

**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. 25-0647.01 Shelby Ross x4510

SENATE BILL 25-129

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A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS RELATED TO A LEGALLY PROTECTED**
102 **HEALTH-CARE ACTIVITY.**

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>.)

The bill clarifies that requirements for out-of-state telehealth providers do not alter or limit the rights and protections afforded to a person concerning a legally protected health-care activity.

Current law requires a prescription drug label to include the name of the prescribing practitioner. At the practitioner's request, the bill authorizes a prescription label for mifepristone, misoprostol, and the

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
3rd Reading Unamended
February 24, 2025

SENATE
Amended 2nd Reading
February 21, 2025

generic alternatives to those prescriptions to include only the name of the prescribing health-care practice instead of the name of the practitioner.

The bill requires any person requesting a subpoena to affirm under penalty of perjury that the subpoena:

- Is not related to, and any information obtained will not be used in, any investigation or proceeding that seeks to impose civil or criminal liability or professional sanctions against a person or entity that engaged in or attempted or intended to engage in a legally protected health-care activity or who provided insurance coverage for gender-affirming health-care services or reproductive health care; or
- Is related to such an investigation or proceeding, but the investigation or proceeding is brought under tort law or contract law by the person who engaged in or attempted or intended to engage in a legally protected health-care activity, gender-affirming health-care services, or reproductive health care, and is actionable in an equivalent or similar manner under Colorado law.

The bill prohibits any person residing in Colorado, or partnership, corporation, trust, or limited liability company that is located, headquartered, or has its principal place of business in Colorado (Colorado business) from responding to a civil, criminal, regulatory, or administrative inquiry, investigation, subpoena, or summons concerning an individual who engaged in or attempted or intended to engage in a legally protected health-care activity or concerning an entity that provides insurance coverage for gender-affirming health-care services or reproductive health care. A person or Colorado business may respond to an inquiry, investigation, subpoena, or summons after certain conditions are met.

If a person or entity brings an out-of-state civil or criminal action, or attempts to enforce any order or judgment issued in connection with an action, against another person or entity for engaging in or attempting or intending to engage in a legally protected health-care activity or for providing insurance coverage for gender-affirming health-care services or reproductive health care, the person or entity subject to the out-of-state civil or criminal action has a private right of action against the person or entity and may institute a civil action in district court within 3 years after the date of the alleged violation.

Current law authorizes a private person to arrest a person without a warrant upon reasonable information that the person is charged in another state with a crime punishable by death or imprisonment for a term exceeding one year. The bill creates an exception if the person is charged in another state for engaging in a legally protected health-care activity in Colorado.

Current law prohibits a public agency from expending government resources or providing information or data in furtherance of any out-of-state investigation or proceeding seeking to impose civil or criminal liability or professional sanction upon a person or entity for engaging in a legally protected health-care activity. The bill expands the prohibition to public entities, which includes state and local governments.

The bill grants the attorney general the authority to enforce the provisions of the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-30-124, **add** (16)
3 as follows:

4 **12-30-124. Out-of-state telehealth providers - registration -**
5 **financial responsibility - discipline - emergency protocol - disclosures**
6 **- prescriptions - rules - applicability - definitions.** (16) THIS SECTION
7 DOES NOT ALTER OR LIMIT THE RIGHTS AND PROTECTIONS AFFORDED TO A
8 PERSON CONCERNING A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS
9 DEFINED IN SECTION 12-30-121.

10 **SECTION 2.** In Colorado Revised Statutes, 12-280-124, **amend**
11 (2) as follows:

12 **12-280-124. Labeling - rules - definitions.** (2) (a) Except as
13 otherwise required by law, any drug dispensed pursuant to a prescription
14 order must bear a label prepared and placed on or securely attached to the
15 medicine container stating at least the name and address of the
16 prescription drug outlet, the serial number and the date of the prescription
17 or of its dispensing, the name of the drug dispensed unless otherwise
18 requested by the practitioner, the name of the practitioner, the name of the
19 patient, and, if stated in the prescription, the directions for use and
20 cautionary statements, if any, contained in the prescription.

21 (b) NOTWITHSTANDING THE LABELING REQUIREMENTS DESCRIBED

1 IN SUBSECTION (2)(a) OF THIS SECTION, AT THE PRACTITIONER'S REQUEST,
2 A PRESCRIPTION LABEL FOR MIFEPRISTONE, MISOPROSTOL, OR THE GENERIC
3 ALTERNATIVES TO THOSE PRESCRIPTIONS MAY INCLUDE THE NAME OF THE
4 PRESCRIBING HEALTH-CARE PRACTICE INSTEAD OF THE NAME OF THE
5 PRACTITIONER, PROVIDED THE PRACTITIONER INCLUDES THE NAME OF THE
6 HEALTH-CARE PRACTICE ON THE PAPER OR ELECTRONIC FORM OF THE
7 PRESCRIPTION.

8 **SECTION 3.** In Colorado Revised Statutes, **add** 13-1-140.1 as
9 follows:

10 **13-1-140.1. Subpoena requirements - legally protected**
11 **health-care activity - enforcement. (1) Affirmation required.** AN
12 INDIVIDUAL REQUESTING A SUBPOENA SHALL AFFIRM UNDER PENALTY OF
13 PERJURY THAT THE SUBPOENA:

14 (a) IS NOT RELATED TO, AND ANY INFORMATION OBTAINED AS A
15 RESULT OF THE SUBPOENA WILL NOT BE USED IN, ANY INVESTIGATION OR
16 PROCEEDING THAT SEEKS TO IMPOSE CIVIL OR CRIMINAL LIABILITY OR
17 PROFESSIONAL SANCTIONS AGAINST AN INDIVIDUAL OR ENTITY THAT
18 ENGAGED IN OR ATTEMPTED OR INTENDED TO ENGAGE IN A LEGALLY
19 PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-121,
20 OR THAT PROVIDED INSURANCE COVERAGE FOR GENDER-AFFIRMING
21 HEALTH-CARE SERVICES, AS DEFINED IN SECTION 12-30-121, OR
22 REPRODUCTIVE HEALTH CARE, AS DEFINED IN SECTION 25-6-402; OR

23 (b) IS RELATED TO AN INVESTIGATION OR PROCEEDING THAT SEEKS
24 TO IMPOSE CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL SANCTIONS
25 AGAINST AN INDIVIDUAL OR ENTITY THAT ENGAGED IN OR ATTEMPTED OR
26 INTENDED TO ENGAGE IN A LEGALLY PROTECTED HEALTH-CARE ACTIVITY,
27 AS DEFINED IN SECTION 12-30-121, OR THAT PROVIDED INSURANCE

1 COVERAGE FOR GENDER-AFFIRMING HEALTH-CARE SERVICES, AS DEFINED
2 IN SECTION 12-30-121, OR REPRODUCTIVE HEALTH CARE, AS DEFINED IN
3 SECTION 25-6-402, BUT THE INVESTIGATION OR PROCEEDING:

4 (I) IS BROUGHT UNDER TORT LAW OR CONTRACT LAW;

5 (II) IS ACTIONABLE IN AN EQUIVALENT OR SIMILAR MANNER UNDER
6 COLORADO LAW; AND

7 (III) IS BROUGHT BY THE INDIVIDUAL, OR THE INDIVIDUAL'S LEGAL
8 REPRESENTATIVE, WHO RECEIVED GENDER-AFFIRMING HEALTH-CARE
9 SERVICES OR REPRODUCTIVE HEALTH CARE.

10 (2) **Jurisdiction and penalty.** AN INDIVIDUAL WHO OMITTS OR
11 SUBMITS A FALSE AFFIRMATION PURSUANT TO SUBSECTION (1) OF THIS
12 SECTION IS SUBJECT TO THE JURISDICTION OF COLORADO COURTS FOR ANY
13 ACTION, PENALTIES, OR DAMAGES ARISING OUT OF THE OMISSION OR FALSE
14 AFFIRMATION. THE COURT, UPON FINDING THE OMISSION OR FALSE
15 AFFIRMATION WAS MADE INTENTIONALLY, KNOWINGLY, WILLFULLY, OR
16 RECKLESSLY, SHALL IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT TO
17 EXCEED FIFTEEN THOUSAND DOLLARS FOR EACH VIOLATION, WHICH
18 AMOUNT IS IN ADDITION TO ANY OTHER LEGAL OR EQUITABLE REMEDY
19 LAWFULLY AVAILABLE.

20 (3) **Enforcement.** THE ATTORNEY GENERAL MAY BRING A CIVIL
21 ACTION ON BEHALF OF THE STATE TO SEEK THE IMPOSITION OF DAMAGES,
22 PENALTIES, AND ANY OTHER EQUITABLE REMEDIES AGAINST AN
23 INDIVIDUAL WHO OMITTS OR SUBMITS A FALSE AFFIRMATION PURSUANT TO
24 SUBSECTION (1) OF THIS SECTION. THE ACTION MUST BE FILED WITHIN SIX
25 YEARS AFTER THE DATE OF THE ALLEGED VIOLATION.

26 (4) THIS SECTION DOES NOT PROHIBIT THE INVESTIGATION OF
27 CRIMINAL ACTIVITY THAT MAY INVOLVE A LEGALLY PROTECTED

1 HEALTH-CARE ACTIVITY, PROVIDED THAT INFORMATION RELATING TO A
2 MEDICAL PROCEDURE PERFORMED ON AN INDIVIDUAL IS NOT SHARED WITH
3 A FEDERAL AGENCY OR ACTOR, OR AN AGENCY OR INDIVIDUAL FROM
4 ANOTHER STATE, FOR THE PURPOSE OF ENFORCING ANOTHER STATE'S
5 ABORTION LAW.

6

7 **SECTION 4.** In Colorado Revised Statutes, 13-21-133, **amend**
8 (1) as follows:

9 **13-21-133. Out-of-state civil action against a person or entity**
10 **prohibited - legally protected health-care activity - out-of-state civil**
11 **judgment.** (1) (a) It is against the public policy of this state for the law
12 of another state to authorize a person to bring a civil action against
13 another person or entity for engaging or attempting or intending to engage
14 in a legally protected health-care activity, as defined in section 12-30-121,
15 ~~(1)(d)~~, or for providing insurance coverage for gender-affirming
16 health-care services, as defined in section 12-30-121, ~~(1)(e)~~, or
17 reproductive health care, as defined in section 25-6-402. ~~(4)~~.

18 (b) (I) If a person or entity brings an out-of-state civil or
19 criminal action, or attempts to enforce any order or judgment
20 issued in connection with any such action, against another
21 person or entity for engaging in or attempting or intending to
22 engage in a legally protected health-care activity, as defined
23 in section 12-30-121, or for providing insurance coverage for
24 gender-affirming health-care services, as defined in section
25 12-30-121, or reproductive health care, as defined in section
26 25-6-402, the person or entity subject to the out-of-state civil or
27 criminal action has a private right of action against the person

1 OR ENTITY AND, WITHIN SIX YEARS AFTER THE DATE THE OUT-OF-STATE
2 ACTION IS COMMENCED, OR IF THE PERSON OR ENTITY IS ATTEMPTING TO
3 ENFORCE AN OUT-OF-STATE ORDER OR JUDGMENT, SIX YEARS AFTER THE
4 DATE ENFORCEMENT IS ATTEMPTED, MAY INSTITUTE A CIVIL ACTION IN
5 DISTRICT COURT FOR INJUNCTIVE RELIEF; ACTUAL DAMAGES, INCLUDING
6 THE AMOUNT OF ANY JUDGMENT ISSUED IN CONNECTION WITH THE
7 OUT-OF-STATE ACTION, ALONG WITH ANY EXPENSES, COSTS, OR
8 REASONABLE ATTORNEY FEES INCURRED IN CONNECTION WITH THE
9 OUT-OF-STATE ACTION AND CIVIL ACTION FILED PURSUANT TO THIS
10 SECTION; AND ANY OTHER APPROPRIATE REMEDY.

11 (II) THE ATTORNEY GENERAL MAY INTERVENE IN ANY
12 OUT-OF-STATE ACTION BROUGHT AGAINST THE STATE PURSUANT TO THIS
13 SUBSECTION (1)(b).

14 **SECTION 5.** In Colorado Revised Statutes, **amend** 16-19-115 as
15 follows:

16 **16-19-115. Arrest without warrant.** EXCEPT IN CASES ARISING
17 PURSUANT TO SECTION 16-19-107 (2), the arrest of a person may be
18 lawfully made ~~also~~ by any peace officer or a private person without a
19 warrant upon reasonable information that the accused stands charged in
20 the courts of a state with a crime punishable by death or imprisonment for
21 a term exceeding one year. ~~When so arrested~~ The accused must be taken
22 before a judge with all practicable speed, and A complaint must be made
23 against ~~him~~ THE PERSON under oath setting forth the ~~ground~~ GROUNDS for
24 arrest as in section 16-19-114; and thereafter ~~his~~ THE ACCUSED'S answer
25 ~~shall~~ MUST be heard as if ~~he~~ THE ACCUSED had been arrested on a warrant.

26 **SECTION 6.** In Colorado Revised Statutes, 24-31-101, **amend**
27 (1)(i)(XXII); and **add** (1)(i)(XXIV), (1)(i)(XXV), and (1)(i)(XXVI) as

1 follows:

2 **24-31-101. Powers and duties of attorney general.** (1) The
3 attorney general:

4 (i) May independently initiate and bring civil and criminal actions
5 to enforce state laws, including actions brought pursuant to:

6 (XXII) Part 14 of article 12 of title 38; and

7 (XXIV) SECTION 13-1-140.1;

8 (XXV) SECTION 13-1-140.2; AND

9 (XXVI) ARTICLE 116 OF TITLE 24.

10 **SECTION 7.** In Colorado Revised Statutes, **amend** 24-116-101
11 as follows:

12 **24-116-101. Prohibition on providing information or**
13 **expending government resources - legally protected health-care**
14 **activity.** A public ~~agency~~ ENTITY, AS DEFINED IN SECTION 24-10-103, ~~or~~
15 employee, appointee, officer, official, or any other person acting on
16 behalf of a public ~~agency~~ ENTITY, ~~OR A PERSON OR ENTITY LICENSED OR~~
17 ~~REGULATED BY THE STATE,~~ shall not provide any information or expend
18 or use time, money, facilities, property, equipment, personnel, or other
19 resources in furtherance of any out-of-state investigation, OR, TO THE
20 EXTENT CONSTITUTIONALLY PERMISSIBLE, ANY FEDERAL INVESTIGATION
21 or proceeding seeking to impose civil or criminal liability or professional
22 sanction upon a person or entity for engaging in a legally protected
23 health-care activity, as defined in section 12-30-121. ~~(1)(d).~~

24 **SECTION 8.** In Colorado Revised Statutes, 24-116-102, **amend**
25 (1) and (2) as follows:

26 **24-116-102. Prohibition on assisting another state - legally**
27 **protected health-care activity.** (1) A ~~state agency or executive~~

1 ~~department~~ PUBLIC ENTITY, AS DEFINED IN SECTION 24-10-103, OR A
2 PERSON OR ENTITY LICENSED OR REGULATED BY THE STATE, shall not
3 provide information or data, including patient medical records,
4 patient-level data, or related billing information, or expend time, money,
5 facilities, property, equipment, personnel, or other resources for the
6 purpose of assisting or furthering an investigation or proceeding initiated
7 in or by another state, OR, TO THE EXTENT CONSTITUTIONALLY
8 PERMISSIBLE, INITIATED BY THE FEDERAL GOVERNMENT, that seeks to
9 impose criminal or civil liability or professional sanction upon a person
10 or entity for engaging in a legally protected health-care activity, as
11 defined in section 12-30-121. ~~(1)(d).~~

12 (2) Notwithstanding subsection (1) of this section, ~~an agency or~~
13 ~~executive department~~ A PUBLIC ENTITY, OR A PERSON OR ENTITY LICENSED
14 OR REGULATED BY THE STATE, may provide information or assistance in
15 connection with an investigation or proceeding in response to a written
16 request from the subject of the investigation or proceeding.

17 **SECTION 9.** In Colorado Revised Statutes, **add** 24-116-103 as
18 follows:

19 **24-116-103. Enforcement by the attorney general.** THE
20 ATTORNEY GENERAL HAS THE SOLE DISCRETION TO ENFORCE ANY ACTION
21 BROUGHT PURSUANT TO THIS ARTICLE 116 AND ANY RELATED LEGAL
22 ACTION BROUGHT ON BEHALF OF THE STATE.

23 **SECTION 10.** In Colorado Revised Statutes, add 25-2-108.5 as
24 follows:

25 **25-2-108.5. Reports of induced terminations of pregnancy.**
26 THE STATE REGISTRAR SHALL NOT COLLECT OR PUBLISH REPORTS OF
27 INDUCED TERMINATIONS OF PREGNANCY.

1 **SECTION 11. Severability.** If any provision of this act or the
2 application of this act to any person or circumstance is held invalid, the
3 invalidity does not affect other provisions or applications of the act that
4 can be given effect without the invalid provision or application, and to
5 this end the provisions of this act are declared to be severable.

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