

2023-2024 #115
Final Technical Correction

The single subject is Parental Authority

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 SECTION 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 UPBRINGING, INCLUDING THE EDUCATION, MORAL AND RELIGIOUS TRAINING, AND CARE OF HIS OR HER CHILD;

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

(c) 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 REGARD TO THEIR CHILD'S EDUCATION, INCLUDING THE FOLLOWING:

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

(b) THE RIGHT TO ACCESS ALL OF THEIR CHILD'S EDUCATIONAL RECORDS AND HEALTH RECORDS;

(c) THE RIGHT TO BE PROMPTLY NOTIFIED BY THE SCHOOL 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.

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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.