



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1312: LEGAL PROTECTIONS FOR TRANSGENDER INDIVIDUALS

Prime Sponsors:

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Fiscal note status: This revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

Summary Information

Overview. The bill establishes several legal protections for transgender individuals related to court decisions, education standards, and discriminatory actions.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures
- Minimal State Workload
- School Districts

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill enacts the Kelly Loving Act, which establishes several legal protections for transgender individuals related to court decisions and education standards. It also makes publishing materials that deadname or misgender an individual in a place of public accommodation a discriminatory act under the Colorado Anti-Discrimination Act.

Under the bill, deadnaming is defined as referring to an individual by their birth name rather than their chosen name with the intent to disregard their gender identity or gender expression. Misgendering is defined as intentionally referring to an individual using an honorific or pronoun that conflicts with the individual's gender identity or gender expression.

Court Decisions

When allocating parental responsibilities in a child custody decision, the bill requires courts to consider deadnaming, misgendering, and threatening to publish material related to an individual's gender-affirming health care as forms of coercive control. It also prohibits a court from applying another state's laws that authorize the removal of a child from their parent or guardian because they assisted the child in receiving gender-affirming health care.

Education Standards

If a school district or charter school enacts a policy related to chosen names, the bill requires the local education provider to be inclusive of all reasons that a student might adopt a chosen name that differs from their legal name. Additionally, a school is prohibited from adopting or enforcing a dress code based on gender, and must allow students to abide by any variation of the dress code.

State Expenditures

The bill increases potential state expenditures in the Department of Personnel and Administration (DPA) and increases workload for multiple other state agencies related to discrimination lawsuits, court decisions, and education standards, as described below.

Discrimination

State Litigation and Risk Impacts

The bill may increase litigation and risk management costs from public accommodations discrimination lawsuits filed against the state. If such cases occur, state agencies and institutions of higher education will have increased costs for legal services, provided by the Department of Law. Depending on the outcome of any cases, settlement or liability payments may be required from the Risk Management Fund in the DPA. State agencies make payments for legal services and risk management through common policy billings based on costs incurred in prior years.

The fiscal note assumes that aggrieved parties will seek recourse through state agencies' dispute resolution processes or administrative relief through the Colorado Civil Rights Division (CCRD) in DORA before filing suit against the state. Any new costs, if incurred, will be accounted for through the annual budget process.

Complaints

The CCRD in DORA and trial courts in the Judicial Department may experience an increase in workload if additional discrimination complaints or civil cases are filed. This workload is expected to be minimal and no change in appropriations is required.

Court Decisions

Workload in the Judicial Department may minimally increase from more complex domestic relations case decisions that must consider deadnaming and misgendering as a form of coercive control. Workload may minimally decrease from fewer out-of-state foreign judgements related to gender-affirming care. This workload is expected to be minimal and no change in appropriations is required.

Education Standards

Workload in the Department of Education (CDE) will minimally increase to modify rules and coordinate with school districts regarding chosen name and dress code policies. This workload can be accomplished within existing appropriations.

School Districts

Workload for school districts will minimally increase beginning in FY 2025-26 to modify current chosen name and dress code policies, enforce new policies, and coordinate with the CDE. This workload is expected to be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

All State Agencies

All Local/Non-State Agencies