A BILL FOR AN ACT

CONCERNING MODERNIZING IMMUNIZATION REQUIREMENTS FOR SCHOOL ENTRY TO IMPROVE VACCINATION RATES.

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://leg.colorado.gov.)

The bill requires the department of public health and environment (department) to:

! Develop a standardized form and submission process to claim a medical exemption to an immunization; and

! Develop a standardized form and submission process to claim a religious or personal belief exemption to an
immunization.
The department is:

! Required to develop educational materials regarding immunizations to distribute to health care providers and facilities;

! Required to present immunization exemption information during its annual SMART Act hearing; and

! Required to use the existing immunization tracking system.

The state board of health is:

! Required to promulgate rules adopting the medical exemption recommendations from the advisory committee on immunization practices of the centers for disease control and prevention in the federal department of health and human services, or any successor entity (ACIP);

! Required to promulgate rules adopting the immunization recommendations from the ACIP;

! Allowed to promulgate rules adopting additional immunizations not recommended by ACIP; and

! Allowed to promulgate rules establishing the timing by which schools, parents, legal guardians, and students must demonstrate compliance with immunization requirements.

Concerning the immunization tracking system, the bill:

! Requires a licensed physician, physician assistant, or advanced practice nurse to inform a parent or legal guardian who is claiming a medical exemption that he or she may choose to exclude the student's immunization information from the immunization tracking system before the student's immunization data is sent to the immunization tracking system;

! Requires the department or local or county, district, or municipal public health agency to inform a parent, legal guardian, or student who is claiming a religious or personal belief exemption that he or she may choose to exclude the student's immunization information from the immunization tracking system before the student's immunization data is sent to the immunization tracking system; and

! Requires a practitioner who is a licensed physician, physician assistant, or advanced practice nurse to submit immunization and medical exemption data to the immunization tracking system. However, the practitioner is not subject to a regulatory sanction for noncompliance.

1 Be it enacted by the General Assembly of the State of Colorado:
SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Each year in the United States, immunizations save 33,000 lives, prevent 14 million disease cases, and save $9.9 billion in direct health care costs;

(b) State immunization requirements for child care facilities and schools are important tools for maintaining high immunization coverage rates and low dangerous and costly disease rates;

(c) Colorado is one of only 17 states that allow parents to exempt their children from immunizations required for child care facilities and schools for personal belief reasons;

(d) Evidence shows that states with lenient exemption policies experience higher rates of vaccine-preventable diseases;

(e) Compared to other states, Colorado has a relatively lenient vaccine exemption process and one of the highest exemption rates for nonmedical reasons;

(f) In 2017, Colorado ranked last among 49 states that reported kindergarten immunization rates;

(g) In 2017, 23,228 children attended Colorado schools without protection from one or more immunizations;

(h) In 2017, 9,424 Colorado children, a majority of them under the age of four, were hospitalized or went to an emergency department to be treated for disease that was preventable by an immunization, resulting in $55.5 million in charges;

(i) In 2016, the cost to investigate and prevent the spread of disease from just two Colorado measles cases totaled $68,192 in public funding; and
(j) Because diseases such as measles can spread rapidly, adequate immunization coverage in schools helps to protect the health of students, staff, and others in the community, including people who cannot be vaccinated for medical reasons or because they are too young to have received all recommended vaccines.

(2) Therefore, the general assembly declares that all children deserve to attend healthy and safe child care facilities and schools that support their well-being and build strong foundations for learning and thriving.

SECTION 2. In Colorado Revised Statutes, 25-4-902, amend (1); and add (6) as follows:

25-4-902. Immunization prior to attending school - standardized immunization information. (1) Except as provided in section 25-4-903; A student shall not attend any school in the state of Colorado on or after the dates specified in section 25-4-906 (4) unless he or she has presented the following to the appropriate school official:

(a) An up-to-date certificate of immunization from a licensed physician, a licensed advanced practice nurse, or authorized representative of the department of public health and environment or county, district, or municipal public health agency stating that the student has received immunization against communicable diseases as specified by the state board of health, based on recommendations of the advisory committee on immunization practices of the United States department of health and human services or the American academy of pediatrics; or

(b) A written authorization signed by one parent or guardian or an authorization signed by the emancipated student requesting that local health officials administer the immunizations; OR
(c) A CERTIFICATE OF A MEDICAL EXEMPTION OR A CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION, IN COMPLIANCE WITH SECTION 25-4-903 (2).

(6) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL DEVELOP AND MAKE AVAILABLE TO HEALTH CARE PROVIDERS AND FACILITIES EDUCATIONAL MATERIALS REGARDING THE BENEFITS OF IMMUNIZATIONS. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL UPDATE THE EDUCATIONAL MATERIALS ANNUALLY.

SECTION 3. In Colorado Revised Statutes, 25-4-903, amend (2) and (3); and add (6) as follows:

25-4-903. Exemptions from immunization - rules. (2) It is the responsibility of the parent or legal guardian to have his or her child immunized unless the child is exempted pursuant to this section. A student shall be exempted from receiving the required immunizations in the following manner:

(a) (I) By COMPLETING AND submitting to the student's school certification A CERTIFICATE OF A MEDICAL EXEMPTION from a licensed physician, physician assistant authorized under PURSUANT TO section 12-36-106 (5), C.R.S., or advanced practice nurse that the physical condition of the student is such that one or more specified immunizations would endanger his or her life or health or is medically contraindicated due to other medical conditions. or

(II) TO CLAIM THE EXEMPTION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION, A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO SECTION 12-36-106 (5), OR ADVANCED PRACTICE NURSE MUST COMPLETE THE CERTIFICATE OF A MEDICAL
EXEMPTION ON A STANDARDIZED FORM DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND PROVIDE A COPY OF THE COMPLETED CERTIFICATE OF A MEDICAL EXEMPTION TO THE STUDENT'S PARENT OR LEGAL GUARDIAN TO SUBMIT TO THE STUDENT'S SCHOOL, PURSUANT TO SECTION 25-4-902 (1)(c).

(III) A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO SECTION 12-36-106 (5), OR ADVANCED PRACTICE NURSE SHALL INFORM THE PARENT OR LEGAL GUARDIAN OF THE OPTION TO EXCLUDE THE STUDENT'S IMMUNIZATION INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM CREATED IN SECTION 25-4-2403. A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO SECTION 12-36-106 (5), OR ADVANCED PRACTICE NURSE MUST SUBMIT THE MEDICAL EXEMPTION DATA TO THE IMMUNIZATION TRACKING SYSTEM.

(b) (I) By completing and submitting to the student's school a statement CERTIFICATE of a RELIGIOUS OR PERSONAL BELIEF exemption signed by one parent or LEGAL guardian, or the AN emancipated student, or a student eighteen years of age or older that the parent, guardian, or student is an adherent to a religious belief whose teachings are opposed to immunizations or that the parent or guardian or the emancipated student or student eighteen years of age or older has a personal belief that is opposed to immunizations.

(II) (A) To claim the exemption described in subsection (2)(b)(I) of this section, a parent, legal guardian, or student, as described in subsection (2)(b)(I) of this section, must complete the certificate of a religious or personal belief exemption on a standardized form developed by the department of public health and environment and submit the certificate of a religious or personal belief exemption.
PERSONAL BELIEF EXEMPTION IN PERSON TO THE DEPARTMENT OF PUBLIC
HEALTH AND ENVIRONMENT OR THE APPLICABLE COUNTY, DISTRICT, OR
MUNICIPAL HEALTH AGENCY, WHICH MUST PROVIDE A COPY OF THE
COMPLETED CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION
THAT HAS BEEN SIGNED BY A REPRESENTATIVE OF THE DEPARTMENT OF
PUBLIC HEALTH AND ENVIRONMENT, OR THE APPLICABLE COUNTY,
DISTRICT, OR MUNICIPAL HEALTH AGENCY, TO THE STUDENT'S PARENT,
LEGAL GUARDIAN, OR THE STUDENT, AS DESCRIBED IN SUBSECTION
(2)(b)(I) OF THIS SECTION, TO SUBMIT TO THE STUDENT'S SCHOOL,
pursuant to section 25-4-902 (1)(c). For subsequent renewals of
an exemption described in subsection (2)(b)(I) of this section, a
parent, legal guardian, or student, as described in subsection
(2)(b)(I) of this section, must complete the certificate of a
religious or personal belief exemption on a standardized form
developed by the department of public health and environment
and submit the certificate of a religious or personal belief
exemption online or in person to the department of public health
and environment or the applicable county, district, or municipal
health agency.

(B) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT OF PUBLIC
HEALTH AND ENVIRONMENT SHALL POST THE STANDARDIZED FORM FOR A
CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON ITS
WEBSITE. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL
POST ANY UPDATED STANDARDIZED FORM FOR A CERTIFICATE OF A
RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON ITS WEBSITE.

(III) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR
THE APPLICABLE COUNTY, DISTRICT, OR MUNICIPAL HEALTH AGENCY
SHALL INFORM THE PARENT, LEGAL GUARDIAN, OR STUDENT, AS
DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION, OF THE OPTION TO
EXCLUDE THE STUDENT’S IMMUNIZATION INFORMATION FROM THE
IMMUNIZATION TRACKING SYSTEM CREATED IN SECTION 25-4-2403. THE
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE APPLICABLE
COUNTY, DISTRICT, OR MUNICIPAL HEALTH AGENCY MUST SUBMIT THE
RELIGIOUS OR PERSONAL BELIEF EXEMPTION DATA TO THE IMMUNIZATION
TRACKING SYSTEM.

(3) The state board of health may provide, by regulation, for
further exemptions to immunization based upon sound medical practice
SHALL ADOPT BY RULE THE MEDICAL EXEMPTION RECOMMENDATIONS
BASED ON CONTRAINDICATIONS FOR VACCINATIONS AS DESCRIBED BY THE
ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE CENTERS FOR
DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF
HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR ENTITY.

(6) The department of public health shall include immunization exemption information as part of its
annual presentation to the general assembly pursuant to the
"State Measurement for Accountable, Responsive, and
Transparent (SMART) Government Act", part 2 of article 7 of
title 2. The immunization exemption information presentation
must include, but is not limited to:

(a) Statistics demonstrating rates of immunization,
medical exemptions, and religious or personal belief exemptions
compared to previous years;

(b) Statistics demonstrating rates of immunization,
medical exemptions, and religious or personal belief exemptions
FOR EACH COUNTY WITHIN COLORADO; AND

  (c) STATISTICS DEMONSTRATING RATES OF IMMUNIZATION, MEDICAL EXEMPTIONS, AND RELIGIOUS OR PERSONAL BELIEF EXEMPTIONS OF COLORADO COMPARED TO OTHER STATES.

SECTION 4. In Colorado Revised Statutes, 25-4-904, amend (1) as follows:

25-4-904. Rules - immunization rules - rule-making authority of state board of health. (1) The state board of health shall establish rules and regulations for administering this part. Such rules and regulations shall MUST ADOPT THE IMMUNIZATION RECOMMENDATIONS FROM THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR ENTITY, TO establish which immunizations MUST be required and the manner and frequency of their administration, and shall MUST conform to recognized standard medical practices. THE STATE BOARD OF HEALTH MAY PROMULGATE RULES TO ESTABLISH IMMUNIZATIONS THAT ARE REQUIRED IN ADDITION TO THE IMMUNIZATION RECOMMENDATIONS FROM THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR ENTITY. THE STATE BOARD OF HEALTH MAY PROMULGATE RULES TO ESTABLISH THE TIMING BY WHICH SCHOOLS, PARENTS, LEGAL GUARDIANS, OR STUDENTS MUST DEMONSTRATE COMPLIANCE WITH IMMUNIZATION REQUIREMENTS FOR SCHOOL ENTRY OR GRADE-LEVEL ENTRY. Such rules and regulations may also require the reporting of statistical information and names of noncompliers by the schools. The department of public health and
environment shall administer and enforce the immunization requirements.

SECTION 5. In Colorado Revised Statutes, 25-4-2403, amend (2) introductory portion; and add (2.5) as follows:

25-4-2403. Department of public health and environment - powers and duties - immunization tracking system - definitions.

(2) To enable the gathering of epidemiological information and investigation and control of communicable diseases, the department of public health and environment may establish a comprehensive immunization tracking system with immunization information gathered by state and local health officials from the following sources:

(2.5) (a) A practitioner who is a licensed physician, physician assistant authorized under section 12-36-106 (5), or advanced practice nurse shall submit immunization and medical exemption data to the tracking system.

(b) Notwithstanding subsection (2.5)(a) of this section, a practitioner who is a licensed physician, physician assistant authorized under section 12-36-106 (5), or advanced practice nurse is not subject to a regulatory sanction for noncompliance with subsection (2.5)(a) of this section.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.