

Proposition 115: Prohibit Abortions After 22 Weeks

1 **Proposition 115 proposes amending the Colorado statutes to:**

- 2 • prohibit abortion after 22 weeks gestational age of the fetus, except when
3 an abortion is immediately required to save the life of a pregnant woman;
- 4 • create a criminal penalty for any person who performs a prohibited
5 abortion; and
- 6 • require that the state suspend the medical license for at least three years
7 of any physician who violates the measure.

8 **What Your Vote Means**

YES

A “yes” vote on Proposition 115 prohibits abortions in Colorado after 22 weeks gestational age, except when an abortion is immediately required to save the life of a pregnant woman.

NO

A “no” vote on Proposition 115 means that abortion in Colorado continues to be legal at any time during a pregnancy.

Legislative Council Draft

1 **Summary and Analysis for Proposition 115**

2 **What happens if Proposition 115 passes?**

3 Under Proposition 115, abortions may not be performed after 22 weeks gestational
4 age of the fetus. The measure allows for an exception when, in the reasonable
5 medical judgement of a physician:

- 6 • the pregnant woman's life is threatened by a physical disorder, physical illness,
7 or physical injury, but not including psychological or emotional conditions; and
- 8 • an abortion, rather than an expedited delivery of the living fetus, is immediately
9 required to save the life of a pregnant woman.

10 **How does the measure define abortion?**

11 Under the measure, abortion is any surgical or medication-assisted procedure
12 performed with the intent to terminate a pregnancy. A procedure is not an abortion if
13 performed with the intent to:

- 14 • save the life or preserve the health of the embryo or fetus;
- 15 • remove a dead embryo or fetus caused by miscarriage; or
- 16 • remove an embryo or fetus growing outside of the uterus.

17 **What would be the penalties for performing an abortion after 22 weeks gestational 18 age?**

19 If the measure passes, any person who intentionally or recklessly performs or
20 attempts to perform an abortion after 22 weeks gestation would be guilty of a class 1
21 misdemeanor punishable by a fine of \$500 to \$5,000. The measure specifies that jail
22 time for this offense is not allowed. In addition, the measure classifies performing an
23 abortion after 22 weeks gestation as unprofessional conduct for a licensed physician.
24 The Colorado Medical Board must suspend the professional license of a physician
25 for at least three years who is found to have violated the law.

26 There would be no penalty for a woman who receives an abortion or for a person
27 who fills a prescription or provides equipment used in an abortion.

28 **What is Colorado's current law related to abortion?**

29 Abortion is legal in Colorado, and an adult woman may seek an abortion at any time
30 during her pregnancy. For minors seeking an abortion, Colorado law requires that
31 the parents or caregivers of the minor receive written notification of the abortion at
32 least 48 hours prior to the procedure, with certain exceptions.

33 **Can states place restrictions on the time at which a woman may seek an abortion?**

34 Yes. The U.S. Supreme Court has ruled that a woman has the right to choose to
35 have an abortion before the fetus is viable, and that states may regulate or prohibit
36 abortions after fetal viability because the fetus is capable of meaningful life outside of
37 the mother's womb. The state law must contain exceptions for pregnancies that
38 endanger the woman's life or health. Currently, 43 states have laws limiting
39 abortions after a certain point in pregnancy.

Legislative Council Draft

For information on those issue committees that support or oppose the measures on the ballot at the November 3, 2020, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

1 **Argument For Proposition 115**

- 2 1) The measure protects viable human life by placing a reasonable restriction on
3 abortion after an infant can live outside the mother's womb. Colorado is one of
4 only seven states that allows abortion at any time during a pregnancy even
5 though infants born as early as 22 weeks gestation can survive outside the womb
6 and experience good developmental outcomes. The measure allows time for a
7 pregnant woman to make a choice about her pregnancy, and permits abortion
8 after 22 weeks when necessary to save the life of the mother. In addition, the
9 measure does not penalize women who receive prohibited abortions. This is a
10 balanced approach with reasonable and limited exceptions that recognizes the
11 dignity of women and the humanity of their unborn children.

12 **Argument Against Proposition 115**

- 13 1) Restricting access to abortion limits a woman's right to bodily autonomy and
14 interferes with the patient and doctor relationship. The choice to end a
15 pregnancy is often a serious and difficult decision, and should be left solely up to
16 the woman, in consultation with her doctor, to decide what is best for her. The
17 measure does not include any exceptions to allow women who have been the
18 victim of rape or incest to obtain an abortion after 22 weeks. In addition, it
19 provides no exceptions for the detection of a serious fetal abnormality after
20 22 weeks, which may force women to carry a nonviable pregnancy to term.
21 Women, with the advice of a medical professional, should be able to seek an
22 abortion, without arbitrary time limits enforced by state government.

23 **Estimate of Fiscal Impact for Proposition 115**

24 **State revenue.** Proposition 115 will minimally increase state revenue from criminal
25 fines and court fees beginning in state budget year 2020-21. It may also increase
26 revenue from civil penalties and regulatory fees by a minimal amount.

27 **State spending.** Starting in state budget year 2020-21, Proposition 115 will
28 minimally increase workload in the Department of Regulatory Agencies and may
29 increase costs in the Department of Health Care Policy and Financing.

30 **Local government revenue and spending.** Starting in state budget year 2020-21,
31 Proposition 115 will increase costs and workload for district attorneys and may
32 increase revenue, costs, and workload for the Denver County Court.

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3 an abortion is immediately required to save the life of a pregnant woman;
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5 abortion; and
- 6 • require that the state suspend the medical license for at least three years
7 of any physician who violates the measure.

8 **What Your Vote Means**

YES

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NO

A “no” vote on Proposition 115 means that abortion in Colorado continues to be legal at any time during a pregnancy.

Last Draft as Mailed to Interested Parties

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4 age of the fetus. The measure allows for an exception when, in the reasonable
5 medical judgement of a physician:

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7 or physical injury, but not including psychological or emotional conditions; and
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17 **What would be the penalties for performing an abortion after 22 weeks gestational** 18 **age?**

19 If the measure passes, any person who intentionally or recklessly performs or
20 attempts to perform an abortion after 22 weeks gestation would be guilty of a class 1
21 misdemeanor punishable by a fine of \$500 to \$5,000. The measure specifies that jail
22 time for this offense is not allowed. In addition, the measure classifies performing an
23 abortion after 22 weeks gestation as unprofessional conduct for a licensed physician.
24 The Colorado Medical Board must suspend the professional license of a physician
25 for at least three years who is found to have violated the law.

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27 who fills a prescription or provides equipment used in an abortion.

28 **What is Colorado's current law related to abortion?**

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30 during her pregnancy. For minors seeking an abortion, Colorado law requires that
31 the parents or caregivers of the minor receive written notification of the abortion at
32 least 48 hours prior to the procedure, with certain exceptions.

33 **Can states place restrictions on the time at which a woman may seek an abortion?**

34 Yes. The U.S. Supreme Court has ruled that a woman has the right to choose to
35 have an abortion before the fetus is viable, and that states may regulate or prohibit
36 abortions after fetal viability because the fetus presumably is capable of meaningful
37 life outside of the mother's womb. The state law must contain exceptions for
38 pregnancies that endanger the woman's life or health.

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1 **Argument For Proposition 115**

- 2 1) The measure protects viable human life. Current Colorado law allows abortion at
3 any time during a pregnancy even though infants born as early as 22 weeks
4 gestation can survive outside the womb and experience good developmental
5 outcomes. This measure places a reasonable restriction on abortion after
6 22 weeks, while still allowing a pregnant woman several months to make a
7 choice about her pregnancy. The measure permits abortion after 22 weeks when
8 necessary to save the life of the mother and does not penalize women who
9 receive prohibited abortions after 22 weeks. This is a balanced approach with
10 reasonable and limited exceptions that recognizes the dignity of women and their
11 unborn children.

12 **Argument Against Proposition 115**

- 13 1) Restricting access to abortion limits a woman's right to bodily autonomy and
14 interferes with the patient and doctor relationship. The choice to end a
15 pregnancy is often a serious and difficult decision, and should be left solely up to
16 the woman, in consultation with her doctor, to decide what is best for her. The
17 measure does not include any exceptions to allow women who have been the
18 victim of rape or incest to obtain an abortion after 22 weeks. In addition, it
19 provides no exceptions for the detection of a serious fetal abnormality after
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Last Draft Comments from Interested Parties

Proposition 115 Prohibit Abortion after 22 Weeks

Douglas Bruce, representing himself as a proponent:

Your second draft appears to have ignored my prior comments.

1. It is factually false and slanted. The second bullet provides criminal penalties "FOR ANY PERSON" who performs an abortion. The bullet section does not disclose that the mother is shielded. That is a profound deception. You MUST insert in the second bullet after "any person" the phrase "other than the mother." Many voters will stop at the bullet points. They will then be open to deceptive claims by foes of #115.

2. You repeat the "any person" LIE on line 19. That also must add "other than the mother" after "person." Waiting until lines 26-27 is NOT "good enough."

3. You should also say that current Colorado law allows a baby to be killed, or allowed to die, on the delivery table, AFTER passing through the birth canal.

4. You call the BABY a "fetus" ("thing"), which is not the common term, starting in the first bullet. That is taking sides, and saying "it" is NOT a baby until born and allowed to live. To deny its humanity two minutes before birth must not be the official state position. To avoid taking sides, you should at least compromise "fetus or baby" or, better, "the unborn." Average voters don't say "gestational" either. Try a more neutral "growth period." Also correct line 30, because abortion is currently legally after delivery, when the pregnancy is OVER. That is NOT "during her pregnancy."

5. Don't put your sterile, clinical words in the mouth of proponents. Line 2 of Arg for says "viable." Replace with "human life that can exist outside the womb." Line 6 should replace "several" with the more precise "5 1/2." Line 9 should delete "after 22 weeks" because the mother is NEVER penalized. Line 10--change "dignity" to "humanity." An unborn baby's dignity is not at stake--it is his or her LIFE.

6. I remain shocked that preventing the intentional death of thousands of babies is afforded only the bare minimum ONE argument. Re-read my comment on the prior draft. Add several arguments.

7. Arg Against repeats the drivel of "bodily autonomy," when the issue is the pre-established autonomy (viability) of ANOTHER BODY. A mother will never cease to be a mother, even if she kills her baby. Doctor-patient relationships do not exist in abortion mills where the mother arrives ONCE and has never met the doctor.

8. If Arg Against ends criticizing "arbitrary time limits," the Arg For should end with a new sentence pointing out the development stage of the baby, its bodily features, fingerprints, beating heart, ability to feel pain, etc.

9. Colorado is the "easiest" state to get an abortion. List how few states have no limits on an abortion prior to birth.

Last Draft Comments from Interested Parties

Giuliana Day, Sponsor of Proposition 115, representing Coalition for Women and Children:

Ms. Day's comments may be found in Attachment A.

Natalie Hattenbach, representing, herself:

Please make a minor correction on line 5 of the Summary and Analysis section: judgment is misspelled, there is no "e" between the "g" and "m."

Respectfully,
Natalie Hattenbach

Thomas J. Perille MD, representing himself as a proponent:

Dear Legislative Council Staff,

Thanks for the opportunity to comment on the draft analysis for Proposition 115.

In the arguments for Prop 115 you only cite three facts that abortion after 22 weeks kills a viable human being, that there is an exception for the life of the mother, and the measure does not criminalize post-abortive women. While these are important, they only represent a fraction of the reasons to support the measure.

In the arguments against Prop 115, you include five things - a women's right to bodily autonomy, the admonition not to interfere with the doctor-patient relationship, the lack of exceptions for rape/incest, the lack of ability to deal with a fetal anomaly discovered late in pregnancy, and the arbitrary time limit imposed.

In doing this, the Legislative Council is disproportionately representing the views of the opposition. To be balanced, I encourage you to consider one or more additional pro arguments.

One of the main points in favor of passing the measure is that late term abortion is extreme based on the fact that only 6 other states allow unrestricted abortion up to birth (source: "State Policies on Later Abortions" - <https://www.guttmacher.org/state-policy/explore/state-policies-later-abortions>) and only 5 countries in the world out of 198 countries/independent regions permit abortion after 24 weeks (source: Lee, M.Y.H. October 9. 2017, Is the United States one of seven countries that allow elective abortions after 20 weeks of pregnancy, Washington Post). Based on a Gallup poll from 2018, only 18% of Democrats, 13% of Independents, and 6% of Republicans feel that abortion should be legal. Clearly, late term abortion is considered extreme compared to national and international standards.

Another important point to make to the Colorado electorate (who would not otherwise have any reason to know) is that prenatal screening for chromosomal and structural fetal anomalies is routinely completed by 18-20 weeks (source; American College of Obstetricians and Gynecologists <https://www.dynamed.com/prevention/prenatal-screening-and-diagnosis-of-neural-tube-defects>) . I would recommend

Last Draft Comments from Interested Parties

Thomas J. Perille MD, representing himself as a proponent (Cont.):

adding: "Prenatal screening for genetic and structural fetal abnormalities are typically completed well before 22 weeks. Women who would choose abortion for rape, incest, or fetal abnormalities need not be affected by a 22- week prohibition."

Thanks for your consideration.

Thomas J. Perille MD

Proposition 115: Prohibit Abortions After 22 Weeks

Proposition 115 proposes amending the Colorado statutes to:

- Prohibit **late** abortions after 22 weeks gestational age of the fetus, except when an abortion is immediately required to save the life of a pregnant woman;
- **Apply no penalties for a woman who has an abortion or on whom an abortion is performed.**
- **Create a punishment by fine and not jail time** for any person who performs a **late** abortion.
- Require that the state suspend the medical license for three years of any physician who violates the measure.

What Your Vote Means

“YES” A “yes” vote on Proposition 115 prohibits **late** abortions in Colorado after 22 weeks gestational age, except when an abortion is immediately required to save the life of a pregnant woman.

“NO” A “no” vote on Proposition 115 means that abortion in Colorado continues to be legal **up to the day of birth.**

What happens if Proposition 115 passes?

Under Proposition 115, abortions may not be performed after 22 weeks gestational age of the fetus. The measure allows for an exception when, in the reasonable medical judgement of a physician:

- the pregnant woman's life is threatened by a physical disorder, physical illness, 6or physical injury, but not including psychological or emotional conditions; and
- an abortion, rather than an expedited delivery of the living fetus, is immediately required to save the life of a pregnant woman.

How does the measure define abortion?

Under the measure, abortion is any surgical or medication-assisted procedure performed with the intent to terminate a pregnancy. A procedure is not an abortion if performed with the intent to:

- save the life or preserve the health of the embryo or fetus;

- remove a dead embryo or fetus caused by miscarriage; or
- remove an embryo or fetus growing outside of the uterus.

What would be the penalties for performing an abortion after 22 weeks gestational age?

If the measure passes, any person who intentionally or recklessly performs or attempts to perform a **late** abortion after 22 weeks gestation would be guilty of a class 1 misdemeanor punishable by a fine of \$500 to \$5,000, **but not jail time. The measure specifies that the woman is not penalized for having an abortion or for receiving one.** In addition, the measure classifies performing a late abortion after 22 weeks gestation as unprofessional conduct for a licensed physician. The Colorado Medical Board must suspend the professional license of a physician for at least three years who is found to have violated the law.

There would be no penalty for a person who fills a prescription or provides equipment used in an abortion.

What is Colorado's current law related to abortion?

Abortion is legal in Colorado **up to the day of birth without any restrictions** and an adult woman may seek an abortion at any time **during the pregnancy**. For minors seeking an abortion, Colorado law requires that the parents or caregivers of the minor receive written notification of the abortion at least 48 hours prior to the procedure. **A minor can also go to court to obtain a waiver from the judge, which would allow to have an abortion without parental consent.**

Can states place restrictions on the time at which a woman may seek an abortion?

Yes. The U.S. Supreme Court has ruled that a woman **can have an abortion before fetal viability-when a human fetus can live outside the mother's womb**, and that states may regulate or prohibit abortions after fetal viability. **Currently, human fetuses are viable or able to live outside the mother's womb at 21 weeks gestation with excellent developmental outcomes.** The state law must contain exceptions for pregnancies that endanger the woman's life or health.

Argument For Proposition 115

- 1) The measure protects viable human life--**after a preborn can live outside the mother's womb, suck her thumb, "kick" her mother, respond to her touch and voice, and feel pain.** Current Colorado law allows abortion **up to the day of birth** during a pregnancy even though infant born as early as **21** weeks gestation can survive outside the mother's womb and experience **excellent** developmental outcomes. This measure places a reasonable restriction on abortion after **the baby can live outside the mother's womb**, while still allowing a pregnant woman

several months to make a choice about her pregnancy. Prenatal screening for genetic and structural fetal abnormalities are typically completed well before 22 weeks. Women who would choose abortion for reasons of rape, incest, or fetal abnormalities need not be affected by a 22-week prohibition. The measure permits abortion after 22 weeks when necessary to save the life of the mother and does not penalize women who receive prohibited abortions after 22 weeks. This is a balanced approach with reasonable and limited exceptions that recognizes the dignity of women and their unborn children. There are only 6 other states and 5 countries in the entire world that permit such late abortions.

Argument Against Proposition 115

Restricting access to abortion limits a woman's right to bodily autonomy and interferes with the patient and doctor relationship. The choice to end a pregnancy is often a serious and difficult decision, and should be left solely up to the woman, in consultation with her doctor, to decide what is best for her. The measure does not include any exceptions to allow women who have been the victim of rape or incest to obtain an abortion later in a pregnancy. In addition, it provides no exceptions for the detection of a serious fetal abnormality later in pregnancy, which may force women to carry a nonviable pregnancy to term. Women, with the advice of a medical professional, should be able to seek an abortion, without arbitrary time limits enforced by state government.

Proposition 115
Prohibit Abortions After 22 Weeks
Contact List

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Natalie Mullis	natmullis@gmail.com

Proposition 115
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Contact List (Cont.)

Interested Party	Email Address
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Proposition 115
Prohibit Abortions After 22 Weeks

1 **Ballot Title:**

2 Shall there be a change to the Colorado Revised Statutes concerning prohibiting an abortion
3 when the probable gestational age of the fetus is at least twenty-two weeks, and, in connection
4 therewith, making it a misdemeanor punishable by a fine to perform or attempt to perform a
5 prohibited abortion, except when the abortion is immediately required to save the life of the
6 pregnant woman when her life is physically threatened, but not solely by a psychological or
7 emotional condition; defining terms related to the measure including “probable gestational age”
8 and “abortion,” and excepting from the definition of “abortion” medical procedures relating to
9 miscarriage or ectopic pregnancy; specifying that a woman on whom an abortion is performed
10 may not be charged with a crime in relation to a prohibited abortion; and requiring the Colorado
11 medical board to suspend for at least three years the license of a licensee whom the board finds
12 performed or attempted to perform a prohibited abortion?

13 **Text of Measure:**

14 *BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:*

15 **SECTION 1.** IN COLORADO REVISED STATUTES, **ADD** PART 9 TO ARTICLE 6 OF TITLE 18 AS FOLLOWS:

16 Part 9
17 LATE ABORTIONS PROHIBITED

18 **18-6-901. Declaration of the People.**

19 (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

20 (a) CURRENTLY, IN THE STATE OF COLORADO AN ABORTION CAN BE PERFORMED AT ANY TIME DURING
21 PREGNANCY.

22 (b) THIS INITIATIVE WOULD PROHIBIT AN ABORTION AFTER 22 WEEKS GESTATIONAL AGE OF THE FETUS.

23 **18-6-902. Definitions.** AS USED IN THIS PART 9:

24 (1) “ABORTION” MEANS THE ACT OF USING OR PRESCRIBING ANY INSTRUMENT, MEDICINE, DRUG, OR ANY
25 OTHER SUBSTANCE, DEVICE, OR MEANS WITH THE INTENT TO TERMINATE THE PREGNANCY OF A WOMAN
26 KNOWN TO BE PREGNANT OR WITH THE INTENT TO KILL THE UNBORN CHILD OF A WOMAN KNOWN TO BE
27 PREGNANT. SUCH USE, PRESCRIPTION, OR MEANS IS NOT AN ABORTION IF DONE WITH THE INTENT TO:

28 (a) SAVE THE LIFE OR PRESERVE THE HEALTH OF THE EMBRYO OR FETUS;

29 (b) REMOVE A DEAD EMBRYO OR FETUS CAUSED BY MISCARRIAGE; OR

30 (c) REMOVE AN ECTOPIC PREGNANCY.

31 (2) “GESTATIONAL AGE” MEANS THE TIME THAT HAS ELAPSED FROM THE FIRST DAY OF THE WOMAN’S
32 LAST MENSTRUAL PERIOD.

1 (3) "PROBABLE GESTATIONAL AGE" MEANS WHAT, IN THE JUDGMENT OF THE PHYSICIAN USING BEST
2 MEDICAL PRACTICES, WILL WITH REASONABLE PROBABILITY BE THE GESTATIONAL AGE OF THE UNBORN
3 CHILD AT THE TIME AN ABORTION IS PLANNED TO BE PERFORMED."

4 (4) "TWENTY-TWO WEEKS" MEANS TWENTY-TWO WEEKS, ZERO DAYS GESTATIONAL AGE.

5 **18-6-903. Abortion after 22 weeks gestational age prohibited.**

6 (1) **UNLAWFUL CONDUCT.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT AS PROVIDED
7 IN 18-6-903 (3), IT IS UNLAWFUL FOR ANY PERSON TO INTENTIONALLY OR RECKLESSLY PERFORM OR
8 ATTEMPT TO PERFORM AN ABORTION ON ANY OTHER PERSON IF THE PROBABLE GESTATIONAL AGE OF
9 THE FETUS IS AT LEAST 22 WEEKS.

10 (2) **ASSESSMENT OF GESTATIONAL AGE.** A PHYSICIAN PERFORMING OR ATTEMPTING AN ABORTION
11 SHALL FIRST MAKE A DETERMINATION OF THE PROBABLE GESTATIONAL AGE. IN MAKING SUCH A
12 DETERMINATION, THE PHYSICIAN SHALL MAKE SUCH INQUIRIES OF THE PREGNANT WOMAN AND
13 PERFORM OR CAUSE TO BE PERFORMED SUCH MEDICAL EXAMINATIONS AND TESTS AS A REASONABLY
14 PRUDENT PHYSICIAN, KNOWLEDGEABLE ABOUT THE CASE AND THE MEDICAL CONDITIONS INVOLVED,
15 WOULD CONSIDER NECESSARY TO MAKE AN ACCURATE DETERMINATION OF THE GESTATIONAL AGE.

16 (3) **EXCEPTION.** IF, IN THE REASONABLE MEDICAL JUDGEMENT OF THE PHYSICIAN, AN ABORTION IS
17 IMMEDIATELY REQUIRED TO SAVE THE LIFE OF A PREGNANT WOMAN, RATHER THAN AN EXPEDITED
18 DELIVERY OF THE LIVING FETUS, AND IF THE PREGNANT WOMAN'S LIFE IS THREATENED BY A PHYSICAL
19 DISORDER, PHYSICAL ILLNESS, OR PHYSICAL INJURY, INCLUDING A LIFE-ENDANGERING PHYSICAL
20 CONDITION CAUSED BY OR ARISING FROM THE PREGNANCY ITSELF, BUT NOT INCLUDING
21 PSYCHOLOGICAL OR EMOTIONAL CONDITIONS, SUCH AN ABORTION IS NOT UNLAWFUL. IN SUCH A
22 SITUATION, A PHYSICIAN MAY REASONABLY RELY UPON AN ASSESSMENT OF GESTATIONAL AGE MADE
23 BY ANOTHER PHYSICIAN INSTEAD OF ABIDING BY THE PROVISIONS OF 18-6-903 (2).

24 (4) **PENALTIES.** ANY PERSON WHO INTENTIONALLY OR RECKLESSLY PERFORMS OR PERFORMS OR
25 ATTEMPTS TO PERFORM AN ABORTION IN VIOLATION OF THIS PART 9 IS GUILTY OF A CLASS 1
26 MISDEMEANOR BUT MAY ONLY BE SUBJECT TO PUNISHMENT BY FINE AND NOT BY JAIL TIME.

27 (5) **No CRIMINAL PENALTIES FOR WOMEN.** A WOMAN ON WHOM AN ABORTION IS PERFORMED OR A
28 PERSON WHO FILLS A PRESCRIPTION OR PROVIDES EQUIPMENT USED IN AN ABORTION DOES NOT
29 VIOLATE THIS PART 9 AND CANNOT BE CHARGED WITH A CRIME IN CONNECTION THEREWITH.

30 **SECTION 2.** IN COLORADO REVISED STATUTES, 12-240-121, ADD (1)(nn) AS FOLLOWS:

31 **12-240-121. Unprofessional conduct-definitions.** (1) "Unprofessional conduct" as used in this
32 Article 240 means:

33 (nn) A VIOLATION OF SECTION 18-6-903.

34 **SECTION 3.** IN COLORADO REVISED STATUTES, 12-240-125, ADD (9.5) AS FOLLOWS:

35 **12-240-125. Disciplinary action by board – immunity – rules.**

36 (8.5) IF THE BOARD FINDS A LICENSEE COMMITTED UNPROFESSIONAL CONDUCT IN VIOLATION OF
37 SECTION 12-240-121 (1)(nn), THE BOARD SHALL SUSPEND THE LICENSEE'S LICENSE FOR AT LEAST
38 THREE YEARS.

- 1 **SECTION 4. Effective date-applicability-self-executing.** (1) This act takes effect from and after
2 the date of the official declaration of the vote thereon by proclamation of the governor, and applies
3 to offenses committed on or after said date.
- 4 (2) The provisions of this initiative are self-executing.