



SENATE JOINT RESOLUTION 24-003

BY SENATOR(S) Gonzales and Winter F., Bridges, Buckner, Coleman, Cutter, Danielson, Fenberg, Fields, Ginal, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Michaelson Jenet, Mullica, Roberts, Rodriguez, Sullivan, Zenzinger, Exum;

also REPRESENTATIVE(S) Froelich and Garcia, Amabile, Bacon, Bird, Boesenecker, Brown, Clifford, deGruy Kennedy, Daugherty, Duran, English, Hamrick, Hernandez, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Martinez, Mauro, McCluskie, McCormick, McLachlan, Ortiz, Parenti, Ricks, Rutinel, Sirota, Snyder, Story, Titone, Valdez, Velasco, Vigil, Weissman, Willford, Woodrow, Young.

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

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

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

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

WHEREAS, The surest protection against that curtailment of rights

is now offered only by state legislatures and within state constitutions;
and

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

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

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

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

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

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

WHEREAS, Senate Bill 23-189 mandated that abortion be a covered service without deductibles, copays, or coinsurance under private health insurance plans, which protects Coloradans on private plans but not the hundreds of thousands of Coloradans on publicly funded insurance plans;
and

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

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

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

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

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

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

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

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

WHEREAS, Colorado was the first state in the nation to legalize abortion and Colorado has since led the nation, at the ballot box and in the legislature, and should continue to lead the nation in protecting abortion access without restriction; and

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

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

That we, the members of the Colorado General Assembly:

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

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

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Jared Polis
GOVERNOR OF THE STATE OF COLORADO