

CHAPTER 318

HEALTH AND ENVIRONMENT

HOUSE BILL 07-1301

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also SENATOR(S) Williams, Boyd, Fitz-Gerald, Groff, Hagedorn, Romer, Tapia, Tochtrop, Tupa, Veiga, and Windels.

AN ACT

CONCERNING INCREASING THE AVAILABILITY OF CERVICAL CANCER IMMUNIZATIONS, AND, IN CONNECTION THEREWITH, ESTABLISHING THE CERVICAL CANCER IMMUNIZATION PROGRAM, ENCOURAGING FEDERALLY QUALIFIED HEALTH CENTERS TO CONTRACT WITH LOCAL HEALTH AGENCIES TO ADMINISTER CERVICAL CANCER IMMUNIZATIONS, REQUIRING A CERVICAL CANCER IMMUNIZATION PUBLIC AWARENESS CAMPAIGN, SPECIFYING THAT CERVICAL CANCER IMMUNIZATION IS A BENEFIT FOR MEDICAID RECIPIENTS, REQUIRING THAT CERTAIN HEALTH INSURANCE POLICIES PROVIDE COVERAGE FOR CERVICAL CANCER IMMUNIZATIONS, AND MAKING AN APPROPRIATION.

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

SECTION 1. Article 4 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 25
CERVICAL CANCER IMMUNIZATION ACT**

25-4-2501. Short title. THIS PART 25 SHALL BE KNOWN AND MAY BE CITED AS THE "CERVICAL CANCER IMMUNIZATION ACT".

25-4-2502. Definitions. AS USED IN THIS PART 25, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD OF HEALTH" MEANS THE STATE BOARD OF HEALTH.

(2) "CERVICAL CANCER VACCINE" OR "CERVICAL CANCER IMMUNIZATION" MEANS THE SERIES OF VACCINES TO PREVENT CERVICAL CANCER AS DETERMINED BY THE BOARD OF HEALTH TO BE NECESSARY TO CONFORM TO RECOGNIZED STANDARD MEDICAL PRACTICES.

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

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

(4) "FQHC" MEANS A PROVIDER DESIGNATED AS A FEDERALLY QUALIFIED HEALTH CENTER PURSUANT TO THE PROVISIONS OF 42 U.S.C. SEC. 1396d (l) (2) (B).

(5) "LOCAL PUBLIC HEALTH AGENCY" MEANS A COUNTY OR DISTRICT DEPARTMENT OF HEALTH ESTABLISHED PURSUANT TO SECTION 25-1-501 OR AN AGENCY PROVIDING PUBLIC HEALTH NURSING SERVICES AS DESCRIBED IN SECTION 25-1-610.5.

(6) "PROGRAM" MEANS THE CERVICAL CANCER IMMUNIZATION PROGRAM, CREATED IN SECTION 25-4-2503.

25-4-2503. Cervical cancer immunization program - rules. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE CERVICAL CANCER IMMUNIZATION PROGRAM. THE DEPARTMENT IS DIRECTED TO INVESTIGATE MANNERS IN WHICH THE CERVICAL CANCER VACCINE MAY BE ADMINISTERED IN AN ECONOMICAL FASHION. THE STATE BOARD IS AUTHORIZED TO PROMULGATE RULES TO ASSIST THE DEPARTMENT IN MAKING THE VACCINE AVAILABLE.

(2) FQHCs ARE ENCOURAGED TO ENTER INTO AGREEMENTS WITH LOCAL PUBLIC HEALTH AGENCIES TO ADMINISTER VACCINATIONS TO UNDERINSURED FEMALE MINORS THROUGH A FEDERALLY RECOGNIZED VACCINATION PROGRAM FOR CHILDREN. IF A LOCAL PUBLIC HEALTH AGENCY ENTERS INTO AN AGREEMENT, THE AGENCY SHALL ADMINISTER VACCINATIONS, INCLUDING BUT NOT LIMITED TO CERVICAL CANCER VACCINATIONS, PURSUANT TO THE AGREEMENT WITH THE FQHC. THE DEPARTMENT SHALL PAY TO A LOCAL PUBLIC HEALTH AGENCY THE AGENCY'S ADMINISTRATIVE COST FOR ADMINISTERING A CERVICAL CANCER VACCINATION TO AN UNDERINSURED FEMALE ENTERING THE SIXTH GRADE.

25-4-2504. Public awareness campaign - fund. (1) SUBJECT TO THE MONEYS BEING AVAILABLE IN THE FUND CREATED IN SUBSECTION (2) OF THIS SECTION, ON AND AFTER JANUARY 1, 2008, THE DEPARTMENT SHALL CONDUCT A PUBLIC AWARENESS CAMPAIGN ON CERVICAL CANCER IMMUNIZATION AND THE BENEFITS, DISADVANTAGES, AND POSSIBLE SIDE EFFECTS OF RECEIVING CERVICAL CANCER IMMUNIZATION.

(2) THERE IS HEREBY CREATED IN THE STATE TREASURY THE CERVICAL CANCER IMMUNIZATION AWARENESS CAMPAIGN FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(3)(a) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION.

(b) IF, ON OR BEFORE JANUARY 1, 2008, THE DEPARTMENT HAS RECEIVED EIGHT HUNDRED THOUSAND DOLLARS OR MORE IN GIFTS, GRANTS, OR DONATIONS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THERE IS TRANSFERRED FROM THE COLORADO IMMUNIZATION FUND ESTABLISHED PURSUANT TO SECTION 25-4-2301 TO THE FUND ON JANUARY 15, 2008, THE SUM OF ONE HUNDRED THOUSAND DOLLARS AND ON OR AFTER JULY 1, 2008, THE SUM OF ONE HUNDRED THOUSAND DOLLARS.

SECTION 2. 25.5-5-202 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25.5-5-202. Basic services for the categorically needy - optional services - repeal. (1) Subject to the provisions of subsection (2) of this section, the following are services for which federal financial participation is available and which Colorado has selected to provide as optional services under the medical assistance program:

(t) CERVICAL CANCER IMMUNIZATION FOR ALL FEMALES UNDER TWENTY YEARS OF AGE.

SECTION 3. 10-16-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-104. Mandatory coverage provisions. (17) Cervical cancer vaccines. (a) ALL INDIVIDUAL AND ALL GROUP SICKNESS AND ACCIDENT INSURANCE POLICIES, EXCEPT SUPPLEMENTAL POLICIES COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, THAT ARE DELIVERED OR ISSUED FOR DELIVERY WITHIN THE STATE BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 2 OF THIS ARTICLE AND ALL INDIVIDUAL AND GROUP HEALTH CARE SERVICE OR INDEMNITY CONTRACTS ISSUED BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 3 OR 4 OF THIS ARTICLE, AS WELL AS ANY OTHER GROUP HEALTH CARE COVERAGE OFFERED TO RESIDENTS OF THIS STATE, SHALL PROVIDE COVERAGE FOR THE FULL COST OF CERVICAL CANCER VACCINATION FOR ALL FEMALES FOR WHOM A VACCINATION IS RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(b) THE REQUIREMENTS OF THIS SUBSECTION (17) SHALL APPLY TO ALL INDIVIDUAL SICKNESS AND ACCIDENT INSURANCE POLICIES AND HEALTH CARE SERVICE OR INDEMNITY CONTRACTS ISSUED ON OR AFTER JANUARY 1, 2008, AND TO ALL GROUP ACCIDENT AND SICKNESS POLICIES AND GROUP HEALTH CARE SERVICE OR INDEMNITY CONTRACTS ISSUED, RENEWED, OR REINSTATED ON OR AFTER JANUARY 1, 2008.

(c) FOR PURPOSES OF THIS SUBSECTION (17), "SICKNESS AND ACCIDENT INSURANCE POLICY" DOES NOT INCLUDE SHORT-TERM, ACCIDENT, FIXED INDEMNITY, SPECIFIED DISEASE POLICIES OR DISABILITY INCOME CONTRACTS, AND LIMITED BENEFIT OR CREDIT DISABILITY INSURANCE, OR SUCH OTHER INSURANCE AS DESCRIBED IN SECTION 10-18-101 (3) OR BY THE COMMISSIONER. THE TERM ALSO

DOES NOT INCLUDE INSURANCE ARISING OUT OF THE "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S., OR OTHER SIMILAR LAW, AUTOMOBILE MEDICAL PAYMENT INSURANCE, OR INSURANCE UNDER WHICH BENEFITS ARE PAYABLE WITH OR WITHOUT REGARD TO FAULT AND WHICH IS REQUIRED BY LAW TO BE CONTAINED IN A LIABILITY INSURANCE POLICY OR EQUIVALENT SELF-INSURANCE.

(d) THE HEALTH CARE SERVICE PLAN ISSUED BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 4 OF THIS ARTICLE MAY PROVIDE THAT THE BENEFITS PROVIDED PURSUANT TO THIS SUBSECTION (17) SHALL BE COVERED BENEFITS ONLY IF THE SERVICES ARE RENDERED BY A PROVIDER WHO IS DESIGNATED BY AND AFFILIATED WITH THE HEALTH MAINTENANCE ORGANIZATION.

SECTION 4. Appropriation. (1) For the implementation of this act, appropriations made to the department of public health and environment, for the fiscal year beginning July 1, 2007, shall be adjusted as follows:

(a) In addition to any other appropriation, there is hereby appropriated, to the disease control and environmental epidemiology division, for allocation to the cervical cancer immunization program to immunize female minors and women in Colorado against cervical cancer as created in section 25-4-2303, Colorado Revised Statutes, of this act, the sum of forty-two thousand six hundred dollars (\$42,600), cash funds exempt, or so much thereof as may be necessary. This appropriation shall be from the Colorado immunization fund created in section 25-4-2301, Colorado Revised Statutes.

(b) In addition to any other appropriation, there is hereby appropriated, to the disease control and environmental epidemiology division, for allocation to the public awareness campaign on cervical cancer immunization and the benefits of receiving cervical cancer immunization pursuant to section 25-4-2305 (1), Colorado Revised Statutes, of this act, the sum of two hundred twenty-five thousand dollars (\$225,000), cash funds exempt, or so much thereof as may be necessary. This appropriation shall be from any gifts, grants, and donations received by the department for this purpose and deposited into the cervical cancer immunization awareness campaign fund created in section 25-4-2305 (2), Colorado Revised Statutes.

(2) For the implementation of this act, appropriations made to the department of health care policy and financing, for the fiscal year beginning July 1, 2007, to the indigent care program, for allocation to the children's basic health plan premiums costs, the sum of two hundred ninety-eight thousand one hundred seventy-seven dollars (\$298,177). Of said sum, ninety thousand seven hundred ninety-five dollars (\$90,795) shall be cash funds exempt from the Colorado immunization fund created in section 25-4-2301, Colorado Revised Statutes, thirteen thousand five hundred sixty-seven dollars (\$13,567) shall be cash funds exempt from the health care expansion fund created in section 24-22-117 (2) (a) (I), Colorado Revised Statutes, and one hundred ninety-three thousand eight hundred fifteen dollars (\$193,815) shall be from federal funds.

SECTION 5. Section 14 (5) (b) of Senate Bill 07-097, enacted at the First Regular Session of the Sixty-sixth General Assembly, is amended to read:

Section 14. **Appropriation.** (5) (b) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the supplemental tobacco litigation settlement moneys account within the Colorado immunization fund created in ~~section 25-4-2305~~, SECTION 25-4-2301, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, disease control and environmental epidemiology division, for the fiscal year beginning July 1, 2007, the sum of ~~nine hundred thousand dollars (\$900,000)~~; SIX HUNDRED SIXTY-SIX THOUSAND SIX HUNDRED FIVE DOLLARS (\$666,605), cash funds exempt, or so much thereof as may be necessary, for the implementation of this act.

SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the supplemental tobacco litigation settlement moneys account within the Colorado immunization fund created in section 25-4-2301, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, disease control and environmental epidemiology division, for the fiscal year beginning July 1, 2007, the sum of one hundred thousand dollars (\$100,000), cash funds exempt, or so much thereof as may be necessary, for the implementation of this act.

SECTION 7. Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect upon passage.

(2) Section 6 of this act shall take effect January 1, 2008, only if the executive director of the department of public health and environment certifies to the revisor of statutes that eight hundred thousand dollars or more has not been received in gifts, grants, or donations, in the cervical cancer immunization awareness campaign fund.

SECTION 8. 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 29, 2007