

An Act

HOUSE BILL 25-1026

BY REPRESENTATIVE(S) Carter and Garcia, Bacon, Boesenecker, Brown, Clifford, English, Jackson, Lindsay, Mabrey, Rydin, Sirota, Stewart R., Story, Velasco, Woodrow, Zokaie, Espenoza, Joseph, Ricks;
also SENATOR(S) Jodeh and Hinrichsen, Amabile, Ball, Cutter, Gonzales J., Kipp, Snyder, Sullivan, Wallace, Weissman, Winter F., Coleman.

CONCERNING PROCEDURES RELATED TO THE PROVISION OF HEALTH-CARE SERVICES TO INMATES, AND, IN CONNECTION THEREWITH, PROHIBITING CERTAIN COPAYMENTS AND FEES AND MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The U.S. supreme court in *Estelle v. Gamble*, 429 U.S. 97 (1976), established that people who are incarcerated have a constitutional right to health care, and prison health care supports community reentry and well-being;

(b) Colorado law authorizes the Colorado department of corrections

to charge people who are incarcerated copayments and additional charges for emergency, medical, mental health, dental, and optometric visits, as well as charges for requesting, using, refusing, or failing to use medical services;

(c) Pursuant to section 17-1-113 (1)(a), Colorado Revised Statutes, the general assembly has previously found "that the procedures for charging inmates a copayment for medical services are confusing to department personnel and, as a result, are inconsistently applied";

(d) Copayments and other medical charges in prison create financial barriers that restrict access to critical health-care treatment. Research published in JAMA Internal Medicine in 2024 demonstrates that the burden of paying health-care charges in prison prevents people who are incarcerated from seeking essential services, including medical and mental health treatment.

(e) Copayments and other medical charges in prison jeopardize the health of Coloradans. According to a 2024 article in the centers for disease control and prevention journal Emerging Infectious Diseases, reductions in prison health-care use can increase the spread of illness and disease, negatively affecting people who are incarcerated, prison staff and visitors, and the broader public.

(f) Public health, mental health, law, and corrections experts oppose health-care charges in prison, including copayments and any other policies or practices that restrict people's access to health care; and

(g) To fulfill the department of corrections' mission to build a safer Colorado, and to support the health of all Coloradans, copayments and additional charges for requesting, using, refusing, or failing to use medical services in prison must be repealed.

SECTION 2. In Colorado Revised Statutes, add 17-1-112.7 as follows:

17-1-112.7. Medical visits - copayment and fees prohibited - report. (1) THE DEPARTMENT SHALL NOT ASSESS A COPAYMENT AGAINST AN INMATE ACCOUNT FOR MEDICAL, DENTAL, MENTAL HEALTH, OR OPTOMETRIC SERVICES, INCLUDING SPECIALTY OR EMERGENCY CARE SERVICES, PROVIDED TO THE INMATE.

(2) THE DEPARTMENT SHALL NOT ASSESS A FEE AGAINST AN INMATE ACCOUNT IF AN INMATE:

(a) FAILS TO ATTEND A SCHEDULED APPOINTMENT FOR MEDICAL, DENTAL, MENTAL HEALTH, OR OPTOMETRIC CARE SERVICES, INCLUDING SPECIALTY CARE SERVICES;

(b) FAILS TO PROVIDE TIMELY NOTICE WHEN THE INMATE IS UNABLE TO ATTEND A SCHEDULED APPOINTMENT FOR MEDICAL, DENTAL, MENTAL HEALTH, OR OPTOMETRIC CARE SERVICES, INCLUDING SPECIALTY CARE SERVICES; AND

(c) OTHERWISE REFUSES AN APPOINTMENT FOR MEDICAL, DENTAL, MENTAL HEALTH, OR OPTOMETRIC CARE SERVICES, INCLUDING SPECIALTY OR EMERGENCY CARE SERVICES.

(3) IN JANUARY 2026, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING THE NUMBER OF TIMES IN THE PREVIOUS YEAR THAT:

(a) AN INMATE FAILED TO ATTEND A SCHEDULED APPOINTMENT FOR MEDICAL, DENTAL, MENTAL HEALTH, OR OPTOMETRIC CARE SERVICES, INCLUDING SPECIALTY CARE SERVICES; AND

(b) AN INMATE INITIATED A REQUEST FOR MEDICAL, DENTAL, MENTAL HEALTH, OR OPTOMETRIC CARE SERVICES, INCLUDING SPECIALTY CARE SERVICES, AND, FOLLOWING A VISIT WITH A PROVIDER, THE PROVIDER DETERMINED THAT THE REQUEST WAS NOT RELEVANT TO ANY MEDICAL, DENTAL, MENTAL HEALTH, OR OPTOMETRIC CONDITION.

SECTION 3. In Colorado Revised Statutes, **repeal** 17-1-113.

SECTION 4. Appropriation - adjustments to 2025 long bill.

(1) To implement this act, appropriations made in the annual general appropriation act for the 2025-26 state fiscal year to the department of corrections for use by the medical services subprogram are adjusted as follows:

(a) The cash funds appropriation from inmate medical fees collected

pursuant to section 17-1-113 (2), C.R.S., for personal services is decreased by \$322,089, and the related FTE is decreased by 3.0 FTE; and

(b) The cash funds appropriation from inmate medical fees collected pursuant to section 17-1-113 (2), C.R.S., for indirect cost assessment is decreased by \$772.

(2) For the 2025-26 state fiscal year, \$157,179 is appropriated to the department of corrections for use by the medical services subprogram. This appropriation is from the general fund and is based on an assumption that the department will require an additional 1.5 FTE. To implement this act, the subprogram may use this appropriation for personal services.

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE



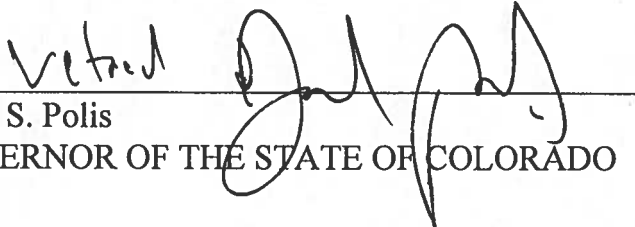
Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Esther van Mourik
SECRETARY OF
THE SENATE

VETO

DIS APPROVED ~~AND~~ VETOED on Thursday May 27th
(Date and Time) 2024 at 3:50 PM



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO