

Initiative 89: Right to Abortion

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

1 Initiative 89 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.

5 What Your Vote Means

6 YES

7 A “yes” vote on Initiative 89 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 Initiative 89 maintains
14 existing laws on abortion and continues to
15 limit state and local funding for abortion
16 services.

17 Summary and Analysis of Initiative 89

18 What does Initiative 89 do?

19 Initiative 89 makes abortion a constitutional right in Colorado and prohibits state and local
20 governments from denying, impeding, or discriminating against a person seeking an
21 abortion. Initiative 89 also repeals an existing Colorado constitutional provision restricting
22 the use of public funding for abortion.

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

24 Beginning in 1967, Colorado law permitted abortions in specified circumstances, including
25 when the pregnancy would likely result in the death of the pregnant person and in cases
26 involving rape or incest.

27 In 1973, the U.S. Supreme Court recognized a right to abortion, but allowed states to
28 regulate it depending on the stage of pregnancy.

29 In 1984, Colorado voters amended the Colorado Constitution, prohibiting the use of state
30 and local government funds to pay or reimburse, either directly or indirectly, any person,
31 agency, or facility for an abortion, except for in certain circumstances.

32 In 2022, the Colorado legislature passed legislation that placed many rights related to
33 reproductive health care in Colorado law, including the right to continue or terminate a
34 pregnancy.

1 Also in 2022, the U.S. Supreme Court ruled that the U.S. Constitution does not prohibit each
2 state from regulating or prohibiting abortion, and returned the authority of regulating or
3 prohibiting abortions to states.

4 **What restrictions are there on government funding for abortion and how does**
5 **Initiative 89 change this?**

6 The language added to Colorado’s Constitution in 1984 limits public funding for abortion
7 services for:

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

11 Initiative 89 repeals this language, potentially allowing state and local money to be used to
12 pay for abortion services through Medicaid or state and local government employee health
13 insurance plans. Under the measure, future decisions on funding abortion services will be
14 made by the state legislature and local governments, and the measure does not guarantee
15 government-provided abortion funding.

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>

16 **Arguments For Initiative 89**

- 17 1) Placing the right to abortion in the Colorado Constitution protects abortion access in
18 Colorado, ensuring it will be available regardless of changing political climates. The
19 measure safeguards an individual’s ability to make their own health care decisions, which
20 is a cornerstone of a free society that values individual rights.
- 21 2) Abortion is an essential health care service. Colorado’s constitution should not prohibit
22 funding for important health care services; rather, policymakers should have the option
23 to fund the care they believe state residents need. The measure may allow for increased
24 access to important medical care for Coloradans.

25 **Arguments Against Initiative 89**

- 26 1) Creating a constitutional right to abortion may prevent future laws that regulate abortion
27 in certain circumstances, such as those in the late stage of pregnancy. The broadness of
28 the measure may limit the ability of the state to pass laws that are intended to make
29 abortion safer. State law already allows for abortion access, and this measure is not
30 necessary to ensure that abortion is legal in Colorado.
- 31 2) Many Coloradans are opposed to abortion for personal and religious reasons. The
32 government should not be allowed to use taxpayer money to pay for services that are

1 highly controversial. Maintaining the current ban on public funding ensures that taxpayer
2 money is not funding elective abortions.

3 **Fiscal Impact**

4 The fiscal impact will be included in the second draft.