

Amendment 79: Constitutional Right to Abortion

Placed on the ballot by citizen initiative • Passes with 55 percent of the vote

- 1 **Amendment 79 proposes amending the Colorado Constitution to:**
- 2 • make abortion a constitutional right in Colorado; and
- 3 • repeal the existing constitutional ban on state and local government funding for
- 4 abortion services.

5 **What Your Vote Means**

6 **YES**

7 A “yes” vote on Amendment 79 places the

8 right to abortion in the Colorado

9 Constitution and repeals the current ban

10 on state and local funding for abortion

11 services.

12 **NO**

13 A “no” vote on Amendment 79 continues

14 the ban on state and local funding for

15 abortion services and maintains the

16 authority of the state legislature to

17 determine the legality of abortion in the

18 state.

19 **Summary and Analysis of Amendment 79**

20 **What does Amendment 79 do?**

21 Amendment 79 makes abortion a constitutional right in Colorado and prohibits state and

22 local governments from denying, impeding, or discriminating against exercising that right.

23 Amendment 79 also repeals an existing Colorado constitutional provision banning the use of

24 public funds for abortion services.

25 **What is the legal history of abortion in Colorado and the United States?**

26 Under current Colorado law, a pregnancy may be terminated at any time.

27 Beginning in 1967, Colorado law permitted abortions in specified circumstances, including

28 when the pregnancy would likely result in the death of the pregnant woman and in cases

29 involving rape or incest.

30 In 1973, the U.S. Supreme Court recognized a right to abortion, but allowed individual states

31 to regulate it depending on the stage of pregnancy.

32 In 1984, Colorado voters amended the Colorado Constitution to prohibit the use of state

33 and local government funds to pay or reimburse any person, agency, or facility for an

34 abortion. Colorado law makes exceptions to the funding ban in certain circumstances, such

35 as to prevent the death of a pregnant woman.

1 In 2022, the Colorado legislature placed many rights related to reproductive health care in
2 Colorado statutes, including creating a statutory right to have an abortion.

3 Also in 2022, the U.S. Supreme Court ruled that the U.S. Constitution does not include a right
4 to abortion, and returned the authority of regulating or prohibiting abortions to states.

5 **What restrictions are there on government funding for abortion services and how does** 6 **Amendment 79 change this?**

7 The language added to Colorado's constitution in 1984 bans public funding for abortion
8 services for:

- 9 • Medicaid, the joint federal and state program that provides health care coverage to
10 low-income individuals; and
- 11 • health insurance plans that are offered to state and local government employees.

12 There are exceptions in federal and state law that allow Medicaid to pay for an abortion
13 when the life of the pregnant woman is in danger or when the pregnancy is the result of
14 rape or incest.

15 Amendment 79 repeals the constitutional ban on public funding for abortion services,
16 potentially allowing state and local money to be used to pay for abortions through Medicaid
17 or state and local government employee health insurance plans. The measure does not
18 guarantee government-provided abortion funding; future decisions on funding abortion
19 services will be made by the Colorado legislature and local governments.

For information on those issue committees that support or oppose the measures on the ballot at the November 5, 2024, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<https://coloradosos.gov/pubs/elections/Initiatives/InitiativesHome.html>

20 **Arguments For Amendment 79**

21 1) Placing the right to abortion in the Colorado Constitution protects abortion access in
22 Colorado, ensuring abortion will be available in the state regardless of changing political
23 climates. The measure safeguards an individual's ability to make their own health care
24 decisions, which is a cornerstone of a free society that values individual rights and
25 protects a person's autonomy over their reproductive choices.

26 2) Colorado's constitution should not ban funding for health care services; rather,
27 policymakers should have the option to fund the care they believe state residents need.
28 Abortion is an essential component of women's health care. By removing the funding
29 ban from Colorado's constitution, Amendment 79 may allow government employees and
30 Medicaid recipients increased access to abortion services.

Arguments Against Amendment 79

- 1) Amendment 79 is extremely broad and could prevent Colorado from passing statutes in the future to regulate or restrict abortion in any way. Placing the right to abortion in Colorado’s constitution limits the ability of lawmakers to pass policies preventing abortions later in pregnancies, establishing parental notification laws, or creating safeguards if they are interpreted to impede a woman’s right to abortion. Abortion is already legal in Colorado, and a constitutional amendment is not necessary to ensure abortion access in the state.
- 2) Many Coloradans are opposed to abortion for personal, religious, and moral reasons. Taxpayers should not be forced to pay for services to which they morally object. State law already allows exceptions for public funding of abortions in cases where the mother’s life is in danger. Maintaining the current ban on public funding ensures that taxpayer money is not funding elective abortions.

Fiscal Impact of Amendment 79

The measure will have no fiscal impact to state and local governments, as it places current state law and practices around abortion services into the Colorado Constitution. To the extent that additional abortion-related programs are created from allowing the use of public funds for abortion services, state or local government spending will increase. At this time, no change in spending is estimated, as it will depend on future decisions by the state legislature and local governments.