

HOUSE COMMITTEE OF REFERENCE REPORT

February 4, 2026

Chair of Committee

Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB26-1040 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

3 **"SECTION 1.** In Colorado Revised Statutes, 25.5-10-231, **amend**
4 (1) and (2); and **repeal** (3), (4), and (5) as follows:

5 **25.5-10-231. Sterilization rights - legislative intent.**

6 (1) It is the intent of the general assembly that the ~~procedures set~~
7 ~~forth in the following subsections be utilized when sterilization is being~~
8 ~~considered for the primary purpose of rendering the person incapable of~~
9 ~~reproduction.~~ CONSENT REQUIRED IN SUBSECTION (2) OF THIS SECTION
10 APPLIES TO ANY PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
11 DISABILITY WHEN STERILIZATION IS BEING CONSIDERED FOR THE PRIMARY
12 PURPOSE OF RENDERING THE PERSON INCAPABLE OF REPRODUCTION.

13 (2) ~~Any person with an intellectual and developmental disability~~
14 ~~over eighteen years of age who has given informed consent has the right~~
15 ~~to be sterilized, subject to the following:~~ A PERSON WITH AN
16 INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHO HAS
17 DECISION-MAKING CAPACITY SHALL NOT BE STERILIZED AGAINST THE
18 PERSON'S WILL. A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
19 DISABILITY WHO LACKS DECISION-MAKING CAPACITY SHALL NOT BE
20 STERILIZED AGAINST THE PERSON'S WILL EXCEPT IN CIRCUMSTANCES
21 WHERE THERE IS AN IMMINENT THREAT TO THE LIFE OR HEALTH OF THE
22 PERSON AND THE DECISION IS MADE IN ACCORDANCE WITH A PROCESS,
23 REQUIREMENTS, OR LIMITATIONS SET FORTH IN ARTICLE 14 OF TITLE 15 OR
24 ANY OTHER APPLICABLE LAW OR COURT ORDER.

25 (a) ~~Prior to the procedure, competency to give informed consent~~
26 ~~and assurance that such consent is voluntarily and freely given shall be~~
27 ~~evaluated by the following:~~

(I) A psychiatrist, psychologist, or physician who does not provide services or supports to the person and who has consulted with and interviewed the person with an intellectual and developmental disability; and

(H) An intellectual and developmental disabilities professional who does not provide services or supports in which said person participates, and who has consulted with and interviewed the person with an intellectual and developmental disability.

(b) The professionals who conducted the evaluation pursuant to paragraph (a) of this subsection (2) shall consult with the physician who is to perform the operation concerning each professional's opinion in regard to the informed consent of the person requesting the sterilization.

13 (3) Any person with an intellectual and developmental disability
14 whose capacity to give an informed consent is challenged by the
15 intellectual and developmental disabilities professional or the physician
16 may file a petition with the court to declare competency to give consent
17 pursuant to the procedures set forth in section 25.5-10-232.

(4) No person with an intellectual and developmental disability who is over eighteen years of age and has the capacity to participate in the decision-making process regarding sterilization shall be sterilized in the absence of the person's informed consent. No minor may be sterilized without a court order pursuant to section 25.5-10-233.

23 (5) Sterilization conducted pursuant to this section shall be legal.
24 Consent given by any person pursuant to subsection (2) of this section is
25 not revocable after sterilization, and no person shall be liable for acting
26 pursuant to such consent.

26 ~~SECTION 2. In Colorado Revised Statutes, 25.5-10-220, amend~~
27 **SECTION 2. In Colorado Revised Statutes, 25.5-10-220, amend**
28 (9) as follows:

25.5-10-220. Right to medical care and treatment.

1 the person implicitly or expressly objects to such THE procedure.

2 **SECTION 3.** In Colorado Revised Statutes, **repeal** 25.5-10-232,
3 25.5-10-233, and 25.5-10-234.

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

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