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Colorado Guarantees “Fundamental Right” to Abortion Up to Birth

In preparation for a potential U.S. Supreme Court ruling that could overturn *Roe v. Wade*, Colorado Governor Jared Polis signed into law a bill creating a “fundamental right” to abortion, contraception, and other forms of so-called reproductive healthcare rights. The newest legislation explicitly denies any right to a pre-born child at any stage of its development. As a result, his life can be legally terminated up to the moment of birth. If a fully formed baby survives an abortion attempt, he can be legally denied life-saving medical care.



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“No matter what the Supreme Court does in the future, people in Colorado will be able to choose when and if they have children,” Polis [said](#) at the signing ceremony of the bill called [H.B. 22-1279](#), or the “Reproductive Health Equity Act.”

“We want to make sure that our state is a place where everyone can live and work and thrive and raise a family on their own terms,” he added.

According to the [bill’s summary](#), abortion is referred to as a person’s “fundamental right to make reproductive health-care decisions free from government interference.”

With the passage of the bill into law, it is illegal in Colorado to “deny, restrict, interfere with or discriminate against an individual’s fundamental right to use or refuse contraception or to continue a pregnancy and give birth or to have an abortion.”

How about the pre-born’s fundamental rights? He has none, says the Colorado law. Specifically, “a fertilized egg, embryo or fetus does not have independent or derivative rights under the laws of the state.”

The bill’s language suggests that a woman can abort her pre-born child until the very end of her pregnancy term. The law defines abortion as any instrument or procedure used on a pregnant woman “with an intention other than to increase the probability of a live birth.” Pregnancy, in the meantime, is a “human reproductive process, beginning with an implantation of an embryo.” While the law does not say it, it ends with a birth.

The bill says that it is illegal to

Depriv[e], through prosecution, punishment, or other means, an individual of the individual’s right to act or refrain from acting during the individual’s own pregnancy based on the potential, actual, or perceived impact on the pregnancy, the pregnancy’s



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outcomes, or on the pregnant individual's health.

In other words, the law prohibits medics from saving a child's life if he survives a late-term abortion, meaning they must simply let him die if the mother wishes so.

[According](#) to Live Action's Director of Government Affairs Noah Brandt, "Medical providers would listen to the mother's instructions[,] which could include not providing life-sustaining medical care to the child, which would lead to the child's death, which most reasonable people would consider infanticide."

The bill's text advertises abortion as an act that has many social, moral, and economic "benefits." Access to abortion allows all Coloradans, especially "disproportionately disadvantaged" people of color, to pursue personal, educational, financial, and familial goals, says the bill. The legal language suggests that children are an obstacle to getting an education, pursuing a career, and saving money.

The law further implies that access to abortion "helps decrease the health and socioeconomic disparities." In other words, more abortions, less racism. In a way, it makes a perverted sense in a "progressive" mind — the fewer babies of color are born, the fewer will experience injustices, be they real or perceived.

The new law states that it is intended to secure access to abortion while it is "under attack across the nation." It continues, "Impending federal court cases, including *Dobbs v. Jackson Women's Health Organization*, United States Supreme Court Docket No. 19-1392, jeopardize access to legal abortion care for tens of millions of people, particularly those living in most Southern and Midwestern states."

The said bill passed last month along party lines, "with Republicans spending hours arguing against the measure's passage," according to [The Colorado Sun](#).

The report added that because the bill only changes a state statute, not the state constitution, pro-life legislators could still introduce bills and ballot measures seeking to limit abortion access. "Only a constitutional amendment, which would require approval by 55% of voters, [could more permanently settle the question](#)," explained *The Sun*.

The U.S. Supreme Court is expected to rule in the case of *Dobbs v. Jackson Women's Health Organization* on a 15-week abortion ban in Mississippi as early as this May. If the nation's highest court decides in favor of the case, it will effectively overturn both *Roe v. Wade* and *Planned Parenthood v. Casey*, outlawing abortion performed after 15 weeks of gestation. States such as [Florida](#), [Arizona](#), and [Idaho](#) have already drafted similar pieces of legislation.

As reported by [The New American](#) in March, "at least 12 states have already enacted so-called trigger bans that will instantly prohibit abortion if the high court does indeed overturn *Roe* and/or returns the issue to the states to resolve" in preparation for a post-*Roe* America.

The Guttmacher Institute, a pro-abortion advocacy and research group, predicts that as many as 26 states are expected to ban or "severely restrict" "the procedure," as quoted by [Pew Research Center](#).

At the same time, some Democrat-run states are working to expand access to abortion. According to Pew, abortion is legally protected in the District of Columbia and 15 states: California, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington, which "enshrine the right to abortion" in state law. Colorado has just joined the list, with New Mexico expected to do the same.



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