First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0496.01 Brita Darling x2241 **HOUSE BILL 25-1309**

HOUSE SPONSORSHIP

Brown and Titone,

SENATE SPONSORSHIP

Cutter and Gonzales J.,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

CONCERNING PROTECTING ACCESS TO GENDER-AFFIRMING HEALTH CARE.

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, health benefit insurance plans (health benefit plans) include coverage for "gender-affirming health care" as part of individual and group health benefit plans. "Gender-affirming health care" is defined in the bill as supplies, care, and services of a medical, behavioral health, mental health, psychiatric, habilitative, surgical, therapeutic, diagnostic, preventive, rehabilitative, or supportive nature

relating to the treatment of gender dysphoria (gender-affirming health care). The bill codifies gender-affirming health care treatments in statute and prohibits a health benefit plan from denying or limiting medically necessary gender-affirming health care, as determined and prescribed by a physical or behavioral health-care provider (health-care provider).

In addition, the bill exempts prescriptions for testosterone from the tracking requirements of the prescription drug use monitoring program and blocks archived records from view.

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

SECTION 1. In Colorado Revised Statutes, 10-16-104, **add** (29) as follows:

10-16-104. Mandatory coverage provisions - definitions - rules - applicability. (29) **Gender-affirming health care - rules - definitions.** (a) AS USED IN THIS SUBSECTION (29), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "GENDER-AFFIRMING HEALTH CARE" MEANS ALL SUPPLIES, CARE, AND SERVICES OF A MEDICAL, BEHAVIORAL HEALTH, MENTAL HEALTH, PSYCHIATRIC, HABILITATIVE, SURGICAL, THERAPEUTIC, DIAGNOSTIC, PREVENTIVE, REHABILITATIVE, OR SUPPORTIVE NATURE RELATING TO THE TREATMENT OF GENDER DYSPHORIA. "GENDER-AFFIRMING HEALTH CARE" INCLUDES THE FOLLOWING, OR ANY COMBINATION OF THE FOLLOWING:

(A) HORMONE THERAPY;

(B) BLEPHAROPLASTY, EYE AND LID;

(C) FACE, FOREHEAD, OR NECK SKIN TIGHTENING;

(D) FACIAL BONE REMODELING;

(E) GENIOPLASTY;

(F) RHYTIDECTOMY FOR THE CHEEK, CHIN, OR NECK;

(G) CHEEK, CHIN, OR NOSE IMPLANTS;

(H) LIP LIFT OR AUGMENTATION;

(I) MANDIBULAR ANGLE AUGMENTATION, CREATION, OR REDUCTION;

(J) ORBITAL RECONTOURING;

(K) RHINOPLASTY;

(L) LASER OR ELECTROLYSIS HAIR REMOVAL;

(M) BREAST OR CHEST AUGMENTATION, REDUCTION, OR CONSTRUCTION; AND

(N) GENITAL AND NONGENITAL SURGICAL PROCEDURES.

(II) "MEDICALLY NECESSARY" MEANS A PHYSICAL OR BEHAVIORAL HEALTH-CARE PROVIDER HAS DETERMINED THAT THE PRESCRIBED GENDER-AFFIRMING HEALTH CARE IS NECESSARY FOR THE TREATMENT OF GENDER DYSPHORIA.

(b) SUBJECT TO THE REQUIREMENTS SET FORTH IN SUBSECTION (29)(d) OF THIS SECTION, ALL HEALTH BENEFIT PLANS ISSUED OR RENEWED IN THE STATE SHALL PROVIDE COVERAGE FOR GENDER-AFFIRMING HEALTH CARE. THE HEALTH BENEFIT PLAN MUST PROVIDE THE COVERAGE REGARDLESS OF THE COVERED PERSON'S SEX OR GENDER.

(c) THE COMMISSIONER SHALL ADOPT RULES CONSISTENT WITH AND AS NECESSARY TO IMPLEMENT THIS SUBSECTION (29).

(d) A HEALTH BENEFIT PLAN SHALL NOT DENY OR LIMIT GENDER-AFFIRMING HEALTH CARE THAT IS:

(I) MEDICALLY NECESSARY, AS DETERMINED BY THE PHYSICAL OR BEHAVIORAL HEALTH-CARE PROVIDER WHO PRESCRIBES THE GENDER-AFFIRMING HEALTH CARE; AND

(II) PRESCRIBED IN ACCORDANCE WITH GENERALLY ACCEPTED STANDARDS OF CARE FOR THE PROFESSION.

SECTION 2. In Colorado Revised Statutes, 12-280-403, **add** (1.5) as follows:

12-280-403. Prescription drug use monitoring program - registration required - applications - rules - appropriation. (1.5) THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A PRESCRIPTION FOR TESTOSTERONE. THE DIVISION SHALL BLOCK ARCHIVED TESTOSTERONE PRESCRIPTIONS FROM VIEW.

SECTION 3. In Colorado Revised Statutes, 12-280-404, **amend** (2)(c) as follows:

12-280-404. Program operation - access - rules - definitions. (2) (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(c)(II) OF THIS SECTION, the program shall track all controlled substances dispensed in this state. Each pharmacy shall upload all controlled substances dispensed in each pharmacy in accordance with all applicable reporting requirements.

(II) THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A PRESCRIPTION FOR TESTOSTERONE. THE DIVISION SHALL BLOCK ARCHIVED TESTOSTERONE PRESCRIPTIONS FROM VIEW.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.