

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0765.01 Kristen Forrestal x4217

HOUSE BILL 21-1183

HOUSE SPONSORSHIP

Luck, Baisley, Bockenfeld, Bradfield, Geitner, Hanks, Larson, Lynch, McKean, Neville, Pelton, Ransom, Rich, Sandridge, Soper, Van Beber, Van Winkle, Will, Williams, Woog

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INFORMATION REGARDING INDUCED TERMINATIONS OF**
102 **PREGNANCIES REPORTED TO THE STATE REGISTRAR OF VITAL**
103 **STATISTICS.**

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 requires health-care providers that perform induced terminations of pregnancies to report specified information concerning the women who obtain the procedure to the state registrar of vital statistics in the department of public health and environment. The reported information must not include information that could identify the

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.

women who obtained induced terminations of pregnancies.

The bill requires the state registrar to annually create a summary report of the information reported by health-care providers and to make the report available to the public. The bill places limitations on how and to whom the state registrar may release the information reported to the state registrar. A physician or physician assistant who falsifies or fails to submit the required information engages in unprofessional conduct pursuant to the "Colorado Medical Practice Act". An advanced practice registered nurse who falsifies or fails to submit the required information is subject to discipline pursuant to the "Nurse and Nurse Aide Practice Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-240-121, **add**
3 (1)(hh) as follows:

4 **12-240-121. Unprofessional conduct - definitions.**

5 (1) "Unprofessional conduct" as used in this article 240 means:

6 (hh) FALSIFYING OR FAILING TO SUBMIT TO THE STATE REGISTRAR
7 OF VITAL STATISTICS INFORMATION CONCERNING INDUCED TERMINATIONS
8 OF PREGNANCIES AS REQUIRED BY SECTION 25-2-110.3.

9 **SECTION 2.** In Colorado Revised Statutes, 12-255-120, **amend**
10 (1)(gg); and **add** (1)(ii) as follows:

11 **12-255-120. Grounds for discipline - definitions.** (1) "Grounds
12 for discipline", as used in this part 1, means any action by any person
13 who:

14 (gg) Is diverting or has diverted a controlled substance, as defined
15 in section 18-18-102 (5), or any other drug having similar effects from the
16 person's place of employment; **or**

17 (ii) FALSIFIES OR FAILS TO SUBMIT TO THE STATE REGISTRAR OF
18 VITAL STATISTICS INFORMATION CONCERNING INDUCED TERMINATIONS OF
19 PREGNANCIES AS REQUIRED BY SECTION 25-2-110.3.

1 **SECTION 3.** In Colorado Revised Statutes, **add 25-2-110.3** as
2 follows:

3 **25-2-110.3. Induced termination of pregnancy - definitions -**
4 **report required - unprofessional conduct - rules.** (1) AS USED IN THIS
5 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "HEALTH-CARE PROVIDER" MEANS:

7 (I) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO
8 ARTICLE 240 OF TITLE 12;

9 (II) AN ADVANCED PRACTICE REGISTERED NURSE, AS DEFINED IN
10 SECTION 12-255-104 (1); OR

11 (III) A HEALTH FACILITY LICENSED OR CERTIFIED PURSUANT TO
12 SECTION 25-1.5-103.

13 (b) "ICD-10 CODE" MEANS THE APPLICABLE CODE IN THE TENTH
14 EDITION OF THE INTERNATIONAL CLASSIFICATION OF DISEASES CODING
15 SYSTEM CREATED BY THE WORLD HEALTH ORGANIZATION THAT IS USED
16 BY HEALTH-CARE PROVIDERS TO CLASSIFY AND CODE ALL DIAGNOSES,
17 SYMPTOMS, AND PROCEDURES.

18 (2) A HEALTH-CARE PROVIDER THAT PERFORMS INDUCED
19 TERMINATIONS OF PREGNANCIES IN THIS STATE SHALL FILE A REPORT WITH
20 THE STATE REGISTRAR, IN A FORM AND MANNER PRESCRIBED BY THE
21 STATE REGISTRAR, OF EACH INDUCED TERMINATION OF PREGNANCY. THE
22 REPORT SHALL INCLUDE:

23 (a) THE WOMAN'S AGE;

24 (b) THE WOMAN'S RACE AND ETHNICITY;

25 (c) THE WOMAN'S MARITAL STATUS;

26 (d) THE WOMAN'S EDUCATIONAL STATUS BY THE HIGHEST LEVEL
27 COMPLETED, INCLUDING THE HIGHEST GRADE LEVEL COMPLETED AND, IF

1 APPLICABLE, IF THE WOMAN EARNED A HIGH SCHOOL DEGREE, COLLEGE
2 DEGREE, OR POSTGRADUATE DEGREE;

3 (e) THE NUMBER OF PREVIOUSLY INDUCED TERMINATIONS OF
4 PREGNANCIES THE WOMAN HAS RECEIVED, IF ANY;

5 (f) THE NUMBER OF LIVING CHILDREN THE WOMAN HAS, IF ANY;

6 (g) A CLINICAL ESTIMATE OF THE GESTATIONAL AGE OF THE FETUS;

7 (h) THE REASON FOR THE INDUCED TERMINATION OF PREGNANCY,
8 AS INDICATED BY THE WOMAN, INCLUDING WHETHER THE REASON WAS
9 ELECTIVE DUE TO:

10 (I) THE FAILURE OF FAMILY PLANNING, SPECIFYING TYPE OR
11 MODALITY OF FAMILY PLANNING;

12 (II) INTERFERENCE WITH THE WOMAN'S EDUCATION;

13 (III) INTERFERENCE WITH THE WOMAN'S CAREER;

14 (IV) THE FINANCIAL INSECURITY OF THE WOMAN;

15 (V) THE PREVIOUS ACHIEVEMENT OF THE WOMAN'S DESIRED
16 FAMILY SIZE;

17 (VI) THE WOMAN'S DETERMINATION THAT SHE WAS NOT READY TO
18 BECOME A PARENT;

19 (VII) THE OPPOSITION OF THE WOMAN'S PARTNER OR FAMILY
20 MEMBER TO THE PREGNANCY;

21 (VIII) MATERNAL HEALTH CONSIDERATIONS, SPECIFIED BY THE
22 ICD-10 CODE;

23 (IX) A FETAL ABNORMALITY, SPECIFYING THE SPECIFIC
24 ABNORMALITY; OR

25 (X) THE PREGNANCY WAS THE RESULT OF INCEST OR RAPE;

26 (i) ANY IMPEDIMENTS TO THE INDUCED TERMINATION OF
27 PREGNANCY, INCLUDING DISTANCE, GESTATIONAL AGE OF THE FETUS,

1 COST, OR PARTNER OR FAMILY MEMBER OPPOSITION;

2 (j) IF THE INDUCED TERMINATION OF PREGNANCY IS PERFORMED
3 BEYOND TWENTY-TWO GESTATIONAL WEEKS, THE REASON FOR THE DELAY,
4 SUCH AS AMBIVALENCE ABOUT THE PROCEDURE, LATE CONFIRMATION OF
5 PREGNANCY, TIME NEEDED TO RAISE MONEY FOR THE COST OF THE
6 PROCEDURE, THE NEED FOR JUDICIAL BYPASS, LACK OF LEAVE TIME FROM
7 EMPLOYMENT, OR LACK OF TRANSPORTATION;

8 (k) THE COST OF THE INDUCED TERMINATION OF PREGNANCY AND
9 THE SOURCE OF THE FUNDING FOR THE PROCEDURE;

10 (l) THE TYPE OF INDUCED TERMINATION OF PREGNANCY
11 PERFORMED;

12 (m) THE NAME AND TYPE OF HEALTH FACILITY IN WHICH THE
13 INDUCED TERMINATION OF PREGNANCY WAS PERFORMED, IF PERFORMED
14 IN A HEALTH FACILITY; AND

15 (n) ANY COMPLICATIONS RESULTING FROM THE INDUCED
16 TERMINATION OF PREGNANCY SPECIFIED BY THE ICD-10 CODE.

17 (3) IN ADDITION TO ANY OTHER PENALTIES AVAILABLE PURSUANT
18 TO THIS ARTICLE 2:

19 (a) A PHYSICIAN OR PHYSICIAN ASSISTANT WHO FALSIFIES OR FAILS
20 TO SUBMIT THE INFORMATION AS REQUIRED BY SUBSECTION (2) OF THIS
21 SECTION ENGAGES IN UNPROFESSIONAL CONDUCT PURSUANT TO SECTION
22 12-240-121; AND

23 (b) AN ADVANCED PRACTICE REGISTERED NURSE WHO FALSIFIES
24 OR FAILS TO SUBMIT THE INFORMATION AS REQUIRED BY SUBSECTION (2)
25 OF THIS SECTION IS SUBJECT TO DISCIPLINE PURSUANT TO SECTION
26 12-255-120.

27 (4) A HEALTH-CARE PROVIDER SHALL NOT IDENTIFY A WOMAN

1 WHO HAS OBTAINED AN INDUCED TERMINATION OF PREGNANCY IN THE
2 REPORT REQUIRED BY SUBSECTION (2) OF THIS SECTION, OR INCLUDE ANY
3 INFORMATION OR IDENTIFIER THAT WOULD MAKE IT POSSIBLE TO IDENTIFY
4 THE WOMAN, IN ANY MANNER OR UNDER ANY CIRCUMSTANCES.

5 (5) (a) THE STATE REGISTRAR:

6 (I) SHALL ANNUALLY CREATE A SUMMARY REPORT OF THE
7 INFORMATION PROVIDED TO THE STATE REGISTRAR PURSUANT TO
8 SUBSECTION (2) OF THIS SECTION AND MAKE THE SUMMARY REPORT
9 AVAILABLE TO THE PUBLIC;

10 (II) SHALL NOT PERMIT INSPECTION OF OR DISCLOSE INFORMATION
11 PROVIDED TO THE STATE REGISTRAR IN SUBSECTION (2) OF THIS SECTION
12 OR COPY OR ISSUE A COPY OF ALL OR PART OF THE INFORMATION, UNLESS
13 THE STATE REGISTRAR IS SATISFIED THAT THE APPLICANT HAS A DIRECT
14 AND TANGIBLE INTEREST IN THE INFORMATION;

15 (III) MAY PERMIT THE USE OF INFORMATION REPORTED IN
16 SUBSECTION (2) OF THIS SECTION FOR STATISTICAL OR RESEARCH
17 PURPOSES, SUBJECT TO CONDITIONS THE STATE REGISTRAR MAY IMPOSE.
18 THE INFORMATION MUST NOT BE FURNISHED FOR RESEARCH PURPOSES
19 UNTIL THE STATE REGISTRAR HAS PREPARED, IN WRITING, THE CONDITIONS
20 UNDER WHICH THE RECORDS OR INFORMATION WILL BE USED, AND THE
21 STATE REGISTRAR HAS RECEIVED AN AGREEMENT SIGNED BY A
22 RESPONSIBLE AGENT OF THE RESEARCH ORGANIZATION AGREEING TO THE
23 CONDITIONS.

24 (IV) MAY DISCLOSE INFORMATION REPORTED PURSUANT TO
25 SUBSECTION (2) OF THIS SECTION TO FEDERAL, STATE, COUNTY, OR
26 MUNICIPAL AGENCIES OF GOVERNMENT, OR DESIGNEES OF THE AGENCIES
27 OF GOVERNMENT, THAT REQUEST THE INFORMATION IN THE CONDUCT OF

1 THEIR OFFICIAL DUTIES.

2 (b) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, THE
3 STATE REGISTRAR SHALL NOT RELEASE ANY INFORMATION THAT
4 IDENTIFIES THE NAME OF ANY HEALTH FACILITY WHERE AN INDUCED
5 TERMINATION OF PREGNANCY IS PERFORMED OR THE HEALTH-CARE
6 PROVIDER WHO PERFORMED AN INDUCED TERMINATION OF PREGNANCY.

7 (6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
8 HEALTH AND ENVIRONMENT MAY PROMULGATE RULES AS NECESSARY
9 CONCERNING THE INFORMATION REQUIRED TO BE REPORTED PURSUANT TO
10 THIS SECTION AND THE FORM, TIMELINESS, AND MANNER IN WHICH THE
11 INFORMATION MUST BE REPORTED.

12 **SECTION 4. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2022 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.