

CHAPTER 206

**HEALTH AND ENVIRONMENT**

**SENATE BILL 98-167**

BY SENATORS Feeley, Ament, Arnold, Bishop, Chlouber, Coffman, Congrove, Dennis, Lamborn, Hernandez, Johnson, Martinez, Norton, Pascoe, Perlmutter, Phillips, Powers, Rizzuto, Rupert, Schroeder, Tebedo, Thiebaut, and Weddig; also REPRESENTATIVES Snyder, Alexander, Hagedorn, Keller, Mace, Nichol, Tool, Tupa, Udall, and Zimmerman.

**AN ACT**

CONCERNING THE CREATION OF A STATEWIDE GULF WAR SYNDROME REGISTRY.

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

**SECTION 1.** 25-1-107 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**25-1-107. Powers and duties of the department - repeal.** (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(hh) TO ESTABLISH AND MAINTAIN A STATEWIDE GULF WAR SYNDROME REGISTRY PURSUANT TO PART 19 OF ARTICLE 4 OF THIS TITLE PROVIDING FOR COMPILATION AND ANALYSIS OF INFORMATION REGARDING INCIDENCE, DIAGNOSIS, TREATMENT, AND TREATMENT OUTCOMES OF VETERANS OR FAMILY MEMBERS OF VETERANS SUFFERING FROM GULF WAR SYNDROME.

**SECTION 2.** Article 4 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 19  
GULF WAR SYNDROME REGISTRY**

**25-4-1901. Short title.** THIS PART 19 SHALL BE KNOWN AND MAY BE CITED AS THE "GULF WAR SYNDROME REGISTRY ACT".

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**25-4-1902. Definitions.** AS USED IN THIS PART 19, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BIRTH DEFECT" MEANS ANY PHYSICAL OR MENTAL ABNORMALITY OR CONDITION, INCLUDING ANY SUSCEPTIBILITY TO ANY ILLNESS OR CONDITION OTHER THAN NORMAL CHILDHOOD ILLNESSES OR CONDITIONS.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(3) "FAMILY MEMBER" MEANS A SPOUSE OR A CHILD OF A VETERAN WHO SERVED IN THE GULF WAR.

(4) "GULF WAR SYNDROME" MEANS THE WIDE RANGE OF PHYSICAL AND MENTAL CONDITIONS, PROBLEMS, AND ILLNESSES, INCLUDING BIRTH DEFECTS, EXPERIENCED BY VETERANS AND FAMILY MEMBERS THAT ARE CONNECTED WITH A VETERAN'S SERVICE IN THE ARMED FORCES OF THE UNITED STATES DURING THE GULF WAR.

(5) "REGISTRY" MEANS THE GULF WAR SYNDROME REGISTRY CREATED IN SECTION 25-4-1903.

(6) "VETERAN" MEANS A PERSON WHO IS A RESIDENT OF THIS STATE, WHO SERVED ON AND AFTER AUGUST 2, 1990, BUT PRIOR TO DECEMBER 31, 1991, DURING THE GULF WAR IN THE SOUTHWEST ASIA THEATER OF OPERATIONS, WHICH INCLUDES IRAQ, KUWAIT, SAUDI ARABIA, THE NEUTRAL ZONE BETWEEN IRAQ AND SAUDI ARABIA, BAHRAIN, QATAR, THE UNITED ARAB EMIRATES, OMAN, THE GULF OF ADEN, THE GULF OF OMAN, THE PERSIAN GULF, THE ARABIAN SEA, THE RED SEA, AND THE AIRSPACE ABOVE THESE LOCATIONS.

**25-4-1903. Gulf war syndrome registry - creation - reporting.** (1) THERE IS HEREBY CREATED A STATEWIDE GULF WAR SYNDROME REGISTRY THAT SHALL BE ESTABLISHED AND MAINTAINED BY THE DEPARTMENT. THE REGISTRY SHALL CONTAIN THE NAMES OF VETERANS AND FAMILY MEMBERS OF VETERANS WHO HAVE BEEN AFFECTED BY GULF WAR SYNDROME AS REPORTED BY PHYSICIANS, HEALTH CARE PROFESSIONALS, HOSPITALS, OR MEDICAL FACILITIES AS PROVIDED IN SUBSECTION (2) OF THIS SECTION OR AS REPORTED BY VETERANS ON FORMS PRESCRIBED BY THE DEPARTMENT. THE REGISTRY SHALL ALSO CONTAIN THE NAMES OF CHILDREN WITH CANCER OR BIRTH DEFECTS WHO HAVE AT LEAST ONE PARENT THAT IS A VETERAN OF THE GULF WAR, AND WHO SUBMIT INFORMATION TO THE REGISTRY AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

(2) A PHYSICIAN OR OTHER QUALIFIED HEALTH CARE PROFESSIONAL WHO HAS PRIMARY RESPONSIBILITY FOR TREATING A VETERAN OR A FAMILY MEMBER OF A VETERAN AND WHO BELIEVES THE VETERAN MAY HAVE BEEN EXPOSED TO CERTAIN CAUSATIVE AGENTS WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING THE GULF WAR SHALL SUBMIT A REPORT TO THE DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT. IF THERE IS NO PHYSICIAN OR OTHER QUALIFIED HEALTH CARE PROFESSIONAL HAVING PRIMARY RESPONSIBILITY FOR TREATING THE VETERAN OR THE VETERAN'S FAMILY MEMBER, THE HOSPITAL OR OTHER MEDICAL FACILITY TREATING THE VETERAN OR FAMILY MEMBER SHALL SUBMIT THE REPORT TO

THE DEPARTMENT. NO REPORT SHALL BE SUBMITTED PURSUANT TO THIS SUBSECTION (2) UNLESS CONSENT OF THE VETERAN OR, IF THE REPORT INVOLVES A FAMILY MEMBER OF THE VETERAN, OF THE AFFECTED FAMILY MEMBER HAS BEEN OBTAINED. IF THE REPORT INVOLVES A PERSON WHO IS UNDER THE AGE OF EIGHTEEN YEARS, CONSENT SHALL BE OBTAINED FROM A PARENT OR LEGAL GUARDIAN OF THE CHILD.

(3) THE FORM PROVIDED BY THE DEPARTMENT TO VETERANS AND TO PHYSICIANS OR OTHER QUALIFIED HEALTH CARE PROFESSIONALS, HOSPITALS, OR OTHER MEDICAL FACILITIES SHALL REQUEST THE FOLLOWING INFORMATION:

(a) SYMPTOMS OF THE VETERAN OR FAMILY MEMBER OF THE VETERAN THAT MAY BE RELATED TO EXPOSURE TO CAUSATIVE AGENTS DURING THE GULF WAR;

(b) DIAGNOSES OF THE VETERAN OR FAMILY MEMBER OF THE VETERAN;

(c) METHODS OF TREATMENT PRESCRIBED;

(d) OUTCOME OR RESULTS OF ANY TREATMENT PRESCRIBED.

(4) THE DEPARTMENT SHALL CONTACT THE FAMILIES OF ANY CHILD BORN AFTER AUGUST 2, 1990, WHO IS ON THE STATE CANCER REGISTRY OR WHO HAS BEEN REPORTED TO THE DEPARTMENT AS HAVING BIRTH DEFECTS TO DETERMINE WHETHER EITHER OF THE TWO BIOLOGICAL PARENTS OF SUCH CHILD IS A VETERAN OF THE GULF WAR. IF EITHER PARENT DID SERVE, THE DEPARTMENT SHALL INFORM THE FAMILY OF THE CHILD ABOUT THE REGISTRY. IF THE FAMILY CONSENTS, THE CHILD'S NAME AND ANY SYMPTOMS, DIAGNOSES, METHODS OF TREATMENT, AND TREATMENT OUTCOMES SHALL BE LISTED IN THE REGISTRY.

**25-4-1904. Gulf war syndrome advisory committee - creation.** (1) THERE IS HEREBY CREATED A GULF WAR SYNDROME ADVISORY COMMITTEE TO ADVISE THE DEPARTMENT ON THE IMPLEMENTATION OF THE GULF WAR SYNDROME REGISTRY AND TO ANALYZE THE DATA COLLECTED FROM THE REGISTRY. THE ADVISORY COMMITTEE SHALL CONSIST OF ELEVEN MEMBERS. ONE OF THE MEMBERS SHALL BE THE STATE EPIDEMIOLOGIST FOR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THE REMAINING TEN MEMBERS SHALL BE APPOINTED BY THE GOVERNOR FOR TERMS OF THREE YEARS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, FIVE SHALL BE APPOINTED FOR THREE YEARS AND FIVE SHALL BE APPOINTED FOR TWO YEARS. WHENEVER A VACANCY EXISTS, THE GOVERNOR SHALL APPOINT A MEMBER FOR THE REMAINING PORTION OF THE UNEXPIRED TERM. OF THE MEMBERS APPOINTED BY THE GOVERNOR, ONE MEMBER SHALL BE A TOXICOLOGIST, ONE MEMBER SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN NEUROLOGY, ONE MEMBER SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN OBSTETRICS AND GYNECOLOGY, ONE MEMBER SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN PEDIATRICS, ONE MEMBER SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN ONCOLOGY, ONE MEMBER SHALL BE A MEMBER OF THE COLORADO BOARD OF VETERANS AFFAIRS, THREE MEMBERS SHALL BE VETERANS, AT LEAST TWO OF WHOM SHALL BE VETERANS OF THE GULF WAR, AND ONE MEMBER SHALL BE A MEMBER OF THE PUBLIC.

(2) THE ADVISORY COMMITTEE SHALL ELECT A CHAIRPERSON AND SHALL MEET AS OFTEN AS NECESSARY. MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE WITHOUT COMPENSATION.

(3) THE ADVISORY COMMITTEE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(a) TO ADVISE THE DEPARTMENT ON THE IMPLEMENTATION OF THE REGISTRY;

(b) TO ASSIST AND ADVISE THE DEPARTMENT ON THE KINDS OF INFORMATION THAT SHOULD BE REQUESTED FOR AND COMPILED IN THE REGISTRY;

(c) TO ANALYZE THE DATA COLLECTED FROM THE REGISTRY, MAKE FINDINGS BASED ON THE INFORMATION COLLECTED FROM THE REGISTRY, AND REPORT SUCH FINDINGS PURSUANT TO SECTION 25-4-1905;

(d) TO MONITOR STUDIES OR OTHER ACTIONS THAT OTHER STATES AND THE FEDERAL GOVERNMENT ARE TAKING TO ADDRESS THE PROBLEMS AND IMPACTS OF THE GULF WAR ON VETERANS AND THEIR FAMILY MEMBERS;

(e) TO MAKE RECOMMENDATIONS ABOUT LEGISLATION OR PUBLIC HEALTH EFFORTS NEEDED TO ADDRESS GULF WAR SYNDROME.

**25-4-1905. Reports - confidentiality of information collected.** (1) THE ADVISORY COMMITTEE SHALL COMPILE, ANALYZE, AND EVALUATE THE INFORMATION AND DATA SUBMITTED TO THE REGISTRY. THE ADVISORY COMMITTEE SHALL SUBMIT AN ANNUAL REPORT WITH ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS TO THE GOVERNOR, THE STATE BOARD OF HEALTH, AND THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

(2) ALL INFORMATION OBTAINED FROM OR CONCERNING A VETERAN OR AN INDIVIDUAL ON THE REGISTRY SHALL BE CONFIDENTIAL; EXCEPT THAT RELEASE MAY BE MADE OF SUCH INFORMATION FOR STATISTICAL PURPOSES IN A MANNER SUCH THAT NO INDIVIDUAL PERSON CAN BE IDENTIFIED.

(3) A PHYSICIAN OR OTHER QUALIFIED HEALTH CARE PROFESSIONAL, A HOSPITAL, OR MEDICAL FACILITY THAT COMPLIES WITH THE PROVISIONS OF THIS PART 19 SHALL NOT BE HELD CIVILLY OR CRIMINALLY LIABLE FOR PROVIDING INFORMATION REQUIRED BY THIS PART 19.

**25-4-1906. Gulf war syndrome registry fund.** THE DEPARTMENT IS AUTHORIZED TO ACCEPT AND EXPEND GRANTS, DONATIONS, AND GIFTS-IN-KIND FROM PRIVATE AND PUBLIC SOURCES FOR THE PURPOSES OF MAINTAINING AND PUBLICIZING THE REGISTRY CREATED IN THIS PART 19; EXCEPT THAT THE REGISTRY SHALL NOT BE IMPLEMENTED UNTIL SUFFICIENT GRANTS, DONATIONS, AND GIFTS ARE OBTAINED TO SUPPORT ITS IMPLEMENTATION. ONCE SUFFICIENT FUNDS ARE OBTAINED TO IMPLEMENT THE REGISTRY, THE DEPARTMENT SHALL CONTRACT WITH A PRIVATE ENTITY TO PERFORM ANY OF ITS DUTIES CONCERNING THE REGISTRY. ANY GRANTS, DONATIONS, AND GIFTS SHALL BE CREDITED TO THE GULF WAR SYNDROME REGISTRY FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE MONEYS IN SAID FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSE OF IMPLEMENTING THE GULF WAR SYNDROME REGISTRY. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS NOT APPROPRIATED SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF

THE STATE AT THE END OF ANY FISCAL YEAR.

**SECTION 3. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

**SECTION 4. Future appropriations.** It is the intent of the general assembly that this act can be implemented in the future within existing FTE allocations and that no separate appropriations of state moneys for FTE's will be necessary to carry out the provisions of this act.

**SECTION 5. 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.

Approved: May 18, 1998