

**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. 25-0091.04 Caroline Martin x5902

HOUSE BILL 25-1312

HOUSE SPONSORSHIP

Garcia and Stewart R., Bacon, Boesenecker, Brown, Camacho, Duran, Espenoza, Froelich, Gilchrist, Hamrick, Joseph, Lieder, Lindsay, Mabrey, McCluskie, McCormick, Rydin, Sirota, Smith, Story, Titone, Valdez, Velasco, Willford, Zokaie

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A BILL FOR AN ACT

101 **CONCERNING LEGAL PROTECTIONS FOR TRANSGENDER INDIVIDUALS.**

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>.)

Section 1 of the bill creates the "Kelly Loving Act".

Section 2 provides that, when making child custody decisions and determining the best interests of a child for purposes of parenting time, a court shall consider deadnaming, misgendering, or threatening to publish material related to an individual's gender-affirming health-care services as types of coercive control. A court shall consider reports of coercive control when determining the allocation of parental responsibilities in accordance with the best interests of the child.

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.

HOUSE
3rd Reading Unamended
April 6, 2025

HOUSE
Amended 2nd Reading
April 4, 2025

Section 3 prohibits a Colorado court from applying or giving any force or effect to another state's law that authorizes a state agency to remove a child from the child's parent or guardian because the parent or guardian allowed the child to receive gender-affirming health-care services.

Section 4 provides that, if a local education provider, an educator, or a contractor chooses to enact or enforce a policy related to chosen names, that policy must be to make the policy inclusive of all reasons that a student might adopt a chosen name that differs from the student's legal name.

Sections 5 and 6 provide that a dress code adopted or implemented by a local education provider must not create or enforce any rules based on gender and must allow each student to abide by any variation of the dress code.

Section 7 provides that, when an individual is required to provide their name through a form administered by a public entity, the form must include an option to provide the individual's legal name and chosen name. If the individual provides a chosen name that is different from the individual's legal name, the chosen name must be used on all subsequent forms administered by the public entity.

Sections 8 and 9 define deadnaming and misgendering as discriminatory acts in the "Colorado Anti-Discrimination Act", and prohibit these discriminatory acts in places of public accommodation.

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 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.

1 (b) A NEW LICENSE TO MARRY ISSUED PURSUANT TO SUBSECTION
2 (3)(a) OF THIS SECTION MUST REPLACE THE ORIGINAL LICENSE TO MARRY
3 IN THE COUNTY AND RECORDER'S PUBLIC RECORDS AND MUST NOT BE
4 MARKED AS AMENDED OR INDICATE IN ANY MANNER THAT THE NAME ON
5 THE LICENSE TO MARRY HAS BEEN CHANGED.

6 == ==

7 **SECTION 3.** In Colorado Revised Statutes, **add** 19-3-220 as
8 follows:

9 **19-3-220. Other states' removal laws relating to**
10 **gender-affirming health-care services - when unenforceable.** (1) IT
11 IS AGAINST THE PUBLIC POLICY OF THIS STATE FOR THE LAW OF ANOTHER
12 STATE TO AUTHORIZE OR REQUIRE A COLORADO STATE AGENCY TO
13 REMOVE A CHILD FROM THE CHILD'S PARENT OR GUARDIAN BECAUSE THE
14 PARENT OR GUARDIAN ASSISTED THE CHILD IN OBTAINING
15 GENDER-AFFIRMING HEALTH-CARE SERVICES, AS DEFINED IN SECTION
16 12-30-121 (1)(c).

17 (2) A COURT SHALL NOT APPLY ANOTHER STATE'S LAW AS
18 DESCRIBED IN SUBSECTION (1) OF THIS SECTION TO A CASE OR
19 CONTROVERSY HEARD IN COLORADO COURT.

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21 **SECTION 4.** In Colorado Revised Statutes, **add** 22-1-145.5 as
22 follows:

23 **22-1-145.5. Policies related to chosen names - definition.**

24 (1) AS USED IN THIS SECTION, "LOCAL EDUCATION PROVIDER" MEANS A
25 SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL
26 DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A
27 CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL

1 INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A
2 BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT
3 TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC
4 SCHOOLS, OR A FACILITY SCHOOL APPROVED PURSUANT TO SECTION
5 22-2-407.

6 (2) IF A LOCAL EDUCATION PROVIDER OR ITS EMPLOYEES, AN
7 EDUCATOR, OR A CONTRACTOR, AS DEFINED IN SECTION 22-1-143,
8 CHOOSES TO ENACT OR ENFORCE A POLICY RELATED TO NAMES, THAT
9 POLICY MUST BE INCLUSIVE OF ALL REASONS THAT A STUDENT MIGHT
10 ADOPT A NAME THAT DIFFERS FROM THE STUDENT'S LEGAL NAME.

11

12 **SECTION 5.** In Colorado Revised Statutes, 22-32-109.1, **amend**
13 (2)(a)(I) introductory portion and (2)(a)(I)(J) as follows:

14 **22-32-109.1. Board of education - specific powers and duties**
15 **- safe school plan - conduct and discipline code - safe school reporting**
16 **requirements - school response framework - school resource officers**
17 **- definitions. (2) Safe school plan.** To provide a learning environment
18 that is safe, conducive to the learning process, and free from unnecessary
19 disruption, each school district board of education or institute charter
20 school board for a charter school authorized by the charter school institute
21 shall, following consultation with the school district accountability
22 committee and school accountability committees, parents, teachers,
23 administrators, students, student councils where available, and, where
24 appropriate, the community at large, adopt and implement a safe school
25 plan, or review and revise, as necessary in response to any relevant data
26 collected by the school district, any existing plans or policies already in
27 effect. In addition to the aforementioned parties, each school district

1 board of education, in adopting and implementing its safe school plan,
2 may consult with victims' advocacy organizations, school psychologists,
3 local law enforcement, and community partners. The plan, at a minimum,
4 must include the following:

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

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

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21 **SECTION 6.** In Colorado Revised Statutes, 24-34-301, **add** (3.5),
22 (5.5), and (14.5) as follows:

23 **24-34-301. Definitions.** As used in parts 3 to 10 of this article 34,
24 unless the context otherwise requires:

25 (3.5) "CHOSEN NAME" MEANS A NAME THAT AN INDIVIDUAL
26 REQUESTS TO BE KNOWN AS TO REFLECT THE INDIVIDUAL'S GENDER
27 IDENTITY OR GENDER EXPRESSION.

1 (5.5) == "DEADNAME" MEANS TO PURPOSEFULLY, AND WITH THE
2 INTENT TO DISREGARD THE INDIVIDUAL'S GENDER IDENTITY OR GENDER
3 EXPRESSION, REFER TO AN INDIVIDUAL BY THEIR BIRTH NAME RATHER
4 THAN THEIR CHOSEN NAME.

5 ==
6 (14.5) == "MISGENDER" MEANS TO PURPOSEFULLY, AND WITH THE
7 INTENT TO DISREGARD THE INDIVIDUAL'S GENDER IDENTITY OR GENDER
8 EXPRESSION, REFER TO AN INDIVIDUAL USING AN HONORIFIC OR PRONOUN
9 THAT CONFLICTS WITH THE INDIVIDUAL'S GENDER IDENTITY OR GENDER
10 EXPRESSION.

11 ==
12 **SECTION 7. In Colorado Revised Statutes, add 24-34-306.5 as**
13 **follows:**

14 **24-34-306.5. Evidence of discrimination based on gender**
15 **identity or gender expression. (1) EVIDENCE OF A DISCRIMINATORY OR**
16 **AN UNFAIR PRACTICE BASED ON GENDER IDENTITY OR GENDER EXPRESSION**
17 **INCLUDES:**

18 **(a) THE PERSISTENT DEADNAMING OF AN INDIVIDUAL WHILE ON**
19 **NOTICE OF THE INDIVIDUAL'S CHOSEN NAME; OR**

20 **(b) THE PERSISTENT MISGENDERING OF AN INDIVIDUAL WHILE ON**
21 **NOTICE OF THE INDIVIDUAL'S GENDER IDENTITY OR GENDER EXPRESSION.**

22 **(2) THIS SECTION DOES NOT PREVENT A PUBLIC ENTITY, EMPLOYER,**
23 **OR HOUSING PROVIDER FROM USING AN INDIVIDUAL'S LEGAL NAME OR**
24 **LEGAL SEX WHEN REQUIRED TO DO SO BY LAW TO ENSURE THAT THE**
25 **IDENTITY OF THE INDIVIDUAL CAN BE VERIFIED OR THAT OTHER**
26 **INFORMATION PERTAINING TO THE INDIVIDUAL THAT IS NEEDED FOR LEGAL**
27 **OR OTHER LEGITIMATE PUBLIC PURPOSES CAN BE OBTAINED.**

1 **SECTION 8. In Colorado Revised Statutes, 25-2-113.8, repeal**
2 **(5) as follows:**

3 **25-2-113.8. Birth certificate modernization act - new birth**
4 **certificate following a change in gender designation - short title -**
5 **definition. (5) The state registrar may only amend a gender designation**
6 **for an individual's birth certificate one time upon the individual's request.**
7 **Any further requests from the individual for additional gender designation**
8 **changes require the submission of a court order indicating that the gender**
9 **designation change is required.**

10 **SECTION 9. In Colorado Revised Statutes, 42-2-107, repeal**
11 **(2)(a)(III) as follows:**

12 **42-2-107. Application for license or instruction permit -**
13 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
14 **and tissue donation awareness fund - legislative declaration - rules -**
15 **annual report - repeal. (2) (a) (III) The department may only amend a**
16 **sex designation for an individual's driver's license one time upon the**
17 **individual's request. Any further requests from the individual for**
18 **additional sex designation changes require the submission of a court order**
19 **indicating that the sex designation change is required.**

20 **SECTION 10. In Colorado Revised Statutes, 42-2-302, repeal**
21 **(2.5)(b) as follows:**

22 **42-2-302. Department may or shall issue - limitations - rules.**
23 **(2.5) (b) The department may only amend a sex designation for an**
24 **individual's identification card one time upon the individual's request.**
25 **Any further requests from the individual for additional sex designation**
26 **changes require the submission of a court order indicating that the sex**
27 **designation change is required.**

1 **SECTION 11.** In Colorado Revised Statutes, 42-2-505, **repeal**
2 **(1.5)(b)** as follows:

3 **42-2-505. Identification documents - individuals not lawfully**
4 **present - rules.** ~~(1.5) (b) The department may only amend a sex~~
5 ~~designation for an individual's identification document one time upon the~~
6 ~~individual's request. Any further requests from the individual for~~
7 ~~additional sex designation changes require the submission of a court order~~
8 ~~indicating that the sex designation change is required.~~

9 **SECTION 12. Severability.** ~~If any provision of this act or the~~
10 ~~application of this act to any person or circumstance is held invalid, the~~
11 ~~invalidity does not affect other provisions or applications of the act that~~
12 ~~can be given effect without the invalid provision or application, and to~~
13 ~~this end the provisions of this act are declared to be severable.~~

14 **SECTION 13. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.