

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0531.01 Shelby Ross x4510

SENATE BILL 23-188

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Senate Committees
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A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR ACCESSING REPRODUCTIVE HEALTH**
102 **CARE.**

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 requires contracts between insurers or other persons and health-care providers regarding the delivery of health-care services to include a provision that prohibits the following actions if the actions are based solely on the health-care provider's provision of, or assistance in the provision of, reproductive health care or gender-affirming health-care services (legally protected health-care activity) in this state, so long as the

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.

HOUSE
3rd Reading Unamended
April 1, 2023

HOUSE
Amended 2nd Reading
March 31, 2023

SENATE
3rd Reading Unamended
March 22, 2023

SENATE
Amended 2nd Reading
March 21, 2023

care provided did not violate Colorado law:

- A medical malpractice insurer from refusing to issue, canceling or terminating, refusing to renew, or imposing any sanctions, fines, penalties, or rate increases for a medical malpractice policy (**section 2**);
- A health insurer from taking an adverse action against a health-care provider, including refusing to pay for a provided health-care service, terminating or refusing to renew a contract with the health-care provider, or imposing other penalties on the health-care provider (**section 3**);
- A health insurer from refusing to credential a physician as a network provider or terminating a physician's status as a network provider (**section 4**); or
- A person or entity from terminating a health-care contract with a health-care provider (**section 25**).

Section 5 protects an individual applying for licensure, certification, or registration in a health-care-related profession or occupation in Colorado (applicant), as well as a health-care professional currently licensed, certified, or registered in Colorado (licensee), from having the license, certification, or registration denied or discipline imposed against the licensee based solely on:

- The applicant's or licensee's provision of, or assistance in the provision of, a legally protected health-care activity in this state or another state or United States territory, so long as the care provided was consistent with generally accepted standards of practice under Colorado law and did not otherwise violate Colorado law;
- A civil or criminal judgment or a professional disciplinary action arising from the provision of, or assistance in the provision of, a legally protected health-care activity in this state or another state or United States territory, so long as the care provided was consistent with generally accepted standards of practice under Colorado law and did not otherwise violate Colorado law;
- The applicant's or licensee's own personal effort to seek or engage in a legally protected health-care activity; or
- A civil or criminal judgment against the applicant or licensee arising from the individual's own personal legally protected health-care activity in this state or another state or United States territory.

Section 6 prohibits a court, judicial officer, court employee, or attorney from issuing a subpoena in connection with a proceeding in another state concerning an individual who accesses a legally protected health-care activity in Colorado or an individual who performs, assists, or aids in the performance of a legally protected health-care activity in

Colorado.

Section 7 prohibits the state from applying another state's law to a case or controversy heard in Colorado state court or giving any force or effect to any judgment issued without personal jurisdiction or due process or to any judgment that is penal in nature pursuant to another state's law if the other state's law authorizes a person to bring a civil action against another person or entity for engaging or attempting to engage in a legally protected health-care activity.

If a medical malpractice action is brought in this state against a health-care provider regulated in this state or another state, **section 8** prohibits a court or arbitrator from allowing evidence or witness testimony relating to professional discipline or criminal or civil charges in this state or another state concerning the provision of, or assistance in the provision of, a legally protected health-care activity, so long as the care provided did not violate Colorado law.

Section 9 prohibits a peace officer from knowingly arresting or participating in the arrest of any person who engages in a legally protected health-care activity, unless the acts forming the basis for the arrest constitute a criminal offense in Colorado or violate Colorado law.

Section 10 prohibits the issuance of a search warrant to search for and seize any property that relates to an investigation into a legally protected health-care activity.

Section 11 prohibits a judge from issuing a summons in a case when a prosecution is pending, or when a grand jury investigation has started or is about to start, for a criminal violation of another state's law involving the provision or receipt of or assistance with accessing a legally protected health-care activity that is legal in Colorado, unless the acts forming the basis of the prosecution or investigation would also constitute a criminal offense in Colorado.

Section 12 prohibits the issuance of an ex parte order for wiretapping or eavesdropping to obtain any wire, oral, or electronic communication that relates to an investigation into a legally protected health-care activity.

Current law allows for the extradition of a person who committed an act in this state that intentionally results in a crime in the state whose executive authority is making the demand, even though the accused was not in the demanding state at the time of the commission of the crime.

Section 13 requires the acts for which extradition is sought to be punishable by the laws of this state if the acts occurred in this state and prohibits the governor from surrendering a person charged in another state as a result of the person engaging in a legally protected health-care activity, unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense.

Section 14 requires a correctional facility or private contract

prison incarcerating a person who is capable of pregnancy to, regardless of the person's ability to pay, ensure access to abortions by providing a pregnant person with information about abortion providers; referrals to community-based providers of abortions; referrals to community-based organizations that help people pay for abortions; and transportation to access an abortion; and ensure access to miscarriage management, including medication.

Section 15 adds a reproductive health-care services worker to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family.

Section 16 prohibits the prosecution or investigation of a licensed health-care provider if the health-care provider prescribes an abortifacient to a patient and the patient ingests the abortifacient in another state so long as the abortifacient is prescribed or administered consistent with accepted standards of practice under Colorado law and does not violate Colorado law.

Section 17 through section 20 adds a protected health-care worker to the list of persons authorized to participate in the address confidentiality program.

Section 21 authorizes the attorney general to independently initiate and bring a civil and criminal action to enforce the "Reproductive Health Equity Act".

Section 22 prohibits a state agency from providing any information or using any government resources in furtherance of any out-of-state investigation or proceeding seeking to impose civil or criminal liability or professional sanction upon a person or entity for engaging in a legally protected health-care activity.

Section 23 prohibits a public entity from:

- Denying, restricting, or interfering with, through any efforts, including licensing or zoning restrictions, any person's or business entity's ability to provide reproductive health care; or
- Interfering with, discriminating against, or penalizing, through any civil or criminal laws, any person or business entity for assisting, aiding, or treating an individual for reproductive health care; or
- Prohibiting or restricting, through any civil or criminal laws, including the establishment or expansion of a private right of action, any person or business entity from assisting, aiding, or treating an individual for reproductive health care.

Section 24 authorizes an action to enforce the provisions of the "Reproductive Health Equity Act" to be commenced by a person or

business entity with standing in Denver district court.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The United States Supreme Court's decision in June 2022 to
5 overturn *Roe v. Wade* in *Dobbs v. Jackson Women's Health Organization*
6 has had immediate, disastrous effects on health care across the country.
7 The resulting patchwork of state laws, executive orders, local ordinances,
8 and court challenges has led to legal chaos and has caused grief, fear, and
9 confusion.

10 (b) As of January 2023, twenty-four states have banned abortion
11 or severely restricted abortion access, and more will likely try to do so in
12 the near future;

13 (c) Nationally, abortion clinics across the country are closing,
14 resulting in an eroded reproductive health-care infrastructure. Almost all
15 abortions are performed in clinics rather than in hospitals or doctors'
16 offices, and in the ten years before the *Dobbs* decision, a third of
17 independent clinics closed. That pace of closure has doubled since *Dobbs*.
18 Alarmingly, one hundred days after the decision to overturn *Roe*, at least
19 sixty-six clinics in fifteen states stopped offering abortion care, and most
20 clinics closed, eliminating preventative health-care access as well.

21 (d) Colorado's abortion providers are the closest available
22 providers to the 1.2 million people seeking care from neighboring states,
23 and Colorado clinics have seen a thirty-three percent rise in the number
24 of patients seeking abortion care post-*Dobbs*. Colorado residents seeking
25 abortion care and other wellness care that many clinics provide, especially

1 in rural and other underserved areas, face wait times that have increased
2 from one or two days up to three weeks in some cases. Colorado residents
3 seeking gender-affirming care will see a similar increase in wait times as
4 other states enact further restrictions. It is chillingly clear that since
5 *Dobbs*, Colorado's reproductive health-care infrastructure is threatened
6 by exterior pressures.

7 (e) A growing number of states, the same states hostile to abortion
8 rights, are also banning gender-affirming health care and pursuing
9 anti-LGBTQ+ legislation. Alabama, Arizona, Arkansas, Utah, and
10 Tennessee have enacted prohibitions on gender-affirming care for youth
11 and young adults. Eleven other states are considering restrictions that
12 would make providing gender-affirming health care a felony or ban
13 insurance coverage for such care, with Missouri's proposed law
14 criminalizing care for patients up to age twenty-five.

15 (f) Several states are also eroding their health-care infrastructure
16 by requiring providers to report any patients seeking gender-affirming
17 health care to law enforcement. Providers are being forced to choose
18 compliance with state law over their oath to do no harm, and those laws
19 conflict with the strongest recommendations by the American Academy
20 of Pediatrics that transgender youth be given the fullest range of medical
21 and psychiatric care possible.

22 (g) The national reproductive health and gender-affirming
23 health-care infrastructure is being eroded, and Colorado's health-care
24 infrastructure is being strained;

25 (h) In states where abortion and gender-affirming health care are
26 still legal, the influx of patients from states with criminal bans or severe
27 restrictions has created lengthy waiting times for appointments, delaying

1 access to care for all. States hostile to reproductive rights and
2 gender-affirming health care are not content with prohibiting care and
3 access within their borders; such states seek to impose these restrictions
4 on every other state as well. Colorado OB-GYN physicians have said
5 publicly that the increased need for care is beyond their current capacity
6 and is physically and mentally unsustainable, leading to burnout in the
7 profession and major delays in patient treatment. Likewise, current and
8 future politically motivated restrictions on gender-affirming care in other
9 states will create an adjacent crisis in Colorado.

10 (i) Abortion and gender-affirming care providers are
11 overwhelmed, fear violence and legal consequences, and face a dramatic
12 increase in patient numbers. They also fear attacks on their licensure,
13 denial of liability insurance, and interstate prosecution. Patients, and those
14 who support them, are also scared. Individuals seeking abortion care, and
15 those who help them, face criminal prosecution. The parents of youth
16 seeking gender-affirming health care face charges of child abuse and
17 neglect. Additional restrictions on reproductive and gender-affirming
18 health care are anticipated, which could further restrict access, make it
19 difficult to obtain accurate information, make it harder to travel for care,
20 and even prohibit access to safe, FDA-approved abortion medication and
21 gender-affirming hormones.

22 (j) As Colorado is further impacted by neighboring states'
23 reproductive and gender-affirming health-care restrictions, Colorado will
24 see the same deepening of existing inequities for poor or geographically
25 underserved people, and Black and Indigenous communities and other
26 communities of color;

27 (k) In the face of these attacks, policymakers and advocates in

1 many other states are seeking to protect providers, patients, and those who
2 assist them from the criminal prosecution they face from new laws.
3 Colorado has led the nation with regard to civil rights, including
4 individuals' rights to the full range of reproductive and gender-affirming
5 health care, and Coloradans have resoundingly rejected abortion bans at
6 the ballot box four times in the past fifteen years. Therefore, it is critical
7 that these safeguards be enacted in statute. As a state, we will continue to
8 ensure that every individual has the fundamental right to reproductive and
9 gender-affirming health care and that all health-care providers have the
10 protection needed to offer essential care without fear for their safety or
11 fear of losing their license or insurance.

12 (l) It stands to reason that reproductive and gender-affirming
13 health-care providers in states with abortion and gender-affirming
14 health-care bans will want to relocate to states that protect their practice
15 and values, thereby becoming an important part of Colorado's health-care
16 infrastructure; and

17 (m) Other states friendly to reproductive and gender-affirming
18 health-care rights are taking steps to protect care in their states, including:

19 (I) In 2022, fourteen governors and nine local governments took
20 executive action to protect providers and the patients who travel across
21 state lines to receive abortion care;

22 (II) California, Connecticut, Delaware, Illinois, Massachusetts,
23 New York, New Jersey, and Washington, D.C., passed legislation
24 designed to protect people who travel across state lines to receive an
25 abortion and the providers who care for those patients;

26 (III) In May 2022, lawmakers and advocates from nineteen states,
27 including Colorado, pledged to introduce legislation to protect

1 transgender youth seeking gender-affirming health care and their families;
2 and

3 (IV) Massachusetts and Illinois enacted legislation to protect
4 gender-affirming health-care patients and providers, and California is
5 expected to follow suit during its next legislative session.

6 (2) The general assembly further finds that despite the passage of
7 House Bill 22-1279, concerning the "Reproductive Health Equity Act",
8 the national, legally chaotic landscape resulting from other states' current
9 and anticipated restrictions has caused widespread fear and confusion
10 among Colorado providers and patients traveling to Colorado for care.

11 (3) Therefore, the general assembly declares that medical
12 professionals currently practicing in Colorado, as well as those moving
13 to our state, should feel safe doing their jobs, and patients from Colorado
14 and elsewhere should feel safe accessing the health care they need that
15 Colorado has protected in law. It is critical that Colorado stand up for the
16 providers of legally protected health care, their patients, and those who
17 support them.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 10-4-109.6 as
19 follows:

20 **10-4-109.6. Medical malpractice insurers - protections relating**
21 **to reproductive health care - definition.** (1) AN INSURER THAT ISSUES
22 MEDICAL MALPRACTICE INSURANCE SHALL NOT TAKE A PROHIBITED
23 ACTION AGAINST AN APPLICANT FOR OR THE NAMED INSURED UNDER A
24 MEDICAL MALPRACTICE POLICY IN THIS STATE SOLELY BECAUSE THE
25 APPLICANT OR INSURED HAS PROVIDED, OR ASSISTED IN THE PROVISION OF,
26 A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION
27 12-30-120 (1)(d), IN THIS STATE, SO LONG AS THE CARE PROVIDED BY THE

1 APPLICANT OR INSURED WAS CONSISTENT WITH GENERALLY ACCEPTED
2 STANDARDS OF PRACTICE UNDER COLORADO LAW AND DID NOT
3 OTHERWISE VIOLATE COLORADO LAW.

4 (2) AS USED IN THIS SECTION, "PROHIBITED ACTION" MEANS:

5 (a) REFUSING TO ISSUE A MEDICAL MALPRACTICE POLICY;

6 (b) CANCELING OR TERMINATING A MEDICAL MALPRACTICE
7 POLICY;

8 (c) REFUSING TO RENEW A MEDICAL MALPRACTICE POLICY; OR

9 (d) IMPOSING ANY SANCTIONS, FINES, PENALTIES, OR RATE
10 INCREASES.

11 **SECTION 3.** In Colorado Revised Statutes, 10-16-121, **add** (1)(f)
12 as follows:

13 **10-16-121. Required contract provisions in contracts between**
14 **carriers and providers - definitions.** (1) A contract between a carrier
15 and a provider or its representative concerning the delivery, provision,
16 payment, or offering of care or services covered by a managed care plan
17 must make provisions for the following requirements:

18 (f) (I) A PROVISION THAT PROHIBITS THE CARRIER FROM TAKING
19 AN ADVERSE ACTION AGAINST A PROVIDER OR SUBJECTING THE PROVIDER
20 TO FINANCIAL DISINCENTIVES BASED SOLELY ON THE PROVIDER'S
21 PROVISION OF, OR ASSISTANCE IN THE PROVISION OF, A LEGALLY
22 PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-120
23 (1)(d), IN THIS STATE, SO LONG AS THE CARE PROVIDED DID NOT VIOLATE
24 COLORADO LAW.

25 (II) AS USED IN THIS SUBSECTION (1)(f), "ADVERSE ACTION"
26 MEANS REFUSING OR FAILING TO PAY A PROVIDER FOR OTHERWISE
27 COVERED SERVICES AS DEFINED IN THE APPLICABLE HEALTH BENEFIT PLAN.

1 **SECTION 4.** In Colorado Revised Statutes, 10-16-705.7, **add**
2 (9.5) as follows:

3 **10-16-705.7. Timely credentialing of physicians by carriers -**
4 **notice of receipt required - notice of incomplete applications required**
5 **- delegated credentialing agreements - discrepancies - denials of**
6 **claims prohibited - disclosures - recredentialing - enforcement - rules**
7 **- definitions.** (9.5) A CARRIER SHALL NOT REFUSE TO CREDENTIAL AN
8 APPLICANT OR TERMINATE A PARTICIPATING PHYSICIAN'S PARTICIPATION
9 IN A PROVIDER NETWORK BASED SOLELY ON THE APPLICANT'S OR
10 PARTICIPATING PHYSICIAN'S PROVISION OF, OR ASSISTANCE IN THE
11 PROVISION OF, A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS
12 DEFINED IN SECTION 12-30-120 (1)(d), IN THIS STATE, SO LONG AS THE
13 CARE PROVIDED DID NOT VIOLATE COLORADO LAW.

14 **SECTION 5.** In Colorado Revised Statutes, **add** 12-30-120 as
15 follows:

16 **12-30-120. Legally protected health-care activity - prohibit**
17 **adverse action against regulated professionals and applicants -**
18 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
19 OTHERWISE REQUIRES:

20 (a) "CIVIL JUDGMENT" MEANS A FINAL COURT DECISION AND
21 ORDER RESULTING FROM A CIVIL LAWSUIT OR A SETTLEMENT IN LIEU OF A
22 FINAL COURT DECISION.

23 (b) "CRIMINAL JUDGMENT" MEANS A GUILTY VERDICT, A PLEA OF
24 GUILTY, A PLEA OF NOLO CONTENDERE, PRETRIAL DIVERSION, OR A
25 DEFERRED JUDGMENT OR SENTENCE RESULTING FROM CRIMINAL CHARGES
26 OR CRIMINAL PROCEEDINGS OR THE DISMISSAL OF CHARGES OR THE
27 DECISION NOT TO PROSECUTE CHARGES.

1 (c) "GENDER-AFFIRMING HEALTH-CARE SERVICES" MEANS ALL
2 SUPPLIES, CARE, AND SERVICES OF A MEDICAL, BEHAVIORAL HEALTH,
3 MENTAL HEALTH, PSYCHIATRIC, HABILITATIVE, SURGICAL, THERAPEUTIC,
4 DIAGNOSTIC, PREVENTIVE, REHABILITATIVE, OR SUPPORTIVE NATURE
5 RELATING TO THE TREATMENT OF GENDER DYSPHORIA.

6 (d) "LEGALLY PROTECTED HEALTH-CARE ACTIVITY" MEANS
7 SEEKING, PROVIDING, RECEIVING, OR REFERRING FOR; ASSISTING IN
8 SEEKING, PROVIDING, OR RECEIVING; OR PROVIDING MATERIAL SUPPORT
9 FOR OR TRAVELING TO OBTAIN GENDER-AFFIRMING HEALTH-CARE
10 SERVICES OR REPRODUCTIVE HEALTH CARE THAT IS NOT UNLAWFUL IN
11 THIS STATE, INCLUDING ON ANY THEORY OF VICARIOUS, JOINT, SEVERAL,
12 OR CONSPIRACY LIABILITY. AS IT RELATES TO THE PROVISION OF OR
13 REFERRAL FOR GENDER-AFFIRMING HEALTH-CARE SERVICES OR
14 REPRODUCTIVE HEALTH BY A HEALTH-CARE PROVIDER LICENSED IN THIS
15 STATE AND PHYSICALLY PRESENT IN THIS STATE, THE SERVICES AND CARE
16 ARE CONSIDERED A "LEGALLY PROTECTED HEALTH-CARE ACTIVITY" IF THE
17 SERVICE OR CARE IS LAWFUL IN THIS STATE, REGARDLESS OF THE PATIENT'S
18 LOCATION.

19 (e) "REPRODUCTIVE HEALTH CARE" MEANS HEALTH CARE AND
20 OTHER MEDICAL SERVICES RELATED TO THE REPRODUCTIVE PROCESSES,
21 FUNCTIONS, AND SYSTEMS AT ALL STAGES OF LIFE. IT INCLUDES, BUT IS
22 NOT LIMITED TO, FAMILY PLANNING AND CONTRACEPTIVE CARE;
23 GENDER-AFFIRMING HEALTH-CARE SERVICES; ABORTION CARE; PRENATAL,
24 POSTNATAL, AND DELIVERY CARE; FERTILITY CARE; STERILIZATION
25 SERVICES; AND TREATMENTS FOR SEXUALLY TRANSMITTED INFECTIONS
26 AND REPRODUCTIVE CANCERS.

27 (2) A REGULATOR SHALL NOT DENY LICENSURE, CERTIFICATION,

1 OR REGISTRATION TO AN APPLICANT OR IMPOSE DISCIPLINARY ACTION
2 AGAINST AN INDIVIDUAL'S LICENSE, CERTIFICATE, OR REGISTRATION BASED
3 SOLELY ON:

4 (a) THE APPLICANT'S, LICENSEE'S, CERTIFICANT'S, OR REGISTRANT'S
5 PROVISION OF, OR ASSISTANCE IN THE PROVISION OF, A LEGALLY
6 PROTECTED HEALTH-CARE ACTIVITY IN THIS STATE OR ANY OTHER STATE
7 OR UNITED STATES TERRITORY, SO LONG AS THE CARE PROVIDED WAS
8 CONSISTENT WITH GENERALLY ACCEPTED STANDARDS OF PRACTICE UNDER
9 COLORADO LAW AND DID NOT OTHERWISE VIOLATE COLORADO LAW;

10 (b) A CIVIL JUDGMENT OR CRIMINAL JUDGMENT AGAINST THE
11 APPLICANT, LICENSEE, CERTIFICANT, OR REGISTRANT ARISING FROM THE
12 PROVISION OF, OR ASSISTANCE IN THE PROVISION OF, A LEGALLY
13 PROTECTED HEALTH-CARE ACTIVITY IN THIS STATE OR ANY OTHER STATE
14 OR UNITED STATES TERRITORY, SO LONG AS THE CARE PROVIDED WAS
15 CONSISTENT WITH GENERALLY ACCEPTED STANDARDS OF PRACTICE UNDER
16 COLORADO LAW AND DID NOT OTHERWISE VIOLATE COLORADO LAW;

17 (c) A PROFESSIONAL DISCIPLINARY ACTION OR ANY OTHER
18 SANCTION AGAINST OR SUSPENSION, REVOCATION, SURRENDER, OR
19 RELINQUISHMENT OF THE APPLICANT'S, LICENSEE'S, CERTIFICANT'S, OR
20 REGISTRANT'S PROFESSIONAL LICENSE, CERTIFICATION, OR REGISTRATION
21 IN THIS STATE OR ANY OTHER STATE OR UNITED STATES TERRITORY, SO
22 LONG AS:

23 (I) THE PROFESSIONAL DISCIPLINARY ACTION IS BASED SOLELY ON
24 THE APPLICANT'S, LICENSEE'S, CERTIFICANT'S, OR REGISTRANT'S PROVISION
25 OF, OR ASSISTANCE IN THE PROVISION OF, A LEGALLY PROTECTED
26 HEALTH-CARE ACTIVITY; AND

27 (II) THE CARE PROVIDED WAS CONSISTENT WITH GENERALLY

1 ACCEPTED STANDARDS OF PRACTICE UNDER COLORADO LAW AND DID NOT
2 OTHERWISE VIOLATE COLORADO LAW;

3 (d) THE APPLICANT'S, LICENSEE'S, CERTIFICANT'S, OR REGISTRANT'S
4 OWN PERSONAL EFFORT TO SEEK OR ENGAGE IN A LEGALLY PROTECTED
5 HEALTH-CARE ACTIVITY IN THIS STATE OR ANY OTHER STATE OR UNITED
6 STATES TERRITORY; OR

7 (e) A CIVIL OR CRIMINAL JUDGMENT AGAINST THE APPLICANT,
8 LICENSEE, CERTIFICANT, OR REGISTRANT ARISING FROM THE INDIVIDUAL'S
9 OWN PERSONAL LEGALLY PROTECTED HEALTH-CARE ACTIVITY IN THIS
10 STATE OR ANY OTHER STATE OR UNITED STATES TERRITORY.

11 **SECTION 6.** In Colorado Revised Statutes, **add** 13-1-140 as
12 follows:

13 **13-1-140. Prohibition on issuing subpoena in connection with**
14 **proceeding in another state.** (1) A COURT, JUDICIAL OFFICER, COURT
15 EMPLOYEE, OR ATTORNEY SHALL NOT ISSUE A SUBPOENA IN CONNECTION
16 WITH A PROCEEDING IN ANOTHER STATE CONCERNING AN INDIVIDUAL
17 ENGAGING IN A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED
18 IN SECTION 12-30-120 (1)(d), OR AN ENTITY THAT PROVIDES INSURANCE
19 COVERAGE FOR GENDER-AFFIRMING HEALTH-CARE SERVICES, AS DEFINED
20 IN SECTION 12-30-120 (1)(c), OR REPRODUCTIVE HEALTH CARE, AS
21 DEFINED IN SECTION 25-6-402 (4).

22 (2) THIS SECTION DOES NOT PROHIBIT THE INVESTIGATION OF
23 CRIMINAL ACTIVITY THAT MAY INVOLVE A LEGALLY PROTECTED
24 HEALTH-CARE ACTIVITY, PROVIDED THAT INFORMATION RELATING TO A
25 MEDICAL PROCEDURE PERFORMED ON AN INDIVIDUAL IS NOT SHARED WITH
26 AN AGENCY OR INDIVIDUAL FROM ANOTHER STATE FOR THE PURPOSE OF
27 ENFORCING ANOTHER STATE'S ABORTION LAW.

1 **SECTION 7.** In Colorado Revised Statutes, **add** 13-21-133 as
2 follows:

3 **13-21-133. Out-of-state civil action against a person or entity**
4 **prohibited - legally protected health-care activity - out-of-state civil**
5 **judgment.** (1) IT IS AGAINST THE PUBLIC POLICY OF THIS STATE FOR THE
6 LAW OF ANOTHER STATE TO AUTHORIZE A PERSON TO BRING A CIVIL
7 ACTION AGAINST ANOTHER PERSON OR ENTITY FOR ENGAGING OR
8 ATTEMPTING OR INTENDING TO ENGAGE IN A LEGALLY PROTECTED
9 HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-120 (1)(d) , OR
10 FOR PROVIDING INSURANCE COVERAGE FOR GENDER-AFFIRMING
11 HEALTH-CARE SERVICES, AS DEFINED IN SECTION 12-30-120 (1)(c), OR
12 REPRODUCTIVE HEALTH CARE, AS DEFINED IN SECTION 25-6-402 (4).

13 (2) A COURT SHALL NOT APPLY ANOTHER STATE'S LAW AS
14 DESCRIBED IN SUBSECTION (1) OF THIS SECTION TO A CASE OR
15 CONTROVERSY HEARD IN A COLORADO COURT.

16 (3) IN ANY ACTION FILED TO ENFORCE A FOREIGN JUDGMENT
17 ISSUED IN CONNECTION WITH ANY LITIGATION CONCERNING A LEGALLY
18 PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-120
19 (1)(d), THE COURT SHALL NOT GIVE ANY FORCE OR EFFECT TO ANY
20 JUDGMENT ISSUED WITHOUT PERSONAL JURISDICTION OR DUE PROCESS OR
21 TO ANY JUDGMENT THAT IS PENAL IN NATURE.

22 **SECTION 8.** In Colorado Revised Statutes, **add** 13-64-402.5 as
23 follows:

24 **13-64-402.5. Evidence relating to legally protected health-care**
25 **activity - legislative declaration.** (1) IT IS THE GENERAL ASSEMBLY'S
26 INTENT TO PROTECT PERSONS FROM LIABILITY IN COLORADO COURTS FOR
27 TAKING ACTIONS SPECIFIED IN SECTION 12-30-120, PERSONALLY OR

1 PROFESSIONALLY, THAT ARE NOT SUBJECT TO DISCIPLINE BY A REGULATOR
2 PURSUANT TO SECTION 12-30-120.

3 (2) IN ANY MEDICAL MALPRACTICE ACTION BROUGHT IN THIS
4 STATE AGAINST A HEALTH-CARE PROVIDER LICENSED, REGISTERED, OR
5 CERTIFIED IN THIS STATE OR IN ANOTHER STATE OR UNITED STATES
6 TERRITORY, A COURT OR ARBITRATOR SHALL NOT ALLOW EVIDENCE OR
7 WITNESS TESTIMONY RELATING TO PROFESSIONAL DISCIPLINE OR CRIMINAL
8 OR CIVIL CHARGES IN THIS STATE OR IN ANOTHER STATE OR UNITED
9 STATES TERRITORY, REGARDLESS OF DISPOSITION OR OUTCOME,
10 CONCERNING THE PROVISION OF, OR ASSISTANCE IN THE PROVISION OF, A
11 LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION
12 12-30-120 (1)(d), SO LONG AS THE CARE PROVIDED DID NOT VIOLATE
13 COLORADO LAW.

14 **SECTION 9.** In Colorado Revised Statutes, 16-3-102, **add** (2) as
15 follows:

16 **16-3-102. Arrest by peace officer.** (2) A PEACE OFFICER SHALL
17 NOT KNOWINGLY ARREST OR KNOWINGLY PARTICIPATE IN THE ARREST OF
18 ANY PERSON WHO ENGAGES IN A LEGALLY PROTECTED HEALTH-CARE
19 ACTIVITY, AS DEFINED IN SECTION 12-30-120 (1)(d), UNLESS THE ACTS
20 FORMING THE BASIS FOR THE ARREST CONSTITUTE A CRIMINAL OFFENSE IN
21 COLORADO.

22 **SECTION 10.** In Colorado Revised Statutes, 16-3-301, **add** (4)
23 as follows:

24 **16-3-301. Search warrants - issuance - grounds - exception -**
25 **definitions.** (4) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, A
26 COURT SHALL NOT ISSUE A SEARCH WARRANT TO SEARCH FOR AND SEIZE
27 ANY PROPERTY THAT RELATES TO AN INVESTIGATION INTO A LEGALLY

1 PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-120
2 (1)(d).

3 **SECTION 11.** In Colorado Revised Statutes, **add** 16-5-104 as
4 follows:

5 **16-5-104. Prohibition on issuing summons - reproductive**
6 **health care.** A JUDGE SHALL NOT ISSUE A SUMMONS IN A CASE WHEN A
7 PROSECUTION IS PENDING, OR WHEN A GRAND JURY INVESTIGATION HAS
8 STARTED OR IS ABOUT TO START, FOR A CRIMINAL VIOLATION OF LAW OF
9 ANOTHER STATE INVOLVING A LEGALLY PROTECTED HEALTH-CARE
10 ACTIVITY, AS DEFINED IN SECTION 12-30-120 (1)(d), OR INVOLVING AN
11 ENTITY THAT PROVIDES INSURANCE COVERAGE FOR GENDER-AFFIRMING
12 HEALTH-CARE SERVICES, AS DEFINED IN SECTION 12-30-120 (1)(c), OR
13 REPRODUCTIVE HEALTH CARE, AS DEFINED IN SECTION 25-6-402 (4), THAT
14 IS LEGAL IN COLORADO, UNLESS THE ACTS FORMING THE BASIS OF THE
15 PROSECUTION OR INVESTIGATION WOULD ALSO CONSTITUTE A CRIMINAL
16 OFFENSE IN COLORADO.

17 **SECTION 12.** In Colorado Revised Statutes, 16-15-102, **add**
18 (1)(d) as follows:

19 **16-15-102. Ex parte order authorizing the interception of wire,**
20 **oral, or electronic communications.** (1) (d) A COURT SHALL NOT ISSUE
21 AN EX PARTE ORDER FOR WIRETAPPING OR EAVESDROPPING TO OBTAIN
22 ANY WIRE, ORAL, OR ELECTRONIC COMMUNICATION THAT RELATES TO AN
23 INVESTIGATION INTO A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS
24 DEFINED IN SECTION 12-30-120 (1)(d).

25 **SECTION 13.** In Colorado Revised Statutes, **amend** 16-19-107
26 as follows:

27 **16-19-107. Extradition of persons not present where crime**

1 **committed.** (1) The governor of this state may also surrender, on demand
2 of the executive authority of any other state, any person in this state
3 charged in such other state in the manner provided in section 16-19-104
4 with committing an act in this state, or in a third state, intentionally
5 resulting in a crime in the state whose executive authority is making the
6 demand, and the provisions of this ~~article~~ ARTICLE 19 THAT ARE not
7 otherwise inconsistent ~~shall~~ apply to such cases, even though the accused
8 was not in that state at the time of the commission of the crime and has
9 not fled therefrom, PROVIDED THE ACTS FOR WHICH EXTRADITION IS
10 SOUGHT WOULD BE PUNISHABLE BY THE LAWS OF THIS STATE IF THE ACTS
11 OCCURRED IN THIS STATE.

12 (2) EXCEPT AS REQUIRED BY FEDERAL LAW, THE GOVERNOR SHALL
13 NOT SURRENDER A PERSON CHARGED IN ANOTHER STATE AS A RESULT OF
14 THE PERSON ENGAGING IN A LEGALLY PROTECTED HEALTH-CARE ACTIVITY,
15 AS DEFINED IN SECTION 12-30-120 (1)(d), UNLESS THE EXECUTIVE
16 AUTHORITY OF THE DEMANDING STATE ALLEGES IN WRITING THAT THE
17 ACCUSED WAS PHYSICALLY PRESENT IN THE DEMANDING STATE AT THE
18 TIME OF THE COMMISSION OF THE ALLEGED OFFENSE AND THAT
19 THEREAFTER THE ACCUSED FLED FROM THE DEMANDING STATE.

20 **SECTION 14.** In Colorado Revised Statutes, 17-1-114.5, **amend**
21 (1)(i); and **add** (1)(k) and (1)(l) as follows:

22 **17-1-114.5. Incarceration of a person in custody with the**
23 **capacity for pregnancy - report.** (1) A correctional facility or private
24 contract prison incarcerating a person who is capable of pregnancy shall:

25 (i) Establish partnerships with local public entities, private
26 community entities, community-based organizations, Indian tribes and
27 tribal organizations as defined in the federal "Indian Self-Determination

1 and Education Assistance Act", 25 U.S.C. sec. 5304, as amended, or
2 urban Indian organizations as defined in the federal "Indian Health Care
3 Improvement Act", 25 U.S.C. sec. 1603, as amended; ~~and~~

4 (k) REGARDLESS OF THE PERSON'S ABILITY TO PAY, ENSURE
5 ACCESS TO AN ABORTION, AS DEFINED IN SECTION 25-6-402, BY PROVIDING
6 A PREGNANT PERSON WITH INFORMATION ABOUT ABORTION PROVIDERS,
7 REFERRALS TO COMMUNITY-BASED PROVIDERS OF ABORTIONS, REFERRALS
8 TO COMMUNITY-BASED ORGANIZATIONS THAT HELP PEOPLE PAY FOR
9 ABORTIONS, AND TRANSPORTATION TO ACCESS AN ABORTION; AND

10 (l) ENSURE ACCESS TO MISCARRIAGE MANAGEMENT, INCLUDING
11 MEDICATION.

12 **SECTION 15.** In Colorado Revised Statutes, 18-9-313, **amend**
13 (1)(d) and (1)(n); and **add** (1) (q.5) as follows:

14 **18-9-313. Personal information on the internet - victims of**
15 **domestic violence, sexual assault, and stalking - other protected**
16 **persons - definitions.** (1) As used in this section, unless the context
17 otherwise requires:

18 (d) "Health-care worker" means A LICENSED HEALTH-CARE
19 PROVIDER, OR an employee, contracted health-care provider, or individual
20 serving in a governance capacity of a health-care facility licensed
21 pursuant to section 25-1.5-103.

22 (n) "Protected person" means an educator, a code enforcement
23 officer, a human services worker, a public health worker, a child
24 representative, a health-care worker, A REPRODUCTIVE HEALTH-CARE
25 SERVICES WORKER, an officer or agent of the state bureau of animal
26 protection, an animal control officer, an office of the respondent parents'
27 counsel staff member or contractor, a judge, a peace officer, a prosecutor,

1 a public defender, or a public safety worker.

2 (q.5) "REPRODUCTIVE HEALTH-CARE SERVICES WORKER" MEANS
3 A PATIENT WHO RELOCATED TO COLORADO, PROVIDER, OR EMPLOYEE OF
4 AN ORGANIZATION THAT PROVIDES OR ASSISTS INDIVIDUALS IN ACCESSING
5 A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION
6 12-30-120 (1)(d).

7 **SECTION 16.** In Colorado Revised Statutes, **add** 18-13-133 as
8 follows:

9 **18-13-133. Prohibition on prosecuting health-care providers**
10 **- patient ingests abortifacient in another state.** A LICENSED
11 HEALTH-CARE PROVIDER SHALL NOT BE PROSECUTED, INVESTIGATED, OR
12 SUBJECTED TO ANY PENALTY IF THE HEALTH-CARE PROVIDER PRESCRIBES
13 AN ABORTIFACIENT TO A PATIENT AND THE PATIENT INGESTS THE
14 ABORTIFACIENT IN ANOTHER STATE SO LONG AS THE ABORTIFACIENT WAS
15 PRESCRIBED OR ADMINISTERED CONSISTENT WITH ACCEPTED STANDARDS
16 OF PRACTICE UNDER COLORADO LAW AND DID NOT OTHERWISE VIOLATE
17 COLORADO LAW.

18 **SECTION 17.** In Colorado Revised Statutes, 24-30-2102, **amend**
19 (1); and **add** (1.5) as follows:

20 **24-30-2102. Legislative declaration.** (1) The general assembly
21 ~~hereby~~ finds and declares that a person attempting to escape from actual
22 or threatened domestic violence, a sexual offense, or stalking frequently
23 moves to a new address in order to prevent an assailant or potential
24 assailant from finding ~~him or her~~ THE VICTIM. This new address, however,
25 is only useful if an assailant or potential assailant does not discover it.
26 ~~Therefore, in order to help victims of domestic violence, a sexual offense,~~
27 ~~or stalking, it is the intent of the general assembly to establish an address~~

1 ~~confidentiality program, whereby the confidentiality of a victim's address~~
2 ~~may be maintained through, among other things, the use of a substitute~~
3 ~~address for purposes of public records and confidential mail forwarding.~~

4 ADDITIONALLY, PEOPLE INVOLVED IN THE PROVISION OF REPRODUCTIVE
5 HEALTH CARE ARE AT A HEIGHTENED RISK OF ACTUAL OR THREATENED
6 VIOLENCE, STALKING, OR OTHER SOCIAL HARMS.

7 (1.5) THEREFORE, IN ORDER TO HELP VICTIMS OF DOMESTIC
8 VIOLENCE, A SEXUAL OFFENSE, OR STALKING, AND TO ASSIST AND PROTECT
9 INDIVIDUALS INVOLVED IN THE PROVISION OF REPRODUCTIVE HEALTH
10 CARE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ESTABLISH AN
11 ADDRESS CONFIDENTIALITY PROGRAM, WHEREBY THE CONFIDENTIALITY
12 OF A VICTIM'S OR AN INDIVIDUAL INVOLVED IN THE PROVISION OF
13 REPRODUCTIVE HEALTH CARE'S ADDRESS MAY BE MAINTAINED THROUGH,
14 AMONG OTHER THINGS, THE USE OF A SUBSTITUTE ADDRESS FOR PURPOSES
15 OF PUBLIC RECORDS AND CONFIDENTIAL MAIL FORWARDING.

16 **SECTION 18.** In Colorado Revised Statutes, 24-30-2103, **amend**
17 (2); and **add** (9.5) as follows:

18 **24-30-2103. Definitions.** As used in this part 21, unless the
19 context otherwise requires:

20 (2) "Address confidentiality program" or "program" means the
21 program created under this part 21 in the department to protect the
22 confidentiality of the actual address of a RELOCATED PROTECTED
23 HEALTH-CARE WORKER OR A relocated victim of domestic violence, a
24 sexual offense, or stalking.

25 (9.5) "PROTECTED HEALTH-CARE WORKER" MEANS A
26 REPRODUCTIVE HEALTH-CARE PROVIDER, OR AN EMPLOYEE, VOLUNTEER,
27 PATIENT, OR IMMEDIATE FAMILY MEMBER OF A REPRODUCTIVE

1 HEALTH-CARE PROVIDER, ENGAGED IN THE PROVISION, FACILITATION, OR
2 PROMOTION OF A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS
3 DEFINED IN SECTION 12-30-120 (1)(d).

4 **SECTION 19.** In Colorado Revised Statutes, 24-30-2104, **amend**
5 (1) introductory portion and (4) as follows:

6 **24-30-2104. Address confidentiality program - creation -**
7 **substitute address - uses - service by mail - application assistance**
8 **centers.** (1) There is ~~hereby~~ created the address confidentiality program
9 in the department to protect the confidentiality of the actual address of A
10 RELOCATED PROTECTED HEALTH-CARE WORKER OR a relocated victim of
11 domestic violence, a sexual offense, or stalking and to prevent the
12 victim's assailants or potential assailants from finding the victim through
13 public records. Under the program, the executive director or ~~his or her~~
14 THE EXECUTIVE DIRECTOR'S designee shall:

15 (4) The executive director or ~~his or her~~ THE EXECUTIVE
16 DIRECTOR'S designee may designate as an application assistant any person
17 who:

18 (a) Provides counseling, referral, or other services to victims of
19 domestic violence, a sexual offense, or stalking, ~~and~~ IF APPLICABLE;

20 (b) Completes any training and registration process required by
21 the executive director or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee,
22 IF APPLICABLE; AND

23 (c) PROVIDES COUNSELING, REFERRALS, OR OTHER SERVICES TO
24 INDIVIDUALS ACCESSING A LEGALLY PROTECTED HEALTH-CARE ACTIVITY,
25 AS DEFINED IN SECTION 12-30-120 (1)(d), IF APPLICABLE.

26 **SECTION 20.** In Colorado Revised Statutes, 24-30-2105, **amend**
27 (3) introductory portion, (3)(b), (3)(c) introductory portion, (3)(h), and

1 (3)(k); and **add** (3)(l) as follows:

2 **24-30-2105. Filing and certification of applications -**
3 **authorization card.** (3) The application ~~shall~~ **MUST** be on a form
4 prescribed by the executive director or ~~his or her~~ THE EXECUTIVE
5 DIRECTOR'S designee and ~~shall~~ **MUST** contain ~~all of~~ the following:

6 (b) A statement by the applicant that the applicant is a victim of
7 domestic violence, a sexual offense, or stalking and that the applicant
8 fears for ~~his or her~~ THE APPLICANT'S safety, IF APPLICABLE;

9 (c) Evidence that the applicant is a victim of domestic violence,
10 a sexual offense, or stalking, IF APPLICABLE. This evidence may include
11 any of the following:

12

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13 (h) The actual address that the applicant requests not to be
14 disclosed by the executive director or ~~his or her~~ THE EXECUTIVE
15 DIRECTOR'S designee that directly relates to the increased risk of domestic
16 violence, a sexual offense, or stalking, OR INCREASED RISK OF ACTUAL OR
17 THREATENED VIOLENCE, STALKING, OR OTHER SOCIAL HARMS DUE TO THE
18 PROVISION OF A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS
19 DEFINED IN SECTION 12-30-120 (1)(d);

20 (k) A statement by the applicant, under penalty of perjury, that to
21 the best of the applicant's knowledge, the information contained in the
22 application is true; AND

23 (l) A STATEMENT BY THE APPLICANT, UNDER PENALTY OF PERJURY,
24 THAT THE APPLICANT IS A PROTECTED HEALTH-CARE WORKER OR
25 PROVIDES, REFERS, OR ASSISTS PATIENTS IN ACCESSING A LEGALLY
26 PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-120
27 (1)(d), IF APPLICABLE.

1 **SECTION 21.** In Colorado Revised Statutes, 24-31-101, **amend**
2 (1)(i)(XVI) and (1)(i)(XVII); and **add** (1)(i)(XVIII) as follows:

3 **24-31-101. Powers and duties of attorney general.** (1) The
4 attorney general:

5 (i) May independently initiate and bring civil and criminal actions
6 to enforce state laws, including actions brought pursuant to:

- 7 (XVI) Part 7 of article 12 of title 38; **and**
 - 8 (XVII) Section 38-12-904 (1)(b); **AND**
 - 9 (XVIII) THE "REPRODUCTIVE HEALTH EQUITY ACT", PART 4 OF
- 10 ARTICLE 6 OF TITLE 25.

11 **SECTION 22.** In Colorado Revised Statutes, **add** article 116 to
12 title 24 as follows:

13 **ARTICLE 116**

14 **Prohibition on Government Resources for**
15 **Out-of-state Investigation into Legally Protected Health-care**
16 **Activity**

17 **24-116-101. Prohibition on providing information or**
18 **expending government resources - legally protected health-care**
19 **activity.** A PUBLIC AGENCY, OR EMPLOYEE, APPOINTEE, OFFICER, OFFICIAL,
20 OR ANY OTHER PERSON ACTING ON BEHALF OF A PUBLIC AGENCY, SHALL
21 NOT PROVIDE ANY INFORMATION OR EXPEND OR USE TIME, MONEY,
22 FACILITIES, PROPERTY, EQUIPMENT, PERSONNEL, OR OTHER RESOURCES IN
23 FURTHERANCE OF ANY OUT-OF-STATE INVESTIGATION OR PROCEEDING
24 SEEKING TO IMPOSE CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL
25 SANCTION UPON A PERSON OR ENTITY FOR ENGAGING IN A LEGALLY
26 PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-120
27 (1)(d).

1 **24-116-102. Prohibition on assisting another state - legally**
2 **protected health-care activity.** (1) A STATE AGENCY OR EXECUTIVE
3 DEPARTMENT SHALL NOT PROVIDE INFORMATION OR DATA, INCLUDING
4 PATIENT MEDICAL RECORDS, PATIENT-LEVEL DATA, OR RELATED BILLING
5 INFORMATION, OR EXPEND TIME, MONEY, FACILITIES, PROPERTY,
6 EQUIPMENT, PERSONNEL, OR OTHER RESOURCES FOR THE PURPOSE OF
7 ASSISTING OR FURTHERING AN INVESTIGATION OR PROCEEDING INITIATED
8 IN OR BY ANOTHER STATE THAT SEEKS TO IMPOSE CRIMINAL OR CIVIL
9 LIABILITY OR PROFESSIONAL SANCTION UPON A PERSON OR ENTITY FOR
10 ENGAGING IN A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED
11 IN SECTION 12-30-120 (1)(d).

12 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, AN
13 AGENCY OR EXECUTIVE DEPARTMENT MAY PROVIDE INFORMATION OR
14 ASSISTANCE IN CONNECTION WITH AN INVESTIGATION OR PROCEEDING IN
15 RESPONSE TO A WRITTEN REQUEST FROM THE SUBJECT OF THE
16 INVESTIGATION OR PROCEEDING.

17 (3) THIS SECTION DOES NOT APPLY TO AN INVESTIGATION OR
18 PROCEEDING THAT WOULD BE SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR
19 PROFESSIONAL SANCTION UNDER COLORADO LAW IF THE ACTION WAS
20 COMMITTED IN COLORADO.

21 **SECTION 23.** In Colorado Revised Statutes, **amend 25-6-404** as
22 follows:

23 **25-6-404. Public entity - prohibited actions.** (1) A public entity
24 shall not:

25 (a) Deny, restrict, interfere with, or discriminate against an
26 individual's fundamental right to use or refuse contraception or to
27 continue a pregnancy and give birth or to have an abortion in the

1 regulation or provision of benefits, facilities, services, or information; ~~or~~

2 (b) Deprive, through prosecution, punishment, or other means, an
3 individual of the individual's right to act or refrain from acting during the
4 individual's own pregnancy based on the potential, actual, or perceived
5 impact on the pregnancy, the pregnancy's outcomes, or on the pregnant
6 individual's health;

7 (c) RESTRICT ANY NATURAL OR LEGAL PERSON IN PERFORMING, OR
8 PROHIBIT ANY NATURAL OR LEGAL PERSON FROM PROVIDING,
9 REPRODUCTIVE HEALTH CARE THROUGH THE IMPOSITION OF LICENSING,
10 PERMITTING, CERTIFICATION, OR SIMILAR LEGISLATIVE OR REGULATORY
11 REQUIREMENTS THAT APPLY SOLELY TO PROVIDERS OF REPRODUCTIVE
12 HEALTH CARE; OR

13 (d) PROSECUTE OR OTHERWISE CRIMINALLY SANCTION ANY
14 NATURAL OR LEGAL PERSON FOR PROVIDING, ASSISTING IN THE PROVISION
15 OF, ARRANGING FOR, OR OTHERWISE ASSISTING A PERSON IN ACCESSING
16 REPRODUCTIVE HEALTH CARE PERFORMED WITHIN THE SCOPE OF
17 APPLICABLE PROFESSIONAL LICENSURE AND CERTIFICATION
18 REQUIREMENTS.

19 **SECTION 24.** In Colorado Revised Statutes, **add** 25-6-407 as
20 follows:

21 **25-6-407. Enforcement.** THE VENUE TO ENFORCE AN ACTION
22 PURSUANT TO THE PROVISIONS OF THIS PART 4 IS IN THE DENVER DISTRICT
23 COURT.

24 **SECTION 25.** In Colorado Revised Statutes, 25-37-103, **add**
25 (1)(e) as follows:

26 **25-37-103. Health-care contracts - required provisions -**
27 **permissible provision.** (1) (e) (I) THE SUMMARY DISCLOSURE FORM

1 REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION MUST INCLUDE A
2 DISCLOSURE THAT A PERSON OR ENTITY SHALL NOT TERMINATE A
3 HEALTH-CARE CONTRACT WITH A HEALTH-CARE PROVIDER SOLELY FOR
4 THE PROVISION OF, OR ASSISTANCE IN THE PROVISION OF, A LEGALLY
5 PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-120
6 (1)(d).

7 (II) A PERSON OR ENTITY THAT IS A RELIGIOUS ORGANIZATION IS
8 NOT SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (1)(e) IF THE
9 PROVISION OF, OR ASSISTANCE IN THE PROVISION OF, A LEGALLY
10 PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-120
11 (1)(d), CONFLICTS WITH THE RELIGIOUS ORGANIZATION'S BONA FIDE
12 RELIGIOUS BELIEFS AND PRACTICES.

13 **SECTION 26. In Colorado Revised Statutes, 29-20-104, amend**
14 **(1)(g) as follows:**

15 **29-20-104. Powers of local governments - definition.**

16 (1) Except as expressly provided in section 29-20-104.5, the power and
17 authority granted by this section does not limit any power or authority
18 presently exercised or previously granted. Each local government within
19 its respective jurisdiction has the authority to plan for and regulate the use
20 of land by:

21 (g) (I) Regulating the use of land on the basis of the impact of the
22 use on the community or surrounding areas;

23 (II) (A) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
24 ACCESS TO OUTPATIENT CLINICAL FACILITIES PROVIDING REPRODUCTIVE
25 HEALTH CARE, AS DEFINED IN SECTION 25-6-402 (4), IS A MATTER OF
26 STATEWIDE CONCERN AND THAT, FOR PURPOSES OF ZONING AND OTHER
27 LAND USE PLANNING, SUCH FACILITIES FALL WITHIN THE MEANING OF A

1 MEDICAL OFFICE USE, A MEDICAL CLINIC USE, A HEALTH-CARE USE, AND
2 OTHER FACILITIES THAT PROVIDE OUTPATIENT HEALTH-CARE SERVICES.

3 (B) FOR THE PURPOSES OF ZONING AND OTHER LAND USE
4 PLANNING, EVERY LOCAL GOVERNMENT THAT HAS ADOPTED OR ADOPTS
5 A ZONING ORDINANCE SHALL RECOGNIZE THE PROVISION OF OUTPATIENT
6 REPRODUCTIVE HEALTH CARE, AS DEFINED IN SECTION 25-6-402 (4), AS A
7 PERMITTED USE IN ANY ZONE IN WHICH THE PROVISION OF GENERAL
8 OUTPATIENT HEALTH CARE IS RECOGNIZED AS A PERMITTED USE.

9 (C) NOTHING IN THIS SUBSECTION (1)(g)(II) RESTRICTS OR
10 SUPERSEDES THE AUTHORITY OF A LOCAL GOVERNMENT TO ENACT
11 UNIFORM ZONING ORDINANCES AND OTHER LAND USE REGULATIONS THAT
12 COMPLY WITH THIS SUBSECTION (1)(g)(II).

13 **SECTION 27.** In Colorado Revised Statutes, 30-28-115, add
14 (1.5) as follows:

15 **30-28-115. Public welfare to be promoted - legislative**
16 **declaration - construction.** (1.5) (a) THE GENERAL ASSEMBLY FINDS AND
17 DECLARES THAT ACCESS TO OUTPATIENT CLINICAL FACILITIES PROVIDING
18 REPRODUCTIVE HEALTH CARE, AS DEFINED IN SECTION 25-6-402 (4), IS A
19 MATTER OF STATEWIDE CONCERN AND THAT, FOR PURPOSES OF ZONING
20 AND OTHER LAND USE PLANNING, SUCH FACILITIES FALL WITHIN THE
21 MEANING OF A MEDICAL OFFICE USE, A MEDICAL CLINIC USE, A
22 HEALTH-CARE USE, AND OTHER FACILITIES THAT PROVIDE OUTPATIENT
23 HEALTH-CARE SERVICES.

24 (b) FOR THE PURPOSES OF ZONING AND OTHER LAND USE
25 PLANNING, EVERY LOCAL GOVERNMENT THAT HAS ADOPTED OR ADOPTS
26 A ZONING ORDINANCE SHALL RECOGNIZE THE PROVISION OF OUTPATIENT
27 REPRODUCTIVE HEALTH CARE, AS DEFINED IN SECTION 25-6-402 (4), AS A

1 PERMITTED USE IN ANY ZONE IN WHICH THE PROVISION OF GENERAL
2 OUTPATIENT HEALTH CARE IS RECOGNIZED AS A PERMITTED USE.

3 (c) NOTHING IN THIS SUBSECTION (1.5) RESTRICTS OR SUPERSEDES
4 THE AUTHORITY OF A LOCAL GOVERNMENT TO ENACT UNIFORM ZONING
5 ORDINANCES AND OTHER LAND USE REGULATIONS THAT COMPLY WITH
6 THIS SUBSECTION (1.5).

7 **SECTION 28. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety.