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S. WARD
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2019-2020 #121 - Amended

Colorado Secretary of State

END LATE ABORTIONS IN COLORADO

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

SECTION 1. IN COLORADO REVISED STATUTES, 12-240-121, ADD (1)(ee) AS FOLLOWS:

12-240-121. Unprofessional conduct-definitions. (1) "Unprofessional conduct" as used in this Article 240 means:

(ee) THE PERFORMANCE OR THE ATTEMPT TO PERFORM AN ABORTION ON A PREGNANT WOMAN IF THE PROBABLE GESTATIONAL AGE OF THE FETUS IS AT LEAST 22 WEEKS, AS DETERMINED BY INQUIRIES, TESTS OR EXAMINATIONS THAT A REASONABLY PRUDENT PHYSICIAN WOULD CARRY OUT, EXCEPT WHERE THE PREGNANT WOMAN'S LIFE IS THREATENED BY A PHYSICAL DISORDER, PHYSICAL ILLNESS, OR PHYSICAL INJURY, INCLUDING A LIFE-ENDANGERING PHYSICAL CONDITION CAUSED BY OR ARISING FROM THE PREGNANCY ITSELF, BUT NOT INCLUDING PSYCHOLOGICAL OR EMOTIONAL CONDITIONS, AND WHERE EXPEDITED DELIVERY OF A LIVING FETUS IS NOT POSSIBLE OR WOULD IMPOSE A GREATER RISK OF DEATH TO THE MOTHER THAN AN ABORTION.

FOR PURPOSES OF THIS SECTION (EE):

(i) "ABORTION" MEANS THE ACT OF USING OR PRESCRIBING ANY INSTRUMENT, MEDICINE, DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR MEANS WITH THE INTENT TO TERMINATE THE PREGNANCY OF A WOMAN KNOWN TO BE PREGNANT OR WITH THE INTENT TO KILL THE UNBORN CHILD OF A WOMAN KNOWN TO BE PREGNANT. SUCH USE, PRESCRIPTION, OR MEANS IS NOT AN ABORTION IF DONE WITH THE INTENT TO:

- (a) SAVE THE LIFE OR PRESERVE THE HEALTH OF THE EMBRYO OR FETUS;
- (b) REMOVE A DEAD EMBRYO OR FETUS CAUSED BY MISCARRIAGE; OR
- (c) REMOVE AN ECTOPIC PREGNANCY.

(ii) "GESTATIONAL AGE" MEANS THE TIME THAT HAS ELAPSED FROM THE FIRST DAY OF THE WOMAN'S LAST MENSTRUAL PERIOD.

(iii) "PROBABLE GESTATIONAL AGE" MEANS WHAT, IN THE JUDGMENT OF THE PHYSICIAN USING BEST MEDICAL PRACTICES, WILL WITH REASONABLE PROBABILITY BE THE GESTATIONAL AGE OF THE UNBORN CHILD AT THE TIME AN ABORTION IS PLANNED TO BE PERFORMED."

(iv) "TWENTY-TWO WEEKS" MEANS TWENTY-TWO WEEKS, ZERO DAYS GESTATIONAL AGE.

SECTION 2. IN COLORADO REVISED STATUTES, 12-240-125, ADD (9.5) AS FOLLOWS:

12-240-125. Disciplinary action by board – immunity – rules.

(8.5) IF THE BOARD FINDS A LICENSEE COMMITTED UNPROFESSIONAL CONDUCT IN VIOLATION OF SECTION 12-240-121 (1)(ee), THE BOARD SHALL SUSPEND THE LICENSEE'S LICENSE FOR AT LEAST THREE YEARS.

SECTION 3. Effective date-applicability-self-executing. (1) This act takes effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, and applies to offenses committed on or after said date.

(2) The provisions of this initiative are self-executing.