Second Regular Session Seventy-fourth General Assembly STATE OF COLORADO

INTRODUCED

LLS NO. 24-0651.01 Brita Darling x2241

HOUSE BILL 24-1106

HOUSE SPONSORSHIP

Bottoms, Armagost, Bradley, DeGraaf

SENATE SPONSORSHIP

(None),

House Committees Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROVIDING INFORMATION ABOUT AB

101 CONCERNING PROVIDING INFORMATION ABOUT ABORTION PILL
102 REVERSAL TO PEOPLE SEEKING A MEDICATION-INDUCED
103 ABORTION, AND, IN CONNECTION THEREWITH, CREATING THE
104 "ABORTION PILL REVERSAL INFORMATION ACT".

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 creates the "Abortion Pill Reversal Information Act" (act). The act requires a physician or other qualified medical professional assisting a physician to provide state-prepared information concerning

abortion pill reversal, including a telephone number and website address where a pregnant woman can seek resources to obtain abortion pill reversal, to any woman seeking an abortion through the use of an abortion-inducing drug. The physician or other qualified medical professional must provide the information at least 24 hours before the physician prescribes or administers the abortion-inducing drug or induces the abortion.

The department of public health and environment is required to maintain the state-prepared information on its public-facing website.

The act makes it a deceptive trade practice to fail to provide the required information concerning abortion pill reversal. The act also includes civil penalties and professional discipline for failure to comply with the requirements in the act and allows the general assembly to appoint members to intervene in any lawsuit challenging the constitutionality of the act.

1 Be it enacted by the General Assembly of the State of Colorado: 2 **SECTION 1.** In Colorado Revised Statutes, add part 5 to article 3 6 of title 25 as follows: 4 PART 5 5 ABORTION PILL REVERSAL INFORMATION 6 **25-6-501. Short title.** THE SHORT TITLE OF THIS PART 5 IS THE 7 "ABORTION PILL REVERSAL INFORMATION ACT". 8 25-6-502. Legislative findings and purposes. (1) THE 9 COLORADO GENERAL ASSEMBLY FINDS THAT: 10 (a) MIFEPRISTONE, THE FIRST DRUG IN THE TWO-DRUG CHEMICAL 11 ABORTION PROCEDURE COMMONLY REFERRED TO AS "RU-486" OR "THE 12 ABORTION PILL", WORKS BY BLOCKING PROGESTERONE RECEPTORS. 13 PROGESTERONE IS NECESSARY FOR THE DEVELOPMENT OF AN UNBORN 14 CHILD. 15 (b) MIFEPRISTONE ALONE RESULTS IN COMPLETE ABORTION IN 16 SIXTY TO EIGHTY PERCENT OF CASES; 17 (c) HOWEVER, SOME WOMEN COME TO REGRET THEIR DECISION TO

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1	ABORT SHORTLY AFTER INGESTING MIFEPRISTONE;
2	(d) In recent years, physicians have developed a method to
3	POTENTIALLY REVERSE THE EFFECTS OF MIFEPRISTONE;
4	(e) This abortion pill reversal process, which has been
5	DISCUSSED IN A PEER-REVIEWED STUDY, IS BASED UPON A
6	WELL-ESTABLISHED MEDICAL REGIMEN THAT IS USED IN OTHER AREAS OF
7	HEALTH CARE, SPECIFICALLY, TREATING THE PATIENT WITH
8	METHOTREXATE AND LEUCOVORIN, KNOWN AS "LEUCOVORIN RESCUE";
9	(f) METHOTREXATE, A CHEMOTHERAPY DRUG, KILLS RAPIDLY
10	DIVIDING CELLS, SUCH AS CANCER CELLS. THE DRUG WORKS BY BLOCKING
11	THE ACTION OF FOLIC ACID. TYPICALLY, PHYSICIANS ALLOW THE
12	METHOTREXATE TO WORK FOR A DAY OR TWO AND THEN GIVE THE
13	PATIENT A HIGH DOSE OF FOLIC ACID, OR LEUCOVORIN, TO COMPENSATE
14	FOR WHAT HAS BEEN LOST. THE HIGH DOSAGE OF FOLIC ACID, IN ESSENCE,
15	"KICKS" THE METHOTREXATE OFF OF THE CELLS. THIS FLOODING OF THE
16	PATIENT'S BODY WITH FOLIC ACID IS CALLED A "LEUCOVORIN RESCUE" AND
17	IS A WELL-ESTABLISHED MEDICAL PROCEDURE.
18	(g) Understanding the science behind the mechanics of
19	MIFEPRISTONE HAS ALLOWED PHYSICIANS TO DESIGN A SPECIFIC "RESCUE"
20	FOR A WOMAN WHO HAS USED MIFEPRISTONE TO INDUCE AN ABORTION.
21	SINCE PHYSICIANS KNOW EXACTLY HOW MIFEPRISTONE WORKS IN
22	BLOCKING PROGESTERONE, PHYSICIANS KNOW THAT TREATING A WOMAN
23	WITH PROGESTERONE CAN "KICK OFF" THE MIFEPRISTONE AND DISPLACE
24	MIFEPRISTONE FROM THE PROGESTERONE RECEPTORS. THIS ALLOWS THE
25	WOMAN'S BODY TO RESPOND NATURALLY TO THE PROGESTERONE AND TO
26	EFFECTIVELY FIGHT THE EFFECTS OF THE MIFEPRISTONE-INDUCED
27	RI OCKAGE

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1	(h) IN SHORT, MIFEPRISTONE FLOODS THE PROGESTERONE
2	RECEPTORS, THUS BLOCKING PROGESTERONE. TO BLOCK OR REVERSE THE
3	EFFECTS OF THE MIFEPRISTONE, A PREGNANT WOMAN'S BODY IS FLOODED
4	WITH PROGESTERONE.
5	(i) PROGESTERONE ITSELF HAS BEEN USED SAFELY IN PREGNANCIES
6	FOR DECADES AND IS USED IN IN VITRO FERTILIZATION, INFERTILITY
7	TREATMENTS, AND HIGH-RISK PREGNANCIES, SUCH AS WHEN A WOMAN
8	EXPERIENCES PRE-TERM LABOR OR, IN SOME CASES, AFTER A WOMAN
9	SUFFERS FROM MULTIPLE MISCARRIAGES. USING PROGESTERONE TO
10	REVERSE THE EFFECTS OF MIFEPRISTONE IS A TARGETED RESPONSE THAT
11	IS SAFE FOR THE WOMAN.
12	(j) According to Heartbeat International, statistics show
13	THAT, SINCE THE INCEPTION OF ABORTION PILL REVERSAL, MORE THAN
14	FOUR THOUSAND FIVE HUNDRED WOMEN HAVE HAD SUCCESSFUL
15	ABORTION PILL REVERSALS;
16	(k) For decades, the United States supreme court has
17	RECOGNIZED THAT A WOMAN'S DECISION REGARDING WHETHER TO OBTAIN
18	AN ABORTION IS "OFTEN A STRESSFUL ONE, AND IT IS DESIRABLE AND
19	IMPERATIVE THAT IT BE MADE WITH FULL KNOWLEDGE OF ITS NATURE AND
20	CONSEQUENCES." PLANNED PARENTHOOD V. DANFORTH, 428 U.S. 52, 67
21	(1976).
22	(1) Women have described that Planned Parenthood or
23	OTHER ABORTION FACILITIES INFORM THEM THAT NOT FOLLOWING
24	THROUGH WITH THE REST OF AN ABORTION AFTER INGESTING
25	MIFEPRISTONE CAN RESULT IN SERIOUS BIRTH DEFECTS. HOWEVER, THE
26	AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS DECLARED
27	In a 2020 practice bulletin that "no evidence exists to date of a

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1	TERATOGENIC EFFECT OF MIFEPRISTONE." THUS, THE STATE RECOGNIZES
2	THAT SINCE MIFEPRISTONE IS NOT KNOWN TO CAUSE BIRTH DEFECTS,
3	WOMEN ARE NOT BEING GIVEN ACCURATE INFORMATION BY ABORTION
4	PROVIDERS WHEN THEY DESIRE TO REVERSE THEIR ABORTIONS.
5	(m) Women have documented their personal stories, in
6	WHICH THEY DESIRED TO REVERSE AN ABORTION AFTER INGESTING
7	MIFEPRISTONE. THESE WOMEN CALLED PLANNED PARENTHOOD, WHICH
8	HAD GIVEN THEM THE MIFEPRISTONE, AND ASKED WHAT THEY COULD DO
9	BECAUSE THEY HAD CHANGED THEIR MINDS AND NO LONGER WANTED TO
10	COMPLETE THE ABORTION. PLANNED PARENTHOOD'S ANSWER WAS,
11	FALSELY, THAT THE WOMEN COULD DO NOTHING BUT TAKE THE SECOND
12	PRESCRIBED DRUG AND COMPLETE THE ABORTION. THESE WOMEN WERE
13	FORCED TO DO THEIR OWN INTERNET SEARCH, FIND AN ORGANIZATION LIKE
14	THE ABORTION PILL RESCUE NETWORK, AND BE PUT IN TOUCH WITH A
15	DOCTOR WHO WAS WILLING TO SUCCESSFULLY REVERSE THEIR ABORTION.
16	Months later, these mothers' babies were born healthy.
17	(2) Based on the findings in subsection (1) of this section,
18	THE PURPOSES OF THIS PART 5 ARE TO:
19	(a) Ensure that every woman considering an abortion
20	RECEIVES COMPREHENSIVE INFORMATION ON ABORTION, INCLUDING:
21	(I) The potential to reverse the effects of
22	ABORTION-INDUCING DRUGS IF THE WOMAN CHOOSES TO DO SO; AND
23	(II) THAT IF THE WOMAN CHOOSES TO REVERSE HER ABORTION,
24	ABORTION FACILITIES AND THEIR STAFF MUST NOT PREVENT THE WOMAN'S
25	CHOICE TO DO SO; AND
26	(b) REDUCE "THE RISK THAT A WOMAN MAY ELECT AN ABORTION,
27	ONLY TO DISCOVER LATER, WITH DEVASTATING PSYCHOLOGICAL

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1	CONSEQUENCES, THAT HER DECISION WAS NOT FULLY INFORMED."
2	Planned Parenthood v. Casey, 505 U.S. 833, 882 (1992).
3	25-6-503. Definitions. As used in this part 5, unless the
4	CONTEXT OTHERWISE REQUIRES:
5	(1) "ABORTION" MEANS THE ACT OF USING ANY INSTRUMENT,
6	MEDICINE, OR DRUG OR ANY OTHER SUBSTANCE, DEVICE, OR MEANS WITH
7	THE INTENT TO TERMINATE THE CLINICALLY DIAGNOSABLE PREGNANCY OF
8	A WOMAN, WITH KNOWLEDGE THAT THE TERMINATION BY THOSE MEANS
9	WILL WITH REASONABLE LIKELIHOOD CAUSE THE DEATH OF THE UNBORN
10	CHILD. "ABORTION" DOES NOT INCLUDE AN ACT DONE WITH THE INTENT
11	TO:
12	(a) SAVE THE LIFE OR PRESERVE THE HEALTH OF THE UNBORN
13	CHILD;
14	(b) REMOVE A DEAD UNBORN CHILD CAUSED BY SPONTANEOUS
15	ABORTION; OR
16	(c) REMOVE AN ECTOPIC PREGNANCY.
17	(2)(a) "Abortion-inducing drug" means a medicine, drug, or
18	ANY OTHER SUBSTANCE PRESCRIBED OR DISPENSED WITH THE INTENT OF
19	TERMINATING THE CLINICALLY DIAGNOSABLE PREGNANCY OF A WOMAN,
20	WITH KNOWLEDGE THAT THE TERMINATION WILL WITH REASONABLE
21	LIKELIHOOD CAUSE THE DEATH OF THE UNBORN CHILD.
22	"ABORTION-INDUCING DRUG" INCLUDES OFF-LABEL USE OF DRUGS KNOWN
23	TO HAVE ABORTION-INDUCING PROPERTIES THAT ARE PRESCRIBED
24	SPECIFICALLY WITH THE INTENT OF CAUSING AN ABORTION.
25	(b) "ABORTION-INDUCING DRUG" DOES NOT INCLUDE A DRUG THAT
26	IS KNOWN TO CAUSE AN ABORTION BUT THAT IS PRESCRIBED FOR OTHER
27	MEDICAL INDICATIONS, SUCH AS A CHEMOTHERAPEUTIC AGENT OR A

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1	DIAGNOSTIC DRUG.
2	(3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
3	AND ENVIRONMENT.
4	(4) "MEDICAL EMERGENCY" MEANS A CONDITION THAT
5	COMPLICATES THE MEDICAL CONDITION OF A PREGNANT WOMAN AND
6	NECESSITATES THE IMMEDIATE TERMINATION OF HER PREGNANCY TO
7	AVERT HER DEATH OR FOR WHICH A DELAY WILL CREATE SERIOUS RISK OF
8	SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY
9	FUNCTION.
10	(5) "MIFEPREX REGIMEN", "RU-486", OR "ABORTION PILL" MEANS
11	THE ABORTION-INDUCING DRUG REGIMEN THAT INVOLVES
12	ADMINISTRATION OF MIFEPRISTONE (BRAND NAME MIFEPREX) AND
13	MISOPROSTOL AND IS THE ONLY ABORTION-INDUCING DRUG REGIMEN
14	APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION. THE
15	MIFEPREX REGIMEN IS ALSO KNOWN AS THE "RU-486 REGIMEN".
16	(6) "Mifepristone" means the first drug used in the
17	MIFEPREX REGIMEN.
18	(7) "MISOPROSTOL" MEANS THE SECOND DRUG USED IN THE
19	MIFEPREX REGIMEN.
20	(8) "Physician" means any person licensed to practice
21	MEDICINE PURSUANT TO ARTICLE 240 OF TITLE 12. "PHYSICIAN" INCLUDES
22	MEDICAL DOCTORS AND DOCTORS OF OSTEOPATHY. "PHYSICIAN" DOES
23	NOT INCLUDE A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION
24	12-240-113.
25	(9) "QUALIFIED PERSON" MEANS AN AGENT OF THE PHYSICIAN WHO
26	IS:
27	(a) A PSYCHOLOGIST LICENSED PURSUANT TO PART 3 OF ARTICLE

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1	245 OF TITLE 12;
2	(b) A SOCIAL WORKER OR CLINICAL SOCIAL WORKER LICENSED
3	PURSUANT TO PART 4 OF ARTICLE 245 OF TITLE 12;
4	(c) A LICENSED PROFESSIONAL COUNSELOR LICENSED PURSUANT
5	TO PART 6 OF ARTICLE 245 OF TITLE 12;
6	(d) A PROFESSIONAL NURSE LICENSED OR REGISTERED PURSUANT
7	TO ARTICLE 255 OF TITLE 12; OR
8	(e) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240
9	OF TITLE 12.
10	(10) "Unborn child" means the offspring of a human being
11	FROM CONCEPTION UNTIL BIRTH.
12	25-6-504. Information required on abortion pill reversal.
13	(1) EXCEPT IN THE CASE OF A MEDICAL EMERGENCY, AT LEAST
14	TWENTY-FOUR HOURS PRIOR TO PRESCRIBING THE ABORTION PILL OR
15	RU-486, INDUCING AN ABORTION, OR UTILIZING ABORTION-INDUCING
16	DRUGS, THE PHYSICIAN WHO PRESCRIBES OR ADMINISTERS AN
17	ABORTION-INDUCING DRUG TO A WOMAN OR THAT INDUCES AN ABORTION,
18	OR A QUALIFIED PERSON ASSISTING THE PHYSICIAN, SHALL, ORALLY AND
19	IN PERSON, INFORM THE WOMAN OF THE FOLLOWING:
20	(a) THAT IT MAY BE POSSIBLE TO REVERSE THE ABORTION SHOULD
21	THE WOMAN CHANGE HER MIND, BUT THAT TIME IS OF THE ESSENCE; AND
22	(b) THAT INFORMATION ON AND ASSISTANCE WITH REVERSING THE
23	EFFECTS OF ABORTION-INDUCING DRUGS IS AVAILABLE IN
24	STATE-PREPARED MATERIALS. THE PHYSICIAN OR QUALIFIED PERSON
25	SHALL PROVIDE A COPY OF THE STATE-PREPARED MATERIALS PUBLISHED
26	PURSUANT TO SECTION 25-6-505, WHICH MAY BE PRINTED FROM THE
2.7	DEPARTMENT'S WEBSITE.

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1	25-6-505. Information required in state-prepared materials.
2	(1) THE DEPARTMENT SHALL PREPARE AND PUBLISH ON ITS
3	PUBLIC-FACING WEBSITE THE FOLLOWING STATEMENT:
4	ABORTION PILL REVERSAL INFORMATION:
5	Information on the potential ability of qualified
6	MEDICAL PROFESSIONALS TO REVERSE AN ABORTION
7	OBTAINED THROUGH THE USE OF ABORTION-INDUCING
8	DRUGS, SUCH AS MIFEPRISTONE (BRAND NAME MIFEPREX),
9	COMMONLY REFERRED TO AS "RU-486" OR THE "ABORTION
10	PILL", MAY BE FOUND AT
11	HTTPS://WWW.ABORTIONPILLREVERSAL.COM/ OR BY
12	CONTACTING THE TWENTY-FOUR-HOUR NURSE-STAFFED
13	HOTLINE AT (877) 558-0333. THESE RESOURCES CAN
14	PROVIDE ASSISTANCE IN LOCATING A MEDICAL
15	PROFESSIONAL WHO MAY BE ABLE TO AID IN THE REVERSAL
16	OF AN ABORTION.
17	(2) ON AN ANNUAL BASIS, THE DEPARTMENT SHALL REVIEW THE
18	STATEMENT REQUIRED IN SUBSECTION (1) OF THIS SECTION AND UPDATE
19	THE INFORMATION ONLY IF THE WEBSITE OR HOTLINE LISTED IN
20	SUBSECTION (1) OF THIS SECTION BECOMES PERMANENTLY UNAVAILABLE
21	AND SIMILAR INFORMATION CAN REPLACE IT. IF THE WEBSITE OR HOTLINE
22	BECOMES PERMANENTLY UNAVAILABLE AND THERE IS NO SIMILAR
23	INFORMATION TO REPLACE IT, THE DEPARTMENT MAY REMOVE THE
24	REFERENCE TO THE WEBSITE OR HOTLINE, BUT THE DEPARTMENT MUST
25	REPLACE THE INFORMATION WITH SIMILAR INFORMATION IF IT BECOMES
26	AVAILABLE.
27	25-6-506. Civil penalties. (1) FAILURE TO COMPLY WITH THE

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1	REQUIREMENTS OF THIS PART 5 IS A BASIS FOR:
2	(a) A CIVIL ACTION, INCLUDING A MEDICAL MALPRACTICE ACTION,
3	FOR ACTUAL AND PUNITIVE DAMAGES;
4	(b) CIVIL FINES AND PENALTIES IMPOSED BY THE ATTORNEY
5	GENERAL'S OFFICE; AND
6	(c) A PROFESSIONAL DISCIPLINARY ACTION UNDER ARTICLE 240,
7	245, or 255 of title 12, as applicable.
8	(2) A WOMAN UPON WHOM THE ABORTION WAS BEGUN, INDUCED,
9	OR PERFORMED IS NOT SUBJECT TO A CIVIL PENALTY. THE WOMAN'S
10	PRIVACY MUST BE PRESERVED IN A CIVIL ACTION THAT IS BROUGHT
11	PURSUANT TO THIS SECTION.
12	(3) IF JUDGMENT IS RENDERED IN FAVOR OF THE PLAINTIFF, THE
13	COURT SHALL ALSO RENDER JUDGMENT FOR REASONABLE ATTORNEY FEES
14	AND COSTS IN FAVOR OF THE PLAINTIFF AGAINST THE DEFENDANT.
15	25-6-507. Construction. (1) Nothing in this part 5 shall be
16	CONSTRUED AS CREATING OR RECOGNIZING A RIGHT TO ABORTION.
17	(2) This part 5 does not make lawful an abortion that is
18	CURRENTLY UNLAWFUL.
19	25-6-508. Severability. If any provision of this part 5 or the
20	APPLICATION OF THIS PART 5 TO ANY PERSON OR CIRCUMSTANCE IS HELD
21	INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
22	APPLICATIONS OF THIS PART 5 THAT CAN BE GIVEN EFFECT WITHOUT THE
23	INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
24	THIS PART 5 ARE DECLARED TO BE SEVERABLE.
25	25-6-509. Right of intervention. The General assembly by
26	JOINT RESOLUTION MAY APPOINT ONE OR MORE OF ITS MEMBERS WHO
27	SPONSORED OR COSPONSORED THIS HOUSE BILL 24, ENACTED IN 2024,

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1	WHICH CREATED THIS PART 3, IN THE MEMBER'S OFFICIAL CAPACITY TO
2	INTERVENE AS A MATTER OF RIGHT IN ANY CASE IN WHICH THE
3	CONSTITUTIONALITY OF THIS PART 5 OR A PORTION OF THIS PART 5 IS
4	CHALLENGED.
5	SECTION 2. In Colorado Revised Statutes, 12-240-121, add
6	(1)(ii) as follows:
7	12-240-121. Unprofessional conduct - definitions.
8	(1) "Unprofessional conduct" as used in this article 240 means:
9	(ii) A VIOLATION OF SECTION 25-6-504, REGARDING INFORMATION
10	ON ABORTION PILL REVERSAL.
11	SECTION 3. In Colorado Revised Statutes, 12-245-224, amend
12	(1)(w) and $(1)(x)$; and add $(1)(y)$ as follows:
13	12-245-224. Prohibited activities - related provisions -
14	definition. (1) A person licensed, registered, or certified under this
15	article 245 violates this article 245 if the person:
16	(w) Has sold or fraudulently obtained or furnished a license,
17	registration, or certification to practice as a psychologist, social worker,
18	marriage and family therapist, licensed professional counselor,
19	psychotherapist, or addiction counselor or has aided or abetted in those
20	activities; or
21	(x) Has failed to respond, in the manner required by the board, to
22	a complaint filed with or by the board against the licensee, registrant, or
23	certificate holder; OR
24	(y) Has violated section 25-6-504, regarding information
25	ON ABORTION PILL REVERSAL.
26	SECTION 4. In Colorado Revised Statutes, 12-255-120, amend
2.7	(1)(gg): and add (1)(ii) as follows:

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1	12-255-120. Grounds for discipline - definitions. (1) "Grounds
2	for discipline", as used in this part 1, means any action by any person
3	who:
4	(gg) Is diverting or has diverted a controlled substance, as defined
5	in section 18-18-102 (5), or any other drug having similar effects from the
6	person's place of employment; or
7	(ii) HAS VIOLATED SECTION 25-6-504, REGARDING INFORMATION
8	ON ABORTION PILL REVERSAL.
9	SECTION 5. In Colorado Revised Statutes, 6-1-105, add
10	(1)(eeee) as follows:
11	6-1-105. Unfair or deceptive trade practices. (1) A person
12	engages in a deceptive trade practice when, in the course of the person's
13	business, vocation, or occupation, the person:
14	(eeee) FAILS TO COMPLY WITH SECTION 25-6-504.
15	SECTION 6. Act subject to petition - effective date. This act
16	takes effect at 12:01 a.m. on the day following the expiration of the
17	ninety-day period after final adjournment of the general assembly; except
18	that, if a referendum petition is filed pursuant to section 1 (3) of article V
19	of the state constitution against this act or an item, section, or part of this
20	act within such period, then the act, item, section, or part will not take
21	effect unless approved by the people at the general election to be held in
22	November 2024 and, in such case, will take effect on the date of the
23	official declaration of the vote thereon by the governor.

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