

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 23-260

BY SENATOR(S) Mullica and Winter F., Bridges, Buckner, Cutter, Danielson, Exum, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Marchman, Moreno, Priola, Sullivan, Zenzinger, Fenberg;
also REPRESENTATIVE(S) Lindsay and Willford, Amabile, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, Duran, English, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lindstedt, Mabrey, Mauro, McCormick, Michaelson Jenet, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Velasco, Young, McCluskie.

CONCERNING ACCESS TO PUBLICLY FUNDED VACCINES.

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

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

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

(a) "INDEPENDENT PHARMACY" MEANS A PRESCRIPTION DRUG OUTLET PRIVATELY OWNED BY AT LEAST ONE LICENSED PHARMACIST WITH NO OWNERSHIP INTEREST BY OR AFFILIATION WITH A CHAIN OR PUBLICLY

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.

OWNED PHARMACY.

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

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

(2) (a) A PRACTITIONER MAY ASK AN INDIVIDUAL WHO SEEKS TO RECEIVE A PUBLICLY FUNDED VACCINE TO PRESENT PROOF OF HEALTH INSURANCE OR A GOVERNMENT-ISSUED IDENTIFICATION CARD, SOCIAL SECURITY CARD, OR SOCIAL SECURITY NUMBER BUT SHALL NOT CONDITION AN INDIVIDUAL'S RECEIPT OF A PUBLICLY FUNDED VACCINE ON THE PRESENTATION OF THE REQUESTED DOCUMENTATION.

(b) (I) A PRACTITIONER WHO ADMINISTERS A PUBLICLY FUNDED VACCINE SHALL POST AND KEEP POSTED A NOTICE PROVIDED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN MULTIPLE LANGUAGES IF REQUESTED, THAT CONFIRMS THAT THE PUBLICLY FUNDED VACCINE WILL BE PROVIDED REGARDLESS OF THE INDIVIDUAL'S PROVISION OF THE REQUESTED DOCUMENTATION.

(II) A PRACTITIONER, EXCEPT FOR AN INDEPENDENT PHARMACY, AS DEFINED IN SUBSECTION (1)(a) OF THIS SECTION, WHO ADMINISTERS A PUBLICLY FUNDED VACCINE SHALL POST AND KEEP POSTED A NOTICE PROVIDED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN MULTIPLE LANGUAGES IF REQUESTED, THAT CONFIRMS THAT THE PUBLICLY FUNDED VACCINE WILL BE PROVIDED REGARDLESS OF THE INDIVIDUAL'S ABILITY TO PAY A VACCINE ADMINISTRATION FEE.

(III) A NOTICE REQUIRED BY THIS SUBSECTION (2) MUST BE POSTED BY THE PRACTITIONER IN A LOCATION CONSPICUOUS TO THE INDIVIDUAL, OR A PARENT OR LEGAL GUARDIAN CONSENTING TO THE VACCINATION OF AN INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE, AT THE LOCATION OF THE INDIVIDUAL'S APPOINTMENT. EACH PRACTITIONER SHALL TAKE STEPS TO

ENSURE THAT THE NOTICE IS NOT ALTERED, DEFACED, OR COVERED BY OTHER MATERIAL.

(c) A PRACTITIONER, EXCEPT FOR AN INDEPENDENT PHARMACY AS DEFINED IN SUBSECTION (1)(a) OF THIS SECTION, SHALL PROVIDE THE INDIVIDUAL, OR A PARENT OR LEGAL GUARDIAN CONSENTING TO THE VACCINATION OF THE INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE, WITH A DISCLOSURE STATEMENT IN THE LANGUAGE UNDERSTOOD BY THE INDIVIDUAL RECEIVING THE VACCINE, OR THE PARENT OR LEGAL GUARDIAN CONSENTING TO THE VACCINATION OF AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE, THAT CONFIRMS THAT THE PUBLICLY FUNDED VACCINE WILL BE PROVIDED REGARDLESS OF THE INDIVIDUAL'S PROVISION OF THE REQUESTED DOCUMENTATION OR OF PAYMENT OF A VACCINE ADMINISTRATION FEE.

(d) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL CREATE THE DISCLOSURE STATEMENT REQUIRED BY THIS SUBSECTION (2) AND SHALL MAKE IT AVAILABLE ELECTRONICALLY TO PRACTITIONERS. A PRACTITIONER MAY REQUEST THAT THE DEPARTMENT PROVIDE THE PRACTITIONER WITH THE DISCLOSURE STATEMENT IN A LANGUAGE OTHER THAN ENGLISH TO MEET THE NEEDS OF AN INDIVIDUAL.

(3) (a) A PRACTITIONER SHALL NOT CHARGE AN INDIVIDUAL OR BILL AN INDIVIDUAL'S INSURANCE PROVIDER OR PLAN FOR THE PRODUCT COST OF A PUBLICLY FUNDED VACCINE.

(b) A PRACTITIONER SHALL NOT CONDITION AN INDIVIDUAL'S RECEIPT OF A PUBLICLY FUNDED VACCINE ON THE INDIVIDUAL'S ABILITY TO PAY A VACCINE ADMINISTRATION FEE, BUT THE PRACTITIONER MAY CHARGE A VACCINE ADMINISTRATION FEE TO THE INDIVIDUAL'S INSURANCE PROVIDER OR PLAN OR ATTEMPT TO COLLECT AN OUT-OF-POCKET PAYMENT FOR THE ADMINISTRATION OF THE PUBLICLY FUNDED VACCINE FROM AN UNINSURED INDIVIDUAL AT THE TIME THAT THE PUBLICLY FUNDED VACCINE IS ADMINISTERED.

(c) A PRACTITIONER WHO CHOOSES TO BILL AN INDIVIDUAL OR OTHERWISE PURSUE THE PAYMENT FOR A VACCINE ADMINISTRATION FEE FROM AN INDIVIDUAL TO WHOM A PUBLICLY FUNDED VACCINE IS ADMINISTERED AFTER THE VACCINE HAS BEEN ADMINISTERED MAY ISSUE ONLY A SINGLE BILL TO THE INDIVIDUAL WITHIN NINETY DAYS AFTER THE

VACCINE IS ADMINISTERED. THE PRACTITIONER SHALL NOT SEND AN UNPAID VACCINE ADMINISTRATION BILL TO A COLLECTION AGENCY.

(d) A PRACTITIONER MAY CHARGE A VACCINE ADMINISTRATION FEE THAT IS EQUAL TO OR LESS THAN THE PRACTITIONER'S VACCINE ADMINISTRATION COSTS OR THE VACCINE ADMINISTRATION REIMBURSEMENT RATE SET PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, WHICHEVER IS LESS.

(e) NOTWITHSTANDING SUBSECTION (3)(b) OF THIS SECTION, AN INDEPENDENT PHARMACY MAY CONDITION RECEIPT OF A PUBLICLY FUNDED VACCINE ON THE INDIVIDUAL'S ABILITY TO PAY. THE VACCINE ADMINISTRATION FEE CHARGED BY THE INDEPENDENT PHARMACY MUST BE EQUAL TO OR LESS THAN THE PRACTITIONER'S VACCINE ADMINISTRATION COSTS OR THE VACCINE ADMINISTRATION REIMBURSEMENT RATE SET PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, WHICHEVER IS LESS. IF AN INDEPENDENT PHARMACY DENIES AN INDIVIDUAL A PUBLICLY FUNDED VACCINE DUE TO AN INABILITY TO PAY THE VACCINE ADMINISTRATION FEE, THE INDEPENDENT PHARMACY MUST PROVIDE THE INDIVIDUAL WITH A LIST OF PRACTITIONERS PROVIDED BY THE DEPARTMENT WHO WILL NOT CONDITION AN INDIVIDUAL'S RECEIPT OF A PUBLICLY FUNDED VACCINE ON THE INDIVIDUAL'S ABILITY TO PAY A VACCINE ADMINISTRATION FEE. NOTHING IN THIS SECTION EXEMPTS INDEPENDENT PHARMACIES FROM MEETING ALL OF THE REQUIREMENTS OF FEDERAL VACCINE PROGRAMS, SHOULD INDEPENDENT PHARMACIES CHOOSE TO ENROLL AND BE APPROVED FOR SUCH PROGRAMS.

(f) IF FEDERAL OR STATE MONEY IS MADE AVAILABLE TO PAY FOR THE ADMINISTRATION COSTS OF A PUBLICLY FUNDED VACCINE, A PRACTITIONER WHO ADMINISTERS THE VACCINE MAY REQUEST PAYMENT FROM THE FEDERAL OR STATE SOURCE.

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

(5) A PRACTITIONER SHALL PROVIDE A PUBLICLY FUNDED VACCINE TO ANY AGE-APPROPRIATE INDIVIDUAL WHO REGISTERS FOR AN APPOINTMENT WITH THE PRACTITIONER TO RECEIVE THE PUBLICLY FUNDED

VACCINE WITHIN THE PRACTITIONER'S SCOPE OF PRACTICE.

(6) EACH PRACTITIONER IS ENCOURAGED TO ESTABLISH AN ELECTRONIC LINK AND A TELEPHONE NUMBER FOR INDIVIDUALS TO USE TO SCHEDULE AN APPOINTMENT FOR A PUBLICLY FUNDED VACCINE. TO BE ACCESSIBLE, THE LINK SHOULD BE SEPARATE FROM ANY REGULAR PATIENT PORTAL WITH RESTRICTED ACCESS AND THE SCHEDULING SERVICES SHOULD BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES.

(7) THIS SECTION DOES NOT MODIFY THE REQUIREMENTS FOR PRACTITIONERS, INCLUDING INDEPENDENT PHARMACIES, SERVING CLIENTS PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, OR FEDERALLY QUALIFIED HEALTH CENTERS TO MEET THE FEDERAL REQUIREMENTS FOR THESE PROGRAMS FOR THE ADMINISTRATION OF PUBLICLY FUNDED VACCINES.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO