

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0028.01 Michael Dohr x4347

HOUSE BILL 16-1146

HOUSE SPONSORSHIP

Landgraf and Sias, Klingenschmitt, Carver

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING STATUTORY DEFINITIONS RELATED TO HUMAN BEINGS TO
102 INCLUDE EVERY INFANT HUMAN BEING WHO IS BORN ALIVE AT
103 ANY STAGE OF DEVELOPMENT.

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://www.leg.state.co.us/bills summaries>.)

The bill defines, for the purposes of all statutes, "child", "human being", "individual", and "person" as every infant human being who is born alive at any stage of development. The bill defines "born alive" as, with respect to a human being, the complete expulsion or extraction from its mother a member of the species homo sapiens, at any stage of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-4-401, **amend** (1)
3 and (8); and **add** (1.2), (3.6), and (3.8) as follows:

4 **2-4-401. Definitions.** The following definitions apply to every
5 statute, unless the context otherwise requires:

6 (1) (a) ~~"Child" includes child by adoption~~ "BORN ALIVE", WITH
7 RESPECT TO A HUMAN BEING, AND AS USED IN THIS SECTION, INCLUDES THE
8 COMPLETE EXPULSION OR EXTRACTION FROM ITS MOTHER A MEMBER OF
9 THE SPECIES HOMO SAPIENS, AT ANY STAGE OF DEVELOPMENT, WHO AFTER
10 SUCH EXPULSION OR EXTRACTION BREATHES OR HAS A BEATING HEART,
11 PULSATION OF THE UMBILICAL CORD, OR DEFINITE MOVEMENT OF
12 VOLUNTARY MUSCLES, REGARDLESS OF WHETHER THE UMBILICAL CORD
13 HAS BEEN CUT AND REGARDLESS OF WHETHER THE EXPULSION OR
14 EXTRACTION OCCURS AS A RESULT OF NATURAL OR INDUCED LABOR,
15 CESAREAN SECTION, OR INDUCED ABORTION.

16 (b) NOTHING IN THIS SUBSECTION (1) SHALL BE CONSTRUED TO
17 AFFIRM, DENY, EXPAND, OR CONTRACT ANY LEGAL STATUS OR LEGAL
18 RIGHT APPLICABLE TO ANY MEMBER OF THE SPECIES HOMO SAPIENS AT
19 ANY POINT PRIOR TO BEING BORN ALIVE AS DEFINED IN THIS SUBSECTION
20 (1).

21 (1.2) "CHILD" INCLUDES EVERY INFANT HUMAN BEING WHO IS
22 BORN ALIVE AT ANY STAGE OF DEVELOPMENT AND INCLUDES A CHILD BY
23 ADOPTION.

1 (3.6) "HUMAN BEING" INCLUDES EVERY INFANT HUMAN BEING
2 WHO IS BORN ALIVE AT ANY STAGE OF DEVELOPMENT.

3 (3.8) "INDIVIDUAL" INCLUDES EVERY HUMAN BEING WHO IS BORN
4 ALIVE AT ANY STAGE OF DEVELOPMENT.

5 (8) "Person" means any individual, corporation, government or
6 governmental subdivision or agency, business trust, estate, trust, limited
7 liability company, partnership, association, or other legal entity.

8 "PERSON", WHEN REFERRING TO HUMAN BEINGS, INCLUDES EVERY INFANT
9 HUMAN BEING WHO IS BORN ALIVE AT ANY STAGE OF DEVELOPMENT.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2016 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.