

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

INTRODUCED

LLS NO. 21-0566.01 Michael Dohr x4347

HOUSE BILL 21-1017

HOUSE SPONSORSHIP

Neville, Ransom, Sandridge, Van Winkle, Williams

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROTECTION OF HUMAN LIFE BEGINNING AT**
102 **CONCEPTION.**

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 prohibits terminating the life of an unborn child and makes a violation a class 1 felony. The following are exceptions to the prohibition:

- A licensed physician performs a medical procedure designed or intended to prevent the death of a pregnant mother, if the physician makes reasonable medical efforts

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

under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner consistent with conventional medical practice; and

- A licensed physician provides medical treatment, including chemotherapy or removal of an ectopic pregnancy, to the mother that results in the accidental or unintentional injury to or death of the unborn child.

The pregnant mother upon whom termination of the life of an unborn child is performed or attempted is not subject to a criminal penalty. The sale and use of contraception is not prohibited by the bill. A conviction related to the prohibition of the termination of the life of an unborn child constitutes unprofessional conduct for purposes of physician licensing.

The bill states that any act, law, treaty, order, or regulation of the United States government that denies or prohibits protection of a human person's inalienable right to life is null, void, and unenforceable in this state and that the courts of the United States have no jurisdiction to interfere with Colorado's interest in protecting human life at conception when human life begins.

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

2 **SECTION 1. Legislative intent.** (1) It is the intent of the general
3 assembly to make the practice of terminating the life of an unborn child
4 illegal in the state of Colorado.

5 (2) Colorado's authority to assert its interest in protecting human
6 life from conception derives from:

7 (a) The Tenth Amendment to the United States Constitution that
8 provides that all powers not delegated to the federal government
9 elsewhere in the Constitution are reserved to the states or to the people
10 that Colorado has utilized since 1967 by legalizing the practice of
11 abortion before the Supreme Court case, *Roe v. Wade*, 410 U.S. 113
12 (1973); and

13 (b) The Declaration of Independence that acknowledges that life
14 is endowed to all persons as an inalienable right.

1 **SECTION 2.** In Colorado Revised Statutes, **add** part 9 to article
2 6 of title 18 as follows:

3 PART 9
4 TERMINATION OF THE LIFE OF AN UNBORN CHILD
5 PROHIBITION

6 **18-6-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "ABORTION" MEANS THE ACT OF USING OR PRESCRIBING ANY
9 INSTRUMENT, MEDICINE, DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR
10 MEANS WITH THE INTENT TO TERMINATE THE PREGNANCY OF A WOMAN
11 WITH KNOWLEDGE OR REASON TO BELIEVE THAT THE TERMINATION BY
12 THOSE MEANS WILL CAUSE THE DEATH OF THE UNBORN CHILD. SUCH USE,
13 PRESCRIPTION, OR MEANS IS NOT AN ABORTION IF DONE WITH THE INTENT
14 TO:

15 (a) SAVE THE LIFE OR PRESERVE THE HEALTH OF AN UNBORN
16 CHILD;

17 (b) REMOVE A DEAD UNBORN CHILD WHO DID NOT DIE AS A RESULT
18 OF AN INTENTIONAL, KNOWING, OR RECKLESS ACTION TO TERMINATE A
19 PREGNANCY; OR

20 (c) REMOVE AN ECTOPIC PREGNANCY.

21 (2) "FERTILIZATION" MEANS THAT POINT IN TIME WHEN A MALE
22 HUMAN SPERM PENETRATES THE ZONA PELLUCIDA OF A FEMALE HUMAN
23 OVUM IN THE CASE OF SEXUAL REPRODUCTION.

24 (3) "PREGNANT" OR "PREGNANCY" MEANS THE HUMAN FEMALE
25 REPRODUCTIVE CONDITION OF HAVING A LIVING UNBORN HUMAN BEING
26 WITHIN HER BODY THROUGHOUT THE ENTIRE EMBRYONIC AND FETAL AGES
27 OF THE UNBORN CHILD FROM FERTILIZATION TO FULL GESTATION AND

1 CHILDBIRTH.

2 (4) "UNBORN HUMAN BEING" OR "UNBORN CHILD" MEANS AN
3 INDIVIDUAL LIVING MEMBER OF THE SPECIES HOMO SAPIENS, THROUGHOUT
4 THE ENTIRE EMBRYONIC AND FETAL AGES OF THE UNBORN CHILD FROM
5 FERTILIZATION TO FULL GESTATION AND CHILDBIRTH.

6 **18-6-902. Termination of the life of an unborn child -**
7 **prohibition - penalty - exceptions.** (1) A PERSON SHALL NOT
8 KNOWINGLY ADMINISTER TO, PRESCRIBE FOR, PROCURE FOR, OR SELL TO
9 A PREGNANT MOTHER ANY MEDICINE, DRUG, OR OTHER SUBSTANCE WITH
10 THE SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION OF THE
11 LIFE OF AN UNBORN HUMAN BEING. A PERSON SHALL NOT KNOWINGLY USE
12 OR EMPLOY ANY INSTRUMENT OR PROCEDURE UPON A PREGNANT MOTHER
13 WITH THE SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION
14 OF THE LIFE OF AN UNBORN HUMAN BEING.

15 (2) A VIOLATION OF THIS SECTION IS A CLASS 1 FELONY.

16 (3) (a) A LICENSED PHYSICIAN WHO PERFORMS A MEDICAL
17 PROCEDURE DESIGNED OR INTENDED TO PREVENT THE DEATH OF A
18 PREGNANT MOTHER IS NOT GUILTY OF VIOLATING THIS SECTION IF THE
19 PHYSICIAN MAKES REASONABLE MEDICAL EFFORTS TO PRESERVE BOTH THE
20 LIFE OF THE MOTHER AND THE LIFE OF HER UNBORN CHILD IN A MANNER
21 CONSISTENT WITH CONVENTIONAL MEDICAL PRACTICE.

22 (b) A LICENSED PHYSICIAN WHO PROVIDES MEDICAL TREATMENT,
23 INCLUDING CHEMOTHERAPY AND THE REMOVAL OF ECTOPIC PREGNANCIES,
24 TO A PREGNANT MOTHER THAT RESULTS IN THE ACCIDENTAL OR
25 UNINTENTIONAL INJURY TO OR DEATH OF HER UNBORN CHILD IS NOT
26 GUILTY OF VIOLATING THIS SECTION.

27 (c) A PREGNANT MOTHER UPON WHOM THE TERMINATION OF THE

1 LIFE OF AN UNBORN CHILD IS PERFORMED OR ATTEMPTED IS NOT GUILTY
2 OF VIOLATING THIS SECTION.

3 (4) NOTHING IN THIS SECTION IS CONSTRUED TO PROHIBIT THE
4 SALE, USE, PRESCRIPTION, OR ADMINISTRATION OF A CONTRACEPTIVE
5 MEASURE, DEVICE, DRUG, OR CHEMICAL.

6 **18-6-903. Protection of inalienable right to life.** (1) ANY ACT,
7 LAW, TREATY, ORDER, OR REGULATION OF THE UNITED STATES
8 GOVERNMENT THAT DENIES OR PROHIBITS PROTECTION OF A HUMAN
9 PERSON'S INALIENABLE RIGHT TO LIFE IS NULL, VOID, AND
10 UNENFORCEABLE IN THIS STATE.

11 (2) THE COURTS OF THE UNITED STATES HAVE NO JURISDICTION TO
12 INTERFERE WITH COLORADO'S INTEREST IN PROTECTING HUMAN LIFE AT
13 CONCEPTION WHEN HUMAN LIFE BEGINS.

14 **SECTION 3.** In Colorado Revised Statutes, 18-3.5-103, **amend**
15 (1) as follows:

16 **18-3.5-103. Unlawful termination of pregnancy in the first**
17 **degree.** (1) A person commits the offense of unlawful termination of
18 pregnancy in the first degree if, with the intent to terminate unlawfully the
19 pregnancy of a woman, the person unlawfully terminates the woman's
20 pregnancy IN A MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902 (1).

21 **SECTION 4.** In Colorado Revised Statutes, 18-3.5-104, **amend**
22 (1) as follows:

23 **18-3.5-104. Unlawful termination of pregnancy in the second**
24 **degree.** (1) A person commits the offense of unlawful termination of
25 pregnancy in the second degree if the person knowingly causes the
26 unlawful termination of the pregnancy of a woman IN A MANNER OTHER
27 THAN DESCRIBED IN SECTION 18-6-902 (1).

1 **SECTION 5.** In Colorado Revised Statutes, 18-3.5-105, **amend**
2 (1) as follows:

3 **18-3.5-105. Unlawful termination of pregnancy in the third**
4 **degree.** (1) A person commits the offense of unlawful termination of
5 pregnancy in the third degree if, under circumstances manifesting extreme
6 indifference to the value of human life, the person knowingly engages in
7 conduct that creates a grave risk of death to another person, and thereby
8 causes the unlawful termination of the pregnancy of a woman IN A
9 MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902 (1).

10 **SECTION 6.** In Colorado Revised Statutes, 18-3.5-106, **amend**
11 (1) as follows:

12 **18-3.5-106. Unlawful termination of pregnancy in the fourth**
13 **degree.** (1) A person commits the offense of unlawful termination of
14 pregnancy in the fourth degree if the person recklessly causes the
15 unlawful termination of the pregnancy of a woman, IN A MANNER OTHER
16 THAN DESCRIBED IN SECTION 18-6-902 (1), at such time as the person
17 knew or reasonably should have known that the woman was pregnant.

18 **SECTION 7.** In Colorado Revised Statutes, 18-3.5-107, **amend**
19 (1) as follows:

20 **18-3.5-107. Vehicular unlawful termination of pregnancy.**
21 (1) If a person operates or drives a motor vehicle in a reckless manner,
22 and this conduct is the proximate cause of the unlawful termination of the
23 pregnancy of a woman, such person commits vehicular unlawful
24 termination of pregnancy IN A MANNER OTHER THAN DESCRIBED IN
25 SECTION 18-6-902 (1).

26 **SECTION 8.** In Colorado Revised Statutes, 18-3.5-108, **amend**
27 (1)(a) as follows:

1 **18-3.5-108. Aggravated vehicular unlawful termination of**
2 **pregnancy - definitions.** (1) (a) If a person operates or drives a motor
3 vehicle while under the influence of alcohol or one or more drugs, or a
4 combination of both alcohol and one or more drugs, and this conduct is
5 the proximate cause of the unlawful termination of the pregnancy of a
6 woman, such person commits aggravated vehicular unlawful termination
7 of pregnancy IN A MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902
8 (1). This is a strict liability crime.

9 **SECTION 9.** In Colorado Revised Statutes, 18-3.5-109, **amend**
10 (1) as follows:

11 **18-3.5-109. Careless driving resulting in unlawful termination**
12 **of pregnancy - penalty.** (1) A person who drives a motor vehicle,
13 bicycle, electrical assisted bicycle, electric scooter, or low-power scooter
14 in a careless and imprudent manner, without due regard for the width,
15 grade, curves, corners, traffic, and use of the streets and highways and all
16 other attendant circumstances, and causes the unlawful termination of a
17 pregnancy of a woman is guilty of careless driving resulting in unlawful
18 termination of pregnancy IN A MANNER OTHER THAN DESCRIBED IN
19 SECTION 18-6-902(1). A person convicted of careless driving of a bicycle,
20 electrical assisted bicycle, or electric scooter resulting in the unlawful
21 termination of pregnancy is not subject to section 42-2-127.

22 **SECTION 10.** In Colorado Revised Statutes, 12-240-121, **add**
23 (1)(hh) as follows:

24 **12-240-121. Unprofessional conduct - definitions.**

25 (1) "Unprofessional conduct" as used in this article 240 means:

26 (hh) A CONVICTION FOR VIOLATING SECTION 18-6-902, REGARDING
27 THE PROHIBITION OF TERMINATING THE LIFE OF AN UNBORN CHILD.

1 **SECTION 11. Potential appropriation.** Pursuant to section
2 2-2-703, C.R.S., any bill that results in a net increase in periods of
3 imprisonment in state correctional facilities must include an appropriation
4 of money that is sufficient to cover any increased capital construction, any
5 operational costs, and increased parole costs that are the result of the bill
6 for the department of corrections in each of the first five years following
7 the effective date of the bill. Because this act may increase periods of
8 imprisonment, this act may require a five-year appropriation.

9 **SECTION 12. Effective date - applicability.** This act takes
10 effect July 1, 2021, and applies to offenses committed on or after said
11 date.

12 **SECTION 13. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.