

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0596.01 Brita Darling x2241

HOUSE BILL 25-1068

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HOUSE SPONSORSHIP

**Bottoms,**

SENATE SPONSORSHIP

**Baisley,**

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**House Committees**  
Health & Human Services

**Senate Committees**

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A BILL FOR AN ACT

101 CONCERNING PROTECTIONS FOR MEDICAL MALPRACTICE INSURERS  
102 RELATING TO GENDER-AFFIRMING CARE PROVIDED TO MINORS.

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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>.)*

Under current law, a medical malpractice insurer (insurer) is prohibited from increasing premiums for, refusing to issue, canceling, terminating, or refusing to renew a medical malpractice insurance policy (prohibited actions). The bill permits an insurer to take prohibited actions against an applicant or named insured, including an individual health-care professional or business, or against a health-care facility, such as a

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.*

hospital or clinic, that allows the use of facilities, equipment, or supplies for, or provides, prescribes, orders, or performs, gender-affirming health-care services for an individual who is a minor under 18 years of age.

The bill also prohibits an insurer from accepting state money for the payment of premiums if the malpractice policy covers actions relating to providing gender-affirming health-care services to minors.

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

2           **SECTION 1.** In Colorado Revised Statutes, 10-4-109.6, **add** (1.5)  
3 as follows:

4           **10-4-109.6. Medical malpractice insurers - protections relating**  
5 **to reproductive health care - permissive denial of coverage for**  
6 **gender-affirming care - prohibition on use of state money for**  
7 **premiums - definition.** (1.5) (a) NOTWITHSTANDING THE PROHIBITION  
8 IN SUBSECTION (1) OF THIS SECTION, AN INSURER THAT ISSUES MEDICAL  
9 MALPRACTICE INSURANCE MAY TAKE A PROHIBITED ACTION AGAINST AN  
10 APPLICANT OR THE NAMED INSURED UNDER A MEDICAL MALPRACTICE  
11 INSURANCE POLICY IF:

12           (I) THE APPLICANT STATES THE APPLICANT'S INTENTION TO ALLOW  
13 THE APPLICANT'S FACILITIES, EQUIPMENT, OR SUPPLIES TO BE USED FOR, OR  
14 TO PROVIDE, PRESCRIBE, ORDER, OR PERFORM, GENDER-AFFIRMING  
15 HEALTH-CARE SERVICES, AS DEFINED IN SECTION 12-30-121 (1)(c), FOR AN  
16 INDIVIDUAL WHO IS A MINOR UNDER EIGHTEEN YEARS OF AGE; OR

17           (II) THE NAMED INSURED ALLOWS THE NAMED INSURED'S  
18 FACILITIES, EQUIPMENT, OR SUPPLIES TO BE USED FOR, OR PROVIDES,  
19 PRESCRIBES, ORDERS, OR PERFORMS, GENDER-AFFIRMING HEALTH-CARE  
20 SERVICES, AS DEFINED IN SECTION 12-30-121 (1)(c), FOR AN INDIVIDUAL  
21 WHO IS A MINOR UNDER EIGHTEEN YEARS OF AGE.

22           (b) AN INSURER SHALL NOT ACCEPT STATE MONEY FOR THE

1 PAYMENT OF MEDICAL MALPRACTICE INSURANCE PREMIUMS IF THE  
2 MALPRACTICE INSURANCE POLICY THAT THE INSURER SOLD TO THE NAMED  
3 INSURED INSURES AGAINST ACTIONS DESCRIBED IN SUBSECTION (1.5)(a)(II)  
4 OF THIS SECTION.

5         **SECTION 2. Applicability.** This act applies to malpractice  
6 insurance policies offered, issued, or renewed on or after the effective  
7 date of this act.

8         **SECTION 3. Safety clause.** The general assembly finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, or safety or for appropriations for  
11 the support and maintenance of the departments of the state and state  
12 institutions.