

2009 State Legislation Affecting Women
By Chaer Robert, Denver Women's Commission
February, 2009

The Denver Women's Commission is monitoring all legislation affecting women. For a complete list, and previous recommendations, go to www.denvergov.org/women and click on "2009 legislation affecting women" under "most requested" in the upper right hand corner, or click on "legislative information."

Our Commission voted to support these bills during their February meeting:

HB 1020 Acree Expedited Medical Program ReEnrollment

Directs the Department of Healthy Care Policy and Financing to establish a process for re-enrollment in Medicaid and the Children's Basic Health Plan both over the phone and the internet.

This would save people from having to take a half-day off work or other to physically go to offices to renew eligibility. It makes it easier to maintain continuity in health care for those eligible.

Projected cost is \$3.5 million, due to computer costs. While this alone could have killed the bill, House Health and Human Services passed the bill with the thought that there was a reasonable possibility that federal stimulus money could become available for this.

If this capacity was implemented successfully, it would reduce somewhat County staff time required.

HB 1224 Schafer Prohibition on the Consideration of Gender in Setting Rates for Individual Health Insurance Policies

As amended: directs the Health Care Interim Task Force to study the issue of health insurance carriers varying the rates of **individual** health insurance policies based on the gender of the individual insured.

Title VII of the Civil Rights Act of 1964 and HIPAA (Health Insurance Portability and Accountability Act of 1996) and other civil rights laws prohibit employers charging differential premiums based on gender. This bill would extend that prohibition to the individual insurance market. About 7% of Americans get their health insurance from the individual market. A bigger problem is that virtually all individual policies EXCLUDE MATERNITY COVERAGE, but the bill does not address this. A national study found the gender different in premium varied wildly between insurers – from 4% - 48% difference. (*Nowhere to Turn: How the Individual Health Insurance Market Fails Women*". 2008 www.nwlc.org)

HB 1164 Primavera Surcharge Breast Cancer License Plate

Would provide funding (by adding a \$25 fee on the Breast Cancer Awareness License Plates) for breast and cervical cancer treatment for certain low income women currently falling through a gap: Those whose cancer was diagnosed at a site other than an official State and Cervical Cancer Screening site are currently ineligible for treatment coverage under the existing program.

SB 110 Morse Civil Rights Commission and Division

Renews until 2018 the Colorado Civil Rights Commission and Division that is due to sunset.

Laws prohibiting discrimination are only as good as their enforcement mechanisms. When individuals can get administrative remedies through government agencies rather than using the court system, civil justice is more accessible for all.

Currently those winning discrimination cases are only eligible for lost wages or reinstatement. This bill would align damages with federal levels. In particular prevailing parties could receive payment of reasonable attorney's fees and limited compensatory and punitive damages. Caps are prorated by size of business.

The bill would also extend discrimination coverage from "adverse actions" –e.g. firing, not hiring, demoting—to "terms and conditions". It would also give the Commission the power to initiate discrimination charges in cases that indicate significant societal or community impact, albeit with limited remedies. This bill also adds to the Commission's jurisdiction enforcement of the law allowing victims of domestic violence, sexual assault and stalking to take up to 3 days to resolve legal and safety issues.

HB 1210 McGihon

Mandatory Paid Sick Leave

Would require **private sector** employers of 6 or more to allow employees to accrue and use paid sick leave. As introduced, employers would be required to provide the equivalent of 5 days per year if they had 6-15 employees; 9 days per year if they have more than 15 employees. Accrual is prorated for part time employees. Those with existing leave policies at least this level would be exempt. Allows use of the sick leave for care of a family member. Also covers those needing to be absent from work due to domestic violence, sexual assault or stalking.

Currently 48% of the private sector work force has paid leave for illness. But among the lowest quarter of wage earners, only 25% have paid time. Only 30% of private sector workers can use a paid sick day to care for a child. Among the lowest quarter of wage earners, only 11% can use a paid sick day to care for a sick child. (*Family Values at work: It's About Time!* 2007 www.9to5.org/familyvaluesatwork) Women should not need to put their jobs at risk to care for a sick child.

Aside from the work/family balance issue, this bill also addresses a public health problem. For example, only one in 7 food service workers has access to paid sick days.

In a national poll (Lake Research Partners, June 2007), 89% favored a basic labor standard that would guarantee all workers a minimum number of paid sick days to care for themselves or immediate family members. Last year, voters in Milwaukee passed a municipal ballot referendum, with 69% support, guaranteeing employees paid sick days.