

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0563.01 Chelsea Princell x4335

HOUSE BILL 26-1040

HOUSE SPONSORSHIP

Froelich,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT
101 **CONCERNING THE STERILIZATION RIGHTS OF A PERSON WITH**
102 **INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.**

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 requires a person with an intellectual and developmental disability (person) to receive counseling on the long-term impacts of sterilization and the less intrusive means available to prevent pregnancy before the person consents to sterilization. The counseling must take place regardless of whether the person is deemed competent to give consent.

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

The bill prohibits sterilization against the person's will, regardless of whether the person is deemed competent to consent, unless maintaining fertility or a pregnancy would pose an imminent threat to the life or health of the person.

The bill requires a petition for court-ordered sterilization to include a statement that the person has received counseling on the long-term impacts of sterilization and the less intrusive means available to prevent pregnancy.

If a person expresses a desire to the court to maintain fertility and does not want to undergo sterilization, the bill prohibits a court from ordering sterilization unless sterilization is necessary to preserve the life or health of the person.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-10-231, **amend**
3 (4); and **add** (1.5) as follows:

4 **25.5-10-231. Sterilization rights.**

5 (1.5) A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
6 DISABILITY MUST RECEIVE COUNSELING ON THE LONG-TERM IMPACTS OF
7 STERILIZATION AND THE LESS INTRUSIVE MEASURES AVAILABLE FOR
8 PREVENTING PREGNANCY TO ENSURE INFORMED DECISION-MAKING.
9 COUNSELING MUST TAKE PLACE BEFORE THE PERSON WITH AN
10 INTELLECTUAL AND DEVELOPMENTAL DISABILITY CONSENTS AND MUST
11 OCCUR REGARDLESS OF THE PERSON'S COMPETENCY.

12 (4) ~~No~~ A person with an intellectual and developmental disability
13 who is over eighteen years ~~of age~~ OLD and has the capacity to participate
14 in the decision-making process regarding sterilization shall NOT be
15 sterilized in the absence of the person's informed consent. ~~No~~ A minor
16 WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY ~~may~~ SHALL
17 NOT be sterilized without a court order pursuant to section 25.5-10-233.
18 A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY
19 SHALL NOT BE STERILIZED AGAINST THE PERSON'S WILL, REGARDLESS OF

1 THE PERSON'S COMPETENCY, UNLESS MAINTAINING FERTILITY OR A
2 PREGNANCY WOULD POSE AN IMMINENT THREAT TO THE LIFE OR HEALTH
3 OF THE PERSON.

4 **SECTION 2.** In Colorado Revised Statutes, 25.5-10-233, **amend**
5 (1) introductory portion; and **add** (1)(g) and (7) as follows:

6 **25.5-10-233. Court-ordered sterilization.**

7 (1) A person with an intellectual and developmental disability
8 who has been determined to be incompetent to give consent, the person's
9 legal guardian, or the parents of a minor with an intellectual and
10 developmental disability may petition the court to hold a hearing to
11 determine whether ~~said~~ THE person should be ordered to be sterilized. The
12 petition ~~shall~~ MUST set forth the following:

13 (g) A STATEMENT THAT THE PERSON WITH AN INTELLECTUAL AND
14 DEVELOPMENTAL DISABILITY HAS RECEIVED COUNSELING ON THE
15 LONG-TERM IMPACTS OF STERILIZATION AND THE LESS INTRUSIVE
16 MEASURES AVAILABLE FOR PREVENTING PREGNANCY.

17 (7) IF A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
18 DISABILITY EXPRESSES A DESIRE TO MAINTAIN FERTILITY PURSUANT TO
19 SUBSECTION (6)(b) OF THIS SECTION, THE COURT SHALL NOT ORDER
20 STERILIZATION UNLESS STERILIZATION IS NECESSARY TO PRESERVE THE
21 LIFE OR HEALTH OF THE PERSON.

22 **SECTION 3. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.