

An Act

SENATE BILL 25-183

BY SENATOR(S) Rodriguez and Daugherty, Amabile, Ball, Bridges, Cutter, Danielson, Gonzales J., Hinrichsen, Kipp, Kolker, Michaelson Jenet, Weissman, Winter F., Jodeh, Marchman, Mullica, Roberts, Snyder, Sullivan, Coleman;

also REPRESENTATIVE(S) Garcia and McCluskie, Bacon, Boesenecker, Brown, Camacho, Carter, Clifford, Duran, English, Espenosa, Feret, Froelich, Gilchrist, Hamrick, Jackson, Joseph, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Martinez, Mauro, McCormick, Paschal, Phillips, Rutinel, Rydin, Smith, Stewart K., Stewart R., Story, Titone, Valdez, Velasco, Willford, Woodrow, Zokaie, Bird, Sirota.

CONCERNING COVERAGE FOR CERTAIN PREGNANCY-RELATED SERVICES,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 10-16-104, **amend** (26)(a) and (26)(d); and **repeal** (26)(f) as follows:

10-16-104. Mandatory coverage provisions - applicability - rules - definitions. (26) **Abortion care - rules - definition.** (a) Except as provided in subsections (26)(d) and (26)(g) of this section and subject to the

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~provisions of subsections (26)(e) and (26)(f)~~ SUBSECTION (26)(e) of this section, all individual and group health benefit plans issued or renewed in this state shall provide coverage for the total cost of abortion care.

(d) An employer is not obligated to provide the coverage required by this subsection (26) if PROVIDING THE COVERAGE CONFLICTS WITH THE EMPLOYER'S SINCERELY HELD RELIGIOUS BELIEFS.

~~(f) Providing the coverage conflicts with the employer's sincerely held religious beliefs; or~~

~~(H) The employer is a public entity prohibited by section 50 of article V of the state constitution from using public funds to pay for induced abortions.~~

~~(f) With respect to individual and small group health benefit plans:~~

~~(f) The division shall submit to the federal department of health and human services:~~

~~(A) The division's determination as to whether the benefit specified in this subsection (26) is in addition to essential health benefits and would be subject to defrayal by the state pursuant to 42 U.S.C. sec. 18031(d)(3)(B); and~~

~~(B) A request that the federal department of health and human services confirm the division's determination within sixty days after receipt of the division's request for confirmation of the determination.~~

~~(H) This subsection (26) applies to, and the division shall implement the requirements of this subsection (26) for, individual and small group health benefit plans issued or renewed in this state upon the earlier of:~~

~~(A) Twelve months after the federal department of health and human services confirms that the coverage specified in this subsection (26) does not constitute an additional benefit that requires defrayal by the state pursuant to 42 U.S.C. sec. 18031(d)(3)(B);~~

~~(B) Twelve months after the federal department of health and human services otherwise informs the division that the coverage in this subsection~~

~~(26) does not require state defrayal pursuant to 42 U.S.C. sec. 18031 (d)(3)(B); or~~

~~(C) The passage of more than three hundred sixty-five days since the division submitted its determination and request for confirmation pursuant to subsection (26)(f)(I) of this section, and the federal department of health and human services has failed to respond to the request within that period; in which case the division shall consider the federal department's unreasonable delay a preclusion from requiring defrayal by the state.~~

SECTION 2. In Colorado Revised Statutes, add 25.5-2-106 as follows:

25.5-2-106. State-funded abortion care. WHEN ABORTION CARE SERVICES ARE PROVIDED IN ACCORDANCE WITH ARTICLES 4, 5, AND 6 OF THIS TITLE 25.5, THE SERVICES MUST BE REIMBURSED BY STATE FUNDS ONLY.

SECTION 3. In Colorado Revised Statutes, 25.5-4-412, **amend** (1) and (2)(a)(IV) as follows:

25.5-4-412. Family planning services - family-planning-related services - rules - definitions. (1) When family planning services or family-planning-related services are provided in accordance with this article 4 and articles 5 and 6 of this title 25.5, the executive director of the state department shall authorize reimbursement for the services. ~~subject to section 50 of article V of the state constitution.~~ The state department, any intermediary, or any managed care organization shall reimburse the provider of those services. Family planning services and family-planning-related services are not subject to policy deductibles, copayments, or coinsurance.

(2) As used in this section, unless the context otherwise requires:

(a) "Family-planning-related services" means services provided in a family planning setting as part of or as a follow-up to a family planning visit, including:

(IV) Any other medical diagnosis, treatment, or preventive service that is routinely provided pursuant to a family planning visit, INCLUDING ABORTION CARE.

SECTION 4. In Colorado Revised Statutes, 25.5-5-329, **amend** (1)(b)(IV) as follows:

25.5-5-329. Family planning services - federal authorization - rules - definitions. (1) As used in this section, unless the context otherwise requires:

(b) "Family-planning-related services" means services provided in a family planning setting as part of or as a follow-up to a family planning visit, including:

(IV) Any other medical diagnosis, treatment, or preventive service that is routinely provided pursuant to a family planning visit, INCLUDING ABORTION CARE.

SECTION 5. In Colorado Revised Statutes, 25.5-8-107, **add** (1)(a)(VI) as follows:

25.5-8-107. Duties of the department - schedule of services - premiums - copayments - subsidies - purchase of childhood immunizations. (1) In addition to any other duties pursuant to this article 8, the department has the following duties:

(a) (VI) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTIONS (1)(a)(I), (1)(a)(II), (1)(a)(III), AND (1)(a)(V) OF THIS SECTION, AND ANY ADDITIONAL ITEMS APPROVED BY THE MEDICAL SERVICES BOARD, ON AND AFTER JANUARY 1, 2026, THE MEDICAL SERVICES BOARD SHALL INCLUDE ABORTION CARE IN THE SCHEDULE OF HEALTH-CARE SERVICES FOR ALL ENROLLED PREGNANT PERSONS.

SECTION 6. In Colorado Revised Statutes, 24-75-109, **add** (1)(a.9) as follows:

24-75-109. Controller may allow expenditures in excess of appropriations - limitations - appropriations for subsequent fiscal year restricted - repeal. (1) For the purpose of closing the state's books, and subject to the provisions of this section, the controller may, on or after May 1 of any fiscal year and before the forty-fifth day after the close thereof, upon approval of the governor, allow any department, institution, or agency of the state, including any institution of higher education, to make an

expenditure in excess of the amount authorized by an item of appropriation for such fiscal year if:

(a.9) THE OVEREXPENDITURE IS BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR ABORTION CARE SERVICES PROVIDED PURSUANT TO SECTION 25.5-2-106 AND 25.5-8-107 (1)(a)(VI); OR

SECTION 7. In Colorado Revised Statutes, **repeal** 25.5-3-106, 25.5-4-415, and 25.5-5-103 (2).

SECTION 8. Severability. If any provision of this act or the application of this act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 9. 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 health care policy and financing are adjusted as follows:

(a) The general fund appropriation for medical and long-term care services for medicaid eligible individuals is decreased by \$1,415,236, which amount is subject to the "(M)" notation as defined in the annual general appropriation act for the same fiscal year;

(b) The decrease of the appropriations in subsection (1)(a) of this section is based on the assumption that the anticipated amount of federal funds received for medical and long-term care services for medicaid eligible individuals will decrease by \$1,576,048.

(c) The general fund appropriation for children's basic health plan medical and dental costs is decreased by \$36,669;

(d) The cash funds appropriation from the healthcare affordability and sustainability fee cash fund created in section 25.5-4-402.5 (5)(a), C.R.S., for children's basic health plan medical and dental costs is decreased by \$41,650; and

(e) The decrease of the appropriations in subsection (c) of this

section is based on the assumption that the anticipated amount of federal funds received for children's basic health plan medical and dental costs will decrease by \$145,449.

(2) For the 2025-26 state fiscal year, \$2,928,800 is appropriated to the department of health care policy and financing for use for other medical services. This appropriation is from the general fund. To implement this act, the department may use this appropriation for abortion care.

SECTION 10. Effective date. This act takes effect January 1, 2026.

SECTION 11. 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.



James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Esther van Mourik
SECRETARY OF
THE SENATE



Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Thursday April 24th 2023 at 1:45 pm
(Date and Time)



Jared S. Polis

GOVERNOR OF THE STATE OF COLORADO