

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0240.01 Michael Dohr x4347

HOUSE BILL 13-1033

HOUSE SPONSORSHIP

Humphrey,

SENATE SPONSORSHIP

(None),

House Committees

Health, Insurance & Environment
Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON ABORTION.**

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://www.leg.state.co.us/billsummaries>.)

The bill prohibits abortion and makes any violation a class 3 felony. The following are exceptions to the prohibition:

- ! A licensed physician performs a medical procedure designed or intended to prevent the death of a pregnant mother, if the physician makes reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 HUMAN SPERM PENETRATES THE ZONA PELLUCIDA OF A FEMALE HUMAN
2 OVUM.

3 (2) "PREGNANT" OR "PREGNANCY" MEANS THE HUMAN FEMALE
4 REPRODUCTIVE CONDITION OF HAVING A LIVING UNBORN HUMAN BEING
5 WITHIN HER BODY THROUGHOUT THE ENTIRE EMBRYONIC AND FETAL AGES
6 OF THE UNBORN CHILD FROM FERTILIZATION TO FULL GESTATION AND
7 CHILDBIRTH.

8 (3) "UNBORN HUMAN BEING" OR "UNBORN CHILD" MEANS AN
9 INDIVIDUAL LIVING MEMBER OF THE SPECIES HOMO SAPIENS, THROUGHOUT
10 THE ENTIRE EMBRYONIC AND FETAL AGES OF THE UNBORN CHILD FROM
11 FERTILIZATION TO FULL GESTATION AND CHILDBIRTH.

12 **18-6-902. Abortion prohibition.** (1) A PERSON SHALL NOT
13 KNOWINGLY ADMINISTER TO, PRESCRIBE FOR, PROCURE FOR, OR SELL TO
14 A PREGNANT MOTHER ANY MEDICINE, DRUG, OR OTHER SUBSTANCE WITH
15 THE SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION OF THE
16 LIFE OF AN UNBORN HUMAN BEING. A PERSON SHALL NOT KNOWINGLY USE
17 OR EMPLOY ANY INSTRUMENT OR PROCEDURE UPON A PREGNANT MOTHER
18 WITH THE SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION
19 OF THE LIFE OF AN UNBORN HUMAN BEING.

20 (2) A VIOLATION OF THIS SECTION IS A CLASS 3 FELONY.

21 (3) (a) A LICENSED PHYSICIAN WHO PERFORMS A MEDICAL
22 PROCEDURE DESIGNED OR INTENDED TO PREVENT THE DEATH OF A
23 PREGNANT MOTHER IS NOT GUILTY OF VIOLATING THIS SECTION IF THE
24 PHYSICIAN MAKES REASONABLE MEDICAL EFFORTS TO PRESERVE BOTH THE
25 LIFE OF THE MOTHER AND THE LIFE OF HER UNBORN CHILD IN A MANNER
26 CONSISTENT WITH CONVENTIONAL MEDICAL PRACTICE.

27 (b) A LICENSED PHYSICIAN WHO PROVIDES MEDICAL TREATMENT

1 TO A PREGNANT MOTHER THAT RESULTS IN THE ACCIDENTAL OR
2 UNINTENTIONAL INJURY TO OR DEATH OF HER UNBORN CHILD IS NOT
3 GUILTY OF VIOLATING THIS SECTION.

4 (c) A PREGNANT MOTHER UPON WHOM AN ABORTION IS
5 PERFORMED OR ATTEMPTED IS NOT GUILTY OF VIOLATING THIS SECTION.

6 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
7 THE SALE, USE, PRESCRIPTION, OR ADMINISTRATION OF A CONTRACEPTIVE
8 MEASURE, DEVICE, DRUG, OR CHEMICAL, IF IT IS ADMINISTERED PRIOR TO
9 THE TIME WHEN A PREGNANCY COULD BE DETERMINED THROUGH
10 CONVENTIONAL MEDICAL TESTING AND IF THE CONTRACEPTIVE MEASURE,
11 DEVICE, DRUG, OR CHEMICAL IS SOLD, USED, PRESCRIBED, OR
12 ADMINISTERED IN ACCORDANCE WITH MANUFACTURER INSTRUCTIONS.

13 **SECTION 3.** In Colorado Revised Statutes, 18-3.5-101, **amend**
14 (1) as follows:

15 **18-3.5-101. Unlawful termination of pregnancy.** (1) A person
16 commits the offense of unlawful termination of a pregnancy if, with intent
17 to terminate unlawfully the pregnancy of another person, the person
18 unlawfully terminates the other person's pregnancy IN A MANNER OTHER
19 THAN DESCRIBED IN SECTION 18-6-902 (1).

20 **SECTION 4.** In Colorado Revised Statutes, 12-36-117, **add** (1)
21 (nn) as follows:

22 **12-36-117. Unprofessional conduct.** (1) "Unprofessional
23 conduct" as used in this article means:

24 (nn) A CONVICTION FOR VIOLATING SECTION 18-6-902, C.R.S.,
25 REGARDING THE PROHIBITION OF ABORTIONS.

26 **SECTION 5. Potential appropriation.** Pursuant to section
27 2-2-703, Colorado Revised Statutes, any bill that results in a net increase

1 in periods of imprisonment in the state correctional facilities must include
2 an appropriation of moneys that is sufficient to cover any increased
3 capital construction and operational costs for the first five fiscal years in
4 which there is a fiscal impact. Because this act may increase periods of
5 imprisonment, this act may require a five-year appropriation.

6 **SECTION 6. Effective date - applicability.** This act takes effect
7 July 1, 2013, and applies to offenses committed on or after said date.

8 **SECTION 7. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.