

# PUBLIC HEALTH

<b>Department Oversight and Administrative Responsibilities</b>		
<p><b>SB 14-050</b> (Enacted) <i>Financial Assistance In Colorado Hospitals</i></p>	<p><b>SB 014-088</b> (Enacted) <i>Suicide Prevention Commission</i></p>	<p><b>HB 14-1117</b> (Postponed Indefinitely) <i>Create the Colorado Premature Birth Commission</i></p>
<b>Disease Prevention</b>		
<p><b>SB 14-173</b> (Enacted) <i>Offer Hepatitis C Screening Testing</i></p>	<p><b>SB 14-211</b> (Enacted) <i>Alzheimer's Disease Center</i></p>	<p><b>HB 14-1288</b> (Enacted) <i>Student Immunization Prior To School Attendance</i></p>
<b>Environmental Hazards</b>		
<p><b>SB 14-029</b> (Enacted) <i>Architectural Paint Stewardship Program</i></p>	<p><b>HB 14-1207</b> (Enacted) <i>CDPHE Household Medication Take-back Program</i></p>	
<b>Medical Records</b>		
<p><b>HB 14-1186</b> (Enacted) <i>Release Medical Records To Third Parties and Fees</i></p>	<p><b>HB 14-1323</b> (Enacted) <i>Restrict Government Access To Personal Medical Information</i></p>	
<b>Tobacco</b>		
<p><b>SB 14-018</b> (Enacted) <i>Prohibit Nicotine Product Distribution To Minors</i></p>	<p><b>HB 14-1263</b> (Postponed Indefinitely) <i>Tobacco Products To Persons Under Twenty-one Years</i></p>	
<b>Miscellaneous</b>		
<p><b>HB 14-1054</b> (Postponed Indefinitely) <i>Restrict Minors' Access To Artificial Tanning Devices</i></p>	<p><b>HB 14-1058</b> (Postponed Indefinitely) <i>Voluntary Labeling Of Genetically Engineered Food</i></p>	

During the 2014 legislative session, the General Assembly considered a variety of bills concerning public health. Specifically, the legislature deliberated on bills concerning the oversight and administrative responsibilities of the Colorado Department of Public Health and Environment (CDPHE), disease prevention, environmental hazards, medical records, tobacco, genetically engineered foods, and artificial tanning.

Additionally, several bills concerning medical and retail marijuana were considered by the General Assembly. For an overview of the marijuana bills, please see the Summary of Major Marijuana Legislation. Finally, legislation concerning the impact of the oil and gas industry on public health was considered by the General Assembly. For an overview of the oil and gas bills, please see the Summary of Major Natural Resources Legislation.

## Department Oversight and Administrative Responsibilities

A number of bills during the 2014 legislative session concerned the oversight and administrative responsibilities of the CDPHE. Specifically, the General Assembly assigned additional

duties concerning Colorado hospitals' financial assistance programs and suicide prevention to the CDPHE. Additionally, one bill establishing a Premature Birth Commission under the CDPHE was considered but not enacted.

Current law requires that hospitals disclose information to patients regarding financial assistance, charity care, and payment plan options. Under **Senate Bill 14-050**, hospitals must alert patients on each billing statement that financial assistance may be available and provide contact information. If a hospital discovers an omission of required information, the hospital must correct the error and inform the patient and the CDPHE of the omission and take corrective action.

The CDPHE will be responsible for investigating complaints, conducting reviews for hospital compliance, and enforcing the requirements. The bill allows the CDPHE to fine hospitals up to \$5,000 for noncompliance and for failure to take corrective action. Information concerning complaints and investigations will be available to the public. The bill also creates the Hospital Financial Assistance Standards Committee to develop uniform standards for hospital financial assistance programs.

**Senate Bill 14-088** creates a Suicide Prevention Commission to provide leadership and craft data-driven, evidence-based, and clinically informed recommendations on suicide prevention in Colorado. The commission is required to make recommendations to the Governor's office, the CDPHE's Office of Suicide Prevention, and the General Assembly. The commission will include no more than 26 members and will repeal on September 1, 2024.

**House Bill 14-1117**, which was postponed indefinitely, would have created the Premature Birth Commission in the CDPHE. The commission would have been tasked with developing strategies the state could use to reduce premature births.

## Disease Prevention

In an effort to address disease prevention, the General Assembly enacted legislation concerning testing for Hepatitis C, the establishment of an Alzheimer's disease center, and access to information about immunizations.

**Senate Bill 14-173** recommends, but does not require, that all primary health care providers offer a test for Hepatitis C to patients born between 1945 and 1965. If a test is offered and results in a positive finding, the provider may offer follow up health care or a referral for such follow-up care. The CDPHE must promulgate rules to ensure that providers offer tests in a culturally appropriate manner.

**Senate Bill 14-211** establishes the Alzheimer's Disease Treatment and Research Center within the University of Colorado School of Medicine to create programs for the care and treatment of persons suffering from Alzheimer's disease.

Colorado law requires children to be immunized before attending school, unless the child is exempt from the requirement because of a medical reason, a religious belief, or a personal belief. **House Bill 14-1288** requires the State Board of Health to promulgate rules regarding:

- immunization information, including exemption rates, that is available to the public through the CDPHE, including evidence-based research, resources, and information from credible scientific and public health organizations, peer-reviewed studies, and an on-line learning module; and
- the frequency of submissions of exemption forms.

The CDPHE, in consultation with other state departments, must establish a joint policy on immunization data collection and sharing and must provide assistance to schools with the analysis and interpretation of the immunization data. Each school must make the immunization and exemption rates for their enrolled student population available upon request.

## **Environmental Hazards**

During the 2014 legislative session, the General Assembly enacted two bills aimed at reducing the amount of certain hazardous wastes in the environment.

**House Bill 14-1207** creates a household medication take-back program in the CDPHE for the collection and disposal of unused household medications. The program must allow individuals to dispose of unused household medications at approved collection sites, and for carriers to transport the unused medications from approved collection sites to disposal locations. Collection sites, carriers, and disposal locations acting in good faith are not subject to liability for incidents arising from the collection, transport, or disposal of household medications.

**Senate Bill 14-029** creates a statewide paint stewardship program for the recycling, reuse, and disposal of post-consumer architectural paint. Effective July 1, 2015, in order to sell or distribute architectural paint in Colorado, each producer must implement or participate in a paint stewardship program that has been approved by the executive director of the CDPHE. Paint producers must submit stewardship plans to the CDPHE by January 1, 2015. Producers may submit individual program plans or coordinate with other producers to create a joint paint stewardship program. The program plans must:

- identify each participating producer, contact information for the producer or stewardship organization implementing the program, and a list of all brands covered by the program;
- describe how the program will collect, transport, reuse, recycle, and process post-consumer architectural paint;
- establish collection practices that provide convenient collection sites throughout the state and ensure that at least 90 percent of Colorado residents have a permanent collection site within a 15-mile radius of their homes, and provide collection events at least once per year for residents who do not have a permanent collection site within a 15-mile radius of their homes;
- describe how the paint stewardship program will incorporate and fairly compensate service providers for paint stewardship activities;
- provide a list of the names, locations, and hours of operation for facilities accepting post-consumer architectural paint for recycling under the program;
- identify one or more designated persons responsible for ensuring the program's compliance with state laws and rules and serving as a contact person for the CDPHE;
- describe how the program will reduce the generation of post-consumer architectural paint, promote the reuse of post-consumer architectural paint, and use best practices to manage post-consumer architectural paint;
- develop an education and outreach program;
- provide sufficient funding for the program by imposing a uniform, per-container assessment on retailers and distributors that the retailers and distributors will recoup by adding to the purchase price of the architectural paint; and
- include a proposed budget and a description of the process used to determine the paint stewardship assessment.

## Medical Records

The General Assembly enacted two bills during the 2014 legislative session to address the ability of certain entities to access medical records.

Under **House Bill 14-1186**, medical records in the custody of a health care facility or an individual health care provider may be released to a third party with a valid subpoena, court order, or compliant authorization. If requested and no additional cost is involved, medical records must be provided to the authorized person in electronic format. The bill defines what reasonable fees may be charged to provide medical records. Health care facilities may not charge fees for the inspection of medical records. For certain patient records requested, the third party will receive one free copy of the record. The bill only applies to third parties as the fees paid by patients and the personal representatives of patients are established by the federal Health Insurance Portability and Accountability Act of 1996.

**House Bill 14-1323** places restrictions on the Department of Revenue's (DOR) use of personal medical information. The bill requires DOR to receive an individual's consent prior to accessing or distributing certain employment-related personal medical information.

The bill does not restrict the DOR's ability to access information relevant to determining whether a sales tax exemption is necessary so long as the documentation does not include personally identifiable medical information. The bill does not prevent the DOR from accessing written medical opinions as permitted under current law.

The bill creates the Government Access to Personal Medical Information Task Force, which is appointed by the Governor, to review and analyze the current ability of state and local governments to access personal medical information.

## Tobacco

State law prohibits the sale of cigarettes and tobacco products to persons under the age of 18. It also prohibits a person under the age of 18 from purchasing cigarettes and tobacco products. The General Assembly considered two bills during the 2014 legislative session to change these prohibitions. One bill was enacted; the other bill was postponed indefinitely.

**Senate Bill 14-018** expands the prohibitions to include all nicotine products, including electronic cigarettes and products that allow nicotine to be delivered, ingested, inhaled, or applied to the skin. The bill does not affect federal laws concerning tobacco or nicotine products as they apply to military bases and Indian reservations within the state.

**House Bill 14-1263**, which was postponed indefinitely, would have prohibited anyone from giving, selling, distributing, or offering for sale cigarettes or tobacco products to anyone who was under 21 years of age. The bill would have prohibited anyone who was under 21 years of age from purchasing or possessing cigarettes or tobacco products, with an exception for anyone who was born on or before June 30, 1996.

## Miscellaneous

The General Assembly also considered, but did not enact, bills concerning the use of artificial tanning devices by minors and genetically engineered foods.

**House Bill 14-1054**, which was postponed indefinitely, would have prohibited a minor who was under 18 years of age from using artificial tanning devices. Owners and operators of tanning facilities that allow minors to use artificial tanning devices would have been subject to a fine of up to \$200 per offense.

"Genetically engineered" refers to organisms and biological materials that have been altered at the molecular or cellular level by means that are not possible under natural conditions or processes. **House Bill 14-1058**, which was postponed indefinitely, would have defined "genetically engineered" in the Colorado Food and Drug Act and allowed a person who sells, distributes, or offers food for sale in Colorado to label the food as not containing genetically engineered material if certain conditions were met. A person who falsely labeled food would have committed a misdemeanor offense.