

**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. 25-0091.04 Caroline Martin x5902

HOUSE BILL 25-1312

HOUSE SPONSORSHIP

Garcia and Stewart R.,

SENATE SPONSORSHIP

Winter F. and Kolker,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LEGAL PROTECTIONS FOR TRANSGENDER INDIVIDUALS.**

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>.)

Section 1 of the bill creates the "Kelly Loving Act".

Section 2 provides that, when making child custody decisions and determining the best interests of a child for purposes of parenting time, a court shall consider deadnaming, misgendering, or threatening to publish material related to an individual's gender-affirming health-care services as types of coercive control. A court shall consider reports of coercive control when determining the allocation of parental responsibilities in accordance with the best interests of the child.

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.

Section 3 prohibits a Colorado court from applying or giving any force or effect to another state's law that authorizes a state agency to remove a child from the child's parent or guardian because the parent or guardian allowed the child to receive gender-affirming health-care services.

Section 4 provides that, if a local education provider, an educator, or a contractor chooses to enact or enforce a policy related to chosen names, that policy must be to make the policy inclusive of all reasons that a student might adopt a chosen name that differs from the student's legal name.

Sections 5 and 6 provide that a dress code adopted or implemented by a local education provider must not create or enforce any rules based on gender and must allow each student to abide by any variation of the dress code.

Section 7 provides that, when an individual is required to provide their name through a form administered by a public entity, the form must include an option to provide the individual's legal name and chosen name. If the individual provides a chosen name that is different from the individual's legal name, the chosen name must be used on all subsequent forms administered by the public entity.

Sections 8 and 9 define deadnaming and misgendering as discriminatory acts in the "Colorado Anti-Discrimination Act", and prohibit these discriminatory acts in places of public accommodation.

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

2 **SECTION 1. Short title.** The short title of this act is the "Kelly
3 Loving Act".

4 **SECTION 2.** In Colorado Revised Statutes, 14-10-124, **amend**
5 (1.3)(a)(VIII), (1.3)(a)(X), (1.3)(a)(XI), and (1.5)(a)(III.5); and **add**
6 (1.3)(a)(XII) as follows:

7 **14-10-124. Best interests of the child - legislative declaration**
8 **- definitions. (1.3) Definitions.** For purposes of this section and section
9 14-10-129 (2)(c), unless the context otherwise requires:

10 (a) "Coercive control" means a pattern of threatening, humiliating,
11 or intimidating actions, including assaults or other abuse, that is used to
12 harm, punish, or frighten an individual. "Coercive control" includes a

1 pattern of behavior that takes away the individual's liberty or freedom and
2 strips away the individual's sense of self, including the individual's bodily
3 integrity and human rights. "Coercive control" includes isolating the
4 individual from support, exploiting the individual, depriving the
5 individual of independence, and regulating the individual's everyday
6 behavior. "Coercive control" includes, but is not limited to, any of the
7 following:

8 (VIII) Threatening to publish the individual's, or the individual's
9 child's or relative's, sensitive personal information, including sexually
10 explicit material OR MATERIAL RELATED TO GENDER-AFFIRMING
11 HEALTH-CARE SERVICES, AS DEFINED IN SECTION 12-30-121 (1)(c), or
12 make reports to the police or authorities;

13 (X) Threatening the individual, or the individual's child or
14 relative, with deportation or contacting authorities based on perceived or
15 actual immigration status, withholding essential documents required for
16 immigration, or threatening to withdraw or interfere with an active
17 immigration application or process; ~~or~~

18 (XI) Forcing the individual, or the individual's child or relative,
19 to take part in criminal activities or child abuse; OR

20 (XII) DEADNAMING OR MISGENDERING, AS THOSE TERMS ARE
21 DEFINED IN SECTION 24-34-301, THE INDIVIDUAL OR THE INDIVIDUAL'S
22 CHILD OR RELATIVE.

23 (1.5) **Allocation of parental responsibilities.** The court shall
24 determine the allocation of parental responsibilities, including parenting
25 time and decision-making responsibilities, in accordance with the best
26 interests of the child, giving paramount consideration to the child's safety
27 and the physical, mental, and emotional conditions and needs of the child

1 as follows:

2 (a) **Determination of parenting time.** The court, upon the motion
3 of either party or upon its own motion, may make provisions for parenting
4 time that the court finds are in the best interests of the child, with the
5 child's safety always paramount, unless the court finds, after a hearing,
6 that parenting time by the party would endanger the child's physical health
7 or significantly impair the child's emotional development. In addition to
8 a finding that parenting time would endanger the child's physical health
9 or significantly impair the child's emotional development, in any order
10 imposing or continuing a parenting time restriction, the court shall
11 enumerate the specific factual findings supporting the restriction,
12 including findings related to domestic violence, child abuse, and child
13 sexual abuse, and may enumerate the conditions that the restricted party
14 could fulfill in order to seek modification in the parenting plan. When a
15 claim of child abuse or neglect, domestic violence, or sexual assault
16 where there is also a claim that the child was conceived as a result of the
17 sexual assault has been made to the court, or the court has reason to
18 believe that a party has committed child abuse or neglect, domestic
19 violence, or sexual assault where there is also a claim that the child was
20 conceived as a result of the sexual assault, prior to determining parenting
21 time, the court shall follow the provisions of subsection (4) of this
22 section. In determining the best interests of the child for purposes of
23 parenting time, the court shall consider all relevant factors, including:

24 (III.5) Any report related to domestic violence OR COERCIVE
25 CONTROL that is submitted to the court by a child and family investigator,
26 if one is appointed pursuant to section 14-10-116.5; a professional
27 parental responsibilities evaluator, if one is appointed pursuant to section

1 14-10-127; or a legal representative of the child, if one is appointed
2 pursuant to section 14-10-116. The court may consider other testimony
3 regarding domestic violence from the parties, experts, therapists for any
4 parent or child, the department of human services, parenting time
5 supervisors, school personnel, or other lay witnesses.

6 **SECTION 3.** In Colorado Revised Statutes, **add** 19-3-220 as
7 follows:

8 **19-3-220. Other states' removal laws relating to**
9 **gender-affirming health-care services - when unenforceable.** (1) IT
10 IS AGAINST THE PUBLIC POLICY OF THIS STATE FOR THE LAW OF ANOTHER
11 STATE TO AUTHORIZE OR REQUIRE A STATE AGENCY TO REMOVE A CHILD
12 FROM THE CHILD'S PARENT OR GUARDIAN BECAUSE THE PARENT OR
13 GUARDIAN ASSISTED THE CHILD IN OBTAINING GENDER-AFFIRMING
14 HEALTH-CARE SERVICES, AS DEFINED IN SECTION 12-30-121 (1)(c).

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

18 (3) THE COURT SHALL NOT GIVE ANY FORCE OR EFFECT TO ANY
19 FOREIGN JUDGMENT ISSUED IN CONNECTION WITH THE REMOVAL OF A
20 CHILD BECAUSE THE CHILD'S PARENT OR GUARDIAN ASSISTED THE CHILD
21 IN OBTAINING GENDER-AFFIRMING HEALTH-CARE SERVICES IN THIS STATE.

22 **SECTION 4.** In Colorado Revised Statutes, **add** 22-1-145.5 as
23 follows:

24 **22-1-145.5. Policies related to chosen names - definition.**

25 (1) AS USED IN THIS SECTION, "LOCAL EDUCATION PROVIDER" MEANS A
26 SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL
27 DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A

1 CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL
2 INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A
3 BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT
4 TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC
5 SCHOOLS, OR A FACILITY SCHOOL APPROVED PURSUANT TO SECTION
6 22-2-407.

7 (2) IF A LOCAL EDUCATION PROVIDER OR ITS EMPLOYEES, AN
8 EDUCATOR, OR A CONTRACTOR, AS DEFINED IN SECTION 22-1-143,
9 CHOOSES TO ENACT OR ENFORCE A POLICY RELATED TO CHOSEN NAMES,
10 THAT POLICY MUST BE INCLUSIVE OF ALL REASONS THAT A STUDENT
11 MIGHT ADOPT A CHOSEN NAME THAT DIFFERS FROM THE STUDENT'S LEGAL
12 NAME.

13 **SECTION 5.** In Colorado Revised Statutes, **add** 22-1-148 as
14 follows:

15 **22-1-148. Student access to dress code variations.** A DRESS
16 CODE ADOPTED OR IMPLEMENTED BY A LOCAL EDUCATION PROVIDER, AS
17 DEFINED IN SECTION 22-1-145, MUST NOT CREATE OR ENFORCE ANY RULES
18 BASED ON GENDER AND MUST ALLOW EACH STUDENT TO ABIDE BY ANY
19 VARIATION OF THE DRESS CODE.

20 **SECTION 6.** In Colorado Revised Statutes, 22-32-109.1, **amend**
21 (2)(a)(I) introductory portion and (2)(a)(I)(J) as follows:

22 **22-32-109.1. Board of education - specific powers and duties**
23 **- safe school plan - conduct and discipline code - safe school reporting**
24 **requirements - school response framework - school resource officers**
25 **- definitions. (2) Safe school plan.** To provide a learning environment
26 that is safe, conducive to the learning process, and free from unnecessary
27 disruption, each school district board of education or institute charter

1 school board for a charter school authorized by the charter school institute
2 shall, following consultation with the school district accountability
3 committee and school accountability committees, parents, teachers,
4 administrators, students, student councils where available, and, where
5 appropriate, the community at large, adopt and implement a safe school
6 plan, or review and revise, as necessary in response to any relevant data
7 collected by the school district, any existing plans or policies already in
8 effect. In addition to the aforementioned parties, each school district
9 board of education, in adopting and implementing its safe school plan,
10 may consult with victims' advocacy organizations, school psychologists,
11 local law enforcement, and community partners. The plan, at a minimum,
12 must include the following:

13 (a) **Conduct and discipline code.** (I) A concisely written conduct
14 and discipline code that must be enforced uniformly, fairly, and
15 consistently for all students. Copies of the code ~~shall~~ MUST be provided
16 to each student upon enrollment at the preschool, elementary, middle, and
17 high school levels and be posted or kept on file at each public school in
18 the school district. The school district shall take reasonable measures to
19 ensure that each student of each public school in the school district is
20 familiar with the code. The code must include, but need not be limited to:

21 (J) A dress code policy that prohibits students from wearing
22 apparel that is deemed disruptive to the classroom environment or to the
23 maintenance of a safe and orderly school. The dress code policy may
24 require students to wear a school uniform or may establish minimum
25 standards of dress, BUT MUST NOT CREATE OR ENFORCE ANY RULES BASED
26 ON GENDER, AND MUST ALLOW EACH STUDENT TO ABIDE BY ANY
27 VARIATION OF THE DRESS CODE.

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SECTION 7. In Colorado Revised Statutes, 24-34-301, **add** (3.5), (5.5), and (14.5) as follows:

24-34-301. Definitions. As used in parts 3 to 10 of this article 34, unless the context otherwise requires:

(3.5) "CHOSEN NAME" MEANS A NAME THAT AN INDIVIDUAL REQUESTS TO BE KNOWN AS TO REFLECT THE INDIVIDUAL'S GENDER IDENTITY OR GENDER EXPRESSION.

(5.5) (a) "DEADNAME" MEANS TO PURPOSEFULLY, AND WITH THE INTENT TO DISREGARD THE INDIVIDUAL'S GENDER IDENTITY OR GENDER EXPRESSION, REFER TO AN INDIVIDUAL BY THEIR BIRTH NAME RATHER THAN THEIR CHOSEN NAME.

(b) FOR PURPOSES OF THIS SUBSECTION (5.5), REPEATEDLY REFERRING TO AN INDIVIDUAL USING THEIR DEADNAME WHILE ON NOTICE OF THEIR CHOSEN NAME IS EVIDENCE OF THE INTENT REQUIRED BY THIS SUBSECTION (5.5).

(14.5) (a) "MISGENDER" MEANS TO PURPOSEFULLY, AND WITH THE INTENT TO DISREGARD THE INDIVIDUAL'S GENDER IDENTITY OR GENDER EXPRESSION, REFER TO AN INDIVIDUAL USING AN HONORIFIC OR PRONOUN THAT CONFLICTS WITH THE INDIVIDUAL'S GENDER IDENTITY OR GENDER EXPRESSION.

(b) FOR PURPOSES OF THIS SUBSECTION (14.5), REPEATEDLY REFERRING TO AN INDIVIDUAL USING AN HONORIFIC OR PRONOUN THAT CONFLICTS WITH THE INDIVIDUAL'S GENDER IDENTITY OR GENDER EXPRESSION WHILE ON NOTICE THAT SAID HONORIFIC OR PRONOUN CONFLICTS WITH THE INDIVIDUAL'S GENDER IDENTITY OR GENDER EXPRESSION IS EVIDENCE OF THE INTENT REQUIRED BY SUBSECTION

1 (14.5)(a) OF THIS SECTION.

2 **SECTION 8.** In Colorado Revised Statutes, 24-34-601, **add** (6)
3 as follows:

4 **24-34-601. Discrimination in places of public accommodation**
5 **- definition.** (6) (a) IT IS A DISCRIMINATORY PRACTICE AND UNLAWFUL
6 TO, WITH SPECIFIC INTENT TO DISCRIMINATE, PUBLISH MATERIALS THAT
7 DEADNAME OR MISGENDER AN INDIVIDUAL.

8 (b) FOR PURPOSES OF THIS SUBSECTION (6), THE REFUSAL OF A
9 PRE-PUBLICATION REQUEST FOR THE PUBLISHER TO USE AN INDIVIDUAL'S
10 CHOSEN NAME, HONORIFICS, OR PRONOUNS CAN SERVE AS EVIDENCE OF
11 THE INTENT REQUIRED BY SUBSECTION (6)(a) OF THIS SECTION.

12 **SECTION 9. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.