

2023-24 #103 – Final Text

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Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 19-1-132 as follows:

19-1-132. Parental rights - legislative declaration - definitions.

(1) Short Title. THE SHORT TITLE OF THIS INITIATIVE IS “ THE PARENTAL RIGHTS ACT.”

(2) Declaration. PARENTS HAVE THE FUNDAMENTAL AND INALIENABLE RIGHT TO DIRECT THE UPBRINGING OF THEIR CHILDREN.

(3) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) “CHILD” MEANS A PERSON LESS THAN 18 YEARS OF AGE WHO HAS NOT BEEN EMANCIPATED;

(b) “GENDER INCONGRUENCE” MEANS A DIFFERENCE BETWEEN A CHILD’S BIOLOGICAL SEX AND THE CHILD’S PERCEIVED OR DESIRED GENDER;

(c) “PARENT” MEANS A PERSON WHO HAS LEGAL CUSTODY OF A CHILD, INCLUDING A NATURAL PARENT, ADOPTIVE PARENT, OR LEGAL GUARDIAN.

(4) Parental bill of rights. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY IN THE STATE OF COLORADO A PARENT HAS THE RIGHT:

(a) TO DIRECT THE EDUCATION AND CARE OF HIS OR HER CHILD;

(b) TO DIRECT THE UPBRINGING, INCLUDING THE MORAL AND RELIGIOUS TRAINING OF HIS OR HER CHILD;

(c) TO ENROLL HIS OR HER CHILD IN A PUBLIC OR NONPUBLIC SCHOOL OR HOME-BASED EDUCATION PROGRAM AND IN ANY SCHOOL CHOICE OPTIONS AVAILABLE TO THE PARENT FOR WHICH THE CHILD IS OTHERWISE ELIGIBLE BY LAW IN ORDER TO COMPLY WITH COMPULSORY ATTENDANCE LAWS;

(d) TO ACCESS AND REVIEW ALL EDUCATION RECORDS RELATING TO HIS OR HER CHILD;

(e) TO MAKE MENTAL AND MEDICAL HEALTH CARE DECISIONS FOR HIS OR HER CHILD;

(f) TO ACCESS AND REVIEW ALL MENTAL AND MEDICAL HEALTH RECORDS OF HIS OR HER CHILD UNLESS LIMITED BY A COURT ORDER.

(5) Parent legal rights for their child's education. PARENTS HAVE LEGAL RIGHTS WITH REGARDS TO THEIR CHILD'S EDUCATION, INCLUDING THE FOLLOWING:

(a) THE RIGHT TO OPT OUT OF DATA COLLECTION FOR THEIR CHILD;

(b) THE RIGHT TO OPT OUT OF STUDENT INFORMATION SURVEYS;

(c) THE RIGHT TO REVIEW ALL RECORDS OF MATERIALS THEIR CHILD HAS BORROWED FROM A SCHOOL LIBRARY OR ACCESSED IN THE CLASSROOM;

(d) THE RIGHT TO ACCESS THEIR CHILD'S EDUCATIONAL RECORDS AND HEALTH RECORDS AND TO BE PROMPTLY NOTIFIED OF CHANGES IN THEIR CHILD'S SERVICES;

(e) THE RIGHT TO BE PROMPTLY NOTIFIED IF THEIR CHILD IS EXPERIENCING “GENDER INCONGRUENCE.”

(6) Parental consent for mental and medical health treatment. EXCEPT AS DIRECTED BY A COURT ORDER A MENTAL OR MEDICAL HEALTH CARE PROVIDER, PRACTITIONER OR FACILITY SHALL NOT PROVIDE, SOLICIT, OR ARRANGE TREATMENT FOR A MINOR CHILD WITHOUT FIRST CONSULTING WITH AND OBTAINING SPECIFIC WRITTEN OR DOCUMENTED CONSENT FROM THAT MINOR CHILD'S PARENT.

SECTION 2. Severability. If any provision of this initiative or the application thereof to any person or circumstance is held invalid, that invalidity does not affect other provisions or applications of this initiative that can be given effect without the invalid provision or application, and to this end the provisions of this initiative are declared to be severable.

SECTION 3. Effective date - applicability. This measure shall be effective on and after the date it is declared by proclamation of the governor to have been adopted by the registered electors of the state and shall apply to instances occurring on or after the effective date.