

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 25-1312

BY REPRESENTATIVE(S) Garcia and Stewart R., Bacon, Boesenecker, Brown, Camacho, Duran, Espenosa, Froelich, Gilchrist, Hamrick, Joseph, Lieder, Lindsay, Mabrey, McCormick, Rydin, Sirota, Smith, Story, Titone, Valdez, Velasco, Willford, Zokaie, McCluskie, Clifford, Lindstedt, Paschal, Woodrow;
also SENATOR(S) Winter F. and Kolker, Amabile, Ball, Bridges, Cutter, Danielson, Gonzales J., Hinrichsen, Kipp, Marchman, Michaelson Jenet, Wallace, Weissman, Coleman.

CONCERNING LEGAL PROTECTIONS FOR TRANSGENDER INDIVIDUALS.

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

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

SECTION 2. In Colorado Revised Statutes, 14-2-106, **add** (3) as follows:

14-2-106. License to marry. (3) (a) IF, AT ANY POINT FOLLOWING THE ISSUANCE OF A VALID LICENSE TO MARRY ISSUED PURSUANT TO THIS SECTION, A PARTY TO THE MARRIAGE PRESENTS THE ISSUING COUNTY CLERK

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.

AND RECORDER WITH APPROPRIATE DOCUMENTATION OF THAT PARTY'S NAME CHANGE AND REQUESTS THE ISSUANCE OF A NEW LICENSE TO MARRY, THE COUNTY CLERK SHALL ISSUE A NEW LICENSE TO MARRY THAT REFLECTS THE PARTY'S NAME CHANGE.

(b) A NEW LICENSE TO MARRY ISSUED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION SUPERSEDES THE ORIGINAL LICENSE TO MARRY AS THE OFFICIAL PUBLIC RECORD AND MUST NOT BE MARKED AS AMENDED OR INDICATE IN ANY MANNER THAT THE NAME ON THE LICENSE TO MARRY HAS BEEN CHANGED.

SECTION 3. In Colorado Revised Statutes, **amend** 14-2-107 as follows:

14-2-107. When licenses to marry issued - validity. Licenses to marry ~~shall~~ MUST be issued by the county clerk and recorder only during the hours that the office of the county clerk and recorder is open as prescribed by law and at no other time, and such licenses ~~shall~~ MUST show the exact date and hour of their issue. NEW LICENSES TO MARRY ISSUED PURSUANT TO SECTION 14-2-106 (3)(a) MUST SHOW THE DATE AND HOUR OF ISSUANCE OF THE NEW LICENSE, BUT THE EFFECTIVE DATE OF THE MARRIAGE IS THE DATE LISTED ON THE ORIGINAL LICENSE TO MARRY. NEW LICENSES TO MARRY ISSUED PURSUANT TO SECTION 14-2-106 (3)(a) ARE VALID. A license shall not be valid for use outside the state of Colorado. Within the state, such licenses shall not be valid for more than thirty-five days after the date of issue. If any license to marry is not used within thirty-five days, it is void and shall be returned to the county clerk and recorder for cancellation.

SECTION 4. In Colorado Revised Statutes, 14-15-110, **add** (3) as follows:

14-15-110. Issuance of a civil union license - certification - fee. (3) (a) IF, AT ANY POINT FOLLOWING THE ISSUANCE OF A VALID CIVIL UNION LICENSE ISSUED PURSUANT TO THIS SECTION, A PARTY TO THE CIVIL UNION PRESENTS THE ISSUING COUNTY CLERK AND RECORDER WITH APPROPRIATE DOCUMENTATION OF THAT PARTY'S NAME CHANGE AND REQUESTS THE ISSUANCE OF A NEW CIVIL UNION LICENSE, THE COUNTY CLERK SHALL ISSUE A NEW CIVIL UNION LICENSE THAT REFLECTS THE PARTY'S NAME CHANGE.

(b) A NEW CIVIL UNION LICENSE ISSUED PURSUANT TO SUBSECTION

(3)(a) OF THIS SECTION SUPERSEDES THE ORIGINAL CIVIL UNION LICENSE AS THE OFFICIAL PUBLIC RECORD AND MUST NOT BE MARKED AS AMENDED OR INDICATE IN ANY MANNER THAT THE NAME ON THE CIVIL UNION LICENSE HAS BEEN CHANGED.

SECTION 5. In Colorado Revised Statutes, **amend** 14-15-111 as follows:

14-15-111. When civil union licenses issued - validity. The county clerk and recorder shall issue a civil union license only during the hours that the office of the county clerk and recorder is open as prescribed by law and at no other time and shall show the exact date and hour of the license's issue. NEW CIVIL UNION LICENSES ISSUED PURSUANT TO SECTION 14-2-110 (3)(a) MUST SHOW THE DATE AND HOUR OF ISSUANCE OF THE NEW LICENSE, BUT THE EFFECTIVE DATE OF THE CIVIL UNION IS THE DATE LISTED ON THE ORIGINAL CIVIL UNION LICENSE. NEW CIVIL UNION LICENSES ISSUED PURSUANT TO SECTION 14-2-110 (3)(a) ARE VALID. A civil union license is not valid for use outside the state of Colorado. Within the state, a civil union license is not valid for more than thirty-five days after the date of issue. If a civil union license is not used within thirty-five days, it is void, and one of the parties shall return the civil union license to the county clerk and recorder that issued the license for cancellation.

SECTION 6. In Colorado Revised Statutes, **add** 22-1-145.5 as follows:

22-1-145.5. Policies related to chosen names - definition. (1) AS USED IN THIS SECTION, "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC SCHOOLS, OR A FACILITY SCHOOL APPROVED PURSUANT TO SECTION 22-2-407.

(2) IF A LOCAL EDUCATION PROVIDER OR ITS EMPLOYEES, AN EDUCATOR, OR A CONTRACTOR, AS DEFINED IN SECTION 22-1-143, CHOOSES TO ENACT OR ENFORCE A POLICY RELATED TO NAMES, THAT POLICY MUST BE INCLUSIVE OF ALL REASONS THAT A STUDENT MIGHT ADOPT A NAME THAT

DIFFERS FROM THE STUDENT'S LEGAL NAME.

SECTION 7. In Colorado Revised Statutes, 22-32-109.1, **amend** (2)(a)(I) introductory portion and (2)(a)(I)(J) as follows:

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions. (2) **Safe school plan.** To provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

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

(J) A dress code policy that prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress. **THE DRESS CODE POLICY MUST ALLOW EACH STUDENT TO CHOOSE FROM ANY OF THE OPTIONS PROVIDED IN THE DRESS CODE POLICY.**

SECTION 8. In Colorado Revised Statutes, 24-34-301, **amend** (9);

and **add** (3.5) 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 IN CONNECTION TO THE INDIVIDUAL'S DISABILITY, RACE, CREED, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS, FAMILIAL STATUS, NATIONAL ORIGIN, OR ANCESTRY, SO LONG AS THE NAME DOES NOT CONTAIN OFFENSIVE LANGUAGE AND THE INDIVIDUAL IS NOT REQUESTING THE NAME FOR FRIVOLOUS PURPOSES.

(9) "Gender expression" means an individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, ~~and~~ behavior, CHOSEN NAME, AND HOW THE INDIVIDUAL CHOOSES TO BE ADDRESSED.

SECTION 9. In Colorado Revised Statutes, **add** 24-34-300.5 and 24-34-300.7 as follows:

24-34-300.5. Short title. THE SHORT TITLE OF PARTS 3 TO 8 OF THIS ARTICLE 34 IS THE "COLORADO ANTI-DISCRIMINATION ACT" OR "CADA".

24-34-300.7. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT EACH COLORADAN HAS THE RIGHT TO ACCESS FAIR EMPLOYMENT, HOUSING OPPORTUNITIES, PUBLIC ACCOMMODATIONS, AND ADVERTISING THAT IS FREE FROM DISCRIMINATION REGARDLESS OF THEIR MEMBERSHIP IN A PROTECTED CLASS, AS THOSE CLASSES ARE LISTED IN SECTIONS 24-34-402, 24-34-502, 24-34-601, AND 24-34-701. CADA PROHIBITS DISCRIMINATION BASED ON THESE PROTECTED CLASSES AND ENSURES THAT EVERY COLORADAN IS ABLE TO ENJOY FREEDOM FROM DISCRIMINATION.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT COLORADO HAS A LONG HISTORY OF SUPPORTING FREEDOM OF CHOICE FOR COLORADANS. THIS INCLUDES THE CHOICE TO MAKE DECISIONS RELATED TO SAFELY SEEKING HEALTH-CARE SERVICES, INCLUDING LEGALLY PROTECTED HEALTH-CARE ACTIVITIES, AS DEFINED IN SECTION 12-30-121 (1)(d), THAT SUPPORT MENTAL, PHYSICAL, AND EMOTIONAL WELL-BEING FOR

COLORADANS, THEIR CHILDREN, AND THEIR FAMILY MEMBERS. IT IS THE PUBLIC POLICY OF COLORADO TO ENSURE THESE IMPORTANT DECISIONS CAN BE MADE WITHOUT UNNECESSARY GOVERNMENTAL INTERFERENCE.

SECTION 10. In Colorado Revised Statutes, 25-2-113.8, **repeal** (5) as follows:

25-2-113.8. Birth certificate modernization act - new birth certificate following a change in gender designation - short title - definition. (5) ~~The state registrar may only amend a gender designation for an individual's birth certificate one time upon the individual's request. Any further requests from the individual for additional gender designation changes require the submission of a court order indicating that the gender designation change is required.~~

SECTION 11. In Colorado Revised Statutes, 42-2-107, **amend** (2)(a)(III) as follows:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Keyes - John W. Buckner organ and tissue donation awareness fund - legislative declaration - rules - annual report - repeal. (2) (a) (III) The department may only amend a sex designation for an individual's driver's license ~~one time~~ THREE TIMES upon the individual's request. Any further requests from the individual for additional sex designation changes require the submission of a court order indicating that the sex designation change is required.

SECTION 12. In Colorado Revised Statutes, 42-2-302, **amend** (2.5)(b) as follows:

42-2-302. Department may or shall issue - limitations - rules. (2.5) (b) The department may only amend a sex designation for an individual's identification card ~~one time~~ THREE TIMES upon the individual's request. Any further requests from the individual for additional sex designation changes require the submission of a court order indicating that the sex designation change is required.

SECTION 13. In Colorado Revised Statutes, 42-2-505, **amend** (1.5)(b) as follows:

42-2-505. Identification documents - individuals not lawfully present - rules. (1.5) (b) The department may only amend a sex designation for an individual's identification document ~~one time~~ THREE TIMES upon the individual's request. Any further requests from the individual for additional sex designation changes require the submission of a court order indicating that the sex designation change is required.

SECTION 14. 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 15. Effective date. This act takes effect upon passage; except that sections 11, 12, and 13 of this act take effect October 1, 2026.

SECTION 16. 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

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO