

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 25-0496.01 Brita Darling x2241

HOUSE BILL 25-1309

HOUSE SPONSORSHIP

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Health & Human Services

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A BILL FOR AN ACT

101 **CONCERNING PROTECTING ACCESS TO GENDER-AFFIRMING HEALTH**
102 **CARE.**

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>.)

Under current law, health benefit insurance plans (health benefit plans) include coverage for "gender-affirming health care" as part of individual and group health benefit plans. "Gender-affirming health care" is defined in the bill as supplies, care, and services of a medical, behavioral health, mental health, psychiatric, habilitative, surgical, therapeutic, diagnostic, preventive, rehabilitative, or supportive nature

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.

SENATE
Amended 2nd Reading
May 2, 2025

HOUSE
3rd Reading Unamended
April 6, 2025

HOUSE
2nd Reading Unamended
April 4, 2025

relating to the treatment of gender dysphoria (gender-affirming health care). The bill codifies gender-affirming health care treatments in statute and prohibits a health benefit plan from denying or limiting medically necessary gender-affirming health care, as determined and prescribed by a physical or behavioral health-care provider (health-care provider).

In addition, the bill exempts prescriptions for testosterone from the tracking requirements of the prescription drug use monitoring program and blocks archived records from view.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **add** (29)
3 as follows:

4 **10-16-104. Mandatory coverage provisions - definitions - rules**
5 **- applicability. (29) Gender-affirming health care - rules - definitions.**

6 (a) AS USED IN THIS SUBSECTION (29), UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (I) "GENDER-AFFIRMING HEALTH CARE" MEANS ALL SUPPLIES,
9 CARE, AND SERVICES OF A MEDICAL, BEHAVIORAL HEALTH, MENTAL
10 HEALTH, PSYCHIATRIC, HABILITATIVE, SURGICAL, THERAPEUTIC,
11 DIAGNOSTIC, PREVENTIVE, REHABILITATIVE, OR SUPPORTIVE NATURE
12 RELATING TO THE TREATMENT OF GENDER DYSPHORIA.

13 "GENDER-AFFIRMING HEALTH CARE" INCLUDES THE FOLLOWING, OR ANY
14 COMBINATION OF THE FOLLOWING:

- 15 (A) HORMONE THERAPY;
- 16 (B) BLEPHAROPLASTY, EYE AND LID;
- 17 (C) FACE, FOREHEAD, OR NECK SKIN TIGHTENING;
- 18 (D) FACIAL BONE REMODELING;
- 19 (E) GENIOPLASTY;
- 20 (F) RHYTIDECTOMY FOR THE CHEEK, CHIN, OR NECK;
- 21 (G) CHEEK, CHIN, OR NOSE IMPLANTS;

1 (H) LIP LIFT OR AUGMENTATION;
2 (I) MANDIBULAR ANGLE AUGMENTATION, CREATION, OR
3 REDUCTION;
4 (J) ORBITAL RECONTOURING;
5 (K) RHINOPLASTY;
6 (L) LASER OR ELECTROLYSIS HAIR REMOVAL;
7 (M) BREAST OR CHEST AUGMENTATION, REDUCTION, OR
8 CONSTRUCTION; AND
9 (N) GENITAL AND NONGENITAL SURGICAL PROCEDURES.
10 (II) "MEDICALLY NECESSARY" MEANS A PHYSICAL OR BEHAVIORAL
11 HEALTH-CARE PROVIDER HAS DETERMINED THAT THE PRESCRIBED
12 GENDER-AFFIRMING HEALTH CARE IS NECESSARY FOR THE TREATMENT OF
13 GENDER DYSPHORIA.
14 (b) SUBJECT TO THE REQUIREMENTS SET FORTH IN SUBSECTION
15 (29)(d) OF THIS SECTION, ALL HEALTH BENEFIT PLANS ISSUED OR RENEWED
16 IN THE STATE SHALL PROVIDE COVERAGE FOR GENDER-AFFIRMING HEALTH
17 CARE. THE HEALTH BENEFIT PLAN MUST PROVIDE THE COVERAGE
18 REGARDLESS OF THE COVERED PERSON'S SEX OR GENDER.
19 (c) THE COMMISSIONER SHALL ADOPT RULES CONSISTENT WITH
20 AND AS NECESSARY TO IMPLEMENT THIS SUBSECTION (29).
21 (d) A HEALTH BENEFIT PLAN SHALL NOT DENY OR LIMIT
22 GENDER-AFFIRMING HEALTH CARE THAT IS:
23 (I) MEDICALLY NECESSARY, AS DETERMINED BY THE PHYSICAL OR
24 BEHAVIORAL HEALTH-CARE PROVIDER WHO PRESCRIBES THE
25 GENDER-AFFIRMING HEALTH CARE; AND
26 (II) PRESCRIBED IN ACCORDANCE WITH GENERALLY ACCEPTED
27 STANDARDS OF CARE FOR THE PROFESSION.

1 **SECTION 2.** In Colorado Revised Statutes, 10-16-1206, **amend**
2 **(1)(f) and (1)(g); and add (1)(h) as follows:**

3 **10-16-1206. Health insurance affordability cash fund -**
4 **creation - repeal.** (1) There is created in the state treasury the health
5 **insurance affordability cash fund. The fund consists of:**

6 **(f) All interest and income derived from the deposit and**
7 **investment of money in the fund; and**

8 **(g) The federal share of the medical assistance payments received**
9 **pursuant to section 25.5-4-503 (2); AND**

10 **(h) GIFTS, GRANTS, OR DONATIONS RECEIVED FROM PRIVATE OR**
11 **PUBLIC SOURCES.**

12 **SECTION 3.** In Colorado Revised Statutes, 10-16-1207, **amend**
13 **(4)(c.5)(III)(C) and (4)(d); and add (4)(e) as follows:**

14 **10-16-1207. Health insurance affordability board - creation -**
15 **membership - powers and duties - subject to open meetings and**
16 **public records laws - commissioner rules.** (4) The board is authorized
17 **to:**

18 **(c.5) Further recommend, for approval and establishment by the**
19 **commissioner by rule, additional parameters for implementing the**
20 **subsidies for state-subsidized individual health coverage plans authorized**
21 **by this part 12, including that the coverage required pursuant to**
22 **state-subsidized individual health coverage plans must:**

23 **(III) For a person who, at the time the person applies for**
24 **state-subsidized coverage, meets the income requirements to qualify for**
25 **emergency medical assistance pursuant to section 25.5-5-103 and who is**
26 **a qualified individual who meets the eligibility criteria established in rule**
27 **pursuant to subsection (4)(c)(IV) of this section, include coverage that:**

1 (C) To the extent possible with available funding, includes cost
2 sharing that is further reduced from subsection (4)(c.5)(III)(B) of this
3 section such that the plan has consumer cost-sharing responsibilities for
4 emergency services equivalent to cost-sharing responsibilities for
5 emergency medical assistance pursuant to section 25.5-5-103; and

6 (d) Establish bylaws, as appropriate and consistent with this part
7 12, for its effective operation; AND

8 (e) SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS
9 FROM PRIVATE OR PUBLIC SOURCES THAT THE ENTERPRISE MAY USE FOR
10 ANY OF THE PURPOSES SET FORTH IN SECTION 10-16-1205, TO COVER THE
11 COSTS OF ENSURING COMPLIANCE IN THE INDIVIDUAL MARKET WITH THE
12 FEDERAL HYDE AMENDMENT OR A SIMILAR AMENDMENT, AND TO COVER
13 THE COSTS OF ENSURING THAT COLORADANS HAVE ACCESS TO LEGALLY
14 PROTECTED HEALTH-CARE ACTIVITIES, AS DEFINED IN SECTION 12-30-121
15 (1)(d). THE ENTERPRISE SHALL CONSIDER THE FEASIBILITY OF ALLOCATING
16 GIFTS, GRANTS, OR DONATIONS RECEIVED FROM SPECIFIC LOCALITIES OR
17 DIRECTED TO SPECIFIC LOCALITIES TO BE USED ONLY IN THOSE LOCALITIES.

18 **SECTION 4.** In Colorado Revised Statutes, 12-280-403, **add**
19 (1.5) as follows:

20 **12-280-403. Prescription drug use monitoring program -**
21 **registration required - applications - rules - appropriation.** (1.5) THE
22 REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A PRESCRIPTION FOR
23 TESTOSTERONE. THE DIVISION SHALL BLOCK ARCHIVED TESTOSTERONE
24 PRESCRIPTIONS FROM VIEW.

25 **SECTION 5.** In Colorado Revised Statutes, 12-280-404, **amend**
26 (2)(c) as follows:

27 **12-280-404. Program operation - access - rules - definitions.**

1 (2) (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(c)(II) OF THIS
2 SECTION, the program shall track all controlled substances dispensed in
3 this state. Each pharmacy shall upload all controlled substances dispensed
4 in each pharmacy in accordance with all applicable reporting
5 requirements.

6 (II) THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A
7 PRESCRIPTION FOR TESTOSTERONE. THE DIVISION SHALL BLOCK ARCHIVED
8 TESTOSTERONE PRESCRIPTIONS FROM VIEW.

9 **SECTION 6. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.