

# Colorado

## Shield Law Fact Sheet

JULY 2025

For both reproductive and gender-affirming care, Colorado’s shield laws provide protections against out-of-state investigations and prosecutions, professional discipline, and civil liability. Additionally, Colorado’s shield laws provide protections for health care providers’ professional liability insurance and participation in health plans. Colorado’s shield laws also include protections for medical information and other data related to reproductive and gender-affirming care.

### PROTECTION AGAINST OUT-OF-STATE INVESTIGATIONS AND PROSECUTIONS

#### Protection Barring State Agency/Employee Assistance

A public entity, person acting on behalf of a public entity, or person or entity licensed or regulated by the state may not provide information or data, including patient medical records, patient-level data, or related billing information, or expend resources related to another state or federal investigation or proceeding seeking to impose criminal or civil liability or professional sanction upon a person or entity for engaging in “legally protected health-care activity,” defined to include seeking, providing, receiving, assisting, or providing material support for reproductive and gender-affirming health care lawful in Colorado regardless of the patient’s location.<sup>1</sup> The attorney general may bring an action to enforce these laws.<sup>2</sup>

#### Protection against Extradition and Arrests

The Governor may not surrender a person charged in another state for engaging in “legally protected health-care activity,” unless required by federal law or the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense and then fled to Colorado.<sup>3</sup> Additionally, a peace officer may not knowingly arrest any person for engaging in a “legally protected health-care activity.”<sup>4</sup>

<sup>1</sup> SB 23-188 (Colo. 2023), SB 25-129 (Colo. 2025) (Colo. Rev. Stat. §§ 24-116-101, 24-116-102(1), 12-30-121(1)(d)).

<sup>2</sup> SB 25-129 (Colo. 2025) (Colo. Rev. Stat. § 24-31-101).

<sup>3</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. §§ 16-19-107(2), 12-30-121(1)(d)).

<sup>4</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. §§ 16-3-102(2), 12-30-121(1)(d)).

## Protection against Issuance of Search Warrants, Subpoenas, and Witness Summons

Courts may not issue a search warrant or an *ex parte* order for wiretapping relating to an investigation into “legally protected health-care activity.”<sup>5</sup> Additionally, judges may not issue a summons in a case or investigation involving “legally protected health-care activity” lawful in Colorado.<sup>6</sup> An individual requesting a subpoena must issue a sworn statement that the requested information will not be used in any investigation or proceeding that seeks to impose liability or professional sanctions for “legally protected health-care activity” lawful in Colorado.<sup>7</sup> The attorney general may bring a civil action against an individual who omits or submits a false statement.<sup>8</sup>

## Express Protection for Telehealth Provision into States with Restrictions or Bans

A health care provider may not be prosecuted, investigated, or subjected to any penalty if the provider prescribes an abortifacient to a patient who ingests it in another state if the abortifacient was prescribed or administered consistent with Colorado law.<sup>9</sup>

## PROTECTION FROM PROFESSIONAL DISCIPLINE

### Protection against Adverse Actions related to Providers’ Licenses and Other Board Discipline

Regulators may not deny a license or impose a disciplinary action against an individual based solely on an individual’s provision or assistance in “legally protected health-care activity” in Colorado or any other state, or based on a civil or criminal judgment or disciplinary action against the individual for engaging in legally protected health-care activity.<sup>10</sup>

## PROTECTION AGAINST CIVIL LIABILITY

### Protection against Application or Enforcement of Another State’s Laws or Judgments in Colorado State Court

Colorado courts may not apply another state’s law to a case or controversy related to “legally protected health-care activity,” and may not give any force or effect to another state’s judgment concerning “legally protected health-care activity” if it was issued without personal jurisdiction or due process or is penal in nature.<sup>11</sup>

<sup>5</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. §§ 16-3-301(4), 16-15-102(1)(d), 12-30-121(1)(d)).

<sup>6</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. §§ 16-5-104, 12-30-121(1)(d)).

<sup>7</sup> SB 25-129 (Colo. 2025) (Colo. Rev. Stat. § 13-1-140.1(1)).

<sup>8</sup> SB 25-129 (Colo. 2025) (Colo. Rev. Stat. § 13-1-140.1(3)).

<sup>9</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. § 18-13-133).

<sup>10</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. § 12-30-121).

<sup>11</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. §§ 13-21-133, 12-30-121(1)(d)).

## Provision of a “Clawback Lawsuit” to Recover Damages from Litigation related to Protected Care

A person or entity subject to an out-of-state action or judgment related to “legally protected health-care activity” may bring a civil action against the person or entity that brought the out-of-state action, including to recover expenses, costs, attorney fees, and the amount of any judgment issued in the out-of-state action.<sup>12</sup>

## PROTECTION OF PROFESSIONAL LIABILITY INSURANCE AND PROTECTION RELATED TO HEALTH PLANS

### Protection against an Insurer’s Refusal to Issue Insurance, Increase in Premiums, or Denial of Coverage Based Solely on Providing Protected Care

A medical malpractice insurer may not refuse to issue, cancel or terminate, refuse to renew, or impose any sanctions, fines, penalties, or rate increases for a medical malpractice policy solely based on an individual’s engagement in “legally protected health-care activity” in Colorado.<sup>13</sup> Contracts between insurance carriers and providers must include provisions prohibiting the carrier from refusing to pay for an otherwise covered health care service based solely on the health care provider’s provision or assistance in “legally protected health-care activity.”<sup>14</sup>

### Protection of Contracts with Health Plans and Insurers

A person or entity may not terminate a health care contract with a health care provider solely based on their provision or assistance in “legally protected health-care activity,” except if it conflicts with bona fide religious beliefs and practices.<sup>15</sup> Additionally, a carrier may not refuse to credential a physician as a network provider or terminate a physician’s status as a network provider based solely on the health care provider’s provision or assistance in “legally protected health-care activity” lawful in Colorado.<sup>16</sup>

## PRIVACY OF MEDICAL INFORMATION AND OTHER DATA RELATED TO REPRODUCTIVE OR GENDER-AFFIRMING CARE

### Protection Against Disclosure of Medical Information

As noted above, state agencies and the executive department may not provide information or data, including patient medical records and patient-level data, to another state’s investigation or proceeding seeking to impose liability or sanction for “legally protected health-care activity.”<sup>17</sup>

<sup>12</sup> SB 25-129 (Colo. 2025) (Colo. Rev. Stat. § 13-21-133).

<sup>13</sup> SB 23-188 (2023) (Colo. Rev. Stat. § 10-4-109.6).

<sup>14</sup> SB 23-188 (2023) (Colo. Rev. Stat. §§ 10-16-121(1)(f), 12-30-121(1)(d)).

<sup>15</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. §§ 25-37-103(1)(3), 12-30-121(1)(d)).

<sup>16</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. § 10-16-705.7(9.5)).

<sup>17</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. §§ 24-116-102(1), 12-30-121(1)(d)). Colorado’s shield laws do not appear to include specific

## Protection of Providers' or Patients' Personal Information

Providers or employees of an organization providing or assisting individuals in accessing “legally protected health-care activity” may apply for the state’s address confidentiality program, which prohibits the state from knowingly making their personal information available on the internet.<sup>18</sup> At the practitioner’s request, a prescription label for mifepristone or misoprostol (common medications used in medication abortion) may include the name of the health care practice instead of the name of the practitioner.<sup>19</sup>

Additionally, the Department of Public Health and Environment may not collect as part of its required reporting of pregnancy terminations the patient’s name, date of birth, address, employer, spouse’s name, guardian’s name, or the location where the termination occurred.<sup>20</sup> The Department’s collection of reports of pregnancy termination may only be used for compiling statistical reports, must remain confidential, and may not be shared with any state or federal agency or made public in response to a subpoena or search warrant, except in summary form to promote quality services, reduce unintended pregnancies, and monitor changes in abortion care—a person who discloses information in violation of this law may be subject to a \$50,000 penalty.<sup>21</sup>

Further, the state’s prescription drug monitoring program, which tracks information regarding prescriptions for controlled substances dispensed in the state (including the name of the patient and practitioner), excludes prescriptions for testosterone, and requires that archived testosterone prescriptions are blocked from view.<sup>22</sup>

---

protections against providers’ disclosure of medical information related to protected care, protections against disclosure of data by businesses providing electronic communications and reproductive health apps, or protections for location data.

<sup>18</sup> SB 23-188 (Colo. 2023) (Colo. Rev. Stat. § 18-9-313).

<sup>19</sup> SB 25-129 (Colo. 2025) (Colo. Rev. Stat. § 12-280-124(2)(b)).

<sup>20</sup> SB 25-129 (Colo. 2025) (Colo. Rev. Stat. § 25-2-108.5).

<sup>21</sup> SB 25-129 (Colo. 2025) (Colo. Rev. Stat. § 25-2-108.5).

<sup>22</sup> HB 25-1309 (Colo. 2025) (Colo. Rev. Stat. §§ 12-280-403, 12-280-404).

## ABOUT THE CENTER ON REPRODUCTIVE HEALTH, LAW, AND POLICY (CRHLP)

CRHLP is a nationwide think tank and research center created to meet the current national crisis in access to abortion while working towards long-term solutions to advance reproductive justice. CRHLP conducts analysis and research for legal, policy, and narrative change and serves as a trusted hub for convening and engaging academics, advocates, health care providers, policy makers, and community members to reimagine the landscape of reproductive health law and policy. CRHLP also trains the reproductive law and policy leaders of tomorrow. CRHLP is committed to the highest standards of independent inquiry, academic excellence, and rigor. Research findings and conclusions are never altered to accommodate other interests, including those of funders, other organizations, or government bodies and officials.

### For more information

[law.ucla.edu/academics/centers/center-reproductive-health-law-and-policy](https://law.ucla.edu/academics/centers/center-reproductive-health-law-and-policy)

[crhlp@law.ucla.edu](mailto:crhlp@law.ucla.edu)

To receive pro bono legal assistance on questions related to the shield laws or other reproductive rights or justice issues, email: [larj@law.ucla.edu](mailto:larj@law.ucla.edu)