Week in Review 06: Feb 27 – Mar 8 / 2023

***Newsworthy Items from Under the Dome***

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The bills described below can be linked to via the website of the state legislature; the link to all bills is located near the bottom of the home page under the label “House Status Sheet” (https://leg.colorado.gov). For those of you who might wish to contact legislators, you can find their contact information under the tab “Legislators” in the upper third of the same home page. While you’ll likely want to contact your own representative first, all of them have the label “state representative” and thus would profit from your input, should you wish to give it.

On Friday, March 1st House Democrats passed two contentious bills on Third Reading (meaning the bill will now move to the Senate for consideration). The first was **HB24-1039** (re ‘non-legal name changes for students in schools’), a bill that’s been commented on at length in prior versions of the WIR. The second was **HB24- 1071** (re ‘name change to conform to gender identity’). Since then, several non-contentious bills have passed, and it’s worth noting that your elected representatives often pass legislation that leads to more efficient governance and, sometimes, the protection or advance of constitutional rights. But too often that’s not the case, as you’ll see below.

* On Friday, March 8th the House as a whole heard HB24-1174 (re ‘Concerning permits to carry a concealed handgun, and, in connection therewith, establishing standards for concealed handgun training classes’).

# Background

* + - The bill creates several new regulatory hoops through which someone wanting a concealed carry permit must jump – meanwhile, there is ZERO evidence that concealed carry permit holders are committing crimes or using their weapons irresponsibly. So why is this bill being proposed?
    - Over the past several years Colorado Democrats have passed a bevy of gun legislation, all designed – so we were told – to “save lives”.
    - From 2018 (the year before Governor Polis took office) to 2023, Colorado’s population has increase ~0.6% per year.1
    - Meanwhile, in all but one year (2023) the total number of violent crimes has increased year- over-year along with the number of firearms offenses and murder. For example, murders went from 231 in 2019 to 387 in 2022 – an increase of 68%.
    - Firearms offenses increase from 6,180 in 2019 to 9,905 in 2023 – a 60% jump!
    - Among these ‘life-saving’ firearms bills were:

 **HB21-1106 (‘Safe storage of firearms’).** Perhaps better titled ‘safe storage for armed intruders’, HB 1106 imposes confusing and nearly unenforceable rules on gun owners when it comes to storing firearms and protecting their families. The bill will arguably make it harder to obey the law and protect your family at the same time – and timely protection is often needed (denver.cbslocal.com/2021/06/13/douglas-county-home-shooting-stan-collins/).

 **HB21-1298 (‘Expand firearm transfer background check’).** But HB21-1298 disallows a transfer until a dealer receives explicit approval to do so from the Colorado Bureau of Investigation (CBI); the problem occurs should a bureaucrat decide to ‘slow walk’ an application (prior law mitigated for this). The bill also adds a slate of misdemeanors to the offenses that will make gun purchases illegal for certain people.

 **SB21-256 (‘Local regulation of firearms’)**. Under the guise of ‘local control’ the bill allows a local government to enact rules or regulations to prohibit the sale, purchase, transfer, or possession of a firearm, ammunition, or firearm component or accessory that is already lawful under existing state or federal law. But this ‘local control’ goes only one way – a local government cannot enact a law that is *less restrictive* than state law under SB 256. The bill creates a patchwork of gun laws in the state, varying by county or municipality. Colorado has 64 counties and 271 municipalities, making it virtually impossible for a lawful gun owner to know if they are in compliance with gun laws when traveling around the state. Laws are supposed to bring clarity, not confusion.

This bill operates on the demonstrably flawed premise that restricting the ability of individuals to lawfully carry a concealed handgun will make communities safer. In fact, the research suggests that the opposite is true. Between 1997 and 2004, 15 studies reviewed by the RAND

1 That’s ~180,000 over 5 years; see: https://[www.macrotrends.net/global-metrics/states/colorado/population.](http://www.macrotrends.net/global-metrics/states/colorado/population)

Corporation found that “shall-issue” concealed carry laws resulted in decreased violent crime in the communities in question.2

 **HB21-1299 (‘Office of gun violence prevention’)**. HB 1299 is built on the false premise that ‘guns are violent’ – the fact is, we all know better: guns in the hand of a criminal are scary and dangerous; but in the arms of police or law-abiding citizens, guns are often used protect innocent life. The bill provides funding to anti-gun organizations to further their ambitions to disarm people; time will tell – but the story it’s telling so far is that Democrats fundamentally misjudge human nature, personal motivations and the data when it comes to ‘gun control’ – because of this, they are willing to trade liberty and guaranteed individual rights for false assurances of a better world in defiance of common sense and real world experiences.

 **HB23-1230 (‘Prohibit assault weapons in Colorado’)**. House Bill 1230 defined an ‘assault weapon’ as virtually any semi-auto rifle, pistol, or shotgun. The attempt to ban the most popular guns in Colorado – guns used for self-protection, hunting, and recreational shooting – demonstrates how far Progressives are prepared to go to strip law-abiding citizens of basic constitutional rights. We spend a lot of time in American talking about those killed by criminals using firearms – but are their lives any more valuable than the thousands who do not become victims precisely because they use a gun to defend themselves? What would happen were they to lose that tool for self-defense?

 **SB23-170 (‘Extreme Risk Protection Orders’).** Often known as ‘Red Flag laws’, Extreme Risk Protection Orders in Colorado were allegedly designed to keep guns away from the mentally ill who pose a risk to themselves or others. Senate Bill 170 radically expands the kinds of people that are authorized to fill petitions for ERPOs. To provide a very short list, now K-12 teachers, nurses, counselors, and administrators along with social workers, marriage therapists, doctors, nurses, roommates and a host of others are eligible to file – what will happen when activists in these professions begin to interview your children to find out whether or not you are ‘dangerous’?

 **SB23-169 (‘Increase minimum age to purchase firearm’)**. This bill prevents the sale and possession of firearms to those younger than 21 in Colorado, with exceptions for serving police and military personnel on the theory that the bill will save lives.

 **SB23-168 (‘Gun violence victim access to judicial’)**. The bill is very unusual in that it broadens substantially the definition of those who are part of the ‘firearm industry’ and then fails to spell out clearly under what circumstances they can be sued when someone is hurt or killed by a person using a firearm in the commission of a crime. The bill targets small companies and those with incidental connections to the firearms industry (e.g., those that make holsters, gunpowder for reloading, etc.).

# The Bill

The bill was heavily amended from its introduced version; in short it requires 8 hours of training by a certified firearms instructor, a written and shooting test, and regular refresher courses in order to obtain and keep a concealed permit.

# The Upside / Downside

Here’s the thing: virtually everyone involved in the debate agrees that education and training are desirable for anyone that wants a concealed carry permit – the problem is, all this training, certification, and expense amount to an infringement on the Second Amendment right to keep and bear arms. Because of this, opponents of the bill argue that the bill is unconstitutional. But that didn’t stop the Majority from passing it on Second Reading.

* On Tuesday, March 5th the House Health and Human Services Committee heard HB24-1106 (re ‘Require information about abortion bill reversal’). You would have had to be immune to hypocrisy and deceit to sit through this spectacle; as it happens, years in the legislature have provided a thin veneer of callousness to me so that I can report on this disgusting and dark committee hearing.

# Background

* + - Over the past 3 years Colorado has become the abortion Mecca for the nation; there is no abortion too grisly for House Democrats to find objectionable.
    - But you will almost never hear them talk about ‘abortion’; instead, they talk about ‘reproductive health care’ and ‘reproductive rights’, a rhetorical trick that should be unsurprising to everyone who understands that Planned Parenthood is a major donor to the Democrat Party in Colorado.

2 RAND is no great friend of the Second Amendment, yet their extensive review of academic literature provides “inconclusive” evidence on the effect of ‘shall issue’ concealed carry laws in various states (at: https://[www.rand.org/research/gun-policy/analysis/concealed-carry/violent-crime.html).](http://www.rand.org/research/gun-policy/analysis/concealed-carry/violent-crime.html))

* + - **HB22-1279** made abortion legal in Colorado up to the moment of a live birth for any reason whatsoever, and specifically denied any human rights to the child born alive in the midst of a failed abortion.
    - **SB23-188**, **189**, and **190** extended these ‘reproductive rights’ to minors seeking puberty blockers and life-altering surgeries, free of charge, and free from parental notification.
    - Medication (abortion pill) abortions represent approximately 70% of Colorado abortions.
    - Abortionists are increasingly using Telehealth and other virtual technology to prescribe the sequenced two-drug abortion regimen. The second medication is taken 6-48 hours after the first.
    - The chemical abortion can be stopped with progesterone (a medication proven to be safe and effective when used to save threatened pregnancies and in conjunction with IVF) if it is given prior to the administration of the second dose.
    - Not infrequently, after an initial dose of abortion-inducing medication a mother changes her mind and desperately wants to save her baby – witnesses and research data spoke to the very real sense of regret that many women feel after taking the first dose of the abortifacient, and their desire to stop the abortion if possible.
    - In the past week, the Walgreens and CVC pharmacy chains have announced plans to offer abortion-inducing drugs for over-the-counter sale (you know, like ibuprofen) beginning in March 2024 (this month).3

# The Bill

* + - HB 1106 would have required clinicians to provide information, prepared by the Department of Public Health and Environment (CDPHE), concerning abortion pill reversal to any woman seeking an abortion through the use of an abortion-inducing drug. The information was to be provided 24 hours before the clinician prescribed or administered the abortion-inducing drug or induced the abortion.
    - Under the bill, civil penalties, a deceptive trade practice, and professional disciplinary action could be levied or taken against any clinician who failed to provide the required information concerning abortion pill reversal.
    - During the committee hearing, several opponents of the bill objected to the 24-hour waiting period, noting that in this context ‘time is of the essence’ because (i) the later the abortion the more likely there are to be physical complications, (ii) women must often take time off from work to visit a physician and doing it, potentially twice, would cost them earnings they could ill-afford to lose, (iii) women outside Colorado often travel here to obtain an abortion and the delay would be an additional financial burden.
    - For many witnesses, this issue formed the foundation of their opposition to the bill (so they said) – imagine their surprise, therefore, when an amendment to the bill was offered that struck the 24-hour waiting provision. How did the bill’s Democrat opponents react? THEY VOTED DOWN THE AMENDMENT – an amendment specifically designed to remove their stated reason for opposing the bill!!!
    - In moments like these I’m reminded of the Proverb, “He who justifies the wicked and he who condemns the righteous are both alike an abomination to the LORD” (17:15). Similarly,

# The Upside –

* + - Representative Bottoms and the majority of witnesses pointed out that this was both a pro- choice bill and an informed consent bill.

 Informed consent is a well-established ethical medical protocol.

 Before a patient chooses to undergo a treatment, the attending medical professional outlines treatment options and the risks and benefits of each option. Unfortunately, it rarely happens with abortions.

3 Per: https:[//www.reuters.com/world/us/cvs-walgreens-begin-dispensing-abortion-pill-this-month-nyt-2024-03-01/.](http://www.reuters.com/world/us/cvs-walgreens-begin-dispensing-abortion-pill-this-month-nyt-2024-03-01/)

 A mother sometimes changes her mind and wants to save her baby – she should have the choice to try to save her baby through a safe medical reversal (as has been done 4500 times according to witnesses).

* + - Opponents of the bill and all the Democrats on the committee, who normally would want to be viewed as supporting ‘informed consent’ and ‘choice’, oppose them in this case – instead, they seem intent on depriving a woman of information and of choice.
    - This amounts to a form of coercion to kill a baby even though the mother has had a change of heart. This from the party of compassion, and openness, and choice.
  + **The Downside** – don’t really see any unless you are Planned Parenthood or the maker of abortion- inducing drugs.
* On Friday, March 1st the Colorado House passed **HB24-1039** (re ‘non-legal name changes for students in schools’) on Third Reading; it now heads to the Senate for consideration. The bill pits the constitutionally guaranteed right of free speech (and perhaps a host of parental rights) against the newly created right of a ‘transgendered child’ to insist that his or her new name be used in school.
  + **Background** – the medical issue of gender dysphoria has been treated at length in prior versions of the WIR

# The Bill

* + - In its final version, HB 1039 creates a 9-member task force in the Department of Education to provide recommendations on how the school policies described in this bill are to be implemented, submit the report to each school district’s superintendent by February 1, 2025 and implement task force recommendations by July 1, 2025.
    - Under HB 1039 the recommended policies must include requirements that a student’s preferred name be used in every school-related context, even when there has been no legal name change or gender change.
    - Additionally, a school or school official’s refusal to do so will be deemed discriminatory.
    - School officials, including teachers, are under no obligation to inform parents of a student’s name change.
  + **The Upside** – with all due respect, I don’t see any unless it serves as a reminder to be kind to troubled people.

# The Downside

* + - The bill creates ‘compelled speech’ wherein the government says to school employees, parents, and minor children, ‘say what we want you to say about a student’s name or dress or suffer the consequences’.
    - This bill and its ideology comes from the same government and education system that demands more of your money year after year, even as student assessments show the majority of students are seriously underperforming.4
    - Not for the first time the legislature and education establishment has managed to pit parents against the schools, even as we’re being asked to ‘trust them’ with the people God has given us to love and protect (our children) – how are thoughtful people to respond to this?
    - The bill is not good for the mental health of students –

 Scientific research regularly produces peer-reviewed studies that demonstrate the depth and persistence of male-female distinctions based on biological realities.5

 Medical science has repeatedly told us that a man who believes himself to be a woman (and vice versa) is suffering from a significant mental health issue.

 We do a tremendous disservice to those suffering from issues like these by affirming the objective reality of their subjective perceptions in an effort to be kind and accepting; to pursue

4 See: [http://cde.state.co.us/assessment/cmas-dataandresults.](http://cde.state.co.us/assessment/cmas-dataandresults)

5 For example: Cosgrove KP, Mazure CM, Staley JK. “Evolving knowledge of sex differences in brain structure, function, and chemistry.” *Biological Psychiatry*. 2007 Oct 15; 62(8):847-55. doi: 10.1016/j.biopsych.2007.03.001. Epub 2007 Jun 4. PMID: 17544382; PMCID: PMC2711771 (https://[www.ncbi.nlm.nih.gov/pmc/articles/PMC2711771/);](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2711771/)%3B) Mosconi, L., Berti, V., Dyke, J. *et al.* “Menopause impacts human brain structure, connectivity, energy metabolism, and amyloid-beta deposition. *Scientific Reports* 11, 1.

this ‘affirming’ approach will be hurtful in the long run.

 As noted above, we now have testimony from many people that (i) at one point believed they were a different sex, (ii) were affirmed in this belief by others, and thus (iii) continued a painful and self-destructive journey that (iv) ended once they realized they’d been mistaken or deceived.

 The bill would require teachers and school officials to enable the mental issues of students and, in all likelihood, face legal or policy repercussions if they do not obey the new speech code.

 This will create more heartbreak and dysfunction for afflicted students, and is the very opposite of free speech and wise counsel. How can anyone imagine this bill will enhance the long-term mental health of struggling students?

* + - The compelled speech in this bill also denies the combined wisdom of scriptures used by people of faith (Jews, Christians, and Moslems), which strongly affirm the male/female sexual distinction as indicated by biological realities – prudence would seem to demand those that claim to know better proceed carefully … but there seems to be a shortage of prudence.
* On Friday, March 1st the House as a whole (the ‘Committee of the Whole’) passed **HB24-1071** (re ‘Name change to conform with gender identity’) on Third Reading; the bill now heads to the Senate for consideration.

# Background

The very interesting debate on the Second Reading of this bill was included in last week’s WIR.

# The Bill

The bill creates a special provision in law for inmates to ensure their request for a gender-based name change is expedited.

* + **The Upside** – huh?

# The Downside

The Majority Party seems to place a lot of confidence in the motivations of imprisoned felons to be ‘authentic’ when it comes to gender and name changes (vs. trying to game the system for their own eventual advantage). But in a state where inflation has made life more unaffordable, where crime continues to increase and schools are failing, Democrats think it’s really, really important that convicted felons be able to align their ‘gender’ and their name. Sure.

* On Wednesday, March 6 the House Health and Human Services Committee heard **HB24-1028** (re ‘Authorization for a municipality to allow for the operation of overdose prevention centers’).

# Background

* + - There were ~107,000 overdose deaths in the United States 2021. At the same time, in Colorado, there were ~1917 such deaths. Authorities expect the nationwide numbers will be higher for 2022 and 2023.6
    - According to the Centers for Disease Control, there were 1933 ODs in Colorado in 2023.7
    - In various large cities in the United States, Europe and Canada (i.e., San Francisco, Seattle, New York City, Vancouver, Canada, Berlin) there’s been a movement among Progressive ‘health authorities’ to establish facilities where drug users can ‘safely’ use illegal drugs.
    - According to most witnesses, no overdose deaths have occurred at the centers, though several witnesses stated that overdose deaths in local hospitals or in neighborhoods near OPCs (‘overdose prevention centers’) saw additional overdose deaths.
    - In several cities with OPCs, neighborhoods around these centers have witnessed a noteworthy increase in drug use and criminal behavior according to witness testimony.
    - Many expert witnesses – most associated with law enforcement – showed up to testify against the bill, noting that in several of these cities authorities are now acting to undo the damage by closing the facilities.
    - For example, while San Francisco was a pioneer in ‘harm reduction’ its current mayor is attempting to require the homeless people being helped by the city to be tested for and

6 According to: https://[www.cdc.gov/drugoverdose/deaths/index.html](http://www.cdc.gov/drugoverdose/deaths/index.html)

7 Ibid.

forced to undergo drug treatment programs.8 That’s a major about-face.

* + - Moreover, Mayor London Breed of San Francisco specifically blames the ‘harm reduction’ strategy with a surge in drug overdose deaths in her city.9
    - Many other witnesses stated the OPCs would save lives by having experts on site to stop overdose deaths and by making clean syringes available so that HIV and HVC infection might be prevented.
    - Proponents of the bill seem to believe that drug abuse is unavoidable, and that the worst thing we can do is to stigmatize those that use drugs – above all, they are viewed as the victims in this narrative.
    - As to treatment, data suggest that fewer than 2% of users seek treatment.
    - The Colorado Association of the Chiefs of Police, the City of Colorado Springs, Colorado Catholic Conference, County Sheriffs of Colorado, Colorado Metro Chamber of Commerce, and others opposed the bill.
    - The bill is supported by the cities of Boulder, Colorado Behavioral Healthcare Council, Colorado Coalition for the Homeless, Colorado Criminal Defense Bar, Colorado Nurses Association, Colorado Psychiatric Society, the Adams County Health Department, Mental Health Colorado, the ACLU and others.
    - The question that is rarely addressed by sponsors, and surely not addressed by the bill, is “Do we want people to continue to use drugs without fear of overdose, or do we want them to get treatment and beat their addiction?”
    - The bill surely gets an ‘aye’ vote from drug cartels.

# The Bill

* + - The bill would enable Colorado cities and towns to operate facilities where individuals can use previously obtained illegal drugs without fear of arrest or interference; the choice to promote harm reduction might come from a city or town council or, possibly, at a municipal election.
    - Facilities are staffed with ‘professionals’ that can provide clean syringes and other paraphernalia, along with drug testing kits and overdose prevention medications.
    - Counseling and referrals for treatment will also be available.

# The Upside

* + - In the short term OPCs might reduce overdose deaths and the spread of serious blood- borne illnesses like HIV and HCV; in the long term, however, each of these ‘pros’ run up against the sort of experiences we’ve seen in San Francisco.

# The Downside

* + - There are many questions to be answered, among them –
    - Given that the drugs being used at these sites are illegal at both the state and federal level, will federal funding to a city that provides a safe haven for drug use be impacted?
    - How are addicts able to afford these drugs; where do they obtain the money to feed their addiction?
    - The bill is predicated on the theory that it’s better to prevent an overdose than to arrest an addict or otherwise disrupt his or her addiction; what is the average lifespan of an addict like this? Do they normally have jobs? Is anyone else struck by the irony of the extraordinary steps we’ll take to keep a drug addict alive compared to the extraordinary steps we’ll take to insure an innocent unborn baby is killed?
    - If taxpayer funding is going to be used to run these facilities, why shouldn’t taxpayers demand that addicts go into treatment to break the addiction? What is wrong with that?
* Some better news …

8 Per: https://sfstandard.com/2023/09/26/san-francisco-mayors-sober-dole-plan-splits-lawmakers/.

9 https://sfstandard.com/2024/02/26/mayor-takes-aim-at-harm-reduction-says-strategy-has-furthered-fentanyl-crisis/

* + HB24-1149 (re ‘modifications to requirements for prior authorization of benefits under health benefit plans’) – streamlines the ability of patients that need certain medical procedures and medications to obtain these goods and services from their insurance companies. Especially useful for people with chronic, life-impairing or life-threatening conditions. The bill has passed Second Reading in the House where there will be one additional vote prior to its going to the Senate.

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