

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 23-0540.01 Brita Darling x2241

SENATE BILL 23-190

SENATE SPONSORSHIP

Winter F. and Marchman, Cutter, Gonzales, Jaquez Lewis, Moreno, Buckner, Coleman, Danielson, Fenberg, Fields, Ginal, Hinrichsen, Kolker, Sullivan

HOUSE SPONSORSHIP

McCormick and Epps, Froelich, Titone

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING POLICIES TO MAKE PUNISHABLE DECEPTIVE ACTIONS**
102 **REGARDING PREGNANCY-RELATED SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill makes it a deceptive trade practice for a person to make or disseminate to the public any advertisement that indicates, directly or indirectly, that the person provides abortions, emergency contraceptives, or referrals for abortions or emergency contraceptives when the person knows or reasonably should have known that the person does not provide those specific services.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
March 22, 2023

SENATE
Amended 2nd Reading
March 21, 2023

A health-care provider engages in unprofessional conduct or is subject to discipline in this state if the health-care provider provides, prescribes, administers, or attempts medication abortion reversal in this state.

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

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

4 (a) In Colorado, a pregnant individual has a fundamental right to
5 continue a pregnancy or to terminate a pregnancy by abortion;

6 (b) Pregnant individuals need timely and accurate information
7 from qualified medical professionals to make informed decisions about
8 their health and well-being;

9 (c) According to the American Medical Association's Journal of
10 Ethics, anti-abortion centers, also known as "crisis pregnancy centers",
11 aim "to prevent abortions by persuading people that adoption or parenting
12 is a better option";

13 (d) Anti-abortion centers are the ground-level presence of a
14 well-coordinated anti-choice movement;

15 (e) Some anti-abortion centers use deceptive advertising tactics to
16 target and acquire clients from historically marginalized groups, including
17 Black, Indigenous, and other people of color; those who live in rural
18 areas; LGBTQ+ communities; students; people with lower incomes; and
19 people for whom English is not their first language;

20 (f) Some anti-abortion centers go so far as to advertise medication
21 abortion reversal, a dangerous and deceptive practice that is not supported
22 by science or clinical standards, according to the American College of
23 Obstetricians and Gynecologists, or by the United States food and drug

1 administration;

2 (g) The American Medical Association states, "[Physicians] do
3 not and cannot, without misleading them, tell their patients that it may be
4 possible to reverse a medication abortion";

5 (h) Time is a critical factor for individuals seeking abortion care;
6 and

7 (i) No one should be deceived, manipulated, or face unnecessary
8 delays when seeking support or health care during pregnancy.

9 (2) Therefore, the general assembly finds and declares that it is
10 imperative that Colorado stop deceptive trade practices and
11 unprofessional conduct with respect to the provision of abortion services
12 and medication abortion reversal, and accordingly, the following issues
13 are matters of statewide concern:

14 (a) Stopping deceptive trade practices relating to access to timely
15 abortion and emergency contraceptives, as described in section 6-1-733,
16 Colorado Revised Statutes, and medication abortion reversal; and

17 (b) Declaring that it is unprofessional conduct for a person
18 regulated pursuant to title 12, Colorado Revised Statutes, to provide,
19 prescribe, administer, or attempt medication abortion reversal, as
20 described in section 12-30-120, Colorado Revised Statutes.

21 (3) The general assembly further finds and declares that:

22 (a) Section 6-1-105 (1)(e) and (1)(rrr), Colorado Revised Statutes,
23 declare, in part, that it is a deceptive trade practice to knowingly or
24 recklessly make a false representation as to the characteristics, uses, or
25 benefits of products or services or to knowingly or recklessly engage in
26 any unfair, unconscionable, deceptive, deliberately misleading, false, or
27 fraudulent act or practice; and

1 (b) This prohibition on deceptive trade practices applies to
2 disseminating or causing to be disseminated false advertising relating to
3 the provision of abortion or emergency contraceptive services, or referrals
4 for those services, and advertising for or providing or offering to provide
5 or make available medication abortion reversal.

6 **SECTION 2.** In Colorado Revised Statutes, **add 6-1-733** as
7 follows:

8 **6-1-733. Access to abortion services and emergency**
9 **contraception - deceptive trade practice - definitions.** (1) AS USED IN
10 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 (a) "ABORTION" HAS THE MEANING SET FORTH IN SECTION
12 25-6-402 (1).

13 (b) "EMERGENCY CONTRACEPTIVE" MEANS A DRUG OR DEVICE
14 APPROVED BY THE FOOD AND DRUG ADMINISTRATION TO SIGNIFICANTLY
15 REDUCE THE RISK OF PREGNANCY IF TAKEN OR ADMINISTERED WITHIN A
16 SPECIFIED PERIOD OF TIME AFTER SEXUAL INTERCOURSE, INCLUDING
17 EMERGENCY CONTRACEPTIVE PILLS AND INTRAUTERINE DEVICES.

18 (c) "FOOD AND DRUG ADMINISTRATION" MEANS THE FOOD AND
19 DRUG ADMINISTRATION IN THE UNITED STATES DEPARTMENT OF HEALTH
20 AND HUMAN SERVICES, OR ANY SUCCESSOR ENTITY.

21 (2) A PERSON ENGAGES IN A DECEPTIVE TRADE PRACTICE WHEN
22 THE PERSON MAKES OR DISSEMINATES TO THE PUBLIC OR CAUSES TO BE
23 MADE OR DISSEMINATED TO THE PUBLIC ANY ADVERTISEMENT THAT
24 INDICATES THAT THE PERSON PROVIDES ABORTIONS OR EMERGENCY
25 CONTRACEPTIVES, OR REFERRALS FOR ABORTIONS OR EMERGENCY
26 CONTRACEPTIVES, WHEN THE PERSON KNOWS OR REASONABLY SHOULD
27 HAVE KNOWN, AT THE TIME OF PUBLICATION OR DISSEMINATION TO THE

1 PUBLIC OF THE ADVERTISEMENT, THAT THE PERSON DOES NOT PROVIDE
2 THOSE SPECIFIC SERVICES.

3 **SECTION 3.** In Colorado Revised Statutes, **add** 12-30-120 as
4 follows:

5 **12-30-120. Unprofessional conduct - grounds for discipline -**
6 **offering medication abortion reversal - definitions.** (1) AS USED IN
7 THIS SECTION:

8 (a) "ABORTION" HAS THE MEANING SET FORTH IN SECTION
9 25-6-402 (1).

10 (b) "MEDICATION ABORTION" MEANS AN ABORTION CONDUCTED
11 SOLELY THROUGH THE USE OF ONE OR MORE PRESCRIPTION DRUGS.

12 (c) "MEDICATION ABORTION REVERSAL" MEANS ADMINISTERING,
13 DISPENSING, DISTRIBUTING, OR DELIVERING A DRUG WITH THE INTENT TO
14 INTERFERE WITH, REVERSE, OR HALT A MEDICATION ABORTION.

15 (2) (a) A LICENSEE, REGISTRANT, OR CERTIFICANT ENGAGES IN
16 UNPROFESSIONAL CONDUCT OR IS SUBJECT TO DISCIPLINE PURSUANT TO
17 THIS TITLE 12 IF THE LICENSEE, REGISTRANT, OR CERTIFICANT PROVIDES,
18 PRESCRIBES, ADMINISTERS, OR ATTEMPTS MEDICATION ABORTION
19 REVERSAL IN THIS STATE, UNLESS THE COLORADO MEDICAL BOARD
20 CREATED IN SECTION 12-240-105 (1), THE STATE BOARD OF PHARMACY
21 CREATED IN SECTION 12-280-104 (1), AND THE STATE BOARD OF NURSING
22 CREATED IN SECTION 12-255-105 (1), IN CONSULTATION WITH EACH
23 OTHER, EACH HAVE IN EFFECT RULES FINDING THAT IT IS A GENERALLY
24 ACCEPTED STANDARD OF PRACTICE TO ENGAGE IN MEDICATION ABORTION
25 REVERSAL.

26 (b) THE BOARDS SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION
27 SHALL PROMULGATE APPLICABLE RULES NO LATER THAN OCTOBER 1,

1 2023, IN CONSULTATION WITH EACH OTHER, CONCERNING WHETHER
2 ENGAGING IN MEDICATION ABORTION REVERSAL IS A GENERALLY
3 ACCEPTED STANDARD OF PRACTICE.

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