

**NOTE: The governor signed this measure on 5/22/2014.**

# An Act

HOUSE BILL 14-1372

BY REPRESENTATIVE(S) Conti and McCann, Duran, Fields, Ginal, Hullinghorst, Kagan, Labuda, Lawrence, Melton, Pabon, Primavera, Saine, Schafer, Singer, Tyler, Williams, Young, Ferrandino;  
also SENATOR(S) Marble, Newell, Aguilar, Kefalas, Nicholson, Rivera.

CONCERNING UNAUTHORIZED ADVERTISING FOR ADOPTION PURPOSES.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 19-5-213.5 as follows:

**19-5-213.5. Unauthorized advertising for adoption purposes - exceptions - penalty - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADVERTISE THROUGH A PUBLIC MEDIUM" MEANS TO COMMUNICATE BY ANY PUBLIC MEDIUM, INCLUDING BY NEWSPAPER, PERIODICAL, TELEPHONE BOOK LISTING, OUTDOOR ADVERTISING SIGN, RADIO, OR TELEVISION OR BY COMPUTERIZED COMMUNICATION SYSTEM, WHICH INCLUDES AN INTERNET SITE, AN INTERNET PROFILE, OR ANY SIMILAR MEDIUM OF COMMUNICATION PROVIDED VIA THE INTERNET. "ADVERTISING THROUGH A PUBLIC MEDIUM" DOES NOT INCLUDE COMMUNICATING

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

THROUGH PERSONAL OR WORK ELECTRONIC MAIL, TEXT, OR TELEPHONE.

(b) "ANOTHER JURISDICTION" MEANS THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES, AN INDIAN TRIBE, OR A STATE OF THE UNITED STATES OTHER THAN COLORADO.

(c) "CHILD" MEANS A PERSON LESS THAN EIGHTEEN YEARS OF AGE.

(2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, IT IS UNLAWFUL TO ADVERTISE THROUGH A PUBLIC MEDIUM FOR ONE OF THE FOLLOWING PURPOSES:

(a) TO FIND A CHILD TO ADOPT OR TO OTHERWISE TAKE PERMANENT PHYSICAL CUSTODY OF A CHILD;

(b) TO FIND AN ADOPTIVE HOME OR ANY OTHER PERMANENT PHYSICAL PLACEMENT FOR A CHILD OR TO ARRANGE FOR OR ASSIST IN THE ADOPTION, ADOPTIVE PLACEMENT, OR ANY OTHER PERMANENT PHYSICAL PLACEMENT OF A CHILD; OR

(c) TO OFFER TO PLACE A CHILD FOR ADOPTION OR IN ANY OTHER PERMANENT PHYSICAL PLACEMENT WITH ANOTHER PERSON.

(3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO:

(a) AN EMPLOYEE OF THE STATE DEPARTMENT OF HUMAN SERVICES, A COUNTY DEPARTMENT OF SOCIAL SERVICES, OR A CHILD PLACEMENT AGENCY THAT IS LICENSED PURSUANT TO PART 1 OF ARTICLE 6 OF TITLE 26, C.R.S., WHO IS ACTING WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT TO PLACE A CHILD FOR ADOPTION OR IN FOSTER CARE;

(b) AN INDIVIDUAL OR AGENCY THAT PROVIDES ADOPTION INFORMATION THROUGH THE STATEWIDE ADOPTION RESOURCE REGISTRY AS PROVIDED IN SECTION 26-1-111 (4), C.R.S.;

(c) AN ADOPTION EXCHANGE WHOSE MEMBERSHIP INCLUDES COUNTY DEPARTMENTS AND LICENSED CHILD PLACEMENT AGENCIES THAT PROVIDE INFORMATION AND REFERRAL SERVICES TO FIND ADOPTIVE HOMES AND TO PROMOTE ADOPTION;

(d) AN INDIVIDUAL WHO CONTACTS AND HAS ENTERED INTO AN AGREEMENT WITH OR IS ACTIVELY WORKING WITH ANY OF THE AGENCIES OR ENTITIES DESCRIBED IN PARAGRAPH (a), (b), OR (c) OF THIS SUBSECTION (3) TO PLACE HIS OR HER CHILD FOR ADOPTION;

(e) A PERSON WHO ADVERTISES FERTILITY-RELATED SERVICES;

(f) AN INDIVIDUAL WHO HAS RECEIVED A FAVORABLE RECOMMENDATION REGARDING HIS OR HER FITNESS TO BE AN ADOPTIVE PARENT IN THIS STATE FROM THE STATE DEPARTMENT OF HUMAN SERVICES, A COUNTY DEPARTMENT OF SOCIAL SERVICES, OR A CHILD PLACEMENT AGENCY LICENSED IN THIS STATE OR IN ANOTHER JURISDICTION FROM AN ENTITY AUTHORIZED BY THAT JURISDICTION TO CONDUCT STUDIES OF POTENTIAL ADOPTIVE HOMES; OR

(g) AN ATTORNEY WHO IS LICENSED TO PRACTICE IN COLORADO WHO ADVERTISES HIS OR HER AVAILABILITY TO PRACTICE OR PROVIDE SERVICES RELATING TO THE ADOPTION OF CHILDREN.

(4) UNAUTHORIZED ADVERTISING OF A CHILD, AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, IS A CLASS 6 FELONY.

**SECTION 2. Effective date - applicability.** This act takes effect July 1, 2014, and applies to acts or offenses committed on or after said date.

**SECTION 3. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO