

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

PREAMENDED

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

LLS NO. 25-0289.01 Shelby Ross x4510

SENATE BILL 25-183

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Senate Committees

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A BILL FOR AN ACT

101 **CONCERNING COVERAGE FOR CERTAIN PREGNANCY-RELATED**
102 **SERVICES, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **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>.)

During the 2024 general election, Colorado voters approved Amendment 79, which:

- Repealed the state constitutional amendment prohibiting the use of public funds to pay for abortions; and
- Added a state constitutional amendment recognizing 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.

right to an abortion and prohibiting Colorado state and local governments from denying, impeding, or discriminating against the exercise of that right, including prohibiting health insurance companies from excluding coverage for abortion.

The bill makes conforming changes to state law relating to abortion care as a result of Amendment 79.

Current law requires the executive director of the department of health care policy and financing to authorize medicaid reimbursement for family-planning-related services. The bill expands the definition of "family-planning-related services" to include abortion care. The bill requires the medical services board to include abortion care in the schedule of health-care services available for pregnant persons enrolled in the children's basic health plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend**
3 (26)(a) and (26)(d); and **repeal** (26)(f) as follows:

4 **10-16-104. Mandatory coverage provisions - applicability -**
5 **rules - definitions.** (26) **Abortion care - rules - definition.** (a) Except
6 as provided in subsections (26)(d) and (26)(g) of this section and subject
7 to ~~the provisions of subsections (26)(c) and (26)(f)~~ SUBSECTION (26)(e)
8 of this section, all individual and group health benefit plans issued or
9 renewed in this state shall provide coverage for the total cost of abortion
10 care.

11 (d) An employer is not obligated to provide the coverage required
12 by this subsection (26) if PROVIDING THE COVERAGE CONFLICTS WITH THE
13 EMPLOYER'S SINCERELY HELD RELIGIOUS BELIEFS.

14 ~~(f) Providing the coverage conflicts with the employer's sincerely~~
15 ~~held religious beliefs; or~~

16 ~~(H) The employer is a public entity prohibited by section 50 of~~
17 ~~article V of the state constitution from using public funds to pay for~~

1 ~~induced abortions.~~

2 ~~(f) With respect to individual and small group health benefit~~
3 ~~plans:~~

4 ~~(I) The division shall submit to the federal department of health~~
5 ~~and human services:~~

6 ~~(A) The division's determination as to whether the benefit~~
7 ~~specified in this subsection (26) is in addition to essential health benefits~~
8 ~~and would be subject to defrayal by the state pursuant to 42 U.S.C. sec.~~
9 ~~18031 (d)(3)(B); and~~

10 ~~(B) A request that the federal department of health and human~~
11 ~~services confirm the division's determination within sixty days after~~
12 ~~receipt of the division's request for confirmation of the determination.~~

13 ~~(H) This subsection (26) applies to, and the division shall~~
14 ~~implement the requirements of this subsection (26) for, individual and~~
15 ~~small group health benefit plans issued or renewed in this state upon the~~
16 ~~earlier of:~~

17 ~~(A) Twelve months after the federal department of health and~~
18 ~~human services confirms that the coverage specified in this subsection~~
19 ~~(26) does not constitute an additional benefit that requires defrayal by the~~
20 ~~state pursuant to 42 U.S.C. sec. 18031 (d)(3)(B);~~

21 ~~(B) Twelve months after the federal department of health and~~
22 ~~human services otherwise informs the division that the coverage in this~~
23 ~~subsection (26) does not require state defrayal pursuant to 42 U.S.C. sec.~~
24 ~~18031 (d)(3)(B); or~~

25 ~~(C) The passage of more than three hundred sixty-five days since~~
26 ~~the division submitted its determination and request for confirmation~~
27 ~~pursuant to subsection (26)(f)(I) of this section, and the federal~~

1 ~~department of health and human services has failed to respond to the~~
2 ~~request within that period, in which case the division shall consider the~~
3 ~~federal department's unreasonable delay a preclusion from requiring~~
4 ~~defrayal by the state.~~

5 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-2-106 as
6 follows:

7 **25.5-2-106. State-funded abortion care.** WHEN ABORTION CARE
8 SERVICES ARE PROVIDED IN ACCORDANCE WITH ARTICLES 4, 5, AND 6 OF
9 THIS TITLE 25.5, THE SERVICES MUST BE REIMBURSED BY STATE FUNDS
10 ONLY.

11 **SECTION 3.** In Colorado Revised Statutes, 25.5-4-412, **amend**
12 (1) and (2)(a)(IV) as follows:

13 **25.5-4-412. Family planning services - family-planning-related**
14 **services - rules - definitions.** (1) When family planning services or
15 family-planning-related services are provided in accordance with this
16 article 4 and articles 5 and 6 of this title 25.5, the executive director of the
17 state department shall authorize reimbursement for the services. ~~subject~~
18 ~~to section 50 of article V of the state constitution.~~ The state department,
19 any intermediary, or any managed care organization shall reimburse the
20 provider of those services. Family planning services and
21 family-planning-related services are not subject to policy deductibles,
22 copayments, or coinsurance.

23 (2) As used in this section, unless the context otherwise requires:

24 (a) "Family-planning-related services" means services provided
25 in a family planning setting as part of or as a follow-up to a family
26 planning visit, including:

27 (IV) Any other medical diagnosis, treatment, or preventive service

1 that is routinely provided pursuant to a family planning visit, INCLUDING
2 ABORTION CARE.

3 **SECTION 4.** In Colorado Revised Statutes, 25.5-5-329, **amend**
4 (1)(b)(IV) as follows:

5 **25.5-5-329. Family planning services - federal authorization**
6 **- rules - definitions.** (1) As used in this section, unless the context
7 otherwise requires:

8 (b) "Family-planning-related services" means services provided
9 in a family planning setting as part of or as a follow-up to a family
10 planning visit, including:

11 (IV) Any other medical diagnosis, treatment, or preventive service
12 that is routinely provided pursuant to a family planning visit, INCLUDING
13 ABORTION CARE.

14 **SECTION 5.** In Colorado Revised Statutes, 25.5-8-107, **add**
15 (1)(a)(VI) as follows:

16 **25.5-8-107. Duties of the department - schedule of services -**
17 **premiums - copayments - subsidies - purchase of childhood**
18 **immunizations.** (1) In addition to any other duties pursuant to this article
19 8, the department has the following duties:

20 (a) (VI) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTIONS
21 (1)(a)(I), (1)(a)(II), (1)(a)(III), AND (1)(a)(V) OF THIS SECTION, AND ANY
22 ADDITIONAL ITEMS APPROVED BY THE MEDICAL SERVICES BOARD, ON AND
23 AFTER JANUARY 1, 2026, THE MEDICAL SERVICES BOARD SHALL INCLUDE
24 ABORTION CARE IN THE SCHEDULE OF HEALTH-CARE SERVICES FOR ALL
25 ENROLLED PREGNANT PERSONS.

26 **SECTION 6.** In Colorado Revised Statutes, 24-75-109, **add**
27 **(1)(a.9) as follows:**

1 **24-75-109. Controller may allow expenditures in excess of**
2 **appropriations - limitations - appropriations for subsequent fiscal**
3 **year restricted - repeal.** (1) For the purpose of closing the state's books,
4 and subject to the provisions of this section, the controller may, on or
5 after May 1 of any fiscal year and before the forty-fifth day after the close
6 thereof, upon approval of the governor, allow any department, institution,
7 or agency of the state, including any institution of higher education, to
8 make an expenditure in excess of the amount authorized by an item of
9 appropriation for such fiscal year if:

10 (a.9) THE OVEREXPENDITURE IS BY THE DEPARTMENT OF HEALTH
11 CARE POLICY AND FINANCING FOR ABORTION CARE SERVICES PROVIDED
12 PURSUANT TO SECTION 25.5-2-106 AND 25.5-8-107 (1)(a)(VI); OR

13 **SECTION 7.** In Colorado Revised Statutes, **repeal** 25.5-3-106,
14 25.5-4-415, and 25.5-5-103 (2).

15 **SECTION 8. Severability.** If any provision of this act or the
16 application of this act to any person or circumstance is held invalid, the
17 invalidity does not affect other provisions or applications of the act that
18 can be given effect without the invalid provision or application, and to
19 this end the provisions of this act are declared to be severable.

20 **SECTION 9. Appropriation - adjustments to 2025 long bill.**
21 (1) To implement this act, appropriations made in the annual general
22 appropriation act for the 2025-26 state fiscal year to the department of
23 health care policy and financing are adjusted as follows:

24 (a) The general fund appropriation for medical and long-term care
25 services for medicaid eligible individuals is decreased by \$1,415,236,
26 which amount is subject to the "(M)" notation as defined in the annual
27 general appropriation act for the same fiscal year;

1 (b) The decrease of the appropriations in subsection (1)(a) of this
2 section is based on the assumption that the anticipated amount of federal
3 funds received for medical and long-term care services for medicaid
4 eligible individuals will decrease by \$1,576,048.

5 (c) The general fund appropriation for children's basic health plan
6 medical and dental costs is decreased by \$36,669;

7 (d) The cash funds appropriation from the healthcare affordability
8 and sustainability fee cash fund created in section 25.5-4-402.5 (5)(a),
9 C.R.S., for children's basic health plan medical and dental costs is
10 decreased by \$41,650; and

11 (e) The decrease of the appropriations in subsection (c) of this
12 section is based on the assumption that the anticipated amount of federal
13 funds received for children's basic health plan medical and dental costs
14 will decrease by \$145,449.

15 (2) For the 2025-26 state fiscal year, \$2,928,800 is appropriated
16 to the department of health care policy and financing for use for other
17 medical services. This appropriation is from the general fund. To
18 implement this act, the department may use this appropriation for abortion
19 care.

20 **SECTION 10. Effective date.** This act takes effect January 1,
21 2026.

22 **SECTION 11. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.