

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 16-0769.01 Christy Chase x2008

HOUSE BILL 16-1164

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Aguilar and Martinez Humenik,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE TRANSFER OF RESPONSIBILITIES RELATED TO**
102 **EXEMPTIONS FROM IMMUNIZATION REQUIREMENTS FROM**
103 **SCHOOLS TO THE DEPARTMENT OF PUBLIC HEALTH AND**
104 **ENVIRONMENT.**

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://www.leg.state.co.us/billsumaries>.)

Under current law, parents or students seeking an exemption from immunization requirements are to submit the required documentation in support of the exemption to the student's school.

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

HOUSE
Amended 2nd Reading
March 10, 2016

The bill will require parents or students to submit the documentation to the department of public health and environment instead of the school. The department is responsible for determining the form by which the exemption is to be submitted and for posting on its website exemption rates for each school.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-4-901, **amend** (2)
3 (b) (II); and **add** (1.7) and (2.5) as follows:

4 **25-4-901. Definitions.** As used in this part 9, unless the context
5 otherwise requires:

6 (1.7) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
7 AND ENVIRONMENT CREATED IN SECTION 25-1-102.

8 (2) (b) "School" does not include:

9 (II) College or university courses of study that are offered:

10 (A) Off-campus; ~~or are offered~~

11 (B) To nontraditional adult students, as defined by the ~~governing~~
12 ~~board of the institution~~ STATE BOARD OF HEALTH; ~~or are offered~~

13 (C) At colleges or universities that do not have residence hall
14 facilities.

15 (2.5) "STATE BOARD OF HEALTH" MEANS THE STATE BOARD OF
16 HEALTH CREATED IN SECTION 25-1-103.

17 **SECTION 2.** In Colorado Revised Statutes, 25-4-902, **amend** (1)
18 introductory portion, (1) (a), (3), (4) introductory portion, and (4) (b) as
19 follows:

20 **25-4-902. Immunization prior to attending school -**
21 **standardized immunization information.** (1) Except as provided in
22 section 25-4-903, ~~no~~ A child shall NOT attend any school in the state of
23 Colorado on or after the dates specified in section 25-4-906 (4) unless he

1 or she has presented the following to the appropriate school official:

2 (a) An up-to-date certificate of immunization from a licensed
3 physician, a licensed advanced practice nurse, or authorized
4 representative of the department of ~~public health and environment~~ or
5 county, district, or municipal public health agency stating that the child
6 has received immunization against communicable diseases as specified
7 by the state board of health, based on recommendations of the advisory
8 committee on immunization practices ~~of~~ IN THE CENTERS FOR DISEASE
9 CONTROL AND PREVENTION IN the United States department of health and
10 human services; ~~or the American academy of pediatrics; or~~

11 (3) Notwithstanding ~~the provisions of~~ subsection (1) of this
12 section, a school shall enroll a student who is in out-of-home placement
13 within five school days after receiving the student's education information
14 and records as required in section 22-32-138, C.R.S., regardless of
15 whether the school has received the items specified in subsection (1) of
16 this section. Upon enrolling the student, the school shall notify the
17 student's ~~legal~~ guardian that, unless the school receives the student's
18 certificate of immunization or a written authorization for administration
19 of immunizations within fourteen days after the student enrolls, the
20 school ~~shall~~ WILL suspend the student until ~~such time as~~ the school
21 receives the certificate of immunization or the authorization.

22 (4) ~~On or before March 1, 2011,~~ The department of ~~public health~~
23 ~~and environment~~ shall develop and provide to the department of
24 education a standardized document regarding childhood immunizations.
25 The department of education shall post the standardized immunization
26 document on its website. ~~on or before January 15, 2011, and each year~~
27 ~~thereafter.~~ The DEPARTMENT SHALL UPDATE THE standardized document

1 ~~shall be updated~~ annually and shall include ~~but need not be limited to~~ IN
2 THE STANDARDIZED DOCUMENT AT LEAST THE FOLLOWING:

3 (b) A list of immunizations currently recommended for children
4 by the ~~center for disease control~~ advisory committee on immunization
5 practices IN THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE
6 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES and the
7 recommended age at which each immunization should be given.

8 **SECTION 3.** In Colorado Revised Statutes, 25-4-902.5, **amend**
9 (1) and (3) (a) as follows:

10 **25-4-902.5. Immunization prior to attending a college or**
11 **university - tuberculosis screening process development.** (1) Except
12 as provided in section 25-4-903, ~~no~~ A student shall NOT attend any college
13 or university in the state of Colorado on or after the dates specified in
14 section 25-4-906 (4) unless ~~such~~ THE student can present to the
15 appropriate official of the school:

16 (a) A certificate of immunization from a licensed physician, a
17 licensed advanced practice nurse, or authorized representative of the
18 department of ~~public health and environment~~ or county, district, or
19 municipal public health agency stating that the student has received
20 immunization against communicable diseases as specified by the state
21 board of health; ~~or~~

22 (b) A written authorization signed by one parent or guardian, ~~or~~
23 the emancipated student, or the student eighteen years of age or older
24 requesting that local health officials administer the immunizations; or

25 (c) A plan signed by one parent or guardian, ~~or~~ the emancipated
26 student, or the student eighteen years of age or older for receipt by the
27 student of the required inoculation or the first or the next required of a

1 series of inoculations within thirty days.

2 (3) (a) Each college and university in Colorado may work to
3 create a tuberculosis screening process with the goal of making the
4 process as uniform as possible for all colleges and universities in the
5 state. The department of public health and environment may attend and
6 participate in any meetings held by the universities and colleges regarding
7 the screening process. The screening process may include a tuberculosis
8 risk questionnaire, a tuberculosis education policy, a clinical review
9 process for each completed questionnaire, and follow-up testing
10 procedures for students who are determined to be at risk for tuberculosis.
11 ~~On or before January 1, 2009, the colleges and universities that work to~~
12 ~~create a tuberculosis screening process pursuant to this subsection (3)~~
13 ~~shall report to the health and human services committees of the senate and~~
14 ~~the house of representatives, or their successor committees, regarding any~~
15 ~~legislative recommendations necessary regarding a tuberculosis screening~~
16 ~~process.~~

17 **SECTION 4.** In Colorado Revised Statutes, 25-4-903, **amend** (2)
18 and (5) as follows:


19 **25-4-903. Exemptions from immunization - rules.** (2) (a) It is
20 the responsibility of the parent or legal guardian to have his or her child
21 immunized unless the child is exempted pursuant to this section. ~~A TO BE~~
22 ~~EXEMPT FROM THE REQUIRED IMMUNIZATIONS, THE PARENT OR GUARDIAN~~
23 ~~OF THE STUDENT OR, IF EMANCIPATED OR AT LEAST EIGHTEEN YEARS OF~~
24 ~~AGE, THE student shall be exempted from receiving the required~~
25 ~~immunizations in the following manner~~ SUBMIT TO THE DEPARTMENT, ON
26 A FORM PRESCRIBED BY THE DEPARTMENT:

27 (a) (I) ~~By submitting to the student's school~~ A certification from

1 a licensed physician or advanced practice nurse that, ~~the~~ BASED ON THE
2 STUDENT'S physical condition, ~~of the student is such that~~ RECEIPT OF one
3 or more specified immunizations would endanger ~~his or her~~ THE
4 STUDENT'S life or health or is medically contraindicated due to other
5 medical conditions; or

6 ~~(b) (II) By submitting to the student's school~~ A statement of
7 exemption signed by one parent or guardian or, ~~the~~ IF emancipated
8 ~~student, or student~~ OR AT LEAST eighteen years of age ~~or older~~, BY THE
9 STUDENT that the parent, guardian, or student ~~is an adherent~~ ADHERES to
10 a religious belief whose teachings are opposed to immunizations or that
11 the parent, ~~or guardian, or the emancipated student~~ or student ~~eighteen~~
12 ~~years of age or older~~ has a personal belief that is opposed to
13 immunizations.

14 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2),
15 A CHILD PARTICIPATING IN A NONPUBLIC HOME-BASED EDUCATIONAL
16 PROGRAM, AS DEFINED IN SECTION 22-33-104.5, C.R.S., WHOSE PARENT OR
17 GUARDIAN CHOOSES NOT TO DISCLOSE IMMUNIZATION RECORDS REQUIRED
18 TO BE MAINTAINED UNDER SECTION 22-33-104.5 (3) (g), C.R.S., IS
19 PRESUMED EXEMPT FROM IMMUNIZATION PURSUANT TO THIS SUBSECTION
20 (2) AND NEED NOT SUBMIT TO THE DEPARTMENT A CERTIFICATION OR
21 STATEMENT OF EXEMPTION.

22 
23 (5) ~~Each school~~ THE DEPARTMENT shall make the immunization
24 and exemption rates of ~~their~~ THE enrolled student population FOR EACH
25 SCHOOL publicly available ~~upon request~~ BY POSTING THE INFORMATION ON
26 ITS WEBSITE.

27 **SECTION 5.** In Colorado Revised Statutes, 25-4-904, **amend** (1)

1 as follows:

2 **25-4-904. Rules - immunization rules - rule-making authority**
3 **of state board of health.** (1) The state board of health shall ~~establish~~
4 ~~ADOPT rules and regulations~~ for administering this part 9. ~~Such~~ THE rules
5 ~~and regulations~~ shall establish which immunizations ~~shall be~~ ARE required
6 and the manner and frequency of their administration and shall conform
7 to recognized standard medical practices. ~~Such~~ THE rules ~~and regulations~~
8 may also require ~~the reporting of~~ SCHOOLS TO REPORT statistical
9 information and names of noncompliers. ~~by the schools.~~ The department
10 ~~of public health and environment~~ shall administer and enforce the
11 immunization requirements.

12 **SECTION 6.** In Colorado Revised Statutes, 25-4-905, **amend** (1)
13 as follows:

14 **25-4-905. Immunization of indigent children.** (1) (a) The
15 county, district, or municipal public health agency OR a public health or
16 school nurse under the supervision of a licensed physician ~~or the~~
17 ~~department, of public health and environment in the absence of a county,~~
18 ~~district, or municipal public health agency or public health OR SCHOOL~~
19 ~~nurse~~ shall provide, at public expense to the extent that funds are
20 available, immunizations required by this part 9 to each child WHO HAS
21 NOT BEEN EXEMPTED UNDER SECTION 25-4-903 AND whose parents or
22 guardians cannot afford to have the child immunized or, if emancipated,
23 who cannot himself or herself afford immunization. ~~and who has not been~~
24 ~~exempted.~~

25 (b) IN THE ABSENCE OF A COUNTY, DISTRICT, OR MUNICIPAL PUBLIC
26 HEALTH AGENCY OR PUBLIC HEALTH OR SCHOOL NURSE, THE DEPARTMENT
27 SHALL PROVIDE IMMUNIZATIONS IN ACCORDANCE WITH PARAGRAPH (a) OF

1 THIS SUBSECTION (1).

2 (c) (I) The department of ~~public health and environment~~ shall
3 provide all vaccines necessary to comply with this section as far as funds
4 will permit.

5 (II) Nothing in this section ~~shall preclude~~ PRECLUDES the
6 department of ~~public health and environment~~ from distributing vaccines
7 to physicians, advanced practice nurses, or others as required by law or
8 the rules of the department.

9 (d) ~~No~~ AN indigent child shall NOT be excluded, suspended, or
10 expelled from school unless the immunizations have been available and
11 readily accessible to the child at public expense.

12 **SECTION 7.** In Colorado Revised Statutes, 25-4-906, **amend** (1)
13 and (3) as follows:

14 **25-4-906. Certificate of immunization - forms.** (1) The
15 department of ~~public health and environment~~ shall provide official
16 certificates of immunization to the schools, private physicians, and
17 county, district, and municipal public health agencies. ~~Upon the~~
18 ~~commencement of the gathering of epidemiological information~~ Pursuant
19 to section 25-4-2403, ~~to implement the immunization tracking system,~~
20 ~~such form~~ THE DEPARTMENT shall include ON THE CERTIFICATE OF
21 IMMUNIZATION FORM a notice that informs a parent or ~~legal~~ guardian that
22 he or she has the option to ~~exclude~~ INCLUDE his or her infant's, child's, or
23 student's immunization information ~~from~~ IN the immunization tracking
24 system created in section 25-4-2403. Any immunization record provided
25 by a licensed physician, registered nurse, or public health official may be
26 accepted by the school official as certification of immunization if the
27 information is transferred to the official certificate of immunization and

1 verified by the school official.

2 (3) The department of ~~public health and environment~~ may
3 examine, audit, and verify the records of immunizations maintained by
4 each school.

5 **SECTION 8.** In Colorado Revised Statutes, 25-4-907, **amend** (2)
6 as follows:

7 **25-4-907. Noncompliance.** (2) ~~In the event of suspension or~~
8 ~~expulsion of~~ If a student IS SUSPENDED OR EXPELLED FROM SCHOOL
9 UNDER SUBSECTION (1) OF THIS SECTION, school officials shall notify the
10 ~~state department of public health and environment~~ or the county, district,
11 ~~and~~ OR municipal public health agency. An agent of ~~said~~ THE department
12 shall then contact the parent or guardian or, IF the STUDENT IS
13 emancipated ~~student~~ or ~~student~~ AT LEAST eighteen years of age, ~~or older~~
14 THE STUDENT in an effort to secure compliance with this part 9 in order
15 that the student may be reenrolled in school.

16 **SECTION 9.** In Colorado Revised Statutes, **amend** 25-4-908 as
17 follows:

18 **25-4-908. When exemption from immunization not recognized.**
19 If at any time there is, in the opinion of the ~~state department of public~~
20 ~~health and environment~~ or the county, district, or municipal public health
21 agency, danger of an epidemic from any of the communicable diseases for
22 which an immunization is required pursuant to the rules ~~and regulations~~
23 promulgated pursuant to section 25-4-904, ~~no~~ AN exemption or exception
24 from immunization against ~~such~~ THE disease shall NOT be recognized.
25 Quarantine by the ~~state department of public health and environment~~ or
26 the county, district, or municipal public health agency is hereby
27 authorized as a legal alternative to immunization.

1 **SECTION 10.** In Colorado Revised Statutes, 25-4-2403, **amend**
2 (3) introductory portion as follows:

3 **25-4-2403. Department of public health and environment -**
4 **powers and duties - immunization tracking system - definitions.**

5 (3) Records in the immunization tracking system ~~shall be~~ AND
6 EXEMPTION RECORDS MAINTAINED BY THE DEPARTMENT UNDER PART 9 OF
7 THIS ARTICLE ARE strictly confidential, and THE DEPARTMENT shall not be
8 ~~released, shared~~ RELEASE THE RECORDS, SHARE THE RECORDS with any
9 agency or institution, or ~~made~~ MAKE THE RECORDS public upon subpoena,
10 search warrant, discovery proceedings, or otherwise, except under the
11 following circumstances:

12 **SECTION 11. Effective date.** This act takes effect July 1, 2016.

13 **SECTION 12. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.