



March 15, 2023

Senator Julie Gonzales
Chair
Senate Judiciary Committee
Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

Senator Robert Rodriguez
Vice Chair
Senate Judiciary Committee
Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

Catholics for Choice Supports SB23-188

Dear Chair Gonzales, Vice Chair Rodriguez, and members of the Senate Judiciary Committee:

Established in 1973, Catholics for Choice works in the United States and around the world to ensure that all people have access to safe and affordable reproductive healthcare services. Understanding that reproductive freedom is essential to Catholic social justice, we work to dismantle religiously based obstructions to abortion care, contraceptive access, and comprehensive health care, particularly because these barriers disproportionately affect people of color, those living in poverty, and the marginalized. On behalf of the overwhelming majority of pro-choice Catholics and Coloradans, I urge you to support SB23-188, which protects patients, providers, and assistants of politically targeted healthcare services — including abortion and gender-affirming care — from interstate criminal and civil threats.

The overturning of *Roe v. Wade* and *Planned Parenthood v. Casey* has dramatically escalated an ongoing reproductive healthcare crisis in this country. Since the Supreme Court cemented the constitutional right to abortion in 1973, states have enacted over 1,300 abortion restrictions, including over 500 in the last decade and more than 100 in 2021. In 2022 alone, 839 abortion bans and restrictions were introduced, 66 of which eventually became law. These unconscionable policies ultimately led to abortion being banned in 12 states and forced 66 abortion providers to close. An additional 14 states may soon follow suit, jeopardizing access for 36 million women of reproductive age, plus trans men and non-binary people.

In Colorado, where abortion care is protected thanks to the General Assembly's moral leadership in passing the Reproductive Health Equity Act, providers continue to face an influx of patients traveling as well as legal threats from across state lines. Vigilante-style legislation like Texas Senate Bill 8 that deputizes private citizens to sue anyone helping state residents to terminate pregnancies — incentivizing people to hunt down and terrorize their neighbors and cruelly isolating patients from their support networks — has been threatened or introduced in at least 15 states. Now is the time to

In Good Conscience

build on Colorado's legacy as the first state to decriminalize abortion by shielding legally-protected health care patients, providers, and helpers from criminal prosecution and imprisonment; extradition; civil lawsuits; court summons, subpoenas, and arrests; interstate investigations, divulging information, or assistance with investigations; and professional de-licensing and other discrimination.

The tenets of Catholic social justice teach us that to obstruct access to or deny anyone reproductive healthcare of any kind is to strip them of their inherent humanity and dignity. Abortion access advances the common good, allowing people to make their own choices about their reproductive healthcare, to participate equally in society, and to thrive in their communities with dignity. Conversely, jeopardizing patient health, well-being, and lives or forcing providers to risk prison time, heavy fines, or the loss of their medical licenses to treat patients is simply unacceptable to Catholics who treasure the life and dignity of every single human person. Nobody should be afraid to seek any kind of healthcare for any reason, and medical professionals should not be punished or threatened for simply doing their jobs. Pregnant, trans, and gender expansive people are fully realized human beings created in the image and likeness of God and deserve safe healthcare services, as well as support and kindness from us, their fellow community members — not judgment and shame.

Indeed, Catholics honor all individuals as moral agents, free to make their own personal decisions about their bodies and futures according to their own consciences, beliefs, and circumstances and without political or religious interference. To that end, Catholics also value the separation of church and state and cherish religious pluralism and diversity. The Second Vatican Council issued a declaration affirming that “[t]he right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself.”

Religious freedom is an expansive rather than restrictive idea, encompassing both freedom of religion and freedom from religion. Giving people the space to follow their own consciences in what they believe and practice is especially important when making critical, deeply personal reproductive health decisions as almost every religious tradition espouses their own unique view on the question of when life begins. This is why Catholics support policies like SB23-188 that honor pregnant people's decisions about how best to build and care for their families.

Unfortunately, the Catholic hierarchy has spent years redefining religious liberty by imposing their views not only on all Catholics — including the many who disagree with them — but also on people of diverse religious traditions and people of no faith. The hierarchy, however well-financed and powerful it may be, is not the sole moral arbiter on matters where sexuality and reproduction intersect with religion and faith. The truth is that the majority of Catholics — who make up 16 percent of Colorado's populationⁱ — want their legislators in Denver to protect the right to access the full range of healthcare services, including abortion and gender-affirming care. In fact, 68 percent of Catholics supported the protections for abortion access enshrined in *Roe*,ⁱⁱ 63 percent of Catholics think abortion should be legal in all or most cases,ⁱⁱⁱ and, according to 2020 Catholics for Choice exit polls, 80 percent of Catholic voters support nondiscrimination protections for LGBTQIA+ individuals. We do so because of our faith, not in spite of it. In contrast, the hierarchy's position — opposing abortion in every instance, even in cases of rape, incest, or when it is necessary to preserve a pregnant person's health or life — is only shared by only 14 percent of Catholics.^{iv}

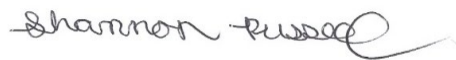
People of all faiths and no faith have abortions — they always have and always will, regardless of the dictates handed down by the courts, bishops, and politicians. Ultimately, one in four abortion patients in this country identifies as Catholic,^v and their decisions were made in good conscience and with gratitude for access to equitable and compassionate abortion care. However, because the

nationwide legal right to abortion was never enough to safeguard bodily and moral autonomy, the Colorado General Assembly must continue to pass legislation that guarantees abortion is available to anyone who seeks it and to safeguard those who provide care and assist patients.

Catholics for Choice calls for the passage of SB23-188 to dismantle the injustices that obstruct our reproductive and religious freedoms and to advance the human rights of those who are often targeted by measures restricting access to reproductive and gender-affirming care. The Catholic Church has a long history of care and concern for those who are the most marginalized — the very same people who are most impacted by healthcare restrictions: Black, Indigenous, and people of color; young people; immigrants; those working to make ends meet; people living with disabilities; and LGBTQIA+ people. SB23-188 embodies our faith values of compassion, justice, and community care and helps to ensure that all people have access to the economic, social, and political power and resources they need to make their own conscience-based healthcare decisions.

Please do not hesitate to reach out to me at srussell@catholicsforchoice.org with any questions or for further information.

Respectfully,



Shannon Russell
Director of Policy, Catholics for Choice

ⁱ <https://www.pewresearch.org/religion/religious-landscape-study/state/colorado/>

ⁱⁱ <https://www.pewresearch.org/fact-tank/2020/10/20/8-key-findings-about-catholics-and-abortion/>

ⁱⁱⁱ <https://www.pri.org/research/abortion-attitudes-in-a-post-roe-world-findings-from-the-50-state-2022-american-values-atlas/>

^{iv} <https://www.pewresearch.org/fact-tank/2020/10/20/8-key-findings-about-catholics-and-abortion/>

^v <https://www.guttmacher.org/report/characteristics-us-abortion-patients-2014>



Problem submitting Written Testimony SB23-188Ethan Kopec to: committees.lcs.ga
03/14/2023 08:12 PM

I was not able to submit my form. I was not getting any confirmation of submission. Including the details in my email below.

Name: Ethan Kopec
Hearing Item: SB23-188
Position on Hearing Item: Against
Representing: Self
Phone: 7202857035
Email: Eman.kopec@gmail.com
Zip Code: 80127

Dear Members of the Committee,

I am writing to express strong opposition to the proposed bill SB23-188, Protecting Health Care Patients, Providers, and Assistors.

This proposed bill would violate the First Amendment rights of medical professionals and medical centers/hospitals that do not provide abortion-related services or “gender-affirming care.” Medical professionals and institutions should not be forced to provide services that go against their beliefs and values. This is a fundamental violation of the freedom of religion and the right to free speech.

Furthermore, this proposed bill would also violate the First Amendment rights of employers who do not provide abortion-related services or “gender-affirming care” in their insurance plan. Employers should have the freedom to provide insurance plans that align with their values and beliefs.

It is important to note that there is no evidence that suggests that these services are being denied to patients in the state of Colorado. Medical professionals and institutions are committed to providing quality care to all patients, regardless of their beliefs or identities.

In conclusion, I urge you to reject the proposed bill SB23-188, Protecting Health Care Patients, Providers, and Assistors. It is vital to protect the First Amendment rights of medical professionals, medical centers/hospitals, and employers. This proposed bill is unnecessary and would only create more harm than good.

Thank you for the opportunity to speak on this important issue.

--

Thanks,
Ethan

SB23-188 Protecting Health Care Patients, Providers, and Assistors

Sponsors: Sens. Julie Gonzales and Sonya Jaquez Lewis, and Reps. Meg Froelich and Brianna Titone.
If enacted, SB 188 would also contain First Amendment violations, including:

Restrictions against the ability of medical providers to terminate contracts of employees who violate lawful Ethical Religious Directives by either performing "gender affirming care" (transition surgeries, hormone therapy, etc.) or "abortion related services" (abortion, tubal ligations, etc.). **It contains no religious exemption.**

Provisions regarding insurance provider requirements for "gender affirming care. This is a similar provision to what was in the Affordable Health Care Act and was subsequently and successfully challenged by *Burwell v. Hobby Lobby* (2014) for violating religious liberty.

It will force Pro-Life Pregnancy Centers, doctors and nurses to provide abortions against their conscience in order to stay in business. This bill falsely asserts it can determine the point at which a person's life is valuable. Life begins at conception and lasts until natural death. May God soften your Hearts to vote "No" on SB23-188.

Sincerely,

Adella Engel

March 15, 2023

Senate Judiciary
Colorado General Assembly
200 E. Colfax Avenue
Denver, CO 80203

RE: In Support of SB23-188, “Protections For Accessing Reproductive Health Care”

Dear Chair Gonzalez, Vice Chair Rodriguez, Members of the Committee:

Physicians for Reproductive Health (PRH) is a physician-led national advocacy organization working to ensure access to equitable, comprehensive reproductive health care for the communities we serve. This care will always include abortion care and gender-affirming care. Our network includes physicians of various specialties from across the country, including Colorado, committed to meeting the needs of the patients they serve. We write in strong support of SB23-188. Health care providers deserve to care for their patients without fear of harassment or retaliation.

Last year Colorado took bold action in passing the Reproductive Health Equity Act (RHEA) to protect Coloradans fundamental reproductive rights. SB23-188 is a critical opportunity to expand on the groundwork of RHEA by protecting health care providers, patients, and assistants of legally protected health care in Colorado. Expanding protections in this bill to include gender-affirming care alongside full-spectrum reproductive health care recognizes that these fights are intrinsically connected. Anti-abortion and anti-LGBTQ+ policies are designed to strip people of their bodily autonomy, make health care impossible or dangerous to obtain, and reinforce cultural norms that narrowly define gender in a way that is misaligned with medicine, science, and public opinion. As an essential point of access for care in rural communities, such as the mountain region in Colorado, it is imperative that you do everything you can to protect care for Coloradans.

Anti-abortion policymakers will not stop at banning access to care within their own state. Texas’s SB8 was the first bounty-hunter style law and now other restricted states are introducing legislation to target and harass providers, patients, and anyone helping a person access care. There will be many more states that follow. Providers are fearful of facing criminal and civil penalties as states with abortion bans attempt to ban residents from traveling out-of-state to receive care and criminalize the out-of-state providers who provide this care. Health care providers should not have to interrogate their patients about where they live or turn away patients who have traveled to Colorado for care from hostile states for fear of criminal or civil disciplinary actions for providing high-quality, safe, essential health care. Sections 6-9 of SB23-188 would provide protection from criminal and civil investigations. The privacy provisions of SB23-188 found in Sections 10-13 are also necessary to ensure information about protected healthcare is not divulged and that state employees do not participate or assist in interstate investigations concerning protected healthcare. Patients who are traveling to Colorado deserve to receive their healthcare without interference from another state. In this uncertain legal landscape, Colorado must do everything it can to protect providers and ensure they are able to freely provide comprehensive reproductive health care to the patients in front of them.

Additionally, Sections 2-5 of SB23-188 would prevent professional and malpractice discrimination against healthcare workers who provide or assist in the provision of protected healthcare. As abortion bans diminish access to training, the workforce educated and trained in providing abortion care will dwindle.

Protecting providers licensure safeguards access to full spectrum reproductive health care and gender-affirming care for Coloradans now and future generations. No provider should fear professional retaliation for providing safe, essential, necessary health care.

As we work to protect access to care in Colorado, we must consider those who are made most vulnerable. This includes addressing access to care for Coloradans who are incarcerated. Too often incarcerated people are not considered in policy proposals and prisons healthcare policies often neglect pregnant people. As the number of people incarcerated continues to rise, so does the number of incarcerated pregnant people. Incarcerated women are more likely to have [complex medical histories](#) that could negatively impact pregnancy outcomes, including diabetes, hypertension, epilepsy, or cardiac disease. They deserve to know about all their options, including access to abortion providers, referrals to community-based providers of abortion care and community-based organizations that help people pay for abortion care; transportation to access abortion care; and ensured access to miscarriage management. The criminal legal system is used to punish pregnant people for their behaviors during pregnancy and for pregnancy loss. In a system that causes and perpetuates harm, Colorado's legislatures must fight to ensure people who are incarcerated have equal access to health care as articulated in Section 14 of SB23-188.

Importantly, Colorado has an opportunity to help keep providers safe from violence by adopting this bill. Section 15 will help healthcare workers keep their personal information safe. Abortion providers have always faced violence, and in recent years there has been significant [increase](#) in incidence of stalking, blockades, hoax devices/suspicious packages, invasions, and assault and battery. Access to Colorado's address confidentiality program, as put forth in Section 17-20, will give abortion providers an option to protect their address from public records. Having a substitute address is an opportunity for providers to protect their family and loved ones from anti-abortion extremism.

Lastly, we cannot ignore that many of the states banning abortion are also targeting the LGBTQ+ community. Gender-affirming care is safe, essential, life-saving health care that allows transgender and non-binary (TGNB) people to live their full and authentic lives. Leading medical organizations including the [American Academy for Pediatrics](#), [American Medical Association](#), [American College of Obstetricians and Gynecologists](#), [Endocrine Society](#), [Pediatric Endocrine Society](#) and [World Professional Association for Transgender Youth](#) support gender-affirming care for TGNB people. Despite the overwhelming evidence, legislators are vehemently pursuing bans on gender-affirming care, including travel bans. SB23-188 would protect Colorado health care providers and their patients as they provide lawful, necessary, evidence-based care.

Gender-affirming care not only centers the interests and autonomy of the young person receiving care, but also can be lifesaving. Studies have shown that gender-affirming care reduces depression and suicide risk. According to the Trevor Project's [2021 National Survey on LGBTQ Youth Mental Health](#), 94 percent of LGBTQ+ youth reported that recent anti-LGBTQ+ political attacks have negatively impacted their mental health. These attacks are another example of unnecessary government interference in health care services. Everyone should be able to access the care they need, no matter their age or identities, and deserves to have agency over their bodies, families, and futures. Colorado must do everything it can to explicitly protect access to health care for all people.

Abortion and gender-affirming care are health issues, not an issue for the criminal legal system. Colorado has a critical opportunity to protect providers and its residents' access to abortion care. I urge the members of this Committee to support SB23-188 to protect providers, patients, and assistants of legally

protected health care. If you have further question please reach out to Adrienne Ramcharan, Assistant Director of State Policy (aramcharan@prh.org). Thank you.

Sincerely,

Dr. Jamila Perritt, MD, MPH, FACOG
President & CEO
Physicians for Reproductive Health

March 15, 2023

Senate Judiciary Committee
Colorado General Assembly
200 E. Colfax Avenue
Denver, CO 80203

RE: SUPPORT FOR SB23-188

Dear Committee Members,

The National Women's Law Center (NWLC), based in Washington D.C., is a nonpartisan, non-profit legal and advocacy organization whose mission is centered on the protection and advancement of women's legal rights and opportunities. NWLC fights for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls. We use the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us—especially those who face multiple forms of discrimination. The Law Center strongly supports efforts to affirm and expand abortion access in Colorado, including Senate Bill 188,¹ and submits these comments for consideration as the Committee deliberates this vital legislation.

Access to reproductive health care is categorically fundamental to the advancement of gender equality. The decision to become pregnant or continue a pregnancy is a deeply personal choice that will have lifelong implications. The freedom to make one's own reproductive choices expands their ability to achieve equality within society by increasing earning potential, expanding educational opportunities, and limiting exposure to discrimination and bias.² This is especially imperative for Black, Latinx, Indigenous, LGBTQ, low income, and disabled women who are often routinely and systematically subject to inequities in health care, employment, and economic advancement.³

After decades of attacks on access to abortion, and especially since June 2022, when the Supreme Court overturned nearly 50 years of precedent guaranteeing the constitutional right to an abortion, reproductive freedom and health equity has been in a constant state of chaos.⁴ People with capacity for pregnancy across the country are overwhelmed with uncertainty regarding where, when, and how they can access essential abortion care. And while anti-abortion extremists celebrated the

¹ Co. S.B. 23-188, Reg. Sess. 2023.

² Nat'l Women's L. Ctr., *Abortion Rights and Access are Inextricably Tied to Equality and Gender* (2022), <https://nwlc.org/resource/abortion-rights-and-access-are-inextricably-tied-to-equality-and-gender-justice/>.

³ Kiara Alfonseca, *Why Abortion Restrictions Disproportionately Impact People of Color*, ABC News (June 24, 2022), <https://abcnews.go.com/Health/abortion-restrictions-disproportionately-impact-people-color/story?id=84467809>.

⁴ Terry Gross, *The U.S. faces 'unprecedented uncertainty' regarding abortion law, legal scholar says*, NPR (Jan 18, 2023), <https://www.npr.org/sections/health-shots/2023/01/17/1149509246/the-u-s-faces-unprecedented-uncertainty-regarding-abortion-law-legal-scholar-say>.

decision in *Dobbs v. Jackson Whole Women's Health*,⁵ their crusade against women's health equality is far from over.⁶ On a near daily basis, news breaks about another tactic deployed to restrict access to vital health care, even in states where abortion remain legal.

It is for this reason that legislation shielding abortion providers, patients, and assistors is crucial for ensuring health equity and strengthening gender equality across the country. Unimpeded access to abortion and gender affirming health care is a necessary component for ensuring every individual has the ability to live their life to the fullest potential, achieving whatever personal, educational, or professional goals they set forth. Safeguarding the ability to obtain essential health care is at the foundation of building an equitable and prosperous society.

The elements of this bill make certain that persons seeking reproductive and gender affirming health services protected by law in Colorado can do so without fear of discrimination, retaliation, or harassment by those seeking to impose political ideologies on the lives and wellbeing of others. The bill ensures that providers and physicians can administer comprehensive reproductive and gender-affirming health care without fear of having a contract terminated, insurance cancelled, or a license revoked because of their decision.⁷ Furthermore, the bill prohibits law enforcement from making an arrest or obtaining a warrant to search or acquire electronic communications in connection with an investigation into health care activity that is legal in Colorado.⁸ As communities of color are disproportionately targeted by police,⁹ these provisions are critical to ensure that Black, Latinx, Indigenous, and LGBTQ individuals are not criminalized simply for seeking legally protected medical services. When equal health care access is codified by protections like those proposed in this legislation, every citizen benefits from the opportunity to live in a more fair, just, and flourishing environment.

Colorado has long stood at the forefront of advancing health equity and gender justice. As the first state to decriminalize abortion, several years before the decision in *Roe v. Wade*, Colorado has solidified its status as a safe haven for those seeking and providing equitable health care. Months before the Supreme Court's catastrophic *Dobbs* decision, the Colorado legislature passed the Reproductive Health Equity Act, which further reinforced the state's dedication to reproductive freedom, codified the right to abortion and contraception, and expanded Coloradans' access to equitable health care. When people can make the health care decisions that are best for their lives, communities thrive, building a society where each of us can participate with dignity. NWLC urges the Senate Judiciary Committee to advance Senate Bill 188, a significant step towards equality for all Coloradans, and a noble example for the rest of the country.

Sincerely,



Sudria Twyman
Legal Fellow
National Women's Law Center

⁵ *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022).

⁶ Nat'l Right to Life, NRLC Post-Roe Model Abortion Law (July 4, 2022), <https://www.nrlc.org/wp-content/uploads/NRLC-Post-Roe-Model-Abortion-Law-FINAL-1.pdf>.

⁷ Co. S.B. 23-188, §2-5, Reg. Sess. 2023.

⁸ *Id.* at § 6-12.

⁹ Radley Balko, There's Overwhelming Evidence That the Criminal Justice System Is Racist. Here's the Proof. *The Wash. Post* (June 10, 2020), <https://www.washingtonpost.com/graphics/2020/opinions/systemic-racism-police-evidence-criminal-justice-system/>.