

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0785.01 Yelana Love x2295

**SENATE BILL 21-193**

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**SENATE SPONSORSHIP**

**Buckner,**

**HOUSE SPONSORSHIP**

**Herod,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE PROTECTION OF A PREGNANT PERSON'S RIGHTS**  
102      **DURING THE PERINATAL PERIOD.**

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**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:

- Requires each carrier offering medical malpractice insurance in the state to cover the insured for providing care during the entire course of a person's vaginal birth after a previous caesarian birth;
- Extends the statute of limitations from 2 years to 3 years

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

for actions alleging lack of informed consent in cases related to a pregnant person;

- Repeals language that gives no force or effect to an advanced directive of a person who is pregnant while the person's fetus is viable;
- Requires annual reporting to the legislature on the use of restraints on a pregnant person within each jail, private contract prison, and correctional facility;
- Establishes requirements for each facility that incarcerates or has custody of people with the capacity for pregnancy;
- Requires the Colorado civil rights commission to receive reports from people alleging maternity care that is not organized for, and provided to, a person who is pregnant or in the postpartum period in a manner that is culturally congruent; maintains the person's dignity, privacy, and confidentiality; ensures freedom from harm and mistreatment; and enables informed choices and continuous support; and
- Requires each health facility that provides services related to labor and childbirth to demonstrate to the department of public health and environment that the health facility has a policy that meets certain requirements.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 10-4-106.5 as  
3 follows:

4           **10-4-106.5. Required terms in medical malpractice policies.**

5 ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AN INSURER  
6 OFFERING A POLICY OF MEDICAL MALPRACTICE INSURANCE SHALL COVER  
7 THE INSURED FOR PROVIDING CARE DURING THE ENTIRE COURSE OF A  
8 PERSON'S VAGINAL BIRTH AFTER A PREVIOUS CAESARIAN BIRTH.

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10           **SECTION 2.** In Colorado Revised Statutes, 15-18-104, **repeal** (2)  
11 as follows:

12           **15-18-104. Declaration as to medical treatment.** (2) ~~In the case~~  
13 ~~of a declaration of a qualified patient known to the attending physician to~~

1 ~~be pregnant, a medical evaluation shall be made as to whether the fetus~~  
2 ~~is viable. If the fetus is viable, the declaration shall be given no force or~~  
3 ~~effect until the patient is no longer pregnant.~~

4 **SECTION 3.** In Colorado Revised Statutes, 17-1-113.7, **amend**  
5 (2)(b) as follows:

6 **17-1-113.7. Prohibition against the use of restraints on**  
7 **pregnant inmates in the custody of correctional facilities and private**  
8 **contract prisons - report.** (2) (b) The correctional facility, private  
9 contract prison, or medical facility staff authorizing the use of restraints  
10 on a pregnant inmate during labor or delivery of the child shall make a  
11 written record of the use of the restraints, which record shall include, at  
12 a minimum, the type of restraint used, the circumstances that necessitated  
13 the use of the restraint, and the length of time the restraint was used. The  
14 staff of the correctional facility or private contract prison shall retain the  
15 record for a minimum of five years and shall make the record available  
16 for public inspection with individually identifying information redacted  
17 from the record unless the inmate who is the subject of the record gives  
18 prior written consent for the public release of the record. The written  
19 record of the use of restraint shall not constitute a medical record under  
20 state or federal law. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), NO  
21 LATER THAN FEBRUARY 15, 2022, AND EACH FEBRUARY 15 THEREAFTER,  
22 THE WARDEN OF THE PRIVATE CONTRACT PRISON AND THE EXECUTIVE  
23 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL SUBMIT THE  
24 RECORDS CREATED PURSUANT TO THIS SUBSECTION (2)(b) IN THE PRIOR  
25 CALENDAR YEAR TO THE JUDICIARY COMMITTEES OF THE SENATE AND  
26 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

27 **SECTION 4.** In Colorado Revised Statutes, **add** 17-1-114.5 as

1 follows:

2 **17-1-114.5. Incarceration of a person in custody with the**  
3 **capacity for pregnancy - report.** (1) A CORRECTIONAL FACILITY OR  
4 PRIVATE CONTRACT PRISON INCARCERATING A PERSON WHO IS CAPABLE  
5 OF PREGNANCY SHALL:

6 (a) TRAIN THE FACILITY'S STAFF TO ENSURE THAT A PREGNANT  
7 PERSON RECEIVES SAFE AND RESPECTFUL TREATMENT;

8 (b) DEVELOP ADMINISTRATIVE POLICIES TO ENSURE A  
9 TRAUMA-INFORMED STANDARD OF CARE IS INTEGRATED WITH CURRENT  
10 PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF A PREGNANT  
11 PERSON;

12 (c) PROVIDE EACH PREGNANT PERSON, DURING THE PERSON'S  
13 PREGNANCY AND THROUGH THE PERSON'S POSTPARTUM PERIOD, WITH  
14 ACCESS TO:

15 (I) PERINATAL HEALTH-CARE PROVIDERS WITH PERINATAL  
16 EXPERIENCE; AND

17 (II) HEALTHY FOODS AND INFORMATION ON NUTRITION,  
18 RECOMMENDED ACTIVITY LEVELS, SAFETY MEASURES, AND SUPPLIES,  
19 INCLUDING MENSTRUAL PRODUCTS AS REQUIRED IN SECTION 17-1-113.6,  
20 AND BREAST PUMPS APPROVED BY THE EXECUTIVE DIRECTOR OR THE  
21 EXECUTIVE DIRECTOR'S DESIGNEE;

22 (d) PROVIDE COUNSELING AND TREATMENT FOR PREGNANT PEOPLE  
23 WHO HAVE SUFFERED FROM:

24 (I) A DIAGNOSED BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE  
25 USE DISORDER;

26 (II) TRAUMA OR VIOLENCE, INCLUDING DOMESTIC VIOLENCE;

27 (III) HUMAN IMMUNODEFICIENCY VIRUS;

- 1 (IV) SEXUAL ABUSE;
- 2 (V) PREGNANCY LOSS OR INFANT LOSS; OR
- 3 (VI) CHRONIC CONDITIONS;
- 4 (e) PROVIDE EVIDENCE-BASED PREGNANCY AND CHILDBIRTH
- 5 EDUCATION, PARENTING SUPPORT, AND OTHER RELEVANT FORMS OF
- 6 HEALTH LITERACY;
- 7 (f) DEVELOP ADMINISTRATIVE POLICIES TO IDENTIFY AND OFFER
- 8 OPPORTUNITIES FOR POSTPARTUM PERSONS TO MAINTAIN CONTACT WITH
- 9 THE PERSON'S NEWBORN CHILD TO PROMOTE BONDING, INCLUDING
- 10 ENHANCED VISITATION POLICIES, ACCESS TO PRISON NURSERY PROGRAMS,
- 11 AND BREASTFEEDING SUPPORT, WHEN APPROPRIATE;
- 12 (g) IN ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL
- 13 "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996",
- 14 AS AMENDED, PUB.L. 104-191, TRANSFER HEALTH RECORDS TO
- 15 COMMUNITY PROVIDERS IF A PREGNANT PERSON EXITS THE CRIMINAL
- 16 JUSTICE SYSTEM DURING THE PERSON'S PREGNANCY OR DURING THE
- 17 PERSON'S POSTPARTUM PERIOD;
- 18 (h) CONNECT A PERSON EXITING THE CRIMINAL JUSTICE SYSTEM
- 19 DURING THE PERSON'S PREGNANCY OR POSTPARTUM PERIOD TO
- 20 COMMUNITY-BASED RESOURCES, SUCH AS REFERRALS TO HEALTH-CARE
- 21 PROVIDERS, SUBSTANCE USE DISORDER TREATMENT, AND SOCIAL SERVICES
- 22 THAT ADDRESS SOCIAL DETERMINANTS OF MATERNAL HEALTH;
- 23 (i) ESTABLISH PARTNERSHIPS WITH LOCAL PUBLIC ENTITIES,
- 24 PRIVATE COMMUNITY ENTITIES, COMMUNITY-BASED ORGANIZATIONS,
- 25 INDIAN TRIBES AND TRIBAL ORGANIZATIONS AS DEFINED IN THE FEDERAL
- 26 "INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT", 25
- 27 U.S.C. SEC. 5304, AS AMENDED, OR URBAN INDIAN ORGANIZATIONS AS

1 DEFINED IN THE FEDERAL "INDIAN HEALTH CARE IMPROVEMENT ACT", 25  
2 U.S.C. SEC. 1603, AS AMENDED; AND

3 (j) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), BY  
4 FEBRUARY 15, 2022, AND BY FEBRUARY 15 EACH YEAR THEREAFTER,  
5 REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF  
6 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE NUMBER  
7 OF BIRTHS BY PREGNANT PEOPLE WHO ARE IN THE CUSTODY OF THE  
8 FACILITY, INCLUDING THE LOCATION OF THE BIRTHS, THAT OCCURRED IN  
9 THE PRIOR CALENDAR YEAR.

10 **SECTION 5.** In Colorado Revised Statutes, **add** 17-26-104.4 as  
11 follows:

12 **17-26-104.4. Incarceration of a person with the capacity for**  
13 **pregnancy - report - definition.** (1) A FACILITY INCARCERATING A  
14 PERSON WHO IS CAPABLE OF PREGNANCY, WHETHER OPERATED BY A  
15 GOVERNMENTAL ENTITY OR A PRIVATE CONTRACTOR, SHALL:

16 (a) TRAIN THE FACILITY'S STAFF TO ENSURE THAT A PREGNANT  
17 PERSON RECEIVES SAFE AND RESPECTFUL TREATMENT;

18 (b) DEVELOP ADMINISTRATIVE POLICIES TO ENSURE A  
19 TRAUMA-INFORMED STANDARD OF CARE IS INTEGRATED WITH CURRENT  
20 PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF A PREGNANT  
21 PERSON;

22 (c) PROVIDE EACH PREGNANT PERSON, DURING THE PERSON'S  
23 PREGNANCY AND THROUGH THE PERSON'S POSTPARTUM PERIOD, WITH  
24 ACCESS TO:

25 (I) PERINATAL HEALTH-CARE PROVIDERS WITH PERINATAL  
26 EXPERIENCE; AND

27 (II) HEALTHY FOODS AND INFORMATION ON NUTRITION,

1 RECOMMENDED ACTIVITY LEVELS, SAFETY MEASURES, AND SUPPLIES,  
2 INCLUDING MENSTRUAL PRODUCTS AS REQUIRED IN SECTION 17-26-104.3,  
3 AND BREAST PUMPS APPROVED BY THE SHERIFF OR THE SHERIFF'S  
4 DESIGNEE;

5 (d) PROVIDE \_\_\_ TREATMENT FOR PREGNANT PEOPLE WHO HAVE  
6 SUFFERED FROM:

7 (I) A DIAGNOSED BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE  
8 USE DISORDER;

9 \_\_\_

10 (II) HUMAN IMMUNODEFICIENCY VIRUS; OR

11 \_\_\_

12 (III) CHRONIC CONDITIONS;

13 (e) PROVIDE EDUCATIONAL INFORMATION MATERIALS FOR  
14 PREGNANT PEOPLE WHO HAVE SUFFERED FROM:

15 (I) TRAUMA OR VIOLENCE, INCLUDING DOMESTIC VIOLENCE;

16 (II) SEXUAL ABUSE; OR

17 (III) PREGNANT LOSS OR INFANT LOSS;

18 (f) PROVIDE EVIDENCE-BASED PREGNANCY AND CHILDBIRTH  
19 EDUCATION, PARENTING SUPPORT, AND OTHER RELEVANT FORMS OF  
20 HEALTH LITERACY;

21 (g) DEVELOP ADMINISTRATIVE POLICIES TO IDENTIFY AND OFFER  
22 OPPORTUNITIES FOR POSTPARTUM PERSONS TO MAINTAIN CONTACT WITH  
23 THE PERSON'S NEWBORN CHILD TO PROMOTE BONDING, INCLUDING  
24 ENHANCED VISITATION POLICIES, ACCESS TO PRISON NURSERY PROGRAMS,  
25 AND BREASTFEEDING SUPPORT, WHEN APPROPRIATE;

26 (h) IN ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL  
27 "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996",

1 AS AMENDED, PUB.L. 104-191, TRANSFER HEALTH RECORDS TO  
2 COMMUNITY PROVIDERS IF A PREGNANT PERSON EXITS THE CRIMINAL  
3 JUSTICE SYSTEM DURING THE PERSON'S PREGNANCY OR DURING THE  
4 PERSON'S POSTPARTUM PERIOD;

5 (i) CONNECT A PERSON EXITING THE CRIMINAL JUSTICE SYSTEM  
6 DURING THE PERSON'S PREGNANCY OR POSTPARTUM PERIOD TO  
7 COMMUNITY-BASED RESOURCES, SUCH AS REFERRALS TO HEALTH-CARE  
8 PROVIDERS, SUBSTANCE USE DISORDER TREATMENT, AND SOCIAL SERVICES  
9 THAT ADDRESS SOCIAL DETERMINANTS OF MATERNAL HEALTH;

10 (j) ESTABLISH PARTNERSHIPS WITH LOCAL PUBLIC ENTITIES,  
11 PRIVATE COMMUNITY ENTITIES, COMMUNITY-BASED ORGANIZATIONS,  
12 INDIAN TRIBES AND TRIBAL ORGANIZATIONS AS DEFINED IN THE FEDERAL  
13 "INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT", 25  
14 U.S.C. SEC. 5304, AS AMENDED, OR URBAN INDIAN ORGANIZATIONS AS  
15 DEFINED IN THE FEDERAL "INDIAN HEALTH CARE IMPROVEMENT ACT", 25  
16 U.S.C. SEC. 1603, AS AMENDED; AND

17 (k) BY FEBRUARY 15, 2022, AND BY FEBRUARY 15 EACH YEAR  
18 THEREAFTER, REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND  
19 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE  
20 NUMBER OF BIRTHS BY PREGNANT PEOPLE WHO ARE IN THE CUSTODY OF  
21 THE FACILITY, INCLUDING THE LOCATION OF THE BIRTHS, THAT OCCURRED  
22 IN THE PRIOR CALENDAR YEAR.

23 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
24 REQUIRES, "FACILITY" MEANS:

25 (a) A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7);

26 (b) A MULTIJURISDICTIONAL JAIL, AS DESCRIBED IN SECTION  
27 17-26.5-101; OR



1 (c) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401  
2 (1)(j).

3 **SECTION 6.** In Colorado Revised Statutes, 17-26-104.7, **amend**  
4 (2)(b) as follows:

5 **17-26-104.7. Prohibition against the use of restraints on**  
6 **pregnant persons in custody.** (2) (b) The county jail or medical facility  
7 staff authorizing the use of restraints on a pregnant ~~woman~~ PERSON during  
8 labor or delivery of the child shall make a written record of the use of the  
9 restraints, which record shall include, at a minimum, the type of restraint  
10 used, the circumstances that necessitated the use of the restraint, and the  
11 length of time the restraint was used. The sheriff shall retain the record  
12 for a minimum of five years and shall make the record available for  
13 public inspection with individually identifying information redacted from  
14 the record unless the ~~woman~~ PERSON who is the subject of the record  
15 gives prior written consent for the public release of the record. The  
16 written record of the use of restraint shall not constitute a medical record  
17 under state or federal law. NO LATER THAN FEBRUARY 15, 2022, AND  
18 EACH FEBRUARY 15 THEREAFTER, THE SHERIFF SHALL SUBMIT THE  
19 RECORDS CREATED PURSUANT TO THIS SUBSECTION (2)(b) IN THE PRIOR  
20 CALENDAR YEAR TO THE JUDICIARY COMMITTEES OF THE SENATE AND  
21 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

22 **SECTION 7.** In Colorado Revised Statutes, 24-34-305, **add**  
23 (1)(k) as follows:

24 **24-34-305. Powers and duties of commission.** (1) The  
25 commission has the following powers and duties:

26 (k) TO RECEIVE REPORTS FROM PEOPLE ALLEGING MATERNITY  
27 CARE THAT IS NOT ORGANIZED FOR, AND PROVIDED TO, A PERSON WHO IS

1 PREGNANT OR IN THE POSTPARTUM PERIOD IN A MANNER THAT IS  
2 CULTURALLY CONGRUENT; MAINTAINS THE PERSON'S DIGNITY, PRIVACY,  
3 AND CONFIDENTIALITY; ENSURES FREEDOM FROM HARM AND  
4 MISTREATMENT; AND ENABLES INFORMED CHOICES AND CONTINUOUS  
5 SUPPORT.

6 **SECTION 8.** In Colorado Revised Statutes, **add 25-3-126** as  
7 follows:

8 **25-3-126. Health facilities - requirements related to labor and**  
9 **childbirth - rules - definitions.** (1) EXCEPT AS PROVIDED IN SUBSECTION  
10 (2) OF THIS SECTION, ON AND AFTER JANUARY 1, 2022, A HEALTH FACILITY  
11 THAT PROVIDES SERVICES RELATED TO LABOR AND CHILDBIRTH SHALL  
12 DEMONSTRATE TO THE DEPARTMENT, IN THE FORM AND MANNER  
13 DETERMINED BY THE DEPARTMENT BY RULE, THAT THE HEALTH FACILITY  
14 HAS A POLICY THAT:

15 (a) ALLOWS EVERY BIRTHING PERSON TO HAVE A COMPANION OR  
16 DOULA WITH THE PERSON DURING BIRTH IN ADDITION TO A PARTNER OR  
17 SPOUSE;

18 (b) PROVIDES THAT NEWBORNS REMAIN WITH THEIR FAMILIES TO  
19 FACILITATE THE PHYSIOLOGIC POSTPARTUM PROCESS;

20 (c) WILL NOT EXCLUDE FROM CARE ANY PERSON EXPERIENCING  
21 PHYSIOLOGIC BIRTH OR INTERRUPT THE PROCESS OF PHYSIOLOGIC BIRTH  
22 WITHOUT THE INFORMED CONSENT OF THE BIRTHING PERSON; AND

23 (d) ACCEPTS TRANSFERS OF A PREGNANT PERSON FROM THE  
24 PERSON'S HOME OR A BIRTHING CENTER WITHOUT DISCRIMINATING  
25 AGAINST THE PERSON BASED ON THE PERSON'S PROTECTED CLASS OR THE  
26 PERSON'S PLANNED PLACE OF BIRTH.

27 (2) FOR LABOR AND CHILDBIRTH SERVICES PROVIDED TO A

1 BIRTHING PERSON WHO IS IN CUSTODY, A HEALTH FACILITY SHALL  
2 DEMONSTRATE TO THE DEPARTMENT, IN THE FORM AND MANNER  
3 DETERMINED BY THE DEPARTMENT BY RULE, THAT THE HEALTH FACILITY  
4 HAS A POLICY THAT:

5 (a) PROVIDES THAT NEWBORNS REMAIN WITH THEIR FAMILIES TO  
6 FACILITATE THE PHYSIOLOGIC POSTPARTUM PROCESS, UNLESS:

7 (I) THE PARENT OR LEGAL GUARDIAN OF THE NEWBORN CONSENTS  
8 TO MEDICAL TREATMENT;

9 (II) THE NEWBORN IS RELEASED TO A LEGAL GUARDIAN; OR

10 (III) THE BIRTHING PERSON IS RELEASED FROM LABOR AND  
11 DELIVERY; AND

12 (b) WILL NOT EXCLUDE FROM CARE ANY PERSON EXPERIENCING  
13 PHYSIOLOGIC BIRTH OR INTERRUPT THE PROCESS OF PHYSIOLOGIC BIRTH  
14 WITHOUT THE INFORMED CONSENT OF THE BIRTHING PERSON.

15 (3) AS USED IN THIS SECTION:

16 (a) "DOULA" MEANS A PERSON WHO PROVIDES PHYSICAL,  
17 EMOTIONAL, AND INFORMATIONAL SUPPORT TO A PREGNANT PERSON  
18 BEFORE, DURING, AND AFTER PREGNANCY.

19 (b) "PHYSIOLOGIC BIRTH" MEANS LABOR AND BIRTH POWERED BY  
20 THE INNATE HUMAN CAPACITY OF A PREGNANT PERSON AND THE  
21 PREGNANT PERSON'S FETUS, WHICH INCLUDES ENDOGENOUS HORMONE  
22 SYSTEMS.

23 (c) "PHYSIOLOGIC POSTPARTUM PROCESS" MEANS THE BIOLOGIC  
24 PROCESS THAT HAPPENS TO BOTH THE NEWBORN AND BIRTHING PERSON  
25 AFTER DELIVERY DUE TO ENDOGENOUS HORMONE SYSTEMS.

26 **SECTION 9.** In Colorado Revised Statutes, **add** 26-1-136.8 as  
27 follows:

1           **26-1-136.8. Custody of a person with the capacity for**

2 **pregnancy.** (1) A STATE DEPARTMENT FACILITY THAT HAS IN ITS  
3 CUSTODY A PERSON WHO IS CAPABLE OF PREGNANCY SHALL:

4           (a) TRAIN THE FACILITY'S STAFF TO ENSURE THAT A PREGNANT  
5 PERSON RECEIVES SAFE AND RESPECTFUL TREATMENT;

6           (b) DEVELOP ADMINISTRATIVE POLICIES TO ENSURE A  
7 TRAUMA-INFORMED STANDARD OF CARE IS INTEGRATED WITH CURRENT  
8 PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF A PREGNANT  
9 PERSON;

10          (c) PROVIDE EACH PREGNANT PERSON, DURING THE PERSON'S  
11 PREGNANCY AND THROUGH THE PERSON'S POSTPARTUM PERIOD, WITH  
12 ACCESS TO:

13           (I) PERINATAL HEALTH-CARE PROVIDERS WITH PERINATAL  
14 EXPERIENCE; AND

15           (II) HEALTHY FOODS AND INFORMATION ON NUTRITION,  
16 RECOMMENDED ACTIVITY LEVELS, SAFETY MEASURES, AND SUPPLIES,  
17 INCLUDING MENSTRUAL PRODUCTS AS REQUIRED IN SECTION 26-1-136.5,  
18 AND BREAST PUMPS APPROVED BY THE EXECUTIVE DIRECTOR OR THE  
19 EXECUTIVE DIRECTOR'S DESIGNEE;

20          (d) PROVIDE COUNSELING AND TREATMENT FOR PREGNANT PEOPLE  
21 WHO HAVE SUFFERED FROM:

22           (I) A DIAGNOSED BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE  
23 USE DISORDER;

24           (II) TRAUMA OR VIOLENCE, INCLUDING DOMESTIC VIOLENCE;

25           (III) HUMAN IMMUNODEFICIENCY VIRUS;

26           (IV) SEXUAL ABUSE;

27           (V) PREGNANCY LOSS OR INFANT LOSS; OR

- 1 (VI) CHRONIC CONDITIONS;
- 2 (e) PROVIDE EVIDENCE-BASED PREGNANCY AND CHILDBIRTH  
3 EDUCATION, PARENTING SUPPORT, AND OTHER RELEVANT FORMS OF  
4 HEALTH LITERACY;
- 5 (f) DEVELOP ADMINISTRATIVE POLICIES TO IDENTIFY AND OFFER  
6 OPPORTUNITIES FOR POSTPARTUM PERSONS TO MAINTAIN CONTACT WITH  
7 THE PERSON'S NEWBORN CHILD TO PROMOTE BONDING, INCLUDING  
8 ENHANCED VISITATION POLICIES, ACCESS TO FACILITY NURSERY  
9 PROGRAMS, AND BREASTFEEDING SUPPORT, WHEN APPROPRIATE;
- 10 (g) IN ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL  
11 "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996",  
12 AS AMENDED, PUB.L. 104-191, TRANSFER HEALTH RECORDS TO  
13 COMMUNITY PROVIDERS IF A PREGNANT PERSON EXITS THE FACILITY  
14 DURING THE PERSON'S PREGNANCY OR DURING THE PERSON'S POSTPARTUM  
15 PERIOD;
- 16 (h) CONNECT A PERSON EXITING THE FACILITY DURING THE  
17 PERSON'S PREGNANCY OR POSTPARTUM PERIOD TO COMMUNITY-BASED  
18 RESOURCES, SUCH AS REFERRALS TO HEALTH-CARE PROVIDERS,  
19 SUBSTANCE USE DISORDER TREATMENT, AND SOCIAL SERVICES THAT  
20 ADDRESS SOCIAL DETERMINANTS OF MATERNAL HEALTH;
- 21 (i) ESTABLISH PARTNERSHIPS WITH LOCAL PUBLIC ENTITIES,  
22 PRIVATE COMMUNITY ENTITIES, COMMUNITY-BASED ORGANIZATIONS,  
23 INDIAN TRIBES AND TRIBAL ORGANIZATIONS AS DEFINED IN THE FEDERAL  
24 "INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT", 25  
25 U.S.C. SEC. 5304, AS AMENDED, OR URBAN INDIAN ORGANIZATIONS AS  
26 DEFINED IN THE FEDERAL "INDIAN HEALTH CARE IMPROVEMENT ACT", 25  
27 U.S.C. SEC. 1603, AS AMENDED; AND

1 (j) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), BY  
2 FEBRUARY 15, 2022, AND BY FEBRUARY 15 EACH YEAR THEREAFTER,  
3 REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF  
4 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE NUMBER  
5 OF BIRTHS BY PREGNANT PEOPLE WHO ARE IN THE CUSTODY OF THE  
6 FACILITY, INCLUDING THE LOCATION OF THE BIRTHS, THAT OCCURRED IN  
7 THE PRIOR CALENDAR YEAR.

8 **SECTION 10.** In Colorado Revised Statutes, **add** 31-15-406 as  
9 follows:

10 **31-15-406. Incarceration of a person with the capacity for**  
11 **pregnancy.** A MUNICIPALITY THAT CHOOSES TO ESTABLISH AND OPERATE  
12 A JAIL, AS AUTHORIZED IN SECTION 31-15-401 (1)(j), SHALL COMPLY WITH  
13 THE PROVISIONS OF SECTION 17-26-104.4 CONCERNING THE  
14 REQUIREMENTS OF A FACILITY THAT INCARCERATES PERSONS WHO ARE  
15 CAPABLE OF PREGNANCY.

16 **SECTION 11. Act subject to petition - effective date.** This act  
17 takes effect at 12:01 a.m. on the day following the expiration of the  
18 ninety-day period after final adjournment of the general assembly; except  
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
20 of the state constitution against this act or an item, section, or part of this  
21 act within such period, then the act, item, section, or part will not take  
22 effect unless approved by the people at the general election to be held in  
23 November 2022 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.