

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0585.01 Shelby Ross x4510

**SENATE BILL 21-142**

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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.**

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**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.

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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, safe, and affordable, and no person  
13       should be required to leave the person's community to access the care that  
14       the 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 AND~~  
22       ~~ACTING WITHIN THE SCOPE OF THE PROVIDER'S LICENSE AND IN~~  
23       ~~ACCORDANCE WITH APPLICABLE FEDERAL REGULATIONS.~~

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

1 would further endanger the life of the pregnant woman or her unborn  
2 child. Such medical services may be performed in other than a licensed  
3 health-care facility if the medical services are necessitated by a  
4 life-endangering circumstance described in subparagraph (H) of  
5 paragraph (b) of subsection (6) of this section and if there is no licensed  
6 health-care facility within a thirty-mile radius of the place where such  
7 medical services are performed.

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

10 **25.5-4-415. No public funds for abortion - exception -**  
11 **definitions - repeal.** (3) (a) Except as provided in paragraph (b) of this  
12 subsection (3), Any MEDICALLY necessary medical services performed  
13 pursuant to this section shall be performed only in a licensed health-care  
14 facility by a provider who is a licensed physician BY THE STATE AND  
15 ACTING WITHIN THE SCOPE OF THE PROVIDER'S LICENSE AND IN  
16 ACCORDANCE WITH APPLICABLE FEDERAL REGULATIONS..

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

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