

# DEPARTMENT OF REGULATORY AGENCIES

## Division of Insurance

### 3 CCR 702-4

#### LIFE ACCIDENT AND HEALTH

##### Emergency Regulation 25-E-05

##### CARRIER RENEWAL NOTICES OF HEALTH BENEFIT PLANS FOR THE 2026 PLAN YEAR

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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, 10-16-105.1(6)(a), and 10-16-109, C.R.S.

##### **Section 2 Scope and Purpose**

The purpose of this emergency regulation is to establish timelines for carriers to notify enrollees of health benefit plan renewals for the 2026 plan year.

The Division of Insurance finds, pursuant to § 24-4-103(6)(a), C.R.S., that immediate adoption of this emergency regulation is imperatively necessary to comply with state or federal law or for the preservation of public health, safety, or welfare and compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interests.

On August 22, 2025, the federal district court for the District of Maryland issued an order in *City of Columbus v. Kennedy*, No. 25-cv-2114-BAH (D. Md. Aug. 22, 2025) staying the implementation of certain provisions of the recently promulgated Marketplace Integrity and Affordability Final Rule, 90 Fed. Reg. 27,074 (June 25, 2025). On August 28, 2025, Governor Polis signed into law House Bill 25B-1006, which will provide additional funding for the Health Insurance Affordability Enterprise programs. Due to these recent activities, carriers will have the option of re-filing rates for their individual market health benefit plans by September 16, 2025.

As a result, this regulation is being adopted to allow carriers additional time to notify enrollees of health benefit plan renewals for the 2026 plan year.

##### **Section 3 Applicability**

This regulation shall apply to individual health benefit plans subject to the health insurance laws of Colorado for the 2026 plan year. This regulation applies only to notices of plan renewals for the 2026 plan year, not to plan discontinuances.

#### **Section 4      Definitions**

- A.      “Carrier” shall, for the purposes of this regulation, have the same meaning as found at § 10-16-102(8), C.R.S.
- B.      “Enrollee” shall, for the purposes of this regulation, have the same meaning as found at § 10-16-102(20).
- C.      “Health benefit plan” shall, for the purposes of this regulation, have the same meaning as found at § 10-16-102(32), C.R.S.

#### **Section 5      Renewal Notices for Individual Health Benefit Plans**

In lieu of the 90 day advance notice requirement in Regulation 4-2-82, Section 5.C.1, for the 2026 plan year, a carrier must provide notice to policyholders of existing individual health benefit plans that are renewing with modifications for the 2026 plan year no later than October 31, 2025. The notice must be in compliance with the notice language in Appendix A for on exchange plans and Appendix F for off exchange plans Regulation 4-2-82, and be provided to each policyholder.

For the 2026 plan year, a carrier must provide notice to policyholders of existing individual health benefit plans that are renewed without modifications no later than October 31, 2025. This notice must be in compliance with the notice language in Appendix I and be provided to each policyholder.

#### **Section 6      Severability**

If any provisions of this regulation or the application thereof to any person or circumstances are for any reason held to be invalid, the remainder of the regulation shall not be affected in any way.

#### **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      Effective Date**

This emergency regulation shall become effective September 22, 2025.

#### **Section 9      History**

Emergency regulation adopted September 22, 2025.