

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0458.01 Chelsea Princell x4335

HOUSE BILL 26-1414

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HOUSE SPONSORSHIP

McCluskie and Camacho,

SENATE SPONSORSHIP

Roberts and Kipp,

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House Committees  
Finance

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF MEDICAL RECORDS IN THE CUSTODY  
102 OF CERTAIN HEALTH-CARE ENTITIES.

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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 caps the amount that a health-care entity or health-care provider may charge for a record request made by a patient's attorney or personal representative, pursuant to an authorization in compliance with the federal "Health Insurance Portability and Accountability Act of 1996", a valid subpoena, or a valid court order, if the requested record exceeds 664 pages at \$400 unless the record request requires the health-care

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.

facility or health-care provider to segregate, withhold, or redact protected health information in order to comply with applicable law or the scope or limitations of the authorization in compliance with the federal "Health Insurance Portability and Accountability Act of 1996", a valid subpoena, or a valid court order, in which case the health-care entity or health-care provider may charge a reasonable fee.

The bill requires the requested medical records to be delivered in electronic format if certain conditions are met.

The bill requires that all medical records be provided in response to a request for medical records within 30 days after the health-care entity receives payment for the request.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1-801, **add**  
3 (1)(b)(III), (1)(e), (1)(f), and (1)(g) as follows:

4 **25-1-801. Patient records in custody of health-care facility.**

5 (1) (b) (III) THE TOTAL SUM OF FEES THAT A HEALTH-CARE  
6 FACILITY MAY CHARGE AND COLLECT FOR A RECORD REQUEST MADE BY  
7 AN ATTORNEY WHO REPRESENTS THE PATIENT OR THE PATIENT'S PERSONAL  
8 REPRESENTATIVE, PURSUANT TO A SUBMISSION OF AN AUTHORIZATION IN  
9 COMPLIANCE WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND  
10 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-91; A VALID SUBPOENA; OR  
11 A VALID COURT ORDER, IF THE REQUESTED RECORD EXCEEDS SIX HUNDRED  
12 SIXTY-FOUR PAGES, MUST NOT EXCEED FOUR HUNDRED DOLLARS.

13 (e) SUBSECTION (1)(b)(III) OF THIS SECTION DOES NOT APPLY IF A  
14 HEALTH-CARE FACILITY IS REQUIRED TO SEGREGATE, WITHHOLD, OR  
15 REDACT PROTECTED HEALTH INFORMATION FROM THE REQUESTED RECORD  
16 TO COMPLY WITH APPLICABLE LAW OR WITHIN THE SCOPE OR LIMITATIONS  
17 DETAILED IN SUBSECTION (1)(b)(III) OF THIS SECTION.

18 (f) (I) THE HEALTH-CARE FACILITY SHALL DELIVER THE MEDICAL  
19 RECORDS IN ELECTRONIC FORMAT, UPON REQUEST AND PAYMENT OF THE

1 FEES DETAILED IN THIS SUBSECTION (1), IF:

2 (A) THE INDIVIDUAL OR ENTITY REQUESTS ELECTRONIC FORMAT;

3 (B) THE ORIGINAL MEDICAL RECORDS ARE STORED IN ELECTRONIC  
4 FORMAT; AND

5 (C) THE MEDICAL RECORDS ARE READILY PRODUCIBLE IN  
6 ELECTRONIC FORMAT.

7 (II) ALL RECORDS PROVIDED IN RESPONSE TO A REQUEST FOR  
8 MEDICAL RECORDS MUST BE PROVIDED TO THE REQUESTOR WITHIN THIRTY  
9 DAYS AFTER THE HEALTH-CARE FACILITY RECEIVES AN AUTHORIZATION IN  
10 COMPLIANCE WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND  
11 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191; A SUBPOENA; OR A  
12 VALID COURT ORDER, AND PAYMENT OF REASONABLE FEES.

13 (III) IF A HEALTH-CARE FACILITY IS UNABLE TO PROVIDE ACCESS  
14 TO MEDICAL RECORDS WITHIN THIRTY DAYS, AS REQUIRED BY SUBSECTION  
15 (1)(f)(II) OF THIS SECTION, THE HEALTH-CARE FACILITY MAY EXTEND THE  
16 TIME FRAME FOR PROVIDING RECORDS BY AN ADDITIONAL THIRTY DAYS  
17 AND THE HEALTH-CARE FACILITY MUST NOTIFY THE PATIENT IN WRITING  
18 OF THE EXTENSION NO LATER THAN SEVEN DAYS BEFORE THE INITIAL  
19 THIRTY-DAY PERIOD EXPIRES.

20 (IV) A RECORD NOT PROVIDED WITHIN THIRTY DAYS MUST BE  
21 PROVIDED TO THE REQUESTOR AT NO COST, ABSENT AN INDEPENDENT  
22 INTERVENING FORCE MAJEURE THAT RENDERS THE REQUESTED RECORDS  
23 INACCESSIBLE, IRRETRIEVABLE, OR UNDELIVERABLE WITHIN THE  
24 THIRTY-DAY TIME FRAME. FOR PURPOSES OF THIS SUBSECTION (1)(f)(IV),  
25 FORCE MAJEURE IS LIMITED TO EXTRAORDINARY AND UNFORESEEN EVENTS  
26 SUCH AS A NATURAL DISASTER, PANDEMIC, OR ACT OF WAR AND DOES NOT  
27 INCLUDE BUSINESS DELAYS SUCH AS UNEXPECTED TECHNOLOGY DELAYS,

1 INCREASED WORKLOAD DEMANDS, OR STAFFING SHORTAGES.

2 (V) THE HEALTH-CARE FACILITY SHALL PROVIDE AN INVOICE  
3 CONTAINING ALL APPLICABLE FEES TO THE INDIVIDUAL REQUESTING  
4 RECORDS NO LATER THAN FIFTEEN DAYS AFTER THE HEALTH-CARE  
5 FACILITY RECEIVES THE REQUEST FOR RECORDS.

6 (g) NOTHING IN SUBSECTION (1)(b), (1)(e), OR (1)(f) OF THIS  
7 SECTION REQUIRES A HEALTH-CARE FACILITY TO DISCLOSE INFORMATION  
8 THAT IS PRIVILEGED, CONFIDENTIAL, OR PROTECTED FROM DISCOVERY OR  
9 ADMISSION UNDER STATE OR FEDERAL LAW, INCLUDING PURSUANT TO  
10 SECTIONS 12-30-204 AND 25-3-109, OR 42 U.S.C. SEC. 1320c-1.

11 **SECTION 2.** In Colorado Revised Statutes, 25-1-802, **add**  
12 (1)(b)(III), (1)(e), (1)(f), and (1)(g) as follows:

13 **25-1-802. Patient records in custody of individual health-care**  
14 **providers.**

15 (1) (b) (III) THE TOTAL SUM OF FEES THAT A HEALTH-CARE  
16 PROVIDER MAY CHARGE AND COLLECT FOR A RECORD REQUEST MADE BY  
17 AN ATTORNEY WHO REPRESENTS THE PATIENT OR THE PATIENT'S PERSONAL  
18 REPRESENTATIVE, PURSUANT TO A SUBMISSION OF AN AUTHORIZATION IN  
19 COMPLIANCE WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND  
20 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-91, A VALID SUBPOENA, OR  
21 A VALID COURT ORDER, IF THE REQUESTED RECORD EXCEEDS SIX HUNDRED  
22 SIXTY-FOUR PAGES, MUST NOT EXCEED FOUR HUNDRED DOLLARS.

23 (e) SUBSECTION (1)(b)(III) OF THIS SECTION DOES NOT APPLY IF A  
24 HEALTH-CARE PROVIDER IS REQUIRED TO SEGREGATE, WITHHOLD, OR  
25 REDACT PROTECTED HEALTH INFORMATION FROM THE REQUESTED RECORD  
26 TO COMPLY WITH APPLICABLE LAW OR WITHIN THE SCOPE OR LIMITATIONS  
27 DETAILED IN SUBSECTION (1)(b)(III) OF THIS SECTION.

1 (f) (I) THE HEALTH-CARE PROVIDER SHALL DELIVER THE MEDICAL  
2 RECORDS IN ELECTRONIC FORMAT, UPON REQUEST AND PAYMENT OF THE  
3 FEES DETAILED IN THIS SUBSECTION (1), IF:

4 (A) THE INDIVIDUAL OR ENTITY REQUESTS ELECTRONIC FORMAT;

5 (B) THE ORIGINAL MEDICAL RECORDS ARE STORED IN ELECTRONIC  
6 FORMAT; AND

7 (C) THE MEDICAL RECORDS ARE READILY PRODUCIBLE IN  
8 ELECTRONIC FORMAT.

9 (II) ALL RECORDS PROVIDED IN RESPONSE TO A REQUEST FOR  
10 MEDICAL RECORDS MUST BE PROVIDED TO THE REQUESTOR WITHIN THIRTY  
11 DAYS AFTER THE HEALTH-CARE PROVIDER RECEIVES AN AUTHORIZATION  
12 IN COMPLIANCE WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY  
13 AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191; A SUBPOENA; OR  
14 A VALID COURT ORDER, AND PAYMENT OF REASONABLE FEES.

15 (III) IF A HEALTH-CARE PROVIDER IS UNABLE TO PROVIDE ACCESS  
16 TO MEDICAL RECORDS WITHIN THIRTY DAYS, AS REQUIRED BY SUBSECTION  
17 (1)(f)(II) OF THIS SECTION, THE HEALTH-CARE PROVIDER MAY EXTEND THE  
18 TIME FRAME FOR PROVIDING RECORDS BY AN ADDITIONAL THIRTY DAYS  
19 AND THE HEALTH-CARE PROVIDER MUST NOTIFY THE PATIENT IN WRITING  
20 OF THE EXTENSION NO LATER THAN SEVEN DAYS BEFORE THE INITIAL  
21 THIRTY-DAY PERIOD EXPIRES.

22 (IV) A RECORD NOT PROVIDED WITHIN THIRTY DAYS MUST BE  
23 PROVIDED TO THE REQUESTOR AT NO COST, ABSENT AN INDEPENDENT  
24 INTERVENING FORCE MAJEURE THAT RENDERS THE REQUESTED RECORDS  
25 INACCESSIBLE, IRRETRIEVABLE, OR UNDELIVERABLE WITHIN THE  
26 THIRTY-DAY TIME FRAME. FOR PURPOSES OF THIS SUBSECTION (1)(f)(IV),  
27 FORCE MAJEURE IS LIMITED TO EXTRAORDINARY AND UNFORESEEN EVENTS

1 SUCH AS A NATURAL DISASTER, PANDEMIC, OR ACT OF WAR AND DOES NOT  
2 INCLUDE BUSINESS DELAYS SUCH AS UNEXPECTED TECHNOLOGY DELAYS,  
3 INCREASED WORKLOAD DEMANDS, OR STAFFING SHORTAGES.

4 (V) THE HEALTH-CARE PROVIDER SHALL PROVIDE AN INVOICE  
5 CONTAINING ALL APPLICABLE FEES TO THE INDIVIDUAL REQUESTING  
6 RECORDS NO LATER THAN FIFTEEN DAYS AFTER THE HEALTH-CARE  
7 PROVIDER RECEIVES THE REQUEST FOR RECORDS.

8 (g) NOTHING IN SUBSECTION (1)(b), (1)(e), OR (1)(f) OF THIS  
9 SECTION REQUIRES A HEALTH-CARE PROVIDER TO DISCLOSE INFORMATION  
10 THAT IS PRIVILEGED, CONFIDENTIAL, OR PROTECTED FROM DISCOVERY OR  
11 ADMISSION UNDER STATE OR FEDERAL LAW, INCLUDING PURSUANT TO  
12 SECTIONS 12-30-204 AND 25-3-109, OR 42 U.S.C. SEC. 1320c.

13 **SECTION 3. Act subject to petition - effective date.** This act  
14 takes effect at 12:01 a.m. on the day following the expiration of the  
15 ninety-day period after final adjournment of the general assembly (August  
16 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
17 referendum petition is filed pursuant to section 1 (3) of article V of the  
18 state constitution against this act or an item, section, or part of this act  
19 within such period, then the act, item, section, or part will not take effect  
20 unless approved .by the people at the general election to be held in  
21 November 2026 and, in such case, will take effect on the date of the  
22 official declaration of the vote thereon by the governor.