



SUMMARY

A constitutional amendment has been proposed for the 2008 ballot that would extend certain rights to fertilized eggs. Proponents of the initiative have been clear that their intent is to establish a mechanism to prohibit abortion by granting certain legal rights from the moment of fertilization. Changing Colorado's constitution to grant fertilized eggs the same rights as people could have far-reaching consequences beyond banning abortion, including prohibiting use of the most effective forms of birth control, restricting in-vitro fertilization, curbing embryonic stem cell research. NARAL Pro-Choice Colorado is working with legal experts to assess the full consequences of considering fertilized eggs "people" for purposes legal entitlement, including the impact on provision and regulation of age-based rights and benefits.

WHAT THE INITIATIVE SAYS

Title
An amendment to the Colorado constitution defining the term "person" to include any human being from the moment of fertilization as "person" is used in those provisions of the Colorado constitution relating to inalienable rights, equality of justice, and due process of law.¹

Language of the Initiative
Section 1. Article II of the constitution of the state of Colorado is amended by the addition of a new section to read: Section 31: Person defined. As used in sections 3, 6, and 25 of Article II of the state constitution, the terms "person" or "persons" shall include any human being from the moment of fertilization.²

Effect of Change
Substituting the language as proposed in this initiative, the rights defined in Colorado's constitution would be as follows:

Article II, Section 3. Inalienable Rights. All persons, including any human beings from the moment of fertilization, have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.³

Article II, Section 6. Equality of Justice. Courts of justice shall be open to every person, including any human being from the moment of fertilization, and a speedy remedy afforded for every injury to person, including any human being from the moment of fertilization, property or character; and right and justice should be administered without sale, denial or delay.⁴

Article II, Section 25. Due Process of Law. No person, including any human being from the moment of fertilization, shall be deprived of life, liberty or property, without due process of law.⁵

¹ "Title Board Hearing Results Proposed Initiatives 2007-2008 #36". Colorado Secretary of State. Accessed at: http://www.elections.colorado.gov/WWW/default/Initiatives/Title%20Board%20Filings/2007-2008%20Filings/Results/results_36.pdf.

² "Proposed Initiative 2007-2008 #36 Final Text." Colorado Secretary of State. Accessed at: http://www.elections.colorado.gov/WWW/default/Initiatives/Title%20Board%20Filings/2007-2008%20Filings/Final%20Text/final_text_36.PDF

³ Article II, Section 3 of the Colorado Constitution. Accessed at: http://198.187.128.12/colorado/lpext.dll/Infobase2/11/8d/d5?f=templates&fn=document-frame.htm&2.0#JD_cocartii-3.

⁴ Article II, Section 6 of the Colorado Constitution. Accessed at: http://198.187.128.12/colorado/lpext.dll/Infobase2/11/8d/164?f=templates&fn=document-frame.htm&2.0#JD_cocartii-6.

⁵ Article II, Section 25 of the Colorado Constitution. Accessed at: http://198.187.128.12/colorado/lpext.dll/Infobase2/11/8d/10d1?f=templates&fn=document-frame.htm&2.0#JD_cocartii-25.