



**BRIEFING SHEET ON DRAFT AMENDMENTS TO ADDRESS COLORADO
STATUTORY CONFLICT WITH THE LENGTH OF THE SUICIDE EXCLUSION**

Prepared by the Compact Office

- The Governance Committee has recommended to the Management Committee and Commission for their consideration draft amendments to address a statutory conflict with the length of the suicide exclusion period.
- The Governance Committee took up this issue as one element of addressing the Colorado Supreme Court opinion. With the finalization of Position Statement 1-2022 recognizing that Congress consented to the Compact in 2006, the Governance Committee turned back to this direct conflict between state statute and the Uniform Standards.
- In 2021, the Governance Committee referred to the Product Standards Committee (PSC) specific conflicts between Colorado statute and the Uniform Standards. With the PSC's feedback, at this time the Governance Committee is recommending amendments to certain Uniform Standards to maintain a maximum suicide exclusion period of up to two years and to include an exception for a shorter maximum suicide exclusion period—up to one year—where required by state law. This recommendation addresses the specific statutory conflict at issue in the *Amica* case.
- After public comment, the Product Standards Committee delivered to the Governance Committee its recommendation last Fall with respect to proposed changes to two areas in life Uniform Standards where the suicide exclusion period is referenced.
- The proposed amendment would prospectively recognize this state exception by continuing to keep the standard two-year suicide exclusion period unless the state where the policy is delivered or issued for delivery has a lesser period which would then apply.
- With the adoption of the Position Statement, the Governance Committee has expressed its intention to work on procedures and processes that gives states more flexibility to step out of or request amendments to Uniform Standards for conflicts that have legal ramifications for the state. For this reason, the Governance Committee recommended moving forward with the suicide exclusion recommendation at this time as there is a member state, Colorado, with a binding court opinion and two other states where addressing this conflict would be meaningful.
- The Management Committee and Commission voted at the Portland meeting to begin the rulemaking process for this recommendation. As such, this recommendation is circulated for notice and a 90-day comment period; a public hearing to receive oral comments will be held at the Management Committee and Commission's interim call this Fall. All associated documents are available on the Compact's online Docket.