

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0777.01 Michael Dohr x4347

HOUSE BILL 17-1086

HOUSE SPONSORSHIP

Everett and Nordberg, Humphrey, Leonard, Neville P., Ransom, Van Winkle, Williams D.

SENATE SPONSORSHIP

Marble, Neville T.

House Committees
Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF THE "ABORTION PILL REVERSAL**
102 **INFORMATION ACT".**

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 ensures that a woman is given information regarding the possibility of an abortion pill reversal so that she is fully informed and is given options to continue the pregnancy and preserve the mother-child relationship when she desires to do so. The department of public health and environment must publish a statement on its website regarding abortion pill reversal. The woman's doctor shall provide her with this

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

statement at least 24 hours before providing the abortion pill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 4 to article
3 6 of title 25 as follows:

PART 4

ABORTION PILL REVERSAL INFORMATION ACT

25-6-401. Short title. THE SHORT TITLE OF THIS PART 4 IS THE
"ABORTION PILL REVERSAL INFORMATION ACT".

8 **25-6-402. Legislative findings and purposes.** (1) THE
9 COLORADO GENERAL ASSEMBLY FINDS THAT:

10 (a) MIFEPRISTONE, THE FIRST DRUG IN THE TWO-DRUG CHEMICAL
11 ABORTION PROCEDURE COMMONLY REFERRED TO AS "RU-486" OR "THE
12 ABORTION PILL", WORKS BY BLOCKING PROGESTERONE RECEPTORS.
13 PROGESTERONE IS NECESSARY FOR THE DEVELOPMENT OF AN UNBORN
14 CHILD.

15 (b) MIFEPRISTONE ALONE RESULTS IN COMPLETE ABORTION IN
16 SIXTY TO EIGHTY PERCENT OF CASES:

17 (c) HOWEVER, SOME WOMEN COME TO REGRET THEIR DECISION TO
18 ABORT SHORTLY AFTER INGESTING MIFEPRISTONE:

19 (d) IN RECENT YEARS, PHYSICIANS HAVE DEVELOPED A METHOD TO
20 POTENTIALLY REVERSE THE EFFECTS OF MIFEPRISTONE:

21 (e) THIS ABORTION PILL REVERSAL PROCESS, WHICH HAS BEEN
22 DISCUSSED IN A PEER-REVIEWED STUDY, IS BASED UPON A
23 WELL-ESTABLISHED MEDICAL REGIMEN THAT IS USED IN OTHER AREAS OF
24 HEALTH CARE—SPECIFICALLY, METHOTREXATE AND "LEUCOVORIN
25 RESCUE":

1 (f) METHOTREXATE, A CHEMOTHERAPY DRUG, KILLS RAPIDLY
2 DIVIDING CELLS, SUCH AS CANCER CELLS. THE DRUG WORKS BY BLOCKING
3 THE ACTION OF FOLIC ACID. TYPICALLY, PHYSICIANS ALLOW THE
4 METHOTREXATE TO WORK FOR A DAY OR TWO AND THEN GIVE THE
5 PATIENT A HIGH DOSE OF FOLIC ACID, OR LEUCOVORIN, TO COMPENSATE
6 FOR WHAT HAS BEEN LOST. THIS HIGH DOSAGE OF FOLIC ACID, IN ESSENCE,
7 "KICKS" THE METHOTREXATE OFF OF THE CELLS. THIS FLOODING OF THE
8 PATIENT'S BODY WITH FOLIC ACID IS CALLED A "LEUCOVORIN RESCUE" AND
9 IS A WELL-ESTABLISHED MEDICAL PROCEDURE.

10 (g) UNDERSTANDING THE SCIENCE BEHIND THE MECHANISM OF
11 ACTION OF MIFEPRISTONE HAS ALLOWED PHYSICIANS TO DESIGN A SPECIFIC
12 "RESCUE" FOR A WOMAN WHO HAS USED MIFEPRISTONE TO INDUCE AN
13 ABORTION. SINCE PHYSICIANS KNOW EXACTLY HOW MIFEPRISTONE WORKS
14 IN BLOCKING PROGESTERONE, PHYSICIANS KNOW THAT TREATING A
15 WOMAN WITH PROGESTERONE CAN "KICK OFF" THE MIFEPRISTONE AND
16 DISPLACE MIFEPRISTONE FROM THE PROGESTERONE RECEPTORS. THIS
17 ALLOWS THE WOMAN'S BODY TO RESPOND NATURALLY TO THE
18 PROGESTERONE AND TO EFFECTIVELY FIGHT THE EFFECTS OF THE
19 MIFEPRISTONE-INDUCED BLOCKAGE.

20 (h) IN SHORT, MIFEPRISTONE FLOODS THE PROGESTERONE
21 RECEPTORS, THUS BLOCKING PROGESTERONE. TO BLOCK OR "REVERSE"
22 THE EFFECTS OF THE MIFEPRISTONE, A PREGNANT WOMAN'S BODY IS
23 FLOODED WITH PROGESTERONE.

24 (i) PROGESTERONE ITSELF HAS BEEN USED SAFELY IN PREGNANCIES
25 FOR DECADES. IT IS USED IN IN VITRO FERTILIZATION, INFERTILITY
26 TREATMENTS, AND HIGH-RISK PREGNANCIES SUCH AS THOSE
27 EXPERIENCING PRE-TERM LABOR OR IN SOME CASES AFTER MULTIPLE

1 MISCARRIAGES. USING PROGESTERONE TO REVERSE THE EFFECTS OF
2 MIFEPRISTONE IS A TARGETED RESPONSE THAT IS SAFE FOR THE WOMAN.

3 (j) AS OF MAY 2016, IT HAS BEEN REPORTED THAT AT LEAST ONE
4 HUNDRED SEVENTY-FIVE BABIES HAVE BEEN BORN FOLLOWING THIS
5 REVERSAL PROCESS, WITH ANOTHER ONE HUNDRED ON THE WAY, STILL IN
6 UTERO;

7 (k) FOR DECADES, THE UNITED STATES SUPREME COURT HAS
8 RECOGNIZED THAT A WOMAN'S DECISION OF ABORTION IS "OFTEN A
9 STRESSFUL ONE, AND IT IS DESIRABLE AND IMPERATIVE THAT IT BE MADE
10 WITH FULL KNOWLEDGE OF ITS NATURE AND CONSEQUENCES." *PLANNED
11 PARENTHOOD V. DANFORTH*, 428 U.S. 52, 67 (1976).

12 (l) WOMEN HAVE DESCRIBED THAT PLANNED PARENTHOOD OR
13 OTHER ABORTION FACILITIES INFORM THEM THAT NOT FOLLOWING
14 THROUGH WITH THE REST OF AN ABORTION AFTER INGESTING
15 MIFEPRISTONE CAN RESULT IN SERIOUS BIRTH DEFECTS. HOWEVER, THE
16 AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS DECLARED
17 IN A 2014 PRACTICE BULLETIN THAT "NO EVIDENCE EXISTS TO DATE OF A
18 TERATOGENIC EFFECT OF MIFEPRISTONE". THUS, THE STATE RECOGNIZES
19 THAT SINCE MIFEPRISTONE IS NOT KNOWN TO CAUSE BIRTH DEFECTS,
20 WOMEN ARE NOT BEING GIVEN ACCURATE INFORMATION BY ABORTION
21 FACILITIES WHEN THEY DESIRE TO REVERSE THEIR ABORTIONS.

22 (m) WOMEN HAVE DOCUMENTED THEIR PERSONAL STORIES, IN
23 WHICH THEY DESIRED TO REVERSE AN ABORTION AFTER INGESTING
24 MIFEPRISTONE. THESE WOMEN CALLED PLANNED PARENTHOOD, WHO HAD
25 GIVEN THEM THE MIFEPRISTONE, AND ASKED WHAT THEY COULD DO SINCE
26 THEY HAD CHANGED THEIR MINDS AND NO LONGER WANTED TO COMPLETE
27 THE ABORTION. PLANNED PARENTHOOD'S ANSWER WAS, FALSELY, THAT

1 THE WOMEN COULD DO NOTHING BUT TAKE THE SECOND PRESCRIBED DRUG
2 AND COMPLETE THE ABORTION. THESE WOMEN WERE FORCED TO DO THEIR
3 OWN INTERNET SEARCH, FIND AN ORGANIZATION LIKE ABORTION PILL
4 REVERSAL, AND BE PUT IN TOUCH WITH A DOCTOR WHO WAS WILLING TO
5 SUCCESSFULLY REVERSE THEIR ABORTION. MONTHS LATER, THESE
6 MOTHERS' BABIES WERE BORN HEALTHY.

7 (2) BASED ON THE FINDINGS IN SUBSECTION (1) OF THIS SECTION,
8 THE PURPOSES OF THIS PART 4 ARE TO:

9 (a) ENSURE THAT EVERY WOMAN CONSIDERING AN ABORTION
10 RECEIVES COMPREHENSIVE INFORMATION ON ABORTION, INCLUDING THE
11 POTENTIAL TO REVERSE THE EFFECTS OF ABORTION-INDUCING DRUGS
12 SHOULD SHE CHANGE HER MIND, AND THAT, IF SHE DESIRES TO CONTINUE
13 HER RELATIONSHIP WITH HER CHILD BY REVERSING HER ABORTION, SUCH
14 A DESIRE SHOULD NOT BE PREVENTED BY ABORTION FACILITIES AND THEIR
15 STAFF; AND

16 (b) REDUCE "THE RISK THAT A WOMAN MAY ELECT AN ABORTION,
17 ONLY TO DISCOVER LATER, WITH DEVASTATING PSYCHOLOGICAL
18 CONSEQUENCES, THAT HER DECISION WAS NOT FULLY INFORMED."
19 *PLANNED PARENTHOOD V. CASEY*, 505 U.S. 833, 882 (1992).

20 **25-6-403. Definitions.** AS USED IN THIS PART 4 ONLY, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "ABORTION" MEANS THE ACT OF USING OR PRESCRIBING ANY
23 INSTRUMENT, MEDICINE, DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR
24 MEANS WITH THE INTENT TO TERMINATE THE CLINICALLY DIAGNOSABLE
25 PREGNANCY OF A WOMAN WITH KNOWLEDGE THAT THE TERMINATION BY
26 THOSE MEANS WILL WITH REASONABLE LIKELIHOOD CAUSE THE DEATH OF
27 THE UNBORN CHILD. SUCH USE, PRESCRIPTION, OR MEANS IS NOT AN

1 ABORTION IF DONE WITH THE INTENT TO:

2 (a) SAVE THE LIFE OR PRESERVE THE HEALTH OF THE UNBORN

3 CHILD;

4 (b) REMOVE A DEAD UNBORN CHILD CAUSED BY SPONTANEOUS
5 ABORTION; OR

6 (c) REMOVE AN ECTOPIC PREGNANCY.

7 (2) "ABORTION-INDUCING DRUG" MEANS A MEDICINE, DRUG, OR
8 ANY OTHER SUBSTANCE PRESCRIBED OR DISPENSED WITH THE INTENT OF
9 TERMINATING THE CLINICALLY DIAGNOSABLE PREGNANCY OF A WOMAN,
10 WITH KNOWLEDGE THAT THE TERMINATION WILL WITH REASONABLE
11 LIKELIHOOD CAUSE THE DEATH OF THE UNBORN CHILD. THIS INCLUDES
12 OFF-LABEL USE OF DRUGS KNOWN TO HAVE ABORTION-INDUCING
13 PROPERTIES THAT ARE PRESCRIBED SPECIFICALLY WITH THE INTENT OF
14 CAUSING AN ABORTION. THIS DEFINITION DOES NOT APPLY TO DRUGS THAT
15 MAY BE KNOWN TO CAUSE AN ABORTION, BUT WHICH ARE PRESCRIBED FOR
16 OTHER MEDICAL INDICATIONS LIKE CHEMOTHERAPEUTIC AGENTS OR
17 DIAGNOSTIC DRUGS.

18 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
19 AND ENVIRONMENT.

20 (4) "MEDICAL EMERGENCY" MEANS A CONDITION THAT SO
21 COMPLICATES THE MEDICAL CONDITION OF A PREGNANT WOMAN AS TO
22 NECESSITATE THE IMMEDIATE TERMINATION OF HER PREGNANCY TO AVERT
23 HER DEATH OR FOR WHICH A DELAY WILL CREATE SERIOUS RISK OF
24 SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY
25 FUNCTION.

26 (5) "MIFEPREX REGIMEN" MEANS THE ABORTION-INDUCING DRUG
27 REGIMEN THAT INVOLVES ADMINISTRATION OF MIFEPRISTONE (BRAND

1 NAME "MIFEPREX") AND MISOPROSTOL. IT IS THE ONLY
2 ABORTION-INDUCING DRUG REGIMEN APPROVED BY THE FDA. IT IS ALSO
3 KNOWN AS THE "RU-486 REGIMEN" OR SIMPLY "RU-486" OR "THE
4 ABORTION PILL".

5 (6) "MIFEPRISTONE" MEANS THE FIRST DRUG USED IN THE
6 MIFEPREX REGIMEN.

7 (7) "MISOPROSTOL" MEANS THE SECOND DRUG USED IN THE
8 MIFEPREX REGIMEN.

9 (8) "PHYSICIAN" MEANS ANY PERSON LICENSED TO PRACTICE
10 MEDICINE IN THIS STATE. "PHYSICIAN" INCLUDES MEDICAL DOCTORS AND
11 DOCTORS OF OSTEOPATHY.

12 (9) "QUALIFIED PERSON" MEANS AN AGENT OF THE PHYSICIAN WHO
13 IS A PSYCHOLOGIST, LICENSED SOCIAL WORKER, LICENSED PROFESSIONAL
14 COUNSELOR, REGISTERED NURSE, OR PHYSICIAN.

15 (10) "UNBORN CHILD" MEANS THE OFFSPRING OF HUMAN BEINGS
16 FROM CONCEPTION UNTIL BIRTH.

17 **25-6-404. Information required on abortion pill reversal.**

18 (1) EXCEPT IN THE CASE OF A MEDICAL EMERGENCY, AT LEAST
19 TWENTY-FOUR HOURS PRIOR TO THE ABORTION PILL OR RU-486 BEING
20 PRESCRIBED OR AN ABORTION BEING INDUCED OR ABORTION-INDUCING
21 DRUGS BEING UTILIZED, THE PHYSICIAN WHO PRESCRIBES OR GIVES THE
22 ABORTION-INDUCING DRUGS TO THE WOMAN OR BEGINS THE ABORTION, OR
23 A QUALIFIED PERSON ASSISTING THE PHYSICIAN, SHALL, ORALLY AND IN
24 PERSON, INFORM THE WOMAN OF THE FOLLOWING:

25 (a) THAT IT MAY BE POSSIBLE TO REVERSE THE ABORTION SHOULD
26 SHE CHANGE HER MIND, BUT THAT TIME IS OF THE ESSENCE; AND

27 (b) THAT INFORMATION ON AND ASSISTANCE WITH REVERSING THE

1 EFFECTS OF ABORTION-INDUCING DRUGS IS AVAILABLE IN THE
2 STATE-PREPARED MATERIALS. THE PHYSICIAN OR QUALIFIED PERSON
3 SHALL GIVE THE WOMAN A COPY OF THE STATE-PREPARED MATERIAL,
4 WHICH CAN BE PRINTED OFF THE STATE-PREPARED WEBSITE.

5 **25-6-405. Information required in state-prepared materials.**

6 (1) THE DEPARTMENT SHALL PUBLISH ON A STATE-PREPARED WEBSITE
7 THE FOLLOWING STATEMENT:

8 ABORTION REVERSAL INFORMATION: INFORMATION
9 ON THE POTENTIAL ABILITY OF QUALIFIED MEDICAL
10 PROFESSIONALS TO REVERSE AN ABORTION OBTAINED
11 THROUGH THE USE OF ABORTION-INDUCING DRUGS, SUCH AS
12 MIFEPRISTONE (BRAND NAME MIFEPREX), COMMONLY
13 REFERRED TO AS "RU-486" OR THE "ABORTION PILL", MAY
14 BE FOUND AT [HTTP://WWW.ABORTIONPILLREVERSAL.COM/](http://WWW.ABORTIONPILLREVERSAL.COM/)
15 OR BY CONTACTING THE TWENTY-FOUR HOUR
16 NURSE-STAFFED HOTLINE AT (877) 558-0333. THESE
17 RESOURCES CAN PROVIDE ASSISTANCE IN LOCATING A
18 MEDICAL PROFESSIONAL WHO MAY BE ABLE TO AID IN THE
19 REVERSAL OF AN ABORTION.

20 (2) ON AN ANNUAL BASIS, THE DEPARTMENT SHALL REVIEW AND
21 UPDATE, IF NECESSARY, THE STATEMENT REQUIRED IN SUBSECTION (1) OF
22 THIS SECTION, ONLY IF THE WEBSITE OR HOTLINE LISTED BECOMES
23 PERMANENTLY UNAVAILABLE AND A SIMILAR ONE CAN REPLACE IT.

24 **25-6-406. Civil penalties.** (1) FAILURE TO COMPLY WITH THE
25 REQUIREMENTS OF THIS PART 4:

26 (a) PROVIDES A BASIS FOR A CIVIL ACTION FOR ACTUAL AND
27 PUNITIVE DAMAGES;

3 (c) PROVIDES A BASIS FOR A PROFESSIONAL DISCIPLINARY ACTION
4 UNDER COLORADO MEDICAL MALPRACTICE LAW.

5 (2) CIVIL LIABILITY SHALL NOT BE ASSESSED AGAINST THE FEMALE
6 UPON WHOM THE ABORTION IS BEGUN, INDUCED, OR PERFORMED. THE
7 WOMAN'S PRIVACY MUST BE PRESERVED IN CIVIL ACTION THAT IS BROUGHT
8 PURSUANT TO THIS SECTION.

12 **25-6-407. Construction.** (1) NOTHING IN THIS PART 4 MAY BE
13 CONSTRUED AS CREATING OR RECOGNIZING A RIGHT TO ABORTION.

14 (2) THIS PART 4 DOES NOT MAKE LAWFUL AN ABORTION THAT IS
15 CURRENTLY UNLAWFUL.

16 **25-6-408. Severability.** ANY PROVISION OF THIS PART 4 HELD TO
17 BE INVALID OR UNENFORCEABLE BY ITS TERMS, OR AS APPLIED TO ANY
18 PERSON OR CIRCUMSTANCE, MUST BE CONSTRUED SO AS TO GIVE IT THE
19 MAXIMUM EFFECT PERMITTED BY LAW, UNLESS SUCH HOLDING IS ONE OF
20 UTTER INVALIDITY OR UNENFORCEABILITY, IN WHICH EVENT SUCH
21 PROVISION IS DEEMED SEVERABLE HEREOF AND SHALL NOT AFFECT THE
22 REMAINDER HEREOF OR THE APPLICATION OF SUCH PROVISION TO OTHER
23 PERSONS NOT SIMILARLY SITUATED OR TO OTHER, DISSIMILAR
24 CIRCUMSTANCES.

25 **25-6-409. Right of intervention.** THE GENERAL ASSEMBLY BY
26 JOINT RESOLUTION MAY APPOINT ONE OR MORE OF ITS MEMBERS WHO
27 SPONSORED OR COSPONSORED THIS PART 4 IN HIS OR HER OFFICIAL

1 CAPACITY, TO INTERVENE AS A MATTER OF RIGHT IN ANY CASE IN WHICH
2 THE CONSTITUTIONALITY OF THIS LAW IS CHALLENGED.

3 **SECTION 2.** In Colorado Revised Statutes, 12-36-117, **amend**
4 (1) introductory portion; and **add** (1)(nn) as follows:

5 **12-36-117. Unprofessional conduct.** (1) "Unprofessional
6 conduct" as used in this ~~article~~ ARTICLE 36 means:

7 (nn) A VIOLATION OF SECTION 25-6-404, REGARDING
8 INFORMATION ON THE ABORTION PILL REVERSAL.

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