

CHAPTER 27

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 26-1040

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also SENATOR(S) Cutter, Amabile, Ball, Benavidez, Danielson, Exum, Gonzales J., Jodeh, Kipp, Kolker, Lindstedt, Marchman, Mullica, Roberts, Snyder, Sullivan, Wallace, Weissman, Coleman.

AN ACT

CONCERNING THE STERILIZATION RIGHTS OF A PERSON WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 25.5-10-231 as follows:

25.5-10-231. Sterilization rights - legislative intent.

(1) ~~It is the intent of the general assembly that the procedures set forth in the following subsections be utilized when sterilization is being considered for the primary purpose of rendering the person incapable of reproduction.~~ CONSENT REQUIRED IN SUBSECTION (2) OF THIS SECTION APPLIES TO ANY PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHEN STERILIZATION IS BEING CONSIDERED FOR THE PRIMARY PURPOSE OF RENDERING THE PERSON INCAPABLE OF REPRODUCTION.

(2) ~~Any person with an intellectual and developmental disability over eighteen years of age who has given informed consent has the right to be sterilized, subject to the following:~~ A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHO HAS DECISION-MAKING CAPACITY SHALL NOT BE STERILIZED IN THE ABSENCE OF THE PERSON'S INFORMED CONSENT. A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHO LACKS DECISION-MAKING CAPACITY SHALL NOT BE STERILIZED IN THE ABSENCE OF THE PERSON'S INFORMED CONSENT EXCEPT IN CIRCUMSTANCES WHERE THE DECISION IS MADE IN ACCORDANCE WITH A PROCESS,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

REQUIREMENTS, OR LIMITATIONS SET FORTH IN ARTICLE 14 OF TITLE 15 OR ANY OTHER APPLICABLE LAW OR COURT ORDER.

~~(a) Prior to the procedure, competency to give informed consent and assurance that such consent is voluntarily and freely given shall be evaluated by the following:~~

~~(I) A psychiatrist, psychologist, or physician who does not provide services or supports to the person and who has consulted with and interviewed the person with an intellectual and developmental disability; and~~

~~(II) An intellectual and developmental disabilities professional who does not provide services or supports in which said person participates, and who has consulted with and interviewed the person with an intellectual and developmental disability.~~

~~(b) The professionals who conducted the evaluation pursuant to paragraph (a) of this subsection (2) shall consult with the physician who is to perform the operation concerning each professional's opinion in regard to the informed consent of the person requesting the sterilization.~~

~~(3) Any person with an intellectual and developmental disability whose capacity to give an informed consent is challenged by the intellectual and developmental disabilities professional or the physician may file a petition with the court to declare competency to give consent pursuant to the procedures set forth in section 25.5-10-232.~~

~~(4) No person with an intellectual and developmental disability who is over eighteen years of age and has the capacity to participate in the decision-making process regarding sterilization shall be sterilized in the absence of the person's informed consent. No minor may be sterilized without a court order pursuant to section 25.5-10-233.~~

~~(5) Sterilization conducted pursuant to this section shall be legal. Consent given by any person pursuant to subsection (2) of this section is not revocable after sterilization, and no person shall be liable for acting pursuant to such consent.~~

SECTION 2. In Colorado Revised Statutes, 25.5-10-220, **amend** (9) as follows:

25.5-10-220. Right to medical care and treatment.

(9) ~~No~~ A person receiving services ~~may~~ **MUST NOT** have any organs removed for the purpose of transplantation without the ~~PERSON'S~~ **PERSON'S** consent ~~of such person~~; if the person is over eighteen years ~~of age~~ **OLD** and is able to give ~~such~~ consent. ~~If the person's ability to give consent to the medical procedure is challenged by the physician, the same procedures as those set forth in section 25.5-10-232 shall be followed.~~ Consent for the removal of organs for transplantation may be given by the parents of a person receiving services, if the person is under eighteen years ~~of age~~ **OLD**, or by the person's legal guardian. ~~Such~~ **A PARENT'S OR LEGAL GUARDIAN'S** consent may be given only after consultation with the interdisciplinary team and an intellectual and developmental disabilities professional not affiliated with the facility or community residential home in which the person receiving services resides.

However, ~~no~~ A person receiving services of any age ~~may~~ SHALL NOT be a donor of an organ if the person implicitly or expressly objects to ~~such~~ THE procedure.

SECTION 3. In Colorado Revised Statutes, **repeal** 25.5-10-232, 25.5-10-233, and 25.5-10-234.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 27, 2026