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Colorado General Assembly

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MEMORANDUM

To: Michele Austin and Erin Lee

From: Legislative Council Staff and Office of Legislative Legal Services

Date: July 11, 2025

Subject: Proposed initiative measure 2025-2026 #110, concerning prohibiting surgery for minors for the purpose of altering the minor's biological sex characteristics and prohibiting state and federal funding for such surgeries

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Colorado Legislative Council and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

Purposes

Purpose for Proposed Initiative 2025-2026 #110

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To prohibit a health-care professional or other person from knowingly performing, prescribing, administering, or providing any surgery to a minor for the purpose of altering biological sex characteristics; and
2. To prohibit state and federal funds, medicaid reimbursements, or insurance coverage from being used to pay for any surgery on a minor for the purpose of altering biological sex characteristics.

Substantive Comments and Questions

The substance of the proposed initiatives raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. House Bill 25-1087 added a new section 12-30-125 to the Colorado Revised Statutes. The proponents should renumber the amending clause in section 2 of the proposed initiative to reflect adding a new section 12-30-126.
3. What does “altering biological sex characteristics” mean? Would the proponents consider defining the phrase?

Technical Comments

1. In section 12-30-125 (1), the short title of the section should appear in Initial Caps rather than all lowercase. For example:

 (1) **Short title.** The short title of this section is the “Protect Children From Irreversible Sex Change Surgery Act”.
2. It is standard drafting practice to only capitalize the first word of headnotes that appear before sections and subsections in the Colorado Revised Statutes. The

proponents should consider changing their capitalization in section 2 of the proposed initiative to conform with standard drafting style. For example:

(3) Prohibition on medical interventions on minors.

3. It is standard drafting practice to end every headnote with a period. The proponents should consider adding a period to the end of the headnote that appears before the proposed new language within section 2 of the proposed initiative.