



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Memorandum

July 2026

TO: Interested Persons

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SUBJECT: Legislative Landscape for Transgender and Nonbinary Individuals in Colorado

Overview

Transgender and nonbinary individuals are those whose gender identity differs from the sex the person was identified as having at birth, irrespective of whether that identity is male, female, both, or neither. Across the United States, approximately 2.8 million people over the age of 13 identify as transgender, about 1.0 percent of the total population. Of these individuals, 2.1 million are aged 18 or older, and 724,000 are considered youth (aged 13-17). Roughly 33 percent of individuals identify as a transgender woman, 34 percent as a transgender man, and 33 percent as nonbinary. In Colorado, these percentages hold constant with about 56,000 transgender- and nonbinary-identifying individuals.¹

Public attention on this population has grown in recent years, with subsequent legislation introduced across the political spectrum. This memorandum provides an overview of the Colorado laws and regulations related to transgender and nonbinary individuals—specifically those concerning anti-discrimination, education, health care, and criminal justice—and broadly discusses how recent executive orders and federal agency rules impact state programs. It concludes with a list of passed and failed recent legislation regarding the rights and services for this population.

Definitions

The following definitions are commonly agreed-upon in dictionaries or explicitly stated in law.

Transgender – of, or related to, or being a person whose gender identity differs from the sex the person was identified as having at birth.²

¹ Williams Institute – UCLA, [How Many Adults and Youth Identify as Transgender in the US](#), 2025.

² Merriam-Webster Dictionary



Nonbinary – relating to or being a person who identifies with or expresses a gender identity that is neither entirely male or entirely female.³

Gender identity – an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth.⁴

Gender expression – an individual's way of reflecting and expressing their gender to the outside world, typically demonstrated through appearance, dress, and behavior.⁵

Gender dysphoria – a distressed state arising from conflict between a person's gender identity and the sex the person was identified as having at birth.³

Gender-affirming health care – all supplies, care, and services of medical, behavioral health, mental health, psychiatric, habilitative, surgical, therapeutic, diagnostic, preventive, rehabilitative, or supportive nature relating to the treatment of gender dysphoria.⁶

Federal Interaction

The following sections highlight recent federal executive orders (EOs) issued by the Trump administration. Executive orders are directives issued by the President to federal agencies and officials, often pursuant to constitutional or statutory authority. In some circumstances, federal actions taken pursuant to an EO may preempt conflicting state laws under the Supremacy Clause, particularly where the EO directs implementation or enforcement of existing federal law. Whether a particular EO preempts or limits enforcement of state law depends on the scope of underlying federal authority, the nature of the conflict, and judicial interpretation. Several of the EOs discussed in this memo are subject to ongoing litigation and judicial review. Accordingly, state laws and regulations remain enforceable unless and until a court determines that a specific provision is preempted by a federal EO or other federal law.

Discrimination

The [Colorado Anti-Discrimination Act](#) (CADA) prohibits discrimination in employment, housing, and places of public accommodation based on a person's membership in a protected class. This memorandum focuses on protected characteristics, specifically including sex, sexual orientation, gender identity, and gender expression. In 2025, the General Assembly further expanded the

³ Merriam-Webster Dictionary

⁴ Section 2-4-401 (3.5), C.R.S.

⁵ Section 2-4-401 (3.4), C.R.S.

⁶ Section 10-16-104 (30)(a)(1), C.R.S.



definition of gender expression to include an individual's chosen name and how an individual chooses to be addressed.⁷

Employment

Employers in Colorado are prohibited from discriminating against employees or job applicants based on their protected class. Unlawful actions include refusing to hire, discharging, refusing to promote, demoting, harassing, or engaging in other forms of discrimination because of an individual's protected class. Employers also have a duty to provide reasonable accommodations to an individual because of a disability, conditions related to pregnancy, and childbirth.

Employees working in Colorado are covered by employment protections under CADA, except for those who are employees of religious organizations or associations.⁸

Housing

Fair housing laws ensure that everyone has equal access to the housing of their choice. The laws apply to landlords, real estate brokers, mortgage lenders, and homeowner associations. These entities are prohibited from discriminating against individuals based on their protected class. Unlawful actions include refusing to rent or sell, applying unequal terms or conditions of rental or sale, denying financial services, intimidating, and misrepresenting availability.⁹

Public Accommodations

Coloradans are entitled to the full and equal enjoyment of all goods, services, facilities, privileges, advantages, or accommodations offered to the public. Places of public accommodation are prohibited from discriminating against an individual based on their protected class. As it relates to specific protected characteristics, unlawful actions include deliberately misgendering individuals, enforcing dress codes that do not comply with an individual's gender identity, preventing individuals from using facilities that align with their gender identity, and publishing discriminatory advertisements. Places of public accommodation do not include churches, synagogues, mosques, or other places of religious purpose.

Recipients of complaints are prohibited from retaliating against protected individuals for filing a complaint or requesting a reasonable accommodation.¹⁰

⁷ Section 24-34-301, C.R.S.

⁸ Section 24-34-400.2, *et seq.*, C.R.S.

⁹ Section 24-34-501, *et seq.*, C.R.S.

¹⁰ Section 24-34-601, *et seq.*, C.R.S.



Federal Interaction

CADA operates alongside, and independently from, federal civil rights laws, including the [Americans with Disabilities Act](#) (ADA), [Title VII of the Civil Rights Act](#), and the [Fair Housing Act](#). Federal law establishes the baseline of protections, while Colorado law may provide equivalent or greater protections for protected classes, including transgender and nonbinary individuals. As a result, CADA remains enforceable against employers, housing providers, and places of public accommodation in Colorado despite the following federal EOs that place restrictions and limitations on federal agencies.

Executive Order 14168

On January 20, 2025, President Trump issued [Executive Order 14168](#), “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” which broadly directs all federal agencies to eliminate policies, programs, communications, and funding activities that recognize or promote gender identity concepts inconsistent with a binary definition of biological sex. As a result, entities operating under both state and federal authority may face inconsistent compliance expectations, particularly when federal funding or federal oversight is involved.

K-12 Education

Among other protected classes and specific protected characteristics, CADA protects students from harassment on the basis of sex, sexual orientation, gender identity, and gender expression. Schools receiving state funds must take steps to prevent and address bullying, threats, name-calling, and other forms of harm to all students, including transgender and nonbinary students. State law and regulations also specify protections for students related to names, dress code, facility access, and athletic participation.

Name

Public and charter school employees, educators, and contractors must address students by their chosen name in school and during extracurricular activities. Deliberately misusing a student’s chosen name or gender-related pronoun is a discriminatory act upon which the student may file a report with the school district. Schools must also create and implement policies outlining the use of a student’s chosen name.¹¹

¹¹ Section 22-1-145, C.R.S.



Dress Code

Schools that adopt dress codes or grooming policies may not require a student to dress or groom in a manner inconsistent with their gender identity.¹²

Facility Access

Schools may segregate facilities on the basis of gender; however, they must allow individuals to use the gender-segregated facility that aligns with their gender identity. This includes restrooms, locker rooms, dressing rooms, and dormitories.¹³

Athletics

Under CADA, public schools and extracurricular activities are considered public accommodations, which in turn prohibits discrimination or exclusion of transgender students from activities that align with their gender identity.

Federal and Local Interactions

The federal government may condition federal education funding on compliance with agency interpretations issued pursuant to an executive order. In these circumstances, states or local education providers that do not align with federal conditions may face reductions or loss of federal funding, and conflicting state law or policies may become subject to federal preemption challenges or limits on enforcement.

Title IX and Executive Order 14201

[Title IX of the Education Amendments of 1972](#) prohibits sex discrimination in federally funded education programs. Various courts and presidential administrations have interpreted Title IX to either include or exclude gender identity under the definition of “sex,” with differing results. On February 5, 2025, President Trump issued [Executive Order 14201](#), “Keeping Men Out of Women’s Sports,” which directs federal agencies to interpret Title IX as prohibiting transgender girls from participating in female sports and authorizes the withdrawal of federal education funds from schools that do not comply. As of this writing, EO 14201 has been challenged in multiple lawsuits in federal court, and its enforcement remains subject to judicial review.

¹² 3 CCR 708-1 (81.8).

¹³ 3 CCR 708-1 (81.9).



In response to this federal guidance and funding risk considerations, some Colorado school districts adopted policies restricting transgender girls' participation in female sports and access to certain gender-segregated facilities.

Executive Order 14190

On January 29, 2025, President Trump issued [Executive Order 14190](#), "Ending Radical Indoctrination in K-12 Schooling," which directs federal agencies to condition K-12 education funding on the elimination of programming that promotes gender ideology and discriminatory equity ideology. It also directs agencies to require parental notification regarding their child's asserted gender identity and discourages school facilitation of a minor's social transition without parental consent. As of this writing, EO 14190 has been challenged in federal court, and its enforcement has been temporarily blocked pending an appeal to the 4th Circuit Court of Appeals.

Health Care

Health care for transgender and nonbinary individuals encompasses the same needs and services that are available for other Coloradans; however, certain gender-affirming procedures are more acutely associated with these populations. This section focuses on gender-affirming health care services in the context of transgender and nonbinary individuals.

Gender-affirming health care services include a range of health care and social support services that aim to assist individuals in aligning their gender identity with their gender expression. This includes services such as counseling, medical treatments, surgeries, hormone therapy, preventative care, and rehabilitation. Notably, many of these services are not exclusive to transgender and nonbinary individuals, and may be medically necessary to treat a wide range of conditions.

Access

As of May 2026, 27 states have enacted laws banning gender-affirming health care services for transgender and nonbinary minors.¹⁴ In contrast, Colorado law explicitly recognizes gender-affirming health care services as a legally protected health care activity. Individuals may obtain gender-affirming health care services without legal threat, and state law shields both

¹⁴ KFF, [Policy Tracker: Youth Access to Gender-Affirming Care and State Policy Restrictions](#), 2026.



patients and providers from criminal, civil, or administrative penalties for providing or receiving such care.¹⁵

Colorado courts, law enforcement agencies, and other state entities are also prohibited from cooperating with out-of-state investigations, subpoenas, or prosecutions related to the providing or receiving of gender-affirming health care services that are lawful in Colorado. These protections extend to licensed health care professionals, institutions, parents, guardians, and individuals assisting those seeking care. Combined, the lawful provision of services and codification of protections make Colorado a high-access state for gender-affirming health care services.

However, while gender-affirming health care services are legally protected, access remains subject to provider availability, geographic disparities, and administrative barriers such as insurance authorization and documentation requirements.

Coverage

In Colorado, gender-affirming health care is considered an essential health benefit and is available through state-subsidized health insurance programs, including Medicaid, and certain private health insurance plans.¹⁶ Importantly, transgender and nonbinary individuals must still meet specific criteria, diagnoses, and relevant prior authorizations before receiving such services.

Medicaid and CHP+

Colorado's Medicaid program, Health First Colorado, and Children's Health Plan Plus (CHP+) cover gender-affirming health care services for eligible members who meet income and age criteria, provided that the service is medically necessary based on a licensed provider's assessment. Coverage for gender-affirming health care services is determined through a combination of Medicaid program eligibility, professional diagnostics, clinical standards, medical-necessity criteria, and state agency rules. In some cases, prior authorization is also required. Covered services include, but are not limited to, hormone therapy, puberty-delaying medications, mental health care, and surgical procedures.¹⁷

¹⁵ Sections 12-30-121, 13-1-140, 13-21-133, and 18-13-133, C.R.S.

¹⁶ Section 10-16-104 (30), C.R.S.

¹⁷ Colorado Department of Health Care Policy and Financing, [Gender-Affirming Care Billing Manual](#), 2024.



Private Insurance

For private insurance plans issued in Colorado, state law requires that gender-affirming health care be covered when it is medically necessary, as determined by a licensed provider. Under CADA and Division of Insurance regulations, insurers may not discriminate against transgender or nonbinary individuals on the basis of gender identity or gender expression.¹⁸ In practice, this means that health plans cannot deny coverage for a service when the same or an equivalent service is covered for other policyholders. For example, if hormone therapy is covered for the treatment of breast cancer or other endocrine conditions, an insurer must also cover hormone therapy for the treatment of gender dysphoria when medically necessary. Insurers are further prohibited from excluding transgender individuals from coverage, adjusting rates based on gender identity or expression, or treating gender or sexual orientation as a preexisting condition.

Federal Interaction

Colorado law does not condition access to gender-affirming care on federal policy. However, institutions receiving federal funds must comply with federal funding conditions unless the condition is enjoined by a court, or the entity chooses to rely on state-only funding instead. As a result, differences between state law and federal EOs may create practical compliance issues and funding tensions, even where state law remains unchanged.

Executive Order 14187

On January 28, 2025, President Trump issued [Executive Order 14187](#), “Protecting Children from Chemical and Surgical Mutilation,” which directs federal agencies to take steps to limit the use of federal funds for gender-affirming medical treatments for minors. The EO instructs the U.S. Department of Health and Human Services (HHS) and other federal agencies to review and, where appropriate, revise regulations, guidance, grant conditions, and coverage policies to ensure that federal funds are not used to support puberty-delaying medications, hormone therapy, or surgical interventions when provided for the purpose of gender transition in individuals under age 19. The EO further directs agencies to collect information on the provision of such care within federally funded programs, assess compliance, and pursue enforcement actions where violations of federal funding conditions are identified.

¹⁸ 3 CCR 702-4



As of this writing, EO 14187 has been challenged in multiple lawsuits in federal court, and portions of the order are subject to ongoing litigation. In response to legal uncertainty and federal guidance, some federally funded health care providers in Colorado are pausing or limiting gender-affirming health care services for minors.

Executive Order 14168

Executive Order 14168, discussed previously, broadly directs all federal agencies to eliminate policies, programs, communications, and funding activities that recognize or promote gender identity concepts inconsistent with a binary definition of biological sex. While not limited to health care, the EO has implications for federally-funded programs, including directing HHS to review and revise ACA regulations, guidance, and grant conditions to ensure that federal funds are not used to support gender-affirming health care services or related initiatives framed as “gender ideology.” The EO also prohibits the use of federal grants and funding streams for such purposes, to the extent permitted under existing law. Because programs such as CHP+ rely in part on federal funding, EO 14168 could affect federal financial participation in coverage of gender-affirming health care services, depending on the outcome of litigation and subsequent federal rulemaking or guidance policies.

CMS Rule 2025-11606

On June 25, 2025, the Centers for Medicare and Medicaid Services (CMS) issued a final rule that excludes “sex-trait modification procedures” from the definition of essential health benefits (EHBs) for plans offered in the individual and small group markets subject to the ACA, beginning in plan year 2026. Under the rule, issuers may continue to cover gender-affirming health care services, but such coverage may no longer be treated as an EHB and therefore is not subject to ACA cost-sharing protections.¹⁹

For states like Colorado that previously included gender-affirming health care services within their EHB benchmark plan, the rule implicates ACA state defrayal requirements. Specifically, if a state requires coverage benefits that exceed the federally defined EHB standard, the state must defray the cost of those additional benefits for individuals enrolled in qualified health plans receiving federal premium tax credits. As a result, continued state-mandated coverage of gender-affirming health care services in the individual and small group markets could generate state fiscal obligations, depending on plan design, utilization, and the outcome of ongoing litigation.

¹⁹ CMS-9884-F



Vital Records and Identity Documents

Colorado law provides a framework allowing transgender and nonbinary individuals to amend identity documents and vital records that reflect their gender identity. These policies are codified in statute and implemented through state agencies, without the requirement for medical or surgical documentation.

Birth Certificates and Other Vital Records

Under Colorado law, individuals may amend their sex designation on a Colorado birth certificate to male (M), female (F), or nonbinary (X). Amended birth certificates are administered by the Colorado Department of Public Health and Environment and are based on a sworn statement from the individual seeking to change their sex designation. In the case of a minor's birth certificate, the statement must come from the minor's guardian and include an accompanying statement from a medical professional. As of 2025, there is no statutory limit on the number of times an individual may amend the sex designation on a birth certificate.²⁰

State law also requires county clerk and recorders offices to issue new marriage and civil union licenses to individuals who present appropriate documentation of their name change.²¹

Driver Licenses and State Identification Cards

Colorado driver licenses and state identification cards allow individuals to select M, F, or X as their sex designation. The Colorado Department of Revenue does not require medical documentation to make changes, but applicants must submit a signed attestation. Beginning in 2026, individuals may change the sex designation on a driver license or state identification card up to three times.²²

Name Changes

Colorado law allows individuals to change their legal name through a district court petition. Courts may waive the publication requirement when publication would pose a risk to the petitioner's safety. If the petitioner is under 18 years old, courts must suppress the record. Once granted, a legal name change applies across state records, including vital records and identity documents.

²⁰ Sections 25-2-112 and 25-2-113.8, C.R.S.

²¹ Section 14-15-110, C.R.S. and Section 14-2-106 (3)(a), C.R.S.

²² Section 42-2-107, C.R.S.



Federal Interactions

State-issued identity documents and vital records in Colorado differ from federal documents, such as passports or Social Security records. Federal executive actions do not invalidate Colorado documents, though discrepancies may arise when federal identification is required for federal programs or purposes. Executive Order 14168 directed U.S. passport policy to mandate that sex markers reflect biological sex at birth and remove options for nonbinary identification. While this does not preempt Colorado law, it may have practical implications for Colorado residents who identify as transgender or nonbinary.

Criminal Justice and Corrections

The Colorado Department of Corrections (CDOC) governs placement classification through administrative regulation rather than statute. As a result of a class action lawsuit filed against CDOC for its treatment of approximately 400 transgender women in state custody, the state entered into a consent decree where the CDOC agreed to implement comprehensive policy changes to its treatment of transgender individuals.²³

Anti-Discrimination

CDOC policy requires that transgender and nonbinary individuals be treated with dignity and without discrimination while in custody. Staff must interact professionally and respectfully with all offenders, using names, pronouns, and honorifics consistent with an individual's gender identity. Intentional or repeated misgendering may be subject to corrective action. Further, transgender and nonbinary offenders are afforded equal access to institutional services, programming, clothing, commissary, and case management.

Housing and Classification

CDOC policy requires individualized housing determinations for transgender and nonbinary individuals, taking into account gender identity, safety, medical needs, and personal preference, rather than assigning housing solely based on sex assigned at birth. Transgender women may be housed in a women's general population facility, a designated transgender integration unit, a voluntary transgender unit, or another facility determined appropriate through the placement review process. While an offender's housing preference is considered, CDOC policy does not guarantee placement consistent with gender identity if other safety or operational concerns outweigh that preference.

²³ CDOC, [Raven v. Polis Consent Decree](#), March 2024.



Health Care

CDOC is constitutionally required to provide adequate medical care to all incarcerated individuals. Gender-affirming health care is thus evaluated under the same medical-necessity standards that apply to other conditions. Specifically, CDOC policy provides for the continuation of hormone therapy for offenders who were receiving such treatment prior to incarceration, when clinically appropriate. However, initiation or modification of gender-affirming medical treatment while in custody is not automatic. Treatment decisions are dependent on clinical evaluation, diagnostic assessment, and review by a multidisciplinary committee, and take into account the duration and persistence of gender dysphoria, co-occurring medical conditions, and other considerations.

Privacy

CDOC policy includes provisions intended to protect the privacy and safety of transgender and nonbinary offenders. The department prohibits physical examinations conducted solely to determine genital status for classification purposes and requires the use of privacy measures, such as modesty screens, when feasible. Offenders may express preferences regarding the gender of staff conducting searches, and such preferences are considered when operationally possible.

Recent Colorado Legislation Regarding Transgender and Nonbinary Individuals

The following bills were enacted by the General Assembly in recent years:

- [House Bill 26-1283](#) "Protections Regarding Seizures of Identification Documents" made the confiscation or possession of a person's identification document without permission, and with the intent to intimidate or harass the person based on their transgender identity, a bias-motivated crime.
- [Senate Bill 26-018](#) "Legal Protections for Dignity of Minors" required the automatic suppression of court records related to a minor's name change.
- [House Bill 25-1109](#) "Gender Identity Certificate of Death" required individuals who are responsible for completing a death certificate to record the decedent's gender in accordance with their gender identity.
- [House Bill 25-1312](#) "Legal Protections for Transgender Individuals" enacted the Kelly Loving Act, which established several legal protections for transgender individuals related to discriminatory actions, education standards, and identity documents.



- [House Bill 25-1309](#) "Protect Access to Gender-Affirming Health Care" codified coverage of gender-affirming care in state law for state-regulated health plans.
- [House Bill 24-1071](#) "Name Change to Conform with Gender Identity" allowed convicted felons to change their name to conform with their gender identity.
- [Senate Bill 24-189](#) "Gender-Related Bias-Motivated Crimes" included transgender identity as a protected class for bias-motivated and harassment offenses.
- [House Bill 23-1057](#) "Amenities for All Genders in Public Buildings" created requirements for public buildings regarding non-gendered bathrooms, baby diaper changing stations, and signage.
- [Senate Bill 23-188](#) "Protections for Accessing Reproductive Health Care" prohibited government employees from engaging with out-of-state investigations of a legal health care activity, and provided health care providers with certain protections.
- [House Bill 21-1108](#) "Gender Identity Expression Anti-Discrimination" modified the definition of sexual orientation to include gender expression and gender identity, thus expanding anti-discrimination protections to members of that protected class.
- [Senate Bill 20-221](#) "Gay Panic or Transgender Panic Defense" eliminated the discovery of a victim's sexual orientation or gender identity as a defense in criminal cases.
- [House Bill 19-1039](#) "Identity Documents for Transgender Persons" eliminated the requirement that an individual get a court order to obtain a new birth certificate reflecting a change in gender designation, and allowed an individual to obtain a new driver license if their gender identity differed from their sex designation.
- [House Bill 19-1129](#) "Prohibit Conversion Therapy for a Minor" prohibited a physician specializing in psychiatry or a licensed, certified, or registered mental health provider from performing conversion therapy on a patient under age 18.
- [House Bill 19-1192](#) "Inclusion of American Minorities in Teaching Civil Government" required schools to teach the history, culture, and contributions of various minority communities including transgender individuals.

The following bills were postponed indefinitely in recent years:

- [House Bill 26-1128](#) "Limitation on Gender Transition Procedure Claims" would have established a statute of limitations for actions taken against providers based on an injury suffered as the result of a youth gender transition procedure.



- [House Bill 26-1319](#) "Right to Be Out at Work" would have expanded protections to employees regarding their sexual orientation, gender identity and gender expression.
- [House Bill 26-1083](#) "Protect Female Sports Act" would have prohibited a sports team that is designated for females from being open for participation by a male participant.
- [House Bill 26-1087](#) "Safeguard Minors from Sex-Altering Interventions" would have prohibited a person, health care provider, or mental health professional from knowingly performing surgery on, prescribing, administering, or providing hormone therapy or puberty-delaying medications to a minor for the purpose of altering the minor's biological sex characteristics.
- [House Bill 25B-1015](#) "Preserve Medicaid Health care Services" would have prohibited state funding for abortion and gender-affirming care services.
- [House Bill 25-1145](#) "Trafficking Minor for Abortion or Transgender Care" would have created a new class 2 felony for trafficking of a minor for abortion or gender-affirming health care services.
- [House Bill 25-1254](#) "Limitation on Gender Transition Procedure Claim" would have limited the timeframe for filing claims related to youth gender transition procedures.
- [House Bill 25-1068](#) "Malpractice Insurers Gender-Affirming Care Minors" would have allowed a medical malpractice insurer to take certain actions that are prohibited under current law against an applicant or named insurer that provides gender-affirming care to minors.
- [House Bill 25-1251](#) "Parental Consent to Treatment of a Minor" would have prohibited anyone from soliciting, arranging, or performing any medical or mental health service to a minor without consent from a parent or legal guardian.
- [House Bill 25-1253](#) "Youth Health Protection Act" would have restricted various medical actions related to gender dysphoria.
- [House Bill 24-1040](#) "Gender-Affirming Health care Provider Study" would have required the state to conduct a study on the status of gender-affirming care in Colorado.
- [House Bill 23-1098](#) "Women's Rights in Athletics" would have required that any school sport in K-12 or higher education be designated as either male, female, or coeducational, and prohibited students from participating in an activity that does not match their biological sex.
- [House Bill 20-1273](#) "Equality and Fairness in Youth Sports Act" would have prohibited male students from participating on female sports teams in K-12 public schools.