



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 25-129: LEGALLY PROTECTED HEALTH CARE ACTIVITY PROTECTIONS

Prime Sponsors:

Sen. Cutter; Winter F.
Rep. Joseph; McCormick

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Fiscal note status: The revised fiscal note reflects the reengrossed bill.

Summary Information

Overview. The bill strengthens protections for legally protected health care activity, including gender-affirming and reproductive health care.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Revenue
- Minimal State Workload
- Local Government
- School Districts
- Statutory Public Entities

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill strengthens protections for legally protected health care activity, including gender affirming and reproductive health care, as described below.

Telehealth

This bill clarifies that rules for out-of-state telehealth providers do not change or limit a person's rights and protections related to legally protected health care.

Prescription Labeling

Currently, prescription drug labels must include the prescribing practitioner's name. This bill allows, at the practitioner's request, the label for mifepristone, misoprostol, and their generic alternatives to display only the name of the prescribing health care practice instead of the individual practitioner, provided the practitioner includes the name of the health care practice on the paper or electronic form of the prescription.

Subpoena Restrictions

The bill requires anyone requesting a subpoena to affirm under penalty of perjury that it is not intended to:

- pursue civil, criminal, or professional penalties against someone involved in legally protected health care, gender-affirming care, or reproductive health care; or
- if it is related to such a case, it must be based on tort or contract law and recognized under Colorado law.

Individuals who omit or submit a false affirmation are subject to a civil penalty up to \$15,000 for each violation.

Protections Against Out-of-State Investigations

Unless certain conditions are met, the bill prevents Colorado residents and businesses from complying with out-of-state civil, criminal, or regulatory inquiries about individuals or entities involved in legally protected health care.

The bill does not prohibit the investigation of criminal activity that may involve a legally protected health care activity, provided that information related to medical procedures is not shared with a federal or other state agency for the purpose of enforcing another state's abortion law. A civil action brought by the Attorney General must be filed within six years from the alleged violation.

Protections Against Out-of-State Lawsuits

If someone is sued or prosecuted in another state for providing or seeking legally protected health care, they have the right to file a lawsuit in Colorado's district court within three years to seek legal recourse.

Arrest Protection

Under current law, a private citizen can arrest someone without a warrant if they are charged in another state with certain serious crimes. This bill prevents such arrests if the charge is related to legally protected health care provided in Colorado.

Non-Cooperation

Currently, public agencies cannot use government resources to assist out-of-state investigations that could penalize someone for legally protected health care. This bill extends that restriction to all public entities, including all state agencies, local governments, school districts, special districts, and statutory public entities. Similar restrictions are created for businesses.

Enforcement

The Attorney General has the authority to enforce the provisions of this bill within timeframes specified. This includes intervening as a party to a lawsuit brought by someone targeted by an out-of-state civil action related to legally protected health care in Colorado.

Background

Other protections for accessing reproductive health care were established in [Senate Bill 23-188](#).

State Revenue

The bill may increase revenue to various cash funds in the Judicial Department from an increase in civil case filing fees; this revenue is subject to TABOR. Additionally, it may increase revenue to the General Fund from civil penalties; this revenue is classified as a damage award and not subject to TABOR. Revenue amounts are indeterminate.

State Expenditures

The bill increases state workload for multiple state agencies, as discussed below.

Department of Law

The Attorney General's office will enforce the bill and prioritize investigations and legal interventions as necessary within the overall number of complaints and available resources; no change in appropriations is required. The office will support any rulemaking efforts related to the bill within the normal course of business.

Department of Regulatory Agencies

The Department of Regulatory Agencies will provide information and outreach to health care providers within the normal course of business. Any rulemaking efforts related to the bill are also expected to be minimal and accomplished within normal cycles.

Judicial Department

The trial courts in the Judicial Department may experience an increase in workload to the extent additional civil cases are filed under the bill.

Other Departments

Departments with existing subpoena power—such as the Departments of Public Health and Environment and Human Services—will have minimal workload to update processes to include the required affirmation in certain types of cases concerning legally protected health care. Any operational impact related to the bill for any department is expected to be minimal and absorbable.

Local Government – School Districts – Statutory Public Entities

Local agencies, special districts, school districts, and statutory public entities will update policies and procedures to align with the bill’s requirements around cooperating with out-of-state investigations, and may initiate trainings. Any workload impact is expected to be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections	Health Care Policy & Financing	Municipalities
Counties	Human Services	Personnel
Denver County Courts	Judicial	Public Health & Environment
District Attorneys	Law	Regulatory Agencies

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).