

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0792.01 Michael Dohr x4347

HOUSE BILL 18-1082

HOUSE SPONSORSHIP

Saine, Humphrey, Van Winkle, Lewis, Everett, Neville P., Leonard, Buck, Ransom, Williams D.

SENATE SPONSORSHIP

Marble,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE "WOMEN'S REPRODUCTIVE
102 INFORMATION GUARANTEE FOR HEALTH AND TRANSPARENCY
103 (RIGHT) 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 women are fully and accurately informed about their personal medical conditions regarding their pregnancies and health care options. Current medical procedures already use ultrasound technology to provide information regarding the gestational age of a child in utero. The bill ensures that a woman has the opportunity to see or

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.

forego seeing her ultrasound. The bill gives the woman a choice between an abdominal or vaginal ultrasound. The bill allows a woman the opportunity to find a provider of ultrasound technology that will provide the service free of charge. The bill requires that a woman be given full and accurate information regarding her abortion. The bill describes the information that the physician performing the abortion provides to the woman and gives the woman an opportunity to sign or refuse to sign a receipt of information. The bill requires the abortion provider to provide certain information to the woman at least 24 hours prior to performing an abortion.

The bill creates a civil right of action for noncompliance with the requirements, making a physician's noncompliance with the requirements unprofessional conduct and making a violation of the requirements a crime.

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:

4 **PART 4**

5 **INFORMED DECISION-MAKING**

6 **25-6-401. Short title.** THE SHORT TITLE OF THIS PART 4 IS THE
7 "WOMEN'S REPRODUCTIVE INFORMATION GUARANTEE FOR HEALTH AND
8 TRANSPARENCY (RIGHT) ACT".

9 **25-6-402. Legislative declaration.** (1) THE GENERAL ASSEMBLY
10 FINDS THAT:

11 (a) CURRENT MEDICAL PROCEDURES INVOLVING SURGERY OR
12 WOMEN'S PREGNANCIES REQUIRE THE USE OF AN ULTRASOUND OR OTHER
13 ENDOSCOPIC PROCEDURE TO ENSURE ACCURATE PROGNOSIS;

14 (b) ULTRASOUND TECHNOLOGY IS GENERALLY ACCEPTED IN THE
15 MEDICAL COMMUNITY AS AN EFFICIENT AND ACCURATE MEANS OF
16 EXAMINING THE HEALTH OF BOTH INTERNAL ORGANS AND UNBORN
17 CHILDREN;

1 (c) ULTRASOUND TECHNOLOGY IS ALREADY REGULARLY USED BY
2 ABORTION CLINICS, BY THEIR OWN ADMISSION, TO DETERMINE THE AGE OF
3 THE UNBORN CHILD, TO DATE THE PREGNANCY, AND TO DETERMINE THEIR
4 FEE SCALE PRIOR TO AN ABORTION BEING PERFORMED. ANY PROVIDER
5 WHO DOES NOT PERFORM AN ULTRASOUND PRIOR TO AN ABORTION IS
6 PUTTING THE HEALTH AND POTENTIALLY THE LIFE OF THE WOMAN IN
7 DANGER.

8 (d) THOUSANDS OF ABORTIONS ARE PERFORMED EACH YEAR IN
9 COLORADO. AN UNDISCLOSED NUMBER OF THESE ARE PERFORMED
10 WITHOUT FULL DISCLOSURE TO PREGNANT WOMEN REGARDING THE
11 ACCURATE INFORMATION PROVIDED BY ULTRASOUND TECHNOLOGY.

12 (e) ECTOPIC PREGNANCIES THAT ARE UNDETECTED DURING
13 ABORTION PRESENT A DANGER TO THE LIFE OF THE MOTHER;

14 (f) EVERY YEAR, THOUSANDS OF UNBORN CHILDREN ARE ABORTED
15 WHILE THE MOTHER IS DENIED THE OPPORTUNITY TO SEE THE UNBORN
16 CHILD FOR HERSELF;

17 (g) LACK OF TRANSPARENCY ON THE PART OF ABORTION
18 PROVIDERS CREATES UNAWARENESS ON BEHALF OF THE EXPECTANT
19 MOTHER REGARDING THE GESTATIONAL AGE AND DEVELOPMENT OF HER
20 UNBORN CHILD;

21 (h) UNAWARENESS OF FETAL DEVELOPMENT, LACK OF ACCURATE
22 INFORMATION REGARDING THE CARE FOR AND FUTURE OF CHILDREN WITH
23 DISABILITIES IN A MODERN MEDICAL WORLD, AND LACK OF EDUCATION ON
24 THE SUPPORT AND RESOURCES AVAILABLE DURING AND AFTER PREGNANCY
25 ARE CONTRIBUTING FACTORS TO THE NUMBER OF ABORTIONS PERFORMED
26 IN COLORADO FOR REASONS OF THE CHILD'S MINOR PHYSICAL DISABILITY
27 OR THE INCONVENIENCE OF AN "UNPLANNED" PREGNANCY; AND

1 (i) WOMEN WHO ARE GIVEN THE OPTION TO VIEW ULTRASOUND
2 PICTURES AND LISTEN TO THEIR CHILD'S HEARTBEAT CAN MAKE AN
3 INFORMED, EDUCATED HEALTH CARE DECISION BASED ON SCIENTIFIC
4 INFORMATION MADE AVAILABLE THROUGH ULTRASOUND TECHNOLOGY.

5 (2) BASED ON THE FINDINGS IN SUBSECTION (1) OF THIS SECTION,
6 THE GENERAL ASSEMBLY DECLARES IT IS THE PURPOSE OF THIS PART 4 TO:

7 (a) ENSURE THAT EACH WOMAN CONSIDERING AN ABORTION HAS
8 THE OPPORTUNITY TO RECEIVE COMPLETE INFORMATION ON THE REALITY
9 AND STATUS OF HER PREGNANCY AND OF HER UNBORN CHILD AND THAT
10 EACH WOMAN SUBMITTING TO AN ABORTION DOES SO ONLY AFTER SHE HAS
11 BEEN GIVEN THIS INFORMATION;

12 (b) PROTECT THE UNBORN CHILD FROM A WOMAN'S UNINFORMED
13 DECISION TO HAVE AN ABORTION;

14 (c) REDUCE "THE RISK THAT A WOMAN MAY ELECT AN ABORTION,
15 ONLY TO DISCOVER LATER, WITH DEVASTATING PSYCHOLOGICAL
16 CONSEQUENCES, THAT HER DECISION WAS NOT FULLY INFORMED", AS
17 STATED BY THE UNITED STATES SUPREME COURT IN *PLANNED*
18 *PARENTHOOD v. CASEY*, 505 U.S. 833, 882 (1992); AND

19 (d) ADOPT THE CONSTRUCTION OF THE TERM "MEDICAL
20 EMERGENCY" ACCEPTED BY THE UNITED STATES SUPREME COURT IN
21 *PLANNED PARENTHOOD v. CASEY*, 505 U.S. 833 (1992).

22 **25-6-403. Definitions.** AS USED IN THIS PART 4, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "ABORTION" MEANS THE ACT OF USING OR PRESCRIBING ANY
25 INSTRUMENT, MEDICINE, DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR
26 MEANS WITH THE INTENT TO TERMINATE THE PREGNANCY OF A WOMAN
27 WITH KNOWLEDGE OR REASON TO BELIEVE THAT THE TERMINATION BY

1 THOSE MEANS WILL CAUSE THE DEATH OF THE UNBORN CHILD. SUCH USE,
2 PRESCRIPTION, OR MEANS IS NOT AN ABORTION IF DONE WITH THE INTENT
3 TO:

4 (a) SAVE THE LIFE OR PRESERVE THE HEALTH OF AN UNBORN
5 CHILD;

6 (b) REMOVE A DEAD UNBORN CHILD WHO DID NOT DIE AS A RESULT
7 OF AN INTENTIONAL, KNOWING, OR RECKLESS ACTION TO TERMINATE A
8 PREGNANCY; OR

9 (c) REMOVE AN ECTOPIC PREGNANCY.

10 (2) "ABORTION PROVIDER" MEANS:

11 (a) A PHYSICIAN PERFORMING OR INDUCING AN ABORTION; OR

12 (b) A PERSON WHO IS EMPLOYED AT OR BY THE FACILITY WHERE
13 THE ABORTION IS TO BE PERFORMED OR INDUCED AND WHO WILL
14 PHYSICALLY ASSIST IN THE PROCEDURE; OR

15 (c) A PERSON EMPLOYED AT THE FACILITY WHO IS DESIGNATED FOR
16 ADMINISTRATIVE DUTIES DIRECTLY CONCERNING THE PATIENT.

17 (3) "FETAL SAC" MEANS THE STRUCTURE SURROUNDING THE FETUS
18 THAT CAN BE USED TO DETERMINE IF AN INTRAUTERINE PREGNANCY
19 EXISTS.

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) "VIABLE PREGNANCY" MEANS A PREGNANCY IN WHICH A FETAL
27 SAC IS LOCATED INSIDE THE UTERUS AND A FETAL HEARTBEAT IS

1 DETECTABLE WITHIN THE FETAL SAC.

2 **25-6-404. Receipt of information.** (1) THE ATTORNEY GENERAL
3 SHALL ESTABLISH POLICIES AND PROCEDURES FOR THE COLLECTION AND
4 REVIEW OF ALL INFORMATION RECEIPTS.

5 (2) THE ATTORNEY GENERAL SHALL ALSO ESTABLISH POLICIES AND
6 PROCEDURES FOR CONDUCTING INSPECTIONS AND INVESTIGATIONS
7 PURSUANT TO COMPLAINTS RECEIVED BY THE ATTORNEY GENERAL AND
8 MADE AGAINST ANY ABORTION CLINIC.

9 (3) THE ATTORNEY GENERAL SHALL RECEIVE, RECORD, AND TAKE
10 ACTION ON COMPLAINTS IN ACCORDANCE WITH ESTABLISHED POLICIES
11 AND PROCEDURES.

12 (4) EXCEPT IN THE CASE OF A MEDICAL EMERGENCY, AN ABORTION
13 SHALL NOT BE PERFORMED OR INDUCED WITHOUT A SIGNED RECEIPT OF
14 INFORMATION. A SIGNED RECEIPT OF INFORMATION IS A FORM SIGNED BY
15 THE WOMAN UPON WHOM THE ABORTION IS PERFORMED OR INDUCED,
16 ACKNOWLEDGING THAT, AT LEAST TWENTY-FOUR HOURS BEFORE THE
17 ABORTION PROCEDURE OR INDUCTION BEGAN, THE PHYSICIAN WHO IS TO
18 PERFORM THE ABORTION HAS INFORMED THE WOMAN, ORALLY AND IN
19 WRITING, OF THE FOLLOWING:

20 (a) THE NAME OF THE PHYSICIAN WHO WILL PERFORM THE
21 ABORTION AND ANY CURRENT DISCIPLINARY ACTION BEING TAKEN OR
22 CONSIDERED AGAINST THE PHYSICIAN BY MEDICAL BOARDS, BOARDS OF
23 HEALTH, OR THE STATE DEPARTMENT OF PUBLIC HEALTH AND
24 ENVIRONMENT;

25 (b) A THOROUGH AND ACCURATE DESCRIPTION OF THE PROPOSED
26 METHOD FOR PERFORMING THE ABORTION, INCLUDING INFORMATION ON
27 THE PROBABLE GESTATIONAL AGE OF THE UNBORN CHILD AT THE TIME THE

1 ABORTION IS TO BE PERFORMED AND THE PROBABLE ANATOMICAL AND
2 PHYSIOLOGICAL CHARACTERISTICS OF AN UNBORN CHILD AT THAT AGE;

3 (c) A DESCRIPTION OF IMMEDIATE AND LONG-TERM PHYSICAL AND
4 PSYCHOLOGICAL RISKS INVOLVED IN THE ABORTION PROCEDURE,
5 INCLUDING BUT NOT LIMITED TO THE RISKS OF INFECTION, HEMORRHAGE,
6 CERVICAL OR UTERINE PERFORATION, AND INFERTILITY, AND RISKS TO
7 SUBSEQUENT PREGNANCIES;

8 (d) THE AVAILABILITY OF POTENTIAL ABORTION REVERSAL AFTER
9 LAMINARIA INSERTION OR AFTER THE FIRST PILL IN A MEDICAL ABORTION
10 IS TAKEN IF THE WOMAN CHANGES HER MIND ABOUT THE ABORTION. IF THE
11 ABORTION PROVIDER IS UNWILLING TO PROVIDE AN ABORTION REVERSAL
12 AT THE WOMAN'S REQUEST, THE PROVIDER MUST INFORM THE WOMAN OF
13 OTHER PHYSICIANS OR PROVIDERS WHO MAY BE WILLING TO DO SO.

14 (e) A DESCRIPTION OF ALTERNATIVES TO ABORTION, INCLUDING
15 THE AVAILABILITY OF ADOPTION ALTERNATIVES AND THE AVAILABILITY
16 OF FINANCIAL HELP FROM ADOPTIVE PARENTS AND OTHER SOURCES FOR
17 PRENATAL CARE, CHILDBIRTH, AND NEONATAL CARE EXPENSES;

18 (f) A DESCRIPTION OF MEDICAL ASSISTANCE BENEFITS THAT MAY
19 BE AVAILABLE FOR PRENATAL CARE, CHILDBIRTH, AND NEONATAL CARE,
20 TOGETHER WITH THE NAMES AND CONTACT INFORMATION FOR
21 INDIVIDUALS AND ORGANIZATIONS THAT MAY BE WILLING TO ASSIST WITH
22 THE COSTS INVOLVED IN CARRYING THE PREGNANCY TO TERM, AND
23 INFORMATION ON THE LIABILITY OF THE FATHER FOR CHILD SUPPORT AND
24 OTHER EXPENSES; AND

25 (g) ANY OTHER MEDICAL OR OTHER INFORMATION THAT A
26 REASONABLE PATIENT WOULD CONSIDER MATERIAL TO THE DECISION OF
27 WHETHER TO HAVE AN ABORTION.

1 (5) EVERY WOMAN HAS THE RIGHT TO REFUSE TO SIGN THE
2 RECEIPT OF INFORMATION IF SHE DOES NOT BELIEVE SHE HAS BEEN FULLY
3 AND ACCURATELY INFORMED IN ACCORDANCE WITH THIS SECTION.

4 (6) EVERY WOMAN HAS THE RIGHT TO SIGN A DECLINE OF
5 INFORMATION FORM, ACKNOWLEDGING THAT SHE WAS OFFERED FULL
6 DISCLOSURE REGARDING HER PREGNANCY AND DECLINES TO REVIEW THE
7 INFORMATION PROVIDED.

8 (7) AT LEAST TWENTY-FOUR HOURS PRIOR TO THE ABORTION, THE
9 ABORTION PROVIDER SHALL PROVIDE THE WOMAN, IN WRITING AND
10 ORALLY:

11 (a) (I) THE OPPORTUNITY TO RECEIVE A PICTURE OF A CURRENT
12 ULTRASOUND OF THE UNBORN CHILD PORTRAYING THE ENTIRE BODY OF
13 THE UNBORN CHILD, WHICH CAN BE OBTAINED THROUGH THE USE OF A
14 VAGINAL OR ABDOMINAL ULTRASOUND, BASED ON THE WOMAN'S CHOICE,
15 AFTER THE ABORTION PROVIDER EXPLAINS THE ULTRASOUND QUALITY
16 DIFFERENCES IN THE TWO METHODS AT THE WOMAN'S CURRENT STATE OF
17 PREGNANCY. THE OPPORTUNITY SHALL INCLUDE:

18 (A) AN ORAL DESCRIPTION OF ALL RELEVANT FEATURES OF THE
19 ULTRASOUND, WITH AUDIBLE HEARTBEAT IF PRESENT;

20 (B) UPON REQUEST AND WITHOUT ADDITIONAL CHARGE, A
21 PHOTOGRAPH OR PRINT OF THE ULTRASOUND, OF MODERN QUALITY
22 CONSISTENT WITH THE CURRENT STANDARD MEDICAL PRACTICE;

23 (C) A WRITTEN AND ORAL DESCRIPTION STATING WHETHER THE
24 WOMAN HAS A VIABLE PREGNANCY, THE LOCATION OF THE FETAL SAC,
25 AND THE PRESENCE OR ABSENCE OF A HEARTBEAT; AND

26 (D) IN ORDER TO PROVIDE THE POSSIBILITY OF A SECOND OPINION,
27 A LIST OF ALL KNOWN ULTRASOUND PROVIDERS WITHIN A TEN-MILE

1 RADIUS OF THE ABORTION PROVIDER, OR, IF THERE ARE NO SUCH
2 ULTRASOUND PROVIDERS WITHIN A TEN-MILE RADIUS OF THE ABORTION
3 PROVIDER, A LIST OF ALL KNOWN ULTRASOUND PROVIDERS WITHIN A
4 FIFTY-MILE RADIUS OF THE ABORTION PROVIDER, WITH PARTICULAR
5 MENTION OF THOSE WHO PERFORM ULTRASOUNDS AT NO COST TO THE
6 WOMAN.

7 (II) IF THE ABORTION PROVIDER REFUSES TO COMPLY WITH THIS
8 SUBSECTION (7)(a), THE ABORTION PROVIDER SHALL GIVE THE WOMAN A
9 LIST OF PROVIDERS WHO WILL PROVIDE A FREE ULTRASOUND AND COMPLY
10 WITH THE PROVISIONS OF THIS SUBSECTION (7)(a) AT LEAST TWENTY-FOUR
11 HOURS BEFORE THE ABORTION IS PERFORMED AND SHALL POST A PUBLIC
12 NOTICE STATING THAT THE FACILITY DOES NOT PROVIDE ULTRASOUNDS
13 AND IS NOT A MEDICAL FACILITY.

14 (b) THE PROBABLE GESTATIONAL AGE OF THE UNBORN CHILD,
15 INCLUDING A FETAL DEVELOPMENT CHART WITH COLOR PHOTOGRAPHS
16 SPECIFYING WITHIN A FOUR-WEEK INCREMENT THE AGE OF THE UNBORN
17 CHILD AND SHOWING EACH SUCCEEDING FOUR-WEEK INCREMENT DURING
18 THE PREGNANCY;

19 (c) A DESCRIPTION OF THE DEVELOPMENT OF THE CHILD'S NERVE
20 ENDINGS, WHICH BEGIN TO DEVELOP AT SEVEN WEEKS GESTATION, AND
21 THE CHILD'S ABILITY TO FEEL PAIN, INCLUDING THE STEADILY INCREASING
22 BODY OF MEDICAL EVIDENCE AND LITERATURE SUPPORTING THE
23 CONCLUSION THAT AN UNBORN CHILD MAY FEEL PAIN FROM AROUND
24 ELEVEN WEEKS TO THIRTEEN WEEKS, OR EVEN AS EARLY AS FIVE AND
25 ONE-HALF WEEKS;

26 (d) A STATEMENT THAT THE WOMAN IS FREE TO WITHHOLD OR
27 WITHDRAW HER CONSENT TO THE ABORTION AT ANY TIME WITHOUT

1 AFFECTING HER RIGHT TO CARE OR TREATMENT IN THE FUTURE AND
2 WITHOUT THE LOSS OF ANY STATE OR FEDERAL BENEFITS TO WHICH SHE
3 MIGHT OTHERWISE BE ENTITLED; AND

4 (e) ANY OTHER MEDICAL OR OTHER INFORMATION THAT A
5 REASONABLE PATIENT WOULD CONSIDER MATERIAL TO THE DECISION OF
6 WHETHER TO HAVE AN ABORTION.

7 (8) (a) THE ABORTION PROVIDER SHALL PROVIDE THE
8 INFORMATION REQUIRED IN THIS SECTION INDIVIDUALLY IN A PRIVATE
9 ROOM AND PROVIDE THE WOMAN WITH AN ADEQUATE OPPORTUNITY TO
10 ASK QUESTIONS AND RECEIVE ANSWERS SHE CAN UNDERSTAND.

11 (b) IF THE WOMAN IS UNABLE TO READ THE WRITTEN MATERIALS
12 REQUIRED TO BE PROVIDED TO HER UNDER THE PROVISIONS OF THIS
13 SECTION, THE ABORTION PROVIDER SHALL READ THE MATERIALS TO HER
14 AND, IF NECESSARY, SHALL EXPLAIN THE MATERIALS IN A WAY THAT IS
15 UNDERSTANDABLE TO HER.

16 (c) AFTER THE ABORTION PROVIDER HAS COMPLIED WITH EACH OF
17 THE REQUIREMENTS OF THIS SECTION, THE WOMAN SHALL SIGN SEPARATE
18 STATEMENTS ATTESTING TO THE COMPLETION OF THE REQUIREMENTS. THE
19 ABORTION PROVIDER SHALL, UNDER OATH AND UNDER PENALTY OF
20 PERJURY, SIGN SEPARATE STATEMENTS THAT HE OR SHE HAS COMPLIED
21 WITH EACH OF THE REQUIREMENTS OF THIS SECTION.

22 (d) AN ABORTION PROVIDER SHALL NOT ACCEPT PAYMENT OR
23 LEGALLY OR OTHERWISE BIND A WOMAN TO MAKE PAYMENT FOR THE
24 PERFORMANCE OR INDUCING OF AN ABORTION PRIOR TO THE EXPIRATION
25 OF TWENTY-FOUR HOURS FROM THE ABORTION PROVIDER'S FULFILLMENT
26 OF ALL OF THE PROVISIONS OF THIS SECTION.

27 (9) A PERSON WHO RECKLESSLY VIOLATES ANY PROVISION OF THIS

1 SECTION, OR WHO PERFORMS AN ABORTION WITH REASON TO BELIEVE
2 THAT SUCH AN ABORTION IS A VIOLATION OF THIS SECTION, COMMITS AN
3 UNCLASSIFIED MISDEMEANOR AND SHALL BE FINED NOT MORE THAN ONE
4 THOUSAND DOLLARS FOR EACH VIOLATION.

5 (10) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT
6 THE PREGNANT WOMAN FROM NOT LISTENING TO THE SOUNDS DETECTED
7 BY THE FETAL HEART MONITOR OR FROM NOT VIEWING THE IMAGES
8 DISPLAYED ON THE ULTRASOUND SCREEN.

9 **25-6-405. Civil cause of action.** A PERSON WHO SUFFERS A LOSS
10 OR INJURY AS A RESULT OF A VIOLATION OF THIS PART 4 BY AN ABORTION
11 PROVIDER MAY BRING A CAUSE OF ACTION AGAINST THE ABORTION
12 PROVIDER AND THE FACILITY WHERE THE ABORTION WAS PERFORMED, FOR
13 DAMAGES, PUNITIVE DAMAGES, TREBLE DAMAGES, AND SUCH EQUITABLE
14 REMEDIES AS THE COURT MAY DEEM APPROPRIATE.

15 **25-6-406. Civil penalties and fines.** (1) AN ABORTION CLINIC IS
16 SUBJECT TO CIVIL PENALTIES IF AN INSPECTION BY THE ATTORNEY
17 GENERAL FINDS THAT THE ABORTION CLINIC:

18 (a) FAILS TO OFFER THE INFORMATION REQUIRED IN THE RECEIPT
19 OF INFORMATION IN SECTION 25-6-404; OR

20 (b) VIOLATES ANY PROVISION OF LAW.

21 (2) THE ATTORNEY GENERAL MAY IMPOSE FOR EACH VIOLATION:

22 (a) A FINE OF UP TO ONE THOUSAND DOLLARS; OR

23 (b) SUSPENSION OR CLOSURE OF THE FACILITY WHERE THE
24 VIOLATION WAS FOUND FOR EACH VIOLATION.

25 **25-6-407. Preemption and severability.** (1) THIS PART 4 SHALL
26 NOT BE CONSTRUED TO PREEMPT OR SUPERSEDE ANY PROVISION OF LAW
27 OR ANY PROVISION OF LAW THAT IS MORE RESTRICTIVE THAN THE

1 PROVISIONS OF THIS PART 4; CREATE OR RECOGNIZE ANY RIGHT TO AN
2 ABORTION; OR SANCTION, APPROVE OF, OR EXPAND IN ANY WAY THE
3 LEGALITY OF ABORTION.

4 (2) THE PROVISIONS OF THIS PART 4 ARE SEVERABLE. IF ANY
5 PROVISION OF THIS PART 4, OR WORD, PHRASE, OR APPLICATION THEREOF,
6 IS FOUND TO BE INVALID, THAT INVALIDITY SHALL NOT AFFECT THE
7 VALIDITY OF THE PROVISIONS OR APPLICATIONS NOT FOUND TO BE INVALID
8 IN THIS PART 4.

9 **SECTION 2.** In Colorado Revised Statutes, 12-36-117, **add**
10 (1)(nn) as follows:

11 **12-36-117. Unprofessional conduct.** (1) "Unprofessional
12 conduct" as used in this article 36 means:

13 (nn) A VIOLATION OF PART 4 OF ARTICLE 6 OF TITLE 25.

14 **SECTION 3. Effective date - applicability.** This act takes effect
15 upon passage and applies to offenses or actions committed on or after
16 said date.

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