

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE ACCIDENT AND HEALTH

Emergency Regulation 25-E-04

CONCERNING COVERAGE OF COVID-19 VACCINES AS A PREVENTIVE SERVICE

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Section 1 Authority

This emergency regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-108(7), 10-1-109(1), 10-16-109, 10-16-708, 10-16-104(18)(a)(III)(A), 10-16-104(18)(b), and 10-16-104(18)(f), C.R.S. The Advisory Committee on Immunization Practices' ("ACIP") recommendations were modified effective July 22, 2025. Further, this emergency regulation is promulgated pursuant to CDPHE Public Health Order 25-01: Access to COVID- 19 Vaccines.

COVID-19 vaccines are intended to be available free of cost to all consumers. Pursuant to CDPHE Public Health Order 25-01, the currently available COVID-19 vaccines are safe and the most effective way of preventing infection, serious illness, and death.

Section 2 Scope and Purpose

The purpose of this emergency regulation is to require carriers to provide access to COVID-19 vaccines without cost-sharing as a covered preventive service.

The Division of Insurance finds, pursuant to § 24-4-103(6)(a), C.R.S., that immediate adoption of this regulation is imperatively necessary for the preservation of public health, safety, or welfare as allowing Individuals safe access to and coverage at no cost share for COVID-19 vaccines is imperative to preserve the health of the citizens of Colorado. Pursuant to CDPHE Public Health Order 25-01, CDPHE COVID-19 Vaccine Standing order for administering 2025-2026 COVID-19 Vaccine, and § 25-1.5.102, C.R.S., based upon the recent actions by the Federal Drug Administration (FDA) to limit access to the COVID-19 vaccine, as well as the clear evidence demonstrating the effectiveness of the COVID-19 vaccine, taking actions to expand access to COVID-19 vaccines is necessary to enhance the protection of public health. Therefore, compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.

Section 3 Applicability

This regulation shall apply to all carriers offering individual, small group, large group health benefit plans, student health plans, and managed care plans subject to the insurance laws of Colorado. Carriers who are third-party administrators for self-funded plans are strongly encouraged to follow the requirements of this regulation in order to create uniform access and billing structures.

Section 4 Definitions

- A. “ACIP” shall have the same meaning as found at § 10-16-104(18)(c)(I), C.R.S.
- B. “Carrier” shall have the same meaning as found at § 10-16-102(8), C.R.S.
- C. “Covered person” shall have the same meaning as found at § 10-16-102(15), C.R.S.
- D. “Health benefit plan” shall have the same meaning as found at § 10-16-102(32), C.R.S.

Section 5 Coverage for COVID-19 Vaccines

Carriers shall cover 2025-2026 vaccines for COVID-19 as a covered preventive health care service for all Coloradans in accordance with recommendations established by ACIP in effect on January 1, 2025, the CDPHE Public Health Order 25-01: Access to Covid-19 Vaccines, and the CDPHE COVID-19 Vaccine Standing order for administering 2025-2026 COVID-19 Vaccine. The vaccine shall be covered without cost-sharing.

Section 6 Severability

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Incorporation by Reference

The “recommendations established by ACIP” shall mean the ACIP recommendations in effect on January 1, 2025, for COVID-19 vaccines, and does not include later amendments to or editions of the ACIP recommendations. A copy of the recommendations established by ACIP may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of the recommendations established by ACIP may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at <https://www.cdc.gov/acip-recs/hcp/vaccine-specific/covid-19.html>

The CDPHE Public Health Order 25-01: Access to Covid-19 Vaccines shall mean the CDPHE Public Health Order 25-01: Access to Covid-19 Vaccines, as published on September 3, 2025, and does not include any later amendments to or later editions to the CDPHE Public Health Order 25-01: Access to Covid-19 Vaccines. A copy of the CDPHE Public Health Order 25-01: Access to Covid-19 Vaccines may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of the CDPHE Public Health Order 25-01: Access to Covid-19 Vaccines may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at https://drive.google.com/file/d/1sNIVUUVsVY0-YIphl_WwUj64810AXQSJ/view

The CDPHE Standing Order for Administering 2025-2026 Covid-19 Vaccine shall mean the CDPHE Standing Order for Administering 2025-2026 Covid-19 Vaccine, as published on September 5, 2025, and does not include any later amendments to or later editions to the CDPHE Standing Order for Administering 2025-2026 Covid-19 Vaccine. A copy of the CDPHE Standing Order for Administering 2025-2026 Covid-19 Vaccine may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of the CDPHE Standing Order for Administering 2025-2026 Covid-19 Vaccine may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at https://drive.google.com/file/d/1i2pi-yQMVhKHYuYEcp-QxgkuYh6_zRSb/view

Section 9 Effective Date

This emergency regulation shall become effective on September 11, 2025.

Section 10 History

Emergency regulation effective September 11, 2025.