

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0962.01 Kristen Forrestal x4217

SENATE BILL 23-260

SENATE SPONSORSHIP

Mullica and Winter F., Bridges, Buckner, Cutter, Danielson, Exum, Fenberg, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Marchman, Moreno, Priola, Sullivan, Zenzinger

HOUSE SPONSORSHIP

Lindsay and Willford,

Senate Committees
Health & Human Services

House Committees
Public & Behavioral Health & Human Services

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.

HOUSE
2nd Reading Unamended
April 26, 2023

SENATE
3rd Reading Unamended
April 18, 2023

SENATE
Amended 2nd Reading
April 17, 2023

- 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) "INDEPENDENT PHARMACY" MEANS A PRESCRIPTION DRUG
7 OUTLET PRIVATELY OWNED BY AT LEAST ONE LICENSED PHARMACIST WITH
8 NO OWNERSHIP INTEREST BY OR AFFILIATION WITH A CHAIN OR PUBLICLY
9 OWNED PHARMACY.

10 (b) "PRACTITIONER" MEANS A PHYSICIAN OR A PHYSICIAN
11 ASSISTANT LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12, AN
12 ADVANCED PRACTICE REGISTERED NURSE LICENSED PURSUANT TO ARTICLE
13 255 OF TITLE 12, OR ANY OTHER PERSON WHO, WITHIN THE PERSON'S SCOPE
14 OF PRACTICE, IS AUTHORIZED BY LAW TO ADMINISTER A VACCINE TO AN
15 INDIVIDUAL.

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

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

1 AN INDIVIDUAL'S RECEIPT OF A PUBLICLY FUNDED VACCINE ON THE
2 PRESENTATION OF THE REQUESTED DOCUMENTATION.

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

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

16 (III) A NOTICE REQUIRED BY THIS SUBSECTION (2) MUST BE POSTED
17 BY THE PRACTITIONER IN A LOCATION CONSPICUOUS TO THE INDIVIDUAL,
18 OR A PARENT OR LEGAL GUARDIAN CONSENTING TO THE VACCINATION OF
19 AN INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE, AT THE LOCATION
20 OF THE INDIVIDUAL'S APPOINTMENT. EACH PRACTITIONER SHALL TAKE
21 STEPS TO ENSURE THAT THE NOTICE IS NOT ALTERED, DEFACED, OR
22 COVERED BY OTHER MATERIAL.

23 (c) A PRACTITIONER, EXCEPT FOR AN INDEPENDENT PHARMACY AS
24 DEFINED IN SUBSECTION (1)(a) OF THIS SECTION, SHALL PROVIDE THE
25 INDIVIDUAL, OR A PARENT OR LEGAL GUARDIAN CONSENTING TO THE
26 VACCINATION OF THE INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE,
27 WITH A DISCLOSURE STATEMENT IN THE LANGUAGE UNDERSTOOD BY THE

1 INDIVIDUAL RECEIVING THE VACCINE OR THE PARENT OR LEGAL GUARDIAN
2 CONSENTING TO THE VACCINATION OF AN INDIVIDUAL UNDER EIGHTEEN
3 YEARS OF AGE, THAT CONFIRMS THAT THE PUBLICLY FUNDED VACCINE
4 WILL BE PROVIDED REGARDLESS OF THE INDIVIDUAL'S PROVISION OF THE
5 REQUESTED DOCUMENTATION OR OF PAYMENT OF A VACCINE
6 ADMINISTRATION FEE.

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

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

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

24 (c) A PRACTITIONER WHO CHOOSES TO BILL AN INDIVIDUAL OR
25 OTHERWISE PURSUE THE PAYMENT FOR A VACCINE ADMINISTRATION FEE
26 FROM AN INDIVIDUAL TO WHOM A PUBLICLY FUNDED VACCINE IS
27 ADMINISTERED AFTER THE VACCINE HAS BEEN ADMINISTERED MAY ISSUE

1 ONLY A SINGLE BILL TO THE INDIVIDUAL WITHIN A NINETY DAYS AFTER
2 THE VACCINE IS ADMINISTERED. THE PRACTITIONER SHALL NOT SEND AN
3 UNPAID VACCINE ADMINISTRATION BILL TO A COLLECTION AGENCY.

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

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

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

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

9 (5) A PRACTITIONER SHALL PROVIDE A PUBLICLY FUNDED VACCINE
10 TO ANY AGE-APPROPRIATE INDIVIDUAL WHO REGISTERS FOR AN
11 APPOINTMENT WITH THE PRACTITIONER TO RECEIVE THE PUBLICLY FUNDED
12 VACCINE WITHIN THE PRACTITIONER'S SCOPE OF PRACTICE.

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

19 (7) THIS SECTION DOES NOT MODIFY THE REQUIREMENTS FOR
20 PRACTITIONERS, INCLUDING INDEPENDENT PHARMACIES, SERVING CLIENTS
21 PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4,
22 5, AND 6 OF TITLE 25.5, OR FEDERALLY QUALIFIED HEALTH CENTERS TO
23 MEET THE FEDERAL REQUIREMENTS FOR THESE PROGRAMS FOR THE
24 ADMINISTRATION OF PUBLICLY FUNDED VACCINES.

25 **SECTION 2. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.