

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

INTRODUCED

LLS NO. 25-0647.01 Shelby Ross x4510

SENATE BILL 25-129

SENATE SPONSORSHIP

Cutter and Winter F., Amabile, Ball, Bridges, Danielson, Daugherty, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Marchman, Michaelson Jenet, Rodriguez, Snyder, Sullivan, Weissman

HOUSE SPONSORSHIP

Joseph and McCormick, Bacon, Boesenecker, Brown, Camacho, Carter, Clifford, Espenoza, Froelich, Garcia, Gilchrist, Hamrick, Lieder, Lindstedt, Lukens, Mabrey, Martinez, Rydin, Smith, Stewart K., Stewart R., Story, Titone, Valdez, Velasco, Willford, Woodrow, Zokaie

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS RELATED TO A LEGALLY PROTECTED**
102 **HEALTH-CARE ACTIVITY.**

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 clarifies that requirements for out-of-state telehealth providers do not alter or limit the rights and protections afforded to a person concerning a legally protected health-care activity.

Current law requires a prescription drug label to include the name of the prescribing practitioner. At the practitioner's request, the bill authorizes a prescription label for mifepristone, misoprostol, and the

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.

generic alternatives to those prescriptions to include only the name of the prescribing health-care practice instead of the name of the practitioner.

The bill requires any person requesting a subpoena to affirm under penalty of perjury that the subpoena:

- Is not related to, and any information obtained will not be used in, any investigation or proceeding that seeks to impose civil or criminal liability or professional sanctions against a person or entity that engaged in or attempted or intended to engage in a legally protected health-care activity or who provided insurance coverage for gender-affirming health-care services or reproductive health care; or
- Is related to such an investigation or proceeding, but the investigation or proceeding is brought under tort law or contract law by the person who engaged in or attempted or intended to engage in a legally protected health-care activity, gender-affirming health-care services, or reproductive health care, and is actionable in an equivalent or similar manner under Colorado law.

The bill prohibits any person residing in Colorado, or partnership, corporation, trust, or limited liability company that is located, headquartered, or has its principal place of business in Colorado (Colorado business) from responding to a civil, criminal, regulatory, or administrative inquiry, investigation, subpoena, or summons concerning an individual who engaged in or attempted or intended to engage in a legally protected health-care activity or concerning an entity that provides insurance coverage for gender-affirming health-care services or reproductive health care. A person or Colorado business may respond to an inquiry, investigation, subpoena, or summons after certain conditions are met.

If a person or entity brings an out-of-state civil or criminal action, or attempts to enforce any order or judgment issued in connection with an action, against another person or entity for engaging in or attempting or intending to engage in a legally protected health-care activity or for providing insurance coverage for gender-affirming health-care services or reproductive health care, the person or entity subject to the out-of-state civil or criminal action has a private right of action against the person or entity and may institute a civil action in district court within 3 years after the date of the alleged violation.

Current law authorizes a private person to arrest a person without a warrant upon reasonable information that the person is charged in another state with a crime punishable by death or imprisonment for a term exceeding one year. The bill creates an exception if the person is charged in another state for engaging in a legally protected health-care activity in Colorado.

Current law prohibits a public agency from expending government resources or providing information or data in furtherance of any out-of-state investigation or proceeding seeking to impose civil or criminal liability or professional sanction upon a person or entity for engaging in a legally protected health-care activity. The bill expands the prohibition to public entities, which includes state and local governments.

The bill grants the attorney general the authority to enforce the provisions of the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-30-124, **add** (16)
3 as follows:

4 **12-30-124. Out-of-state telehealth providers - registration -**
5 **financial responsibility - discipline - emergency protocol - disclosures**
6 **- prescriptions - rules - applicability - definitions.** (16) THIS SECTION
7 DOES NOT ALTER OR LIMIT THE RIGHTS AND PROTECTIONS AFFORDED TO A
8 PERSON CONCERNING A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS
9 DEFINED IN SECTION 12-30-121.

10 **SECTION 2.** In Colorado Revised Statutes, 12-280-124, **amend**
11 (2) as follows:

12 **12-280-124. Labeling - rules - definitions.** (2) (a) Except as
13 otherwise required by law, any drug dispensed pursuant to a prescription
14 order must bear a label prepared and placed on or securely attached to the
15 medicine container stating at least the name and address of the
16 prescription drug outlet, the serial number and the date of the prescription
17 or of its dispensing, the name of the drug dispensed unless otherwise
18 requested by the practitioner, the name of the practitioner, the name of the
19 patient, and, if stated in the prescription, the directions for use and
20 cautionary statements, if any, contained in the prescription.

21 (b) NOTWITHSTANDING THE LABELING REQUIREMENTS DESCRIBED

1 IN SUBSECTION (2)(a) OF THIS SECTION, AT THE PRACTITIONER'S REQUEST,
2 A PRESCRIPTION LABEL FOR MIFEPRISTONE, MISOPROSTOL, OR THE GENERIC
3 ALTERNATIVES TO THOSE PRESCRIPTIONS MAY INCLUDE THE NAME OF THE
4 PRESCRIBING HEALTH-CARE PRACTICE INSTEAD OF THE NAME OF THE
5 PRACTITIONER.

6 **SECTION 3.** In Colorado Revised Statutes, **add** 13-1-140.1 as
7 follows:

8 **13-1-140.1. Subpoena requirements - legally protected**
9 **health-care activity - enforcement. (1) Affirmation required.** AN
10 INDIVIDUAL REQUESTING A SUBPOENA SHALL AFFIRM UNDER PENALTY OF
11 PERJURY THAT THE SUBPOENA:

12 (a) IS NOT RELATED TO, AND ANY INFORMATION OBTAINED AS A
13 RESULT OF THE SUBPOENA WILL NOT BE USED IN, ANY INVESTIGATION OR
14 PROCEEDING THAT SEEKS TO IMPOSE CIVIL OR CRIMINAL LIABILITY OR
15 PROFESSIONAL SANCTIONS AGAINST AN INDIVIDUAL OR ENTITY THAT
16 ENGAGED IN OR ATTEMPTED OR INTENDED TO ENGAGE IN A LEGALLY
17 PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-121,
18 OR THAT PROVIDED INSURANCE COVERAGE FOR GENDER-AFFIRMING
19 HEALTH-CARE SERVICES, AS DEFINED IN SECTION 12-30-121, OR
20 REPRODUCTIVE HEALTH CARE, AS DEFINED IN SECTION 25-6-402; OR

21 (b) IS RELATED TO AN INVESTIGATION OR PROCEEDING THAT SEEKS
22 TO IMPOSE CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL SANCTIONS
23 AGAINST AN INDIVIDUAL OR ENTITY THAT ENGAGED IN OR ATTEMPTED OR
24 INTENDED TO ENGAGE IN A LEGALLY PROTECTED HEALTH-CARE ACTIVITY,
25 AS DEFINED IN SECTION 12-30-121, OR THAT PROVIDED INSURANCE
26 COVERAGE FOR GENDER-AFFIRMING HEALTH-CARE SERVICES, AS DEFINED
27 IN SECTION 12-30-121, OR REPRODUCTIVE HEALTH CARE, AS DEFINED IN

1 SECTION 25-6-402, BUT THE INVESTIGATION OR PROCEEDING:

2 (I) IS BROUGHT UNDER TORT LAW OR CONTRACT LAW;

3 (II) IS ACTIONABLE IN AN EQUIVALENT OR SIMILAR MANNER UNDER
4 COLORADO LAW; AND

5 (III) IS BROUGHT BY THE INDIVIDUAL, OR THE INDIVIDUAL'S LEGAL
6 REPRESENTATIVE, WHO RECEIVED GENDER-AFFIRMING HEALTH-CARE
7 SERVICES OR REPRODUCTIVE HEALTH CARE.

8 (2) **Jurisdiction and penalty.** AN INDIVIDUAL WHO OMITTS OR
9 SUBMITS A FALSE AFFIRMATION PURSUANT TO SUBSECTION (1) OF THIS
10 SECTION IS SUBJECT TO THE JURISDICTION OF COLORADO COURTS FOR ANY
11 ACTION, PENALTIES, OR DAMAGES ARISING OUT OF THE OMISSION OR FALSE
12 AFFIRMATION. THE COURT, UPON FINDING THE OMISSION OR FALSE
13 AFFIRMATION WAS MADE INTENTIONALLY, KNOWINGLY, WILLFULLY, OR
14 RECKLESSLY, SHALL IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT TO
15 EXCEED FIFTEEN THOUSAND DOLLARS FOR EACH VIOLATION, WHICH
16 AMOUNT IS IN ADDITION TO ANY OTHER LEGAL OR EQUITABLE REMEDY
17 LAWFULLY AVAILABLE.

18 (3) **Enforcement.** THE ATTORNEY GENERAL MAY BRING A CIVIL
19 ACTION ON BEHALF OF THE STATE TO SEEK THE IMPOSITION OF DAMAGES,
20 PENALTIES, AND ANY OTHER EQUITABLE REMEDIES AGAINST AN
21 INDIVIDUAL WHO OMITTS OR SUBMITS A FALSE AFFIRMATION PURSUANT TO
22 SUBSECTION (1) OF THIS SECTION. THE ACTION MUST BE FILED WITHIN SIX
23 YEARS AFTER THE DATE OF THE ALLEGED VIOLATION.

24 **SECTION 4.** In Colorado Revised Statutes, **add** 13-1-140.2 as
25 follows:

26 **13-1-140.2. Responding to request for information or**
27 **subpoena in connection with legally protected health-care activity -**

1 **exception - enforcement. (1) Response prohibited.** EXCEPT AS
2 PROVIDED IN SUBSECTION (2) OF THIS SECTION, AN INDIVIDUAL RESIDING
3 IN COLORADO, OR ANY PARTNERSHIP, CORPORATION, TRUST, OR LIMITED
4 LIABILITY COMPANY THAT IS LOCATED, HEADQUARTERED, OR HAS ITS
5 PRINCIPAL PLACE OF BUSINESS IN COLORADO, SHALL NOT RESPOND TO A
6 CIVIL, CRIMINAL, REGULATORY, OR ADMINISTRATIVE INQUIRY,
7 INVESTIGATION, SUBPOENA, OR SUMMONS CONCERNING AN INDIVIDUAL OR
8 ENTITY WHO ENGAGED IN OR ATTEMPTED OR INTENDED TO ENGAGE IN A
9 LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION
10 12-30-121, OR CONCERNING AN ENTITY THAT PROVIDES INSURANCE
11 COVERAGE FOR GENDER-AFFIRMING HEALTH-CARE SERVICES, AS DEFINED
12 IN SECTION 12-30-121, OR REPRODUCTIVE HEALTH CARE, AS DEFINED IN
13 SECTION 25-6-402.

14 (2) **Exception.** NOTWITHSTANDING SUBSECTION (1) OF THIS
15 SECTION TO THE CONTRARY, AN INDIVIDUAL RESIDING IN COLORADO, OR
16 ANY PARTNERSHIP, CORPORATION, TRUST, OR LIMITED LIABILITY COMPANY
17 THAT IS LOCATED, HEADQUARTERED, OR HAS ITS PRINCIPAL PLACE OF
18 BUSINESS IN COLORADO, MAY RESPOND TO A CIVIL, CRIMINAL,
19 REGULATORY, OR ADMINISTRATIVE INQUIRY, INVESTIGATION, SUBPOENA,
20 OR SUMMONS IF:

21 (a) THE INQUIRY, INVESTIGATION, SUBPOENA, OR SUMMONS
22 CONTAINS OR IS ACCOMPANIED BY AN AFFIRMATION MADE UNDER THE
23 PENALTY OF PERJURY ATTESTING THAT THE INQUIRY, INVESTIGATION,
24 SUBPOENA, OR SUMMONS:

25 (I) IS NOT RELATED TO, AND ANY INFORMATION OBTAINED AS A
26 RESULT OF THE SUBPOENA WILL NOT BE USED IN, ANY INVESTIGATION OR
27 PROCEEDING THAT SEEKS TO IMPOSE CIVIL OR CRIMINAL LIABILITY OR

1 PROFESSIONAL SANCTIONS AGAINST AN INDIVIDUAL OR ENTITY THAT
2 ENGAGED IN OR ATTEMPTED OR INTENDED TO ENGAGE IN A LEGALLY
3 PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-121,
4 OR THAT PROVIDED INSURANCE COVERAGE FOR GENDER-AFFIRMING
5 HEALTH-CARE SERVICES, AS DEFINED IN SECTION 12-30-121, OR
6 REPRODUCTIVE HEALTH CARE, AS DEFINED IN SECTION 25-6-402; OR

7 (II) IS RELATED TO AN INVESTIGATION OR PROCEEDING THAT SEEKS
8 TO IMPOSE CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL SANCTIONS
9 AGAINST AN INDIVIDUAL OR ENTITY THAT ENGAGED IN OR ATTEMPTED OR
10 INTENDED TO ENGAGE IN A LEGALLY PROTECTED HEALTH-CARE ACTIVITY,
11 AS DEFINED IN SECTION 12-30-121, OR THAT PROVIDED INSURANCE
12 COVERAGE FOR GENDER-AFFIRMING HEALTH-CARE SERVICES, AS DEFINED
13 IN SECTION 12-30-121, OR REPRODUCTIVE HEALTH CARE, AS DEFINED IN
14 SECTION 25-6-402, BUT THE INVESTIGATION OR PROCEEDING:

15 (A) IS BROUGHT UNDER TORT LAW OR CONTRACT LAW;

16 (B) IS ACTIONABLE IN AN EQUIVALENT OR SIMILAR MANNER UNDER
17 COLORADO LAW; AND

18 (C) IS BROUGHT BY THE INDIVIDUAL, OR THE INDIVIDUAL'S LEGAL
19 REPRESENTATIVE, WHO RECEIVED GENDER-AFFIRMING HEALTH-CARE
20 SERVICES OR REPRODUCTIVE HEALTH CARE.

21 (b) THE INDIVIDUAL OR ENTITY THAT RECEIVED THE INQUIRY,
22 INVESTIGATION, SUBPOENA, OR SUMMONS AND ACCOMPANYING
23 AFFIRMATION DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION:

24 (I) NOTIFIES THE ATTORNEY GENERAL WITHIN SEVENTY-TWO
25 HOURS AFTER RECEIVING THE INQUIRY, INVESTIGATION, SUBPOENA, OR
26 SUMMONS; INDICATES IN THE NOTICE TO THE ATTORNEY GENERAL
27 WHETHER THE INDIVIDUAL OR ENTITY INTENDS TO COMPLY WITH THE

1 INQUIRY, INVESTIGATION, SUBPOENA, OR SUMMONS; AND PROVIDES A
2 COPY OF THE INQUIRY, INVESTIGATION, SUBPOENA, OR SUMMONS, AND
3 ANY RELATED MATERIALS TO THE ATTORNEY GENERAL; AND

4 (II) NOTIFIES THE INDIVIDUAL OR ENTITY THAT PERFORMED,
5 SOUGHT, RECEIVED, FACILITATED, OR OTHERWISE ENGAGED IN THE
6 LEGALLY PROTECTED HEALTH-CARE ACTIVITY TO WHICH THE INQUIRY,
7 INVESTIGATION, SUBPOENA, OR SUMMONS PERTAINS AT LEAST THIRTY
8 DAYS BEFORE PROVIDING ANY RESPONSIVE INFORMATION, UNLESS
9 OTHERWISE ORDERED BY A COURT OF THIS STATE; AND

10 (c) THIRTY DAYS HAVE PASSED SINCE THE INDIVIDUAL OR ENTITY
11 NOTIFIED THE ATTORNEY GENERAL PURSUANT TO SUBSECTION (2)(b)(I) OF
12 THIS SECTION.

13 (3) **Jurisdiction and penalty.** AN INDIVIDUAL OR ENTITY THAT
14 VIOLATES THIS SECTION IS SUBJECT TO THE JURISDICTION OF COLORADO
15 COURTS FOR ANY ACTION, PENALTIES, OR DAMAGES ARISING OUT OF THE
16 VIOLATION. THE COURT, UPON FINDING THE VIOLATION WAS MADE
17 INTENTIONALLY, KNOWINGLY, WILLFULLY, OR RECKLESSLY, SHALL IMPOSE
18 A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND
19 DOLLARS FOR EACH VIOLATION, WHICH AMOUNT IS IN ADDITION TO ANY
20 OTHER LEGAL OR EQUITABLE REMEDY LAWFULLY AVAILABLE.

21 (4) **Enforcement.** (a) IF THE ATTORNEY GENERAL HAS REASON TO
22 BELIEVE AN INDIVIDUAL OR ENTITY INTENDS TO COMPLY OR HAS COMPLIED
23 WITH AN INQUIRY, INVESTIGATION, SUBPOENA, OR SUMMONS CONCERNING
24 AN INDIVIDUAL WHO ENGAGED IN OR ATTEMPTED OR INTENDED TO
25 ENGAGE IN A LEGALLY PROTECTED HEALTH-CARE ACTIVITY,
26 GENDER-AFFIRMING HEALTH-CARE SERVICES, OR REPRODUCTIVE HEALTH
27 CARE IN VIOLATION OF THIS SECTION, THE ATTORNEY GENERAL MAY BRING

1 A CIVIL ACTION ON BEHALF OF THE STATE TO ENFORCE THIS SECTION,
2 INCLUDING, BUT NOT LIMITED TO, A MOTION FOR AN ORDER ENJOINING
3 ONGOING AND FUTURE VIOLATIONS OF THIS SECTION. THE ATTORNEY
4 GENERAL MAY SEEK ALL AVAILABLE LEGAL AND EQUITABLE REMEDIES.
5 THE ACTION MUST BE FILED WITHIN SIX YEARS AFTER THE DATE OF THE
6 ALLEGED VIOLATION.

7 (b) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION ON
8 BEHALF OF THE STATE TO SEEK THE IMPOSITION OF A CIVIL PENALTY
9 AGAINST AN INDIVIDUAL OR ENTITY THAT KNOWINGLY, WILLFULLY, OR
10 RECKLESSLY OMITTS OR SUBMITS A FALSE AFFIRMATION PURSUANT TO
11 SUBSECTION (2)(a) OF THIS SECTION. THE ACTION MUST BE FILED WITHIN
12 SIX YEARS AFTER THE DATE OF THE ALLEGED VIOLATION.

13 (5) **Declaratory relief.** (a) AN INDIVIDUAL RESIDING IN
14 COLORADO, OR A PARTNERSHIP, CORPORATION, TRUST, OR LIMITED
15 LIABILITY COMPANY THAT RECEIVES OR IS SERVED WITH A CIVIL,
16 CRIMINAL, REGULATORY, OR ADMINISTRATIVE INQUIRY, INVESTIGATION,
17 SUBPOENA, OR SUMMONS CONCERNING AN INDIVIDUAL OR ENTITY THAT
18 ENGAGED IN OR ATTEMPTED OR INTENDED TO ENGAGE IN A LEGALLY
19 PROTECTED HEALTH-CARE ACTIVITY, OR THAT PROVIDED INSURANCE
20 COVERAGE FOR GENDER-AFFIRMING HEALTH-CARE SERVICES OR
21 REPRODUCTIVE HEALTH CARE MAY FILE A CIVIL ACTION SEEKING
22 DECLARATORY RELIEF, OR ANY OTHER RELIEF DEEMED NECESSARY AND
23 PROPER BY THE COURT, STATING THAT THIS SECTION PROHIBITS
24 COMPLIANCE WITH THE INQUIRY, INVESTIGATION, SUBPOENA, OR
25 SUMMONS. UPON TIMELY APPLICATION, THE ATTORNEY GENERAL MAY
26 INTERVENE IN A CIVIL ACTION FILED PURSUANT TO THIS SUBSECTION
27 (5)(a).

1 (b) A PARTY SEEKING DECLARATORY RELIEF PURSUANT TO
2 SUBSECTION (5)(a) OF THIS SECTION SHALL SERVE THE ATTORNEY
3 GENERAL WITH NOTICE OF INTENT TO FILE AND ALL SUPPORTING
4 DOCUMENTATION ON OR BEFORE THE START OF THE ACTION.

5 (c) IF THE PARTY INITIATING AN ACTION PURSUANT TO THIS
6 SUBSECTION (5) PREVAILS, THE COURT SHALL AWARD REASONABLE COSTS
7 AND ATTORNEY FEES.

8 (d) AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION (5) MUST
9 BE FILED WITHIN ONE YEAR AFTER THE DATE THE INQUIRY,
10 INVESTIGATION, SUBPOENA, OR SUMMONS WAS RECEIVED.

11 (6) AN INDIVIDUAL OR ENTITY THAT ISSUES A CIVIL, CRIMINAL,
12 REGULATORY, OR ADMINISTRATIVE INQUIRY, INVESTIGATION, SUBPOENA,
13 OR SUMMONS TO A PERSON RESIDING IN COLORADO OR ENTITY LOCATED,
14 HEADQUARTERED, OR INCORPORATED IN COLORADO IS SUBJECT TO THE
15 JURISDICTION OF COLORADO COURTS FOR ANY ACTION, PENALTY, OR
16 DAMAGES ARISING OUT OF A VIOLATION OF THIS SECTION.

17 (7) THIS SECTION DOES NOT PROHIBIT:

18 (a) THE INVESTIGATION OF ANY ACTIVITY THAT WOULD VIOLATE
19 THE LAWS OF THIS STATE, PROVIDED THAT INFORMATION RELATING TO
20 ANY MEDICAL PROCEDURE PERFORMED ON A SPECIFIC INDIVIDUAL MUST
21 NOT BE SHARED WITH AN AGENCY OUTSIDE COLORADO OR WITH ANY
22 OTHER PERSON; OR

23 (b) COMPLIANCE WITH A VALID, COURT-ISSUED SUBPOENA OR
24 WARRANT THAT IS ISSUED IN COMPLIANCE WITH SUBSECTION (2) OF THIS
25 SECTION OR IN RESPONSE TO THE WRITTEN REQUEST OF AN INDIVIDUAL
26 WHO IS THE SUBJECT OF AN INVESTIGATION OR PROCEEDING.

27 (8) ANY INFORMATION LAWFULLY OBTAINED PURSUANT TO THIS

1 SECTION MUST NOT BE DISCLOSED TO ANY PERSON, AGENCY, OR
2 DEPARTMENT OUTSIDE COLORADO UNLESS OTHERWISE AUTHORIZED
3 PURSUANT TO STATE LAW.

4 **SECTION 5.** In Colorado Revised Statutes, 13-21-133, **amend**
5 (1) as follows:

6 **13-21-133. Out-of-state civil action against a person or entity**
7 **prohibited - legally protected health-care activity - out-of-state civil**
8 **judgment.** (1) (a) It is against the public policy of this state for the law
9 of another state to authorize a person to bring a civil action against
10 another person or entity for engaging or attempting or intending to engage
11 in a legally protected health-care activity, as defined in section 12-30-121,
12 ~~(1)(d)~~, or for providing insurance coverage for gender-affirming
13 health-care services, as defined in section 12-30-121, ~~(1)(e)~~, or
14 reproductive health care, as defined in section 25-6-402. ~~(4)~~.

15 (b) (I) IF A PERSON OR ENTITY BRINGS AN OUT-OF-STATE CIVIL OR
16 CRIMINAL ACTION, OR ATTEMPTS TO ENFORCE ANY ORDER OR JUDGMENT
17 ISSUED IN CONNECTION WITH ANY SUCH ACTION, AGAINST ANOTHER
18 PERSON OR ENTITY FOR ENGAGING IN OR ATTEMPTING OR INTENDING TO
19 ENGAGE IN A LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED
20 IN SECTION 12-30-121, OR FOR PROVIDING INSURANCE COVERAGE FOR
21 GENDER-AFFIRMING HEALTH-CARE SERVICES, AS DEFINED IN SECTION
22 12-30-121, OR REPRODUCTIVE HEALTH CARE, AS DEFINED IN SECTION
23 25-6-402, THE PERSON OR ENTITY SUBJECT TO THE OUT-OF-STATE CIVIL OR
24 CRIMINAL ACTION HAS A PRIVATE RIGHT OF ACTION AGAINST THE PERSON
25 OR ENTITY AND, WITHIN THREE YEARS AFTER THE DATE OF THE ALLEGED
26 VIOLATION, MAY INSTITUTE A CIVIL ACTION IN DISTRICT COURT FOR
27 INJUNCTIVE RELIEF; ACTUAL DAMAGES, INCLUDING THE AMOUNT OF ANY

1 JUDGMENT ISSUED IN CONNECTION WITH THE OUT-OF-STATE ACTION,
2 ALONG WITH ANY EXPENSES, COSTS, OR REASONABLE ATTORNEY FEES
3 INCURRED IN CONNECTION WITH THE OUT-OF-STATE ACTION AND CIVIL
4 ACTION FILED PURSUANT TO THIS SECTION; AND ANY OTHER APPROPRIATE
5 REMEDY.

6 (II) THE ATTORNEY GENERAL MAY INTERVENE IN ANY
7 OUT-OF-STATE ACTION BROUGHT AGAINST THE STATE PURSUANT TO THIS
8 SUBSECTION (1)(b).

9 **SECTION 6.** In Colorado Revised Statutes, **amend** 16-19-115 as
10 follows:

11 **16-19-115. Arrest without warrant.** EXCEPT IN CASES ARISING
12 PURSUANT TO SECTION 16-19-107 (2), the arrest of a person may be
13 lawfully made ~~also~~ by any peace officer or a private person without a
14 warrant upon reasonable information that the accused stands charged in
15 the courts of a state with a crime punishable by death or imprisonment for
16 a term exceeding one year. ~~When so arrested~~ The accused must be taken
17 before a judge with all practicable speed, and A complaint must be made
18 against ~~him~~ THE PERSON under oath setting forth the ~~ground~~ GROUNDS for
19 arrest as in section 16-19-114; and thereafter ~~his~~ THE ACCUSED'S answer
20 ~~shall~~ MUST be heard as if ~~he~~ THE ACCUSED had been arrested on a warrant.

21 **SECTION 7.** In Colorado Revised Statutes, 24-31-101, **amend**
22 (1)(i)(XXII); and **add** (1)(i)(XXIV), (1)(i)(XXV), and (1)(i)(XXVI) as
23 follows:

24 **24-31-101. Powers and duties of attorney general.** (1) The
25 attorney general:

26 (i) May independently initiate and bring civil and criminal actions
27 to enforce state laws, including actions brought pursuant to:

1 (XXII) Part 14 of article 12 of title 38; and

2 (XXIV) SECTION 13-1-140.1;

3 (XXV) SECTION 13-1-140.2; AND

4 (XXVI) ARTICLE 116 OF TITLE 24.

5 **SECTION 8.** In Colorado Revised Statutes, **amend** 24-116-101
6 as follows:

7 **24-116-101. Prohibition on providing information or**
8 **expending government resources - legally protected health-care**
9 **activity.** A public ~~agency~~ ENTITY, AS DEFINED IN SECTION 24-10-103, or
10 employee, appointee, officer, official, or any other person acting on
11 behalf of a public ~~agency~~ ENTITY, shall not provide any information or
12 expend or use time, money, facilities, property, equipment, personnel, or
13 other resources in furtherance of any out-of-state investigation or
14 proceeding seeking to impose civil or criminal liability or professional
15 sanction upon a person or entity for engaging in a legally protected
16 health-care activity, as defined in section 12-30-121. ~~(1)(d).~~

17 **SECTION 9.** In Colorado Revised Statutes, 24-116-102, **amend**
18 (1) and (2) as follows:

19 **24-116-102. Prohibition on assisting another state - legally**
20 **protected health-care activity.** (1) A ~~state agency or executive~~
21 ~~department~~ PUBLIC ENTITY, AS DEFINED IN SECTION 24-10-103, shall not
22 provide information or data, including patient medical records,
23 patient-level data, or related billing information, or expend time, money,
24 facilities, property, equipment, personnel, or other resources for the
25 purpose of assisting or furthering an investigation or proceeding initiated
26 in or by another state that seeks to impose criminal or civil liability or
27 professional sanction upon a person or entity for engaging in a legally

1 protected health-care activity, as defined in section 12-30-121. ~~(1)(d)~~.

2 (2) Notwithstanding subsection (1) of this section, ~~an agency or~~
3 ~~executive department~~ A PUBLIC ENTITY may provide information or
4 assistance in connection with an investigation or proceeding in response
5 to a written request from the subject of the investigation or proceeding.

6 **SECTION 10.** In Colorado Revised Statutes, **add** 24-116-103 as
7 follows:

8 **24-116-103. Enforcement by the attorney general.** THE
9 ATTORNEY GENERAL HAS THE SOLE DISCRETION TO ENFORCE ANY ACTION
10 BROUGHT PURSUANT TO THIS ARTICLE 116 AND ANY RELATED LEGAL
11 ACTION BROUGHT ON BEHALF OF THE STATE.

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

17 **SECTION 12. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.