



D 2022 032

EXECUTIVE ORDER

Directing State Agencies to Protect Access to Reproductive Health Care in Colorado

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order directing State agencies to protect access to reproductive health care in Colorado.

I. Background and Purpose

All people in Colorado have the right to make personal choices about their reproductive health care. The recent United States Supreme Court decision in *Dobbs v. Jackson Women's Health Organization* does not alter or negatively impact anyone's rights under Colorado law.

In 1973, the United States Supreme Court decided *Roe v. Wade*, a landmark case in American history that held the U.S. Constitution protects a pregnant person's right to choose to have an abortion. This case was affirmed in 1992 by *Planned Parenthood of Southeastern Pennsylvania v. Casey*, where the Supreme Court held that a legal restriction on abortion could not pose an undue burden on the constitutional right to abortion.

On June 24, 2022, the Supreme Court issued its decision in *Dobbs*, reversing almost 50 years of precedent by overturning *Roe* and *Casey* and holding that the U.S. Constitution does not confer a right to abortion. This decision strips away freedoms granted to millions of Americans and endangers the rights and health of future generations.

Colorado was the first state to remove criminal penalties for terminating pregnancies, with Republican Governor John Love signing the law overturning a prior abortion ban in 1967. This past April, continuing Colorado's legacy of safeguarding fundamental personal healthcare decisions, I signed the Reproductive Health Equity Act, House Bill 22-1279, which codifies protections in State law to ensure that choice remains legal in Colorado.

In the wake of the wrong and misguided decision in *Dobbs*, numerous states have moved and will move to ban abortion outright, and many other states already have "trigger laws" that will ban abortion within 30 days of the *Dobbs* decision. This impending loss of freedom for people around the country poses a threat to the people of Colorado to the extent that other states may seek to infringe on essential rights protected by Colorado law, and impose criminal penalties or civil liability for conduct that is now outlawed in other states, but remains legal in Colorado.

Colorado is experiencing a workforce shortage in many professions, and disqualifying people because they were prosecuted for taking actions in other states that are fully legal under Colorado law would hurt our economy and our State.

Colorado is committed to protecting access to reproductive health care. No one who is lawfully providing, assisting, seeking, or obtaining reproductive health care in Colorado should be subject to legal liability or professional sanctions in Colorado or any other state, nor will Colorado cooperate with criminal or civil investigations for actions that are fully legal in our State. This Executive Order ensures that all Coloradans are afforded protections and rights under Colorado law and directs state agencies and departments managed by Governor-appointed executives to protect access to reproductive health care in Colorado within their authority under the law.

II. Declarations and Directives

- A. All state agencies and principal departments shall not, unless pursuant to a court order, provide information or data, including patient medical records, patient-level data, or related billing information, or expend time, money, facilities, property, equipment, personnel, or other resources to assist or further any investigation or proceeding initiated in or by another state that seeks to impose criminal or civil liability or professional sanction upon a person or entity for conduct that would be legal in Colorado related to providing, assisting, seeking, or obtaining reproductive health care. This limitation does not apply to any investigation or proceeding in which the conduct that is subject to potential liability under the investigation or proceeding would be subject to civil or criminal liability or professional sanction under Colorado law if committed in Colorado. Notwithstanding the general prohibition of this section, agencies and departments may provide information or assistance in connection with such an investigation or proceeding in response to a written request from the subject of such an investigation or proceeding.
- B. All state agencies and principal departments shall, to the full extent of their lawful authority, pursue opportunities and coordinate with each other to protect people and entities who are providing, assisting, seeking, or obtaining reproductive health care in Colorado.
- C. I direct the Department of Regulatory Agencies (DORA) to work with all programs and boards of professional licensure operating under its purview to promulgate and issue necessary rules that will ensure that no person shall be subject to disciplinary action against a professional license or disqualified from professional licensure for providing or assisting in the provision of reproductive health care or as a consequence of any civil or criminal judgment, discipline, or

other sanction threatened or imposed under the laws of another state so long as the care as provided is lawful and consistent with professional conduct and standards of care within the State of Colorado. DORA shall report to me on the measures implemented by all programs and boards under DORA purview within ninety (90) days of the date of this Executive Order.

- D. I will exercise the full extent of my discretion to decline requests for the arrest, surrender, or extradition of any person charged with a criminal violation of a law of another state where the violation alleged involves the provision of, assistance with, securing of, or receipt of reproductive health care, unless the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under Colorado law.
- E. For the purposes of this Executive Order, the following definitions apply:
- i. “Reproductive health care” shall have the same meaning as in C.R.S. § 25-6-402(4).
 - ii. “Agencies and principal departments” means state agencies and principal departments under the authority of the Governor and includes employees, appointees, officers, or other people acting on behalf of a state agency or principal department.

III. Duration

This Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this sixth
day of July 2022.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis
Governor