

CHAPTER 168

HEALTH CARE POLICY AND FINANCING

SENATE BILL 21-142

BY SENATOR(S) Pettersen and Donovan, Bridges, Danielson, Fields, Gonzales, Zenzinger, Fenberg, Ginal, Hansen, Jaquez Lewis, Kolker, Moreno, Rodriguez, Story, Winter;
also REPRESENTATIVE(S) Caraveo and McCluskie, Jodeh, Kipp, Lontine, Michaelson Jenet, Sirota, Titone, Woodrow, Young, Bacon, Benavidez, Bennett, Bird, Boesenecker, Cutter, Esgar, Froelich, Gonzales-Gutierrez, Hooton, Jackson, Kennedy, McCormick, Mullica, Ortiz, Ricks, Snyder, Tipper, Valdez A., Weissman, Garnett.

AN ACT

CONCERNING REMOVING CERTAIN RESTRICTIONS RELATED TO ABORTION SERVICES, AND, IN CONNECTION THEREWITH, REMOVING THE REQUIREMENT THAT THE SERVICES BE PERFORMED ONLY AT CERTAIN HEALTH CARE FACILITIES AND REMOVING THE REQUIREMENT THAT ONLY A PHYSICIAN PERFORM THE SERVICE.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) According to the most recently available Federal Bureau of Investigation data, Colorado's reported sexual assault rate ranked third highest in the nation. The data additionally show that Colorado's law enforcement agencies collected 3,635 sexual assault reports in 2016 and 3,858 reports in 2017, over 1.5 times the average rate reported nationwide during that time frame. Furthermore, according to a 2016 bulletin published by the U.S. Department of Justice, nearly 80 percent of rapes and sexual assaults go unreported.

(b) According to the Centers for Disease Control and Prevention's 2010 National Intimate Partner and Sexual Violence Survey, one in five women and one in 71 men will be raped in their lifetime;

(c) A comprehensive 2003 review by the National Resource Center on Domestic Violence found that rural sexual violence survivors are disproportionately underserved, facing barriers to reporting, support services, and health care due to geographic distance, transportation obstacles, and provider scarcity. In order to

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

expand access to services, particularly in areas of the state where access is limited, it is important to allow local health care providers to provide care to rape and incest survivors in community-based health care settings. Rural sexual violence survivors are particularly impacted by provider scarcity and concerns about anonymity and confidentiality in reporting due to residing in smaller communities.

(d) Under the Hyde amendment, federal tax dollars are able to be used to pay for an abortion only if the pregnancy is the result of an act of rape or incest or in the case of a life-endangering physical condition that would place the woman in danger of death unless an abortion is performed; and

(e) Every person has a right to privacy with respect to personal health decisions, free from coercion or interference from the government. Health care must be accessible, safe, and affordable, and no person should be required to leave the person's community to access the care that the person needs.

SECTION 2. In Colorado Revised Statutes, 25.5-3-106, **amend** (3) as follows:

25.5-3-106. No public funds for abortion - exception - definitions - repeal.

(3) (a) ~~Except as provided in paragraph (b) of this subsection (3);~~ Any MEDICALLY necessary medical services performed pursuant to this section shall be performed only in a licensed health-care facility by a provider who is a licensed physician BY THE STATE AND ACTING WITHIN THE SCOPE OF THE PROVIDER'S LICENSE AND IN ACCORDANCE WITH APPLICABLE FEDERAL REGULATIONS.

~~(b) However, such services may be performed in other than a licensed health care facility if, in the medical judgment of the attending physician, the life of the pregnant woman or her unborn child is substantially threatened and a transfer to a licensed health-care facility would further endanger the life of the pregnant woman or her unborn child. Such medical services may be performed in other than a licensed health-care facility if the medical services are necessitated by a life-endangering circumstance described in subparagraph (II) of paragraph (b) of subsection (6) of this section and if there is no licensed health-care facility within a thirty-mile radius of the place where such medical services are performed.~~

SECTION 3. In Colorado Revised Statutes, 25.5-4-415, **amend** (3) as follows:

25.5-4-415. No public funds for abortion - exception - definitions - repeal.

(3) (a) ~~Except as provided in paragraph (b) of this subsection (3);~~ Any MEDICALLY necessary medical services performed pursuant to this section shall be performed only in a licensed health-care facility by a provider who is a licensed physician BY THE STATE AND ACTING WITHIN THE SCOPE OF THE PROVIDER'S LICENSE AND IN ACCORDANCE WITH APPLICABLE FEDERAL REGULATIONS.

~~(b) However, such services may be performed in other than a licensed health care facility if, in the medical judgment of the attending physician, the life of the pregnant woman or her unborn child is substantially threatened and a transfer to a licensed health-care facility would further endanger the life of the pregnant woman or her unborn child. Such medical services may be performed in other than a licensed health-care facility if the medical services are necessitated by a life-endangering circumstance described in subparagraph (II) of paragraph (b) of~~

~~subsection (6) of this section and if there is no licensed health-care facility within a thirty-mile radius of the place where such medical services are performed.~~

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

Approved: May 21, 2021