

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0491.01 Kristen Forrestal x4217

HOUSE BILL 23-1097

HOUSE SPONSORSHIP

Luck, Bradley, Winter T.

SENATE SPONSORSHIP

(None),

House Committees

Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADMINISTRATION OF A PAINKILLER TO AN UNBORN**
102 **CHILD PRIOR TO AN 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://leg.colorado.gov>.)

The bill requires a health-care provider who performs an abortion of an unborn child who is 20-weeks gestational age or more to administer a painkiller to the child prior to the abortion. The bill makes exceptions to this requirement in specific circumstances.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 **SECTION 1.** In Colorado Revised Statutes, **add** 12-30-120 as
2 follows:

3 **12-30-120. Administration of painkiller prior to abortion -**
4 **exceptions.** (1) A HEALTH-CARE PROVIDER WHO PERFORMS AN ABORTION
5 OF AN UNBORN CHILD WHO IS AT LEAST TWENTY-WEEKS GESTATIONAL AGE
6 SHALL ADMINISTER OR DELEGATE THE ADMINISTRATION OF AN
7 ANESTHETIC OR ANALGESIC TO ELIMINATE OR ALLEVIATE ORGANIC PAIN
8 TO THE UNBORN CHILD CAUSED BY THE METHOD OF ABORTION TO BE
9 EMPLOYED UNLESS:

10 (a) THE ABORTION IS NECESSARY TO AVERT:

11 (I) THE DEATH OF THE WOMAN ON WHOM THE ABORTION IS TO BE
12 PERFORMED; OR

13 (II) A SERIOUS RISK OF SUBSTANTIAL OR IRREVERSIBLE
14 IMPAIRMENT OF A MAJOR BODILY FUNCTION OF THE WOMAN ON WHOM THE
15 ABORTION IS TO BE PERFORMED; OR

16 (b) THE TREATING HEALTH-CARE PROVIDER AND A PHYSICIAN WHO
17 IS INDEPENDENT FROM AND NOT AFFILIATED WITH THE TREATING
18 HEALTH-CARE PROVIDER WHO IS LICENSED PURSUANT TO ARTICLE 240 OF
19 THIS TITLE 12 CONCUR, IN WRITING, THAT THE ADMINISTRATION OF ANY
20 ANESTHETIC OR ANALGESIC WOULD:

21 (I) CAUSE THE DEATH OF THE WOMAN ON WHOM THE ABORTION IS
22 TO BE PERFORMED; OR

23 (II) CREATE A SERIOUS RISK OF SUBSTANTIAL OR IRREVERSIBLE
24 IMPAIRMENT OF A MAJOR BODILY FUNCTION OF THE WOMAN ON WHOM THE
25 ABORTION IS TO BE PERFORMED.

26 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.