

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0785.01 Yelana Love x2295

SENATE BILL 21-193

SENATE SPONSORSHIP

Buckner,

HOUSE SPONSORSHIP

Herod,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROTECTION OF A PREGNANT PERSON'S RIGHTS**
102 **DURING THE PERINATAL PERIOD, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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 each carrier offering medical malpractice insurance in the state to cover the insured for providing care during the entire course of a person's vaginal birth after a previous caesarian birth;

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

SENATE
Amended 2nd Reading
May 11, 2021

- Extends the statute of limitations from 2 years to 3 years for actions alleging lack of informed consent in cases related to a pregnant person;
- Repeals language that gives no force or effect to an advanced directive of a person who is pregnant while the person's fetus is viable;
- Requires annual reporting to the legislature on the use of restraints on a pregnant person within each jail, private contract prison, and correctional facility;
- Establishes requirements for each facility that incarcerates or has custody of people with the capacity for pregnancy;
- Requires the Colorado civil rights commission to receive reports from people alleging maternity care that is not organized for, and provided to, a person who is pregnant or in the postpartum period in a manner that is culturally congruent; maintains the person's dignity, privacy, and confidentiality; ensures freedom from harm and mistreatment; and enables informed choices and continuous support; and
- Requires each health facility that provides services related to labor and childbirth to demonstrate to the department of public health and environment that the health facility has a policy that meets certain requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-4-106.5 as
 3 follows:

4 **10-4-106.5. Required terms in medical malpractice policies.**

5 ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AN INSURER
 6 OFFERING A POLICY OF MEDICAL MALPRACTICE INSURANCE SHALL COVER
 7 THE INSURED FOR PROVIDING CARE DURING THE ENTIRE COURSE OF A
 8 PERSON'S VAGINAL BIRTH AFTER A PREVIOUS CAESARIAN BIRTH.

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10 **SECTION 2.** In Colorado Revised Statutes, 15-18-104, **repeal** (2)
 11 as follows:

12 **15-18-104. Declaration as to medical treatment.** (2) ~~In the case~~

1 ~~of a declaration of a qualified patient known to the attending physician to~~
2 ~~be pregnant, a medical evaluation shall be made as to whether the fetus~~
3 ~~is viable. If the fetus is viable, the declaration shall be given no force or~~
4 ~~effect until the patient is no longer pregnant.~~

5 **SECTION 3.** In Colorado Revised Statutes, 17-1-113.7, **amend**
6 (2)(b) as follows:

7 **17-1-113.7. Prohibition against the use of restraints on**
8 **pregnant inmates in the custody of correctional facilities and private**
9 **contract prisons - report.** (2) (b) The correctional facility, private
10 contract prison, or medical facility staff authorizing the use of restraints
11 on a pregnant inmate during labor or delivery of the child shall make a
12 written record of the use of the restraints, which record shall include, at
13 a minimum, the type of restraint used, the circumstances that necessitated
14 the use of the restraint, and the length of time the restraint was used. The
15 staff of the correctional facility or private contract prison shall retain the
16 record for a minimum of five years and shall make the record available
17 for public inspection with individually identifying information redacted
18 from the record unless the inmate who is the subject of the record gives
19 prior written consent for the public release of the record. The written
20 record of the use of restraint shall not constitute a medical record under
21 state or federal law. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), NO
22 LATER THAN FEBRUARY 15, 2022, AND EACH FEBRUARY 15 THEREAFTER,
23 THE WARDEN OF THE PRIVATE CONTRACT PRISON AND THE EXECUTIVE
24 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL SUBMIT THE
25 RECORDS CREATED PURSUANT TO THIS SUBSECTION (2)(b) IN THE PRIOR
26 CALENDAR YEAR TO THE JUDICIARY COMMITTEES OF THE SENATE AND
27 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

1 **SECTION 4.** In Colorado Revised Statutes, **add** 17-1-114.5 as
2 follows:

3 **17-1-114.5. Incarceration of a person in custody with the**
4 **capacity for pregnancy - report.** (1) A CORRECTIONAL FACILITY OR
5 PRIVATE CONTRACT PRISON INCARCERATING A PERSON WHO IS CAPABLE
6 OF PREGNANCY SHALL:

7 (a) TRAIN THE FACILITY'S STAFF TO ENSURE THAT A PREGNANT
8 PERSON RECEIVES SAFE AND RESPECTFUL TREATMENT;

9 (b) DEVELOP ADMINISTRATIVE POLICIES TO ENSURE A
10 TRAUMA-INFORMED STANDARD OF CARE IS INTEGRATED WITH CURRENT
11 PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF A PREGNANT
12 PERSON;

13 (c) PROVIDE EACH PREGNANT PERSON, DURING THE PERSON'S
14 PREGNANCY AND THROUGH THE PERSON'S POSTPARTUM PERIOD, WITH
15 ACCESS TO:

16 (I) PERINATAL HEALTH-CARE PROVIDERS WITH PERINATAL
17 EXPERIENCE; AND

18 (II) HEALTHY FOODS AND INFORMATION ON NUTRITION,
19 RECOMMENDED ACTIVITY LEVELS, SAFETY MEASURES, AND SUPPLIES,
20 INCLUDING MENSTRUAL PRODUCTS AS REQUIRED IN SECTION 17-1-113.6,
21 AND BREAST PUMPS APPROVED BY THE EXECUTIVE DIRECTOR OR THE
22 EXECUTIVE DIRECTOR'S DESIGNEE;

23 (d) PROVIDE COUNSELING AND TREATMENT FOR PREGNANT PEOPLE
24 WHO HAVE SUFFERED FROM:

25 (I) A DIAGNOSED BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
26 USE DISORDER;

27 (II) TRAUMA OR VIOLENCE, INCLUDING DOMESTIC VIOLENCE;

1 (III) HUMAN IMMUNODEFICIENCY VIRUS;

2 (IV) SEXUAL ABUSE;

3 (V) PREGNANCY LOSS OR INFANT LOSS; OR

4 (VI) CHRONIC CONDITIONS;

5 (e) PROVIDE EVIDENCE-BASED PREGNANCY AND CHILDBIRTH
6 EDUCATION, PARENTING SUPPORT, AND OTHER RELEVANT FORMS OF
7 HEALTH LITERACY;

8 (f) DEVELOP ADMINISTRATIVE POLICIES TO IDENTIFY AND OFFER
9 OPPORTUNITIES FOR POSTPARTUM PERSONS TO MAINTAIN CONTACT WITH
10 THE PERSON'S NEWBORN CHILD TO PROMOTE BONDING, INCLUDING
11 ENHANCED VISITATION POLICIES, ACCESS TO PRISON NURSERY PROGRAMS,
12 AND BREASTFEEDING SUPPORT, WHEN APPROPRIATE;

13 (g) IN ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL
14 "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996",
15 AS AMENDED, PUB.L. 104-191, TRANSFER HEALTH RECORDS TO
16 COMMUNITY PROVIDERS IF A PREGNANT PERSON EXITS THE CRIMINAL
17 JUSTICE SYSTEM DURING THE PERSON'S PREGNANCY OR DURING THE
18 PERSON'S POSTPARTUM PERIOD;

19 (h) CONNECT A PERSON EXITING THE CRIMINAL JUSTICE SYSTEM
20 DURING THE PERSON'S PREGNANCY OR POSTPARTUM PERIOD TO
21 COMMUNITY-BASED RESOURCES, SUCH AS REFERRALS TO HEALTH-CARE
22 PROVIDERS, SUBSTANCE USE DISORDER TREATMENT, AND SOCIAL SERVICES
23 THAT ADDRESS SOCIAL DETERMINANTS OF MATERNAL HEALTH;

24 (i) ESTABLISH PARTNERSHIPS WITH LOCAL PUBLIC ENTITIES,
25 PRIVATE COMMUNITY ENTITIES, COMMUNITY-BASED ORGANIZATIONS,
26 INDIAN TRIBES AND TRIBAL ORGANIZATIONS AS DEFINED IN THE FEDERAL
27 "INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT", 25

1 U.S.C. SEC. 5304, AS AMENDED, OR URBAN INDIAN ORGANIZATIONS AS
2 DEFINED IN THE FEDERAL "INDIAN HEALTH CARE IMPROVEMENT ACT", 25
3 U.S.C. SEC. 1603, AS AMENDED; AND

4 (j) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), BY
5 FEBRUARY 15, 2022, AND BY FEBRUARY 15 EACH YEAR THEREAFTER,
6 REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF
7 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE NUMBER
8 OF BIRTHS BY PREGNANT PEOPLE WHO ARE IN THE CUSTODY OF THE
9 FACILITY, INCLUDING THE LOCATION OF THE BIRTHS, THAT OCCURRED IN
10 THE PRIOR CALENDAR YEAR.

11 **SECTION 5.** In Colorado Revised Statutes, **add** 17-26-104.4 as
12 follows:

13 **17-26-104.4. Incarceration of a person with the capacity for**
14 **pregnancy - report - definition.** (1) A FACILITY INCARCERATING A
15 PERSON WHO IS CAPABLE OF PREGNANCY, WHETHER OPERATED BY A
16 GOVERNMENTAL ENTITY OR A PRIVATE CONTRACTOR, SHALL:

17 (a) TRAIN THE FACILITY'S STAFF TO ENSURE THAT A PREGNANT
18 PERSON RECEIVES SAFE AND RESPECTFUL TREATMENT;

19 (b) DEVELOP ADMINISTRATIVE POLICIES TO ENSURE A
20 TRAUMA-INFORMED STANDARD OF CARE IS INTEGRATED WITH CURRENT
21 PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF A PREGNANT
22 PERSON;

23 (c) PROVIDE EACH PREGNANT PERSON, DURING THE PERSON'S
24 PREGNANCY AND THROUGH THE PERSON'S POSTPARTUM PERIOD, WITH
25 ACCESS TO:

26 (I) PERINATAL HEALTH-CARE PROVIDERS WITH PERINATAL
27 EXPERIENCE; AND

1 (II) HEALTHY FOODS AND INFORMATION ON NUTRITION,
2 RECOMMENDED ACTIVITY LEVELS, SAFETY MEASURES, AND SUPPLIES,
3 INCLUDING MENSTRUAL PRODUCTS AS REQUIRED IN SECTION 17-26-104.3,
4 AND BREAST PUMPS APPROVED BY THE SHERIFF OR THE SHERIFF'S
5 DESIGNEE;

6 (d) PROVIDE TREATMENT FOR PREGNANT PEOPLE WHO HAVE
7 SUFFERED FROM:

8 (I) A DIAGNOSED BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
9 USE DISORDER;

10

11 (II) HUMAN IMMUNODEFICIENCY VIRUS; OR

12

13 (III) CHRONIC CONDITIONS;

14 (e) PROVIDE EDUCATIONAL INFORMATION MATERIALS FOR
15 PREGNANT PEOPLE WHO HAVE SUFFERED FROM:

16 (I) TRAUMA OR VIOLENCE, INCLUDING DOMESTIC VIOLENCE;

17 (II) SEXUAL ABUSE; OR

18 (III) PREGNANT LOSS OR INFANT LOSS;

19 (f) PROVIDE EVIDENCE-BASED PREGNANCY AND CHILDBIRTH
20 EDUCATION, PARENTING SUPPORT, AND OTHER RELEVANT FORMS OF
21 HEALTH LITERACY;

22 (g) DEVELOP ADMINISTRATIVE POLICIES TO IDENTIFY AND OFFER
23 OPPORTUNITIES FOR POSTPARTUM PERSONS TO MAINTAIN CONTACT WITH
24 THE PERSON'S NEWBORN CHILD TO PROMOTE BONDING, INCLUDING
25 ENHANCED VISITATION POLICIES, ACCESS TO PRISON NURSERY PROGRAMS,
26 AND BREASTFEEDING SUPPORT, WHEN APPROPRIATE;

27 (h) IN ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL

1 "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996",
2 AS AMENDED, PUB.L. 104-191, TRANSFER HEALTH RECORDS TO
3 COMMUNITY PROVIDERS IF A PREGNANT PERSON EXITS THE CRIMINAL
4 JUSTICE SYSTEM DURING THE PERSON'S PREGNANCY OR DURING THE
5 PERSON'S POSTPARTUM PERIOD;

6 (i) CONNECT A PERSON EXITING THE CRIMINAL JUSTICE SYSTEM
7 DURING THE PERSON'S PREGNANCY OR POSTPARTUM PERIOD TO
8 COMMUNITY-BASED RESOURCES, SUCH AS REFERRALS TO HEALTH-CARE
9 PROVIDERS, SUBSTANCE USE DISORDER TREATMENT, AND SOCIAL SERVICES
10 THAT ADDRESS SOCIAL DETERMINANTS OF MATERNAL HEALTH;

11 (j) ESTABLISH PARTNERSHIPS WITH LOCAL PUBLIC ENTITIES,
12 PRIVATE COMMUNITY ENTITIES, COMMUNITY-BASED ORGANIZATIONS,
13 INDIAN TRIBES AND TRIBAL ORGANIZATIONS AS DEFINED IN THE FEDERAL
14 "INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT", 25
15 U.S.C. SEC. 5304, AS AMENDED, OR URBAN INDIAN ORGANIZATIONS AS
16 DEFINED IN THE FEDERAL "INDIAN HEALTH CARE IMPROVEMENT ACT", 25
17 U.S.C. SEC. 1603, AS AMENDED; AND

18 (k) BY FEBRUARY 15, 2022, AND BY FEBRUARY 15 EACH YEAR
19 THEREAFTER, REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND
20 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE
21 NUMBER OF BIRTHS BY PREGNANT PEOPLE WHO ARE IN THE CUSTODY OF
22 THE FACILITY, INCLUDING THE LOCATION OF THE BIRTHS, THAT OCCURRED
23 IN THE PRIOR CALENDAR YEAR.

24 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES, "FACILITY" MEANS:

- 26 (a) A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7);
27 (b) A MULTIJURISDICTIONAL JAIL, AS DESCRIBED IN SECTION

1 17-26.5-101; OR

2 (c) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401
3 (1)(j).

4 **SECTION 6.** In Colorado Revised Statutes, 17-26-104.7, **amend**
5 (2)(b) as follows:

6 **17-26-104.7. Prohibition against the use of restraints on**
7 **pregnant persons in custody.** (2) (b) The county jail or medical facility
8 staff authorizing the use of restraints on a pregnant ~~woman~~ PERSON during
9 labor or delivery of the child shall make a written record of the use of the
10 restraints, which record shall include, at a minimum, the type of restraint
11 used, the circumstances that necessitated the use of the restraint, and the
12 length of time the restraint was used. The sheriff shall retain the record
13 for a minimum of five years and shall make the record available for
14 public inspection with individually identifying information redacted from
15 the record unless the ~~woman~~ PERSON who is the subject of the record
16 gives prior written consent for the public release of the record. The
17 written record of the use of restraint shall not constitute a medical record
18 under state or federal law. NO LATER THAN FEBRUARY 15, 2022, AND
19 EACH FEBRUARY 15 THEREAFTER, THE SHERIFF SHALL SUBMIT THE
20 RECORDS CREATED PURSUANT TO THIS SUBSECTION (2)(b) IN THE PRIOR
21 CALENDAR YEAR TO THE JUDICIARY COMMITTEES OF THE SENATE AND
22 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

23 **SECTION 7.** In Colorado Revised Statutes, 24-34-305, **add**
24 (1)(k) as follows:

25 **24-34-305. Powers and duties of commission.** (1) The
26 commission has the following powers and duties:

27 (k) TO RECEIVE REPORTS FROM PEOPLE ALLEGING MATERNITY

1 CARE THAT IS NOT ORGANIZED FOR, AND PROVIDED TO, A PERSON WHO IS
2 PREGNANT OR IN THE POSTPARTUM PERIOD IN A MANNER THAT IS
3 CULTURALLY CONGRUENT; MAINTAINS THE PERSON'S DIGNITY, PRIVACY,
4 AND CONFIDENTIALITY; ENSURES FREEDOM FROM HARM AND
5 MISTREATMENT; AND ENABLES INFORMED CHOICES AND CONTINUOUS
6 SUPPORT.

7 **SECTION 8.** In Colorado Revised Statutes, **add** 25-3-126 as
8 follows:

9 **25-3-126. Health facilities - requirements related to labor and**
10 **childbirth - rules - definitions.** (1) EXCEPT AS PROVIDED IN SUBSECTION
11 (2) OF THIS SECTION, ON AND AFTER JANUARY 1, 2022, A HEALTH FACILITY
12 THAT PROVIDES SERVICES RELATED TO LABOR AND CHILDBIRTH SHALL
13 DEMONSTRATE TO THE DEPARTMENT, IN THE FORM AND MANNER
14 DETERMINED BY THE DEPARTMENT BY RULE, THAT THE HEALTH FACILITY
15 HAS A POLICY THAT:

16 (a) ALLOWS EVERY BIRTHING PERSON TO HAVE A COMPANION OR
17 DOULA WITH THE PERSON DURING BIRTH IN ADDITION TO A PARTNER OR
18 SPOUSE;

19 (b) PROVIDES THAT NEWBORNS REMAIN WITH THEIR FAMILIES TO
20 FACILITATE THE PHYSIOLOGIC POSTPARTUM PROCESS;

21 (c) WILL NOT EXCLUDE FROM CARE ANY PERSON EXPERIENCING
22 PHYSIOLOGIC BIRTH OR INTERRUPT THE PROCESS OF PHYSIOLOGIC BIRTH
23 WITHOUT THE INFORMED CONSENT OF THE BIRTHING PERSON; AND

24 (d) ACCEPTS TRANSFERS OF A PREGNANT PERSON FROM THE
25 PERSON'S HOME OR A BIRTHING CENTER WITHOUT DISCRIMINATING
26 AGAINST THE PERSON BASED ON THE PERSON'S PROTECTED CLASS OR THE
27 PERSON'S PLANNED PLACE OF BIRTH.

1 (2) FOR LABOR AND CHILDBIRTH SERVICES PROVIDED TO A
2 BIRTHING PERSON WHO IS IN CUSTODY, A HEALTH FACILITY SHALL
3 DEMONSTRATE TO THE DEPARTMENT, IN THE FORM AND MANNER
4 DETERMINED BY THE DEPARTMENT BY RULE, THAT THE HEALTH FACILITY
5 HAS A POLICY THAT:

6 (a) PROVIDES THAT NEWBORNS REMAIN WITH THEIR FAMILIES TO
7 FACILITATE THE PHYSIOLOGIC POSTPARTUM PROCESS, UNLESS:

8 (I) THE PARENT OR LEGAL GUARDIAN OF THE NEWBORN CONSENTS
9 TO MEDICAL TREATMENT;

10 (II) THE NEWBORN IS RELEASED TO A LEGAL GUARDIAN; OR

11 (III) THE BIRTHING PERSON IS RELEASED FROM LABOR AND
12 DELIVERY; AND

13 (b) WILL NOT EXCLUDE FROM CARE ANY PERSON EXPERIENCING
14 PHYSIOLOGIC BIRTH OR INTERRUPT THE PROCESS OF PHYSIOLOGIC BIRTH
15 WITHOUT THE INFORMED CONSENT OF THE BIRTHING PERSON.

16 (3) AS USED IN THIS SECTION:

17 (a) "DOULA" MEANS A PERSON WHO PROVIDES PHYSICAL,
18 EMOTIONAL, AND INFORMATIONAL SUPPORT TO A PREGNANT PERSON
19 BEFORE, DURING, AND AFTER PREGNANCY.

20 (b) "PHYSIOLOGIC BIRTH" MEANS LABOR AND BIRTH POWERED BY
21 THE INNATE HUMAN CAPACITY OF A PREGNANT PERSON AND THE
22 PREGNANT PERSON'S FETUS, WHICH INCLUDES ENDOGENOUS HORMONE
23 SYSTEMS.

24 (c) "PHYSIOLOGIC POSTPARTUM PROCESS" MEANS THE BIOLOGIC
25 PROCESS THAT HAPPENS TO BOTH THE NEWBORN AND BIRTHING PERSON
26 AFTER DELIVERY DUE TO ENDOGENOUS HORMONE SYSTEMS.

27 **SECTION 9.** In Colorado Revised Statutes, **add** 26-1-136.8 as

1 follows:

2 **26-1-136.8. Custody of a person with the capacity for**

3 **pregnancy.** (1) A STATE DEPARTMENT FACILITY THAT HAS IN ITS

4 CUSTODY A PERSON WHO IS CAPABLE OF PREGNANCY SHALL:

5 (a) TRAIN THE FACILITY'S STAFF TO ENSURE THAT A PREGNANT
6 PERSON RECEIVES SAFE AND RESPECTFUL TREATMENT;

7 (b) DEVELOP ADMINISTRATIVE POLICIES TO ENSURE A
8 TRAUMA-INFORMED STANDARD OF CARE IS INTEGRATED WITH CURRENT
9 PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF A PREGNANT
10 PERSON;

11 (c) PROVIDE EACH PREGNANT PERSON, DURING THE PERSON'S
12 PREGNANCY AND THROUGH THE PERSON'S POSTPARTUM PERIOD, WITH
13 ACCESS TO:

14 (I) PERINATAL HEALTH-CARE PROVIDERS WITH PERINATAL
15 EXPERIENCE; AND

16 (II) HEALTHY FOODS AND INFORMATION ON NUTRITION,
17 RECOMMENDED ACTIVITY LEVELS, SAFETY MEASURES, AND SUPPLIES,
18 INCLUDING MENSTRUAL PRODUCTS AS REQUIRED IN SECTION 26-1-136.5,
19 AND BREAST PUMPS APPROVED BY THE EXECUTIVE DIRECTOR OR THE
20 EXECUTIVE DIRECTOR'S DESIGNEE;

21 (d) PROVIDE COUNSELING AND TREATMENT FOR PREGNANT PEOPLE
22 WHO HAVE SUFFERED FROM:

23 (I) A DIAGNOSED BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
24 USE DISORDER;

25 (II) TRAUMA OR VIOLENCE, INCLUDING DOMESTIC VIOLENCE;

26 (III) HUMAN IMMUNODEFICIENCY VIRUS;

27 (IV) SEXUAL ABUSE;

1 (V) PREGNANCY LOSS OR INFANT LOSS; OR

2 (VI) CHRONIC CONDITIONS;

3 (e) PROVIDE EVIDENCE-BASED PREGNANCY AND CHILDBIRTH
4 EDUCATION, PARENTING SUPPORT, AND OTHER RELEVANT FORMS OF
5 HEALTH LITERACY;

6 (f) DEVELOP ADMINISTRATIVE POLICIES TO IDENTIFY AND OFFER
7 OPPORTUNITIES FOR POSTPARTUM PERSONS TO MAINTAIN CONTACT WITH
8 THE PERSON'S NEWBORN CHILD TO PROMOTE BONDING, INCLUDING
9 ENHANCED VISITATION POLICIES, ACCESS TO FACILITY NURSERY
10 PROGRAMS, AND BREASTFEEDING SUPPORT, WHEN APPROPRIATE;

11 (g) IN ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL
12 "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996",
13 AS AMENDED, PUB.L. 104-191, TRANSFER HEALTH RECORDS TO
14 COMMUNITY PROVIDERS IF A PREGNANT PERSON EXITS THE FACILITY
15 DURING THE PERSON'S PREGNANCY OR DURING THE PERSON'S POSTPARTUM
16 PERIOD;

17 (h) CONNECT A PERSON EXITING THE FACILITY DURING THE
18 PERSON'S PREGNANCY OR POSTPARTUM PERIOD TO COMMUNITY-BASED
19 RESOURCES, SUCH AS REFERRALS TO HEALTH-CARE PROVIDERS,
20 SUBSTANCE USE DISORDER TREATMENT, AND SOCIAL SERVICES THAT
21 ADDRESS SOCIAL DETERMINANTS OF MATERNAL HEALTH;

22 (i) ESTABLISH PARTNERSHIPS WITH LOCAL PUBLIC ENTITIES,
23 PRIVATE COMMUNITY ENTITIES, COMMUNITY-BASED ORGANIZATIONS,
24 INDIAN TRIBES AND TRIBAL ORGANIZATIONS AS DEFINED IN THE FEDERAL
25 "INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT", 25
26 U.S.C. SEC. 5304, AS AMENDED, OR URBAN INDIAN ORGANIZATIONS AS
27 DEFINED IN THE FEDERAL "INDIAN HEALTH CARE IMPROVEMENT ACT", 25

1 U.S.C. SEC. 1603, AS AMENDED; AND

2 (j) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), BY
3 FEBRUARY 15, 2022, AND BY FEBRUARY 15 EACH YEAR THEREAFTER,
4 REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF
5 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE NUMBER
6 OF BIRTHS BY PREGNANT PEOPLE WHO ARE IN THE CUSTODY OF THE
7 FACILITY, INCLUDING THE LOCATION OF THE BIRTHS, THAT OCCURRED IN
8 THE PRIOR CALENDAR YEAR.

9 **SECTION 10.** In Colorado Revised Statutes, **add** 31-15-406 as
10 follows:

11 **31-15-406. Incarceration of a person with the capacity for**
12 **pregnancy.** A MUNICIPALITY THAT CHOOSES TO ESTABLISH AND OPERATE
13 A JAIL, AS AUTHORIZED IN SECTION 31-15-401 (1)(j), SHALL COMPLY WITH
14 THE PROVISIONS OF SECTION 17-26-104.4 CONCERNING THE
15 REQUIREMENTS OF A FACILITY THAT INCARCERATES PERSONS WHO ARE
16 CAPABLE OF PREGNANCY.

17 **SECTION 11. Appropriation.** (1) For the 2021-22 state fiscal
18 year, \$148,783 is appropriated to the department of corrections for use by
19 institutions. This appropriation is from the general fund. To implement
20 this act, the department may use this appropriation as follows:

21 (a) \$100,926 for personal services related to the medical services
22 subprogram, which amount is based on an assumption that the department
23 will require an additional 1.3 FTE; and

24 (b) \$47,857 for operating expenses related to the medical services
25 subprogram.

26 (2) For the 2021-22 state fiscal year, \$50,215 is appropriated to
27 the department of public health and environment for use by the health

1 facilities and emergency medical services division. This appropriation is
2 from the general fund. To implement this act, the department may use this
3 appropriation for administration and operations.

4 **SECTION 12. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2022 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.