / MORSE

Summary: The bill enacts the "Health Care Professional Transparency Act". The bill requires health care practitioners to identify the type of professional license they hold in an advertisement for health care services. Advertisements for health care services must be free from deceptive or misleading information. Health care practitioners working in patient care settings must post and communicate the practitioner's specific licensure by:

- * Wearing a photo identification name tag during all patient encounters. The name tag must contain a recent photo, the practitioner's name, the type of license the practitioner holds, and the expiration date of the license.
- * Displaying in the practitioner's office a written notice clearly identifying the type of license held by the practitioner;
- * Complying with these requirements at all office locations where the practitioner sees patients;
- * Posting a schedule of regular hours when a medical doctor or osteopathic doctor is present in offices where the practitioner practices in collaborative settings with other non-M.D. or non-D.O. practitioners; and
- * Informing a patient or the patient's family, or both, when a portion of patient care is performed by a qualified provider other than a medical doctor or doctor of osteopathic medicine. Violations of the bill are punished as acts of unprofessional conduct under the appropriate licensure laws governing the respective health care practitioner. The bill specifies that in the event of violations any fees or charges paid by a patient must be refunded to the patient.

Status: 02/22/2011 House Committee on Health and Environment Postpone Indefinitely

[HB11-1190](#)

Limit Liability Food-borne Illness Cases

Notes:

Position: **Monitor**

Short Title: Limit Liability Food-borne Illness Cases

Sponsors: SONNENBERG / JAHN

Summary: The bill applies to a product liability action brought against a food

retailer who is not a manufacturer of food but who is deemed to be the manufacturer of the food because jurisdiction cannot be obtained over the manufacturer. The bill limits the liability of food retailers who are deemed manufacturers for causing an injured party to suffer a food-borne illness unless the injured party establishes that:

* The food retailer introduced into the food the contaminant, agent, defect, or mechanism producing the food-borne illness; or

* The food retailer has actual knowledge at the time of the sale that the food contained the contaminant, agent, defect, or mechanism producing the food-borne illness or was subject to a recall. The bill defines the terms "food", "food-borne illness", and "food retailer".

Status: 02/22/2011 House Committee on Judiciary Postpone Indefinitely

[HB11-1217](#)

Expand Access Health Care

Notes:

Position: **Monitor**

Short Title: Expand Access Health Care

Sponsors: ACREE / BOYD

Summary: Sections 1 and 2 of the bill expand eligibility for participation in the state loan repayment program to health care providers who do not provide primary care services, practice in a for-profit setting, or are otherwise not currently eligible. These providers' eligibility is contingent upon their agreement to provide services in underserved areas of the state and upon a corresponding expansion of the federal government's national loan repayment program. Section 3 exempts the department of health care policy and financing and health care providers from certain state fiscal rule requirements when the department has regulatory authority over the provider and has established a department-approved provider application for use by the provider in applying to provide services under department-administered programs or to bill for services provided under those programs. Applicable programs include medicaid, the children's basic health plan, the Colorado indigent care program, the school health services program, the primary care fund, and state-funded health and medical care. Eligible providers include health care providers, mental health care providers, pharmacists, home health agencies, and other providers authorized under the applicable department-administered programs who provide health care, health care coordination, or outreach, enrollment, or administrative support services.

Status: 05/11/2011 House Considered Senate Amendments - Result was to Adhere

[HB11-1227](#)

Start Smart Nutrition Supplemental

Notes:

Position: **Monitor**

Short Title: Start Smart Nutrition Supplemental

Sponsors: PENISTON / NEWELL

Summary: The bill makes a supplemental appropriation in the amount of \$124,229 from the start smart nutrition program fund to the department of education to pay the costs of the start smart nutrition program.

Status: 02/21/2011 House Committee on Education Postpone Indefinitely

[HB11-1242](#)

Medicaid Provider Integration Of Service

Notes:

Position: **Monitor**

Short Title: Medicaid Provider Integration Of Service

Sponsors: FERRANDINO / NICHOLSON

Summary: The bill requires the department of health care policy and financing (the department) to review certain issues that relate to the provision of both physical and mental health care services to a patient during the same appointment as part of an integrated system of patient care, and any barriers to the integrated care. The department shall seek input concerning the issues from behavioral health organizations and community mental health centers, as well as other health care providers as determined by the department. The department shall report to certain committees of the general assembly concerning the issues reviewed pursuant to the bill. The section repeals on July 1, 2012.

Status: 05/11/2011 House Considered Senate Amendments - Result was to Concur - Repass

[HB11-1245](#)

Patient-centered Medical Homes For Adults

Notes:

Position: **Monitor**

Short Title: Patient-centered Medical Homes For Adults

Sponsors: KEFALAS / AGUILAR

Summary: The bill defines a patient-centered medical home as one that provides services to adults, including the core principles relating to patient-centered medical homes. No later than January 1, 2014, the bill requires public payors and health insurance carriers to make care coordination payments to health care providers who provide services as part of a patient-centered medical home. The bill does not prohibit nor discourage public payors and health insurance carriers from making care coordination payments prior to January 1, 2014, and does not prohibit the implementation of payment reform, care coordination, or health care delivery reform developed or initiated on or before the effective date of the bill.

Status: 02/24/2011 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

[HB11-1250](#)

No Medical Marijuana Ingestible Products

Notes:

Position: **Monitor**

Short Title: No Medical Marijuana Ingestible Products

Sponsors: ACREE / RENFROE

Summary: Current law permits a medical marijuana-infused products licensee to produce edible products. The bill allows the Department of Revenue to consider medical marijuana-infused consumable food and beverage rules.

Status: 05/11/2011 House Considered Senate Amendments - Result was to Concur - Repass

[HB11-1254](#)

Bullying In Schools

Notes:

Position: **Monitor**

Short Title: Bullying In Schools

Sponsors: PRIOLA / STEADMAN

Summary: The bill creates a legislative interim committee during the 2013

interim to study issues related to bullying in public schools. The interim committee shall report its findings and recommendations to the education committees of the senate and house of representatives, or any successor committees, on or before January 1, 2014. The bill creates the school bullying prevention and education grant program (program) in the department of education (department) to allow eligible applicants to apply for grants to fund programs to reduce the frequency of bullying incidents. The bill creates the school bullying prevention and education board (bullying board) and prescribes its membership and terms of service. The bullying board shall solicit and review applications from eligible applicants for grants. Applying certain minimum criteria, the bullying board may award grants for periods of one to three years. The bullying board shall submit annually to the department a list of grant recipients and the amount to be awarded to each grant recipient. In selecting grant recipients, the bullying board, to the extent possible, shall ensure that grants are awarded to eligible applicants in a variety of geographic areas of the state. The state board shall promulgate rules for the administration of the program. The bullying board shall report to the governor and to the education committees of the senate and the house of representatives, or any successor committees, concerning the effectiveness of the programs that are funded by grants from the program. The bullying board may recommend statutory changes relating to bullying prevention and education. The school bullying prevention and education cash fund (cash fund) is established in the state treasury. The department may seek and accept gifts, grants, and donations from public and private sources to fund the program. The department shall not be required to implement the program until such time as sufficient moneys are transferred or appropriated to the cash fund. The program is repealed, effective July 1, 2016. Prior to said repeal, the bullying board shall be subjected to the sunset review process. The bill requires each local school district board of education's (local board's) bullying policy to include a requirement that the administration of each school of the school district shall maintain a record of each confirmed incident of bullying that occurs in the school. District charter schools and institute charter schools are also required to adopt and implement policies concerning bullying prevention and education. The bill requires the dress code policy of each local board to encourage school pride and unity and promote uniformity of dress. Each principal of a public school, including a district charter school or institute charter school, shall annually report specific information concerning incidents of bullying that occurred at the school during the preceding school year. Neither an officer of a board of education nor a teacher or administrator of a school, including a

district charter school or institute charter school, shall take any retaliatory action against a student who reports in good faith an incident of bullying. Each board of education and each district charter school and institute charter school shall ensure that each teacher receives professional development training at least every two years concerning how to prevent and address instances of bullying. Except as prohibited by state or federal law, a school district, public school, district charter school, institute charter school, or board of cooperative services (BOCES), or a threat assessment team of a school district, public school, district charter school, institute charter school, or BOCES, may share information about a student's disciplinary history or other personal information with a school district, public school, district charter school, institute charter school, or BOCES, or with a threat assessment team of a school district, public school, district charter school, institute charter school, or BOCES, for the purpose of assessing the risk of bullying that the student may pose. Each school, including a district charter school or an institute charter school, shall annually survey each student enrolled in the school concerning the student's impressions of the severity of bullying in the school. The administration of the student surveys shall comply with rules promulgated by the state board. The principal of each school shall report annually, in a manner and by a date specified by rule of the state board of education, summary information concerning the surveys.

Status: 05/12/2011 Sent to the Governor

[HB11-1273](#)

Hlth Care Opportunity Patient Empower

Notes:

Position: **Monitor**

Short Title: Hlth Care Opportunity Patient Empower

Sponsors: NIKKEL / KOPP

Summary: The bill enacts the "Health Care Opportunity and Patient Empowerment Act", which requires the executive directors of the departments of health care policy and financing, public health and environment, and labor and employment and the commissioner of insurance, in consultation with other state agencies and stakeholders they deem appropriate, to develop a health care interstate compact that would allow signatory states to opt out of federal health care reform legislation as well as any other federal law regulating health care and instead regulate health care in each signatory state in the manner determined appropriate for that state by its legislature. The

executive directors and commissioner are to keep the general assembly apprised of its progress through periodic reports to specified committees of reference of the senate and house of representatives.

Status: 05/11/2011 Senate Committee on Local Government Postpone Indefinitely

[HB11-1280](#)

Limit General Fund Approp Growth

Notes:

Position: **Monitor**

Short Title: Limit General Fund Approp Growth

Sponsors: BEEZLEY / BROPHY

Summary: Currently, the maximum allowable amount of total state general fund appropriations for a given fiscal year is equal to 5% of Colorado personal income. Beginning with the 2011-12 state fiscal year, the bill establishes a new limit for total state general fund appropriations that is equal to 6% over the total general fund appropriations for the previous fiscal year. End-year surplus in the general fund, less the required annual reserve and any amount that is necessary to make constitutionally required refunds, is transferred to the state rainy day fund until the balance in the state rainy day fund is equal to the target amount of 8% of total general fund appropriations. During economic downturns, the general assembly may appropriate or transfer moneys from the state rainy day fund for any purpose by the enactment of a bill approved by a 2/3 majority vote of all of the members elected to each house. Once the balance in the state rainy day fund is greater than or equal to the target amount, any remaining surplus is transferred as follows:

- * 2/3 to the highway users tax fund; and
- * 1/3 to the capital construction fund. The moneys transferred to the highway users tax fund shall be allocated as follows:
 - * 60% to the state highway fund;
 - * 22% to counties; and
 - * 18% to municipalities.

Status: 05/11/2011 Senate Committee on Local Government Postpone Indefinitely

[HB11-1281](#)

Hlth Care Professional Loan Forgiveness

Notes:

Position: **Support**

Short Title: Hlth Care Professional Loan Forgiveness

Sponsors: JOSHI / BOYD

Summary: Under current law, collegeinvest administers the nursing teacher loan forgiveness pilot program to assist nursing faculty in paying off student loans. Additionally, the Colorado commission on higher education (commission) administers the nursing faculty fellowship program, which funds fellowships for persons employed in a nursing school teaching position. The bill retains the authority of collegeinvest to administer remaining obligations under the current nursing teacher loan forgiveness program, eliminates the authority of collegeinvest to enter into any new loan repayment obligations under the nursing teacher loan forgiveness program, repeals the nursing faculty fellowship program, and expands the health professional loan repayment program, known as the Colorado health service corps, which is administered by the primary care office (office) in the department of public health and environment, to allow health care professional faculty members to obtain loan repayment through the Colorado health service corps. The bill retains \$132,000 of the balance in the nursing teacher loan forgiveness fund for purposes of paying outstanding loan repayment obligations and transfers the remaining balance in the nursing teacher loan forgiveness fund to the general fund. Additionally, starting July 1, 2011, \$250,000 of the second tier of tobacco settlement moneys are annually allocated to the Colorado health service corps fund, and the current allocation to the short-term grants for innovative health program grant fund is reduced by a corresponding amount.

Status: 05/10/2011 Sent to the Governor

[HB11-1296](#)

Continue State Sales Tax On Cigarettes

Notes:

Position:

Short Title: Continue State Sales Tax On Cigarettes

Sponsors: KAGAN / STEADMAN

Summary: Prior to July 1, 2009, cigarettes were exempt from the state sales and use tax. This exemption was suspended for the 2009-10 and 2010-11 state fiscal years. The bill continues the state sales and use tax on cigarettes for 2 more years. Local sales and use taxes would not be impacted.

Status: 05/09/2011 Sent to the Governor

HR11-1010

Tenth Amend Federal Health Care Reform

Notes:

Position:

Short Title: Tenth Amend Federal Health Care Reform

Sponsors: ACREE

Summary: *** No bill summary available ***

Status: 05/11/2011 House Third Reading Passed

SB11-008

Aligning Children's Medicaid Eligibility

Notes:

Position: **Support**

Short Title: Aligning Children's Medicaid Eligibility

Sponsors: BOYD / GEROU

Summary: The bill increases the current medicaid income eligibility threshold of 100% of the federal poverty line for children who are between 6 and 19 years of age to equal the income eligibility threshold for pregnant women and children from birth to 5 years of age, which is currently set at 133% of the federal poverty line.

Status: 04/08/2011 Governor Action - Signed

SB11-012

Student Possession Prescription Drugs

Notes:

Position: **Actively Monitor**

Short Title: Student Possession Prescription Drugs

Sponsors: BROPHY / MASSEY

Summary: The bill eliminates statutory language requiring a student to have a treatment plan before he or she may possess or self-administer medication to treat his or her asthma, food or other allergy, anaphylaxis, or other related, life-threatening condition. A student may possess and self-administer on school grounds, upon a school bus, or at any school-sponsored event any medication that is

prescribed by a physician to be used by the student (prescribed medication). A school district board of education (district board) may adopt a policy that restricts a student from possessing and self-administering a prescribed medication. In adopting such a policy, the district board shall comply with rules promulgated by the state board of education (state board). On or before January 1, 2012, the state board shall promulgate rules for district boards that wish to adopt policies restricting students' possession and self-administration of prescription medication. The rules shall require that before adopting any such policy, a district board make a determination that a student's possession or self-administration of a prescription medication poses a significant risk of harm to the student or to other students, which risk of harm outweighs the risk posed to the student by the enforcement of the policy. The rules shall also describe factors that a district board shall consider before making such a determination.

Status: 03/25/2011 Governor Action - Signed

[SB11-019](#)

Small Employer Health Ins Payments

Notes:

Position: **Monitor**

Short Title: Small Employer Health Ins Payments

Sponsors: KING K. / STEPHENS

Summary: Current Colorado law prohibits small employers (50 or fewer employees) from paying or reimbursing employees for the costs of health insurance premiums unless the small employer offers a small group health insurance plan. Section 1 of the bill deletes these provisions from the Colorado health insurance statutes, thereby allowing small employers to pay or reimburse employees for the cost of health insurance premiums even if the small employer does not offer health insurance coverage as a benefit of employment.

Status: 03/29/2011 Governor Action - Signed

[SB11-034](#)

Required Reporting Of Abuse & Neglect

Notes:

Position: **Support**

Short Title: Required Reporting Of Abuse & Neglect

Sponsors: NICHOLSON / SUMMERS

Summary: The bill adds educators who provide services through a federal special supplemental nutrition program for women, infants, and children to the list of persons required to report child abuse or neglect.

Status: 04/22/2011 Governor Action - Signed

[SB11-040](#)

Coach Youth Sports Concussions Ed

Notes:

Position: **Support**

Short Title: Coach Youth Sports Concussions Ed

Sponsors: SPENCE / SUMMERS

Summary: Each public and private middle school, junior high school, or high school, and each private club or recreation facility is directed to require each coach with primary supervisory responsibility for a youth athletic activity to complete annual concussion recognition education. The education must include:

- * Information on how to recognize the signs and symptoms of a concussion;
- * The means of obtaining proper medical attention for a person suspected of having a concussion; and
- * Information on the nature and risk of concussions. If the coach suspects that a youth athlete has sustained a concussion, the bill requires the coach to immediately remove the youth athlete from a game, competition, or practice. Unless the signs or symptoms of a concussion can be readily explained by another condition, the youth athlete is not permitted to return to the game, competition, or practice unless the youth athlete has been evaluated by a health care provider and has received written clearance to return to play from the licensed health care provider. The bill provides limited immunity to volunteer coaches and other individuals who assist as volunteers for youth athletic activities and to members of the board of directors or governing boards of a school district, private club, or recreation facility. A youth athletic activity includes an organized athletic activity where the majority of the participants are 11 years of age or older and under 19 years of age.

Status: 03/29/2011 Governor Action - Signed

[SB11-043](#)

Sharps Safe Disposal Manufacturer Plans

Notes:

Position: **Monitor**

Short Title: Sharps Safe Disposal Manufacturer Plans

Sponsors: STEADMAN

Summary: The bill requires a pharmaceutical manufacturer that sells or distributes a medication in Colorado that is usually intended to be self-injected in a home to create a plan describing how the manufacturer supports the safe collection and proper disposal of home-generated sharps (plan). The bill requires a plan to be annually submitted to the department of public health and environment and posted to the manufacturer's web site, and describes the minimum information that a manufacturer must include in the plan. Manufacturers providing free mail-back containers to consumers of its self-injected medications are exempted from the plan requirements.

Status: 03/23/2011 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

[SB11-063](#)

Health Care In Local Gov Master Plans

Notes:

Position: **Monitor**

Short Title: Health Care In Local Gov Master Plans

Sponsors: GIRON / KEFALAS

Summary: The bill authorizes counties, regions, and municipalities (local governments) to include in their comprehensive or master land use plans a community health element reflecting current and projected population estimates pursuant to which the applicable local government will indicate how its planning decisions will promote public health and safety and the general welfare of the residents of the local government. Matters to be addressed in connection with this element of the master plan may include, without limitation, accessibility, availability, affordability, and delivery of health care services and health care facilities; public safety; civic participation within the territorial boundaries of the local government; and any other factors or policies that will promote public health and safety and the general welfare within the territorial boundaries of the local government. In assessing the accessibility, availability, affordability, and delivery of current and anticipated health care services and facilities, the bill authorizes the applicable planning commission to consider:

* Surrounding local governments in order to develop an inventory

of existing facilities and services and an assessment of transit accessibility; and
* Population estimates and projections provided by the Colorado department of local affairs to establish current and projected needs of facilities and services.

Status: 04/11/2011 House Third Reading Lost

[SB11-075](#) **Regulate Inflatable Play Structures**

Notes:

Position: **Monitor**

Short Title: Regulate Inflatable Play Structures

Sponsors: GUZMAN

Summary: Under current law, the division of oil and public safety (division) in the department of labor and employment regulates amusement rides, requiring registration and periodic inspection of the rides and financial responsibility of operators of the rides. Inflatable amusement rides are specifically exempted from this regulation. The bill requires the division, as part of its regulation of amusement rides, to also regulate inflatable amusements or play structures, which are defined as air-filled structures used for recreational purposes that are made of flexible fabric, are kept inflated by continuous air flow by one or more blowers, and rely on air pressure to maintain their shape.

Status: 02/16/2011 Senate Committee on Business, Labor and Technology Postpone Indefinitely

[SB11-088](#) **Sunset Review Direct-entry Midwives**

Notes:

Position: **Monitor**

Short Title: Sunset Review Direct-entry Midwives

Sponsors: CARROLL / ACREE

Summary: Sunset Process - Senate Health and Human Services Committee. The bill implements the recommendations set forth by the department of regulatory agencies in its 2010 sunset review of the regulation program for direct-entry midwives (program). Sections 1, 2, and 3 of the bill continue the program for 5 years, until September 1, 2016. Section 4 prohibits a certified nurse-midwife

from being simultaneously licensed as a nurse and registered as a direct-entry midwife. Section 5 clarifies applicable definitions. Sections 6, 7, 8, 10, 12, and 13 make technical changes and corrections to existing language. Section 9 gives direct-entry midwives to obtain and administer vitamin K, eye prophylaxis, and Rho(D) immune globulin. It also allows Direct Entry Midwives to obtain and administer antihemorrhagic drugs and IV fluids if the emergency transfer plan is enacted. Section 11 clarifies the distinction, for disciplinary penalty purposes, between serious violations of the standards of practice and less serious violations of applicable statutes and rules. Section 11 also: * Requires the director to adopt rules establishing a fine structure and the circumstances under which fines may be imposed; * Adds to the list of violations for which suspension or revocation is authorized a failure to respond in a full and timely manner to a complaint and a failure to comply with an order of the director; *Allows stakeholders to discuss if suturing is appropriate for Direct Entry Midwives * Amends language referring to "habitual intemperance" with regard to drugs or alcohol; and * Makes technical amendments and corrections to existing statutory language.

Status: 05/11/2011 Senate Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass

[SB11-105](#)

Sunset Medicaid In-home Support Services

Notes:

Position: **Monitor**

Short Title: Sunset Medicaid In-home Support Services

Sponsors: GUZMAN / LEVY

Summary: Sunset Process - Senate Health and Human Services Committee. The bill extends the repeal date for the in-home support services program (program) by three years to September 1, 2014, and requires the department of regulatory agencies to review the program prior to its repeal. In administering the program, the department of health care policy and financing (HCPF) shall implement a system for the routine and accurate monitoring of the number of persons receiving in-home support services. Additionally, HCPF shall provide comprehensive, periodic training for single entry point agencies, including, at a minimum, information concerning eligibility for the program and the location of and contact information for in-home support service agencies. HCPF shall report annually to the joint budget committee and to the health and human services committee of the senate and the health

and environment committee of the house of representatives on the implementation of in-home support services. The bill removes obsolete language repealing the program if certain federal funding conditions were not met.

Status: 05/09/2011 Senate Considered House Amendments - Result was to Concur - Repass

[SB11-124](#)

Transfers Of County TANF Reserves

Notes:

Position: **Monitor**

Short Title: Transfers Of County TANF Reserves

Sponsors: HODGE / GEROU

Summary: For state fiscal year 2010-11, and each state fiscal year thereafter, the bill caps county temporary aid to needy families (TANF) reserves at 70% of a county's block grant; except that TANF reserves for a county with a block grant of \$142,857 or less are capped at \$100,000. The bill gives the works allocation committee the authority for year-end transfers of any unspent county TANF reserves in excess of the county reserve cap to a county that needs TANF reserves, subject to priority criteria determined by the works allocation committee, and in an amount determined by the works allocation committee. The priority criteria must give first priority for a transfer to a county with zero TANF reserves. Any unspent TANF reserves that are not allocated by the works allocation committee shall be remitted to the Colorado long-term works reserve. If the works allocation committee transfers unspent TANF reserves, the county from which the reserves are transferred shall receive appropriate maintenance of effort credit for those reserves. For state fiscal year 2009-10, excess unspent county TANF reserves shall be excluded from the Colorado long-term works reserve and shall be available for transfer by the works allocation committee to another county.

Status: 05/11/2011 Sent to the Governor

[SB11-128](#)

Child-only Health Insurance Plans

Notes:

Position: **Support**

Short Title: Child-only Health Insurance Plans

Sponsors: NEWELL / MCCANN

Summary: The bill establishes 2 specified enrollment periods for child-only plan coverage. A carrier may accept an application outside of the open enrollment periods if the child does not have a preexisting condition. The plans must be issued on a guaranteed-issue basis without any limitations or riders based on health status. A carrier is required to give notice of the open enrollment opportunities and provide enrollment instructions on the carrier's web site. A carrier may deny or drop individual coverage under specific circumstances. A carrier must report application and enrollment information regarding child-only plans to the commissioner of insurance.

Status: 04/29/2011 Governor Action - Signed

[SB11-158](#)

Read-to-achieve Funding

Notes:

Position: **Monitor**

Short Title: Read-to-achieve Funding

Sponsors: STEADMAN / GEROU

Summary: 2010-2011 Budget Balancing Bill. The bill repeals the read-to-achieve program, effective July 1, 2011. The tobacco settlement moneys previously allocated to the read-to-achieve cash fund will be allocated to the state general fund. The moneys previously paid from the read-to-achieve cash fund to reimburse school districts for educational services provided to juveniles held in jails will be appropriated from the general fund for the 2011-12 fiscal year. The bill makes conforming amendments.

Status: 02/14/2011 Senate Second Reading Special Order - Laid Over to 05/12/2011

[SB11-168](#)

Colorado Health Care Cooperative

Notes:

Position:

Short Title: Colorado Health Care Cooperative

Sponsors: AGUILAR / KEFALAS

Summary: The bill creates the Colorado health care authority (authority). The mission of the authority is to design the Colorado health care

cooperative (cooperative) to be the benefits administrator and payer for health care services. The authority shall recommend a cooperative to the general assembly and, if approved, it shall be referred to the voters by referred measure. The president of the senate, the speaker of the house, and the governor shall each appoint members to the board of directors (board) of the authority who shall employ an administrator and other officers to help design and develop the cooperative. The cooperative will be designed in collaboration with parties who may be affected by the cooperative. The bill requires that the board make recommendations concerning specific elements to become part of the cooperative, including:

- * Election of board members to the cooperative;
 - * Health care services that will be part of the cooperative;
 - * Payment systems for the cooperative;
 - * Regulation and evaluation of health care services;
 - * Methods for coordinating alternate insurance plans with the cooperative;
 - * Benefit design and provider rates and reimbursement;
 - * Maintaining a marketplace with health care choices;
 - * Cooperative members' participation in their health care;
 - * Development of information technology for the cooperative;
 - * Data collection to determine best practices;
 - * Transparency of the financial operation of the cooperative; and
 - * Health and wellness maintenance and education.
- The board is required to include a financing recommendation to the general assembly based on projected costs and federal waivers and includes available state and local government revenues. The bill contains other specified options that the board may include in its recommended financing package. The board is required to design a method for refunding savings to members of the cooperative and to employers. The board is required to develop a plan to deal with budget shortfalls. The bill specifies services that must be included in a benefits package designed by the board. The bill specifies that the cooperative shall serve as secondary insurance to any other insurance. The board is authorized to seek gifts, grants, and donations to implement the authority and the board to design the cooperative and is required to seek federal funds and grants available for the cooperative. The board is required to seek input and collaborate with the department of public health and environment, the department of health care policy and financing, and the general assembly to seek waivers, exemptions, and agreements from the federal government for funding for the authority and the cooperative.

Status:

05/09/2011 Senate Second Reading Special Order - Laid Over to 05/10/2011

SB11-192**Continue Prescrip Drug Monitor Program**

Notes:

Position: **Monitor**

Short Title: Continue Prescrip Drug Monitor Program

Sponsors: AGUILAR / MASSEY

Summary: Sections 1 and 2 of the bill continue the electronic prescription drug monitoring program until July 1, 2021. Sections 3, 4, and 5 of the bill repeal the prescription controlled substance abuse monitoring advisory committee. Sections 6, 7, and 8 make conforming amendments.

Status: 05/10/2011 Senate Considered House Amendments - Result was to Concur - Repass

SB11-196**Ephedrine Pseudoephedrine Classification**

Notes:

Position: **Oppose**

Short Title: Ephedrine Pseudoephedrine Classification

Sponsors: BOYD / SUMMERS

Summary: The bill removes ephedrine from the statutory list of schedule II controlled substances, repeals certain provisions concerning the unlawful possession and retail sale of methamphetamine precursor drugs, and adds ephedrine, pseudoephedrine, and phenylpropanolamine to the statutory list of schedule III controlled substances.

Status: 04/28/2011 Senate Committee on Health and Human Services Postpone Indefinitely

SB11-200**Health Benefit Exchange**

Notes:

Position: **Actively Monitor**

Short Title: Health Benefit Exchange

Sponsors: BOYD / STEPHENS

Summary: The bill creates the Colorado health benefit exchange (exchange) as

a nonprofit unincorporated public entity. The exchange is governed by a board of directors consisting of 9 members appointed by the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives, and 3 ex officio nonvoting members. The board is responsible for:

- * Appointing an executive director to administer the exchange;
 - * Creating operational and financial plans;
 - * Applying for planning and establishment grants;
 - * Creating technical and advisory groups;
 - * Providing a written report to the governor and the general assembly regarding the planning and establishment of the exchange;
 - * Reviewing internet portals for use by the exchange;
 - * Considering the structure of the exchange;
 - * Considering the appropriate size of the small employer market; and
 - * Investigating requirements, developing options, and determining waivers to ensure that the best interests of Coloradans are protected.
- The board may enter into information-sharing agreements with federal and state agencies and other state exchanges. The bill also establishes the legislative health benefit exchange implementation review committee (committee) to provide oversight of the exchange. The committee may report up to 5 bills or other measures to the legislative council each year. The committee is responsible for reviewing grants applied for by the board and for reviewing the financial and operational plans of the exchange. Five years after the act becomes law, the legislative service agencies of the general assembly will conduct a post-enactment review of its implementation.

Status: 05/05/2011 Senate Considered House Amendments - Result was to Concur - Repass

[SB11-202](#)

Mun County Hospital Sale Proceeds Use

Notes:

Position:

Short Title: Mun County Hospital Sale Proceeds Use

Sponsors: CADMAN / GARDNER B.

Summary: The bill allows the proceeds of the transfer of a hospital owned by a municipality or county to be used for any public purpose if the municipality or county refers a ballot question to the voters of the municipality or county authorizing the public purpose for which the

proceeds will be used, and a majority of the voters voting in the election approve the ballot question.

Status: 04/26/2011 Senate Committee on Local Government Postpone Indefinitely

[SB11-205](#)

APN Participating Provider Status

Notes:

Position: **Actively Support**

Short Title: APN Participating Provider Status

Sponsors: TOCHTROP / MIKLOSI

Summary: Current law prohibits health insurance carriers offering health benefit plans in rural areas of the state from discriminating between physicians and advanced practice nurses (APNs) when establishing reimbursement rates for covered services provided, regardless of whether the services are provided by a physician or APN. Additionally, when evaluating applications by APNs for participating provider status, the carrier is to use objective and reasonable criteria and take into account provider-to-covered-person ratios for covered benefits that an APN can provide and, if the carrier denies the application, notify the APN and provide the reason for the denial. The bill eliminates the limited applicability of the nondiscrimination provision, thereby prohibiting carriers offering health benefit plans anywhere in the state from discriminating between physicians and APNs, and extends the nondiscrimination provisions to prohibit a carrier from discriminating between physicians and APNs with regard to determining participating provider status. The bill further requires a carrier to notify an APN of its determination on a participating provider status application within 90 days after receipt of the application and, in the case of a denial, to notify the APN in writing of its specific reasons for the denial. If the APN so requests, the carrier must also provide the APN with a written, clear, and understandable explanation of the objective and reasonable criteria it used in making its determination. Carriers are prohibited from restricting the scope of practice or requiring supervision of an APN, in a manner not otherwise required by the "Nurse Practice Act", as part of granting participating provider status to the APN. For purposes of enforcing these requirements, APNs are afforded the same remedies as would be available for health care providers who enter a contract with a carrier, including a private right of action, equitable relief, reasonable attorney fees and costs if the APN prevails, and the ability to resolve the dispute through arbitration.

Additionally, if the carrier violates these requirements, the carrier is subject to penalties for engaging in an unfair or deceptive act or practice in the business of insurance.

Status: 05/05/2011 House Committee on Economic and Business
Development Postpone Indefinitely

[SB11-211](#)

Tobacco Revenues Offset Medical Services

Notes:

Position:

Short Title: Tobacco Revenues Offset Medical Services

Sponsors: HODGE / FERRANDINO

Summary: Pursuant to a declaration of a state fiscal emergency under section 21 of article X of the state constitution, for the 2011-12 fiscal year only, the bill allows tobacco tax revenues in the tobacco education programs fund, the prevention, early detection, and treatment fund, and the health disparities grant program fund to be used for any health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program at the programs' respective levels of enrollment as of January 1, 2005. The bill amends the tobacco cash fund statute to reflect the declaration of a state fiscal emergency for fiscal year 2011-12. During a state fiscal emergency, the bill modifies the statutory administrative expense limitation for the cancer, cardiovascular disease, and chronic pulmonary disease prevention, early detection, and treatment program, limiting the administrative expenses to 5% of all appropriations from the prevention, early detection, and treatment fund and not just those appropriations to the division of prevention services within the department of public health and environment.

Status: 05/05/2011 Governor Action - Signed

[SB11-213](#)

CHP+ Assess Monthly Enrollment Fee

Notes:

Position: **Oppose**

Short Title: CHP+ Assess Monthly Enrollment Fee

Sponsors: HODGE / GEROU

Summary: The department of health care policy and financing (the

department) currently has the duty to implement a cost-sharing system using an enrollment fee for enrollees in the children's basic health plan (plan), excluding pregnant women and enrollees with a family income of less than 150% of the federal poverty line (FPL). The bill directs the department to assess an annual enrollment fee for persons with a family income up to 205% of FPL, and to assess a monthly enrollment fee, capped at \$50 per month, per family, for children in families with a family income that exceeds 205% of the FPL. The bill authorizes the department to provide information to the department of revenue concerning unpaid enrollment fees for offset against a state income tax refund. The department shall establish a process for an enrollee to contest and appeal the determination of debt.

Status: 04/14/2011 House Third Reading Passed

[SB11-219](#)

2011 Transfers For Health Care Services

Notes:

Position:

Short Title: 2011 Transfers For Health Care Services

Sponsors: HODGE / FERRANDINO

Summary: For the 2011-12 fiscal year, the bill authorizes a transfer of \$10,755,000 from the tobacco tax revenues credited to the primary care fund to the Colorado health care services fund. For the 2011-12 fiscal year, the bill authorizes an appropriation of \$15,775,670 from the tobacco tax revenues credited to the primary care fund for health-related purposes. The bill directs the department of health care policy and financing to develop a distribution formula to allocate the moneys in the Colorado health care services fund to Denver health and hospitals and to community health clinics. The bill also transfers \$1,722,330 from the primary care fund to the primary care special distribution fund. The bill directs the department of health care policy and financing to develop a distribution formula to allocate the moneys in the primary care special distribution fund between providers that participate in the Colorado indigent care program and providers that do not participate. In accordance with the provisions of section 21 (7) of article X of the state constitution concerning transfers from the tobacco tax cash fund, the bill is contingent upon the passage of Senate Joint Resolution 11-009, which declares a state fiscal emergency for the 2011-12 fiscal year. The bill makes adjustments to the 2011 general appropriation act to implement the bill. The bill makes appropriations to implement the bill.

Status: 05/11/2011 Sent to the Governor

[SB11-224](#)

Susp Nurse Home Visit Prog Fund Increase

Notes:

Position:

Short Title: Susp Nurse Home Visit Prog Fund Increase

Sponsors: HODGE / FERRANDINO

Summary: Subject to an annual cap of \$19,000,000, current law requires the percentage of tobacco litigation settlement moneys received by the state (settlement moneys) that is annually allocated to the nurse home visitor program (program), which is 14% for the 2010-11 fiscal year, to be increased by one percentage point per year thereafter through the 2015-16 fiscal year and to then remain at 19% in perpetuity. Without affecting the \$19,000,000 cap, the bill suspends the increase in the annual allocations of settlement moneys to the program by 2 years by requiring the percentage of settlement moneys annually allocated to the program to remain at 14%, subject to a minimum annual allocation requirement of \$12,737,350, for the 2011-12 and 2012-13 fiscal years, to increase to 15% for the 2013-14 fiscal year, to increase by one percentage point per year thereafter through the 2017-18 fiscal year, and to then remain at 19% in perpetuity.

Status: 05/05/2011 Governor Action - Signed

[SB11-227](#)

Repeal Exception To Child Restraint Law

Notes:

Position: **Support**

Short Title: Repeal Exception To Child Restraint Law

Sponsors: HUDAK / VAAD

Summary: Generally, Colorado law requires a child under 8 years of age who is being transported in a motor vehicle to be restrained in a child restraint system. Senate Bill 10-110 excepted from that requirement a child weighing more than 40 pounds being transported in a motor vehicle in which the rear seat was not equipped at the time of manufacture with combination lap and shoulder belts. In order for the state to be eligible to receive certain federal funds, the bill repeals that exception.

Status: 05/09/2011 House Third Reading Passed

[SB11-242](#)

Volunteer Retired Nurse License

Notes:

Position:

Short Title: Volunteer Retired Nurse License

Sponsors: AGUILAR / MIKLOSI

Summary: The bill changes the age at which a nurse may receive a retired volunteer nurse license from 65 to 55. The bill requires the state board of nursing to deny an application for the reactivation of a practical or professional nurse license for any retired volunteer nurse who has not actively volunteered as a nurse for the 2-year period preceding the application for reactivation or has not otherwise demonstrated competency to return to active practice.

Status: 05/09/2011 House Third Reading Passed

[SB11-250](#)

Pregnant Women Medicaid Eligibility

Notes:

Position:

Short Title: Pregnant Women Medicaid Eligibility

Sponsors: BOYD / FERRANDINO

Summary: In order to comply with federal requirements to preserve federal funding for prenatal coverage in the CHP+ program, the bill increases the income level for eligibility for pregnant women in medicaid from 133% to 185% of the federal poverty line.

Status: 05/09/2011 House Third Reading Passed

[SB11-258](#)

Local Foods To Local Markets

Notes:

Position:

Short Title: Local Foods To Local Markets

Sponsors: SCHWARTZ / VIGIL

Summary: The bill increases consumer access to local fresh and value-added

agricultural products. Sections 2, 3, and 4 of the bill allow a grower to use his or her private home kitchen for the production of low-risk food to be sold at retail if:

- * The grower registers with a registry created and maintained by the grower's district, county, or regional board of health;

- * The food produced in the kitchen is a baked or dehydrated food or is an acid food product;

- * The food incorporates a key or principal agronomic ingredient that was grown by the person;

- * Net revenues from each eligible food product made in the home kitchen do not exceed \$5,000 in a calendar year; and

- * The food is sold directly to ultimate consumers and only at the grower's residence or roadside stand, a farmers' market, a community-supported agricultural organization, or similar venue.

Section 4 further identifies prerequisites and procedures for registration, including training in food handling safety and mandatory label components of foods produced in home kitchens.

Section 5 allows the Colorado food systems advisory council to consider the feasibility of developing a subclassification of the "Colorado Proud" marketing program specifically devoted to stimulating purchases of fresh, locally sourced fruits and

vegetables. Section 6 adds promoting farmers' markets to the list of powers, functions, and duties of the Colorado department of agriculture. Section 7 allows small egg producers to sell their eggs on the producers' premises or at local farmers' markets and applies the laws and rules regarding safe transport, including refrigeration and washing requirements, to such eggs. Section 8 directs the Colorado department of transportation to promulgate rules regarding the safe placement of signs advertising farmers' markets and roadside stands.

Status: 05/11/2011 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole

[SB11-272](#)

Adult Stem Cells Cure Fund Tax Checkoff

Notes:

Position:

Short Title: Adult Stem Cells Cure Fund Tax Checkoff

Sponsors: HODGE / SUMMERS

Summary: The bill extends the period for which state income tax return forms shall include a line allowing individual taxpayers to make a voluntary contribution to the adult stem cells cure fund.

Status: 05/11/2011 House Third Reading Passed

[SJR11-009](#)

Declare Fiscal Emergency Tobacco Tax

Notes:

Position:

Short Title: Declare Fiscal Emergency Tobacco Tax

Sponsors: LAMBERT / GEROU

Summary: *** No bill summary available ***

Status: 04/18/2011 House Third Reading Passed

[SJR11-031](#)

Interim Comm State Const Health Care

Notes:

Position:

Short Title: Interim Comm State Const Health Care

Sponsors: STEADMAN

Summary: *** No bill summary available ***

Status: 04/19/2011 Senate Committee on Legislative Council Committee
Vote - Tie Vote

[SJR11-053](#)

Colorado Meningitis Awareness Day

Notes:

Position:

Short Title: Colorado Meningitis Awareness Day

Sponsors: BOYD / RIESBERG

Summary: *** No bill summary available ***

Status: 05/03/2011 House Third Reading Passed