

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0214.05 Jane Ritter x4342

SENATE BILL 16-146

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

Esgar,

Senate Committees
Judiciary

House Committees
Judiciary
Public Health Care & Human Services

A BILL FOR AN ACT

101 **CONCERNING MODERNIZING STATUTES RELATED TO SEXUALLY**
102 **TRANSMITTED INFECTIONS.**

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/billsummaries>.)

The bill updates the statutes related to sexually transmitted infections (STIs) to conform with current medical knowledge by applying provisions that previously only applied to HIV to all STIs. A new definition is established to include HIV and relevant types of hepatitis in the "sexually transmitted infection" definition. The bill allows for all STIs to be treated uniformly under Colorado law, rather than specifically

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.

SENATE
3rd Reading Unamended
May 2, 2016

SENATE
Amended 2nd Reading
April 29, 2016

prosecuting people based on HIV status. HIV criminalization language in statute is repealed.

The bill expands rights for victims of crime by allowing for testing for a sexually transmitted infection under circumstances where the victim has been exposed to blood or other bodily fluids under circumstances that are medically demonstrated to pose a risk of transmission of a sexually transmitted infection. A victim of crime in such circumstances must also be provided with adequate counseling by a health care provider concerning prophylaxis and treatment of infections until cured, where possible; treatment to prevent progression of any infection; the necessity of regular medical evaluations; and measures for preventing transmission of the infection to others.

Public health orders or restrictive measures directed to a person with a sexually transmitted infection must only be used as the last resort when all other measures to protect the public health have failed, including efforts to obtain the voluntary cooperation of the person who may be subject to the public health order or restrictive measure. Any public health order or restrictive measure that is applied must be applied serially with the least intrusive measures used first.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** part 4 of article 4 of title 25 as follows:

4 PART 4

5 SEXUALLY TRANSMITTED INFECTIONS

6 **25-4-401. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 DECLARES THAT:

8 (a) SEXUALLY TRANSMITTED INFECTIONS, REGARDLESS OF THE
9 MODE OF TRANSMISSION, IMPACT THE PUBLIC HEALTH OF THE STATE AND
10 ARE A MATTER OF STATEWIDE CONCERN;

11 (b) COLORADANS HAVE A RIGHT TO RECEIVE ACCURATE,
12 CONFIDENTIAL, AND TIMELY INFORMATION TO MAKE INFORMED DECISIONS
13 THAT PROMOTE THEIR INDIVIDUAL PHYSICAL AND MENTAL HEALTH AND
14 WELL-BEING. THIS RIGHT APPLIES TO ALL COLORADANS, REGARDLESS OF

1 GEOGRAPHIC LOCATION, ETHNIC OR RACIAL BACKGROUND, INCOME,
2 ABILITY, GENDER, GENDER IDENTITY, OR SEXUAL ORIENTATION;

3 (c) POSITIVE, STIGMA-FREE MESSAGES AND COMPREHENSIVE,
4 EVIDENCE-BASED INFORMATION MUST BE AVAILABLE TO CREATE
5 HEALTHY, SAFE RELATIONSHIPS AND A HEALTHIER COLORADO; AND

6 (d) IT IS THE RESPONSIBILITY OF ANY INDIVIDUAL WHO HAS
7 KNOWLEDGE OR REASONABLE GROUNDS TO SUSPECT THAT HE OR SHE HAS
8 A SEXUALLY TRANSMITTED INFECTION TO NOT INTENTIONALLY TRANSMIT
9 THE INFECTION TO ANOTHER INDIVIDUAL.

10 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT:

11 (a) REPORTING SEXUALLY TRANSMITTED INFECTIONS TO PUBLIC
12 HEALTH AGENCIES IS ESSENTIAL TO ENABLE A BETTER UNDERSTANDING OF
13 THE SCOPE OF EXPOSURE AND THE IMPACT OF THE EXPOSURE ON THE
14 COMMUNITY AND TO OPTIMIZE MEANS OF SEXUALLY TRANSMITTED
15 INFECTION CONTROL;

16 (b) EFFORTS TO CONTROL SEXUALLY TRANSMITTED INFECTIONS
17 INCLUDE PUBLIC EDUCATION, COUNSELING, VOLUNTARY TESTING,
18 LINKAGE TO TREATMENT, PREVENTION, AND ACCESS TO SERVICES;

19 (c) RESTRICTIVE ENFORCEMENT MEASURES MAY BE USED ONLY
20 WHEN NECESSARY TO PROTECT THE PUBLIC HEALTH;

21 (d) HAVING A SEXUALLY TRANSMITTED INFECTION, BEING
22 PRESUMED TO HAVE ONE, OR SEEKING TESTING FOR THE PRESENCE OF SUCH
23 AN INFECTION MUST NOT SERVE AS THE BASIS FOR DISCRIMINATORY
24 ACTIONS OR PREVENT ACCESS TO SERVICES; AND

25 (e) IT IS THE POLICY OF THE STATE TO ENCOURAGE VOLUNTARY
26 TESTING FOR SEXUALLY TRANSMITTED INFECTIONS AND PROMOTE
27 LINKAGE TO CARE WITHOUT PERPETUATING STIGMA.

1 (3) THEREFORE, THE GENERAL ASSEMBLY FURTHER DECLARES
2 THAT THE PURPOSE OF THIS PART 4 IS TO PROTECT THE PUBLIC HEALTH,
3 EMPOWER INDIVIDUALS TO TAKE PERSONAL RESPONSIBILITY FOR THEIR
4 SEXUAL HEALTH, AND TO PREVENT INFECTIONS THAT MAY BE SEXUALLY
5 TRANSMITTED.

6 **25-4-402. Definitions.** AS USED IN THIS PART 4:

7 (1) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
8 THE STATE DEPARTMENT.

9 (2) "HEALTHCARE PROVIDER" MEANS A PERSON WHOSE VOCATION
10 OR PROFESSION IS RELATED TO THE MAINTENANCE OF INDIVIDUALS'
11 HEALTH OR ANYONE WHO PROVIDES DIAGNOSTIC SCREENING TESTS,
12 MEDICAL TREATMENT, OR OTHER MEDICAL SERVICES.

13 (3) "HEALTH OFFICER" MEANS THE DIRECTOR OF THE STATE
14 DEPARTMENT, THE CHIEF MEDICAL OFFICER APPOINTED PURSUANT TO
15 SECTION 25-1-105, OR A LOCAL DIRECTOR.

16 (4) "HIV" MEANS HUMAN IMMUNODEFICIENCY VIRUS.

17 (5) "LOCAL DIRECTOR" HAS THE SAME MEANING AS SET FORTH IN
18 SECTION 25-1-502 FOR "PUBLIC HEALTH DIRECTOR".

19 (6) "LOCAL PUBLIC HEALTH AGENCY" MEANS A COUNTY OR
20 DISTRICT PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO SECTION
21 25-1-506 OR A LOCAL DEPARTMENT OF PUBLIC HEALTH.

22 (7) "MEDICAL EMERGENCY" MEANS AN ACUTE INJURY, ILLNESS, OR
23 EXPOSURE THAT POSES AN IMMEDIATE RISK TO A PERSON'S LIFE OR
24 LONG-TERM HEALTH, SUCH THAT THE ABSENCE OF IMMEDIATE MEDICAL
25 ATTENTION COULD REASONABLY BE EXPECTED TO RESULT IN PLACING THE
26 PERSON'S HEALTH IN SERIOUS JEOPARDY, INCLUDING A SERIOUS
27 IMPAIRMENT TO BODILY FUNCTION OR A SERIOUS DYSFUNCTION OF ANY

1 BODILY ORGAN OR PART.

2 (8) "MINOR", UNLESS OTHERWISE SPECIFIED, MEANS A PERSON
3 WHO IS UNDER EIGHTEEN YEARS OF AGE.

4 (9) "PUBLIC SAFETY WORKERS" INCLUDES LAW ENFORCEMENT
5 OFFICERS, PEACE OFFICERS, EMERGENCY SERVICE PROVIDERS, AND
6 FIREFIGHTERS.

7 (10) "SEXUALLY TRANSMITTED INFECTION" REFERS TO
8 CHLAMYDIA, SYPHILIS, GONORRHEA, HIV, AND RELEVANT TYPES OF
9 HEPATITIS, AS WELL AS ANY OTHER SEXUALLY TRANSMITTED INFECTION,
10 REGARDLESS OF MODE OF TRANSMISSION, AS DESIGNATED BY THE STATE
11 BOARD BY RULE UPON MAKING A FINDING THAT THE PARTICULAR
12 SEXUALLY TRANSMITTED INFECTION IS CONTAGIOUS.

13 (11) "STATE BOARD" MEANS THE STATE BOARD OF HEALTH
14 CREATED IN SECTION 25-1-103.

15 (12) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
16 PUBLIC HEALTH AND ENVIRONMENT ESTABLISHED IN SECTION 25-1-102.

17 (13) "TEST" MEANS ANY DIAGNOSTIC, SCREENING, OR OTHER TEST
18 THAT MAY BE PROVIDED IN A HEALTH CARE OR COMMUNITY-BASED
19 ENVIRONMENT.

20 (14) "VICTIM" HAS THE SAME MEANING AS DEFINED IN SECTION
21 24-4.1-302 (5), C.R.S.

22 **25-4-403. Eligibility - non-discrimination.** NOTWITHSTANDING
23 ANY OTHER PROVISION OF THIS PART 4 TO THE CONTRARY, PROGRAMS AND
24 SERVICES THAT PROVIDE FOR THE INVESTIGATION, IDENTIFICATION,
25 TESTING, PREVENTIVE CARE, AND TREATMENT OF SEXUALLY TRANSMITTED
26 INFECTIONS ARE AVAILABLE REGARDLESS OF A PERSON'S ACTUAL OR
27 PERCEIVED RACE, CREED, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION,

1 AGE, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, MENTAL OR PHYSICAL
2 DISABILITY, FAMILIAL STATUS, MARITAL STATUS, OR IMMIGRATION
3 STATUS.

4 **25-4-404. Rules.** (1) THE STATE BOARD, WITH SUFFICIENT
5 INVOLVEMENT AND CONSULTATION FROM THE STATE DEPARTMENT, THE
6 COMMUNITY, AND OTHER INTERESTED STAKEHOLDERS, SHALL ADOPT
7 RULES IT DEEMS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS PART
8 4, INCLUDING RULES ADDRESSING THE CONTROL AND TREATMENT OF
9 SEXUALLY TRANSMITTED INFECTIONS. THE RULES ARE BINDING ON ALL
10 PUBLIC HEALTH AGENCIES, HEALTH OFFICERS, AND OTHER PERSONS
11 AFFECTED BY THIS PART 4. THE RULES MUST INCLUDE, AT A MINIMUM:

12 (a) THE INFORMATION THAT MUST BE REPORTED PURSUANT TO
13 SECTION 25-4-405 AND THE FORM, MANNER, AND TIME FRAME IN WHICH
14 IT MUST BE REPORTED; AND

15 (b) THE PERFORMANCE STANDARDS FOR ANONYMOUS AND
16 CONFIDENTIAL HIV COUNSELING AND TESTING SITES ESTABLISHED
17 PURSUANT TO SECTION 25-4-411. STANDARDS MUST INCLUDE
18 PERFORMANCE STANDARDS FOR NOTIFYING AND COUNSELING A PERSON
19 WHO IS DIAGNOSED WITH A SEXUALLY TRANSMITTED INFECTION AND FOR
20 NOTIFICATION OF HIS OR HER PARTNER OR PARTNERS.

21 (c) THE STATE DEPARTMENT SHALL CREATE AND MAINTAIN
22 GUIDELINES, SUBJECT TO APPROVAL BY THE STATE BOARD, CONCERNING
23 THE PUBLIC HEALTH PROCEDURES DESCRIBED IN SECTIONS 25-4-412 AND
24 25-4-413.

25 **25-4-405. Reporting requirements - immunity.** (1) IN
26 ACCORDANCE WITH THE PROVISIONS OF SECTIONS 25-1-122, 25-4-404,
27 25-4-406, AND 12-36-135, C.R.S., FOR EVERY INDIVIDUAL KNOWN TO THE

1 PERSON OR ENTITY TO HAVE A DIAGNOSIS OF A SEXUALLY TRANSMITTED
2 INFECTION OR HAVE A POSITIVE TEST FOR A SEXUALLY TRANSMITTED
3 INFECTION, THE FOLLOWING PERSONS AND ENTITIES SHALL REPORT ANY
4 INFORMATION REQUIRED BY RULE OF THE STATE BOARD TO THE STATE
5 DEPARTMENT OR LOCAL PUBLIC HEALTH AGENCY, IN A FORM AND WITHIN
6 A TIME PERIOD DESIGNATED BY RULE OF THE STATE BOARD:

7 (a) EVERY HEALTH CARE PROVIDER IN THE STATE;

8 (b) PERSONS WHO TEST, DIAGNOSE, OR TREAT SEXUALLY
9 TRANSMITTED INFECTIONS IN A HOSPITAL, CLINIC, CORRECTIONAL
10 INSTITUTION, COMMUNITY-BASED ORGANIZATION, NONCLINICAL SETTING,
11 OR OTHER PRIVATE OR PUBLIC INSTITUTION; OR

12 (c) A LABORATORY OR A PERSON PERFORMING A TEST FOR A CASE
13 OF A SEXUALLY TRANSMITTED INFECTION.

14 (2) THE REPORTS SUBMITTED PURSUANT TO SUBSECTION (1) OF
15 THIS SECTION MUST INCLUDE THE NAME, DATE OF BIRTH, SEX AT BIRTH,
16 GENDER IDENTITY, ADDRESS, AND PHONE NUMBER OF THE INDIVIDUAL
17 WITH THE SEXUALLY TRANSMITTED INFECTION, AND THE NAME, ADDRESS,
18 AND PHONE NUMBER OF THE PERSON MAKING THE REPORT. THE REPORT
19 MUST ALSO INCLUDE ANY TEST RESULTS AND THE NAME, ADDRESS, AND
20 PHONE NUMBER OF THE HEALTH CARE PROVIDER AND ANY OTHER PERSON
21 OR AGENCY THAT REFERRED THE SPECIMEN FOR TESTING.

22 (3) (a) A PERSON WHO, IN GOOD FAITH, COMPLIES WITH THE
23 REPORTING AND TREATMENT REQUIREMENTS OF THIS PART 4 IS IMMUNE
24 FROM CIVIL AND CRIMINAL LIABILITY FOR SUCH ACTIONS.

25 (b) IMMUNITY FROM LIABILITY PURSUANT TO PARAGRAPH (a) OF
26 THIS SUBSECTION (3) DOES NOT APPLY TO A NEGLIGENT ACT OR OMISSION
27 ON THE PART OF THE HEALTH CARE PROVIDER.

1 **25-4-406. Reports - confidentiality.** (1) THE PUBLIC HEALTH
2 REPORTS REQUIRED PURSUANT TO SECTION 25-4-405 AND ANY RECORDS
3 RESULTING FROM COMPLIANCE WITH THAT SECTION HELD BY THE STATE
4 DEPARTMENT AND LOCAL PUBLIC HEALTH AGENCIES, OR ANY HEALTH
5 CARE PROVIDER, FACILITY, THIRD-PARTY PAYOR, PHYSICIAN, CLINIC,
6 LABORATORY, BLOOD BANK, HEALTH RECORDS DATABASE, OR OTHER
7 AGENCY, ARE CONFIDENTIAL INFORMATION. THE INFORMATION MAY ONLY
8 BE RELEASED, == SHARED WITH ANY AGENCY OR INSTITUTION, OR == MADE
9 PUBLIC, UPON SUBPOENA, SEARCH WARRANT, DISCOVERY PROCEEDINGS,
10 OR OTHERWISE, == UNDER THE FOLLOWING CIRCUMSTANCES:

11 (a) FOR STATISTICAL PURPOSES, BUT ONLY IN A MANNER SUCH
12 THAT AN INDIVIDUAL CANNOT BE IDENTIFIED FROM THE INFORMATION
13 RELEASED;

14 (b) TO THE EXTENT NECESSARY TO ENFORCE THE PROVISIONS OF
15 THIS PART 4 AND RELATED RULES CONCERNING THE TREATMENT,
16 CONTROL, PREVENTION, AND INVESTIGATION OF SEXUALLY TRANSMITTED
17 INFECTIONS BY PUBLIC HEALTH OFFICERS;

18 (c) TO HEALTH CARE PROVIDERS AND MEDICAL PERSONNEL IN A
19 MEDICAL EMERGENCY TO THE EXTENT NECESSARY TO PROTECT THE
20 HEALTH OR LIFE OF THE NAMED PARTY; ==

21 (d) TO AGENCIES RESPONSIBLE FOR RECEIVING OR INVESTIGATING
22 REPORTS OF CHILD ABUSE OR NEGLECT IN ACCORDANCE WITH THE
23 PROVISIONS OF THE "CHILD PROTECTION ACT OF 1987", PART 3 OF
24 ARTICLE 3 OF TITLE 19, C.R.S., IF AN OFFICER OR EMPLOYEE OF THE STATE
25 DEPARTMENT OR A LOCAL PUBLIC HEALTH AGENCY MAKES A REPORT OF
26 CHILD ABUSE OR NEGLECT; OR

27 (e) PURSUANT TO SECTION 18-3-415.5, C.R.S., TO A DISTRICT

1 ATTORNEY FOR THE INFORMATION SPECIFIED IN SAID SECTION, OR, FOR THE
2 PURPOSES OF A SENTENCING HEARING, ORAL AND DOCUMENTARY
3 EVIDENCE LIMITED TO WHETHER A PERSON WHO HAS BEEN BOUND OVER
4 FOR TRIAL FOR ANY SEXUAL OFFENSE, AS DESCRIBED IN SECTION
5 18-3-415.5, C.R.S., WAS PROVIDED WITH NOTICE OR DISCUSSION THAT HE
6 OR SHE HAD TESTED POSITIVE FOR A SEXUALLY TRANSMITTED INFECTION
7 AND THE DATE OF SUCH NOTICE OR DISCUSSION.

8 (2) AN OFFICER OR EMPLOYEE OF THE STATE DEPARTMENT OR A
9 LOCAL PUBLIC HEALTH AGENCY MUST NOT BE EXAMINED IN ANY JUDICIAL,
10 EXECUTIVE, LEGISLATIVE, OR OTHER PROCEEDINGS AS TO THE EXISTENCE
11 OR CONTENT OF ANY INDIVIDUAL'S REPORT BY SUCH DEPARTMENT
12 PURSUANT TO THIS PART 4 OR AS TO THE EXISTENCE OF THE CONTENT OF
13 THE REPORTS RECEIVED PURSUANT TO SECTION 25-4-405 OR THE RESULT
14 OF AN INVESTIGATION CONDUCTED PURSUANT TO SECTION 25-4-408. THE
15 PROVISIONS OF THIS SUBSECTION (2) DO NOT APPLY TO ADMINISTRATIVE
16 OR JUDICIAL PROCEEDINGS HELD PURSUANT TO SECTION 25-4-412 OR
17 25-4-413.

18 (3) INFORMATION IN MEDICAL RECORDS CONCERNING THE
19 DIAGNOSIS AND TREATMENT OF A SEXUALLY TRANSMITTED INFECTION IS
20 CONSIDERED MEDICAL INFORMATION, IS NOT PART OF PUBLIC HEALTH
21 REPORTS, AND IS PROTECTED FROM UNAUTHORIZED DISCLOSURE
22 PURSUANT TO THE PROVISIONS OF SECTION 18-4-412, C.R.S.

23 **25-4-407. Reporting requirements - research exemption.**

24 (1) THE STATE BOARD SHALL APPROVE AN EXEMPTION FROM THE
25 REPORTING REQUIREMENTS OF SECTION 25-4-405 FOR A RESEARCH
26 ACTIVITY THAT MEETS ALL OF THE FOLLOWING CRITERIA:

27 (a) THE RESEARCH ACTIVITY IS FULLY DESCRIBED BY A RESEARCH

1 PROTOCOL;

2 (b) THE RESEARCH ACTIVITY IS SUBJECT TO REVIEW BY AND IS
3 GOVERNED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
4 SERVICES;

5 (c) THE RESEARCH ACTIVITY HAS AS PROTOCOL OBJECTIVES
6 EITHER:

7 (I) THE INVESTIGATION OF THE EFFECTIVENESS OF A MEDICAL
8 THERAPY OR VACCINE TO PREVENT INFECTION; OR

9 (II) BASIC MEDICAL RESEARCH INTO THE CELLULAR MECHANISMS
10 THAT CAUSE SEXUALLY TRANSMITTED INFECTIONS;

11 (d) THE RESEARCH ACTIVITY IS REVIEWED AND APPROVED BY A
12 DULY-CONSTITUTED INSTITUTIONAL REVIEW BOARD IN ACCORDANCE WITH
13 THE REGULATIONS ESTABLISHED BY THE SECRETARY OF THE FEDERAL
14 DEPARTMENT OF HEALTH AND HUMAN SERVICES;

15 (e) THE RESEARCH FOR THE RESEARCH ACTIVITY HAS PROVIDED
16 INFORMATION THAT DEMONSTRATES THAT THE RESEARCH WILL BE
17 FACILITATED BY AN EXEMPTION SPECIFIED IN THIS SECTION; AND

18 (f) THE RESEARCH ACTIVITY HAS BEEN DETERMINED TO HAVE A
19 POTENTIAL HEALTH BENEFIT.

20 (2) THE RESEARCH EXEMPTION AUTHORIZED IN THIS SECTION DOES
21 NOT ALTER THE REPORTING REQUIREMENTS OF PERSONS AND
22 RESEARCHERS WHO ARE OTHERWISE REQUIRED TO MAKE REPORTS WHEN
23 ENGAGED IN ANY TREATMENT OR TESTING OUTSIDE THE SCOPE OF OR
24 PRIOR TO ENROLLMENT IN AN APPROVED RESEARCH PROTOCOL, INCLUDING
25 REQUIRED REPORTING OF OTHER REPORTABLE DISEASES.

26 **25-4-408. Infection control - duties.** (1) IT IS THE DUTY OF THE
27 EXECUTIVE DIRECTOR, HEALTH OFFICERS, OR LOCAL DIRECTORS TO

1 INVESTIGATE SEXUALLY TRANSMITTED INFECTIONS AND TO USE
2 APPROPRIATE MEANS TO PREVENT THE SPREAD OF SUCH SEXUALLY
3 TRANSMITTED INFECTIONS.

4 (2) AS PART OF INFECTION CONTROL EFFORTS, IT IS THE DUTY OF
5 THE EXECUTIVE DIRECTOR, HEALTH OFFICERS, AND LOCAL DIRECTORS TO
6 PROVIDE PUBLIC INFORMATION; RISK-REDUCTION EDUCATION; VOLUNTARY
7 TESTING; COUNSELING; AGE-APPROPRIATE, MEDICALLY ACCURATE, AND
8 CULTURALLY RESPONSIVE EDUCATIONAL MATERIALS FOR SCHOOL USE;
9 AND PROFESSIONAL EDUCATION FOR PUBLIC SAFETY WORKERS AND
10 HEALTH CARE PROVIDERS.

11 (3) THE STATE DEPARTMENT SHALL PROVIDE CURRENT,
12 EVIDENCE-BASED, AND MEDICALLY ACCURATE PROGRAMS UNDER WHICH
13 THE STATE DEPARTMENT AND LOCAL PUBLIC HEALTH AGENCIES MAY
14 PERFORM THE FOLLOWING TASKS:

15 (a) PROVIDE AND DISSEMINATE TO HEALTH CARE PROVIDERS
16 DIGITAL, WRITTEN, AND VERBAL PRESENTATIONS DESCRIBING THE
17 EPIDEMIOLOGY, PREVENTION, TESTING, DIAGNOSIS, TREATMENT, MEDICAL
18 SERVICES, COUNSELING, AND OTHER ASPECTS OF SEXUALLY TRANSMITTED
19 INFECTIONS;

20 (b) PROVIDE CONSULTATION TO AGENCIES AND ORGANIZATIONS,
21 INCLUDING THOSE EMPLOYING PUBLIC SAFETY WORKERS, REGARDING
22 APPROPRIATE POLICIES FOR PREVENTION, TESTING, EDUCATION,
23 CONFIDENTIALITY, AND CONTROL OF SEXUALLY TRANSMITTED
24 INFECTIONS;

25 (c) CONDUCT HEALTH INFORMATION PROGRAMS TO INFORM THE
26 GENERAL PUBLIC OF THE MEDICAL AND PSYCHOSOCIAL ASPECTS OF
27 SEXUALLY TRANSMITTED INFECTIONS, INCLUDING UPDATED INFORMATION

1 ON HOW THESE INFECTIONS ARE TRANSMITTED AND MAY BE PREVENTED.
2 THE STATE DEPARTMENT SHALL PROVIDE AND DISTRIBUTE TO THE
3 RESIDENTS OF THE STATE, AT NO CHARGE, PRINTED AND ELECTRONIC
4 INFORMATION AND INSTRUCTIONS CONCERNING THE RISKS FROM
5 SEXUALLY TRANSMITTED INFECTIONS, THE PREVENTION OF SEXUALLY
6 TRANSMITTED INFECTIONS, AND THE NECESSITY FOR TESTING.

7 (d) UPDATE AND PROVIDE EDUCATIONAL INFORMATION
8 CONCERNING SEXUALLY TRANSMITTED INFECTIONS THAT EMPLOYERS MAY
9 USE IN THE WORKPLACE;

10 (e) PROVIDE AND IMPLEMENT MEDICALLY ACCURATE AND
11 CULTURALLY APPROPRIATE EDUCATIONAL RISK-REDUCTION PROGRAMS
12 FOR SPECIFIC POPULATIONS AT HIGHER RISK FOR INFECTION; AND

13 (f) UPDATE AND PROVIDE ACCURATE, AGE-APPROPRIATE, AND
14 CULTURALLY RESPONSIVE SEXUALLY TRANSMITTED INFECTION
15 PREVENTION CURRICULA FOR USE AT THE DISCRETION OF SECONDARY AND
16 MIDDLE SCHOOLS IN THE STATE.

17 (4) WHEN INVESTIGATING SEXUALLY TRANSMITTED INFECTIONS,
18 THE STATE DEPARTMENT AND LOCAL PUBLIC HEALTH AGENCIES, WITHIN
19 THEIR RESPECTIVE JURISDICTIONS, MAY INSPECT AND HAVE ACCESS TO
20 MEDICAL AND LABORATORY RECORDS RELEVANT TO THEIR
21 INVESTIGATION.

22 (5) EVERY PERSON WHO IS CONFINED, DETAINED, OR IMPRISONED
23 IN A STATE, COUNTY, OR CITY HOSPITAL; AN INSTITUTION FOR PERSONS
24 WITH A MENTAL ILLNESS; A HOME FOR DEPENDENT CHILDREN; A
25 CORRECTIONAL FACILITY; OR ANY OTHER PRIVATE OR CHARITABLE
26 INSTITUTION WHERE A PERSON MAY BE CONFINED, DETAINED, OR
27 IMPRISONED BY ORDER OF A COURT OF THIS STATE MUST BE EXAMINED FOR

1 AND, IF DIAGNOSED WITH A SEXUALLY TRANSMITTED INFECTION,
2 REFERRED FOR TREATMENT OF SUCH SEXUALLY TRANSMITTED INFECTION,
3 IN ACCORDANCE WITH CURRENT STANDARDS OF CARE, BY THE HEALTH
4 AUTHORITIES HAVING JURISDICTION OVER THE GIVEN INSTITUTION. THE
5 MANAGING AUTHORITIES OF ANY SUCH INSTITUTION SHALL MAKE
6 AVAILABLE TO THE HEALTH AUTHORITIES WHATEVER PORTION OF THEIR
7 RESPECTIVE INSTITUTION AS MAY BE NECESSARY FOR A CLINIC OR
8 HOSPITAL FOR TREATMENT OF A PERSON'S SEXUALLY TRANSMITTED
9 INFECTION WITH CURRENT AND EVIDENCE-BASED STANDARDS OF CARE IN
10 A PROFESSIONAL MANNER.

11 (6) (a) WHEN A PUBLIC SAFETY WORKER, EMERGENCY OR OTHER
12 HEALTH CARE PROVIDER, FIRST RESPONDER, VICTIM OF CRIME, OR A STAFF
13 MEMBER OF A CORRECTIONAL FACILITY, THE STATE DEPARTMENT, OR A
14 LOCAL PUBLIC HEALTH AGENCY HAS BEEN EXPOSED TO BLOOD OR OTHER
15 BODILY FLUIDS FOR WHICH THERE IS AN EVIDENCE-BASED REASON TO
16 BELIEVE IT MAY RESULT IN EXPOSURE TO A SEXUALLY TRANSMITTED
17 INFECTION, THE STATE DEPARTMENT OR LOCAL PUBLIC HEALTH AGENCY,
18 WITHIN THEIR RESPECTIVE JURISDICTIONS, SHALL ASSIST IN THE
19 EVALUATION AND TREATMENT OF ANY INVOLVED PERSONS BY:

20 (I) ACCESSING INFORMATION ON THE INCIDENT AND ANY PERSONS
21 INVOLVED TO DETERMINE WHETHER A POTENTIAL EXPOSURE TO INFECTION
22 OCCURRED;

23 (II) WHEN THE POTENTIAL FOR EXPOSURE HAS BEEN DETERMINED
24 BY THE STATE DEPARTMENT OR A LOCAL PUBLIC HEALTH AGENCY,
25 EXAMINING AND TESTING ANY INVOLVED PERSONS TO DETERMINE
26 INFECTION;

27 (III) COMMUNICATING RELEVANT INFORMATION AND LABORATORY

1 TEST RESULTS ON INVOLVED PERSONS DIRECTLY TO THE INVOLVED PERSON
2 OR TO HIS OR HER ATTENDING HEALTH CARE PROVIDER, IF THE
3 CONFIDENTIALITY OF SUCH INFORMATION AND TEST RESULTS ARE
4 ACKNOWLEDGED BY THE RECIPIENT AND ADEQUATELY PROTECTED, AS
5 PROVIDED FOR IN SECTION 25-4-406; AND

6 (IV) PROVIDING TIMELY COUNSELING TO ANY INVOLVED PERSONS
7 ON THE POTENTIAL HEALTH RISKS RESULTING FROM EXPOSURE TO
8 INFECTION; PROPHYLAXIS AND TREATMENT OF INFECTIONS UNTIL CURED,
9 WHERE POSSIBLE; TREATMENT TO PREVENT PROGRESSION OF SUCH
10 INFECTIONS; MEASURES FOR PREVENTING TRANSMISSION TO OTHERS; AND
11 THE NECESSITY OF REGULAR MEDICAL EVALUATIONS.

12 (b) FOR THE PURPOSES OF THIS SUBSECTION (6), THE EMPLOYER OF
13 AN INVOLVED PERSON SHALL COMPLY WITH THE PROVISIONS OF SECTION
14 25-4-406 AND ENSURE THAT RELEVANT INFORMATION AND LABORATORY
15 TEST RESULTS ON THE INVOLVED PERSON ARE KEPT CONFIDENTIAL.

16 **25-4-409. Minors - treatment - consent.** (1) (a) A HEALTH CARE
17 PROVIDER OR FACILITY, IF CONSULTED BY A PATIENT WHO IS A MINOR,
18 SHALL PERFORM, AT THE MINOR'S REQUEST, A DIAGNOSTIC EXAMINATION
19 FOR A SEXUALLY TRANSMITTED INFECTION. THE HEALTH CARE PROVIDER
20 OR FACILITY SHALL TREAT THE MINOR FOR A SEXUALLY TRANSMITTED
21 INFECTION, IF NECESSARY; DISCUSS PREVENTION MEASURES, WHERE
22 APPLICABLE; AND INCLUDE APPROPRIATE THERAPIES AND PRESCRIPTIONS.

23 (b) IF A MINOR REQUESTS ■ A DIAGNOSTIC EXAMINATION, CARE,
24 PREVENTION SERVICES, OR TREATMENT FOR A SEXUALLY TRANSMITTED
25 INFECTION, THE HEALTH CARE PROVIDER WHO PROVIDES SUCH SERVICES
26 IS NOT CIVILLY OR CRIMINALLY LIABLE FOR PERFORMING THE SERVICE, BUT
27 THE IMMUNITY FROM LIABILITY DOES NOT APPLY TO ANY NEGLIGENT ACT

1 OR OMISSION BY THE HEALTH CARE PROVIDER.

2 (2) THE CONSENT OF A PARENT OR LEGAL GUARDIAN IS NOT A
3 PREREQUISITE FOR A MINOR TO RECEIVE A DIAGNOSTIC EXAMINATION,
4 CARE, PREVENTATIVE SERVICES, OR TREATMENT FOR SEXUALLY
5 TRANSMITTED INFECTIONS. HEALTH CARE PROVIDED TO A MINOR IS
6 CONFIDENTIAL, AND INFORMATION RELATED TO THAT CARE MUST NOT BE
7 DIVULGED TO ANY PERSON OTHER THAN THE MINOR; EXCEPT THAT THE
8 REPORTING REQUIRED PURSUANT TO THE "CHILD PROTECTION ACT OF
9 1987", PART 3 OF ARTICLE 3 OF TITLE 19, C.R.S., STILL APPLIES. IF THE
10 MINOR IS THIRTEEN YEARS OF AGE OR YOUNGER, THE HEALTH CARE
11 PROVIDER MAY INVOLVE THE MINOR'S PARENT OR LEGAL GUARDIAN. A
12 HEALTH CARE PROVIDER SHALL COUNSEL THE MINOR ON THE IMPORTANCE
13 OF BRINGING HIS OR HER PARENT OR LEGAL GUARDIAN INTO THE MINOR'S
14 CONFIDENCE REGARDING THE CONSULTATION, EXAM, OR TREATMENT.

15 **25-4-410. Patient consent - rights of patients, victims, and**
16 **pregnant women.** (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF
17 THIS SUBSECTION (1), A HEALTH CARE PROVIDER, HOSPITAL, CLINIC,
18 LABORATORY, OR OTHER PRIVATE OR PUBLIC INSTITUTION SHALL NOT
19 TEST, OR CAUSE BY ANY MEANS TO HAVE TESTED, ANY SPECIMEN OF A
20 PATIENT FOR A SEXUALLY TRANSMITTED INFECTION WITHOUT THE
21 KNOWLEDGE AND CONSENT OF THE PATIENT, WHICH IS SATISFIED AS
22 FOLLOWS:

23 (I) THE PATIENT SIGNS A GENERAL CONSENT FORM FOR
24 TREATMENT;

25 (II) THE PATIENT IS PROVIDED WITH A VERBAL CONSULTATION
26 ABOUT SEXUALLY TRANSMITTED INFECTIONS, TESTING, AND REPORTING
27 REQUIREMENTS; AND

1 (III) THE PATIENT IS PROVIDED WITH THE OPPORTUNITY TO OPT
2 OUT OF TESTING, FOLLOWING THE VERBAL CONSULTATION.

3 (b) KNOWLEDGE AND CONSENT FOR TESTING NEED NOT BE GIVEN
4 IN THE FOLLOWING CIRCUMSTANCES:

5 (I) WHEN A PUBLIC SAFETY WORKER, EMERGENCY OR OTHER
6 HEALTH CARE PROVIDER, FIRST RESPONDER, VICTIM OF CRIME, OR A STAFF
7 MEMBER OF A CORRECTIONAL FACILITY, THE STATE DEPARTMENT, OR A
8 LOCAL PUBLIC HEALTH AGENCY IS EXPOSED TO BLOOD OR OTHER BODILY
9 FLUIDS UNDER CIRCUMSTANCES THAT POSE AN EVIDENCE-BASED RISK OF
10 TRANSMISSION OF A SEXUALLY TRANSMITTED INFECTION;

11 (II) WHEN A PATIENT'S MEDICAL CONDITION IS SUCH THAT
12 KNOWLEDGE AND CONSENT CANNOT BE OBTAINED;

13 (III) WHEN THE TESTING IS DONE AS PART OF A SEROPREVALENCE
14 SURVEY, BUT ONLY IF ALL PERSONAL IDENTIFIERS ARE REMOVED FROM THE
15 SPECIMENS PRIOR TO THE LABORATORY TESTING;

16 (IV) WHEN THE PATIENT TO BE TESTED IS SENTENCED TO AND IN
17 THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS OR IS COMMITTED TO
18 THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO AND CONFINED TO
19 THE FORENSIC WARD OR THE MINIMUM OR MAXIMUM SECURITY WARD OF
20 THE INSTITUTE; AND

21 (V) NOTWITHSTANDING THE PROVISIONS OF SECTION 25-4-201,
22 WHEN A PREGNANT WOMAN PRESENTS IN LABOR IN A HOSPITAL, AND THE
23 RESULTS OF SYPHILIS AND HIV TESTS ARE NOT ON RECORD, A RAPID TEST
24 WILL BE PERFORMED TO DETERMINE WHETHER TO PROVIDE PROPHYLAXIS
25 TO PREVENT TRANSMISSION OF SEXUALLY TRANSMITTED INFECTIONS TO
26 THE INFANT.

27 (c) A HEALTH CARE PROVIDER SHALL NOTIFY A PATIENT WHO WAS

1 TESTED FOR A SEXUALLY TRANSMITTED INFECTION WITHOUT HIS OR HER
2 KNOWLEDGE AND CONSENT PURSUANT TO SECTION 25-4-408. THE
3 NOTIFICATION MUST BE PROMPT, PERSONAL, AND CONFIDENTIAL AND
4 INFORM THE INDIVIDUAL THAT A TEST SAMPLE WAS TAKEN AND THAT THE
5 RESULTS OF THE TEST MAY BE OBTAINED UPON HIS OR HER REQUEST.

6 (2) IT IS THE DUTY OF EVERY HEALTH CARE PROVIDER IN THE
7 STATE WHO, DURING THE COURSE OF AN EXAMINATION, DISCOVERS THE
8 EXISTENCE OF A SEXUALLY TRANSMITTED INFECTION, OR WHO TREATS A
9 PATIENT FOR SUCH AN INFECTION, TO INFORM THE PERSON OF THE
10 INTERPRETATIONS OF LABORATORY RESULTS AND COUNSEL THE PERSON
11 ON MEASURES FOR PREVENTING TRANSMISSION TO OTHERS; PROPHYLAXIS
12 AND TREATMENT OF INFECTIONS UNTIL CURED, WHERE POSSIBLE;
13 TREATMENT TO PREVENT PROGRESSION OF SUCH INFECTIONS; AND THE
14 NECESSITY OF REGULAR MEDICAL EVALUATIONS. SUCH INFORMATION AND
15 LABORATORY TEST RESULTS ARE CONSIDERED MEDICAL INFORMATION AND
16 ARE PROTECTED FROM UNAUTHORIZED DISCLOSURE.

17 (3) A PREGNANT WOMAN SEEKING PRENATAL CARE MUST BE
18 INFORMED THAT SYPHILIS AND HIV TESTING ARE PART OF STANDARD
19 PRENATAL TESTING AND GIVEN THE OPPORTUNITY TO DECLINE SUCH TESTS
20 PURSUANT TO SECTION 25-4-201. A PREGNANT WOMAN MUST BE
21 INFORMED THAT TEST RESULTS INFORM THE DECISION AS TO WHETHER TO
22 PROVIDE PROPHYLAXIS AND PREVENT TRANSMISSION OF A SEXUALLY
23 TRANSMITTED INFECTION TO HER INFANT.

24 (4) WHEN AN ADULT OR MINOR HAS BEEN EXPOSED TO BLOOD OR
25 OTHER BODILY FLUIDS AS A RESULT OF A SEXUAL OFFENSE INVOLVING
26 SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401 (6), C.R.S., FOR
27 WHICH THERE IS AN EVIDENCE-BASED REASON TO BELIEVE THAT THE

1 SEXUAL OFFENSE MAY HAVE RESULTED IN EXPOSURE TO A SEXUALLY
2 TRANSMITTED INFECTION, THE STATE DEPARTMENT OR LOCAL PUBLIC
3 HEALTH AGENCY, WITHIN THEIR RESPECTIVE JURISDICTIONS, SHALL ASSIST
4 IN THE EVALUATION AND TREATMENT OF ANY INVOLVED PERSON BY:

5 (a) ACCESSING INFORMATION ON THE INCIDENT AND ANY PERSONS
6 INVOLVED TO DETERMINE WHETHER A POTENTIAL EXPOSURE TO A
7 SEXUALLY TRANSMITTED INFECTION OCCURRED;

8 (b) WHEN POTENTIAL FOR EXPOSURE HAS BEEN CONFIRMED BY THE
9 STATE DEPARTMENT OR A LOCAL PUBLIC HEALTH AGENCY, EXAMINING
10 AND TESTING ANY INVOLVED PERSON TO DETERMINE WHETHER OR NOT AN
11 INVOLVED PERSON HAS BEEN INFECTED;

12 (c) COMMUNICATING RELEVANT INFORMATION AND LABORATORY
13 TEST RESULTS ON THE INVOLVED PERSON TO HIS OR HER ATTENDING
14 HEALTH CARE PROVIDER OR DIRECTLY TO THE INVOLVED PERSON IF THE
15 CONFIDENTIALITY OF THE INFORMATION AND TEST RESULTS ARE
16 ACKNOWLEDGED BY THE RECIPIENT AND ADEQUATELY PROTECTED, AS
17 DETERMINED BY THE STATE DEPARTMENT OR LOCAL PUBLIC HEALTH
18 AGENCY; AND

19 (d) PROVIDING IMMEDIATE COUNSELING TO ANY INVOLVED PERSON
20 ON THE POTENTIAL HEALTH RISKS AND AVAILABLE POST-EXPOSURE
21 TREATMENT.

22 **25-4-411. Confidential counseling and testing sites - legislative**
23 **declaration.** (1) (a) CONFIDENTIAL HIV COUNSELING AND TESTING
24 SERVICES ARE THE PREFERRED SCREENING SERVICES FOR THE DETECTION
25 OF A POSSIBLE INFECTION. HOWEVER, THE STATE DEPARTMENT SHALL,
26 CONSISTENT WITH GENERALLY ACCEPTED PRACTICES FOR THE PROTECTION
27 OF THE PUBLIC HEALTH AND SAFETY, CONDUCT AN ANONYMOUS HIV

1 COUNSELING AND TESTING PROGRAM AT SELECTED SITES. THE STATE
2 DEPARTMENT MAY OPERATE SITES OR SEPARATELY CONTRACT THROUGH
3 LOCAL PUBLIC HEALTH AGENCIES TO CONDUCT HIV TESTING IN
4 CONJUNCTION WITH COUNSELING AND TESTING SITES, SUBJECT TO
5 MAINTAINING STANDARDS FOR PERFORMANCE AS SET BY RULE OF THE
6 STATE BOARD PURSUANT TO SECTION 25-4-404.

7 (b) (I) THE DISCLOSURE OF A PERSON'S NAME, ADDRESS, PHONE
8 NUMBER, BIRTH DATE, OR OTHER PERSONALLY IDENTIFYING INFORMATION
9 IS NOT REQUIRED AS A CONDITION TO BE TESTED FOR HIV AT AN
10 ANONYMOUS TESTING SITE. ANY PROVISION OF THIS PART 4 THAT
11 REQUIRES OR CAN BE CONSTRUED AS REQUIRING A PERSON SEEKING
12 TESTING TO REPORT OR DISCLOSE SUCH INFORMATION DOES NOT APPLY TO
13 PERSONS SEEKING TO BE TESTED AT AN ANONYMOUS TESTING SITE
14 CREATED PURSUANT TO THIS SECTION.

15 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
16 THIS PARAGRAPH (b), THE AGE, GENDER, OR GENDER IDENTITY OF A
17 PERSON SEEKING TO BE TESTED AT A TESTING SITE MAY BE REQUIRED.

18 **25-4-412. Public safety - public health procedures - orders for**
19 **compliance - petitions - hearings.** (1) AN ORDER OR RESTRICTIVE
20 MEASURE DIRECTED TO A PERSON WITH A SEXUALLY TRANSMITTED
21 INFECTION MUST ONLY BE USED AS THE LAST RESORT WHEN OTHER
22 MEASURES TO PROTECT THE PUBLIC HEALTH HAVE FAILED, INCLUDING ALL
23 REASONABLE EFFORTS, WHICH MUST BE DOCUMENTED, TO OBTAIN THE
24 VOLUNTARY COOPERATION OF THE PERSON WHO MAY BE SUBJECT TO THE
25 ORDER OR RESTRICTIVE MEASURE. THE ORDER OR RESTRICTIVE
26 MEASURE MUST BE APPLIED SERIALLY WITH THE LEAST INTRUSIVE
27 MEASURES USED FIRST. THE STATE DEPARTMENT OR LOCAL PUBLIC

1 HEALTH AGENCY HAS THE BURDEN OF PROOF TO SHOW THAT SPECIFIED
2 GROUNDS EXIST FOR THE ISSUANCE OF THE ORDER OR RESTRICTIVE
3 MEASURE AND THAT THE TERMS AND CONDITIONS IMPOSED ARE NO MORE
4 RESTRICTIVE THAN NECESSARY TO PROTECT THE PUBLIC HEALTH.

5 (2) WHEN THE EXECUTIVE DIRECTOR OR THE LOCAL DIRECTOR,
6 WITHIN HIS OR HER RESPECTIVE JURISDICTION, KNOWS OR HAS REASON TO
7 BELIEVE, BECAUSE OF EVIDENCE-BASED, MEDICAL, OR EPIDEMIOLOGICAL
8 INFORMATION, THAT A PERSON HAS A SEXUALLY TRANSMITTED INFECTION
9 AND POSES A CREDIBLE RISK TO THE PUBLIC HEALTH, HE OR SHE MAY ISSUE
10 AN ORDER TO:

11 (a) REQUIRE THE PERSON TO BE EXAMINED AND TESTED TO
12 DETERMINE WHETHER HE OR SHE HAS ACQUIRED A SEXUALLY
13 TRANSMITTED INFECTION;

14 (b) REQUIRE HIM OR HER TO REPORT TO A QUALIFIED HEALTH CARE
15 PROVIDER FOR COUNSELING REGARDING SEXUALLY TRANSMITTED
16 INFECTIONS, INFORMATION ON TREATMENT, AND HOW TO AVOID
17 TRANSMITTING SEXUALLY TRANSMITTED INFECTIONS TO OTHERS; OR

18 (c) DIRECT A PERSON WITH A SEXUALLY TRANSMITTED INFECTION
19 TO CEASE AND DESIST FROM SPECIFIC CONDUCT THAT POSES RISKS TO THE
20 PUBLIC HEALTH, BUT ONLY IF THE EXECUTIVE DIRECTOR OR LOCAL
21 DIRECTOR HAS DETERMINED THAT CLEAR AND CONVINCING EVIDENCE
22 EXISTS TO BELIEVE THAT SUCH PERSON HAS BEEN ORDERED TO REPORT FOR
23 COUNSELING OR HAS RECEIVED COUNSELING BY A QUALIFIED HEALTH
24 CARE PROVIDER AND CONTINUES TO DEMONSTRATE BEHAVIOR THAT POSES
25 AN EVIDENCE-BASED RISK TO THE PUBLIC HEALTH.

26 (3) (a) IF A PERSON VIOLATES A CEASE-AND-DESIST ORDER ISSUED
27 PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION AND IT

1 IS SHOWN THAT THE PERSON POSES AN EVIDENCE-BASED RISK TO THE
2 PUBLIC HEALTH, THE EXECUTIVE DIRECTOR OR THE LOCAL DIRECTOR MAY
3 ENFORCE THE CEASE-AND-DESIST ORDER BY IMPOSING SUCH RESTRICTIONS
4 UPON THE PERSON AS ARE NECESSARY TO PREVENT THE SPECIFIC CONDUCT
5 THAT RISKS THE PUBLIC HEALTH. RESTRICTIONS MAY INCLUDE REQUIRED
6 PARTICIPATION IN EVALUATIVE, THERAPEUTIC, AND COUNSELING
7 PROGRAMS.

8 (b) ANY RESTRICTION MUST BE IN WRITING, SETTING FORTH THE
9 NAME OF THE PERSON TO BE RESTRICTED; THE INITIAL PERIOD OF TIME
10 THAT THE RESTRICTIVE ORDER IS EFFECTIVE, NOT TO EXCEED THREE
11 MONTHS; THE TERMS OF THE RESTRICTIONS; AND ANY OTHER CONDITIONS
12 NECESSARY TO PROTECT THE PUBLIC HEALTH. RESTRICTIONS MUST BE
13 IMPOSED IN THE LEAST RESTRICTIVE MANNER NECESSARY TO PROTECT THE
14 PUBLIC HEALTH.

15 (c) THE EXECUTIVE DIRECTOR OR LOCAL DIRECTOR WHO ISSUES AN
16 ORDER PURSUANT TO THIS SUBSECTION (3) SHALL REVIEW PETITIONS FOR
17 RECONSIDERATION FROM THE PERSON AFFECTED BY THE ORDER.
18 RESTRICTION ORDERS ISSUED BY LOCAL DIRECTORS SHALL BE SUBMITTED
19 FOR REVIEW AND APPROVAL BY THE EXECUTIVE DIRECTOR.

20 (4) (a) (I) UPON THE ISSUANCE OF AN ORDER BY THE STATE
21 DEPARTMENT OR A LOCAL PUBLIC HEALTH AGENCY PURSUANT TO
22 SUBSECTION (2) OR (3) OF THIS SECTION, THE STATE DEPARTMENT OR
23 LOCAL PUBLIC HEALTH AGENCY SHALL GIVE NOTICE PROMPTLY,
24 PERSONALLY, AND CONFIDENTIALLY TO THE PERSON WHO IS THE SUBJECT
25 OF THE ORDER. THE NOTICE MUST STATE THE GROUNDS AND PROVISIONS
26 OF THE ORDER AND NOTIFY THE PERSON WHO IS THE SUBJECT OF THE
27 ORDER THAT HE OR SHE HAS THE RIGHT TO REFUSE TO COMPLY WITH THE

1 ORDER, THAT HE OR SHE HAS THE RIGHT TO BE PRESENT AT A JUDICIAL
2 HEARING IN THE DISTRICT COURT TO REVIEW THE ORDER, AND THAT HE OR
3 SHE MAY HAVE AN ATTORNEY APPEAR ON HIS OR HER BEHALF AT THE
4 HEARING. IF A RESPONDENT TO ANY SUCH ACTION CANNOT AFFORD AN
5 ATTORNEY, ONE SHALL BE APPOINTED FOR HIM OR HER AT THE
6 COMMENCEMENT OF THE COURT PROCESS.

7 (II) IF THE PERSON WHO IS THE SUBJECT OF THE ORDER REFUSES TO
8 COMPLY WITH THE ORDER AND REFUSES TO VOLUNTARILY COOPERATE
9 WITH THE EXECUTIVE DIRECTOR OR LOCAL DIRECTOR, THE EXECUTIVE
10 DIRECTOR OR LOCAL DIRECTOR MAY PETITION THE DISTRICT COURT FOR AN
11 ORDER OF COMPLIANCE WITH THE ORDER. THE EXECUTIVE DIRECTOR OR
12 LOCAL DIRECTOR SHALL REQUEST THAT THE COUNTY OR CITY AND
13 COUNTY ATTORNEY, OR DISTRICT PUBLIC HEALTH AGENCY, FILE SUCH
14 PETITION IN THE DISTRICT COURT. HOWEVER, IF THE COUNTY OR CITY AND
15 COUNTY ATTORNEY, OR DISTRICT PUBLIC HEALTH AGENCY, REFUSES TO
16 ACT, THE EXECUTIVE DIRECTOR MAY FILE SUCH PETITION AND BE
17 REPRESENTED BY THE ATTORNEY GENERAL.

18 (III) IF AN ORDER OF COMPLIANCE IS REQUESTED, THE COURT
19 SHALL HEAR THE MATTER WITHIN FOURTEEN DAYS FOLLOWING THE
20 REQUEST. NOTICE OF THE PLACE, DATE, AND TIME OF THE HEARING MUST
21 BE BY PERSONAL SERVICE OR, IF THE PERSON WHO IS THE SUBJECT OF THE
22 ORDER IS NOT AVAILABLE, MAILED BY PREPAID CERTIFIED MAIL, RETURN
23 RECEIPT REQUESTED, AT THE PERSON'S LAST-KNOWN ADDRESS. PROOF OF
24 MAILING BY THE STATE DEPARTMENT OR LOCAL PUBLIC HEALTH AGENCY
25 IS SUFFICIENT NOTICE UNDER THIS SECTION. THE STATE DEPARTMENT OR
26 LOCAL PUBLIC HEALTH AGENCY HAS THE BURDEN OF PROOF TO SHOW BY
27 CLEAR AND CONVINCING EVIDENCE THAT THE SPECIFIED GROUNDS EXIST

1 FOR THE ISSUANCE OF THE ORDER, THE NEED FOR COMPLIANCE, AND THE
2 TERMS AND CONDITIONS IMPOSED IN THE ORDER ARE NO MORE
3 RESTRICTIVE THAN NECESSARY TO PROTECT THE PUBLIC HEALTH.

4 (IV) AN OFFICER OR EMPLOYEE OF THE STATE DEPARTMENT OR A
5 LOCAL PUBLIC HEALTH AGENCY MUST NOT BE EXAMINED IN ANY JUDICIAL,
6 LEGISLATIVE, EXECUTIVE, OR OTHER PROCEEDINGS AS TO THE EXISTENCE
7 OR CONTENT OF ANY INDIVIDUAL'S REPORT, OTHER THAN THE RESPONDENT
8 IN A PROCEEDING AUTHORIZED BY THIS SECTION, MADE BY SUCH
9 DEPARTMENT OR AGENCY PURSUANT TO THIS PART 4; THE EXISTENCE OF
10 THE CONTENT OF THE REPORTS RECEIVED PURSUANT TO SECTION 25-4-405;
11 OR THE RESULT OF AN INVESTIGATION CONDUCTED PURSUANT TO SECTION
12 25-5-408.

13 (V) UPON THE CONCLUSION OF THE HEARING, THE COURT SHALL
14 ISSUE APPROPRIATE ORDERS AFFIRMING, MODIFYING, OR DISMISSING THE
15 ORIGINAL ORDER.

16 (b) IF THE EXECUTIVE DIRECTOR OR LOCAL DIRECTOR DOES NOT
17 PETITION THE DISTRICT COURT FOR AN ORDER OF COMPLIANCE WITHIN
18 THIRTY DAYS AFTER THE PERSON WHO IS THE SUBJECT OF THE ORDER
19 REFUSES TO COMPLY, THE PERSON MAY PETITION THE DISTRICT COURT FOR
20 DISMISSAL OF THE ORDER. IF THE DISTRICT COURT DISMISSES THE ORDER,
21 THE FACT THAT THE ORDER WAS ISSUED MUST BE EXPUNGED FROM THE
22 RECORDS OF THE STATE DEPARTMENT OR THE LOCAL PUBLIC HEALTH
23 AGENCY.

24 (5) ANY HEARING CONDUCTED PURSUANT TO THIS SECTION MUST
25 BE CLOSED AND CONFIDENTIAL, AND ANY TRANSCRIPTS OR RECORDS
26 RELATED TO THE HEARING ARE ALSO CONFIDENTIAL.

27 **25-4-413. Emergency public health procedures - injunctions.**

1 (1) WHEN THE PROCEDURES SET FORTH IN SECTION 25-4-412 HAVE BEEN
2 EXHAUSTED OR CANNOT BE SATISFIED AND THE EXECUTIVE DIRECTOR OR
3 A LOCAL DIRECTOR, WITHIN HIS OR HER RESPECTIVE JURISDICTION, KNOWS
4 OR HAS REASON TO BELIEVE, BASED ON ACCURATE, EVIDENCE-BASED, AND
5 MEDICAL AND EPIDEMIOLOGICAL INFORMATION, THAT A PERSON HAS
6 ACQUIRED A SEXUALLY TRANSMITTED INFECTION AND THAT THE PERSON
7 PRESENTS AN IMMINENT RISK TO THE PUBLIC HEALTH, THE EXECUTIVE
8 DIRECTOR OR THE LOCAL DIRECTOR MAY BRING AN ACTION IN DISTRICT
9 COURT, PURSUANT TO RULE 65 OF THE COLORADO RULES OF CIVIL
10 PROCEDURE, TO ENJOIN THE PERSON FROM ENGAGING IN OR CONTINUING
11 TO ENGAGE IN SPECIFIC CONDUCT THAT POSES AN EVIDENCE-BASED RISK
12 TO THE PUBLIC HEALTH. THE EXECUTIVE DIRECTOR OR THE LOCAL
13 DIRECTOR SHALL REQUEST THE DISTRICT ATTORNEY TO FILE SUCH AN
14 ACTION IN THE DISTRICT COURT. HOWEVER, IF THE DISTRICT ATTORNEY
15 REFUSES TO ACT, THE EXECUTIVE DIRECTOR MAY FILE THE ACTION AND
16 BE REPRESENTED BY THE ATTORNEY GENERAL. THE COURT IS AUTHORIZED
17 TO HOLD AN EX PARTE PROCEEDING WHEN NECESSARY.

18 (2) (a) UNDER THE CIRCUMSTANCES OUTLINED IN SUBSECTION (1)
19 OF THIS SECTION, IN ADDITION TO THE INJUNCTION ORDER, THE DISTRICT
20 COURT MAY ISSUE OTHER APPROPRIATE COURT ORDERS, INCLUDING AN
21 ORDER TO TAKE THE PERSON INTO CUSTODY FOR A PERIOD NOT TO EXCEED
22 SEVENTY-TWO HOURS AND PLACE HIM OR HER IN A FACILITY DESIGNATED
23 OR APPROVED BY THE EXECUTIVE DIRECTOR. A CUSTODY ORDER ISSUED
24 FOR THE PURPOSE OF COUNSELING AND TESTING TO DETERMINE WHETHER
25 THE PERSON HAS A SEXUALLY TRANSMITTED INFECTION MUST PROVIDE
26 FOR THE IMMEDIATE RELEASE FROM CUSTODY OF A PERSON WHO TESTS
27 NEGATIVE AND MAY PROVIDE FOR COUNSELING OR OTHER APPROPRIATE

1 MEASURES TO BE IMPOSED ON A PERSON WHO TESTS POSITIVE.

2 (b) THE STATE DEPARTMENT OR LOCAL PUBLIC HEALTH AGENCY
3 SHALL GIVE NOTICE OF THE ORDER, PROMPTLY, PERSONALLY, AND
4 CONFIDENTIALLY, TO THE PERSON WHO IS THE SUBJECT OF THE ORDER. THE
5 ORDER MUST STATE THE GROUNDS AND PROVISIONS OF THE ORDER AND
6 NOTIFY THE PERSON THAT HE OR SHE HAS THE RIGHT TO REFUSE TO
7 COMPLY WITH THE ORDER, THAT HE OR SHE HAS THE RIGHT TO BE PRESENT
8 AT A HEARING TO REVIEW THE ORDER, AND THAT HE OR SHE MAY HAVE AN
9 ATTORNEY APPEAR ON HIS OR HER BEHALF AT THE HEARING. IF A
10 RESPONDENT TO ANY SUCH ACTION CANNOT AFFORD AN ATTORNEY, ONE
11 SHALL BE APPOINTED FOR HIM OR HER AT THE COMMENCEMENT OF THE
12 PROCEEDINGS.

13 (c) IF THE PERSON CONTESTS TESTING OR TREATMENT, INVASIVE
14 MEDICAL PROCEDURES SHALL NOT BE CARRIED OUT PRIOR TO A HEARING
15 HELD PURSUANT TO SUBSECTION (3) OF THIS SECTION.

16 (3) AN ORDER ISSUED BY A DISTRICT COURT PURSUANT TO
17 SUBSECTION (2) OF THIS SECTION IS SUBJECT TO REVIEW IN A COURT
18 HEARING. NOTICE OF THE PLACE, DATE, AND TIME OF THE COURT HEARING
19 SHALL BE GIVEN PROMPTLY, PERSONALLY, AND CONFIDENTIALLY TO THE
20 PERSON WHO IS THE SUBJECT OF THE COURT ORDER. THE COURT SHALL
21 CONDUCT THE HEARING NO LATER THAN FORTY-EIGHT HOURS AFTER THE
22 ISSUANCE OF THE ORDER. THE PERSON HAS THE RIGHT TO BE PRESENT AT
23 THE HEARING AND HAVE AN ATTORNEY APPEAR ON HIS OR HER BEHALF AT
24 THE HEARING. IF A RESPONDENT TO ANY SUCH ACTION CANNOT AFFORD AN
25 ATTORNEY, ONE SHALL BE APPOINTED FOR HIM OR HER AT THE BEGINNING
26 OF THE INJUNCTION PROCESS. UPON THE CONCLUSION OF THE HEARING,
27 THE COURT SHALL ISSUE APPROPRIATE ORDERS AFFIRMING, MODIFYING, OR

1 DISMISSING THE ORIGINAL ORDER.

2 (4) THE STATE DEPARTMENT OR LOCAL PUBLIC HEALTH AGENCY
3 HAS THE BURDEN OF PROOF TO SHOW BY CLEAR AND CONVINCING
4 EVIDENCE THAT EVIDENCE-BASED GROUNDS EXIST FOR THE ISSUANCE OF
5 ANY COURT ORDER MADE PURSUANT TO SUBSECTION (2) OR (3) OF THIS
6 SECTION.

7 (5) A HEARING CONDUCTED BY THE DISTRICT COURT PURSUANT TO
8 THIS SECTION MUST BE CLOSED AND CONFIDENTIAL, AND ANY
9 TRANSCRIPTS OR RECORDS RELATING TO THE HEARING ARE ALSO
10 CONFIDENTIAL.

11 (6) AN ORDER ENTERED BY THE DISTRICT COURT PURSUANT TO
12 SUBSECTION (2) OR (3) OF THIS SECTION MUST IMPOSE TERMS AND
13 CONDITIONS NO MORE RESTRICTIVE THAN NECESSARY TO PROTECT THE
14 PUBLIC HEALTH.

15 **25-4-414. Penalties.** (1) A HEALTH CARE PROVIDER, LABORATORY
16 EMPLOYEE, OR OTHER PERSON WHO IS REQUIRED TO MAKE A REPORT
17 PURSUANT TO SECTION 25-4-405 AND WHO FAILS TO MAKE SUCH A REPORT
18 COMMITS A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION, SHALL BE
19 PUNISHED BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS.

20 (2) A HEALTH CARE PROVIDER; OFFICER OR EMPLOYEE OF THE
21 STATE DEPARTMENT; OFFICER OR EMPLOYEE OF A LOCAL PUBLIC HEALTH
22 AGENCY; OR A PERSON, FIRM, OR CORPORATION THAT VIOLATES SECTION
23 25-4-406 BY BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUCH
24 SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE
25 PUNISHED BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS BUT NOT
26 MORE THAN FIVE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE
27 COUNTY JAIL FOR NOT LESS THAN SIX MONTHS BUT NOT MORE THAN

1 TWENTY-FOUR MONTHS OR BY BOTH FINE AND IMPRISONMENT AS ORDERED
2 BY A COURT.

3 **SECTION 2.** In Colorado Revised Statutes, **amend with**
4 **amended and relocated provisions** part 14 of article 4 of title 25 as
5 follows:

6 PART 14

7 HIV TREATMENT & PREVENTION RESOURCES

8 **25-4-1401. [Formerly 25-4-1411] Drug assistance program -**
9 **program fund - created - legislative declaration - no entitlement**
10 **created.** (1) (a) The general assembly recognizes that:

11 (I) Medical science is making strides in treating individuals who
12 have AIDS or HIV;

13 (II) There are effective biomedical strategies to reduce new HIV
14 infections;

15 (III) Individuals at risk of HIV may also be at risk of other
16 infectious diseases that can exacerbate the outcomes of an HIV infection;

17 (IV) Individuals of lower income face barriers accessing
18 biomedical interventions, particularly if they lack health insurance
19 coverage or if their health insurance includes unaffordable premiums or
20 cost-sharing requirements; and

21 (V) Both the public health and quality of life would benefit from
22 providing assistance with such costs and encouraging prompt and
23 sustained treatment, eventually preventing further transmission of HIV,
24 viral hepatitis, and sexually transmitted infections through prevention,
25 cure, or viral suppression.

26 (b) Therefore, the general assembly declares that the purpose of
27 this section is to implement the drug assistance program for qualifying

1 individuals of lower income who have medical or preventative needs
2 concerning AIDS or HIV, viral hepatitis, or a sexually transmitted
3 infection.

4 (c) Nothing in this section shall be construed to establish any
5 entitlement to services from the department of public health and
6 environment.

7 (2) (a) Subject to available appropriations, the department of
8 public health and environment is authorized to implement and administer
9 a drug assistance program, referred to in this section as the "state
10 program", to provide assistance with indicated screening, general
11 medical, preventative, and pharmaceutical costs for eligible individuals.

12 (b) The general assembly may annually appropriate moneys from
13 the general fund to assist with indicated screening, general medical,
14 preventative, and pharmaceutical costs for individuals participating in the
15 state program.

16 (c) The state program is also funded with federal funds available
17 under the federal "Ryan White C.A.R.E. Act of 1990", as amended.

18 (d) Any moneys received in excess of a federal price agreement
19 are a donation.

20 (e) For activities of the state program funded by the drug
21 assistance program fund that exceed the appropriation from the drug
22 assistance program fund, if there are sufficient uncommitted moneys in
23 the AIDS and HIV prevention fund, the program may use moneys
24 appropriated for the implementation and administration of the state
25 program from the AIDS and HIV prevention fund as authorized by
26 section ~~25-4-1415(1)~~ 25-4-1405.

27 (3) To be eligible to participate in the state program, an individual

1 must:

2 (a) Have a medical indication for treatment or prevention of HIV
3 or AIDS, viral hepatitis, or another sexually transmitted infection;

4 ~~(b) (Deleted by amendment, L. 2001, p. 332, § 1, effective July 1,~~
5 ~~2001.)~~

6 ~~(c)~~ (b) Have a prescription from an authorized provider for a
7 pharmaceutical product or combination of pharmaceutical products, as
8 applicable, that are included on the drug formulary for the state program;
9 and

10 ~~(d)~~ (c) Meet income eligibility requirements as determined by the
11 department of public health and environment in consultation with the
12 subcommittee of the advisory group on AIDS policy established in
13 subsection ~~(4)~~ (5) of this section.

14 ~~(3.5)~~ (4) Notwithstanding any other provision of this part 14 to the
15 contrary, if a person meets the eligibility requirements set forth in
16 subsection (3) of this section, he or she shall be IS eligible for programs
17 and services that provide for the investigation, identification, testing,
18 preventive care, or treatment of HIV infection or AIDS regardless of his
19 or her race, religion, gender, ethnicity, national origin, or immigration
20 status.

21 ~~(4)~~ (5) A subcommittee of an advisory group convened by the
22 governor to make recommendations for HIV and AIDS policy in the state
23 shall serve in an advisory role to the department of public health and
24 environment in implementing the state program and shall provide advice
25 and recommendations to the department of public health and environment
26 concerning:

27 (a) Which pharmaceutical products should be listed on the drug

1 formulary for the state program;

2 (b) Income and other eligibility requirements for the state
3 program; and

4 (c) The uses of funding for the state program pursuant to
5 paragraphs (a) to (e) of subsection (2) of this section.

6 ~~(5)~~ (6) If at any time the department of public health and
7 environment, in consultation with the subcommittee of the advisory group
8 on HIV and AIDS policy established in subsection ~~(4)~~ (5) of this section,
9 determines that the drug assistance program is reaching the program's
10 fiscal limitations, the department, in consultation with the subcommittee,
11 shall implement a policy of giving preference to the highest-priority
12 applicants of lower income, who otherwise meet the eligibility
13 requirements in subsection (3) of this section, for enrollment into the
14 program in the following rank order:

15 (a) Individuals diagnosed with HIV or AIDS;

16 (b) Individuals in need of treatment to prevent HIV infection;

17 (c) Individuals diagnosed with other sexually transmitted
18 infections that can be prevented or cured through currently available
19 pharmaceutical treatments;

20 (d) Individuals diagnosed with viral hepatitis;

21 (e) Individuals with emerging care, treatment, or prevention needs
22 concerning HIV, viral hepatitis, or other sexually transmitted infections.

23 ~~(6)(a)~~ (7) (a) The drug assistance program fund is created in the
24 state treasury. The principal of the fund consists of tobacco litigation
25 settlement moneys transferred by the state treasurer to the fund pursuant
26 to section 24-75-1104.5 (1) (j), C.R.S. Subject to annual appropriation by
27 the general assembly, the department of public health and environment

1 may expend moneys from the fund for the state program. Any
2 unexpended or unencumbered money remaining in the fund at the end of
3 any fiscal year commencing on or after July 1, 2014, remains in the fund
4 and shall not be credited or transferred to the general fund or any other
5 fund.

6 (b) The department of public health and environment and the
7 advisory group shall determine how the moneys appropriated for the state
8 program pursuant to this subsection ~~(6)~~ (7) are to be used.

9 **25-4-1402. [Formerly 25-4-1412] Definitions.** As used in this
10 section and sections ~~25-4-1413 to 25-4-1415~~ 25-4-1403 TO 25-4-1405,
11 unless the context otherwise requires:

12 (1) "Program" means the Colorado HIV and AIDS prevention
13 grant program created in section ~~25-4-1413~~ 25-4-1403.

14 (2) "State board" means the state board of health created in section
15 25-1-103.

16 **25-4-1403. [Formerly 25-4-1413] Colorado HIV and AIDS**
17 **prevention grant program.** (1) There is hereby created in the
18 department the Colorado HIV and AIDS prevention grant program to
19 address local community needs in the areas of medically accurate HIV
20 and AIDS prevention and education through a competitive grant process.
21 The department shall administer the program.

22 (2) Grant applicants ~~shall~~ MUST be nonprofit organizations that are
23 governed by a board of directors, have the benefit of tax-exempt status
24 pursuant to section 501 (c) (3) of the federal "Internal Revenue Code of
25 1986" or are county, district, or municipal public health agencies.

26 (3) (a) Preference shall be given to grant applicants that have as
27 one of their primary purposes HIV and AIDS prevention and education.

1 (b) Grants may be given to organizations that conduct HIV
2 prevention in conjunction with other comorbidities secondary to HIV
3 infections.

4 (4) Grant applications ~~shall~~ MUST include, but need not be limited
5 to:

6 (a) A statement of the local HIV and AIDS prevention or
7 education issue to be addressed, a description of the constituency that
8 shall be served or targeted, and how the constituency will benefit;

9 (b) A description of the goals and objectives of the grant applicant
10 in submitting an application under the program; and

11 (c) A description of the activities planned to accomplish the goals
12 and objectives of the grant applicant and of the outcome measures that
13 will be used by the grant applicant.

14 (5) Grants ~~shall~~ MUST only be given for medically accurate HIV
15 and AIDS prevention and education programs that are based in behavioral
16 and social science theory and research and shall not be used to contribute
17 to existing scholarships, directly to endowments, fund-raising events,
18 annual fund drives, or debt reduction.

19 **25-4-1404. [Formerly 25-4-1414] Grant program - rules**
20 **-conflict of interest.** (1) (a) The program shall fund medically accurate
21 HIV and AIDS prevention and education programs through a competitive
22 grant process that ~~shall be~~ IS overseen by the HIV and AIDS prevention
23 grant program advisory committee, which is hereby created and referred
24 to in this section as the "advisory committee". The advisory committee
25 ~~shall consist~~ CONSISTS of seven members appointed by the executive
26 director of the department as follows:

27 ~~(f) (Deleted by amendment, L. 2009, (SB 09-179), ch. 112, p. 474,~~

1 ~~§ 17, effective April 9, 2009.)~~

2 ~~(H)~~ (I) One member who is recommended by the department's
3 minority health advisory commission;

4 ~~(HH)~~ (II) Four members who are recommended by a statewide
5 collaborative group that assists the department in the department's
6 comprehensive plan for HIV and AIDS prevention;

7 ~~(HV)~~ (III) One member who has expertise in HIV and AIDS
8 prevention and education; and

9 ~~(V)~~ (IV) One member who represents a clinic that receives
10 moneys under part 3 of the federal "Ryan White C.A.R.E. Act of 1990",
11 as amended.

12 (b) The composition of the advisory committee shall reflect, to the
13 extent practical, Colorado's ethnic, racial, and geographic diversity.

14 (c) The grants administered pursuant to section ~~25-4-1413~~
15 25-4-1403 shall ARE only be subject to the restrictions provided for in this
16 section and section ~~25-4-1413~~ 25-4-1403 and shall ARE not be subject to
17 the same restrictions as grants provided with federal moneys for HIV and
18 AIDS prevention. The state board, upon recommendations of the advisory
19 committee, shall adopt rules that specify, but need not be limited to, the
20 following:

21 (I) The procedures and timelines by which an entity may apply for
22 program grants;

23 (II) Grant application contents, in addition to those specified in
24 section ~~25-4-1413 (3)~~ 25-4-1403 (3);

25 (III) Criteria for selecting the entities that shall receive grants and
26 determining the amount and duration of the grants;

27 (IV) Reporting requirements for entities that receive grants

1 pursuant to this section; and

2 (V) The qualifications of an adequate proposal.

3 (2) The advisory committee shall review the applications received
4 pursuant to this section and submit to the state board and the executive
5 director of the department recommended grant recipients, recommended
6 grant amounts, and the duration of each recommended grant. In making
7 recommendations for grants, the advisory committee shall consider the
8 distribution of federal funds in the areas of HIV and AIDS prevention,
9 education, and treatment. Within thirty days after receiving the advisory
10 committee's recommendations, the executive director shall submit his or
11 her recommendations to the state board. The state board ~~shall have~~ HAS
12 the final authority to approve the grants administered under this section
13 and section ~~25-4-1413~~ 25-4-1403. If the state board disapproves a
14 recommendation for a grant recipient, the advisory committee may submit
15 a replacement recommendation within thirty days after disapproval. In
16 making grant recommendations, the advisory committee shall follow the
17 purpose of the program as outlined in section ~~25-4-1413~~ 25-4-1403. The
18 state board shall award grants to the entities selected by the advisory
19 committee, specifying the amount and duration of each grant award. In
20 reviewing and approving grant applications, the advisory committee and
21 the state board shall ensure that grants are distributed statewide and
22 address the needs of both urban and rural residents of Colorado.

23 (3) If a member of the advisory committee has an immediate
24 personal, private, or financial interest in any matter pending before the
25 advisory committee, the member shall disclose the fact and shall not vote
26 upon the matter.

27 **25-4-1405. [Formerly 25-4-1415] AIDS and HIV prevention**

1 **fund - administration - limitation.** (1) There is hereby created in the
2 state treasury the AIDS and HIV prevention fund, referred to in this
3 section as the "fund", which consists of moneys that may be appropriated
4 to the fund by the general assembly. The moneys in the fund are subject
5 to annual appropriation by the general assembly for the direct and indirect
6 costs associated with the implementation of the program. Any moneys in
7 the fund not expended for the purpose of the program may be invested by
8 the state treasurer as provided by law. All interest and income derived
9 from the investment and deposit of moneys in the fund ~~shall~~ MUST be
10 credited to the fund. Any unexpended and unencumbered moneys
11 remaining in the fund at the end of a fiscal year ~~shall~~ remain in the fund
12 and shall not be credited or transferred to the general fund or another
13 fund.

14 (2) Pursuant to section 24-75-1104.5 (1) (m), C.R.S., and except
15 as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning in
16 the 2006-07 fiscal year and in each fiscal year thereafter so long as the
17 state receives moneys pursuant to the master settlement agreement, the
18 state treasurer shall annually transfer to the fund two percent, not to
19 exceed two million dollars in any fiscal year, of the total amount of the
20 moneys received by the state pursuant to the master settlement agreement,
21 not including attorney fees and costs, during the preceding fiscal year.
22 The state treasurer shall transfer the amount specified in this subsection
23 (2) from moneys credited to the tobacco litigation settlement cash fund
24 created in section 24-22-115, C.R.S.

25 (3) The department may receive up to five percent of the moneys
26 annually appropriated by the general assembly to the department from the
27 fund created in subsection (1) of this section for the actual costs incurred

1 in administering the program.

2 ~~(4) Repealed.~~

3 **SECTION 3.** In Colorado Revised Statutes, **repeal** _____
4 18-7-201.5, 18-7-201.7, 18-7-205.5, 18-7-205.7, and 25-1-1202(1)(ccc).

5 **SECTION 4.** In Colorado Revised Statutes, 10-3-1104.5, **amend**
6 (4) (c) as follows:

7 **10-3-1104.5. HIV testing - legislative declaration - definitions**
8 **- requirements for testing - limitations on disclosure of test results.**

9 (4) (c) Nothing in this subsection (4) shall be construed to prohibit
10 reporting as required by the provisions of sections ~~25-4-1402, 25-4-1403,~~
11 ~~and 25-4-1405 (8)~~ SECTION 25-4-405, C.R.S.

12 **SECTION 5.** In Colorado Revised Statutes, 13-10-126, **amend**
13 (2) (a) (I) (A) as follows:

14 **13-10-126. Prostitution offender program authorized -**
15 **reports.** (2) A program created and administered by a municipal or
16 county court or multiple municipal or county courts pursuant to
17 subsection (1) of this section ~~shall~~ MUST:

18 (a) Permit enrollment in the program only by an offender who
19 either:

20 (I) (A) Has no prior convictions or any charges pending for any
21 felony; for any offense described in section 18-3-305, 18-3-306, or
22 18-13-128, C.R.S., in part 4 or 5 of article 3 of title 18, C.R.S., in part 3,
23 4, 6, 7, or 8 of article 6 of title 18, C.R.S., in section ~~18-7-201.7, 18-7-203~~
24 ~~18-7-205.7,~~ or 18-7-206, C.R.S., or in part 3, 4, or 5 of article 7 of title
25 18, C.R.S.; or for any offense committed in another state that would
26 constitute such an offense if committed in this state; and

27 **SECTION 6.** In Colorado Revised Statutes, 13-22-103, **amend**

1 (1) as follows:

2 **13-22-103. Minors - consent for medical, dental, and related**
3 **care.** (1) Except as otherwise provided in sections 12-34-104, 18-1.3-407
4 (4.5), ~~25-4-402, and 12-34-104~~ AND 25-4-409, C.R.S., a minor eighteen
5 years of age or older, or a minor fifteen years of age or older who is living
6 separate and apart from his or her parent, parents, or legal guardian, with
7 or without the consent of his or her parent, parents, or legal guardian, and
8 is managing his or her own financial affairs, regardless of the source of
9 his or her income, or any minor who has contracted a lawful marriage
10 may give consent to organ or tissue donation or the furnishing of hospital,
11 medical, dental, emergency health, and surgical care to himself or herself.
12 Such consent ~~shall not be~~ IS NOT subject to disaffirmance because of
13 minority, and, when such consent is given, said minor ~~shall have~~ HAS the
14 same rights, powers, and obligations as if he or she had obtained majority.
15 Consent to organ or tissue donation may be revoked pursuant to section
16 12-34-106, C.R.S.

17 **SECTION 7.** In Colorado Revised Statutes, 17-1-115.5, **amend**
18 (1) (f) as follows:

19 **17-1-115.5. Prison sexual assault prevention program.** (1) The
20 department shall develop, with respect to sexual assaults that occur in
21 correctional facilities operated by or pursuant to a contract with the
22 department, policies and procedures to:

23 (f) Provide acute trauma care for sexual assault victims, including
24 ~~but not limited to~~ treatment of injuries, ~~HIV/AIDS prophylactic~~ HIV
25 PROPHYLAXIS measures, and testing for sexually transmitted ~~diseases~~
26 INFECTIONS;

27 **SECTION 8.** In Colorado Revised Statutes, 18-1.3-1004, **amend**

1 (1) (d) as follows:

2 **18-1.3-1004. Indeterminate sentence.** (1) (d) If the sex offender
3 committed a sex offense that constitutes a sexual offense, as defined in
4 section 18-3-415.5, and the sex offender, prior to committing the offense,
5 had notice that he or she had tested positive for the human
6 immunodeficiency virus (HIV) that causes acquired immune deficiency
7 syndrome AND HIV INFECTION, AND THE INFECTIOUS AGENT OF THE HIV
8 INFECTION WAS IN FACT TRANSMITTED, the district court shall sentence the
9 sex offender to the custody of the department for an indeterminate term
10 of at least three times the upper limit of the presumptive range for the
11 level of offense committed and a maximum of the sex offender's natural
12 life.

13 **SECTION 9.** In Colorado Revised Statutes, **amend** 18-3-415 as
14 follows:

15 **18-3-415. Testing for persons charged with sexual offense.** Any
16 THE COURT SHALL ORDER ANY adult or juvenile who is bound over for
17 trial for any sexual offense involving sexual penetration as defined in
18 section 18-3-401 (6), subsequent to a preliminary hearing or after having
19 waived the right to a preliminary hearing, or any person who is indicted
20 for or is convicted of any such offense, shall be ordered by the court to
21 submit to a diagnostic test for ~~the human immunodeficiency virus (HIV)~~
22 ~~that causes acquired immune deficiency syndrome, said diagnostic test to~~
23 ~~be ordered in conjunction with the diagnostic test ordered pursuant to~~
24 ~~section 18-3-415.5~~ A SEXUALLY TRANSMITTED INFECTION PURSUANT TO
25 SECTION 18-3-415.5. The results of such THE diagnostic test ~~shall~~ MUST
26 be reported to the court or the court's designee, who shall then disclose
27 the results to any victim of the sexual offense who requests such

1 disclosure. Review and disclosure of diagnostic test results by the courts
2 ~~shall be~~ ARE closed and confidential, and any transaction records relating
3 thereto ~~shall also be~~ ARE ALSO closed and confidential. DISCLOSURE OF
4 DIAGNOSTIC TEST RESULTS MUST COMPLY WITH THE REQUIREMENTS OF
5 SECTION 25-4-410 (2), C.R.S. If the person who is bound over for trial or
6 who is indicted for or convicted of any such offense voluntarily submits
7 to a diagnostic test for ~~the human immunodeficiency virus (HIV)~~
8 SEXUALLY TRANSMITTED INFECTIONS, the fact of such person's voluntary
9 submission ~~shall be~~ IS admissible in mitigation of sentence if the person
10 is convicted of the charged offense.

11 **SECTION 10. In Colorado Revised Statutes, amend 18-3-415.5**
12 as follows:

13 **18-3-415.5. Testing persons charged with certain sexual**
14 **offenses for serious sexually transmitted infections - mandatory**
15 **sentencing.** (1) For purposes of this section, "sexual offense" is limited
16 to a sexual offense that consists of sexual penetration, as defined in
17 section 18-3-401 (6), involving sexual intercourse or anal intercourse,
18 AND "HIV" HAS THE SAME MEANING SET FORTH IN SECTION 25-4-402 (4).

19 (2) THE COURT SHALL ORDER any adult or juvenile who is bound
20 over for trial subsequent to a preliminary hearing or after having waived
21 the right to a preliminary hearing on a charge of committing a sexual
22 offense ~~shall be ordered by the court~~ to submit to a diagnostic test for the
23 human immunodeficiency virus (HIV) ~~that causes acquired immune~~
24 deficiency syndrome AND HIV INFECTION, said diagnostic test to be
25 ordered in conjunction with the diagnostic test ordered pursuant to section
26 18-3-415. The results of ~~said~~ THE diagnostic test ~~shall~~ MUST be reported
27 to the district attorney. The district attorney shall keep the results of such

1 diagnostic test strictly confidential, except for purposes of pleading and
2 proving the mandatory sentencing provisions specified in subsection (5)
3 of this section.

4 (3) (a) If the person tested pursuant to subsection (2) of this
5 section tests positive for the human immunodeficiency virus (HIV) that
6 causes acquired immune deficiency syndrome AND HIV INFECTION, the
7 district attorney may contact the state department of public health and
8 environment or any county, district, or municipal public health agency to
9 determine whether said THE person had been notified prior to the date of
10 the offense for which the person has been bound over for trial that he or
11 she tested positive for the human immunodeficiency virus (HIV) that
12 causes acquired immune deficiency syndrome AND HIV INFECTION.

13 (b) If the district attorney determines that the person tested
14 pursuant to subsection (2) of this section had notice of his or her HIV
15 infection prior to the date the offense was committed, the district attorney
16 may file an indictment or information alleging such knowledge and
17 seeking the mandatory sentencing provisions authorized in subsection (5)
18 of this section. Any such allegation shall MUST be kept confidential from
19 the jury and under seal of court.

20 (c) The state department of public health and environment or any
21 county, district, or municipal public health agency shall provide
22 documentary evidence limited to whether the person tested pursuant to
23 subsection (2) of this section had notice of or had discussion concerning
24 his or her HIV infection and the date of such notice or discussion. The
25 parties may stipulate that the person identified in said THE documents as
26 having notice or discussion of his or her HIV infection is the person
27 tested pursuant to subsection (2) of this section. Such stipulation shall

1 constitute conclusive proof that said person had notice of his or her HIV
2 infection prior to committing the substantive offense, and the court shall
3 sentence said person in accordance with subsection (5) of this section.

4 (d) If the parties do not stipulate as provided in paragraph (c) of
5 this subsection (3), an officer or employee of the state department of
6 public health and environment or of the county, district, or municipal
7 public health agency who has had contact with the person tested pursuant
8 to subsection (2) of this section regarding his or her HIV infection and
9 can identify said THE person shall provide, for purposes of pretrial
10 preparation and in court proceedings, oral and documentary evidence
11 limited to whether said THE person had notice of or had discussion
12 concerning his or her HIV infection and the date of such notice or
13 discussion. If the state department or the county, district, or municipal
14 public health agency no longer employs an officer or employee who has
15 had contact with the person tested pursuant to subsection (2) of this
16 section regarding the person's HIV infection, the state department or the
17 county, district, or municipal public health agency shall provide:

18 (I) The names of and current addresses, if available, for each
19 former officer or employee who had contact with the person tested
20 pursuant to subsection (2) of this section regarding the person's HIV
21 infection;

22 (II) Documentary evidence concerning whether the person tested
23 pursuant to subsection (2) of this section was provided notice of or had
24 discussion concerning his or her HIV infection and the date of such notice
25 or discussion; and

26 (III) If none of said former officers or employees are available,
27 any officer or employee who has knowledge regarding whether the person

1 tested pursuant to subsection (2) of this section was provided notice of or
2 had discussion concerning his or her HIV infection and the date of such
3 notice or discussion. Said THE officer or employee shall provide such
4 evidence for purposes of pretrial preparation and in court proceedings.

5 (4) Nothing in this section shall be interpreted as abridging the
6 confidentiality requirements imposed on the state department of public
7 health and environment and the county, district, and municipal public
8 health agencies pursuant to part 4 of article 4 of title 25, C.R.S., with
9 regard to any person or entity other than as specified in this section.

10 (5) (a) If a verdict of guilty is returned on the substantive offense
11 with which the person tested pursuant to subsection (2) of this section is
12 charged, the court shall conduct a separate sentencing hearing as soon as
13 practicable to determine whether said person had notice of his or her HIV
14 infection prior to the date the offense was committed, as alleged. The
15 sentencing hearing shall be conducted by The judge who presided at trial
16 or before whom the guilty plea was entered or a replacement for said
17 judge in the event he or she dies, resigns, is incapacitated, or is otherwise
18 disqualified as provided in section 16-6-201, C.R.S, SHALL CONDUCT THE
19 HEARING. At the sentencing hearing, the district attorney shall have HAS
20 the burden of proving beyond a reasonable doubt that: ~~said person:~~

21 (I) THE PERSON had notice of his or her HIV infection prior to the
22 date the offense was committed, as alleged; AND

23 (II) THE INFECTIOUS AGENT OF THE HIV INFECTION WAS IN FACT
24 TRANSMITTED.

25 (b) If the court determines that the person tested pursuant to
26 subsection (2) of this section had notice of ~~his or her~~ THE HIV infection
27 prior to the date the offense was committed AND THE INFECTIOUS AGENT

1 OF THE HIV INFECTION WAS IN FACT TRANSMITTED, the judge shall
2 sentence said THE person to a mandatory term of incarceration of at least
3 three times the upper limit of the presumptive range for the level of
4 offense committed, up to the remainder of the person's natural life, as
5 provided in section 18-1.3-1004.

6 **SECTION 11.** In Colorado Revised Statutes, 18-4-412, **amend**
7 (2) (c) (IV) as follows:

8 **18-4-412. Theft of medical records or medical information -**
9 **penalty.** (2) As used in this section:

10 (c) "Proper authorization" means:

11 (IV) Authorized possession pursuant to section ~~18-3-415.5,~~
12 ~~18-7-201.5, 18-7-205.5,~~ 18-3-415, 18-3-415.5, 25-1-122, or 30-10-606
13 (6), C.R.S.; or

14 **SECTION 12.** In Colorado Revised Statutes, 19-2-214, **amend**
15 (1) (f) as follows:

16 **19-2-214. Detention center sexual assault prevention program.**

17 (1) The division of youth corrections created in section 19-2-203 shall
18 develop, with respect to sexual assaults that occur in juvenile facilities,
19 policies and procedures to:

20 (f) Provide acute trauma care for sexual assault victims, including
21 ~~but not limited to~~ treatment of injuries, ~~HIV/AIDS prophylactic~~ HIV
22 PROPHYLAXIS measures, and testing for sexually transmitted ~~diseases~~
23 INFECTIONS;

24 **SECTION 13.** In Colorado Revised Statutes, 19-3-304, **amend**
25 (1) (a) as follows:

26 **19-3-304. Persons required to report child abuse or neglect.**

27 (1) (a) Except as otherwise provided by section 19-3-307, sections

1 SECTION 25-1-122 (4) (d), and ~~25-4-1404 (1) (d)~~, C.R.S., and paragraph
2 (b) of this subsection (1), any person specified in subsection (2) of this
3 section who has reasonable cause to know or suspect that a child has been
4 subjected to abuse or neglect or who has observed the child being
5 subjected to circumstances or conditions that would reasonably result in
6 abuse or neglect shall immediately upon receiving such information
7 report or cause a report to be made of such fact to the county department,
8 the local law enforcement agency, or through the child abuse reporting
9 hotline system as set forth in section 26-5-111, C.R.S.

10 **SECTION 14.** In Colorado Revised Statutes, 19-3-307, **amend**
11 (2.5) as follows:

12 **19-3-307. Reporting procedures.** (2.5) Notwithstanding the
13 requirements set forth in subsection (2) of this section, any officer or
14 employee of a county, district, or municipal public health agency or state
15 department of public health and environment who makes a report
16 pursuant to section 25-1-122 (4) (d) or ~~25-4-1404 (1) (d)~~ 25-4-405,
17 C.R.S., shall include only the information described in said ~~sections~~
18 SECTION.

19 **SECTION 15.** In Colorado Revised Statutes, 22-1-128, **amend**
20 (1) (a) (IX) and (2) (b) introductory portion as follows:

21 **22-1-128. Comprehensive human sexuality education -**
22 **legislative declaration - definitions - guidelines and content**
23 **standards.** (1) (a) The general assembly hereby finds and declares that:

24 (IX) Sexual violence and teen dating violence is a pervasive and
25 serious public health issue, placing teen victims at increased risk for
26 adolescent pregnancy, sexually transmitted ~~diseases and~~ infections, low
27 academic performance, truancy, dropout, and other harmful behaviors;

1 (2) As used in this section, unless the context otherwise requires:

2 (b) "Comprehensive human sexuality education" means medically
3 accurate information about all methods to prevent unintended pregnancy
4 and sexually transmitted ~~diseases and~~ infections, including HIV, ~~and~~
5 ~~AIDS~~, and the link between human papillomavirus and cancer, and other
6 types of cancer involving the human reproductive systems, including ~~but~~
7 ~~not limited to~~ prostate, testicular, ovarian, and uterine cancer. Methods
8 must include information about the correct and consistent use of
9 abstinence, contraception, condoms, ~~and~~ other barrier methods, AND
10 OTHER PREVENTION MEASURES. Additional contents of comprehensive
11 human sexuality education must include:

12 **SECTION 16.** In Colorado Revised Statutes, 24-4.1-302.5,
13 **amend** (1) introductory portion and (1) (u) as follows:

14 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
15 preserve and protect a victim's rights to justice and due process, each
16 victim of a crime ~~shall have~~ HAS the following rights:

17 (u) The right to be informed of the results of any ~~HPV~~ testing FOR
18 A SEXUALLY TRANSMITTED INFECTION that is ordered and performed
19 pursuant to section 18-3-415, 25-4-408 (6), OR 25-4-412, C.R.S.;

20 **SECTION 17.** In Colorado Revised Statutes, 24-4.1-303, **amend**
21 (14.4) as follows:

22 **24-4.1-303. Procedures for ensuring rights of victims of**
23 **crimes.** (14.4) The court or its designee, pursuant to section 18-3-415
24 C.R.S., shall disclose the results of any ~~HPV~~ testing FOR A SEXUALLY
25 TRANSMITTED INFECTION that is ordered and performed pursuant to
26 section 18-3-415, 25-4-408 (6), OR 25-4-412, C.R.S., to any victim of a
27 sexual offense in the case in which the testing was ordered. DISCLOSURE

1 OF DIAGNOSTIC TEST RESULTS MUST COMPLY WITH THE REQUIREMENTS OF
2 SECTION 25-4-410 (2), C.R.S.

3 **SECTION 18.** In Colorado Revised Statutes, 24-75-1104.5,
4 **amend** (1) (j) (I), (1) (m), and (3) as follows:

5 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

6 (1) Except as otherwise provided in subsections (1.3) and (5) of this
7 section, and except that disputed payments received by the state in the
8 2013-14 fiscal year or in any fiscal year thereafter are excluded from the
9 calculation of allocations under this subsection (1), for the 2004-05 fiscal
10 year and for each fiscal year thereafter, the following programs, services,
11 or funds shall receive the following specified amounts from the
12 settlement moneys received by the state in the preceding fiscal year:

13 (j) (I) The drug assistance program created in section ~~25-4-1411~~
14 25-4-1401, C.R.S., shall receive three and a half percent of the total
15 amount of settlement moneys annually received by the state, not to exceed
16 five million dollars in any fiscal year, as provided in said section.

17 (m) The Colorado HIV and AIDS prevention grant program
18 created in section ~~25-4-1413~~ 25-4-1403, C.R.S., shall receive two percent
19 of the total amount of settlement moneys annually received by the state,
20 not to exceed two million dollars in any fiscal year, as provided in section
21 ~~25-4-1415 (2)~~ 25-4-1405 (2), C.R.S.

22 (3) Notwithstanding the provisions of subsections (1) and (1.5) of
23 this section, for purposes of sections 22-7-1210 (3), 23-20-136 (3.5) (a),
24 ~~25-4-1411 (6) (a), 25-4-1415 (2)~~ 25-4-1401 (6), 25-4-1405 (2), 25-23-104
25 (2), 25.5-6-805 (2), 25.5-8-105 (3), 26-6.4-107 (2) (d) (I), 26-6.8-102 (2)
26 (d), 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys
27 received and allocated by the state pursuant to said subsections (1) and

1 (1.5) during the same fiscal year shall be deemed to be moneys received
2 for or during the preceding fiscal year.

3 **SECTION 19.** In Colorado Revised Statutes, 24-90-602, **amend**
4 (7) (c) as follows:

5 **24-90-602. Definitions.** As used in this part 6, unless the context
6 otherwise requires:

7 (7) "Technology protection measure" means a specific technology,
8 including without limitation computer software, that blocks or filters
9 internet access to visual depictions that are:

10 (c) Harmful to minors; except that no technology protection
11 measure may block scientific or medically accurate information regarding
12 sexual assault, sexual abuse, incest, sexually transmitted ~~diseases~~
13 INFECTIONS, or reproductive health.

14 **SECTION 20.** In Colorado Revised Statutes, 25-1-122, **amend**
15 (1), (2), and (7) as follows:

16 **25-1-122. Named reporting of certain diseases and conditions**
17 **- access to medical records - confidentiality of reports and records.**

18 (1) With respect to investigations of epidemic and communicable
19 diseases, morbidity and mortality, cancer in connection with the statewide
20 cancer registry, environmental and chronic diseases, sexually transmitted
21 infections, tuberculosis, and rabies and mammal bites, the board has the
22 authority to require reporting, without patient consent, of occurrences of
23 those diseases and conditions by any person having knowledge of such to
24 the state department of public health and environment and county,
25 district, and municipal public health agencies, within their respective
26 jurisdictions. Any required reports ~~shall~~ **MUST** contain the name, address,
27 age, sex, and diagnosis and ~~such~~ other relevant information as the board

1 determines is necessary to protect the public health. The board shall set
2 the manner, time period, and form in which ~~such~~ THE reports are to be
3 made. The board may limit reporting for a specific disease or condition
4 to a particular region or community or for a limited period of time.
5 ~~Nothing in this subsection (1) shall be construed to apply to cases of~~
6 ~~AIDS, HIV-related illness, or HIV infection, which shall be governed~~
7 ~~solely by the reporting requirements set forth in part 14 of article 4 of this~~
8 ~~title.~~

9 (2) When investigating diseases and conditions pursuant to
10 subsection (1) of this section, authorized personnel of the state
11 department of public health and environment and county, district, and
12 municipal public health agencies, within their respective jurisdictions,
13 may, without patient consent, inspect, have access to, and obtain
14 information from pertinent patient medical, coroner, and laboratory
15 records in the custody of all medical practitioners, veterinarians, coroners,
16 institutions, hospitals, agencies, laboratories, and clinics, whether public
17 or private, which are relevant and necessary to the investigation. Review
18 and inspection of records shall be conducted at reasonable times and with
19 such notice as is reasonable under the circumstances. Under no
20 circumstances may personnel of the state department of public health and
21 environment or county, district, or municipal public health agencies,
22 within their local jurisdictions, have access pursuant to this section to any
23 medical record that is not pertinent, relevant, or necessary to the public
24 health investigation. ~~Nothing in this subsection (2) shall be construed to~~
25 ~~apply to cases of AIDS, HIV-related illness, or HIV infection, which shall~~
26 ~~be governed solely by the requirements relating to access to records and~~
27 ~~the release of information as set forth in part 14 of article 4 of this title.~~

1 (7) Nothing in subsections (4) to (6) of this section ~~shall apply~~
2 APPLIES to records and reports held by the state or local department of
3 health pursuant to ~~part 14~~ PART 4 of article 4 of this title.

4 **SECTION 21.** In Colorado Revised Statutes, 25-1-801, **amend**
5 (1) (d) as follows:

6 **25-1-801. Patient records in custody of health care facility -**
7 **definitions.** (1) (d) Nothing in this section ~~shall be construed to require~~
8 REQUIRES a person responsible for the diagnosis or treatment of sexually
9 transmitted infections or addiction to or use of drugs in the case of minors
10 pursuant to sections ~~25-4-402 (4) and~~ 13-22-102 AND 25-4-409, C.R.S.,
11 to release patient records of such diagnosis or treatment to a parent,
12 guardian, or person other than the minor or his or her designated
13 representative.

14 **SECTION 22.** In Colorado Revised Statutes, 25-1-802, **amend**
15 (2) as follows:

16 **25-1-802. Patient records in custody of individual health care**
17 **providers.** (2) Nothing in this section ~~shall be construed to require~~
18 REQUIRES a person responsible for the diagnosis or treatment of sexually
19 transmitted infections or addiction to or use of drugs in the case of minors
20 pursuant to sections ~~25-4-402 (4) and~~ 13-22-102 AND 25-4-409, C.R.S.,
21 to release patient records of such diagnosis or treatment to a parent,
22 guardian, or person other than the minor or his or her designated
23 representative.

24 **SECTION 23.** In Colorado Revised Statutes, 25-1-1202, **amend**
25 (1) (aaa) as follows:

26 **25-1-1202. Index of statutory sections regarding medical**
27 **record confidentiality and health information.** (1) Statutory provisions

1 concerning policies, procedures, and references to the release, sharing,
2 and use of medical records and health information include the following:

3 (aaa) ~~Section 25-4-402 (4)~~ SECTIONS 25-4-406 AND 25-4-409,
4 concerning the reporting of sexually transmitted infections;

5 **SECTION 24**. In Colorado Revised Statutes, 25-44-101, **amend**
6 (3) introductory portion as follows:

7 **25-44-101. Definitions.** As used in this article, unless the context
8 otherwise requires:

9 (3) "Comprehensive human sexuality education" means medically
10 accurate information about all methods to prevent unintended pregnancy
11 and sexually transmitted ~~diseases and~~ infections, including HIV, ~~and~~
12 ~~AIDS~~, and the link between human papillomavirus and cancer, and other
13 types of cancer involving the human reproductive systems, including ~~but~~
14 ~~not limited to~~ prostate, testicular, ovarian, and uterine cancer. Methods
15 must include information about the correct and consistent use of
16 abstinence, contraception, condoms, ~~and~~ other barrier methods, AND
17 OTHER PREVENTION MEASURES. Additional contents of comprehensive
18 human sexuality education must include:

19 **SECTION 25. Effective date.** This act takes effect July 1, 2016.

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