

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0214.05 Jane Ritter x4342

SENATE BILL 16-146

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

Esgar,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING MODERNIZING STATUTES RELATED TO SEXUALLY
102 TRANSMITTED INFECTIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill updates the statutes related to sexually transmitted infections (STIs) to conform with current medical knowledge by applying provisions that previously only applied to HIV to all STIs. A new definition is established to include HIV and relevant types of hepatitis in the "sexually transmitted infection" definition. The bill allows for all STIs to be treated uniformly under Colorado law, rather than specifically

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

prosecuting people based on HIV status. HIV criminalization language in statute is repealed.

The bill expands rights for victims of crime by allowing for testing for a sexually transmitted infection under circumstances where the victim has been exposed to blood or other bodily fluids under circumstances that are medically demonstrated to pose a risk of transmission of a sexually transmitted infection. A victim of crime in such circumstances must also be provided with adequate counseling by a health care provider concerning prophylaxis and treatment of infections until cured, where possible; treatment to prevent progression of any infection; the necessity of regular medical evaluations; and measures for preventing transmission of the infection to others.

Public health orders or restrictive measures directed to a person with a sexually transmitted infection must only be used as the last resort when all other measures to protect the public health have failed, including efforts to obtain the voluntary cooperation of the person who may be subject to the public health order or restrictive measure. Any public health order or restrictive measure that is applied must be applied serially with the least intrusive measures used first.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** part 4 of article 4 of title 25 as follows:

4 **PART 4**

5 **SEXUALLY TRANSMITTED INFECTIONS**

6 **25-4-401. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 DECLARES THAT:

8 (a) SEXUALLY TRANSMITTED INFECTIONS, REGARDLESS OF THE
9 MODE OF TRANSMISSION, IMPACT THE PUBLIC HEALTH OF THE STATE AND
10 ARE A MATTER OF STATEWIDE CONCERN;

11 (b) COLORADANS HAVE A RIGHT TO RECEIVE ACCURATE,
12 CONFIDENTIAL, AND TIMELY INFORMATION TO MAKE INFORMED DECISIONS
13 THAT PROMOTE THEIR INDIVIDUAL PHYSICAL AND MENTAL HEALTH AND
14 WELL-BEING. THIS RIGHT APPLIES TO ALL COLORADANS, REGARDLESS OF

1 GEOGRAPHIC LOCATION, ETHNIC OR RACIAL BACKGROUND, INCOME,
2 ABILITY, GENDER, GENDER IDENTITY, OR SEXUAL ORIENTATION;

3 (c) POSITIVE, STIGMA-FREE MESSAGES AND COMPREHENSIVE,
4 EVIDENCE-BASED INFORMATION MUST BE AVAILABLE TO CREATE
5 HEALTHY, SAFE RELATIONSHIPS AND A HEALTHIER COLORADO; AND

6 (d) IT IS THE RESPONSIBILITY OF ANY INDIVIDUAL WHO HAS
7 KNOWLEDGE OR REASONABLE GROUNDS TO SUSPECT THAT HE OR SHE HAS
8 A SEXUALLY TRANSMITTED INFECTION TO NOT INTENTIONALLY TRANSMIT
9 THE INFECTION TO ANOTHER INDIVIDUAL.

10 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT:

11 (a) REPORTING SEXUALLY TRANSMITTED INFECTIONS TO PUBLIC
12 HEALTH AGENCIES IS ESSENTIAL TO ENABLE A BETTER UNDERSTANDING OF
13 THE SCOPE OF EXPOSURE AND THE IMPACT OF THE EXPOSURE ON THE
14 COMMUNITY AND TO OPTIMIZE MEANS OF SEXUALLY TRANSMITTED
15 INFECTION CONTROL;

16 (b) EFFORTS TO CONTROL SEXUALLY TRANSMITTED INFECTIONS
17 INCLUDE PUBLIC EDUCATION, COUNSELING, VOLUNTARY TESTING,
18 LINKAGE TO TREATMENT, PREVENTION, AND ACCESS TO SERVICES;

19 (c) RESTRICTIVE ENFORCEMENT MEASURES MAY BE USED ONLY
20 WHEN NECESSARY TO PROTECT THE PUBLIC HEALTH;

21 (d) HAVING A SEXUALLY TRANSMITTED INFECTION, BEING
22 PRESUMED TO HAVE ONE, OR SEEKING TESTING FOR THE PRESENCE OF SUCH
23 AN INFECTION MUST NOT SERVE AS THE BASIS FOR DISCRIMINATORY
24 ACTIONS OR PREVENT ACCESS TO SERVICES; AND

25 (e) IT IS THE POLICY OF THE STATE TO ENCOURAGE VOLUNTARY
26 TESTING FOR SEXUALLY TRANSMITTED INFECTIONS AND PROMOTE
27 LINKAGE TO CARE WITHOUT PERPETUATING STIGMA.

1 (3) THEREFORE, THE GENERAL ASSEMBLY FURTHER DECLARES
2 THAT THE PURPOSE OF THIS PART 4 IS TO PROTECT THE PUBLIC HEALTH,
3 EMPOWER INDIVIDUALS TO TAKE PERSONAL RESPONSIBILITY FOR THEIR
4 SEXUAL HEALTH, AND TO PREVENT INFECTIONS THAT MAY BE SEXUALLY
5 TRANSMITTED.

6 **25-4-402. Definitions.** AS USED IN THIS PART 4:

7 (1) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
8 THE STATE DEPARTMENT.

9 (2) "HEALTHCARE PROVIDER" MEANS A PERSON WHOSE VOCATION
10 OR PROFESSION IS RELATED TO THE MAINTENANCE OF INDIVIDUALS'
11 HEALTH OR ANYONE WHO PROVIDES DIAGNOSTIC SCREENING TESTS,
12 MEDICAL TREATMENT, OR OTHER MEDICAL SERVICES.

13 (3) "HEALTH OFFICER" MEANS THE DIRECTOR OF THE STATE
14 DEPARTMENT, THE CHIEF MEDICAL OFFICER APPOINTED PURSUANT TO
15 SECTION 25-1-105, OR A LOCAL DIRECTOR.

16 (4) "HIV" MEANS HUMAN IMMUNODEFICIENCY VIRUS.

17 (5) "LOCAL DIRECTOR" MEANS A DIRECTOR OF A LOCAL PUBLIC
18 HEALTH AGENCY.

19 (6) "LOCAL PUBLIC HEALTH AGENCY" MEANS A COUNTY OR
20 DISTRICT PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO SECTION
21 25-1-506 OR A LOCAL DEPARTMENT OF PUBLIC HEALTH.

22 (7) "MEDICAL EMERGENCY" MEANS AN ACUTE INJURY, ILLNESS, OR
23 EXPOSURE THAT POSES AN IMMEDIATE RISK TO A PERSON'S LIFE OR
24 LONG-TERM HEALTH, SUCH THAT THE ABSENCE OF IMMEDIATE MEDICAL
25 ATTENTION COULD REASONABLY BE EXPECTED TO RESULT IN PLACING THE
26 PERSON'S HEALTH IN SERIOUS JEOPARDY, INCLUDING A SERIOUS
27 IMPAIRMENT TO BODILY FUNCTION OR A SERIOUS DYSFUNCTION OF ANY

1 BODILY ORGAN OR PART.

2 (8) "MINOR", UNLESS OTHERWISE SPECIFIED, MEANS A PERSON
3 WHO IS UNDER EIGHTEEN YEARS OF AGE.

4 (9) "PUBLIC SAFETY WORKERS" INCLUDES LAW ENFORCEMENT
5 OFFICERS, PEACE OFFICERS, EMERGENCY SERVICE PROVIDERS, AND
6 FIREFIGHTERS.

7 (10) "SEXUALLY TRANSMITTED INFECTION" REFERS TO
8 CHLAMYDIA, SYPHILIS, GONORRHEA, HIV, AND RELEVANT TYPES OF
9 HEPATITIS, AS WELL AS ANY OTHER SEXUALLY TRANSMITTED INFECTION,
10 REGARDLESS OF MODE OF TRANSMISSION, AS DESIGNATED BY THE STATE
11 BOARD BY RULE UPON MAKING A FINDING THAT THE PARTICULAR
12 SEXUALLY TRANSMITTED INFECTION IS CONTAGIOUS.

13 (11) "STATE BOARD" MEANS THE STATE BOARD OF HEALTH
14 CREATED IN SECTION 25-1-103.

15 (12) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
16 PUBLIC HEALTH AND ENVIRONMENT ESTABLISHED IN SECTION 25-1-102.

17 (13) "TEST" MEANS ANY DIAGNOSTIC, SCREENING, OR OTHER TEST
18 THAT MAY BE PROVIDED IN A HEALTH CARE OR COMMUNITY-BASED
19 ENVIRONMENT.

20 (14) "VICTIM" HAS THE SAME MEANING AS DEFINED IN SECTION
21 24-4.1-302 (5), C.R.S.

22 **25-4-403. Eligibility - non-discrimination.** NOTWITHSTANDING
23 ANY OTHER PROVISION OF THIS PART 4 TO THE CONTRARY, PROGRAMS AND
24 SERVICES THAT PROVIDE FOR THE INVESTIGATION, IDENTIFICATION,
25 TESTING, PREVENTIVE CARE, AND TREATMENT OF SEXUALLY TRANSMITTED
26 INFECTIONS ARE AVAILABLE REGARDLESS OF A PERSON'S ACTUAL OR
27 PERCEIVED RACE, CREED, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION,

1 SEX, SEXUAL ORIENTATION, GENDER IDENTITY, MENTAL OR PHYSICAL
2 DISABILITY, FAMILIAL STATUS, MARITAL STATUS, OR IMMIGRATION
3 STATUS.

4 **25-4-404. Rules.** (1) THE STATE BOARD, WITH SUFFICIENT
5 INVOLVEMENT AND CONSULTATION FROM THE STATE DEPARTMENT, THE
6 COMMUNITY, AND OTHER INTERESTED STAKEHOLDERS, SHALL ADOPT
7 RULES IT DEEMS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS PART
8 4, INCLUDING RULES ADDRESSING THE CONTROL AND TREATMENT OF
9 SEXUALLY TRANSMITTED INFECTIONS. THE RULES ARE BINDING ON ALL
10 PUBLIC HEALTH AGENCIES, HEALTH OFFICERS, AND OTHER PERSONS
11 AFFECTED BY THIS PART 4. THE RULES MUST INCLUDE, AT A MINIMUM:

12 (a) THE INFORMATION THAT MUST BE REPORTED PURSUANT TO
13 SECTION 25-4-405 AND THE FORM, MANNER, AND TIME FRAME IN WHICH
14 IT MUST BE REPORTED; AND

15 (b) THE PERFORMANCE STANDARDS FOR ANONYMOUS AND
16 CONFIDENTIAL HIV COUNSELING AND TESTING SITES ESTABLISHED
17 PURSUANT TO SECTION 25-4-411. STANDARDS MUST INCLUDE
18 PERFORMANCE STANDARDS FOR NOTIFYING AND COUNSELING A PERSON
19 WHO IS DIAGNOSED WITH A SEXUALLY TRANSMITTED INFECTION AND FOR
20 NOTIFICATION OF HIS OR HER PARTNER OR PARTNERS.

21 **25-4-405. Reporting requirements - immunity.** (1) IN
22 ACCORDANCE WITH THE PROVISIONS OF SECTIONS 25-1-122, 25-4-404,
23 AND 25-4-406, FOR EVERY INDIVIDUAL KNOWN TO THE PERSON OR ENTITY
24 TO HAVE A DIAGNOSIS OF A SEXUALLY TRANSMITTED INFECTION OR HAVE
25 A POSITIVE TEST FOR A SEXUALLY TRANSMITTED INFECTION, THE
26 FOLLOWING PERSONS AND ENTITIES SHALL REPORT ANY INFORMATION
27 REQUIRED BY RULE OF THE STATE BOARD TO THE STATE DEPARTMENT OR

1 LOCAL PUBLIC HEALTH AGENCY, IN A FORM AND WITHIN A TIME PERIOD
2 DESIGNATED BY RULE OF THE STATE BOARD:

3 (a) EVERY HEALTH CARE PROVIDER IN THE STATE;

4 (b) PERSONS WHO TEST, DIAGNOSE, OR TREAT SEXUALLY
5 TRANSMITTED INFECTIONS IN A HOSPITAL, CLINIC, CORRECTIONAL
6 INSTITUTION, COMMUNITY-BASED ORGANIZATION, NONCLINICAL SETTING,
7 OR OTHER PRIVATE OR PUBLIC INSTITUTION; OR

8 (c) A LABORATORY OR A PERSON PERFORMING A TEST FOR A CASE
9 OF A SEXUALLY TRANSMITTED INFECTION.

10 (2) THE REPORTS SUBMITTED PURSUANT TO SUBSECTION (1) OF
11 THIS SECTION MUST INCLUDE THE NAME, DATE OF BIRTH, SEX AT BIRTH,
12 GENDER IDENTITY, ADDRESS, AND PHONE NUMBER OF THE INDIVIDUAL
13 WITH THE SEXUALLY TRANSMITTED INFECTION, AND THE NAME, ADDRESS,
14 AND PHONE NUMBER OF THE PERSON MAKING THE REPORT. THE REPORT
15 MUST ALSO INCLUDE ANY TEST RESULTS AND THE NAME, ADDRESS, AND
16 PHONE NUMBER OF THE HEALTH CARE PROVIDER AND ANY OTHER PERSON
17 OR AGENCY THAT REFERRED THE SPECIMEN FOR TESTING.

18 (3) (a) A PERSON WHO, IN GOOD FAITH, COMPLIES WITH THE
19 REPORTING AND TREATMENT REQUIREMENTS OF THIS PART 4 IS IMMUNE
20 FROM CIVIL AND CRIMINAL LIABILITY FOR SUCH ACTIONS.

21 (b) IMMUNITY FROM LIABILITY PURSUANT TO PARAGRAPH (a) OF
22 THIS SUBSECTION (3) DOES NOT APPLY TO A NEGLIGENT ACT OR OMISSION
23 ON THE PART OF THE HEALTH CARE PROVIDER.

24 **25-4-406. Reports - confidentiality.** (1) THE PUBLIC HEALTH
25 REPORTS REQUIRED PURSUANT TO SECTION 25-4-405 AND ANY RECORDS
26 RESULTING FROM COMPLIANCE WITH THAT SECTION HELD BY THE STATE
27 DEPARTMENT AND LOCAL PUBLIC HEALTH AGENCIES, OR ANY HEALTH

1 CARE PROVIDER, FACILITY, THIRD-PARTY PAYOR, PHYSICIAN, CLINIC,
2 LABORATORY, BLOOD BANK, HEALTH RECORDS DATABASE, OR OTHER
3 AGENCY, ARE CONFIDENTIAL INFORMATION. THE INFORMATION MUST NOT
4 BE RELEASED, BE SHARED WITH ANY AGENCY OR INSTITUTION, OR BE MADE
5 PUBLIC, UPON SUBPOENA, SEARCH WARRANT, DISCOVERY PROCEEDINGS,
6 OR OTHERWISE, EXCEPT UNDER THE FOLLOWING CIRCUMSTANCES:

7 (a) FOR STATISTICAL PURPOSES, BUT ONLY IN A MANNER SUCH
8 THAT AN INDIVIDUAL CANNOT BE IDENTIFIED FROM THE INFORMATION
9 RELEASED;

10 (b) TO THE EXTENT NECESSARY TO ENFORCE THE PROVISIONS OF
11 THIS PART 4 AND RELATED RULES CONCERNING THE TREATMENT,
12 CONTROL, PREVENTION, AND INVESTIGATION OF SEXUALLY TRANSMITTED
13 INFECTIONS BY PUBLIC HEALTH OFFICERS;

14 (c) TO HEALTH CARE PROVIDERS AND MEDICAL PERSONNEL IN A
15 MEDICAL EMERGENCY TO THE EXTENT NECESSARY TO PROTECT THE
16 HEALTH OR LIFE OF THE NAMED PARTY; OR

17 (d) TO AGENCIES RESPONSIBLE FOR RECEIVING OR INVESTIGATING
18 REPORTS OF CHILD ABUSE OR NEGLECT IN ACCORDANCE WITH THE
19 PROVISIONS OF THE "CHILD PROTECTION ACT OF 1987", PART 3 OF
20 ARTICLE 3 OF TITLE 19, C.R.S., IF AN OFFICER OR EMPLOYEE OF THE STATE
21 DEPARTMENT OR A LOCAL PUBLIC HEALTH AGENCY MAKES A REPORT OF
22 CHILD ABUSE OR NEGLECT.

23 (2) AN OFFICER OR EMPLOYEE OF THE STATE DEPARTMENT OR A
24 LOCAL PUBLIC HEALTH AGENCY MUST NOT BE EXAMINED IN ANY JUDICIAL,
25 EXECUTIVE, LEGISLATIVE, OR OTHER PROCEEDINGS AS TO THE EXISTENCE
26 OR CONTENT OF ANY INDIVIDUAL'S REPORT BY SUCH DEPARTMENT
27 PURSUANT TO THIS PART 4 OR AS TO THE EXISTENCE OF THE CONTENT OF

1 THE REPORTS RECEIVED PURSUANT TO SECTION 25-4-405 OR THE RESULT
2 OF AN INVESTIGATION CONDUCTED PURSUANT TO SECTION 25-4-408. THE
3 PROVISIONS OF THIS SUBSECTION (2) DO NOT APPLY TO ADMINISTRATIVE
4 OR JUDICIAL PROCEEDINGS HELD PURSUANT TO SECTION 25-4-412 OR
5 25-4-413.

6 (3) INFORMATION IN MEDICAL RECORDS CONCERNING THE
7 DIAGNOSIS AND TREATMENT OF A SEXUALLY TRANSMITTED INFECTION IS
8 CONSIDERED MEDICAL INFORMATION, IS NOT PART OF PUBLIC HEALTH
9 REPORTS, AND IS PROTECTED FROM UNAUTHORIZED DISCLOSURE
10 PURSUANT TO THE PROVISIONS OF SECTION 18-4-412, C.R.S.

11 **25-4-407. Reporting requirements - research exemption.**

12 (1) THE STATE BOARD SHALL APPROVE AN EXEMPTION FROM THE
13 REPORTING REQUIREMENTS OF SECTION 25-4-405 FOR A RESEARCH
14 ACTIVITY THAT MEETS ALL OF THE FOLLOWING CRITERIA:

15 (a) THE RESEARCH ACTIVITY IS FULLY DESCRIBED BY A RESEARCH
16 PROTOCOL;

17 (b) THE RESEARCH ACTIVITY IS SUBJECT TO REVIEW BY AND IS
18 GOVERNED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
19 SERVICES;

20 (c) THE RESEARCH ACTIVITY HAS AS PROTOCOL OBJECTIVES
21 EITHER:

22 (I) THE INVESTIGATION OF THE EFFECTIVENESS OF A MEDICAL
23 THERAPY OR VACCINE TO PREVENT INFECTION; OR

24 (II) BASIC MEDICAL RESEARCH INTO THE CELLULAR MECHANISMS
25 THAT CAUSE SEXUALLY TRANSMITTED INFECTIONS;

26 (d) THE RESEARCH ACTIVITY IS REVIEWED AND APPROVED BY A
27 DULY-CONSTITUTED INSTITUTIONAL REVIEW BOARD IN ACCORDANCE WITH

1 THE REGULATIONS ESTABLISHED BY THE SECRETARY OF THE FEDERAL
2 DEPARTMENT OF HEALTH AND HUMAN SERVICES;

3 (e) THE RESEARCH FOR THE RESEARCH ACTIVITY HAS PROVIDED
4 INFORMATION THAT DEMONSTRATES THAT THE RESEARCH WILL BE
5 FACILITATED BY AN EXEMPTION SPECIFIED IN THIS SECTION; AND

6 (f) THE RESEARCH ACTIVITY HAS BEEN DETERMINED TO HAVE A
7 POTENTIAL HEALTH BENEFIT.

8 (2) THE RESEARCH EXEMPTION AUTHORIZED IN THIS SECTION DOES
9 NOT ALTER THE REPORTING REQUIREMENTS OF PERSONS AND
10 RESEARCHERS WHO ARE OTHERWISE REQUIRED TO MAKE REPORTS WHEN
11 ENGAGED IN ANY TREATMENT OR TESTING OUTSIDE THE SCOPE OF OR
12 PRIOR TO ENROLLMENT IN AN APPROVED RESEARCH PROTOCOL, INCLUDING
13 REQUIRED REPORTING OF OTHER REPORTABLE DISEASES.

14 **25-4-408. Infection control - duties.** (1) IT IS THE DUTY OF THE
15 EXECUTIVE DIRECTOR, HEALTH OFFICERS, OR LOCAL DIRECTORS TO
16 INVESTIGATE SEXUALLY TRANSMITTED INFECTIONS AND TO USE
17 APPROPRIATE MEANS TO PREVENT THE SPREAD OF SUCH SEXUALLY
18 TRANSMITTED INFECTIONS.

19 (2) AS PART OF INFECTION CONTROL EFFORTS, IT IS THE DUTY OF
20 THE EXECUTIVE DIRECTOR, HEALTH OFFICERS, AND LOCAL DIRECTORS TO
21 PROVIDE PUBLIC INFORMATION; RISK-REDUCTION EDUCATION; VOLUNTARY
22 TESTING; COUNSELING; AGE-APPROPRIATE, MEDICALLY ACCURATE, AND
23 CULTURALLY RESPONSIVE EDUCATIONAL MATERIALS FOR SCHOOL USE;
24 AND PROFESSIONAL EDUCATION FOR HEALTH CARE PROVIDERS.

25 (3) THE STATE DEPARTMENT SHALL PROVIDE CURRENT,
26 EVIDENCE-BASED, AND MEDICALLY ACCURATE PROGRAMS UNDER WHICH
27 THE STATE DEPARTMENT AND LOCAL PUBLIC HEALTH AGENCIES MAY

1 PERFORM THE FOLLOWING TASKS:

2 (a) PROVIDE AND DISSEMINATE TO HEALTH CARE PROVIDERS
3 DIGITAL, WRITTEN, AND VERBAL PRESENTATIONS DESCRIBING THE
4 EPIDEMIOLOGY, PREVENTION, TESTING, DIAGNOSIS, TREATMENT, MEDICAL
5 SERVICES, COUNSELING, AND OTHER ASPECTS OF SEXUALLY TRANSMITTED
6 INFECTIONS;

7 (b) PROVIDE CONSULTATION TO AGENCIES AND ORGANIZATIONS
8 REGARDING APPROPRIATE POLICIES FOR PREVENTION, TESTING,
9 EDUCATION, CONFIDENTIALITY, AND CONTROL OF SEXUALLY
10 TRANSMITTED INFECTIONS;

11 (c) CONDUCT HEALTH INFORMATION PROGRAMS TO INFORM THE
12 GENERAL PUBLIC OF THE MEDICAL AND PSYCHOSOCIAL ASPECTS OF
13 SEXUALLY TRANSMITTED INFECTIONS, INCLUDING UPDATED INFORMATION
14 ON HOW THESE INFECTIONS ARE TRANSMITTED AND MAY BE PREVENTED.
15 THE STATE DEPARTMENT SHALL PROVIDE AND DISTRIBUTE TO THE
16 RESIDENTS OF THE STATE, AT NO CHARGE, PRINTED AND ELECTRONIC
17 INFORMATION AND INSTRUCTIONS CONCERNING THE RISKS FROM
18 SEXUALLY TRANSMITTED INFECTIONS, THE PREVENTION OF SEXUALLY
19 TRANSMITTED INFECTIONS, AND THE NECESSITY FOR TESTING.

20 (d) UPDATE AND PROVIDE EDUCATIONAL INFORMATION
21 CONCERNING SEXUALLY TRANSMITTED INFECTIONS THAT EMPLOYERS MAY
22 USE IN THE WORKPLACE;

23 (e) PROVIDE AND IMPLEMENT MEDICALLY ACCURATE AND
24 CULTURALLY APPROPRIATE EDUCATIONAL RISK-REDUCTION PROGRAMS
25 FOR SPECIFIC POPULATIONS AT HIGHER RISK FOR INFECTION; AND

26 (f) UPDATE AND PROVIDE ACCURATE, AGE-APPROPRIATE, AND
27 CULTURALLY RESPONSIVE SEXUALLY TRANSMITTED INFECTION

1 PREVENTION CURRICULA FOR USE AT THE DISCRETION OF SECONDARY AND
2 MIDDLE SCHOOLS IN THE STATE.

3 (4) WHEN INVESTIGATING SEXUALLY TRANSMITTED INFECTIONS,
4 THE STATE DEPARTMENT AND LOCAL PUBLIC HEALTH AGENCIES, WITHIN
5 THEIR RESPECTIVE JURISDICTIONS, MAY INSPECT AND HAVE ACCESS TO
6 MEDICAL AND LABORATORY RECORDS RELEVANT TO THEIR
7 INVESTIGATION.

8 (5) EVERY PERSON WHO IS CONFINED, DETAINED, OR IMPRISONED
9 IN A STATE, COUNTY, OR CITY HOSPITAL; AN INSTITUTION FOR PERSONS
10 WITH A MENTAL ILLNESS; A HOME FOR DEPENDENT CHILDREN; A
11 CORRECTIONAL FACILITY; OR ANY OTHER PRIVATE OR CHARITABLE
12 INSTITUTION WHERE A PERSON MAY BE CONFINED, DETAINED, OR
13 IMPRISONED BY ORDER OF A COURT OF THIS STATE MUST BE EXAMINED FOR
14 AND, IF DIAGNOSED WITH A SEXUALLY TRANSMITTED INFECTION,
15 REFERRED FOR TREATMENT OF SUCH SEXUALLY TRANSMITTED INFECTION,
16 IN ACCORDANCE WITH CURRENT STANDARDS OF CARE, BY THE HEALTH
17 AUTHORITIES HAVING JURISDICTION OVER THE GIVEN INSTITUTION. THE
18 MANAGING AUTHORITIES OF ANY SUCH INSTITUTION SHALL MAKE
19 AVAILABLE TO THE HEALTH AUTHORITIES WHATEVER PORTION OF THEIR
20 RESPECTIVE INSTITUTION AS MAY BE NECESSARY FOR A CLINIC OR
21 HOSPITAL FOR TREATMENT OF A PERSON'S SEXUALLY TRANSMITTED
22 INFECTION WITH CURRENT AND EVIDENCE-BASED STANDARDS OF CARE IN
23 A PROFESSIONAL MANNER.

24 (6) (a) WHEN A PUBLIC SAFETY WORKER, EMERGENCY OR OTHER
25 HEALTH CARE PROVIDER, FIRST RESPONDER, VICTIM OF CRIME, OR A STAFF
26 MEMBER OF A CORRECTIONAL FACILITY, THE STATE DEPARTMENT, OR A
27 LOCAL PUBLIC HEALTH AGENCY HAS BEEN EXPOSED TO BLOOD OR OTHER

1 BODILY FLUIDS FOR WHICH THERE IS AN EVIDENCE-BASED REASON TO
2 BELIEVE IT MAY RESULT IN EXPOSURE TO A SEXUALLY TRANSMITTED
3 INFECTION, THE STATE DEPARTMENT OR LOCAL PUBLIC HEALTH AGENCY,
4 WITHIN THEIR RESPECTIVE JURISDICTIONS, SHALL ASSIST IN THE
5 EVALUATION AND TREATMENT OF ANY INVOLVED PERSONS BY:

6 (I) ACCESSING INFORMATION ON THE INCIDENT AND ANY PERSONS
7 INVOLVED TO DETERMINE WHETHER A POTENTIAL EXPOSURE TO INFECTION
8 OCCURRED;

9 (II) WHEN THE FACT OF AN EXPOSURE HAS BEEN DETERMINED BY
10 THE STATE DEPARTMENT OR A LOCAL PUBLIC HEALTH AGENCY, EXAMINING
11 AND TESTING ANY INVOLVED PERSONS TO DETERMINE INFECTION;

12 (III) COMMUNICATING RELEVANT INFORMATION AND LABORATORY
13 TEST RESULTS ON INVOLVED PERSONS DIRECTLY TO THE INVOLVED PERSON
14 OR TO HIS OR HER ATTENDING HEALTH CARE PROVIDER, IF THE
15 CONFIDENTIALITY OF SUCH INFORMATION AND TEST RESULTS ARE
16 ACKNOWLEDGED BY THE RECIPIENT AND ADEQUATELY PROTECTED, AS
17 PROVIDED FOR IN SECTION 25-4-406; AND

18 (IV) PROVIDING TIMELY COUNSELING TO ANY INVOLVED PERSONS
19 ON THE POTENTIAL HEALTH RISKS RESULTING FROM EXPOSURE TO
20 INFECTION; PROPHYLAXIS AND TREATMENT OF INFECTIONS UNTIL CURED,
21 WHERE POSSIBLE; TREATMENT TO PREVENT PROGRESSION OF SUCH
22 INFECTIONS; MEASURES FOR PREVENTING TRANSMISSION TO OTHERS; AND
23 THE NECESSITY OF REGULAR MEDICAL EVALUATIONS.

24 (b) FOR THE PURPOSES OF THIS SUBSECTION (6), THE EMPLOYER OF
25 AN INVOLVED PERSON SHALL COMPLY WITH THE PROVISIONS OF SECTION
26 25-4-406 AND ENSURE THAT RELEVANT INFORMATION AND LABORATORY
27 TEST RESULTS ON THE INVOLVED PERSON ARE KEPT CONFIDENTIAL.

1 **25-4-409. Minors - treatment - consent.** (1) (a) A HEALTH CARE
2 PROVIDER OR FACILITY, IF CONSULTED BY A PATIENT WHO IS A MINOR,
3 SHALL PERFORM, AT THE MINOR'S REQUEST, A DIAGNOSTIC EXAMINATION
4 FOR A SEXUALLY TRANSMITTED INFECTION. THE HEALTH CARE PROVIDER
5 OR FACILITY SHALL TREAT THE MINOR FOR A SEXUALLY TRANSMITTED
6 INFECTION, IF NECESSARY; DISCUSS PREVENTION MEASURES, WHERE
7 APPLICABLE; AND INCLUDE APPROPRIATE THERAPIES AND PRESCRIPTIONS.

8 (b) IF A MINOR REQUESTS PREVENTION SERVICES, A DIAGNOSTIC
9 EXAMINATION, OR TREATMENT, THE HEALTH CARE PROVIDER WHO
10 PROVIDES SUCH SERVICES IS NOT CIVILLY OR CRIMINALLY LIABLE FOR
11 PERFORMING THE SERVICE, BUT THE IMMUNITY FROM LIABILITY DOES NOT
12 APPLY TO ANY NEGLIGENT ACT OR OMISSION BY THE HEALTH CARE
13 PROVIDER.

14 (2) THE CONSENT OF A PARENT OR LEGAL GUARDIAN IS NOT A
15 PREREQUISITE TO CARE, TREATMENT, OR PREVENTION SERVICES FOR
16 MINORS. HEALTH CARE PROVIDED TO A MINOR IS CONFIDENTIAL, AND
17 INFORMATION RELATED TO THAT CARE MUST NOT BE DIVULGED TO ANY
18 PERSON OTHER THAN THE MINOR; EXCEPT THAT THE REPORTING REQUIRED
19 PURSUANT TO THE "CHILD PROTECTION ACT OF 1987", PART 3 OF ARTICLE
20 3 OF TITLE 19, C.R.S., STILL APPLIES. IF THE MINOR IS THIRTEEN YEARS OF
21 AGE OR YOUNGER, THE HEALTH CARE PROVIDER MAY INVOLVE THE
22 MINOR'S PARENT OR LEGAL GUARDIAN. A HEALTH CARE PROVIDER SHALL
23 COUNSEL THE MINOR ON THE IMPORTANCE OF BRINGING HIS OR HER
24 PARENT OR LEGAL GUARDIAN INTO THE MINOR'S CONFIDENCE REGARDING
25 THE CONSULTATION, EXAM, OR TREATMENT.

26 **25-4-410. Patient consent - rights of patients, victims, and**
27 **pregnant women.** (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF

1 THIS SUBSECTION (1), A HEALTH CARE PROVIDER, HOSPITAL, CLINIC,
2 LABORATORY, OR OTHER PRIVATE OR PUBLIC INSTITUTION SHALL NOT
3 TEST, OR CAUSE BY ANY MEANS TO HAVE TESTED, ANY SPECIMEN OF A
4 PATIENT FOR A SEXUALLY TRANSMITTED INFECTION WITHOUT THE
5 KNOWLEDGE AND CONSENT OF THE PATIENT, WHICH IS SATISFIED AS
6 FOLLOWS:

7 (I) THE PATIENT SIGNS A GENERAL CONSENT FORM FOR
8 TREATMENT;

9 (II) THE PATIENT IS PROVIDED WITH A VERBAL CONSULTATION
10 ABOUT SEXUALLY TRANSMITTED INFECTIONS, TESTING, AND REPORTING
11 REQUIREMENTS; AND

12 (III) THE PATIENT IS PROVIDED WITH THE OPPORTUNITY TO OPT
13 OUT OF TESTING, FOLLOWING THE VERBAL CONSULTATION.

14 (b) KNOWLEDGE AND CONSENT FOR TESTING NEED NOT BE GIVEN
15 IN THE FOLLOWING CIRCUMSTANCES:

16 (I) WHEN A PUBLIC SAFETY WORKER, EMERGENCY OR OTHER
17 HEALTH CARE PROVIDER, FIRST RESPONDER, VICTIM OF CRIME, OR A STAFF
18 MEMBER OF A CORRECTIONAL FACILITY, THE STATE DEPARTMENT, OR A
19 LOCAL PUBLIC HEALTH AGENCY IS EXPOSED TO BLOOD OR OTHER BODILY
20 FLUIDS UNDER CIRCUMSTANCES THAT ARE MEDICALLY DEMONSTRATED TO
21 POSE A RISK OF TRANSMISSION OF A SEXUALLY TRANSMITTED INFECTION;

22 (II) WHEN A PATIENT'S MEDICAL CONDITION IS SUCH THAT
23 KNOWLEDGE AND CONSENT CANNOT BE OBTAINED;

24 (III) WHEN THE TESTING IS DONE AS PART OF A SEROPREVALENCE
25 SURVEY, BUT ONLY IF ALL PERSONAL IDENTIFIERS ARE REMOVED FROM THE
26 SPECIMENS PRIOR TO THE LABORATORY TESTING;

27 (IV) WHEN THE PATIENT TO BE TESTED IS SENTENCED TO AND IN

1 THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS OR IS COMMITTED TO
2 THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO AND CONFINED TO
3 THE FORENSIC WARD OR THE MINIMUM OR MAXIMUM SECURITY WARD OF
4 THE INSTITUTE; AND

5 (V) NOTWITHSTANDING THE PROVISIONS OF SECTION 25-4-201,
6 WHEN A PREGNANT WOMAN PRESENTS IN LABOR, AND THE RESULTS OF
7 SYPHILIS AND HIV TESTS ARE NOT ON RECORD, A RAPID TEST WILL BE
8 PERFORMED TO DETERMINE WHETHER TO PROVIDE PROPHYLAXIS TO
9 PREVENT TRANSMISSION OF SEXUALLY TRANSMITTED INFECTIONS TO THE
10 INFANT.

11 (c) A HEALTH CARE PROVIDER SHALL NOTIFY A PATIENT WHO WAS
12 TESTED FOR A SEXUALLY TRANSMITTED INFECTION WITHOUT HIS OR HER
13 KNOWLEDGE AND CONSENT PURSUANT TO SECTION 25-4-408. THE
14 NOTIFICATION MUST BE PROMPT, PERSONAL, AND CONFIDENTIAL AND
15 INFORM THE INDIVIDUAL THAT A TEST SAMPLE WAS TAKEN AND THAT THE
16 RESULTS OF THE TEST MAY BE OBTAINED UPON HIS OR HER REQUEST.

17 (2) IT IS THE DUTY OF EVERY HEALTH CARE PROVIDER IN THE
18 STATE WHO, DURING THE COURSE OF AN EXAMINATION, DISCOVERS THE
19 EXISTENCE OF A SEXUALLY TRANSMITTED INFECTION, OR WHO TREATS A
20 PATIENT FOR SUCH AN INFECTION, TO INFORM THE PERSON OF THE
21 INTERPRETATIONS OF LABORATORY RESULTS AND COUNSEL THE PERSON
22 ON MEASURES FOR PREVENTING TRANSMISSION TO OTHERS; PROPHYLAXIS
23 AND TREATMENT OF INFECTIONS UNTIL CURED, WHERE POSSIBLE;
24 TREATMENT TO PREVENT PROGRESSION OF SUCH INFECTIONS; AND THE
25 NECESSITY OF REGULAR MEDICAL EVALUATIONS. SUCH INFORMATION AND
26 LABORATORY TEST RESULTS ARE CONSIDERED MEDICAL INFORMATION AND
27 ARE PROTECTED FROM UNAUTHORIZED DISCLOSURE.

1 (3) A PREGNANT WOMAN MUST BE INFORMED THAT SYPHILIS AND
2 HIV TESTING ARE PART OF STANDARD PRENATAL TESTING AND GIVEN THE
3 OPPORTUNITY TO DECLINE SUCH TESTS PURSUANT TO SECTION 25-4-201.
4 A PREGNANT WOMAN MUST BE INFORMED THAT TEST RESULTS INFORM THE
5 DECISION AS TO WHETHER TO PROVIDE PROPHYLAXIS AND PREVENT
6 TRANSMISSION OF THE SEXUALLY TRANSMITTED INFECTION TO HER
7 INFANT.

8 (4) WHEN AN ADULT OR MINOR HAS BEEN EXPOSED TO BLOOD OR
9 OTHER BODILY FLUIDS AS A RESULT OF A SEXUAL OFFENSE INVOLVING
10 SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401 (6), C.R.S., FOR
11 WHICH THERE IS AN EVIDENCE-BASED REASON TO BELIEVE THAT THE
12 SEXUAL OFFENSE MAY HAVE RESULTED IN EXPOSURE TO A SEXUALLY
13 TRANSMITTED INFECTION, THE STATE DEPARTMENT OR LOCAL PUBLIC
14 HEALTH AGENCY, WITHIN THEIR RESPECTIVE JURISDICTIONS, SHALL ASSIST
15 IN THE EVALUATION AND TREATMENT OF ANY INVOLVED PERSON BY:

16 (a) ACCESSING INFORMATION ON THE INCIDENT AND ANY PERSONS
17 INVOLVED TO DETERMINE WHETHER A POTENTIAL EXPOSURE TO A
18 SEXUALLY TRANSMITTED INFECTION OCCURRED;

19 (b) WHEN AN EXPOSURE HAS BEEN CONFIRMED BY THE STATE
20 DEPARTMENT OR A LOCAL PUBLIC HEALTH AGENCY, EXAMINING AND
21 TESTING ANY INVOLVED PERSON TO DETERMINE WHETHER OR NOT AN
22 INVOLVED PERSON HAS BEEN INFECTED;

23 (c) COMMUNICATING RELEVANT INFORMATION AND LABORATORY
24 TEST RESULTS ON THE INVOLVED PERSON TO HIS OR HER ATTENDING
25 HEALTH CARE PROVIDER OR DIRECTLY TO THE INVOLVED PERSON IF THE
26 CONFIDENTIALITY OF THE INFORMATION AND TEST RESULTS ARE
27 ACKNOWLEDGED BY THE RECIPIENT AND ADEQUATELY PROTECTED, AS

1 DETERMINED BY THE STATE DEPARTMENT OR LOCAL PUBLIC HEALTH
2 AGENCY; AND

3 (d) PROVIDING IMMEDIATE COUNSELING TO ANY INVOLVED PERSON
4 ON THE POTENTIAL HEALTH RISKS AND AVAILABLE POST-EXPOSURE
5 TREATMENT.

6 **25-4-411. Confidential counseling and testing sites - legislative**
7 **declaration.** (1) (a) CONFIDENTIAL HIV COUNSELING AND TESTING
8 SERVICES ARE THE PREFERRED SCREENING SERVICES FOR THE DETECTION
9 OF A POSSIBLE INFECTION. HOWEVER, THE STATE DEPARTMENT SHALL,
10 CONSISTENT WITH GENERALLY ACCEPTED PRACTICES FOR THE PROTECTION
11 OF THE PUBLIC HEALTH AND SAFETY, CONDUCT AN ANONYMOUS HIV
12 COUNSELING AND TESTING PROGRAM AT SELECTED SITES. THE STATE
13 DEPARTMENT MAY OPERATE SITES OR SEPARATELY CONTRACT THROUGH
14 LOCAL PUBLIC HEALTH AGENCIES TO CONDUCT HIV TESTING IN
15 CONJUNCTION WITH COUNSELING AND TESTING SITES, SUBJECT TO
16 MAINTAINING STANDARDS FOR PERFORMANCE AS SET BY RULE OF THE
17 STATE BOARD PURSUANT TO SECTION 25-4-404.

18 (b) (I) THE DISCLOSURE OF A PERSON'S NAME, ADDRESS, PHONE
19 NUMBER, BIRTH DATE, OR OTHER PERSONALLY IDENTIFYING INFORMATION
20 IS NOT REQUIRED AS A CONDITION TO BE TESTED FOR HIV AT A TESTING
21 SITE. ANY PROVISION OF THIS PART 4 THAT REQUIRES OR CAN BE
22 CONSTRUED AS REQUIRING A PERSON SEEKING TESTING TO REPORT OR
23 DISCLOSE SUCH INFORMATION DOES NOT APPLY TO PERSONS SEEKING TO
24 BE TESTED AT A TESTING SITE CREATED PURSUANT TO THIS SECTION.

25 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
26 THIS PARAGRAPH (b), THE AGE, GENDER, OR GENDER IDENTITY OF A
27 PERSON SEEKING TO BE TESTED AT A TESTING SITE MAY BE REQUIRED.

1 **25-4-412. Public safety - public health procedures - orders for**
2 **compliance - petitions - hearings.** (1) AN ORDER OR RESTRICTIVE
3 MEASURE DIRECTED TO A PERSON WITH A SEXUALLY TRANSMITTED
4 INFECTION MUST ONLY BE USED AS THE LAST RESORT WHEN ALL OTHER
5 MEASURES TO PROTECT THE PUBLIC HEALTH HAVE FAILED, INCLUDING ALL
6 REASONABLE EFFORTS, WHICH MUST BE DOCUMENTED, TO OBTAIN THE
7 VOLUNTARY COOPERATION OF THE PERSON WHO MAY BE SUBJECT TO THE
8 ORDER OR RESTRICTIVE MEASURE. THESE PUBLIC HEALTH PROCEDURES
9 WILL BE TRIGGERED BY SPECIFIC INSTANCES AS DETERMINED BY THE STATE
10 BOARD. THE ORDER OR RESTRICTIVE MEASURE MUST BE APPLIED SERIALLY
11 WITH THE LEAST INTRUSIVE MEASURES USED FIRST. THE STATE
12 DEPARTMENT OR LOCAL PUBLIC HEALTH AGENCY HAS THE BURDEN OF
13 PROOF TO SHOW THAT SPECIFIED GROUNDS EXIST FOR THE ISSUANCE OF
14 THE ORDER OR RESTRICTIVE MEASURE AND THAT THE TERMS AND
15 CONDITIONS IMPOSED ARE NO MORE RESTRICTIVE THAN NECESSARY TO
16 PROTECT THE PUBLIC HEALTH.

17 (2) WHEN THE EXECUTIVE DIRECTOR OR THE LOCAL DIRECTOR,
18 WITHIN HIS OR HER RESPECTIVE JURISDICTION, KNOWS OR HAS REASON TO
19 BELIEVE, BECAUSE OF EVIDENCE-BASED, MEDICAL, OR EPIDEMIOLOGICAL
20 INFORMATION, THAT A PERSON HAS A SEXUALLY TRANSMITTED INFECTION
21 AND POSES A CREDIBLE RISK TO THE PUBLIC HEALTH, HE OR SHE MAY ISSUE
22 AN ORDER TO:

23 (a) REQUIRE THE PERSON TO BE EXAMINED AND TESTED TO
24 DETERMINE WHETHER HE OR SHE HAS ACQUIRED A SEXUALLY
25 TRANSMITTED INFECTION;

26 (b) REQUIRE HIM OR HER TO REPORT TO A QUALIFIED HEALTH CARE
27 PROVIDER FOR COUNSELING REGARDING SEXUALLY TRANSMITTED

1 INFECTIONS, INFORMATION ON TREATMENT, AND HOW TO AVOID
2 TRANSMITTING SEXUALLY TRANSMITTED INFECTIONS TO OTHERS; OR

3 (c) DIRECT A PERSON WITH A SEXUALLY TRANSMITTED INFECTION
4 TO CEASE AND DESIST FROM SPECIFIC CONDUCT THAT POSES RISKS TO THE
5 PUBLIC HEALTH, BUT ONLY IF THE EXECUTIVE DIRECTOR OR LOCAL
6 DIRECTOR HAS DETERMINED THAT CLEAR AND CONVINCING EVIDENCE
7 EXISTS TO BELIEVE THAT SUCH PERSON HAS BEEN ORDERED TO REPORT FOR
8 COUNSELING OR HAS RECEIVED COUNSELING BY A QUALIFIED HEALTH
9 CARE PROVIDER AND CONTINUES TO DEMONSTRATE BEHAVIOR THAT POSES
10 AN EVIDENCE-BASED RISK TO THE PUBLIC HEALTH.

11 (3) (a) IF A PERSON VIOLATES A CEASE-AND-DESIST ORDER ISSUED
12 PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION AND IT
13 IS SHOWN THAT THE PERSON POSES AN EVIDENCE-BASED RISK TO THE
14 PUBLIC HEALTH, THE EXECUTIVE DIRECTOR OR THE LOCAL DIRECTOR MAY
15 ENFORCE THE CEASE-AND-DESIST ORDER BY IMPOSING SUCH RESTRICTIONS
16 UPON THE PERSON AS ARE NECESSARY TO PREVENT THE SPECIFIC CONDUCT
17 THAT RISKS THE PUBLIC HEALTH. RESTRICTIONS MAY INCLUDE REQUIRED
18 PARTICIPATION IN EVALUATIVE, THERAPEUTIC, AND COUNSELING
19 PROGRAMS.

20 (b) ANY RESTRICTION MUST BE IN WRITING, SETTING FORTH THE
21 NAME OF THE PERSON TO BE RESTRICTED; THE INITIAL PERIOD OF TIME
22 THAT THE RESTRICTIVE ORDER IS EFFECTIVE, NOT TO EXCEED THREE
23 MONTHS; THE TERMS OF THE RESTRICTIONS; AND ANY OTHER CONDITIONS
24 NECESSARY TO PROTECT THE PUBLIC HEALTH. RESTRICTIONS MUST BE
25 IMPOSED IN THE LEAST RESTRICTIVE MANNER NECESSARY TO PROTECT THE
26 PUBLIC HEALTH.

27 (c) THE EXECUTIVE DIRECTOR OR LOCAL DIRECTOR WHO ISSUES AN

1 ORDER PURSUANT TO THIS SUBSECTION (3) SHALL REVIEW PETITIONS FOR
2 RECONSIDERATION FROM THE PERSON AFFECTED BY THE ORDER.
3 RESTRICTION ORDERS ISSUED BY LOCAL DIRECTORS SHALL BE SUBMITTED
4 FOR REVIEW AND APPROVAL BY THE EXECUTIVE DIRECTOR.

5 (4) (a) (I) UPON THE ISSUANCE OF AN ORDER BY THE STATE
6 DEPARTMENT OR A LOCAL PUBLIC HEALTH AGENCY PURSUANT TO
7 SUBSECTION (2) OR (3) OF THIS SECTION, THE STATE DEPARTMENT OR
8 LOCAL PUBLIC HEALTH AGENCY SHALL GIVE NOTICE PROMPTLY,
9 PERSONALLY, AND CONFIDENTIALLY TO THE PERSON WHO IS THE SUBJECT
10 OF THE ORDER. THE NOTICE MUST STATE THE GROUNDS AND PROVISIONS
11 OF THE ORDER AND NOTIFY THE PERSON WHO IS THE SUBJECT OF THE
12 ORDER THAT HE OR SHE HAS THE RIGHT TO REFUSE TO COMPLY WITH THE
13 ORDER, THAT HE OR SHE HAS THE RIGHT TO BE PRESENT AT A JUDICIAL
14 HEARING IN THE DISTRICT COURT TO REVIEW THE ORDER, AND THAT HE OR
15 SHE MAY HAVE AN ATTORNEY APPEAR ON HIS OR HER BEHALF AT THE
16 HEARING. IF A RESPONDENT TO ANY SUCH ACTION CANNOT AFFORD AN
17 ATTORNEY, ONE SHALL BE APPOINTED FOR HIM OR HER AT THE
18 COMMENCEMENT OF THE COURT PROCESS.

19 (II) IF THE PERSON WHO IS THE SUBJECT OF THE ORDER REFUSES TO
20 COMPLY WITH THE ORDER AND REFUSES TO VOLUNTARILY COOPERATE
21 WITH THE EXECUTIVE DIRECTOR OR LOCAL DIRECTOR, THE EXECUTIVE
22 DIRECTOR OR LOCAL DIRECTOR MAY PETITION THE DISTRICT COURT FOR AN
23 ORDER OF COMPLIANCE WITH THE ORDER. THE EXECUTIVE DIRECTOR OR
24 LOCAL DIRECTOR SHALL REQUEST THAT THE COUNTY OR CITY AND
25 COUNTY ATTORNEY FILE SUCH PETITION IN THE DISTRICT COURT.
26 HOWEVER, IF THE COUNTY OR CITY AND COUNTY ATTORNEY REFUSES TO
27 ACT, THE EXECUTIVE DIRECTOR OR LOCAL DIRECTOR MAY FILE SUCH

1 PETITION AND BE REPRESENTED BY THE ATTORNEY GENERAL.

2 (III) IF AN ORDER OF COMPLIANCE IS REQUESTED, THE COURT
3 SHALL HEAR THE MATTER WITHIN FOURTEEN DAYS FOLLOWING THE
4 REQUEST. NOTICE OF THE PLACE, DATE, AND TIME OF THE HEARING MUST
5 BE BY PERSONAL SERVICE OR, IF THE PERSON WHO IS THE SUBJECT OF THE
6 ORDER IS NOT AVAILABLE, MAILED BY PREPAID CERTIFIED MAIL, RETURN
7 RECEIPT REQUESTED, AT THE PERSON'S LAST-KNOWN ADDRESS. PROOF OF
8 MAILING BY THE STATE DEPARTMENT OR LOCAL PUBLIC HEALTH AGENCY
9 IS SUFFICIENT NOTICE UNDER THIS SECTION. THE STATE DEPARTMENT OR
10 LOCAL PUBLIC HEALTH AGENCY HAS THE BURDEN OF PROOF TO SHOW BY
11 CLEAR AND CONVINCING EVIDENCE THAT THE SPECIFIED GROUNDS EXIST
12 FOR THE ISSUANCE OF THE ORDER, THE NEED FOR COMPLIANCE, AND THE
13 TERMS AND CONDITIONS IMPOSED IN THE ORDER ARE NO MORE
14 RESTRICTIVE THAN NECESSARY TO PROTECT THE PUBLIC HEALTH.

15 (IV) UPON THE CONCLUSION OF THE HEARING, THE COURT SHALL
16 ISSUE APPROPRIATE ORDERS AFFIRMING, MODIFYING, OR DISMISSING THE
17 ORIGINAL ORDER.

18 (b) IF THE EXECUTIVE DIRECTOR OR LOCAL DIRECTOR DOES NOT
19 PETITION THE DISTRICT COURT FOR AN ORDER OF COMPLIANCE WITHIN
20 THIRTY DAYS AFTER THE PERSON WHO IS THE SUBJECT OF THE ORDER
21 REFUSES TO COMPLY, THE PERSON MAY PETITION THE DISTRICT COURT FOR
22 DISMISSAL OF THE ORDER. IF THE DISTRICT COURT DISMISSES THE ORDER,
23 THE FACT THAT THE ORDER WAS ISSUED MUST BE EXPUNGED FROM THE
24 RECORDS OF THE STATE DEPARTMENT OR THE LOCAL PUBLIC HEALTH
25 AGENCY.

26 (5) ANY HEARING CONDUCTED PURSUANT TO THIS SECTION MUST
27 BE CLOSED AND CONFIDENTIAL, AND ANY TRANSCRIPTS OR RECORDS

1 RELATED TO THE HEARING ARE ALSO CONFIDENTIAL.

2 **25-4-413. Emergency public health procedures - injunctions.**

3 (1) WHEN THE PROCEDURES SET FORTH IN SECTION 25-4-412 HAVE BEEN
4 EXHAUSTED OR CANNOT BE SATISFIED AND THE EXECUTIVE DIRECTOR OR
5 A LOCAL DIRECTOR, WITHIN HIS OR HER RESPECTIVE JURISDICTION, KNOWS
6 OR HAS REASON TO BELIEVE, BASED ON ACCURATE, EVIDENCE-BASED, AND
7 MEDICAL AND EPIDEMIOLOGICAL INFORMATION, THAT A PERSON HAS
8 ACQUIRED A SEXUALLY TRANSMITTED INFECTION AND THAT THE PERSON
9 PRESENTS AN IMMINENT RISK TO THE PUBLIC HEALTH, THE EXECUTIVE
10 DIRECTOR OR THE LOCAL DIRECTOR MAY BRING AN ACTION IN DISTRICT
11 COURT, PURSUANT TO RULE 65 OF THE COLORADO RULES OF CIVIL
12 PROCEDURE, TO ENJOIN THE PERSON FROM ENGAGING IN OR CONTINUING
13 TO ENGAGE IN SPECIFIC CONDUCT THAT POSES AN EVIDENCE-BASED RISK
14 TO THE PUBLIC HEALTH. THE EXECUTIVE DIRECTOR OR THE LOCAL
15 DIRECTOR SHALL REQUEST THE DISTRICT ATTORNEY TO FILE SUCH AN
16 ACTION IN THE DISTRICT COURT. HOWEVER, IF THE DISTRICT ATTORNEY
17 REFUSES TO ACT, THE EXECUTIVE DIRECTOR OR LOCAL DIRECTOR MAY FILE
18 THE ACTION AND BE REPRESENTED BY THE ATTORNEY GENERAL. THE
19 COURT IS AUTHORIZED TO HOLD AN EX PARTE PROCEEDING WHEN
20 NECESSARY.

21 (2) (a) UNDER THE CIRCUMSTANCES OUTLINED IN SUBSECTION (1)
22 OF THIS SECTION, IN ADDITION TO THE INJUNCTION ORDER, THE DISTRICT
23 COURT MAY ISSUE OTHER APPROPRIATE COURT ORDERS, INCLUDING AN
24 ORDER TO TAKE THE PERSON INTO CUSTODY FOR A PERIOD NOT TO EXCEED
25 SEVENTY-TWO HOURS AND PLACE HIM OR HER IN A FACILITY DESIGNATED
26 OR APPROVED BY THE EXECUTIVE DIRECTOR. A CUSTODY ORDER ISSUED
27 FOR THE PURPOSE OF COUNSELING AND TESTING TO DETERMINE WHETHER

1 THE PERSON HAS A SEXUALLY TRANSMITTED INFECTION MUST PROVIDE
2 FOR THE IMMEDIATE RELEASE FROM CUSTODY OF A PERSON WHO TESTS
3 NEGATIVE AND MAY PROVIDE FOR COUNSELING OR OTHER APPROPRIATE
4 MEASURES TO BE IMPOSED ON A PERSON WHO TESTS POSITIVE.

5 (b) THE STATE DEPARTMENT OR LOCAL PUBLIC HEALTH AGENCY
6 SHALL GIVE NOTICE OF THE ORDER, PROMPTLY, PERSONALLY, AND
7 CONFIDENTIALLY, TO THE PERSON WHO IS THE SUBJECT OF THE ORDER. THE
8 ORDER MUST STATE THE GROUNDS AND PROVISIONS OF THE ORDER AND
9 NOTIFY THE PERSON THAT HE OR SHE HAS THE RIGHT TO REFUSE TO
10 COMPLY WITH THE ORDER, THAT HE OR SHE HAS THE RIGHT TO BE PRESENT
11 AT A HEARING TO REVIEW THE ORDER, AND THAT HE OR SHE MAY HAVE AN
12 ATTORNEY APPEAR ON HIS OR HER BEHALF AT THE HEARING. IF A
13 RESPONDENT TO ANY SUCH ACTION CANNOT AFFORD AN ATTORNEY, ONE
14 SHALL BE APPOINTED FOR HIM OR HER AT THE COMMENCEMENT OF THE
15 PROCEEDINGS.

16 (c) IF THE PERSON CONTESTS TESTING OR TREATMENT, INVASIVE
17 MEDICAL PROCEDURES SHALL NOT BE CARRIED OUT PRIOR TO A HEARING
18 HELD PURSUANT TO SUBSECTION (3) OF THIS SECTION.

19 (3) AN ORDER ISSUED BY A DISTRICT COURT PURSUANT TO
20 SUBSECTION (2) OF THIS SECTION IS SUBJECT TO REVIEW IN A COURT
21 HEARING. NOTICE OF THE PLACE, DATE, AND TIME OF THE COURT HEARING
22 SHALL BE GIVEN PROMPTLY, PERSONALLY, AND CONFIDENTIALLY TO THE
23 PERSON WHO IS THE SUBJECT OF THE COURT ORDER. THE COURT SHALL
24 CONDUCT THE HEARING NO LATER THAN FORTY-EIGHT HOURS AFTER THE
25 ISSUANCE OF THE ORDER. THE PERSON HAS THE RIGHT TO BE PRESENT AT
26 THE HEARING AND HAVE AN ATTORNEY APPEAR ON HIS OR HER BEHALF AT
27 THE HEARING. IF A RESPONDENT TO ANY SUCH ACTION CANNOT AFFORD AN

1 ATTORNEY, ONE SHALL BE APPOINTED FOR HIM OR HER AT THE BEGINNING
2 OF THE INJUNCTION PROCESS. UPON THE CONCLUSION OF THE HEARING,
3 THE COURT SHALL ISSUE APPROPRIATE ORDERS AFFIRMING, MODIFYING, OR
4 DISMISSING THE ORIGINAL ORDER.

5 (4) THE STATE DEPARTMENT OR LOCAL PUBLIC HEALTH AGENCY
6 HAS THE BURDEN OF PROOF TO SHOW BY CLEAR AND CONVINCING
7 EVIDENCE THAT EVIDENCE-BASED GROUNDS EXIST FOR THE ISSUANCE OF
8 ANY COURT ORDER MADE PURSUANT TO SUBSECTION (2) OR (3) OF THIS
9 SECTION.

10 (5) A HEARING CONDUCTED BY THE DISTRICT COURT PURSUANT TO
11 THIS SECTION MUST BE CLOSED AND CONFIDENTIAL, AND ANY
12 TRANSCRIPTS OR RECORDS RELATING TO THE HEARING ARE ALSO
13 CONFIDENTIAL.

14 (6) AN ORDER ENTERED BY THE DISTRICT COURT PURSUANT TO
15 SUBSECTION (2) OR (3) OF THIS SECTION MUST IMPOSE TERMS AND
16 CONDITIONS NO MORE RESTRICTIVE THAN NECESSARY TO PROTECT THE
17 PUBLIC HEALTH.

18 **25-4-414. Penalties.** (1) A HEALTH CARE PROVIDER, LABORATORY
19 EMPLOYEE, OR OTHER PERSON WHO IS REQUIRED TO MAKE A REPORT
20 PURSUANT TO SECTION 25-4-405 AND WHO FAILS TO MAKE SUCH A REPORT
21 COMMITS A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION, SHALL BE
22 PUNISHED BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS.

23 (2) A HEALTH CARE PROVIDER; OFFICER OR EMPLOYEE OF THE
24 STATE DEPARTMENT; OFFICER OR EMPLOYEE OF A LOCAL PUBLIC HEALTH
25 AGENCY; OR A PERSON, FIRM, OR CORPORATION THAT VIOLATES SECTION
26 25-4-406 BY BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUCH
27 SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE

1 PUNISHED BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS BUT NOT
2 MORE THAN FIVE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE
3 COUNTY JAIL FOR NOT LESS THAN SIX MONTHS BUT NOT MORE THAN
4 TWENTY-FOUR MONTHS OR BY BOTH FINE AND IMPRISONMENT AS ORDERED
5 BY A COURT.

6 **SECTION 2.** In Colorado Revised Statutes, **amend with**
7 **amended and relocated provisions** part 14 of article 4 of title 25 as
8 follows:

9 PART 14

10 HIV TREATMENT & PREVENTION RESOURCES

11 **25-4-1401. [Formerly 25-4-1411] Drug assistance program -**
12 **program fund - created - legislative declaration - no entitlement**
13 **created.** (1) (a) The general assembly recognizes that:

14 (I) Medical science is making strides in treating individuals who
15 have AIDS or HIV;

16 (II) There are effective biomedical strategies to reduce new HIV
17 infections;

18 (III) Individuals at risk of HIV may also be at risk of other
19 infectious diseases that can exacerbate the outcomes of an HIV infection;

20 (IV) Individuals of lower income face barriers accessing
21 biomedical interventions, particularly if they lack health insurance
22 coverage or if their health insurance includes unaffordable premiums or
23 cost-sharing requirements; and

24 (V) Both the public health and quality of life would benefit from
25 providing assistance with such costs and encouraging prompt and
26 sustained treatment, eventually preventing further transmission of HIV,
27 viral hepatitis, and sexually transmitted infections through prevention,

1 cure, or viral suppression.

2 (b) Therefore, the general assembly declares that the purpose of
3 this section is to implement the drug assistance program for qualifying
4 individuals of lower income who have medical or preventative needs
5 concerning AIDS or HIV, viral hepatitis, or a sexually transmitted
6 infection.

7 (c) Nothing in this section shall be construed to establish any
8 entitlement to services from the department of public health and
9 environment.

10 (2) (a) Subject to available appropriations, the department of
11 public health and environment is authorized to implement and administer
12 a drug assistance program, referred to in this section as the "state
13 program", to provide assistance with indicated screening, general
14 medical, preventative, and pharmaceutical costs for eligible individuals.

15 (b) The general assembly may annually appropriate moneys from
16 the general fund to assist with indicated screening, general medical,
17 preventative, and pharmaceutical costs for individuals participating in the
18 state program.

19 (c) The state program is also funded with federal funds available
20 under the federal "Ryan White C.A.R.E. Act of 1990", as amended.

21 (d) Any moneys received in excess of a federal price agreement
22 are a donation.

23 (e) For activities of the state program funded by the drug
24 assistance program fund that exceed the appropriation from the drug
25 assistance program fund, if there are sufficient uncommitted moneys in
26 the AIDS and HIV prevention fund, the program may use moneys
27 appropriated for the implementation and administration of the state

1 program from the AIDS and HIV prevention fund as authorized by
2 section ~~25-4-1415 (1)~~ 25-4-1405.

3 (3) To be eligible to participate in the state program, an individual
4 must:

5 (a) Have a medical indication for treatment or prevention of HIV
6 or AIDS, viral hepatitis, or another sexually transmitted infection;

7 ~~(b) (Deleted by amendment, L. 2001, p. 332, § 1, effective July 1,~~
8 ~~2001.)~~

9 ~~(e)~~ (b) Have a prescription from an authorized provider for a
10 pharmaceutical product or combination of pharmaceutical products, as
11 applicable, that are included on the drug formulary for the state program;
12 and

13 ~~(d)~~ (c) Meet income eligibility requirements as determined by the
14 department of public health and environment in consultation with the
15 subcommittee of the advisory group on AIDS policy established in
16 subsection ~~(4)~~ (5) of this section.

17 ~~(3.5)~~ (4) Notwithstanding any other provision of this part 14 to the
18 contrary, if a person meets the eligibility requirements set forth in
19 subsection (3) of this section, he or she ~~shall be~~ IS eligible for programs
20 and services that provide for the investigation, identification, testing,
21 preventive care, or treatment of HIV infection or AIDS regardless of his
22 or her race, religion, gender, ethnicity, national origin, or immigration
23 status.

24 ~~(4)~~ (5) A subcommittee of an advisory group convened by the
25 governor to make recommendations for HIV and AIDS policy in the state
26 shall serve in an advisory role to the department of public health and
27 environment in implementing the state program and shall provide advice

1 and recommendations to the department of public health and environment
2 concerning:

3 (a) Which pharmaceutical products should be listed on the drug
4 formulary for the state program;

5 (b) Income and other eligibility requirements for the state
6 program; and

7 (c) The uses of funding for the state program pursuant to
8 paragraphs (a) to (e) of subsection (2) of this section.

9 ~~(5)~~ (6) If at any time the department of public health and
10 environment, in consultation with the subcommittee of the advisory group
11 on HIV and AIDS policy established in subsection ~~(4)~~ (5) of this section,
12 determines that the drug assistance program is reaching the program's
13 fiscal limitations, the department, in consultation with the subcommittee,
14 shall implement a policy of giving preference to the highest-priority
15 applicants of lower income, who otherwise meet the eligibility
16 requirements in subsection (3) of this section, for enrollment into the
17 program in the following rank order:

18 (a) Individuals diagnosed with HIV or AIDS;

19 (b) Individuals in need of treatment to prevent HIV infection;

20 (c) Individuals diagnosed with other sexually transmitted
21 infections that can be prevented or cured through currently available
22 pharmaceutical treatments;

23 (d) Individuals diagnosed with viral hepatitis;

24 (e) Individuals with emerging care, treatment, or prevention needs
25 concerning HIV, viral hepatitis, or other sexually transmitted infections.

26 ~~(6)(a)~~ (7) (a) The drug assistance program fund is created in the
27 state treasury. The principal of the fund consists of tobacco litigation

1 settlement moneys transferred by the state treasurer to the fund pursuant
2 to section 24-75-1104.5 (1) (j), C.R.S. Subject to annual appropriation by
3 the general assembly, the department of public health and environment
4 may expend moneys from the fund for the state program. Any
5 unexpended or unencumbered money remaining in the fund at the end of
6 any fiscal year commencing on or after July 1, 2014, remains in the fund
7 and shall not be credited or transferred to the general fund or any other
8 fund.

9 (b) The department of public health and environment and the
10 advisory group shall determine how the moneys appropriated for the state
11 program pursuant to this subsection ~~(6)~~ (7) are to be used.

12 **25-4-1402. [Formerly 25-4-1412] Definitions.** As used in this
13 section and sections ~~25-4-1413 to 25-4-1415~~ 25-4-1403 TO 25-4-1405,
14 unless the context otherwise requires:

15 (1) "Program" means the Colorado HIV and AIDS prevention
16 grant program created in section ~~25-4-1413~~ 25-4-1403.

17 (2) "State board" means the state board of health created in section
18 25-1-103.

19 **25-4-1403. [Formerly 25-4-1413] Colorado HIV and AIDS**
20 **prevention grant program.** (1) There is hereby created in the
21 department the Colorado HIV and AIDS prevention grant program to
22 address local community needs in the areas of medically accurate HIV
23 and AIDS prevention and education through a competitive grant process.
24 The department shall administer the program.

25 (2) Grant applicants ~~shall~~ MUST be nonprofit organizations that are
26 governed by a board of directors, have the benefit of tax-exempt status
27 pursuant to section 501 (c) (3) of the federal "Internal Revenue Code of

1 1986" or are county, district, or municipal public health agencies.

2 (3) (a) Preference shall be given to grant applicants that have as
3 one of their primary purposes HIV and AIDS prevention and education.

4 (b) Grants may be given to organizations that conduct HIV
5 prevention in conjunction with other comorbidities secondary to HIV
6 infections.

7 (4) Grant applications ~~shall~~ MUST include, but need not be limited
8 to:

9 (a) A statement of the local HIV and AIDS prevention or
10 education issue to be addressed, a description of the constituency that
11 shall be served or targeted, and how the constituency will benefit;

12 (b) A description of the goals and objectives of the grant applicant
13 in submitting an application under the program; and

14 (c) A description of the activities planned to accomplish the goals
15 and objectives of the grant applicant and of the outcome measures that
16 will be used by the grant applicant.

17 (5) Grants ~~shall~~ MUST only be given for medically accurate HIV
18 and AIDS prevention and education programs that are based in behavioral
19 and social science theory and research and shall not be used to contribute
20 to existing scholarships, directly to endowments, fund-raising events,
21 annual fund drives, or debt reduction.

22 **25-4-1404. [Formerly 25-4-1414] Grant program - rules**
23 **-conflict of interest.** (1) (a) The program shall fund medically accurate
24 HIV and AIDS prevention and education programs through a competitive
25 grant process that ~~shall be~~ IS overseen by the HIV and AIDS prevention
26 grant program advisory committee, which is hereby created and referred
27 to in this section as the "advisory committee". The advisory committee

1 ~~shall consist~~ CONSISTS of seven members appointed by the executive
2 director of the department as follows:

3 ~~(I) (Deleted by amendment, L. 2009, (SB 09-179), ch. 112, p. 474,~~
4 ~~§ 17, effective April 9, 2009.)~~

5 ~~(H)~~ (I) One member who is recommended by the department's
6 minority health advisory commission;

7 ~~(HH)~~ (II) Four members who are recommended by a statewide
8 collaborative group that assists the department in the department's
9 comprehensive plan for HIV and AIDS prevention;

10 ~~(HV)~~ (III) One member who has expertise in HIV and AIDS
11 prevention and education; and

12 ~~(V)~~ (IV) One member who represents a clinic that receives
13 moneys under part 3 of the federal "Ryan White C.A.R.E. Act of 1990",
14 as amended.

15 (b) The composition of the advisory committee shall reflect, to the
16 extent practical, Colorado's ethnic, racial, and geographic diversity.

17 (c) The grants administered pursuant to section ~~25-4-1413~~
18 25-4-1403 ~~shall~~ ARE only ~~be~~ subject to the restrictions provided for in this
19 section and section ~~25-4-1413~~ 25-4-1403 and ~~shall~~ ARE not ~~be~~ subject to
20 the same restrictions as grants provided with federal moneys for HIV and
21 AIDS prevention. The state board, upon recommendations of the advisory
22 committee, shall adopt rules that specify, but need not be limited to, the
23 following:

24 (I) The procedures and timelines by which an entity may apply for
25 program grants;

26 (II) Grant application contents, in addition to those specified in
27 section ~~25-4-1413 (3)~~ 25-4-1403 (3);

1 (III) Criteria for selecting the entities that shall receive grants and
2 determining the amount and duration of the grants;

3 (IV) Reporting requirements for entities that receive grants
4 pursuant to this section; and

5 (V) The qualifications of an adequate proposal.

6 (2) The advisory committee shall review the applications received
7 pursuant to this section and submit to the state board and the executive
8 director of the department recommended grant recipients, recommended
9 grant amounts, and the duration of each recommended grant. In making
10 recommendations for grants, the advisory committee shall consider the
11 distribution of federal funds in the areas of HIV and AIDS prevention,
12 education, and treatment. Within thirty days after receiving the advisory
13 committee's recommendations, the executive director shall submit his or
14 her recommendations to the state board. The state board shall have HAS
15 the final authority to approve the grants administered under this section
16 and section ~~25-4-1413~~ 25-4-1403. If the state board disapproves a
17 recommendation for a grant recipient, the advisory committee may submit
18 a replacement recommendation within thirty days after disapproval. In
19 making grant recommendations, the advisory committee shall follow the
20 purpose of the program as outlined in section ~~25-4-1413~~ 25-4-1403. The
21 state board shall award grants to the entities selected by the advisory
22 committee, specifying the amount and duration of each grant award. In
23 reviewing and approving grant applications, the advisory committee and
24 the state board shall ensure that grants are distributed statewide and
25 address the needs of both urban and rural residents of Colorado.

26 (3) If a member of the advisory committee has an immediate
27 personal, private, or financial interest in any matter pending before the

1 advisory committee, the member shall disclose the fact and shall not vote
2 upon the matter.

3 **25-4-1405. [Formerly 25-4-1415] AIDS and HIV prevention**
4 **fund - administration - limitation.** (1) There is hereby created in the
5 state treasury the AIDS and HIV prevention fund, referred to in this
6 section as the "fund", which consists of moneys that may be appropriated
7 to the fund by the general assembly. The moneys in the fund are subject
8 to annual appropriation by the general assembly for the direct and indirect
9 costs associated with the implementation of the program. Any moneys in
10 the fund not expended for the purpose of the program may be invested by
11 the state treasurer as provided by law. All interest and income derived
12 from the investment and deposit of moneys in the fund ~~shall~~ MUST be
13 credited to the fund. Any unexpended and unencumbered moneys
14 remaining in the fund at the end of a fiscal year ~~shall~~ remain in the fund
15 and shall not be credited or transferred to the general fund or another
16 fund.

17 (2) Pursuant to section 24-75-1104.5 (1) (m), C.R.S., and except
18 as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning in
19 the 2006-07 fiscal year and in each fiscal year thereafter so long as the
20 state receives moneys pursuant to the master settlement agreement, the
21 state treasurer shall annually transfer to the fund two percent, not to
22 exceed two million dollars in any fiscal year, of the total amount of the
23 moneys received by the state pursuant to the master settlement agreement,
24 not including attorney fees and costs, during the preceding fiscal year.
25 The state treasurer shall transfer the amount specified in this subsection
26 (2) from moneys credited to the tobacco litigation settlement cash fund
27 created in section 24-22-115, C.R.S.

1 (3) The department may receive up to five percent of the moneys
2 annually appropriated by the general assembly to the department from the
3 fund created in subsection (1) of this section for the actual costs incurred
4 in administering the program.

5 ~~(4) Repealed.~~

6 **SECTION 3.** In Colorado Revised Statutes, **repeal** 18-1.3-1004
7 (1) (d), 18-3-415.5, 18-7-201.5, 18-7-201.7, 18-7-205.5, 18-7-205.7, and
8 25-1-1202 (1) (ccc).

9 **SECTION 4.** In Colorado Revised Statutes, 10-3-1104.5, **amend**
10 (4) (c) as follows:

11 **10-3-1104.5. HIV testing - legislative declaration - definitions**
12 **- requirements for testing - limitations on disclosure of test results.**

13 (4) (c) Nothing in this subsection (4) shall be construed to prohibit
14 reporting as required by the provisions of ~~sections 25-4-1402, 25-4-1403,~~
15 ~~and 25-4-1405 (8)~~ SECTION 25-4-405, C.R.S.

16 **SECTION 5.** In Colorado Revised Statutes, 13-10-126, **amend**
17 (2) (a) (I) (A) as follows:

18 **13-10-126. Prostitution offender program authorized -**
19 **reports.** (2) A program created and administered by a municipal or
20 county court or multiple municipal or county courts pursuant to
21 subsection (1) of this section ~~shall~~ MUST:

22 (a) Permit enrollment in the program only by an offender who
23 either:

24 (I) (A) Has no prior convictions or any charges pending for any
25 felony; for any offense described in section 18-3-305, 18-3-306, or
26 18-13-128, C.R.S., in part 4 or 5 of article 3 of title 18, C.R.S., in part 3,
27 4, 6, 7, or 8 of article 6 of title 18, C.R.S., in section ~~18-7-201.7,~~ 18-7-203

1 ~~18-7-205.7~~, or 18-7-206, C.R.S., or in part 3, 4, or 5 of article 7 of title
2 18, C.R.S.; or for any offense committed in another state that would
3 constitute such an offense if committed in this state; and

4 **SECTION 6.** In Colorado Revised Statutes, 13-22-103, **amend**
5 (1) as follows:

6 **13-22-103. Minors - consent for medical, dental, and related**
7 **care.** (1) Except as otherwise provided in sections 12-34-104, 18-1.3-407
8 (4.5), ~~25-4-402~~, and ~~12-34-104~~ AND 25-4-409, C.R.S., a minor eighteen
9 years of age or older, or a minor fifteen years of age or older who is living
10 separate and apart from his or her parent, parents, or legal guardian, with
11 or without the consent of his or her parent, parents, or legal guardian, and
12 is managing his or her own financial affairs, regardless of the source of
13 his or her income, or any minor who has contracted a lawful marriage
14 may give consent to organ or tissue donation or the furnishing of hospital,
15 medical, dental, emergency health, and surgical care to himself or herself.
16 Such consent ~~shall not be~~ IS NOT subject to disaffirmance because of
17 minority, and, when such consent is given, said minor ~~shall have~~ HAS the
18 same rights, powers, and obligations as if he or she had obtained majority.
19 Consent to organ or tissue donation may be revoked pursuant to section
20 12-34-106, C.R.S.

21 **SECTION 7.** In Colorado Revised Statutes, 17-1-115.5, **amend**
22 (1) (f) as follows:

23 **17-1-115.5. Prison sexual assault prevention program.** (1) The
24 department shall develop, with respect to sexual assaults that occur in
25 correctional facilities operated by or pursuant to a contract with the
26 department, policies and procedures to:

27 (f) Provide acute trauma care for sexual assault victims, including

1 but not limited to treatment of injuries, HIV/AIDS prophylactic HIV
2 PROPHYLAXIS measures, and testing for sexually transmitted diseases
3 INFECTIONS;

4 **SECTION 8.** In Colorado Revised Statutes, **amend** 18-3-415 as
5 follows:

6 **18-3-415. Testing for persons charged with sexual offense.** Any
7 adult or juvenile who is bound over for trial for any sexual offense
8 involving sexual penetration as defined in section 18-3-401 (6),
9 subsequent to a preliminary hearing or after having waived the right to a
10 preliminary hearing, or any person who is indicted for or is convicted of
11 any such offense, ~~shall~~ MUST be ordered by the court to submit to a
12 diagnostic test for the human immunodeficiency virus (HIV). ~~that causes~~
13 ~~acquired immune deficiency syndrome, said diagnostic test to be ordered~~
14 ~~in conjunction with the diagnostic test ordered pursuant to section~~
15 ~~18-3-415.5 SEXUALLY TRANSMITTED INFECTIONS.~~ The results of ~~such~~ THE
16 diagnostic test ~~shall~~ MUST be reported to the court or the court's designee,
17 who shall then disclose the results to any victim of the sexual offense who
18 requests such disclosure. Review and disclosure of diagnostic test results
19 by the courts ~~shall be~~ ARE closed and confidential, and any transaction
20 records relating thereto ~~shall also be~~ ARE ALSO closed and confidential.
21 DISCLOSURE OF DIAGNOSTIC TEST RESULTS MUST COMPLY WITH THE
22 REQUIREMENTS OF SECTION 25-4-410 (2), C.R.S. If the person who is
23 bound over for trial or who is indicted for or convicted of any such
24 offense voluntarily submits to a diagnostic test for ~~the human~~
25 ~~immunodeficiency virus (HIV)~~ SEXUALLY TRANSMITTED INFECTIONS, the
26 fact of such person's voluntary submission ~~shall be~~ IS admissible in
27 mitigation of sentence if the person is convicted of the charged offense.

1 **SECTION 9.** In Colorado Revised Statutes, 18-4-412, **amend** (2)
2 (c) (IV) as follows:

3 **18-4-412. Theft of medical records or medical information -**
4 **penalty.** (2) As used in this section:

5 (c) "Proper authorization" means:
6 (IV) Authorized possession pursuant to section ~~18-3-415.5,~~
7 ~~18-7-201.5, 18-7-205.5,~~ 25-1-122 or 30-10-606 (6), C.R.S.; or

8 **SECTION 10.** In Colorado Revised Statutes, 19-2-214, **amend**
9 (1) (f) as follows:

10 **19-2-214. Detention center sexual assault prevention program.**

11 (1) The division of youth corrections created in section 19-2-203 shall
12 develop, with respect to sexual assaults that occur in juvenile facilities,
13 policies and procedures to:

14 (f) Provide acute trauma care for sexual assault victims, including
15 ~~but not limited to~~ treatment of injuries, ~~HIV/AIDS prophylactic~~ HIV
16 PROPHYLAXIS measures, and testing for sexually transmitted ~~diseases~~
17 INFECTIONS;

18 **SECTION 11.** In Colorado Revised Statutes, 19-3-304, **amend**
19 (1) (a) as follows:

20 **19-3-304. Persons required to report child abuse or neglect.**

21 (1) (a) Except as otherwise provided by section 19-3-307, ~~sections~~
22 ~~SECTION 25-1-122 (4) (d), and 25-4-1404 (1) (d),~~ C.R.S., and paragraph
23 (b) of this subsection (1), any person specified in subsection (2) of this
24 section who has reasonable cause to know or suspect that a child has been
25 subjected to abuse or neglect or who has observed the child being
26 subjected to circumstances or conditions that would reasonably result in
27 abuse or neglect shall immediately upon receiving such information

1 report or cause a report to be made of such fact to the county department,
2 the local law enforcement agency, or through the child abuse reporting
3 hotline system as set forth in section 26-5-111, C.R.S.

4 **SECTION 12.** In Colorado Revised Statutes, 19-3-307, **amend**
5 (2.5) as follows:

6 **19-3-307. Reporting procedures.** (2.5) Notwithstanding the
7 requirements set forth in subsection (2) of this section, any officer or
8 employee of a county, district, or municipal public health agency or state
9 department of public health and environment who makes a report
10 pursuant to section 25-1-122 (4) (d) or ~~25-4-1404 (1) (d)~~ 25-4-405,
11 C.R.S., shall include only the information described in said ~~sections~~
12 SECTION.

13 **SECTION 13.** In Colorado Revised Statutes, 22-1-128, **amend**
14 (1) (a) (IX) and (2) (b) introductory portion as follows:

15 **22-1-128. Comprehensive human sexuality education -**
16 **legislative declaration - definitions - guidelines and content**
17 **standards.** (1) (a) The general assembly hereby finds and declares that:

18 (IX) Sexual violence and teen dating violence is a pervasive and
19 serious public health issue, placing teen victims at increased risk for
20 adolescent pregnancy, sexually transmitted ~~diseases and~~ infections, low
21 academic performance, truancy, dropout, and other harmful behaviors;

22 (2) As used in this section, unless the context otherwise requires:

23 (b) "Comprehensive human sexuality education" means medically
24 accurate information about all methods to prevent unintended pregnancy
25 and sexually transmitted ~~diseases and~~ infections, including HIV, ~~and~~
26 ~~AIDS~~, and the link between human papillomavirus and cancer, and other
27 types of cancer involving the human reproductive systems, including ~~but~~

1 ~~not limited to~~ prostate, testicular, ovarian, and uterine cancer. Methods
2 must include information about the correct and consistent use of
3 abstinence, contraception, condoms, ~~and~~ other barrier methods, AND
4 OTHER PREVENTION MEASURES. Additional contents of comprehensive
5 human sexuality education must include:

6 **SECTION 14.** In Colorado Revised Statutes, 24-4.1-302.5,
7 **amend** (1) introductory portion and (1) (u) as follows:

8 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
9 preserve and protect a victim's rights to justice and due process, each
10 victim of a crime ~~shall have~~ HAS the following rights:

11 (u) The right to be informed of the results of any ~~HPV~~ testing FOR
12 A SEXUALLY TRANSMITTED INFECTION that is ordered and performed
13 pursuant to section 18-3-415, 25-4-408 (6), OR 25-4-412, C.R.S.;

14 **SECTION 15.** In Colorado Revised Statutes, 24-4.1-303, **amend**
15 (14.4) as follows:

16 **24-4.1-303. Procedures for ensuring rights of victims of**
17 **crimes.** (14.4) The court or its designee, pursuant to section 18-3-415
18 C.R.S., shall disclose the results of any ~~HPV~~ testing FOR A SEXUALLY
19 TRANSMITTED INFECTION that is ordered and performed pursuant to
20 section 18-3-415, 25-4-408 (6), OR 25-4-412, C.R.S., to any victim of a
21 sexual offense in the case in which the testing was ordered. DISCLOSURE
22 OF DIAGNOSTIC TEST RESULTS MUST COMPLY WITH THE REQUIREMENTS OF
23 SECTION 25-4-410 (2), C.R.S.

24 **SECTION 16.** In Colorado Revised Statutes, 24-75-1104.5,
25 **amend** (1) (j) (I), (1) (m), and (3) as follows:

26 **24-75-1104.5. Use of settlement moneys - programs - repeal.**
27 (1) Except as otherwise provided in subsections (1.3) and (5) of this

1 section, and except that disputed payments received by the state in the
2 2013-14 fiscal year or in any fiscal year thereafter are excluded from the
3 calculation of allocations under this subsection (1), for the 2004-05 fiscal
4 year and for each fiscal year thereafter, the following programs, services,
5 or funds shall receive the following specified amounts from the
6 settlement moneys received by the state in the preceding fiscal year:

7 (j) (I) The drug assistance program created in section ~~25-4-1411~~
8 25-4-1401, C.R.S., shall receive three and a half percent of the total
9 amount of settlement moneys annually received by the state, not to exceed
10 five million dollars in any fiscal year, as provided in said section.

11 (m) The Colorado HIV and AIDS prevention grant program
12 created in section ~~25-4-1413~~ 25-4-1403, C.R.S., shall receive two percent
13 of the total amount of settlement moneys annually received by the state,
14 not to exceed two million dollars in any fiscal year, as provided in section
15 ~~25-4-1415 (2)~~ 25-4-1405 (2), C.R.S.

16 (3) Notwithstanding the provisions of subsections (1) and (1.5) of
17 this section, for purposes of sections 22-7-1210 (3), 23-20-136 (3.5) (a),
18 ~~25-4-1411 (6) (a), 25-4-1415 (2)~~ 25-4-1401 (6), 25-4-1405 (2), 25-23-104
19 (2), 25.5-6-805 (2), 25.5-8-105 (3), 26-6.4-107 (2) (d) (I), 26-6.8-102 (2)
20 (d), 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys
21 received and allocated by the state pursuant to said subsections (1) and
22 (1.5) during the same fiscal year shall be deemed to be moneys received
23 for or during the preceding fiscal year.

24 **SECTION 17.** In Colorado Revised Statutes, 24-90-602, **amend**
25 (7) (c) as follows:

26 **24-90-602. Definitions.** As used in this part 6, unless the context
27 otherwise requires:

1 (7) "Technology protection measure" means a specific technology,
2 including without limitation computer software, that blocks or filters
3 internet access to visual depictions that are:

4 (c) Harmful to minors; except that no technology protection
5 measure may block scientific or medically accurate information regarding
6 sexual assault, sexual abuse, incest, sexually transmitted ~~diseases~~
7 INFECTIONS, or reproductive health.

8 **SECTION 18.** In Colorado Revised Statutes, 25-1-122, **amend**
9 (1), (2), and (7) as follows:

10 **25-1-122. Named reporting of certain diseases and conditions**
11 **- access to medical records - confidentiality of reports and records.**

12 (1) With respect to investigations of epidemic and communicable
13 diseases, morbidity and mortality, cancer in connection with the statewide
14 cancer registry, environmental and chronic diseases, sexually transmitted
15 infections, tuberculosis, and rabies and mammal bites, the board has the
16 authority to require reporting, without patient consent, of occurrences of
17 those diseases and conditions by any person having knowledge of such to
18 the state department of public health and environment and county,
19 district, and municipal public health agencies, within their respective
20 jurisdictions. Any required reports ~~shall~~ **MUST** contain the name, address,
21 age, sex, and diagnosis and ~~such~~ other relevant information as the board
22 determines is necessary to protect the public health. The board shall set
23 the manner, time period, and form in which ~~such~~ **THE** reports are to be
24 made. The board may limit reporting for a specific disease or condition
25 to a particular region or community or for a limited period of time.
26 ~~Nothing in this subsection (1) shall be construed to apply to cases of~~
27 ~~AIDS, HIV-related illness, or HIV infection, which shall be governed~~

1 solely by the reporting requirements set forth in part 14 of article 4 of this
2 title:

3 (2) When investigating diseases and conditions pursuant to
4 subsection (1) of this section, authorized personnel of the state
5 department of public health and environment and county, district, and
6 municipal public health agencies, within their respective jurisdictions,
7 may, without patient consent, inspect, have access to, and obtain
8 information from pertinent patient medical, coroner, and laboratory
9 records in the custody of all medical practitioners, veterinarians, coroners,
10 institutions, hospitals, agencies, laboratories, and clinics, whether public
11 or private, which are relevant and necessary to the investigation. Review
12 and inspection of records shall be conducted at reasonable times and with
13 such notice as is reasonable under the circumstances. Under no
14 circumstances may personnel of the state department of public health and
15 environment or county, district, or municipal public health agencies,
16 within their local jurisdictions, have access pursuant to this section to any
17 medical record that is not pertinent, relevant, or necessary to the public
18 health investigation. ~~Nothing in this subsection (2) shall be construed to~~
19 ~~apply to cases of AIDS, HIV-related illness, or HIV infection, which shall~~
20 ~~be governed solely by the requirements relating to access to records and~~
21 ~~the release of information as set forth in part 14 of article 4 of this title.~~

22 (7) Nothing in subsections (4) to (6) of this section ~~shall apply~~
23 APPLIES to records and reports held by the state or local department of
24 health pursuant to ~~part 14~~ PART 4 of article 4 of this title.

25 **SECTION 19.** In Colorado Revised Statutes, 25-1-801, **amend**
26 (1) (d) as follows:

27 **25-1-801. Patient records in custody of health care facility -**

1 **definitions.** (1) (d) Nothing in this section ~~shall be construed to require~~
2 REQUIRES a person responsible for the diagnosis or treatment of sexually
3 transmitted infections or addiction to or use of drugs in the case of minors
4 pursuant to sections ~~25-4-402 (4)~~ and 13-22-102 AND 25-4-409, C.R.S.,
5 to release patient records of such diagnosis or treatment to a parent,
6 guardian, or person other than the minor or his or her designated
7 representative.

8 **SECTION 20.** In Colorado Revised Statutes, 25-1-802, **amend**
9 (2) as follows:

10 **25-1-802. Patient records in custody of individual health care**
11 **providers.** (2) Nothing in this section ~~shall be construed to require~~
12 REQUIRES a person responsible for the diagnosis or treatment of sexually
13 transmitted infections or addiction to or use of drugs in the case of minors
14 pursuant to sections ~~25-4-402 (4)~~ and 13-22-102 AND 25-4-409, C.R.S.,
15 to release patient records of such diagnosis or treatment to a parent,
16 guardian, or person other than the minor or his or her designated
17 representative.

18 **SECTION 21.** In Colorado Revised Statutes, 25-1-1202, **amend**
19 (1) (aaa) as follows:

20 **25-1-1202. Index of statutory sections regarding medical**
21 **record confidentiality and health information.** (1) Statutory provisions
22 concerning policies, procedures, and references to the release, sharing,
23 and use of medical records and health information include the following:

24 (aaa) ~~Section 25-4-402 (4)~~ SECTIONS 25-4-406 AND 25-4-409,
25 concerning the reporting of sexually transmitted infections;

26 **SECTION 22.** In Colorado Revised Statutes, 25-44-101, **amend**
27 (3) introductory portion as follows:

1 **25-44-101. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (3) "Comprehensive human sexuality education" means medically
4 accurate information about all methods to prevent unintended pregnancy
5 and sexually transmitted ~~diseases~~ and infections, including HIV, ~~and~~
6 ~~AIDS~~, and the link between human papillomavirus and cancer, and other
7 types of cancer involving the human reproductive systems, including ~~but~~
8 ~~not limited to~~ prostate, testicular, ovarian, and uterine cancer. Methods
9 must include information about the correct and consistent use of
10 abstinence, contraception, condoms, ~~and~~ other barrier methods, AND
11 OTHER PREVENTION MEASURES. Additional contents of comprehensive
12 human sexuality education must include:

13 **SECTION 23. Effective date.** This act takes effect July 1, 2016.

14 **SECTION 24. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.