

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0130.01 Shelby Ross x4510

HOUSE BILL 22-1279

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A BILL FOR AN ACT

101 **CONCERNING THE CODIFICATION OF A PERSON'S FUNDAMENTAL RIGHT**
102 **TO MAKE REPRODUCTIVE HEALTH-CARE DECISIONS FREE FROM**
103 **GOVERNMENT INTERFERENCE.**

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 declares that every individual has a fundamental right to use or refuse contraception; every pregnant individual has a fundamental right to continue the pregnancy and give birth or to have an abortion; and a fertilized egg, embryo, or fetus does not have independent or derivative rights under the laws of the state.

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.

HOUSE
2nd Reading Unamended
March 12, 2022

The bill prohibits state and local public entities from:

- Denying, restricting, interfering with, or discriminating against an individual's fundamental right to use or refuse contraception or to continue a pregnancy and give birth or to have an abortion in the regulation or provision of benefits, services, information, or facilities; and
- Depriving, through prosecution, punishment, or other means, an individual of the individual's right to act or refrain from acting during the individual's own pregnancy based on the potential, actual, or perceived impact on the pregnancy, the pregnancy's outcomes, or on the pregnant individual's health.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Access to abortion and reproductive health care is currently
5 under attack across the nation. Impending federal court cases, including
6 *Dobbs v. Jackson Women's Health Organization*, United States Supreme
7 Court Docket No. 19-1392, jeopardize access to legal abortion care for
8 tens of millions of people, particularly those living in most Southern and
9 Midwestern states.

10 (b) There are social, moral, and economic benefits when people
11 are able to decide whether and when to have children. Access to family
12 planning allows all Coloradans to pursue personal, educational, financial,
13 and familial goals and helps decrease the health and socioeconomic
14 disparities disproportionately faced by people of color and people with
15 low incomes.

16 (c) Access to reproductive health care is a matter of statewide
17 concern affecting the health and safety of Coloradans, including those
18 who live outside the Denver metropolitan area and the Front Range,
19 especially those residing in rural areas;

1 (d) Rural populations face limited access to primary care,
2 including abortion care and other family planning services, and often
3 navigate increased travel times when seeking health care. There are fewer
4 health-care providers in rural areas, and providers with rural mailing
5 addresses are significantly less likely to provide abortion care.

6 (e) Colorado has a strong history of supporting and protecting
7 access to reproductive health care, including for communities of color.
8 Colorado was the first state to decriminalize abortion care in an
9 overwhelmingly bipartisan effort in 1967, well before the Supreme Court
10 affirmed the right to abortion care nationwide in *Roe v. Wade*. Colorado
11 is a national model for access to family planning services, including
12 long-acting reversible contraceptives.

13 (f) Despite repeated rejections of attacks on abortion care by the
14 people of Colorado, there have been over 40 legislative attempts to
15 criminalize or outlaw abortion since 2010. Colorado voters have
16 demonstrated that they trust individuals to make their own ethical
17 decisions about abortion care based on what is best for their health and
18 their families.

19 (g) When individuals decide to have an abortion or use
20 contraception, it is critical that they get care on a timeline that works for
21 their health, with the support of providers whom they trust. Politically
22 motivated, medically inappropriate restrictions on health care have no
23 place in our statutes or our medical offices.

24 (2) Therefore, in order to modernize Colorado's statutes, the
25 general assembly affirms the fundamental right of individual Coloradans
26 to make their own reproductive health-care decisions.

27 **SECTION 2.** In Colorado Revised Statutes, **add** part 4 to article

1 6 of title 25 as follows:

2

PART 4

3

REPRODUCTIVE HEALTH EQUITY ACT

4

25-6-401. Short title. THE SHORT TITLE OF THIS PART 4 IS THE

5

"REPRODUCTIVE HEALTH EQUITY ACT".

6

25-6-402. Definitions. AS USED IN THIS PART 4, UNLESS THE

7

CONTEXT OTHERWISE REQUIRES:

8

(1) "ABORTION" MEANS ANY MEDICAL PROCEDURE, INSTRUMENT,

9

AGENT, OR DRUG USED TO TERMINATE THE PREGNANCY OF AN INDIVIDUAL

10

KNOWN OR REASONABLY BELIEVED TO BE PREGNANT WITH AN INTENTION

11

OTHER THAN TO INCREASE THE PROBABILITY OF A LIVE BIRTH.

12

(2) "PREGNANCY" MEANS THE HUMAN REPRODUCTIVE PROCESS,

13

BEGINNING WITH THE IMPLANTATION OF AN EMBRYO.

14

(3) "PUBLIC ENTITY" HAS THE SAME MEANING AS SET FORTH IN

15

SECTION 24-10-103 (5) AND INCLUDES PRIVATE CONTRACT PRISONS, AS

16

DEFINED IN SECTION 17-1-102.

17

(4) "REPRODUCTIVE HEALTH CARE" MEANS HEALTH CARE AND

18

OTHER MEDICAL SERVICES RELATED TO THE REPRODUCTIVE PROCESSES,

19

FUNCTIONS, AND SYSTEMS AT ALL STAGES OF LIFE. IT INCLUDES, BUT IS

20

NOT LIMITED TO, FAMILY PLANNING AND CONTRACEPTIVE CARE; ABORTION

21

CARE; PRENATAL, POSTNATAL, AND DELIVERY CARE; FERTILITY CARE;

22

STERILIZATION SERVICES; AND TREATMENTS FOR SEXUALLY TRANSMITTED

23

INFECTIONS AND REPRODUCTIVE CANCERS.

24

25-6-403. Fundamental reproductive health-care rights.

25

(1) EVERY INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO MAKE DECISIONS

26

ABOUT THE INDIVIDUAL'S REPRODUCTIVE HEALTH CARE, INCLUDING THE

27

FUNDAMENTAL RIGHT TO USE OR REFUSE CONTRACEPTION.

1 (2) A PREGNANT INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO
2 CONTINUE A PREGNANCY AND GIVE BIRTH OR TO HAVE AN ABORTION AND
3 TO MAKE DECISIONS ABOUT HOW TO EXERCISE THAT RIGHT.

4 (3) A FERTILIZED EGG, EMBRYO, OR FETUS DOES NOT HAVE
5 INDEPENDENT OR DERIVATIVE RIGHTS UNDER THE LAWS OF THIS STATE.

6 **25-6-404. Public entity - prohibited actions.** (1) A PUBLIC
7 ENTITY SHALL NOT:

8 (a) DENY, RESTRICT, INTERFERE WITH, OR DISCRIMINATE AGAINST
9 AN INDIVIDUAL'S FUNDAMENTAL RIGHT TO USE OR REFUSE
10 CONTRACEPTION OR TO CONTINUE A PREGNANCY AND GIVE BIRTH OR TO
11 HAVE AN ABORTION IN THE REGULATION OR PROVISION OF BENEFITS,
12 FACILITIES, SERVICES, OR INFORMATION; OR

13 (b) DEPRIVE, THROUGH PROSECUTION, PUNISHMENT, OR OTHER
14 MEANS, AN INDIVIDUAL OF THE INDIVIDUAL'S RIGHT TO ACT OR REFRAIN
15 FROM ACTING DURING THE INDIVIDUAL'S OWN PREGNANCY BASED ON THE
16 POTENTIAL, ACTUAL, OR PERCEIVED IMPACT ON THE PREGNANCY, THE
17 PREGNANCY'S OUTCOMES, OR ON THE PREGNANT INDIVIDUAL'S HEALTH.

18 **25-6-405. Application.** (1) THIS PART 4 APPLIES TO ALL STATE
19 AND LOCAL LAWS, ORDINANCES, POLICIES, PROCEDURES, REGULATORY
20 GUIDELINES AND RULES, PRACTICES, EXECUTIVE ORDERS, AND
21 GOVERNMENTAL ACTIONS AND THEIR IMPLEMENTATION, WHETHER
22 STATUTORY OR OTHERWISE. THE RIGHTS PROTECTED UNDER THIS PART 4
23 ARE A MATTER OF STATEWIDE CONCERN.

24 (2) NOTHING IN THIS PART 4 MAY BE CONSTRUED TO AUTHORIZE
25 A PUBLIC ENTITY TO BURDEN AN INDIVIDUAL'S FUNDAMENTAL RIGHTS
26 RELATING TO REPRODUCTIVE HEALTH CARE.

27 **25-6-406. Severability.** IF ANY PROVISION OF THIS PART 4 OR THE

1 APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD
2 INVALID, THAT INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
3 APPLICATIONS OF THIS PART 4 THAT CAN BE GIVEN EFFECT WITHOUT THE
4 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
5 THIS PART 4 ARE DECLARED TO BE SEVERABLE.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.