



**Colorado  
Legislative  
Council  
Staff**

**HB16-1146**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0028  
**Prime Sponsor(s):** Rep. Landgraf; Sias

**Date:** June 2, 2016  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** BORN ALIVE INFANT PROTECTION ACT

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Potential increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Potential state expenditure increase.		

**NOTE:** This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Summary of Legislation**

This bill defines the term "born alive" as any human being completely expelled or extracted from its mother, at any stage of development, that has a beating heart, a pulsation of the umbilical cord, or movement of its voluntary muscles, regardless of whether or not the umbilical cord has been cut or the expulsion or extraction resulted from labor, cesarean section, or induced abortion. The bill includes within the definitions of "child," "human being," "individual," and "person" any human infant born alive at any stage of development.

**Background**

The federal Born-Alive Infants Protection Act of 2002 extends legal protection to an infant born alive after a birth, cesarean section, or induced abortion. Under current law in Colorado, a newborn infant is considered a person.

**State Expenditures**

To the extent that individuals challenge state laws concerning the interpretation of the born alive definition, workload and legal service costs may increase for state agencies. The courts may have additional workload to hear any cases arising from these actions. While the fiscal note is unable to estimate how many potential cases could be brought concerning these matters or predict

their outcome, it is assumed that the courts and state agencies can continue to operate within existing appropriations. Any costs, if they occur, will be addressed through the annual budget process.

## Local Government Impact

Similar to the State Expenditure section above, local governments may potentially be challenged in court regarding the interpretation and application of the born alive definition. This may potentially increase workload and legal service costs. Overall, the fiscal impact of this measure on local governments is assumed to be minimal.

## Effective Date

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on February 29, 2016.

## State and Local Government Contacts

District Attorneys  
Counties  
Higher Education  
Office of Information Technology

Cities  
Health Care Policy and Financing  
Judicial  
Public Health & Environment