

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0719.01 Christy Chase x2008

HOUSE BILL 22-1198

HOUSE SPONSORSHIP

Baisley,

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REQUIREMENTS FOR ORGANIZATIONS OPERATING
102 MEDICAL EXPENSE SHARING PROGRAMS IN COLORADO.

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 imposes requirements on any organization that operates a medical expense sharing program (program), which is defined as a program, arrangement, or activity offered in Colorado that:

- Facilitates the sharing and payment of medical expenses among members using member-contributed funds; and
- Does not transfer to members of an organization or to the

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.

organization itself any risk or legal obligation to pay medical expenses.

An organization that operates a program must:

- Provide a notice to the public that the program is not an insurance plan or policy, that the organization is not engaged in the business of insurance, that payment of a member's medical bills is voluntary, that some medical expenses may be excluded despite requirements under health insurance laws for health insurance plans to cover such expenses, and that each person is personally responsible for paying the person's own medical bills;
- Before approving a membership application, obtain a signed written, signed affirmation from the applicant acknowledging that the applicant has received and understands the notice, has received other program materials, and understands that a third party may receive a commission for enrolling the member;
- Report specified financial and transactional information to members monthly and annually, which may be accomplished by sharing a link where the information is posted on the organization's public website;
- Submit to an annual, independent audit of the program's financial information;
- Post on its public-facing website and report to the attorney general by providing a link to the website specified information about the organization, including the name and contact information, program materials, the annual financial audit, and information about Colorado membership in the program;
- Operate only under the name or names reported on its public-facing website, not make or circulate any statement or publication representing that the program is insurance or otherwise materially misrepresenting the program terms and conditions, and not engage in an excess benefit transaction, as defined in the federal "Internal Revenue Code of 1986" (tax code), if the organization identifies as a nonprofit organization under the tax code; and
- Indicate on membership cards and in communications to providers that the program is not health insurance and that members are personally responsible for paying their own medical bills.

The attorney general is authorized to issue a notice of noncompliance to an organization that is failing to comply with the requirements specified in the bill, and if the organization's failure continues for more than 45 days, to seek an injunction or an

administrative penalty in Denver district court.

The bill specifies that a program is exempt from state insurance laws if the program facilitates the sharing of member medical expenses by transferring member funds and the organization is a nonprofit organization under the tax code and does not own the member funds. Additionally, the bill states that the requirements imposed on organizations that operate programs must be applied in a manner that avoids excessive government entanglement with religion and that does not limit protections of religious exercise rights of an organization operating and members of a religious organization sharing program.

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

SECTION 1. In Colorado Revised Statutes, **add** article 27 to title 6 as follows:

ARTICLE 27

Medical Expense Sharing Programs

6-27-101. Short title. THE SHORT TITLE OF THIS ARTICLE 27 IS THE "COLORADO MEDICAL EXPENSE SHARING ACT".

6-27-102. Legislative purpose. THE PURPOSE OF THIS ARTICLE 27 IS TO ACCOMMODATE AND PROTECT RESIDENTS OF COLORADO WITH RESPECT TO MEDICAL EXPENSE SHARING PROGRAMS BY ESTABLISHING OPERATIONAL REQUIREMENTS FOR THESE PROGRAMS.

6-27-103. Definitions. AS USED IN THIS ARTICLE 27, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "MEDICAL EXPENSE SHARING PROGRAM" OR "PROGRAM" MEANS ANY PROGRAM, ARRANGEMENT, OR ACTIVITY OFFERED TO RESIDENTS OF THIS STATE THAT:

(a) FACILITATES THE SHARING AND PAYMENT OF CERTAIN MEDICAL EXPENSES INCURRED BY MEMBERS USING FUNDS CONTRIBUTED FOR SHARING BY THE MEMBERS IN AMOUNTS AND AT TIMES DETERMINED BY THE ORGANIZATION OPERATING THE PROGRAM, ALL IN ACCORDANCE WITH

1 SHARING CRITERIA ADOPTED BY THE ORGANIZATION OR THE MEMBERS;
2 AND

3 (b) WITH RESPECT TO ANY MEDICAL EXPENSES INCURRED BY ANY
4 MEMBER, EXPRESSLY PROVIDES NO TRANSFER OF RISK TO OR LEGAL
5 OBLIGATION TO PAY IMPOSED ON THE MEMBERS OF OR THE ORGANIZATION
6 OPERATING THE PROGRAM.

7 (2) "MEMBER" MEANS AN INDIVIDUAL OR HOUSEHOLD
8 PARTICIPATING IN A MEDICAL EXPENSE SHARING PROGRAM.

9 (3) "RELIGIOUS ORGANIZATION SHARING PROGRAM" MEANS A
10 MEDICAL EXPENSE SHARING PROGRAM THAT:

11 (a) IS OPERATED BY AN ORGANIZATION THAT IS ORGANIZED AND
12 OPERATED PRIMARILY FOR RELIGIOUS PURPOSES; AND

13 (b) FACILITATES THE SHARING OF MEMBER HEALTH-CARE BURDENS
14 AND MEDICAL EXPENSES AS AN EXERCISE AND EXPRESSION OF THE
15 MEMBERS' SINCERELY HELD RELIGIOUS BELIEFS.

16 **6-27-104. Medical expense sharing program - requirements.**

17 (1) **Notice.** ANY ORGANIZATION OPERATING A MEDICAL EXPENSE
18 SHARING PROGRAM SHALL PROVIDE ON OR WITH ALL NEW MEMBER
19 APPLICATIONS AND PROGRAM GUIDELINES MATERIALS DISTRIBUTED BY OR
20 ON BEHALF OF THE ORGANIZATION TO RESIDENTS OF THIS STATE A
21 WRITTEN DISCLAIMER THAT STATES, IN SUBSTANCE:

22 NOTICE

23 THE ORGANIZATION FACILITATING THE SHARING OF
24 MEDICAL EXPENSES IS NOT AN INSURANCE COMPANY, AND
25 NEITHER THIS PROGRAM'S GUIDELINES NOR PLAN OF
26 OPERATION CONSTITUTES AN INSURANCE POLICY OR PLAN
27 OR THE BUSINESS OF INSURANCE. WHETHER ANYONE

1 CHOOSES TO ASSIST YOU WITH YOUR MEDICAL BILLS WILL
2 BE TOTALLY VOLUNTARY, AS NEITHER THIS PROGRAM NOR
3 ANY MEMBER WILL BE LEGALLY OBLIGATED OR OTHERWISE
4 COMPELLED BY LAW TO CONTRIBUTE TOWARD YOUR
5 MEDICAL BILLS. IN ADDITION, SOME MEDICAL EXPENSES
6 REQUIRED TO BE COVERED OR COMMONLY COVERED BY
7 INSURANCE, INCLUDING PREEXISTING CONDITIONS, MAY NOT
8 BE ELIGIBLE FOR SHARING UNDER THE PROGRAM. WHETHER
9 YOU RECEIVE ANY PAYMENTS FOR MEDICAL EXPENSES AND
10 WHETHER OR NOT THIS PROGRAM CONTINUES TO OPERATE,
11 YOU ARE ALWAYS PERSONALLY RESPONSIBLE FOR THE
12 PAYMENT OF YOUR OWN MEDICAL BILLS.

13 (2) **Member application statement.** ANY ORGANIZATION
14 OPERATING A MEDICAL EXPENSE SHARING PROGRAM SHALL OBTAIN FROM
15 ANY MEMBER APPLICANT WHO IS A RESIDENT OF THIS STATE, PRIOR TO THE
16 APPLICANT BECOMING A MEMBER, A WRITTEN AFFIRMATION SIGNED BY
17 THE APPLICANT, EITHER IN HARD COPY OR ELECTRONIC FORMAT, STATING
18 IN SUBSTANCE THAT THE APPLICANT:

19 (a) HAS READ AND UNDERSTANDS THE NOTICE DESCRIBED IN
20 SUBSECTION (1) OF THIS SECTION AND ACKNOWLEDGES AND AGREES TO
21 THE TERMS AND CONDITIONS SET FORTH IN THE NOTICE;

22 (b) (I) HAS BEEN PROVIDED WITH AND HAD AN OPPORTUNITY TO
23 REVIEW THE PROGRAM MATERIALS DESCRIBING THE TERMS AND
24 CONDITIONS OF THE PROGRAM, INCLUDING:

25 (A) THE TYPES OF MEDICAL EXPENSES THAT ARE ELIGIBLE FOR
26 SHARING UNDER THE PROGRAM; AND

27 (B) THE RULES FOR APPEALS OF SHARING ELIGIBILITY

1 DETERMINATIONS MADE BY THE ORGANIZATION AND FOR FILING
2 COMPLAINTS; AND

3 (II) ACKNOWLEDGES AND AGREES TO THE TERMS AND
4 CONDITIONS;

5 (c) HAS BEEN PROVIDED WITH AND HAD AN OPPORTUNITY TO
6 REVIEW THE INFORMATION THAT THE ORGANIZATION IS REQUIRED TO
7 REPORT PURSUANT TO SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION
8 FOR THE MOST RECENT REPORTING PERIOD;

9 (d) ACKNOWLEDGES, IF APPLICABLE, THAT A THIRD PARTY WILL
10 RECEIVE A COMMISSION WITH RESPECT TO THE APPLICANT'S ENROLLMENT
11 AS A MEMBER; AND

12 (e) ACKNOWLEDGES, IF APPLICABLE, THAT THE ORGANIZATION IS
13 NOT A FEDERALLY TAX-EXEMPT ORGANIZATION DESCRIBED IN SECTION
14 501 (c)(3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS
15 AMENDED.

16 (3) **Reporting to members. (a) Financial information.** EXCEPT
17 AS DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION, AN ORGANIZATION
18 OPERATING A MEDICAL EXPENSE SHARING PROGRAM SHALL PROVIDE EACH
19 MONTH TO EACH MEMBER WHO IS A RESIDENT OF THIS STATE A STATEMENT
20 LISTING:

21 (I) THE TOTAL DOLLAR AMOUNT OF CONTRIBUTIONS IN AMOUNTS
22 DETERMINED BY THE ORGANIZATION THAT WERE MADE BY THE MEMBERS
23 IN THE PRIOR MONTH AND IN THE PRIOR TWELVE MONTHS;

24 (II) THE TOTAL DOLLAR AMOUNT OF MEDICAL EXPENSES INCURRED
25 BY THE PROGRAM'S MEMBERS THAT WERE SHARED BY THE PROGRAM'S
26 MEMBERS FROM THE CONTRIBUTIONS DESCRIBED IN SUBSECTION (3)(a)(I)
27 OF THIS SECTION, EITHER DIRECTLY OR THROUGH THE ORGANIZATION, IN

1 THE PRIOR MONTH AND IN THE PRIOR TWELVE MONTHS;

2 (III) THE TOTAL DOLLAR AMOUNT OF MEDICAL EXPENSES THAT
3 WERE SUBMITTED BY THE MEMBERS FOR SHARING IN THE PRIOR MONTH
4 AND IN THE PRIOR TWELVE MONTHS AND THAT ARE ELIGIBLE FOR SHARING
5 IN ACCORDANCE WITH THE PROGRAM'S CRITERIA, EXCLUDING ANY
6 AMOUNTS THAT THE MEMBERS INCURRING THE EXPENSES MUST PAY PRIOR
7 TO RECEIVING SHARING CONTRIBUTIONS FROM OTHER MEMBERS; AND

8 (IV) THE TOTAL DOLLAR AMOUNT OF MEDICAL EXPENSES THAT
9 HAVE BEEN SUBMITTED BY THE MEMBERS FOR SHARING AND THAT ARE
10 ELIGIBLE FOR SHARING IN ACCORDANCE WITH THE PROGRAM'S CRITERIA
11 BUT THAT HAD NOT YET BEEN SHARED AS OF THE END OF THE PRIOR
12 MONTH, EXCLUDING ANY AMOUNTS THAT THE MEMBERS INCURRING THE
13 EXPENSES MUST PAY PRIOR TO RECEIVING SHARING CONTRIBUTIONS FROM
14 OTHER MEMBERS.

15 (b) **Related party transactions.** EXCEPT AS DESCRIBED IN
16 SUBSECTION (3)(c) OF THIS SECTION, AN ORGANIZATION OPERATING A
17 MEDICAL EXPENSE SHARING PROGRAM SHALL PROVIDE TO EACH MEMBER
18 WHO IS A RESIDENT OF THIS STATE, BY MARCH 31 OF EACH YEAR, A
19 STATEMENT IDENTIFYING, FOR EACH TRANSACTION IN THE PRIOR
20 CALENDAR YEAR BETWEEN THE ORGANIZATION AND A DISQUALIFIED
21 PERSON, AS DEFINED IN 26 U.S.C. SEC. 4958 (f)(1), AS AMENDED, THE
22 NAME OF THE DISQUALIFIED PERSON AND THE TOTAL AMOUNT EARNED BY
23 OR PAYABLE TO THE DISQUALIFIED PERSON PURSUANT TO THE
24 TRANSACTION IN THE PRIOR CALENDAR YEAR. FOR PURPOSES OF THIS
25 SECTION, A TRANSACTION DOES NOT INCLUDE SERVICES RENDERED BY AN
26 INDIVIDUAL AS AN OFFICER OR DIRECTOR OF THE ORGANIZATION.

27 (c) **Posting on public website.** IN LIEU OF PROVIDING ANY OF THE

1 INFORMATION IN SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION IN A
2 STATEMENT TO A MEMBER WHO IS A RESIDENT OF THIS STATE, AN
3 ORGANIZATION MAY POST THE INFORMATION ON A SINGLE PAGE ON ITS
4 PUBLICLY ACCESSIBLE WEBSITE AND, ON A MONTHLY BASIS, PROVIDE TO
5 THE MEMBER A LINK TO THE APPLICABLE WEB PAGE.

6 (4) **Annual audit.** AN ORGANIZATION OPERATING A MEDICAL
7 EXPENSE SHARING PROGRAM SHALL SUBMIT TO AN ANNUAL AUDIT
8 PERFORMED BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTING FIRM IN
9 ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND
10 SHALL MAKE THE AUDIT AVAILABLE TO THE PUBLIC BY PROVIDING A COPY
11 UPON REQUEST OR BY POSTING ON A PAGE ON THE ORGANIZATION'S
12 PUBLICLY ACCESSIBLE WEBSITE.

13 (5) **Annual public reporting.** NOT LESS THAN THIRTY DAYS
14 AFTER AN ORGANIZATION COMMENCES OPERATING A MEDICAL EXPENSE
15 SHARING PROGRAM, AND BY MARCH 31 OF EACH SUBSEQUENT CALENDAR
16 YEAR IN WHICH THE ORGANIZATION CONTINUES TO OPERATE THE
17 PROGRAM, AN ORGANIZATION SHALL POST THE FOLLOWING INFORMATION
18 AND MATERIALS ON A SINGLE PAGE ON ITS PUBLICLY ACCESSIBLE WEBSITE
19 AND SHALL FILE WITH THE ATTORNEY GENERAL A LINK TO THE APPLICABLE
20 WEB PAGE:

21 (a) THE NAME OF THE ORGANIZATION, THE NAME OR NAMES USED
22 TO IDENTIFY THE PROGRAM, THE NAME OF THE ORGANIZATION'S CHIEF
23 EXECUTIVE OFFICER AND, IF DIFFERENT, THE NAME OF AN INDIVIDUAL IN
24 THE ORGANIZATION SERVING AS A KEY CONTACT FOR THE ORGANIZATION,
25 AS WELL AS A MAILING ADDRESS, E-MAIL ADDRESS, AND TELEPHONE
26 NUMBER THAT CAN BE USED TO CONTACT THE OFFICER OR INDIVIDUAL,
27 AND THE ORGANIZATION'S WEB ADDRESS FOR GENERAL INQUIRIES;

1 (b) COPIES OF ALL NEW MEMBER APPLICATION FORMS AND
2 PROGRAM GUIDELINES USED BY THE ORGANIZATION IN THE PRIOR
3 CALENDAR YEAR;

4 (c) A COPY OF THE ORGANIZATION'S MOST RECENT AUDITED
5 ANNUAL FINANCIAL STATEMENTS;

6 (d) THE INFORMATION THAT THE ORGANIZATION IS REQUIRED TO
7 REPORT PURSUANT TO SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION
8 WITH RESPECT TO THE PRIOR CALENDAR YEAR;

9 (e) THE TOTAL NUMBER OF MEMBERS OF THE ORGANIZATION'S
10 MEDICAL EXPENSE SHARING PROGRAM WHO ARE RESIDENTS OF THIS STATE
11 AS OF THE END OF THE PRIOR CALENDAR YEAR; AND

12 (f) IF THE ORGANIZATION IS DESCRIBED IN 26 U.S.C. SEC. 501
13 (c)(3), AS AMENDED, A STATEMENT INDICATING WHETHER OR NOT THE
14 ORGANIZATION HAS ENGAGED IN ANY EXCESS BENEFIT TRANSACTION, AS
15 DEFINED IN 26 U.S.C. SEC. 4958 (c)(1), AS AMENDED.

16 (6) **Use of name.** AN ORGANIZATION OPERATING A MEDICAL
17 EXPENSE SHARING PROGRAM SHALL NOT OPERATE THE PROGRAM UNDER
18 ANY NAME OTHER THAN A NAME REPORTED PURSUANT TO SUBSECTION
19 (5)(a) OF THIS SECTION.

20 (7) **No deceptive practices.** AN ORGANIZATION OPERATING A
21 MEDICAL EXPENSE SHARING PROGRAM SHALL NOT MAKE, ISSUE, OR
22 CIRCULATE OR CAUSE OR AUTHORIZE TO BE MADE, ISSUED, OR CIRCULATED
23 ANY STATEMENT OR PUBLICATION THAT EITHER REPRESENTS THAT THE
24 PROGRAM IS INSURANCE OR MATERIALLY MISREPRESENTS THE TERMS OR
25 CONDITIONS OF THE PROGRAM.

26 (8) **Membership cards and provider communications.** AN
27 ORGANIZATION OPERATING A MEDICAL EXPENSE SHARING PROGRAM SHALL

1 INCLUDE ON ANY MEMBERSHIP CARD OR SIMILAR DOCUMENT ISSUED TO
2 MEMBERS AND IN ANY WRITTEN COMMUNICATION SENT BY THE
3 ORGANIZATION TO A HOSPITAL, PHYSICIAN, OR OTHER HEALTH-CARE
4 PROVIDER A STATEMENT THAT THE PROGRAM IS NOT HEALTH INSURANCE
5 AND THAT THE MEMBER IS PERSONALLY LIABLE FOR PAYMENT OF THE
6 MEMBER'S OR PARTICIPANT'S MEDICAL BILLS.

7 (9) **No excess benefit transactions.** AN ORGANIZATION THAT IS
8 DESCRIBED IN 26 U.S.C. SEC. 501 (c)(3), AS AMENDED, AND THAT
9 OPERATES A MEDICAL EXPENSE SHARING PROGRAM SHALL NOT ENGAGE IN
10 ANY EXCESS BENEFIT TRANSACTION AS DESCRIBED IN 26 U.S.C. SEC. 4958,
11 AS AMENDED.

12 **6-27-105. Enforcement.** (1) **Noncompliance.** (a) THE
13 ATTORNEY GENERAL MAY ISSUE A NOTICE TO ANY ORGANIZATION
14 OPERATING A MEDICAL EXPENSE SHARING PROGRAM IF THE ATTORNEY
15 GENERAL DETERMINES THAT THE ORGANIZATION HAS FAILED TO COMPLY
16 WITH THE APPLICABLE PORTIONS OF SECTION 6-27-104. IF THE FAILURE TO
17 COMPLY CONTINUES FOR MORE THAN FORTY-FIVE DAYS AFTER THE
18 ORGANIZATION HAS BEEN NOTIFIED OF THE ALLEGED VIOLATION, THE
19 ATTORNEY GENERAL MAY SEEK AN ORDER IN THE DISTRICT COURT IN AND
20 FOR THE CITY AND COUNTY OF DENVER TO ENJOIN THE VIOLATION OR
21 IMPOSE AN ADMINISTRATIVE PENALTY OF NOT MORE THAN TWO HUNDRED
22 FIFTY DOLLARS PER DAY THAT THE VIOLATION CONTINUED AFTER RECEIPT
23 OF THE NOTICE.

24 (b) THIS SUBSECTION (1) DOES NOT PRECLUDE THE IMPOSITION ON
25 ANY ORGANIZATION OR PERSON OF ANY OTHER REMEDY OR ACTION
26 AUTHORIZED UNDER ANY OTHER APPLICABLE LAW.

27 (2) **Insurance code.** (a) A MEDICAL EXPENSE SHARING PROGRAM

1 IS NOT SUBJECT TO ANY OF THE INSURANCE LAWS OR RULES OF COLORADO,
2 INCLUDING TITLE 10, IF:

3 (I) THE PROGRAM FACILITATES THE SHARING OF A MEMBER'S
4 ELIGIBLE MEDICAL EXPENSES THROUGH THE TRANSFER OF FUNDS TO THE
5 MEMBER OR TO THE APPLICABLE PROVIDER DIRECTLY FROM ONE OR MORE
6 OTHER MEMBERS AS DESIGNATED BY THE ORGANIZATION OPERATING THE
7 PROGRAM; AND

8 (II) THE ORGANIZATION:

9 (A) IS DESCRIBED IN 26 U.S.C. SEC. 501 (c)(3); AND

10 (B) DOES NOT OWN THE FUNDS DESCRIBED IN SUBSECTION (2)(a)(I)
11 OF THIS SECTION.

12 (b) FOR PURPOSES OF THIS SUBSECTION (2):

13 (I) THE TRANSFER OF A MEMBER'S FUNDS FROM AN ACCOUNT HELD
14 FOR THE BENEFIT OF, OR IN TRUST FOR, THE MEMBER OR THE PROGRAM
15 MEMBERSHIP CONSTITUTES THE TRANSFER OF FUNDS DIRECTLY FROM THE
16 MEMBER;

17 (II) AN ORGANIZATION IS DEEMED NOT TO OWN FUNDS HELD IN AN
18 ACCOUNT DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION; AND

19 (III) EXCEPT AS SET FORTH IN SUBSECTION (2)(b)(II) OF THIS
20 SECTION, AN ORGANIZATION IS DEEMED TO OWN ANY FUNDS REQUIRED TO
21 BE REPORTED AS REVENUE OR ASSETS OF THE ORGANIZATION ON THE
22 ORGANIZATION'S AUDITED FINANCIAL STATEMENTS OR THE
23 ORGANIZATION'S FEDERAL FORM 990 FILED WITH THE FEDERAL INTERNAL
24 REVENUE SERVICE.

25 (3) **Religious exercise protection.** (a) NOTHING IN THIS ARTICLE
26 27 SHALL BE:

27 (I) APPLIED IN A MANNER THAT FOSTERS AN EXCESSIVE

1 GOVERNMENT ENTANGLEMENT WITH RELIGION; OR

2 (II) CONSTRUED TO LIMIT ANY PROTECTION OF RELIGIOUS
3 EXERCISE RIGHTS UNDER FEDERAL, STATE, OR LOCAL LAW OTHERWISE
4 APPLICABLE TO ANY ORGANIZATION OPERATING A RELIGIOUS
5 ORGANIZATION SHARING PROGRAM OR TO ANY MEMBER OF A RELIGIOUS
6 ORGANIZATION SHARING PROGRAM EXERCISING THE MEMBER'S RELIGIOUS
7 BELIEFS.

8 (b) A PROVISION OF THIS ARTICLE 27 OR OF TITLE 10 THAT
9 SUBSTANTIALLY BURDENS THE RELIGIOUS EXERCISE OF ANY
10 ORGANIZATION OPERATING A RELIGIOUS ORGANIZATION SHARING
11 PROGRAM OR OF ANY MEMBER OF A RELIGIOUS ORGANIZATION SHARING
12 PROGRAM EXERCISING THE MEMBER'S RELIGIOUS BELIEFS IS ENFORCEABLE
13 AGAINST THE ORGANIZATION OR MEMBER ONLY IF THE STATE CAN
14 DEMONSTRATE THAT THE ENFORCEMENT IS THE LEAST RESTRICTIVE
15 MEANS OF FURTHERING A COMPELLING GOVERNMENTAL INTEREST.

16 (4) **Administration.** THE ATTORNEY GENERAL SHALL FACILITATE
17 THE ANNUAL FILING BY EACH APPLICABLE ORGANIZATION OF A WEBSITE
18 LINK AS SET FORTH IN SECTION 6-27-104 (5) AND MAY IMPOSE A FEE IN AN
19 AMOUNT NOT TO EXCEED ONE HUNDRED DOLLARS FOR EACH FILING.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect October 1, 2022; except that, if a referendum petition is filed
22 pursuant to section 1 (3) of article V of the state constitution against this
23 act or an item, section, or part of this act within the ninety-day period
24 after final adjournment of the general assembly, then the act, item,
25 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2022 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.