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HOUSE BILL 20-1330

BY REPRESENTATIVE(S) Lontine and McKean, Arndt, Bird, Coleman, Exum, Gray, Jaquez Lewis, Landgraf, McLachlan, Michaelson Jenet, Snyder, Titone, Becker;
also SENATOR(S) Gardner and Lee, Bridges, Cooke, Fenberg, Ginal, Hansen, Hisey, Holbert, Marble, Moreno, Priola, Sonnenberg, Tate, Woodward, Garcia.

CONCERNING MODIFICATIONS TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT" TO CLARIFY THE STATUS OF IMMUNITY FROM LIABILITY THAT APPLIES TO THE UNIVERSITY OF COLORADO HOSPITAL AUTHORITY.

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

SECTION 1. In Colorado Revised Statutes, 24-10-103, **add** (4)(c) as follows:

24-10-103. Definitions. As used in this article 10, unless the context otherwise requires:

(4) (c) EXCEPT FOR PERSONS IDENTIFIED IN SUBSECTIONS (4)(b)(II), (4)(b)(III), AND (4)(b)(V) OF THIS SECTION, "PUBLIC EMPLOYEE" SHALL NOT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

INCLUDE ANY HEALTH CARE PRACTITIONER OR ANY HEALTH CARE PROFESSIONAL AS DEFINED IN SECTION 13-64-202 (4) WHO IS EMPLOYED BY THE UNIVERSITY OF COLORADO HOSPITAL AUTHORITY UNLESS THE PRACTITIONER OR PROFESSIONAL IS PROVIDING SERVICES WITHIN THE COURSE AND SCOPE OF THE PERSON'S RESPONSIBILITIES AS AN EMPLOYEE OR VOLUNTEER OF THE UNIVERSITY OF COLORADO HOSPITAL AUTHORITY IN A FACILITY THAT IS EITHER LOCATED ON THE ANSCHUTZ MEDICAL CAMPUS OR THAT IS OPERATING UNDER THE HOSPITAL LICENSE ISSUED TO THE UNIVERSITY HOSPITAL PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, INCLUDING OFF-CAMPUS LOCATIONS. THE "HEALTH CARE AVAILABILITY ACT", ARTICLE 64 OF TITLE 13, IS APPLICABLE TO HEALTH CARE PRACTITIONERS AND HEALTH CARE PROFESSIONALS EMPLOYED BY THE UNIVERSITY OF COLORADO HOSPITAL AUTHORITY THAT ARE NOT IMMUNE FROM LIABILITY UNDER SECTION 24-10-118 BECAUSE OF THE DEFINITION OF "PUBLIC EMPLOYEE" SPECIFIED IN THIS SUBSECTION (4)(c).

SECTION 2. In Colorado Revised Statutes, 24-10-106, **add** (5) and (6) as follows:

24-10-106. Immunity and partial waiver. (5) THE IMMUNITY FROM LIABILITY GRANTED IN SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO THE UNIVERSITY OF COLORADO HOSPITAL AUTHORITY EXCEPT FOR ANY HOSPITAL, CLINIC, SURGERY CENTER, DEPARTMENT, OR OTHER FACILITY OWNED OR OPERATED BY THE AUTHORITY THAT IS LOCATED ON THE ANSCHUTZ MEDICAL CAMPUS OR THAT IS A FACILITY OPERATING UNDER THE HOSPITAL LICENSE ISSUED TO THE UNIVERSITY HOSPITAL PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, INCLUDING OFF-CAMPUS LOCATIONS. THE "HEALTH CARE AVAILABILITY ACT", ARTICLE 64 OF TITLE 13, IS APPLICABLE TO HEALTH CARE INSTITUTIONS AS DEFINED IN SECTION 13-64-202 (3) THAT ARE NOT IMMUNE FROM LIABILITY UNDER THIS SECTION BECAUSE OF THIS SECTION.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NOTHING IN SUBSECTIONS (4) OR (5) OF THIS SECTION SHALL BE CONSTRUED TO GRANT ANY ADDITIONAL IMMUNITY FROM LIABILITY BEYOND THAT WHICH IS OTHERWISE PROVIDED IN THIS ARTICLE 10.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 2020; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the

state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to acts or omissions occurring on or after January 1, 2021.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO