

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 12-0224.01 Jane Ritter x4342

**HOUSE BILL 12-1100**

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**HOUSE SPONSORSHIP**

**Summers,**

**SENATE SPONSORSHIP**

**Aguilar,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ADMISSIBILITY IN CRIMINAL PROCEEDINGS OF THE**  
102 **RESULTS OF A PRENATAL SCREENING FOR ILLEGAL SUBSTANCES.**

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**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 makes the results of any information related to substance use obtained as part of a screening or test performed for the purpose of determining pregnancy or providing prenatal care inadmissible in any criminal proceeding.

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.*

HOUSE  
Amended 2nd Reading  
February 8, 2012

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) Substance use during pregnancy is a widespread and  
5 concerning problem in the state of Colorado;

6 (b) Based on prevalence and population figures, among pregnant  
7 women 15 to 44 years of age, 4.4% reported current illicit drug use and  
8 10.8% reported current alcohol use. In Colorado, an estimated 14.5% of  
9 pregnant women use alcohol during the third trimester of pregnancy.  
10 Across substances, use rates are highest among pregnant women 15 to 17  
11 years of age, with approximately 15% reporting illicit substance use,  
12 followed closely by women 18 to 25 years of age.

13 (c) Prenatal substance exposure can have a devastating impact on  
14 a developing fetus;

15 (d) For many women, pregnancy can be a time of increased  
16 motivation to address their addictions out of concern for their unborn  
17 child;

18 (e) Relatively few pregnant women with substance use issues,  
19 however, participate in treatment programs, despite the availability of  
20 services to help them quit using drugs and alcohol, often because of fear  
21 of criminal prosecution; and

22 (f) Members of the Substance Exposed Newborns Steering  
23 Committee of the State Methamphetamine Task Force, in collaboration  
24 with the Colorado Commission on Criminal and Juvenile Justice and the  
25 Colorado District Attorney's Council, studied the issue and developed  
26 recommendations to address the problem.

1           (2) The general assembly further finds and declares that in order  
2 to encourage pregnant women with substance use issues to seek important  
3 prenatal care and appropriate treatment, legislation is necessary to provide  
4 protection from criminal prosecution for pregnant women who are  
5 identified during prenatal care as having used substances.

6           **SECTION 2.** In Colorado Revised Statutes, **add** 13-25-136 as  
7 follows:

8           **13-25-136. Criminal actions - prenatal drug and alcohol**  
9 **screening - admissibility of evidence.** A COURT SHALL NOT ADMIT IN A  
10 CRIMINAL PROCEEDING INFORMATION RELATING TO SUBSTANCE USE NOT  
11 OTHERWISE REQUIRED TO BE REPORTED PURSUANT TO SECTION 19-3-304,  
12 C.R.S., OBTAINED AS PART OF A SCREENING OR TEST PERFORMED TO  
13 DETERMINE PREGNANCY OR TO PROVIDE PRENATAL CARE FOR A PREGNANT  
14 WOMAN. THIS SECTION SHALL NOT BE INTERPRETED TO PROHIBIT  
15 PROSECUTION OF ANY CLAIM OR ACTION RELATED TO SUCH SUBSTANCE  
16 USE BASED ON EVIDENCE OBTAINED THROUGH METHODS OTHER THAN THE  
17 SCREENING OR TESTING DESCRIBED IN THIS SECTION.

18           **SECTION 3. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.