

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0785.01 Yelana Love x2295

SENATE BILL 21-193

SENATE SPONSORSHIP

Buckner,

HOUSE SPONSORSHIP

Herod,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTIONS FOR PREGNANT PEOPLE DURING THE
102 PERINATAL PERIOD.

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 each carrier offering medical malpractice insurance in the state to cover the insured for providing care during the entire course of a person's vaginal birth after a previous caesarian birth;
- Extends the statute of limitations from 2 years to 3 years

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.

for actions alleging lack of informed consent in cases related to a pregnant person;

- Repeals language that gives no force or effect to an advanced directive of a person who is pregnant while the person's fetus is viable;
- Requires annual reporting to the legislature on the use of restraints on a pregnant person within each jail, private contract prison, and correctional facility;
- Establishes requirements for each facility that incarcerates or has custody of people with the capacity for pregnancy;
- Requires the Colorado civil rights commission to receive reports from people alleging maternity care that is not organized for, and provided to, a person who is pregnant or in the postpartum period in a manner that is culturally congruent; maintains the person's dignity, privacy, and confidentiality; ensures freedom from harm and mistreatment; and enables informed choices and continuous support; and
- Requires each health facility that provides services related to labor and childbirth to demonstrate to the department of public health and environment that the health facility has a policy that meets certain requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-4-106.5 as
3 follows:

4 **10-4-106.5. Required terms in medical malpractice policies.**

5 ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AN INSURER
6 OFFERING A POLICY OF MEDICAL MALPRACTICE INSURANCE SHALL COVER
7 THE INSURED FOR PROVIDING CARE DURING THE ENTIRE COURSE OF A
8 PERSON'S VAGINAL BIRTH AFTER A PREVIOUS CAESARIAN BIRTH.

9 **SECTION 2.** In Colorado Revised Statutes, 13-80-102.5, **amend**
10 (3) introductory portion; and **add** (1.5) as follows:

11 **13-80-102.5. Limitation of actions - medical or health care.**

12 (1.5) AN ACTION ALLEGING LACK OF INFORMED CONSENT RELATED TO A
13 PREGNANT PERSON TO RECOVER DAMAGES FROM ANY HEALTH-CARE

1 INSTITUTION OR ANY HEALTH-CARE PROFESSIONAL MUST BE INSTITUTED
2 WITHIN THREE YEARS AFTER THE DATE THAT THE ACTION ACCRUES
3 PURSUANT TO SECTION 13-80-108 (1).

4 (3) The limitation of actions provided in ~~subsection (1)~~
5 SUBSECTIONS (1) AND (1.5) of this section does not apply under the
6 following circumstances:

7 **SECTION 3.** In Colorado Revised Statutes, 15-18-104, **repeal** (2)
8 as follows:

9 **15-18-104. Declaration as to medical treatment.** (2) ~~In the case~~
10 ~~of a declaration of a qualified patient known to the attending physician to~~
11 ~~be pregnant, a medical evaluation shall be made as to whether the fetus~~
12 ~~is viable. If the fetus is viable, the declaration shall be given no force or~~
13 ~~effect until the patient is no longer pregnant.~~

14 **SECTION 4.** In Colorado Revised Statutes, 17-1-113.7, **amend**
15 (2)(b) as follows:

16 **17-1-113.7. Prohibition against the use of restraints on**
17 **pregnant inmates in the custody of correctional facilities and private**
18 **contract prisons - report.** (2) (b) The correctional facility, private
19 contract prison, or medical facility staff authorizing the use of restraints
20 on a pregnant inmate during labor or delivery of the child shall make a
21 written record of the use of the restraints, which record shall include, at
22 a minimum, the type of restraint used, the circumstances that necessitated
23 the use of the restraint, and the length of time the restraint was used. The
24 staff of the correctional facility or private contract prison shall retain the
25 record for a minimum of five years and shall make the record available
26 for public inspection with individually identifying information redacted
27 from the record unless the inmate who is the subject of the record gives

1 prior written consent for the public release of the record. The written
2 record of the use of restraint shall not constitute a medical record under
3 state or federal law. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), NO
4 LATER THAN FEBRUARY 15, 2022, AND EACH FEBRUARY 15 THEREAFTER,
5 THE WARDEN OF THE PRIVATE CONTRACT PRISON AND THE EXECUTIVE
6 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL SUBMIT THE
7 RECORDS CREATED PURSUANT TO THIS SUBSECTION (2)(b) IN THE PRIOR
8 CALENDAR YEAR TO THE JUDICIARY COMMITTEES OF THE SENATE AND
9 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

10 **SECTION 5.** In Colorado Revised Statutes, **add** 17-1-114.5 as
11 follows:

12 **17-1-114.5. Incarceration of a person in custody with the**
13 **capacity for pregnancy - report.** (1) A CORRECTIONAL FACILITY OR
14 PRIVATE CONTRACT PRISON INCARCERATING A PERSON WHO IS CAPABLE
15 OF PREGNANCY SHALL:

16 (a) TRAIN THE FACILITY'S STAFF TO ENSURE THAT A PREGNANT
17 PERSON RECEIVES SAFE AND RESPECTFUL TREATMENT;

18 (b) DEVELOP ADMINISTRATIVE POLICIES TO ENSURE A
19 TRAUMA-INFORMED STANDARD OF CARE IS INTEGRATED WITH CURRENT
20 PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF A PREGNANT
21 PERSON;

22 (c) PROVIDE EACH PREGNANT PERSON, DURING THE PERSON'S
23 PREGNANCY AND THROUGH THE PERSON'S POSTPARTUM PERIOD, WITH
24 ACCESS TO:

25 (I) PERINATAL HEALTH-CARE PROVIDERS WITH PERINATAL
26 EXPERIENCE; AND

27 (II) HEALTHY FOODS AND COUNSELING ON NUTRITION,

1 RECOMMENDED ACTIVITY LEVELS, SAFETY MEASURES, AND SUPPLIES,
2 INCLUDING MENSTRUAL PRODUCTS AS REQUIRED IN SECTION 17-1-113.6,
3 AND BREAST PUMPS;

4 (d) PROVIDE COUNSELING AND TREATMENT FOR PREGNANT PEOPLE
5 WHO HAVE SUFFERED FROM:

6 (I) A DIAGNOSED BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
7 USE DISORDER;

8 (II) TRAUMA OR VIOLENCE, INCLUDING DOMESTIC VIOLENCE;

9 (III) HUMAN IMMUNODEFICIENCY VIRUS;

10 (IV) SEXUAL ABUSE;

11 (V) PREGNANCY LOSS OR INFANT LOSS; OR

12 (VI) CHRONIC CONDITIONS;

13 (e) PROVIDE EVIDENCE-BASED PREGNANCY AND CHILDBIRTH
14 EDUCATION, PARENTING SUPPORT, AND OTHER RELEVANT FORMS OF
15 HEALTH LITERACY;

16 (f) DEVELOP ADMINISTRATIVE POLICIES TO IDENTIFY AND OFFER
17 OPPORTUNITIES FOR POSTPARTUM PERSONS TO MAINTAIN CONTACT WITH
18 THE PERSON'S NEWBORN CHILD TO PROMOTE BONDING, INCLUDING
19 ENHANCED VISITATION POLICIES, ACCESS TO PRISON NURSERY PROGRAMS,
20 AND BREASTFEEDING SUPPORT, WHEN APPROPRIATE;

21 (g) TRANSFER HEALTH RECORDS TO COMMUNITY PROVIDERS IF A
22 PREGNANT PERSON EXITS THE CRIMINAL JUSTICE SYSTEM DURING THE
23 PERSON'S PREGNANCY OR DURING THE PERSON'S POSTPARTUM PERIOD;

24 (h) CONNECT A PERSON EXITING THE CRIMINAL JUSTICE SYSTEM
25 DURING THE PERSON'S PREGNANCY OR POSTPARTUM PERIOD TO
26 COMMUNITY-BASED RESOURCES, SUCH AS REFERRALS TO HEALTH-CARE
27 PROVIDERS, SUBSTANCE USE DISORDER TREATMENT, AND SOCIAL SERVICES

1 THAT ADDRESS SOCIAL DETERMINANTS OF MATERNAL HEALTH;

2 (i) ESTABLISH PARTNERSHIPS WITH LOCAL PUBLIC ENTITIES,
3 PRIVATE COMMUNITY ENTITIES, COMMUNITY-BASED ORGANIZATIONS,
4 INDIAN TRIBES AND TRIBAL ORGANIZATIONS AS DEFINED IN THE FEDERAL
5 "INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT", 25
6 U.S.C. SEC. 5304, AS AMENDED, OR URBAN INDIAN ORGANIZATIONS AS
7 DEFINED IN THE FEDERAL "INDIAN HEALTH CARE IMPROVEMENT ACT", 25
8 U.S.C. SEC. 1603, AS AMENDED; AND

9 (j) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), BY
10 FEBRUARY 15, 2022, AND BY FEBRUARY 15 EACH YEAR THEREAFTER,
11 REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF
12 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE NUMBER
13 OF BIRTHS BY PREGNANT PEOPLE WHO ARE IN THE CUSTODY OF THE
14 FACILITY, INCLUDING THE LOCATION OF THE BIRTHS, THAT OCCURRED IN
15 THE PRIOR CALENDAR YEAR.

16 **SECTION 6.** In Colorado Revised Statutes, **add** 17-26-104.4 as
17 follows:

18 **17-26-104.4. Incarceration of a person with the capacity for**
19 **pregnancy - report - definition.** (1) A FACILITY INCARCERATING A
20 PERSON WHO IS CAPABLE OF PREGNANCY, WHETHER OPERATED BY A
21 GOVERNMENTAL ENTITY OR A PRIVATE CONTRACTOR, SHALL:

22 (a) TRAIN THE FACILITY'S STAFF TO ENSURE THAT A PREGNANT
23 PERSON RECEIVES SAFE AND RESPECTFUL TREATMENT;

24 (b) DEVELOP ADMINISTRATIVE POLICIES TO ENSURE A
25 TRAUMA-INFORMED STANDARD OF CARE IS INTEGRATED WITH CURRENT
26 PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF A PREGNANT
27 PERSON;

1 (c) PROVIDE EACH PREGNANT PERSON, DURING THE PERSON'S
2 PREGNANCY AND THROUGH THE PERSON'S POSTPARTUM PERIOD, WITH
3 ACCESS TO:

4 (I) PERINATAL HEALTH-CARE PROVIDERS WITH PERINATAL
5 EXPERIENCE; AND

6 (II) HEALTHY FOODS AND COUNSELING ON NUTRITION,
7 RECOMMENDED ACTIVITY LEVELS, SAFETY MEASURES, AND SUPPLIES,
8 INCLUDING MENSTRUAL PRODUCTS AS REQUIRED IN SECTION 17-26-104.3,
9 AND BREAST PUMPS;

10 (d) PROVIDE COUNSELING AND TREATMENT FOR PREGNANT PEOPLE
11 WHO HAVE SUFFERED FROM:

12 (I) A DIAGNOSED BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
13 USE DISORDER;

14 (II) TRAUMA OR VIOLENCE, INCLUDING DOMESTIC VIOLENCE;

15 (III) HUMAN IMMUNODEFICIENCY VIRUS;

16 (IV) SEXUAL ABUSE;

17 (V) PREGNANCY LOSS OR INFANT LOSS; OR

18 (VI) CHRONIC CONDITIONS;

19 (e) PROVIDE EVIDENCE-BASED PREGNANCY AND CHILDBIRTH
20 EDUCATION, PARENTING SUPPORT, AND OTHER RELEVANT FORMS OF
21 HEALTH LITERACY;

22 (f) DEVELOP ADMINISTRATIVE POLICIES TO IDENTIFY AND OFFER
23 OPPORTUNITIES FOR POSTPARTUM PERSONS TO MAINTAIN CONTACT WITH
24 THE PERSON'S NEWBORN CHILD TO PROMOTE BONDING, INCLUDING
25 ENHANCED VISITATION POLICIES, ACCESS TO PRISON NURSERY PROGRAMS,
26 AND BREASTFEEDING SUPPORT, WHEN APPROPRIATE;

27 (g) TRANSFER HEALTH RECORDS TO COMMUNITY PROVIDERS IF A

1 PREGNANT PERSON EXITS THE CRIMINAL JUSTICE SYSTEM DURING THE
2 PERSON'S PREGNANCY OR DURING THE PERSON'S POSTPARTUM PERIOD;

3 (h) CONNECT A PERSON EXITING THE CRIMINAL JUSTICE SYSTEM
4 DURING THE PERSON'S PREGNANCY OR POSTPARTUM PERIOD TO
5 COMMUNITY-BASED RESOURCES, SUCH AS REFERRALS TO HEALTH-CARE
6 PROVIDERS, SUBSTANCE USE DISORDER TREATMENT, AND SOCIAL SERVICES
7 THAT ADDRESS SOCIAL DETERMINANTS OF MATERNAL HEALTH;

8 (i) ESTABLISH PARTNERSHIPS WITH LOCAL PUBLIC ENTITIES,
9 PRIVATE COMMUNITY ENTITIES, COMMUNITY-BASED ORGANIZATIONS,
10 INDIAN TRIBES AND TRIBAL ORGANIZATIONS AS DEFINED IN THE FEDERAL
11 "INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT", 25
12 U.S.C. SEC. 5304, AS AMENDED, OR URBAN INDIAN ORGANIZATIONS AS
13 DEFINED IN THE FEDERAL "INDIAN HEALTH CARE IMPROVEMENT ACT", 25
14 U.S.C. SEC. 1603, AS AMENDED; AND

15 (j) BY FEBRUARY 15, 2022, AND BY FEBRUARY 15 EACH YEAR
16 THEREAFTER, REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND
17 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE
18 NUMBER OF BIRTHS BY PREGNANT PEOPLE WHO ARE IN THE CUSTODY OF
19 THE FACILITY, INCLUDING THE LOCATION OF THE BIRTHS, THAT OCCURRED
20 IN THE PRIOR CALENDAR YEAR.

21 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES, "FACILITY" MEANS:

23 (a) A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7);

24 (b) A MULTIJURISDICTIONAL JAIL, AS DESCRIBED IN SECTION
25 17-26.5-101; OR

26 (c) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401

27 (1)(j).

1 **SECTION 7.** In Colorado Revised Statutes, 17-26-104.7, **amend**
2 (2)(b) as follows:

3 **17-26-104.7. Prohibition against the use of restraints on**
4 **pregnant persons in custody.** (2) (b) The county jail or medical facility
5 staff authorizing the use of restraints on a pregnant ~~woman~~ PERSON during
6 labor or delivery of the child shall make a written record of the use of the
7 restraints, which record shall include, at a minimum, the type of restraint
8 used, the circumstances that necessitated the use of the restraint, and the
9 length of time the restraint was used. The sheriff shall retain the record
10 for a minimum of five years and shall make the record available for
11 public inspection with individually identifying information redacted from
12 the record unless the ~~woman~~ PERSON who is the subject of the record
13 gives prior written consent for the public release of the record. The
14 written record of the use of restraint shall not constitute a medical record
15 under state or federal law. NO LATER THAN FEBRUARY 15, 2022, AND
16 EACH FEBRUARY 15 THEREAFTER, THE SHERIFF SHALL SUBMIT THE
17 RECORDS CREATED PURSUANT TO THIS SUBSECTION (2)(b) IN THE PRIOR
18 CALENDAR YEAR TO THE JUDICIARY COMMITTEES OF THE SENATE AND
19 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

20 **SECTION 8.** In Colorado Revised Statutes, 24-34-305, **add**
21 (1)(k) as follows:

22 **24-34-305. Powers and duties of commission.** (1) The
23 commission has the following powers and duties:

24 (k) TO RECEIVE REPORTS FROM PEOPLE ALLEGING MATERNITY
25 CARE THAT IS NOT ORGANIZED FOR, AND PROVIDED TO, A PERSON WHO IS
26 PREGNANT OR IN THE POSTPARTUM PERIOD IN A MANNER THAT IS
27 CULTURALLY CONGRUENT; MAINTAINS THE PERSON'S DIGNITY, PRIVACY,

1 AND CONFIDENTIALITY; ENSURES FREEDOM FROM HARM AND
2 MISTREATMENT; AND ENABLES INFORMED CHOICES AND CONTINUOUS
3 SUPPORT.

4 **SECTION 9.** In Colorado Revised Statutes, **add 25-3-126** as
5 follows:

6 **25-3-126. Health facilities - requirements related to labor and**
7 **childbirth - rules - definitions.** (1) ON AND AFTER JANUARY 1, 2022, A
8 HEALTH FACILITY THAT PROVIDES SERVICES RELATED TO LABOR AND
9 CHILDBIRTH SHALL DEMONSTRATE TO THE DEPARTMENT, IN THE FORM AND
10 MANNER DETERMINED BY THE DEPARTMENT BY RULE, THAT THE HEALTH
11 FACILITY HAS A POLICY THAT:

12 (a) ALLOWS EVERY BIRTHING PERSON TO HAVE A COMPANION OR
13 DOULA WITH THE PERSON DURING BIRTH IN ADDITION TO A PARTNER OR
14 SPOUSE;

15 (b) PROVIDES THAT NEWBORNS REMAIN WITH THEIR FAMILIES TO
16 FACILITATE THE PHYSIOLOGIC POSTPARTUM PROCESS;

17 (c) WILL NOT EXCLUDE FROM CARE ANY PERSON EXPERIENCING
18 PHYSIOLOGIC BIRTH OR INTERRUPT THE PROCESS OF PHYSIOLOGIC BIRTH
19 WITHOUT THE INFORMED CONSENT OF THE BIRTHING PERSON; AND

20 (d) ACCEPTS TRANSFERS OF A PREGNANT PERSON FROM THE
21 PERSON'S HOME OR A BIRTHING CENTER WITHOUT DISCRIMINATING
22 AGAINST THE PERSON BASED ON THE PERSON'S PROTECTED CLASS OR THE
23 PERSON'S PLANNED PLACE OF BIRTH.

24 (2) AS USED IN THIS SECTION:

25 (a) "DOULA" MEANS A PERSON WHO PROVIDES PHYSICAL,
26 EMOTIONAL, AND INFORMATIONAL SUPPORT TO A PREGNANT PERSON
27 BEFORE, DURING, AND AFTER PREGNANCY.

1 (b) "PHYSIOLOGIC BIRTH" MEANS LABOR AND BIRTH POWERED BY
2 THE INNATE HUMAN CAPACITY OF A PREGNANT PERSON AND THE
3 PREGNANT PERSON'S FETUS, WHICH INCLUDES ENDOGENOUS HORMONE
4 SYSTEMS.

5 (c) "PHYSIOLOGIC POSTPARTUM PROCESS" MEANS THE BIOLOGIC
6 PROCESS THAT HAPPENS TO BOTH THE NEWBORN AND BIRTHING PERSON
7 AFTER DELIVERY DUE TO ENDOGENOUS HORMONE SYSTEMS.

8 **SECTION 10.** In Colorado Revised Statutes, **add 26-1-136.8** as
9 follows:

10 **26-1-136.8. Custody of a person with the capacity for**
11 **pregnancy.** (1) A STATE DEPARTMENT FACILITY THAT HAS IN ITS
12 CUSTODY A PERSON WHO IS CAPABLE OF PREGNANCY SHALL:

13 (a) TRAIN THE FACILITY'S STAFF TO ENSURE THAT A PREGNANT
14 PERSON RECEIVES SAFE AND RESPECTFUL TREATMENT;

15 (b) DEVELOP ADMINISTRATIVE POLICIES TO ENSURE A
16 TRAUMA-INFORMED STANDARD OF CARE IS INTEGRATED WITH CURRENT
17 PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF A PREGNANT
18 PERSON;

19 (c) PROVIDE EACH PREGNANT PERSON, DURING THE PERSON'S
20 PREGNANCY AND THROUGH THE PERSON'S POSTPARTUM PERIOD, WITH
21 ACCESS TO:

22 (I) PERINATAL HEALTH-CARE PROVIDERS WITH PERINATAL
23 EXPERIENCE; AND

24 (II) HEALTHY FOODS AND COUNSELING ON NUTRITION,
25 RECOMMENDED ACTIVITY LEVELS, SAFETY MEASURES, AND SUPPLIES,
26 INCLUDING MENSTRUAL PRODUCTS AS REQUIRED IN SECTION 26-1-136.5,
27 AND BREAST PUMPS;

1 (d) PROVIDE COUNSELING AND TREATMENT FOR PREGNANT PEOPLE
2 WHO HAVE SUFFERED FROM:

3 (I) A DIAGNOSED BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
4 USE DISORDER;

5 (II) TRAUMA OR VIOLENCE, INCLUDING DOMESTIC VIOLENCE;

6 (III) HUMAN IMMUNODEFICIENCY VIRUS;

7 (IV) SEXUAL ABUSE;

8 (V) PREGNANCY LOSS OR INFANT LOSS; OR

9 (VI) CHRONIC CONDITIONS;

10 (e) PROVIDE EVIDENCE-BASED PREGNANCY AND CHILDBIRTH
11 EDUCATION, PARENTING SUPPORT, AND OTHER RELEVANT FORMS OF
12 HEALTH LITERACY;

13 (f) DEVELOP ADMINISTRATIVE POLICIES TO IDENTIFY AND OFFER
14 OPPORTUNITIES FOR POSTPARTUM PERSONS TO MAINTAIN CONTACT WITH
15 THE PERSON'S NEWBORN CHILD TO PROMOTE BONDING, INCLUDING
16 ENHANCED VISITATION POLICIES, ACCESS TO FACILITY NURSERY
17 PROGRAMS, AND BREASTFEEDING SUPPORT, WHEN APPROPRIATE;

18 (g) TRANSFER HEALTH RECORDS TO COMMUNITY PROVIDERS IF A
19 PREGNANT PERSON EXITS THE FACILITY DURING THE PERSON'S PREGNANCY
20 OR DURING THE PERSON'S POSTPARTUM PERIOD;

21 (h) CONNECT A PERSON EXITING THE FACILITY DURING THE
22 PERSON'S PREGNANCY OR POSTPARTUM PERIOD TO COMMUNITY-BASED
23 RESOURCES, SUCH AS REFERRALS TO HEALTH-CARE PROVIDERS,
24 SUBSTANCE USE DISORDER TREATMENT, AND SOCIAL SERVICES THAT
25 ADDRESS SOCIAL DETERMINANTS OF MATERNAL HEALTH;

26 (i) ESTABLISH PARTNERSHIPS WITH LOCAL PUBLIC ENTITIES,
27 PRIVATE COMMUNITY ENTITIES, COMMUNITY-BASED ORGANIZATIONS,

1 INDIAN TRIBES AND TRIBAL ORGANIZATIONS AS DEFINED IN THE FEDERAL
2 "INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT", 25
3 U.S.C. SEC. 5304, AS AMENDED, OR URBAN INDIAN ORGANIZATIONS AS
4 DEFINED IN THE FEDERAL "INDIAN HEALTH CARE IMPROVEMENT ACT", 25
5 U.S.C. SEC. 1603, AS AMENDED; AND

6 (j) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), BY
7 FEBRUARY 15, 2022, AND BY FEBRUARY 15 EACH YEAR THEREAFTER,
8 REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF
9 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE NUMBER
10 OF BIRTHS BY PREGNANT PEOPLE WHO ARE IN THE CUSTODY OF THE
11 FACILITY, INCLUDING THE LOCATION OF THE BIRTHS, THAT OCCURRED IN
12 THE PRIOR CALENDAR YEAR.

13 **SECTION 11.** In Colorado Revised Statutes, **add** 31-15-406 as
14 follows:

15 **31-15-406. Incarceration of a person with the capacity for**
16 **pregnancy.** A MUNICIPALITY THAT CHOOSES TO ESTABLISH AND OPERATE
17 A JAIL, AS AUTHORIZED IN SECTION 31-15-401 (1)(j), SHALL COMPLY WITH
18 THE PROVISIONS OF SECTION 17-26-104.4 CONCERNING THE
19 REQUIREMENTS OF A FACILITY THAT INCARCERATES PERSONS WHO ARE
20 CAPABLE OF PREGNANCY.

21 **SECTION 12. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.