

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 22-0260.02 Brita Darling x2241

HOUSE BILL 22-1157

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House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

Health & Human Services
Appropriations

SENATE
3rd Reading Unamended
April 26, 2022

A BILL FOR AN ACT

101 **CONCERNING THE UTILIZATION OF DEMOGRAPHIC HEALTH DATA BY**
102 **THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO**
103 **ADDRESS HEALTH INEQUITIES, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

SENATE
Amended 2nd Reading
April 25, 2022

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>.)

HOUSE
3rd Reading Unamended
March 25, 2022

The bill requires the department of public health and environment (department), as part of its duty to disseminate public health information, to:

HOUSE
Amended 2nd Reading
March 22, 2022

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

- Collect public health information from data sources and data provided to the department, including information concerning race, ethnicity, disability, sexual orientation, and gender identity; and
- Provide direction and technical assistance relating to public health information.

The bill does not require a person to provide demographic information concerning race, ethnicity, disability, sexual orientation, or gender identity.

The bill requires the state board of health (board) to promulgate rules, which apply to all public health agencies, health officers, and other persons required to collect and report data, concerning the requirements for collecting data, and the manner and time frame for reporting and disaggregating data in compliance with health data privacy laws.

For required health equity commission (commission) reports that do not include complete demographic information, the bill requires state agencies that are represented on the commission to submit a supplemental report to address the social determinants of health and the strategies used to address health disparities and inequities based on race, ethnicity, disability, sexual orientation, and gender identity.

To assist with the department's assessment of health disparities and inequities, the bill requires the commission to convene a data advisory working group (working group) to advise the commission relating to collecting and aggregating nonidentifying demographic data and information from Colorado residents about race, ethnicity, disability, sexual orientation, and gender identity as part of public health programs and from information acquired by or submitted to the department. The bill includes the selection of members for the working group.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-101, **amend**
3 (1)(j)(I) as follows:

4 **25-1.5-101. Powers and duties of department - laboratory cash
5 fund - report - dispensation of payments under contracts with
6 grantees - definitions - repeal.** (1) The department has, in addition to all
7 other powers and duties imposed upon it by law, the powers and duties
8 provided in this section as follows:

9 (j) (I) To:

10 (B) ESTABLISH A PROCESS FOR, AND PROVIDE TECHNICAL
11 ASSISTANCE RELATING TO, THE COLLECTION, COMPILED, AND
12 TABULATION OF PUBLIC HEALTH INFORMATION DESCRIBED IN SUBSECTION
13 (1)(j)(I)(A) OF THIS SECTION; AND

14 (C) Disseminate public health information;

15 **SECTION 2.** In Colorado Revised Statutes, 25-4-2205, **amend**
16 (2)(c), (2)(g), (2)(h), and (2.5)(a); and **add** (2.3) and (2.5)(a.5) as follows:

17 **25-4-2205. Powers and duties of the office of health equity -**
18 **rules - working group.** (2) The office has the following powers, duties,
19 and functions:

20 (c) Publishing data reports documenting health disparities AND
21 ESTABLISHING APPROPRIATE METHODS TO COLLECT AND DISAGGREGATE
22 DATA BASED ON RACE, ETHNICITY, DISABILITY, SEXUAL ORIENTATION, AND
23 GENDER IDENTITY FOR INCLUSION IN DATA REPORTS DOCUMENTING
24 HEALTH DISPARITIES;

25 (g) Conducting state-level strategic planning on minority health
26 improvement, WHICH INCLUDES THOSE INDIVIDUALS WHO IDENTIFY AS
27 RACIAL AND ETHNIC MINORITIES, WHO HAVE DIAGNOSED DISABILITIES.

1 AND WHOSE SEXUAL ORIENTATION OR GENDER IDENTITY INCLUDES BUT IS
2 NOT LIMITED TO LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND
3 NONBINARY;

4 (h) Providing technical assistance to:

5 (I) The department in carrying out its programs, INCLUDING DATA
6 COLLECTION AND DISAGGREGATION OF CONFIDENTIAL HEALTH DATA, IN
7 ACCORDANCE WITH FEDERAL AND STATE DATA PRIVACY LAWS, RULES,
8 AND REGULATIONS AND FEDERAL CONTRACTS, RELATING TO RACE,
9 ETHNICITY, DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY;
10 and

11 (II) to County, district, and municipal public health agencies,
12 community-based organizations, and communities in the state;

13 (2.3) (a) THE STATE BOARD SHALL PROMULGATE RULES
14 NECESSARY FOR THE COLLECTION OF DATA BY THE OFFICE FOR PURPOSES
15 OF ITS REPORTING ON HEALTH DISPARITIES PURSUANT TO SUBSECTION
16 (2)(c) OF THIS SECTION, INCLUDING RULES CONCERNING:

17 (I) THE REQUIREMENT TO COLLECT DATA, TO THE EXTENT
18 PERMISSIBLE UNDER APPLICABLE FEDERAL AND STATE DATA PRIVACY
19 LAWS, RULES, AND REGULATIONS AND FEDERAL CONTRACTS, FROM
20 ENTITIES IDENTIFIED IN SUBSECTION (2)(h) OF THIS SECTION THAT SERVE
21 INDIVIDUALS WHO CHOOSE TO PROVIDE THE DATA;

22 (II) THE DEMOGRAPHIC INFORMATION TO BE COLLECTED AND THE
23 TIME FRAME FOR COLLECTING THE DATA TO ENSURE CONSISTENCY IN THE
24 COLLECTION OF DATA; AND

25 (III) THE DISAGGREGATION AND REPORTING OF CONFIDENTIAL
26 HEALTH DATA, IN ACCORDANCE WITH FEDERAL AND STATE DATA PRIVACY
27 LAWS, RULES, AND REGULATIONS AND FEDERAL CONTRACTS, TO PROTECT

1 SENSITIVE MEDICAL INFORMATION OR PERSONALLY IDENTIFYING
2 INFORMATION.

3 (b) THE RULES PROMULGATED PURSUANT TO SUBSECTION (2.3)(a)
4 OF THIS SECTION MUST APPLY TO ALL STATE AND COUNTY, DISTRICT, AND
5 MUNICIPAL PUBLIC HEALTH AGENCIES, AS DESCRIBED IN SECTION
6 25-1-506; PUBLIC HEALTH DIRECTORS, AS DESCRIBED IN SECTION
7 25-1-509; AND OTHER PERSONS REQUIRED TO COLLECT AND REPORT DATA
8 TO THE DEPARTMENT.

9 (2.5) (a) (I) On or before July 1, 2022, and continuing every two
10 years thereafter, the department shall conduct an assessment and publish
11 a report concerning health disparities and inequities in Colorado that
12 includes an assessment of the impact of social determinants of health on
13 health disparities and inequities and recommended strategies to begin to
14 address such inequities. The department shall collaborate with the
15 commission, community partners working on health equity issues, local
16 public health agencies, stakeholders from affected communities, data
17 organizations, and other state and local partners in the creation of the
18 report. In addition to providing information to the public about the impact
19 of health disparities and inequities on Coloradans, each state agency that
20 has representation on the commission shall use the report in their plan as
21 described in subsection (2.5)(b)(I) of this section. In each report after the
22 first published report, the department shall report the progress made by
23 the commission pursuant to subsection (2.5)(b) of this section to address
24 the social determinants of health and the strategies used to address health
25 disparities and inequities.

26 (II) NOT LATER THAN JULY 1, 2023, FOR ANY REPORT PUBLISHED
27 PURSUANT TO SUBSECTION (2.5)(a)(I) OF THIS SECTION THAT DOES NOT

1 INCLUDE COMPLETE REPORTING ON RACE, ETHNICITY, DISABILITY, SEXUAL
2 ORIENTATION, AND GENDER IDENTITY, AS THAT DATA BECOMES
3 AVAILABLE, EACH STATE AGENCY THAT IS REPRESENTED ON THE
4 COMMISSION SHALL PROVIDE A SUPPLEMENTAL REPORT THAT INCLUDES
5 PROGRESS MADE BY THE COMMISSION TO ADDRESS THE SOCIAL
6 DETERMINANTS OF HEALTH AND THE STRATEGIES USED TO ADDRESS
7 HEALTH DISPARITIES AND INEQUITIES BASED ON RACE, ETHNICITY,
8 DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY.

9 (a.5) (I) TO ASSIST WITH THE DEPARTMENT'S ASSESSMENT AND
10 REPORTING REQUIRED PURSUANT TO SUBSECTION (2.5)(a) OF THIS SECTION
11 CONCERNING HEALTH DISPARITIES AND INEQUITIES, NOT LATER THAN
12 NOVEMBER 1, 2022, THE COMMISSION SHALL CONVENE A DATA ADVISORY
13 WORKING GROUP TO ADVISE THE COMMISSION IN CARRYING OUT ITS
14 DUTIES UNDER SUBSECTIONS (2)(c) AND (2)(h) OF THIS SECTION.

15 (II) THE DATA ADVISORY WORKING GROUP SHALL MAKE
16 RECOMMENDATIONS TO THE COMMISSION CONCERNING THE PROCESS FOR
17 COLLECTING AND AGGREGATING NONIDENTIFYING DEMOGRAPHIC DATA
18 FOR COLORADO RESIDENTS RELATING TO RACE, ETHNICITY, DISABILITY,
19 SEXUAL ORIENTATION, AND GENDER IDENTITY:

20 (A) AS PART OF PUBLIC HEALTH PROGRAMS;
21 (B) FROM INFORMATION COLLECTED TO EVALUATE PUBLIC HEALTH
22 CONDITIONS IN THE STATE; AND

23 (C) FROM DATA ACQUIRED FROM DATA SOURCES OR SUBMITTED TO
24 THE DEPARTMENT.

25 (III) THE DATA ADVISORY WORKING GROUP SHALL INCLUDE:

26 (A) ONE MEMBER OF THE DEPARTMENT, APPOINTED BY THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT;

6 (C) ONE MEMBER OF A NONPROFIT ORGANIZATION, APPOINTED BY
7 THE DIRECTOR OF THE OFFICE, WHO HAS EXPERIENCE IN ADMINISTERING
8 DATA COLLECTION INSTRUMENTS AND REPORTS RELATING TO THE
9 COVID-19 VIRUS, VACCINES, AND HEALTH CARE AS IT IMPACTS
10 INDIVIDUALS WHO IDENTIFY AS LESBIAN, GAY, BISEXUAL, TRANSGENDER,
11 OR NONBINARY AND WHOSE WORK IS RECOGNIZED AT THE STATE AND
12 NATIONAL LEVEL;

13 (D) ONE MEMBER OF A NONPROFIT ORGANIZATION, APPOINTED BY
14 THE DIRECTOR OF THE OFFICE, WHO HAS EXPERIENCE IN ADMINISTERING
15 DATA COLLECTION INSTRUMENTS AND REPORTS RELATING TO THE
16 COVID-19 VIRUS, VACCINES, AND HEALTH CARE AS IT IMPACTS
17 INDIVIDUALS WHO HAVE BEEN DIAGNOSED WITH A DISABILITY AND WHOSE
18 WORK IS RECOGNIZED AT THE STATE OR NATIONAL LEVEL; AND

19 (E) TWO MEMBERS OF NONPROFIT ORGANIZATIONS, APPOINTED BY
20 THE DIRECTOR OF THE OFFICE, WHO HAVE EXPERIENCE IN ADMINISTERING
21 DATA COLLECTION INSTRUMENTS AND REPORTS RELATED TO INDIVIDUALS
22 WHO IDENTIFY AS HISPANIC OR LATINO, AFRICAN AMERICAN OR BLACK,
23 ASIAN, AMERICAN PACIFIC ISLANDER, AND INDIGENOUS AND WHOSE
24 WORK IS RECOGNIZED AT THE STATE OR NATIONAL LEVEL.

25 **SECTION 3. In Colorado Revised Statutes, 25-4-2206, amend**
26 (4) as follows:

25-4-2206. Health equity commission - creation - repeal.

1 (4) (a) The office shall provide staff to the commission.
2 (b) IN ADDITION TO ANY OTHER DUTIES, UNDER THE DIRECTION OF
3 THE COMMISSION, COMMISSION STAFF SHALL DETERMINE, IN ACCORDANCE
4 WITH APPLICABLE FEDERAL AND STATE DATA PRIVACY LAWS, RULES, AND
5 REGULATIONS AND FEDERAL CONTRACTS, THE SCOPE OF DATA AND THE
6 MANNER OF DATA SHARING FOR PURPOSES OF REQUIRED REPORTING
7 CONCERNING HEALTH DISPARITIES AND INEQUITIES PURSUANT TO SECTION
8 25-4-2205 (2.5), IN ORDER TO MINIMIZE DUPLICATION AND TO PROTECT
9 SENSITIVE OR PERSONALLY IDENTIFYING INFORMATION.

10 **SECTION 4.** In Colorado Revised Statutes, **repeal** 25-2-113.8
11 (2)(a).

12 **SECTION 5.** In Colorado Revised Statutes, 25-2-113.8, **add** (1.5)
13 and (2)(c) as follows:

14 **25-2-113.8. Birth certificate modernization act - new birth**
15 **certificate following a change in gender designation - short title -**
16 **definition.** (1.5) AS USED IN THIS SECTION, UNLESS THE CONTEXT
17 OTHERWISE REQUIRES, "REPORT OF BIRTH" MEANS AN ELECTRONIC OR
18 PAPER DOCUMENT CONTAINING INFORMATION RELATED TO A VITAL EVENT
19 SUBMITTED BY A PERSON OR ENTITY REQUIRED TO SUBMIT THE
20 INFORMATION FOR PURPOSES OF REGISTERING A VITAL STATISTIC.

21 (2) (c) A REPORT OF BIRTH, FILED WITH THE STATE REGISTRAR,
22 MUST BE COMPLETED IN ACCORDANCE WITH THE INFORMATION REQUIRED
23 BY THE NATIONAL CENTER FOR HEALTH STATISTICS IN THE CENTERS FOR
24 DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF
25 HEALTH AND HUMAN SERVICES.

26 **SECTION 6. Appropriation.** (1) For the 2022-23 state fiscal
27 year, \$360,000 is appropriated to the department of public health and

1 environment. This appropriation is from the general fund. To implement
2 this act, the department may use this appropriation as follows:

3 (a) \$40,000 for use by administration and support for operating
4 expenses related to health statistics and vital records; and

5 (b) \$320,000 for use by disease control and public health response
6 for immunization operating expenses related to general disease control
7 and surveillance.

8 **SECTION 7. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety.