

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

LLS NO. R24-0898.01 Katelyn Guderian x3205

SJR24-003

SENATE SPONSORSHIP

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Senate Committees

House Committees

SENATE JOINT RESOLUTION 24-003

101 **CONCERNING THE DESIGNATION OF JANUARY 22 AS "*ROE V. WADE***
102 **ANNIVERSARY DAY".**

1 WHEREAS, On January 22, 1973, the Supreme Court of the
2 United States found in *Roe v. Wade*, 410 U.S. 113 (1973), that the United
3 States Constitution protects the right to abortion; and

4 WHEREAS, On June 24, 2022, the Supreme Court of the United
5 States overturned the precedent established by *Roe v. Wade* (1973) and
6 *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833 (1992),
7 ruling in *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct.
8 2228 (2022) that the United States Constitution "does not confer a right
9 to abortion" and that "the authority to regulate abortion is returned to the
10 people and their elected representatives"; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Final Reading
January 18, 2024

1 WHEREAS, Justices Breyer, Sotomayor, and Kagan issued a
2 dissenting opinion in *Dobbs*, stating, "Whatever the exact scope of the
3 coming laws, one result of today's decision is certain: the curtailment of
4 women's rights, and of their status as free and equal citizens"; and

5 WHEREAS, The surest protection against that curtailment of
6 rights is now offered only by state legislatures and within state
7 constitutions; and

8 WHEREAS, Upon the *Dobbs* decision and again on the following
9 anniversary of the 1973 *Roe* ruling, tens of thousands of Coloradans
10 across the political spectrum took to the streets throughout the state to
11 express their disappointment and rage; and

12 WHEREAS, Overturning *Roe* has resulted in significant physical
13 and mental trauma to, as well as significant financial burden on, people
14 no longer able to access abortion care where they live and who must seek
15 care elsewhere; and

16 WHEREAS, Marginalized groups have been systemically denied
17 equal access to abortion even before *Roe* was overturned, especially
18 Black, Latine, and Indigenous people of color; people with lower
19 incomes; and people in remote, rural, or underserved areas; and

20 WHEREAS, On April 4, 2022, to secure the statutory right to
21 abortion free from government interference in the face of the pending
22 *Dobbs* decision, Governor Polis signed into law House Bill 22-1279
23 passed by the Colorado General Assembly, titled the "Reproductive
24 Health Equity Act" or "RHEA"; and

25 WHEREAS, On April 14, 2023, Governor Polis signed into law
26 the package of three bills passed by the Colorado General Assembly titled
27 the "Safe Access to Protected Health Care Package" or "SAPHC
28 Package", which included Senate Bills 23-188, 23-189, and 23-190; and

29 WHEREAS, Senate Bill 23-188 codified protections for
30 Colorado's patients, providers, and helpers of abortion and
31 gender-affirming care against out-of-state prosecutions, civil lawsuits,
32 investigations, and extradition claims; and

33 WHEREAS, Senate Bill 23-189 mandated that abortion be a
34 covered service without deductibles, copays, or coinsurance under private

1 health insurance plans, which protects Coloradans on private plans but
2 not the hundreds of thousands of Coloradans on publicly funded
3 insurance plans; and

4 WHEREAS, Senate Bill 23-190 categorized the deliberate false
5 advertising of abortion services as a deceptive trade practice; and

6 WHEREAS, The right to abortion is still not currently an explicit
7 constitutional right in Colorado and has therefore been challenged 49
8 times since 2010 in the state legislature; and

9 WHEREAS, Colorado voters defeated fetal personhood
10 amendments, which are total abortion bans, by 30% (Amendment 67) in
11 2014, by 41% (Amendment 62) in 2010, and by 46% (Amendment 48) in
12 2008; and

13 WHEREAS, In 2020, Colorado voters defeated Proposition 115,
14 a 22-week abortion ban, by 18%, with more votes cast opposing it than
15 President Biden received on the same ballot; and

16 WHEREAS, Amendment 3 of the Colorado Constitution, adopted
17 in 1984 by a margin of fewer than 10,000 votes, forbids the use of public
18 funds by state and local government to cover abortion; and

19 WHEREAS, While Amendment 3 passed by less than 1% of the
20 vote in 1984, in 2022, exit polling during Colorado's midterm elections
21 found 63% of voter respondents agreed that Colorado's constitution
22 should be amended to protect abortion; and

23 WHEREAS, Polling has consistently shown that a significant
24 majority of Colorado voters support an amendment making abortion a
25 constitutional right and repealing the prohibition on health insurance
26 coverage for abortion; and

27 WHEREAS, For the past four decades, as a direct result of
28 Amendment 3, Colorado state and local government employees and
29 Coloradans enrolled in state insurance programs have been denied
30 insurance coverage for abortion for themselves and their families,
31 resulting in discriminatory and harmful effects on those impacted; and

32 WHEREAS, Colorado was the first state in the nation to legalize
33 abortion and Colorado has since led the nation, at the ballot box and in

1 the legislature, and should continue to lead the nation in protecting
2 abortion access without restriction; and

3 WHEREAS, In 2024, Coloradans will be asked to vote on the
4 general election ballot on a constitutional amendment protecting abortion,
5 thus repealing the earlier, discriminatory Amendment 3 of the Colorado
6 Constitution from 1984; now, therefore,

7 *Be It Resolved by the Senate of the Seventy-fourth General*
8 *Assembly of the State of Colorado, the House of Representatives*
9 *concurring herein:*

10 That we, the members of the Colorado General Assembly:

11 (1) Recommend voters amend the Colorado Constitution to
12 enshrine in it the right to abortion and prohibit Colorado state and local
13 governments from denying or discriminating against the exercise of that
14 right; and

15 (2) Hereby designate January 22 of each year as "*Roe v. Wade*
16 *Anniversary Day*".