



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1309: PROTECT ACCESS TO GENDER-AFFIRMING HEALTH CARE

Prime Sponsors:

Rep. Brown
Sen. Cutter; Gonzales J.

Fiscal Analyst:

Kristine McLaughlin, 303-866-4776
kristine.mclaughlin@coleg.gov

Published for: House Health & Human Services

Drafting number: LLS 25-0496

Version: Initial Fiscal Note

Date: April 1, 2025

Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill codifies gender affirming care coverage in state law and exempts testosterone prescriptions from select tracking requirements.

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

- Minimal State Workload

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 codifies coverage for gender affirming care in state law for state-regulated health plans. Additionally, under current law, testosterone prescriptions are tracked through the Prescription Drug Monitoring Program. The bill requires the program to block all such entries from view once the prescription is archived.

Background and Assumptions

Private Insurance

Under the Affordable Care Act, any mandated benefit created in state law beyond what is considered an essential health benefit is subject to state defrayal, meaning the state is required to pay for the additional costs incurred by insurers to provide the benefit.

In October 2021, the U.S. Center for Medicare and Medicaid Services (CMS) [approved gender affirming care](#) as an essential health benefit in Colorado. The fiscal note assumes that gender affirming care does not require a state defrayal based on current law and policy. However, in March 2025, CMS issued a [proposed rule](#) that would prohibit coverage of gender affirming care as an essential health benefit. If the rule is enacted, its effect on previously approved essential health benefit is not known.

Children's Health Plan Plus

The Department of Health Care Policy and Financing's (HCPF) operates the Children's Health Plan Plus (CHP+), which provides subsidized access to health insurance coverage to children and persons who are pregnant or have recently given birth. CHP+ currently receives federal funds to cover gender affirming care. As result of [Executive Order 14168](#), issued in January 2025, this federal funding may cease. The fiscal note assumes that HCPF will continue to provide coverage for these services whether or not they receive federal funds and whether or not this bill passes. If additional funding is required based future changes in federal practices, it will be addressed through the budget process.

State Expenditures

Gender affirming is currently an essential health benefit in Colorado and the Department of Regulatory Agencies (DORA), the Department of Personnel (DPA), and HCPF already incur the cost of ensuring coverage under state-regulated health insurance plans, state employee health plans, and CHP+, respectively. Thus, there is no fiscal impact from the coverage requirement in the bill.

Workload will minimally increase in DORA to adjust the Prescription Drug Monitoring Program as required by the bill. This work can be accomplished within existing resources.

Effective Date

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

State and Local Government Contacts

Health Care Policy and Financing

Regulatory Agencies

Personnel

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).