

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

**To:** Angela Eicher and Faye Barnhart

**From:** Legislative Council Staff and Office of Legislative Legal Services

**Date:** March 24, 2026

**Subject:** Proposed Initiative Measure 2025-2026 #285, Concerning Repealing the Limitation on the Rights of a Fertilized Egg, Embryo, or Fetus

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Legislative Council Staff and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council Staff and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Legislative Council Staff and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

This proposed initiative 2025-2026 #285 was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives 2025-2026 #283 and #284. The comments and questions raised in this memorandum do not include comments and questions that are addressed in the memoranda for proposed initiatives 2025-2026 #283 and #284 except as necessary to fully understand proposed initiative 2025-2026 #285. Comments and questions

addressed in those memoranda may also be relevant, and those questions and comments are considered part of this memorandum.

## **Purpose**

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be to repeal the provision of law stating that a fertilized egg, embryo, or fetus does not have independent or derived rights under the laws of Colorado.

## **Substantive Comments and Questions**

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of proposed initiative #285?
2. Colorado law sets various requirements for the use and implantation of fertilized eggs and embryos during in vitro fertilization. How does this proposed initiative impact those statutory requirements?
3. What is the intended impact of this proposed initiative on individuals who must utilize in vitro fertilization to have a child?

## **Technical Comments**

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as follows:

1. Each statutory section being amended, repealed, or added is preceded by a separate clause, referred to as the "amending clause," that explains how the law is being changed. Amending clauses are written in lowercase type and follow a specific format. For example, the amending clause for the proposed initiative should read:

**SECTION 1.** In Colorado Revised Statutes, 25-6-403, **repeal** (3) as follows:

2. Each section in the Colorado Revised Statutes has a headnote. Headnotes briefly describe the content of the section. The headnote for section 25-6-403, C.R.S., (which you may amend, add to, or remove language from as you see fit) should be added to the proposed initiative and appear in bold-face type as follows:

**25-6-403. Fundamental reproductive health-care rights.**

3. It is standard drafting practice to show language being removed from the Colorado Constitution or the Colorado Revised Statutes in stricken type, e.g., ~~stricken type~~.