



## Colorado | RANKING: 33

Colorado lacks the most basic protections for maternal health and the unborn. It does not require informed consent for abortion or that abortion facilities meet minimal health and safety standards. It is also in the minority of states that do not recognize an unborn child as a potential crime victim or require some level of care for infants born alive after an attempted abortion.

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### ABORTION

- A physician may not perform an abortion on a minor under the age of 18 until at least 48 hours after written notice has been given to her parents, unless the parents waive the notice requirement, the minor declares she is a victim of abuse or neglect by a party entitled to notice and the abuse has been reported by the physician, there is a medical emergency, or the minor obtains a court order. Substitute notice of a grandparent, aunt, or uncle is permitted if the minor lives with him/her.
- Only licensed physicians using accepted medical procedures may perform abortions.
- Colorado has an enforceable abortion reporting law but does not require the reporting of information to the Centers for Disease Control (CDC). The measure applies to both surgical and nonsurgical abortions.
- The Colorado Constitution prohibits public funds from being used to pay for an abortion except when the abortion is necessary to preserve the woman's life. However, a federal court has declared this provision, along with two related statutes, in conflict with federal law. Currently, Colorado follows the federal standard for Medicaid funding for abortions, permitting the use of federal or state matching Medicaid funds for abortions necessary to preserve the life of the woman or when the pregnancy is the result of rape or incest.
- Organizations that provide abortions are prohibited from receiving state family planning funds.
- School-based health clinics cannot provide abortion services.
- The Colorado Attorney General has issued an opinion stating that group health insurance provided for state employees must exclude coverage for abortion.

### LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- Colorado law does not affirmatively protect infants born alive during botched abortions.
- Actions by a third party designed to “intentionally, knowingly, recklessly, or with extreme indifference terminate or attempt to terminate a woman’s pregnancy” are felonies. Colorado also imposes enhanced criminal penalties for an assault on a pregnant woman. However, it does not recognize an unborn child as a second (and separate) victim of a crime.
- Colorado has created a civil action for “unlawful termination of a pregnancy.” However, this “one-victim” measure fails to recognize an unborn child as a separate person.

- Colorado allows a parent or other relative to bring a wrongful death (civil) lawsuit when a viable unborn child is killed through the negligent or criminal act of another.
- In its definition of “child abuse or neglect,” Colorado includes instances where an infant tests positive for a controlled substance at birth. It also funds substance abuse treatment for pregnant women and prohibits the use of drug tests performed as part of prenatal care in criminal prosecutions.
- Women must be informed of the availability of stillbirth certificates and be given the option to request one following a miscarriage or stillbirth.
- Colorado requires that death certificates indicate whether a woman was pregnant at the time of her death.

## **BIOETHICS LAWS**

- Colorado maintains no laws regarding human cloning, destructive embryo research, fetal experimentation, human egg harvesting, or assisted reproductive technologies.
- Voluntary financial contributions to the Adult Stem Cells Cure Fund may be designated on state income tax forms and an account for the proceeds has been created in the state treasury.
- Colorado has enacted legislation preventing genetic information from being used to deny access to healthcare insurance or Medicare supplement insurance coverage.

## **PATIENT PROTECTION LAWS**

- Colorado has passed legislation legalizing suicide by physician for adults.
- Colorado protects healthcare providers from liability for manslaughter when prescribing or administering palliative care prescriptions to terminally ill patients.

## **HEALTHCARE FREEDOM OF CONSCIENCE**

### **PARTICIPATION IN ABORTION AND CONTRACEPTION**

- A hospital staff member or person associated with or employed by a hospital who objects in writing and on religious or moral grounds may not be required to participate in medical procedures that result in abortions.
- A hospital is not required to admit a woman for the purpose of performing an abortion.
- Private institutions, physicians, and their respective agents may, based upon religious or conscientious objections, refuse to provide contraceptives and information about contraceptives based upon religious or conscientious objections. In addition, county and city employees may similarly refuse to provide family planning and birth control services.

### **PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE**

- Colorado currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research that violate a provider’s moral or religious beliefs.

## **WHAT HAPPENS AFTER *ROE* IS OVERTURNED?**

- Abortion will likely be legal throughout pregnancy based on an existing law with broad exceptions enacted before *Roe*.

# RECOMMENDATIONS FOR COLORADO

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## WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
  - Women's Right to Know Act with reflection period
  - Coercive Abuse Against Mothers Prevention Act
  - Women's Health Protection Act (including emergency transfer and admitting provisions)
  - Parental Consent for Abortion Act
  - Parental Involvement Enhancement Act
  - Drug-Induced Abortion Information and Reporting Act
  - Child Protection Act
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## INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
  - Prenatal Nondiscrimination Act
  - Perinatal Hospice Information Act
  - Born-Alive Infant Protection Act
  - Unborn Infants Wrongful Death Act (for a pre-viable child)
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## PATIENT PROTECTION ACT PRIORITIES

- Suicide by Physician Ban Act
  - Joint Resolution Opposing Suicide by Physician
  - Charlie Gard Act (formerly the Life Sustaining Care Act)
  - Pain Medication Education Act
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## ADDITIONAL PRIORITIES

### ABORTION

- Defunding the Abortion Industry and Advancing Women's Health Act
- Federal Abortion Mandate Opt-Out Act

### LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Crimes Against the Unborn Child Act
- Pregnant Woman's Protection Act

### BIOETHICS

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

### HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act