

**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. 25-0611.01 Anna Petrini x5497

HOUSE BILL 25-1026

HOUSE SPONSORSHIP

Carter and Garcia,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROCEDURES RELATED TO THE PROVISION OF**
102 **HEALTH-CARE SERVICES TO INMATES, AND, IN CONNECTION**
103 **THEREWITH, PROHIBITING CERTAIN COPAYMENTS AND FEES AND**
104 **MAKING AND REDUCING AN APPROPRIATION.**

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>.)

Current law requires the department of corrections (department) to assess a copayment for inmate-initiated visits to providers of medical, dental, mental health, and optometric care services. Current law permits

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.

a waiver or reduction of the copayment under a range of circumstances. The department's current administrative regulations assess fees when an inmate fails to attend or refuses a scheduled health-care appointment. The bill eliminates the copayment and prohibits the department from assessing a fee when an inmate fails to attend or refuses a health-care appointment.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The U.S. supreme court in *Estelle v. Gamble*, 429 U.S. 97
5 (1976), established that people who are incarcerated have a constitutional
6 right to health care, and prison health care supports community reentry
7 and well-being;

8 (b) Colorado law authorizes the Colorado department of
9 corrections to charge people who are incarcerated copayments and
10 additional charges for emergency, medical, mental health, dental, and
11 optometric visits, as well as charges for requesting, using, refusing, or
12 failing to use medical services;

13 (c) Pursuant to section 17-1-113 (1)(a), Colorado Revised
14 Statutes, the general assembly has previously found "that the procedures
15 for charging inmates a copayment for medical services are confusing to
16 department personnel and, as a result, are inconsistently applied";

17 (d) Copayments and other medical charges in prison create
18 financial barriers that restrict access to critical health-care treatment.
19 Research published in JAMA Internal Medicine in 2024 demonstrates
20 that the burden of paying health-care charges in prison prevents people
21 who are incarcerated from seeking essential services, including medical
22 and mental health treatment.

23 (e) Copayments and other medical charges in prison jeopardize

1 the health of Coloradans. According to a 2024 article in the centers for
2 disease control and prevention journal Emerging Infectious Diseases,
3 reductions in prison health-care use can increase the spread of illness and
4 disease, negatively affecting people who are incarcerated, prison staff and
5 visitors, and the broader public.

6 (f) Public health, mental health, law, and corrections experts
7 oppose health-care charges in prison, including copayments and any other
8 policies or practices that restrict people's access to health care; and

9 (g) To fulfill the department of corrections' mission to build a
10 safer Colorado, and to support the health of all Coloradans, copayments
11 and additional charges for requesting, using, refusing, or failing to use
12 medical services in prison must be repealed.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 17-1-112.7 as
14 follows:

15 **17-1-112.7. Medical visits - copayment and fees prohibited -**
16 **repeal.** (1) THE DEPARTMENT SHALL NOT ASSESS A COPAYMENT AGAINST

17 AN INMATE ACCOUNT FOR MEDICAL, DENTAL, MENTAL HEALTH, OR
18 OPTOMETRIC SERVICES, INCLUDING SPECIALTY OR EMERGENCY CARE
19 SERVICES, PROVIDED TO THE INMATE.

20 (2) THE DEPARTMENT SHALL NOT ASSESS A FEE AGAINST AN
21 INMATE ACCOUNT IF AN INMATE:

22 (a) FAILS TO ATTEND A SCHEDULED APPOINTMENT FOR MEDICAL,
23 DENTAL, MENTAL HEALTH, OR OPTOMETRIC CARE SERVICES, INCLUDING
24 SPECIALTY CARE SERVICES;

25 (b) FAILS TO PROVIDE TIMELY NOTICE WHEN THE INMATE IS
26 UNABLE TO ATTEND A SCHEDULED APPOINTMENT FOR MEDICAL, DENTAL,
27 MENTAL HEALTH, OR OPTOMETRIC CARE SERVICES, INCLUDING SPECIALTY

1 CARE SERVICES; AND

2 (c) OTHERWISE REFUSES AN APPOINTMENT FOR MEDICAL, DENTAL,
3 MENTAL HEALTH, OR OPTOMETRIC CARE SERVICES, INCLUDING SPECIALTY
4 OR EMERGENCY CARE SERVICES.

5 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2028.

6 **SECTION 3.** In Colorado Revised Statutes, **repeal** 17-1-113.

7 **SECTION 4. Appropriation - adjustments to 2025 long bill.**

8 (1) To implement this act, appropriations made in the annual general
9 appropriation act for the 2025-26 state fiscal year to the department of
10 corrections for use by the medical services subprogram are adjusted as
11 follows:

12 (a) The cash funds appropriation from inmate medical fees
13 collected pursuant to section 17-1-113 (2), C.R.S., for personal services
14 is decreased by \$322,089, and the related FTE is decreased by 3.0 FTE;
15 and

16 (b) The cash funds appropriation from inmate medical fees
17 collected pursuant to section 17-1-113 (2), C.R.S., for indirect cost
18 assessment is decreased by \$772.

19 (2) For the 2025-26 state fiscal year, \$157,179 is appropriated to
20 the department of corrections for use by the medical services subprogram.
21 This appropriation is from the general fund and is based on an assumption
22 that the department will require an additional 1.5 FTE. To implement this
23 act, the subprogram may use this appropriation for personal services.

24 **SECTION 5. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.