

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0962.01 Kristen Forrestal x4217

SENATE BILL 23-260

SENATE SPONSORSHIP

Mullica,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING ACCESS TO PUBLICLY FUNDED VACCINES.

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 prohibits a physician, a physician assistant, an advanced practice registered nurse, or any other person who is authorized by law to administer a vaccine to an individual from:

- Requiring an individual who seeks to receive a publicly funded vaccine to present a government-issued identification card, social security card, social security number, proof of health insurance, or payment of a vaccine administration fee in order to receive such vaccine; or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- Charging the individual for the cost of a vaccine that is paid for by the federal, the state, or a local government, except for the administrative cost for administering the vaccine.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 25-4-2404** as
3 follows:

4 **25-4-2404. Vaccines - access to the public - definitions.** (1) AS
5 USED IN THIS SECTION:

6 (a) "PRACTITIONER" MEANS A PHYSICIAN OR A PHYSICIAN
7 ASSISTANT LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12, AN
8 ADVANCED PRACTICE REGISTERED NURSE LICENSED PURSUANT TO ARTICLE
9 255 OF TITLE 12, OR ANY OTHER PERSON WHO, WITHIN THE PERSON'S SCOPE
10 OF PRACTICE, IS AUTHORIZED BY LAW TO ADMINISTER A VACCINE TO AN
11 INDIVIDUAL.

12 (b) "PUBLICLY FUNDED VACCINE" MEANS A VACCINE THAT IS PAID
13 FOR AND DISTRIBUTED BY THE FEDERAL, THE STATE, OR A LOCAL
14 GOVERNMENT AT NO COST TO THE PRACTITIONER ADMINISTERING THE
15 VACCINE.

16 (c) "UNDERINSURED INDIVIDUAL" MEANS AN INDIVIDUAL WHO HAS
17 HEALTH INSURANCE COVERAGE UNDER A PLAN THAT DOES NOT COVER THE
18 ENTIRE COST OF SOME OR ALL VACCINES OR HAS A FIXED DOLLAR LIMIT OR
19 CAP FOR VACCINES THAT DOES NOT COVER ALL VACCINE COSTS.

20 (2) (a) A PRACTITIONER SHALL NOT REQUIRE AN INDIVIDUAL WHO
21 SEEKS TO RECEIVE A PUBLICLY FUNDED VACCINE TO PRESENT PROOF OF
22 HEALTH INSURANCE OR A GOVERNMENT-ISSUED IDENTIFICATION CARD,
23 SOCIAL SECURITY CARD, OR SOCIAL SECURITY NUMBER IN ORDER TO

1 RECEIVE SUCH VACCINE.

2 (b) IF A PRACTITIONER WHO ADMINISTERS A PUBLICLY FUNDED
3 VACCINE REQUESTS AN INDIVIDUAL'S HEALTH INSURANCE INFORMATION,
4 GOVERNMENT-ISSUED IDENTIFICATION CARD, SOCIAL SECURITY CARD, OR
5 SOCIAL SECURITY NUMBER OR PAYMENT OF A VACCINE ADMINISTRATION
6 FEE, THE PRACTITIONER SHALL PROVIDE THE INDIVIDUAL WITH A
7 DISCLOSURE STATEMENT, IN THE LANGUAGE UNDERSTOOD BY THE
8 INDIVIDUAL RECEIVING THE VACCINE, THAT CONFIRMS THAT THE PUBLICLY
9 FUNDED VACCINE WILL BE PROVIDED REGARDLESS OF THE INDIVIDUAL'S
10 PROVISION OF THE REQUESTED DOCUMENTATION OR OF PAYMENT OF A
11 VACCINE ADMINISTRATION FEE.

12 (3) (a) A PRACTITIONER SHALL NOT CHARGE AN INDIVIDUAL OR
13 BILL AN INDIVIDUAL'S HEALTH INSURANCE CARRIER FOR THE PRODUCT
14 COST OF A PUBLICLY FUNDED VACCINE.

15 (b) A PRACTITIONER SHALL NOT CONDITION AN INDIVIDUAL'S
16 RECEIPT OF A PUBLICLY FUNDED VACCINE ON THE INDIVIDUAL'S ABILITY
17 TO PAY A VACCINE ADMINISTRATION FEE, BUT THE PRACTITIONER MAY
18 CHARGE A VACCINE ADMINISTRATION FEE TO THE INDIVIDUAL'S HEALTH
19 INSURANCE CARRIER OR ATTEMPT TO COLLECT AN OUT-OF-POCKET
20 PAYMENT FOR THE ADMINISTRATION OF THE PUBLICLY FUNDED VACCINE
21 FROM AN UNINSURED OR UNDERINSURED INDIVIDUAL AT THE TIME THAT
22 THE PUBLICLY FUNDED VACCINE IS ADMINISTERED.

23 (c) A PRACTITIONER SHALL NOT BILL AN INDIVIDUAL OR
24 OTHERWISE PURSUE THE COLLECTION OF A VACCINE ADMINISTRATION FEE
25 FROM AN INDIVIDUAL TO WHOM A PUBLICLY FUNDED VACCINE IS
26 ADMINISTERED AFTER THE VACCINE HAS BEEN ADMINISTERED.

27 (d) A PRACTITIONER MAY CHARGE A VACCINE ADMINISTRATION

1 FEE THAT IS EQUAL TO OR LESS THAN THE PRACTITIONER'S VACCINE
2 ADMINISTRATION COSTS OR THE VACCINE ADMINISTRATION
3 REIMBURSEMENT RATE SET PURSUANT TO THE "COLORADO MEDICAL
4 ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, WHICHEVER IS
5 LESS.

6 (4) THIS SECTION DOES NOT AUTHORIZE A PRACTITIONER TO
7 CHARGE A VACCINE ADMINISTRATION FEE TO AN INDIVIDUAL WHO
8 RECEIVES SERVICES THROUGH THE "COLORADO MEDICAL ASSISTANCE
9 ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5.

10 (5) A PRACTITIONER SHALL, WITHIN THE PRACTITIONER'S SCOPE OF
11 PRACTICE, ADMINISTER A PUBLICLY FUNDED VACCINE TO AN INDIVIDUAL
12 WHO SEEKS THE VACCINE AND SHALL NOT REQUIRE THE INDIVIDUAL TO
13 REGISTER AS A PATIENT TO RECEIVE THE VACCINE.

14 **SECTION 2. 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, or safety.