

HB26-1085: Offer Pregnant Person “Do Not Abort” Form

What HB26-1085 Does

HB26-1085 ensures that pregnant Coloradans who do not want an abortion can formally document that choice in the event they later become incapacitated or unable to communicate.

The bill requires health-care providers to:

1. Offer a simple “Do Not Abort” form to pregnant patients; and
2. Place the form in the patient’s medical record if the patient chooses to complete it.

The form is **voluntary** and **patient-initiated**. No one is required to sign it.

Why This Bill Matters

- **Protects patient autonomy**
HB26-1085 respects that a patient’s wishes may change over time and gives them a clear way to ensure their values are honored if they cannot speak for themselves.
 - **Aligns with existing medical ethics**
Just as advance directives guide end-of-life care, this form guides medical decisions during pregnancy if the patient becomes incapacitated.
 - **Prevents confusion and legal disputes**
When no preferences are documented, providers and families may face uncertainty, delays, or conflict. This bill provides clarity when it matters most.
 - **Non-coercive and neutral**
The bill does **not restrict abortion**, mandate any outcome, or interfere with access. It simply offers a documentation option for those who want it.
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Why This Option Is Especially Important for Women of Color

Black women face significantly higher rates of pregnancy-related medical crises. Nationally, Black women are approximately 2.6 to 3 times more likely to die from pregnancy-related causes than white women, and they experience substantially higher rates of severe maternal morbidity. In Colorado, disparities in maternal outcomes persist across income and education levels.

Because Black women are more likely to encounter emergency or life-threatening pregnancy complications, ensuring they have a clear, documented way to state their wishes if they become

incapacitated is an important equity measure. This option helps protect autonomy during moments when Black women are statistically more likely to face crisis-level medical decisions.

Colorado-Specific Impact

- **No fiscal impact**
- **No new regulatory burden on patients**
Patients are not required to complete the form, it is strictly optional.
- **Limited provider impact**
The bill only adds a brief offer and a record entry when a patient chooses to participate.

Advance Directives Are Part of Colorado Law

Colorado law recognizes advanced medical directives as legal written instructions that allow a person to state their health-care wishes in advance of losing the ability to communicate them. These can include:

- A medical durable power of attorney (naming someone to make decisions)
- Written instructions about specific treatments if incapacitated- all designed to guide providers when the individual cannot speak for themselves.

Healthcare Providers Must Inform Patients About Advance Directives

Under current Colorado law, hospitals, nursing facilities, hospices, and similar providers must give adult patients written information about their rights to make medical decisions, including the right to create advance directives. Providers must also document in the patient's record whether an advance directive exists.