

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0585.01 Shelby Ross x4510

SENATE BILL 21-142

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Senate Committees
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A BILL FOR AN ACT

101 CONCERNING REMOVING CERTAIN RESTRICTIONS RELATED TO
102 ABORTION SERVICES, AND, IN CONNECTION THEREWITH,
103 REMOVING THE REQUIREMENT THAT THE SERVICES BE
104 PERFORMED ONLY AT CERTAIN HEALTH CARE FACILITIES AND
105 REMOVING THE REQUIREMENT THAT ONLY A PHYSICIAN
106 PERFORM THE SERVICE.

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>.)

Under current law, public funds cannot be used to pay for an

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.

abortion, except in cases of life endangerment and in cases of rape or incest for medicaid-eligible women. If every reasonable effort is made to preserve the life of the pregnant woman and unborn child, then public funds may be used for medically necessary services. The medically necessary services must be performed only in certain health care facilities and only by a physician. The bill removes the requirement that the necessary services must be performed only in certain health care facilities and allows a licensed provider to perform the services.

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) According to the most recently available Federal Bureau of
5 Investigation data, Colorado's reported sexual assault rate ranked third
6 highest in the nation. The data additionally show that Colorado's law
7 enforcement agencies collected 3,635 sexual assault reports in 2016 and
8 3,858 reports in 2017, over 1.5 times the average rate reported nationwide
9 during that time frame. Furthermore, according to a 2016 bulletin
10 published by the U.S. Department of Justice, nearly 80 percent of rapes
11 and sexual assaults go unreported.

12 (b) According to the Centers for Disease Control and Prevention's
13 2010 National Intimate Partner and Sexual Violence Survey, one in five
14 women and one in 71 men will be raped in their lifetime;

15 (c) A comprehensive 2003 review by the National Resource
16 Center on Domestic Violence found that rural sexual violence survivors
17 are disproportionately underserved, facing barriers to reporting, support
18 services, and health care due to geographic distance, transportation
19 obstacles, and provider scarcity. In order to expand access to services,
20 particularly in areas of the state where access is limited, it is important to
21 allow local health care providers to provide care to rape and incest

1 survivors in community-based health care settings. Rural sexual violence
2 survivors are particularly impacted by provider scarcity and concerns
3 about anonymity and confidentiality in reporting due to residing in
4 smaller communities.

5 (d) Under the Hyde amendment, federal tax dollars are able to be
6 used to pay for an abortion only if the pregnancy is the result of an act of
7 rape or incest or in the case of a life-endangering physical condition that
8 would place the woman in danger of death unless an abortion is
9 performed; and

10 (e) Every person has a right to privacy with respect to personal
11 health decisions, free from coercion or interference from the government.
12 Health care must be accessible and affordable, and no person should be
13 required to leave the person's community to access the care that the
14 person needs.

15 **SECTION 2.** In Colorado Revised Statutes, 25.5-3-106, **amend**
16 (3) as follows:

17 **25.5-3-106. No public funds for abortion - exception -**
18 **definitions - repeal.** (3) (a) ~~Except as provided in paragraph (b) of this~~
19 ~~subsection (3);~~ Any MEDICALLY necessary ~~medical~~ services performed
20 pursuant to this section shall be performed only ~~in a licensed health-care~~
21 ~~facility~~ by a provider who is a licensed ~~physician~~ BY THE STATE.

22 (b) ~~However, such services may be performed in other than a~~
23 ~~licensed health care facility if, in the medical judgment of the attending~~
24 ~~physician, the life of the pregnant woman or her unborn child is~~
25 ~~substantially threatened and a transfer to a licensed health-care facility~~
26 ~~would further endanger the life of the pregnant woman or her unborn~~
27 ~~child. Such medical services may be performed in other than a licensed~~

1 ~~health-care facility if the medical services are necessitated by a~~
2 ~~life-endangering circumstance described in subparagraph (H) of~~
3 ~~paragraph (b) of subsection (6) of this section and if there is no licensed~~
4 ~~health-care facility within a thirty-mile radius of the place where such~~
5 ~~medical services are performed.~~

6 **SECTION 3.** In Colorado Revised Statutes, 25.5-4-415, **amend**
7 (3) as follows:

8 **25.5-4-415. No public funds for abortion - exception -**
9 **definitions - repeal.** (3) (a) ~~Except as provided in paragraph (b) of this~~
10 ~~subsection (3); Any MEDICALLY necessary medical services performed~~
11 ~~pursuant to this section shall be performed only in a licensed health-care~~
12 ~~facility by a provider who is a licensed physician BY THE STATE.~~

13 (b) ~~However, such services may be performed in other than a~~
14 ~~licensed health care facility if, in the medical judgment of the attending~~
15 ~~physician, the life of the pregnant woman or her unborn child is~~
16 ~~substantially threatened and a transfer to a licensed health-care facility~~
17 ~~would further endanger the life of the pregnant woman or her unborn~~
18 ~~child. Such medical services may be performed in other than a licensed~~
19 ~~health-care facility if the medical services are necessitated by a~~
20 ~~life-endangering circumstance described in subparagraph (H) of~~
21 ~~paragraph (b) of subsection (6) of this section and if there is no licensed~~
22 ~~health-care facility within a thirty-mile radius of the place where such~~
23 ~~medical services are performed.~~

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