

Amended draft with changes highlighted, per § 1-40-105(4), C.R.S.

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ELECTIONS/LICENSING
SECRETARY OF STATE

Be it enacted by the People of the State of Colorado:

Article XVIII of the Colorado Constitution is amended BY THE ADDITION OF A NEW SECTION to read:

SECTION 15. End-of-life decision-making authority. (1) Legislative declaration.
THE VOTERS OF COLORADO FIND THAT PREVIOUS SESSIONS OF THE GENERAL ASSEMBLY ENACTED LAWS TO PROTECT THE RIGHTS OF ADULTS AND INTERESTED PERSONS, SUCH AS THE ADULTS' FAMILY MEMBERS AND CLOSE FRIENDS, TO DIRECT END-OF-LIFE DECISION-MAKING ABOUT MEDICAL TREATMENT IF, AS PATIENTS, THOSE ADULTS CANNOT PROVIDE INFORMED CONSENT TO OR REFUSAL OF SUCH TREATMENT. THE VOTERS ALSO ACKNOWLEDGE THAT, SINCE SUCH PROTECTIONS BECAME LAW, LEGISLATIVE MEASURES HAVE BEEN PROPOSED TO UNDERMINE THESE RIGHTS. THE VOTERS INTEND TO PRESERVE THE RIGHTS ESTABLISHED BY CURRENT LAW AND INSULATE THESE PERSONAL DECISIONS FROM LEGISLATIVE INTERFERENCE.

~~(1) — THE STATE SHALL NOT RESTRICT THE ABILITY OF AN ADULT PATIENT'S FAMILY OR LEGALLY AUTHORIZED REPRESENTATIVE TO DETERMINE THE MEDICAL TREATMENT FOR THAT PATIENT IF HE OR SHE IS UNABLE TO PROVIDE INFORMED CONSENT TO, OR REFUSAL OF, MEDICAL TREATMENT.~~

(2) THE GENERAL ASSEMBLY SHALL PASS NO BILL THAT RESTRICTS THE RIGHTS, PROVIDED BY LAW AS OF MAY 5, 2006, OF ADULTS, THEIR FAMILIES, AND OTHER INTERESTED PERSONS TO DIRECT THE MANNER AND EXTENT OF MEDICAL TREATMENT FOR SUCH ADULTS IF, AS PATIENTS, THEY LACK THE DECISIONAL CAPACITY TO PROVIDE INFORMED CONSENT TO OR REFUSAL OF MEDICAL TREATMENT.

~~(2) — (a) — "ADULT" MEANS ANY PERSON EIGHTEEN YEARS OF AGE OR OLDER.~~

~~(b) — "LEGALLY AUTHORIZED REPRESENTATIVE" MEANS AN AGENT APPOINTED IN A MEDICAL DURABLE POWER OF ATTORNEY, LEGAL GUARDIAN WITH MEDICAL DECISION-MAKING AUTHORITY, OR OTHER PERSON WHO HAS LEGAL AUTHORITY TO ACT AS A PROXY DECISION MAKER IN CONNECTION WITH DECISIONS ABOUT THE PATIENT'S MEDICAL TREATMENT.~~

~~(c) — "MEDICAL TREATMENT" MEANS THE PROVISION, WITHHOLDING, OR WITHDRAWAL OF ANY HEALTH CARE, MEDICAL PROCEDURE, INCLUDING ARTIFICIALLY PROVIDED NOURISHMENT AND HYDRATION, SURGERY, CARDIOPULMONARY RESUSCITATION, OR SERVICE TO MAINTAIN, DIAGNOSE, TREAT, OR PROVIDE FOR A PATIENT'S PHYSICAL OR MENTAL HEALTH OR PERSONAL CARE.~~