

**Second Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. R02-1148.01 Debbie Haskins

HR02-1015

---

**HOUSE SPONSORSHIP**

**Sanchez**

---

**House Committees**

Health, Environment, Welfare, &  
Institutions

---

**HOUSE RESOLUTION 02-1015**

101     **CONCERNING THE RESTORATION OF FUNDING FOR STATE FAMILY**  
102             **PLANNING SERVICES.**

---

1             WHEREAS, Planned Parenthood of the Rocky Mountains has  
2 provided state family planning services in full compliance with the  
3 Colorado constitution for many years through a contract with the state  
4 Department of Public Health and Environment; and

5             WHEREAS, Approximately thirteen thousand low-income women  
6 rely on government-funded family planning services provided by Planned  
7 Parenthood of the Rocky Mountains consisting of family planning,  
8 gynecological examinations, basic lab tests and screening tests for high  
9 blood pressure, anemia, breast and cervical cancer, sexually transmitted  
10 diseases and HIV, pregnancy testing, and sterilization services; and

11            WHEREAS, Colorado ranks 20<sup>th</sup> in the nation in the provision of  
12 contraceptive services to women in need, serving only 47% of those  
13 needing care; and

14            WHEREAS, Nearly half of all pregnancies in Colorado are  
15 unintended and almost 40% of women who gave birth in our state said  
16 their pregnancies were either mis-timed or unwanted; and

17            WHEREAS, Contraceptive services in Colorado help avert  
18 thirty-two thousand unintended pregnancies each year; and

**Shading denotes HOUSE amendment.** Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

1           WHEREAS, In some rural and mountainous areas of the state,  
2 Planned Parenthood of the Rocky Mountains is the only provider of such  
3 services in that community or is the closest provider for miles; and

4           WHEREAS, Article V, Section 50 of the Colorado Constitution  
5 provides that public funds shall not be used by the state to pay or  
6 otherwise reimburse, directly or indirectly, any person or agency for the  
7 performance of any induced abortion; and

8           WHEREAS, Planned Parenthood of the Rocky Mountains has  
9 provided family planning services for many years following a segregation  
10 policy established by the Department of Public Health and Environment  
11 that required a facility performing induced abortions to segregate public  
12 funds; and

13           WHEREAS, In a 1998 audit, the State Auditor's Office found that  
14 the segregation policy followed by Planned Parenthood of the Rocky  
15 Mountains complied with the state constitutional prohibition and that  
16 none of the clinics used state or federal funds to perform terminations of  
17 pregnancies or were located in the same facilities; and

18           WHEREAS, In 1999, the Department of Public Health and  
19 Environment issued a new interpretation of the constitutional requirement  
20 by providing that any facility that is affiliated with a facility that performs  
21 induced abortions must show certain indicators of independence from the  
22 facility that performs induced abortions, including separate incorporation,  
23 separate facilities, and separate financial records; and

24           WHEREAS, Planned Parenthood of the Rocky Mountains took  
25 great steps to follow this new affiliation requirement by forming a  
26 separate corporation, Planned Parenthood Services Corporation, to which  
27 it gave sole responsibility for performing induced abortions; and

28           WHEREAS, After separately incorporating, Planned Parenthood  
29 of the Rocky Mountains was awarded a contract to provide valuable  
30 family planning services in this state; and

31           WHEREAS, In the summer of 2001, the Department of Public  
32 Health and Environment contracted with an outside accounting firm to  
33 conduct a review of Planned Parenthood of the Rocky Mountains; and

34           WHEREAS, Based upon such review and an unusually strict  
35 interpretation of the affiliation requirement, the Department of Public  
36 Health and Environment has now arbitrarily refused to contract with  
37 Planned Parenthood of the Rocky Mountains for state family planning  
38 services, thus jeopardizing the health of low-income women and causing  
39 them to have to drive long distances to receive family planning services,  
40 pay fees for such services, or go without such services; and

41           WHEREAS, The review questioned the amount of rent charged to  
42 Planned Parenthood Services Corporation; and

43           WHEREAS, Planned Parenthood of the Rocky Mountains leased  
44 space in conformity with the requirements of a nonprofit organization to

1 maintain its property tax exemption; and

2 WHEREAS, The Office of the State Auditor reviewed the issues  
3 associated with the Department of Public Health and Environment's  
4 decision to not contract for state-funded family planning services with  
5 Planned Parenthood of the Rocky Mountains and presented four  
6 recommendations to the Legislative Audit Committee on April 10, 2002;  
7 now, therefore,

8 *Be It Resolved by the House of Representatives of the Sixty-third*  
9 *General Assembly of the State of Colorado:*

10 (1) That the House of Representatives requests the Department of  
11 Public Health and Environment to support Recommendation Number 1  
12 from the Office of the State Auditor that legislation should be proposed  
13 to clarify the constitutional provision which prohibits the public funding  
14 of abortions by defining what it means to indirectly reimburse or  
15 subsidize abortion activities and by establishing the criteria that would  
16 demonstrate sufficient independence to ensure state dollars are not used  
17 to indirectly fund abortions;

18 (2) That, in response to Recommendation Number 2 of the Office  
19 of the State Auditor, the House of Representatives requests the State  
20 Board of Health to adopt rules establishing eligibility criteria for state  
21 family planning funds once legislation is enacted to give the State Board  
22 of Health the statutory authority to adopt rules;

23 (3) That, in response to Recommendation Number 3 of the Office  
24 of the State Auditor, the House of Representatives recommends the  
25 Department of Public Health and Environment evaluate the rent charged  
26 by a nonprofit organization bidding to provide state family planning  
27 services based upon cost rather than fair market value;

28 (4) That, in response to Recommendation Number 4 of the Office  
29 of the State Auditor, the House of Representatives requests the  
30 Department of Public Health and Environment to make efforts to ensure  
31 that the compliance reviews coincide with the annual independent audit  
32 as required by the family planning contract; and

33 (5) That once the steps outlined in this resolution are completed,  
34 the Department of Public Health and Environment restore the eligibility  
35 of Planned Parenthood of the Rocky Mountains as a provider of  
36 state-funded family planning services without unnecessary regulations  
37 and with adequate funding.