

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0458.01 Chelsea Princell x4335

**HOUSE BILL 26-1414**

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**HOUSE SPONSORSHIP**

**McCluskie and Camacho,**

**SENATE SPONSORSHIP**

**Roberts and Kipp,**

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**House Committees**  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE PROVISION OF MEDICAL RECORDS IN THE CUSTODY**  
102 **OF CERTAIN HEALTH-CARE ENTITIES.**

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**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 caps the amount that a health-care entity or health-care provider may charge for a record request made by a patient's attorney or personal representative, pursuant to an authorization in compliance with the federal "Health Insurance Portability and Accountability Act of 1996", a valid subpoena, or a valid court order, if the requested record exceeds 664 pages at \$400 unless the record request requires the health-care

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

facility or health-care provider to segregate, withhold, or redact protected health information in order to comply with applicable law or the scope or limitations of the authorization in compliance with the federal "Health Insurance Portability and Accountability Act of 1996", a valid subpoena, or a valid court order, in which case the health-care entity or health-care provider may charge a reasonable fee.

The bill requires the requested medical records to be delivered in electronic format if certain conditions are met.

The bill requires that all medical records be provided in response to a request for medical records within 30 days after the health-care entity receives payment for the request.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1-801, **amend**  
3 **(1)(b)(I)(A); and add (1)(b)(III), (1)(b)(IV), (1)(e), (1)(f), and (1)(g) as**  
4 follows:

5 **25-1-801. Patient records in custody of health-care facility -**  
6 **definitions.**

7 (1) (b) (I) (A) A health facility licensed or certified pursuant to  
8 section 25-1.5-103 (1) or article 3 of this ~~title, or both,~~ TITLE 25 or an  
9 entity regulated under title 10, ~~C.R.S.~~, providing health-care services, as  
10 defined in section 10-16-102, ~~(33), C.R.S.~~, directly or indirectly through  
11 a managed care plan, as defined in section 10-16-102 ~~(43), C.R.S.~~, or  
12 otherwise, must provide copies of a patient's medical records, including  
13 X rays, to the patient or the patient's personal representative upon request  
14 and payment of the fee a covered entity may impose in accordance with  
15 the "Health Insurance Portability and Accountability Act of 1996", Pub.L.  
16 104-191, as amended, and any rules promulgated pursuant to the act, or  
17 to a third person who requests the records upon submission of a  
18 HIPAA-compliant authorization, valid subpoena, or court order and upon  
19 the payment of the reasonable fees. FOR A REQUEST NOT EXCEEDING SIX

1 HUNDRED SIXTY-FOUR PAGES, THE FEES CHARGED TO A THIRD PERSON  
2 SHALL NOT EXCEED THE REASONABLE FEES.

3 (III) THE TOTAL SUM OF FEES THAT A HEALTH-CARE FACILITY MAY  
4 CHARGE AND COLLECT FOR A RECORD REQUEST MADE BY AN ATTORNEY  
5 WHO REPRESENTS THE PATIENT OR THE PATIENT'S PERSONAL  
6 REPRESENTATIVE, PURSUANT TO A SUBMISSION OF AN AUTHORIZATION IN  
7 COMPLIANCE WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND  
8 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-91; A VALID SUBPOENA; OR  
9 A VALID COURT ORDER, IF THE REQUESTED RECORD EXCEEDS SIX HUNDRED  
10 SIXTY-FOUR PAGES, MUST NOT EXCEED FOUR HUNDRED DOLLARS.

11 (IV) ON JANUARY 1, 2028, AND EVERY JANUARY 1 EVERY  
12 EVEN-NUMBERED YEAR THEREAFTER, THE FOUR-HUNDRED-DOLLAR LIMIT  
13 SET FORTH IN SUBSECTION (1)(b)(III) OF THIS SECTION MUST BE ADJUSTED  
14 FOR INFLATION. THE ADJUSTED LIMIT MUST BE ROUNDED TO THE NEAREST  
15 WHOLE DOLLAR. THE SECRETARY OF STATE SHALL PUBLISH THE ADJUSTED  
16 LIMIT ON ITS WEBSITE NO LATER THAN OCTOBER 1 OF EVERY YEAR THE  
17 LIMIT IS SUBJECT TO AN ADJUSTMENT. THE ADJUSTED LIMIT MUST NOT BE  
18 DECREASED BELOW FOUR HUNDRED DOLLARS. AS USED IN THIS  
19 SUBSECTION (1)(b)(IV), "INFLATION" MEANS THE ANNUAL PERCENTAGE  
20 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF  
21 LABOR STATISTICS CONSUMER PRICE INDEX FOR  
22 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN  
23 CONSUMERS, OR ITS SUCCESSOR INDEX.

24 (e) SUBSECTION (1)(b)(III) OF THIS SECTION DOES NOT APPLY IF A  
25 HEALTH-CARE FACILITY IS REQUIRED TO SEGREGATE, WITHHOLD, OR  
26 REDACT PROTECTED HEALTH INFORMATION FROM THE REQUESTED RECORD  
27 TO COMPLY WITH APPLICABLE LAW OR WITHIN THE SCOPE OR LIMITATIONS

1 DETAILED IN SUBSECTION (1)(b)(III) OF THIS SECTION.

2 (f) (I) THE HEALTH-CARE FACILITY SHALL DELIVER THE MEDICAL  
3 RECORDS IN ELECTRONIC FORMAT, UPON REQUEST AND PAYMENT OF THE  
4 FEES DETAILED IN THIS SUBSECTION (1), IF:

5 (A) THE INDIVIDUAL OR ENTITY REQUESTS ELECTRONIC FORMAT;

6 (B) THE ORIGINAL MEDICAL RECORDS ARE STORED IN ELECTRONIC  
7 FORMAT; AND

8 (C) THE MEDICAL RECORDS ARE READILY PRODUCIBLE IN  
9 ELECTRONIC FORMAT.

10 (II) AN INVOICE FOR ALL RECORDS PROVIDED IN RESPONSE TO A  
11 REQUEST FOR MEDICAL RECORDS MUST BE PROVIDED TO THE REQUESTOR  
12 WITHIN THIRTY DAYS OF RECEIVING A VALID REQUEST, AND THE RECORDS  
13 MUST BE PROVIDED UPON PAYMENT OF THE INVOICE.

14 (III) IF A HEALTH-CARE FACILITY IS UNABLE TO PROVIDE ACCESS  
15 TO MEDICAL RECORDS WITHIN THIRTY DAYS, AS REQUIRED BY SUBSECTION  
16 (1)(f)(II) OF THIS SECTION, THE HEALTH-CARE FACILITY MAY EXTEND THE  
17 TIME FRAME FOR PROVIDING RECORDS BY AN ADDITIONAL THIRTY DAYS  
18 AND THE HEALTH-CARE FACILITY MUST NOTIFY THE REQUESTOR IN  
19 WRITING OF THE EXTENSION WITHIN THE INITIAL THIRTY-DAY PERIOD.

20 (IV) A RECORD NOT PROVIDED WITHIN THIRTY DAYS OR WITHOUT  
21 WRITTEN NOTIFICATION OF A THIRTY-DAY EXTENSION MUST BE PROVIDED  
22 TO THE REQUESTOR AT NO COST, ABSENT AN INDEPENDENT INTERVENING  
23 FORCE MAJEURE THAT RENDERS THE REQUESTED RECORDS INACCESSIBLE,  
24 IRRETRIEVABLE, OR UNDELIVERABLE WITHIN THE REQUIRED TIME  
25 FRAME. AS USED IN THIS SUBSECTION (1)(f)(IV), "FORCE MAJEURE" MEANS  
26 A FACTOR OUTSIDE THE PARTIES' CONTROL THAT MEANS PERFORMANCE OF  
27 THE TASK IS IMPOSSIBLE OR IMPRACTICABLE AS A RESULT OF AN EVENT OR

1 EFFECT THAT THE PARTIES COULD NOT HAVE ANTICIPATED OR  
2 CONTROLLED.

3 (g) NOTHING IN SUBSECTION (1)(b), (1)(e), OR (1)(f) OF THIS  
4 SECTION REQUIRES A HEALTH-CARE FACILITY TO DISCLOSE INFORMATION  
5 THAT IS PRIVILEGED, CONFIDENTIAL, OR PROTECTED FROM DISCOVERY OR  
6 ADMISSION UNDER STATE OR FEDERAL LAW, INCLUDING PURSUANT TO  
7 SECTIONS 12-30-204 AND 25-3-109, OR 42 U.S.C. SEC. 1320c-1.

8 **SECTION 2.** In Colorado Revised Statutes, 25-1-802, **amend**  
9 **(1)(b)(I)(A); and add (1)(b)(III), (1)(b)(IV), (1)(e), (1)(f), and (1)(g) as**  
10 **follows:**

11 **25-1-802. Patient records in custody of individual health-care**  
12 **providers - definitions.**

13 (1) (b) (I) (A) A health facility licensed or certified pursuant to  
14 section 25-1.5-103 (1) or article 3 of this title, ~~or both,~~ TITLE 25, or an  
15 entity regulated under title 10, ~~C.R.S.~~, providing health-care services, as  
16 defined in section 10-16-102, ~~(33), C.R.S.~~, directly or indirectly through  
17 a managed care plan, as defined in section 10-16-102 ~~(43), C.R.S.~~, or  
18 otherwise, must provide copies of a patient's medical records, including  
19 X rays, to the patient or the patient's personal representative upon request  
20 and payment of the fee a covered entity may impose in accordance with  
21 the "Health Insurance Portability and Accountability Act of 1996", Pub.L.  
22 104-191, as amended, and any rules promulgated pursuant to the act, or  
23 to a third person who requests the records upon submission of a  
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26 HUNDRED SIXTY-FOUR PAGES, THE FEES CHARGED TO A THIRD PERSON  
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1           (III) THE TOTAL SUM OF FEES THAT A HEALTH-CARE PROVIDER  
2 MAY CHARGE AND COLLECT FOR A RECORD REQUEST MADE BY AN  
3 ATTORNEY WHO REPRESENTS THE PATIENT OR THE PATIENT'S PERSONAL  
4 REPRESENTATIVE, PURSUANT TO A SUBMISSION OF AN AUTHORIZATION IN  
5 COMPLIANCE WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND  
6 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-91, A VALID SUBPOENA, OR  
7 A VALID COURT ORDER, IF THE REQUESTED RECORD EXCEEDS SIX HUNDRED  
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19 LABOR STATISTICS CONSUMER PRICE INDEX FOR  
20 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN  
21 CONSUMERS, OR ITS SUCCESSOR INDEX.

22           (e) SUBSECTION (1)(b)(III) OF THIS SECTION DOES NOT APPLY IF A  
23 HEALTH-CARE PROVIDER IS REQUIRED TO SEGREGATE, WITHHOLD, OR  
24 REDACT PROTECTED HEALTH INFORMATION FROM THE REQUESTED RECORD  
25 TO COMPLY WITH APPLICABLE LAW OR WITHIN THE SCOPE OR LIMITATIONS  
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4 (B) THE ORIGINAL MEDICAL RECORDS ARE STORED IN ELECTRONIC  
5 FORMAT; AND

6 (C) THE MEDICAL RECORDS ARE READILY PRODUCIBLE IN  
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9 REQUEST FOR MEDICAL RECORDS MUST BE PROVIDED TO THE REQUESTOR  
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3 THAT IS PRIVILEGED, CONFIDENTIAL, OR PROTECTED FROM DISCOVERY OR  
4 ADMISSION UNDER STATE OR FEDERAL LAW, INCLUDING PURSUANT TO  
5 SECTIONS 12-30-204 AND 25-3-109, OR 42 U.S.C. SEC. 1320c.

6 **SECTION 3. Act subject to petition - effective date.** This act  
7 takes effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly (August  
9 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
10 referendum petition is filed pursuant to section 1 (3) of article V of the  
11 state constitution against this act or an item, section, or part of this act  
12 within such period, then the act, item, section, or part will not take effect  
13 unless approved .by the people at the general election to be held in  
14 November 2026 and, in such case, will take effect on the date of the  
15 official declaration of the vote thereon by the governor.