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Colorado General Assembly

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MEMORANDUM

TO: Lori Gimelshteyn and Erin Lee
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: March 4, 2024
SUBJECT: Proposed Initiative Measure 2023-2024 #205, concerning Parental Notification of Gender Incongruence

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Purpose

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be to require a public school representative to notify the public school principal within two business days of obtaining information that a child enrolled in the public school is experiencing gender incongruence and requiring the public school

principal to notify one of the child's parents within two days of receiving the information.

Substantive Comments and Questions

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. In section 22-1-144 (2) concerning information regarding gender incongruence, the proposed initiative uses the word "of" in relation to the timing of the reporting. "Of" in this case is ambiguous. Would the proponents consider using the term "after" instead?

Technical Comments

1. In Section 1 of the proposed initiative, subsection numbers (1) and (2) are in **bold** font but should appear in normal font.
2. In the legislative declaration, the word "State" should not be capitalized.
3. Since this is a proposed initiative, the proponents may consider using different terminology than "legislative declaration," because the initiative is not the result of legislation.
4. In Section 1 of the proposed initiative, the subsection following the definitions subsection should be number (3), not (2).
5. In section 22-1-122 (2) concerning information regarding gender incongruence, the second sentence should start with a capital letter.
6. For purposes of this statutory initiative, the word "shall" is defined in section 2-4-401 (13.7), Colorado Revised Statutes, and it means "that a person has a duty." The related word "must," which is defined in section 2-4-401 (6.5), Colorado Revised Statutes, "means that a person or thing is required to meet a condition for a consequence to apply." Furthermore, "'must' does not mean that a person has a duty."