

HB1085_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB26-1085 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article
4 18.7 of title 15 as follows:

5 PART 3
6 DIRECTIVES CONCERNING PREGNANCY
7 FOR SCOPE OF TREATMENT

8 **15-18.7-301. Definitions.**

9 AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (1) "ADVANCED PREGNANCY DIRECTIVE" MEANS A WRITTEN,
12 SIGNED, AND DATED DOCUMENT VOLUNTARILY EXECUTED BY A PREGNANT
13 PATIENT INDICATING THE PATIENT'S INFORMED DECISION TO RECEIVE
14 MEDICAL TREATMENT NECESSARY TO SUSTAIN CARDIOPULMONARY
15 FUNCTION FOR THE PURPOSE OF ALLOWING FETAL DEVELOPMENT IF THE
16 PATIENT BECOMES INCAPACITATED AND IS NOT EXPECTED TO REGAIN
17 DECISION-MAKING CAPACITY.

18 (2) "INCAPACITATED" HAS THE MEANING SET FORTH IN SECTION
19 15-1.5-101.

20 (3) "SOMATIC SUPPORT" MEANS MECHANICAL VENTILATION,
21 ARTIFICIAL NUTRITION AND HYDRATION, CIRCULATORY SUPPORT,
22 MEDICATIONS, AND OTHER MEDICAL INTERVENTIONS NECESSARY TO
23 MAINTAIN ORGAN PERFUSION AND OXYGENATION OF A PREGNANT
24 PATIENT.

25 (4) "VIABLE" MEANS A STAGE OF FETAL DEVELOPMENT AT WHICH,
26 IN THE REASONABLE MEDICAL JUDGMENT OF THE ATTENDING PHYSICIAN,
27 THE FETUS HAS A SUBSTANTIAL LIKELIHOOD OF CONTINUED DEVELOPMENT
28 WITHIN THE UTERUS WITH SOMATIC SUPPORT UNTIL DELIVERY CAN OCCUR
29 WITH A REASONABLE PROBABILITY OF NEONATAL SURVIVAL WITH
30 STANDARD NEONATAL CARE.

31 **15-18.7-302. Advanced pregnancy directive - continuation of
32 somatic support - revocation.**

33 (1) A HEALTH-CARE PROVIDER WHO PROVIDES PRENATAL CARE
34 SHALL INFORM A PREGNANT PATIENT OF THE OPTION TO EXECUTE AN
35 ADVANCED PREGNANCY DIRECTIVE. EXECUTION OF AN ADVANCED
36 PREGNANCY DIRECTIVE IS VOLUNTARY AND MUST NOT BE REQUIRED AS A
37 CONDITION OF CARE OR TREATMENT.

38 (2) AN ADVANCED PREGNANCY DIRECTIVE MUST:

39 (a) BE SIGNED BY THE PATIENT OR THE PATIENT'S LEGALLY
40 AUTHORIZED REPRESENTATIVE AT THE PATIENT'S DIRECTION;

1 (b) BE WITNESSED BY TWO ADULTS WHO ARE NOT THE PATIENT'S
2 HEALTH-CARE PROVIDER AND NOT ENTITLED TO ANY PORTION OF THE
3 PATIENT'S ASSETS; AND

4 (c) INCLUDE AN ACKNOWLEDGMENT THAT THE PATIENT
5 UNDERSTANDS:

6 (I) THE DIRECTIVE AUTHORIZES CONTINUATION OF
7 LIFE-SUSTAINING TREATMENT SOLELY TO SUSTAIN A PREGNANCY;

8 (II) THE PATIENT MAY REMAIN PERMANENTLY UNCONSCIOUS OR
9 DECEASED BY NEUROLOGIC CRITERIA DURING TREATMENT;

10 (III) MEDICAL RISKS TO THE PATIENT'S BODY MAY OCCUR; AND

11 (IV) THE ADVANCED PREGNANCY DIRECTIVE MAY BE REVOKED AT
12 ANY TIME WHILE THE PATIENT RETAINS DECISION-MAKING CAPACITY.

13 (3) IF A PREGNANT PATIENT BECOMES INCAPACITATED AND THE
14 ATTENDING PHYSICIAN DETERMINES, TO A REASONABLE DEGREE OF
15 MEDICAL CERTAINTY, THAT RECOVERY OF DECISION-MAKING CAPACITY IS
16 NOT EXPECTED AND THE FETUS IS VIABLE, HEALTH-CARE PROVIDERS SHALL
17 PROVIDE AND CONTINUE PROVIDING SOMATIC SUPPORT CONSISTENT WITH
18 THE ADVANCED PREGNANCY DIRECTIVE FOR THE PURPOSE OF MAINTAINING
19 MATERNAL ORGAN FUNCTION UNTIL, IN THE REASONABLE MEDICAL
20 JUDGMENT OF THE ATTENDING PHYSICIAN, DELIVERY MAY OCCUR WITH A
21 REASONABLE PROBABILITY OF NEONATAL SURVIVAL OR THE TREATMENT
22 BECOMES MEDICALLY INEFFECTIVE OR CONTRAINDICATED FOR FETAL
23 SURVIVAL.

24 (4) AN ADVANCED PREGNANCY DIRECTIVE SUPPLEMENTS AND
25 DOES NOT REPLACE A MEDICAL DURABLE POWER OF ATTORNEY OR
26 DECLARATION AS TO MEDICAL TREATMENT EXECUTED PURSUANT TO
27 SECTION 15-18-104. IF A CONFLICT EXISTS, THE ADVANCED PREGNANCY
28 DIRECTIVE GOVERNS MEDICAL DECISIONS REGARDING CONTINUATION OF
29 TREATMENT SOLELY FOR FETAL GESTATION.

30 (5) A PATIENT MAY REVOKE THE ADVANCED PREGNANCY
31 DIRECTIVE AT ANY TIME AND IN ANY MANNER COMMUNICATING INTENT TO
32 REVOKE WHILE CAPABLE OF INFORMED DECISION MAKING.

33 **15-18.7-303. Immunity.**

34 (1) (a) A HEALTH-CARE PROVIDER ACTING IN GOOD FAITH
35 RELIANCE ON AN ADVANCED PREGNANCY DIRECTIVE IS NOT SUBJECT TO
36 CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL DISCIPLINE RESULTING
37 FROM TREATMENT PROVIDED IN ACCORDANCE WITH THE ADVANCED
38 PREGNANCY DIRECTIVE.

39 (b) A HEALTH-CARE PROVIDER IS NOT SUBJECT TO CIVIL OR
40 CRIMINAL LIABILITY FOR FAILING TO OFFER A PREGNANT PATIENT THE
41 OPTION TO EXECUTE AN ADVANCED PREGNANCY DIRECTIVE PURSUANT TO
42 SECTION 15-18.7-302 (1).

43 (2) THIS SECTION DOES NOT REQUIRE A HEALTH-CARE PROVIDER

1 TO INITIATE OR CONTINUE SOMATIC SUPPORT IN THE ABSENCE OF A VALID
2 ADVANCED PREGNANCY DIRECTIVE.

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2026 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor."

13 Page 1, strike lines 101 through 103 and substitute:

14 **"CONCERNING THE CREATION OF AN ADVANCED PREGNANCY**
15 **DIRECTIVE TO AUTHORIZE THE CONTINUATION OF SOMATIC**
16 **SUPPORT FOR A PREGNANT PATIENT WHO IS INCAPACITATED**
17 **WITH NO EXPECTATION OF RECOVERY WHEN A FETUS IS**
18 **POTENTIALLY VIABLE."**

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