



**Colorado
Legislative
Council
Staff**

HB16-1146

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0028
Prime Sponsor(s): Rep. Landgraf; Sias

Date: June 2, 2016
Bill Status: Postponed Indefinitely
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BILL TOPIC: BORN ALIVE INFANT PROTECTION ACT

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Potential increase.	
Appropriation Required: None.		
Future Year Impacts: Potential state expenditure increase.		

NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

This bill defines the term "born alive" as any human being completely expelled or extracted from its mother, at any stage of development, that has a beating heart, a pulsation of the umbilical cord, or movement of its voluntary muscles, regardless of whether or not the umbilical cord has been cut or the expulsion or extraction resulted from labor, cesarean section, or induced abortion. The bill includes within the definitions of "child," "human being," "individual," and "person" any human infant born alive at any stage of development.

Background

The federal Born-Alive Infants Protection Act of 2002 extends legal protection to an infant born alive after a birth, cesarean section, or induced abortion. Under current law in Colorado, a newborn infant is considered a person.

State Expenditures

To the extent that individuals challenge state laws concerning the interpretation of the born alive definition, workload and legal service costs may increase for state agencies. The courts may have additional workload to hear any cases arising from these actions. While the fiscal note is unable to estimate how many potential cases could be brought concerning these matters or predict

their outcome, it is assumed that the courts and state agencies can continue to operate within existing appropriations. Any costs, if they occur, will be addressed through the annual budget process.

Local Government Impact

Similar to the State Expenditure section above, local governments may potentially be challenged in court regarding the interpretation and application of the born alive definition. This may potentially increase workload and legal service costs. Overall, the fiscal impact of this measure on local governments is assumed to be minimal.

Effective Date

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on February 29, 2016.

State and Local Government Contacts

District Attorneys
Counties
Higher Education
Office of Information Technology

Cities
Health Care Policy and Financing
Judicial
Public Health & Environment