

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 19-0699.04 Jacob Baus x2173

HOUSE BILL 19-1312

HOUSE SPONSORSHIP

Mullica, Arndt, Benavidez, Bird, Buckner, Buentello, Caraveo, Coleman, Duran, Esgar, Froelich, Gray, Hansen, Jaquez Lewis, Kennedy, Kipp, McCluskie, Melton, Michaelson Jenet, Roberts, Sirota, Snyder, Tipper, Valdez A.

SENATE SPONSORSHIP

Gonzales and Priola,

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODERNIZING IMMUNIZATION REQUIREMENTS FOR**
102 **SCHOOL ENTRY TO IMPROVE VACCINATION RATES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the department of public health and environment (department) to:

- ! Develop a standardized form and submission process to claim a medical exemption to an immunization; and
- ! Develop a standardized form and submission process to claim a religious or personal belief exemption to an

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

HOUSE
Amended 2nd Reading
April 24, 2019

immunization.

The department is:

- ! Required to develop educational materials regarding immunizations to distribute to health care providers and facilities;
- ! Required to present immunization exemption information during its annual SMART Act hearing; and
- ! Required to use the existing immunization tracking system.

The state board of health is:

- ! Required to promulgate rules adopting the medical exemption recommendations from the advisory committee on immunization practices of the centers for disease control and prevention in the federal department of health and human services, or any successor entity (ACIP);
- ! Required to promulgate rules adopting the immunization recommendations from the ACIP;
- ! Allowed to promulgate rules adopting additional immunizations not recommended by ACIP; and
- ! Allowed to promulgate rules establishing the timing by which schools, parents, legal guardians, and students must demonstrate compliance with immunization requirements.

Concerning the immunization tracking system, the bill:

- ! Requires a licensed physician, physician assistant, or advanced practice nurse to inform a parent or legal guardian who is claiming a medical exemption that he or she may choose to exclude the student's immunization information from the immunization tracking system before the student's immunization data is sent to the immunization tracking system;
- ! Requires the department or local or county, district, or municipal public health agency to inform a parent, legal guardian, or student who is claiming a religious or personal belief exemption that he or she may choose to exclude the student's immunization information from the immunization tracking system before the student's immunization data is sent to the immunization tracking system; and
- ! Requires a practitioner who is a licensed physician, physician assistant, or advanced practice nurse to submit immunization and medical exemption data to the immunization tracking system. However, the practitioner is not subject to a regulatory sanction for noncompliance.

1 **SECTION 1. Legislative declaration.** (1) The general assembly
2 hereby finds and declares that:

3 (a) Each year in the United States, immunizations save 33,000
4 lives, prevent 14 million disease cases, and save \$9.9 billion in direct
5 health care costs;

6 (b) State immunization requirements for child care facilities and
7 schools are important tools for maintaining high immunization coverage
8 rates and low dangerous and costly disease rates;

9 (c) Colorado is one of only 17 states that allow parents to exempt
10 their children from immunizations required for child care facilities and
11 schools for personal belief reasons;

12 (d) Evidence shows that states with lenient exemption policies
13 experience higher rates of vaccine-preventable diseases;

14 (e) Compared to other states, Colorado has a relatively lenient
15 vaccine exemption process and one of the highest exemption rates for
16 nonmedical reasons;

17 (f) In 2017, Colorado ranked last among 49 states that reported
18 kindergarten immunization rates;

19 (g) In 2017, 23,228 children attended Colorado schools without
20 protection from one or more immunizations;

21 (h) In 2017, 9,424 Colorado children, a majority of them under the
22 age of four, were hospitalized or went to an emergency department to be
23 treated for disease that was preventable by an immunization, resulting in
24 \$55.5 million in charges;

25 (i) In 2016, the cost to investigate and prevent the spread of
26 disease from just two Colorado measles cases totaled \$68,192 in public
27 funding; and

1 (j) Because diseases such as measles can spread rapidly, adequate
2 immunization coverage in schools helps to protect the health of students,
3 staff, and others in the community, including people who cannot be
4 vaccinated for medical reasons or because they are too young to have
5 received all recommended vaccines.

6 (2) Therefore, the general assembly declares that all children
7 deserve to attend healthy and safe child care facilities and schools that
8 support their well-being and build strong foundations for learning and
9 thriving.

10 **SECTION 2.** In Colorado Revised Statutes, 25-4-902, **amend** (1);
11 and **add** (6) as follows:

12 **25-4-902. Immunization prior to attending school -**
13 **standardized immunization information.** (1) ~~Except as provided in~~
14 ~~section 25-4-903,~~ A student shall not attend any school in the state of
15 Colorado on or after the dates specified in section 25-4-906 (4) unless he
16 or she has presented the following to the appropriate school official:

17 (a) (I) An up-to-date certificate of immunization from a licensed
18 physician, a licensed advanced practice nurse, or authorized
19 representative of the department of public health and environment or
20 ~~county, district, or municipal~~ LOCAL public health agency stating that the
21 student has received immunization against communicable diseases as
22 specified by the state board of health, based on recommendations of the
23 advisory committee on immunization practices of the United States
24 department of health and human services or the American academy of
25 pediatrics; ~~or~~

26 (II) A STUDENT WHO COMPLIES WITH COMPULSORY SCHOOL
27 ATTENDANCE BY PARTICIPATING IN A NONPUBLIC HOME-BASED

1 EDUCATIONAL PROGRAM, PURSUANT TO SECTION 22-33-104.5, OR AN
2 INDEPENDENT SCHOOL PROVIDING A BASIC ACADEMIC EDUCATION, AS
3 DESCRIBED IN SECTION 22-33-104 (2)(b), IS NOT REQUIRED TO COMPLY
4 WITH SUBSECTION (1)(a)(I) OF THIS SECTION. A STUDENT MAY COMPLY
5 WITH SECTION 22-33-104.5 (3)(g) BY MAINTAINING AN UP-TO-DATE
6 CERTIFICATION OF IMMUNIZATION.

7 (b) A written authorization signed by one parent or guardian or an
8 authorization signed by the emancipated student requesting that local
9 health officials administer the immunizations; OR

10 (c) A CERTIFICATE OF A MEDICAL EXEMPTION OR A CERTIFICATE OF
11 A RELIGIOUS OR PERSONAL BELIEF EXEMPTION, IN COMPLIANCE WITH
12 SECTION 25-4-903 (2).

13 (6) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT OF PUBLIC
14 HEALTH AND ENVIRONMENT SHALL DEVELOP AND MAKE AVAILABLE TO
15 HEALTH CARE PROVIDERS AND FACILITIES EDUCATIONAL MATERIALS
16 REGARDING THE BENEFITS OF IMMUNIZATIONS. THE DEPARTMENT OF
17 PUBLIC HEALTH AND ENVIRONMENT SHALL UPDATE THE EDUCATIONAL
18 MATERIALS ANNUALLY.

19 **SECTION 3.** In Colorado Revised Statutes, 25-4-903, **amend** (2)
20 and (3); and **add** (2.3) and (6) as follows:

21 **25-4-903. Exemptions from immunization - rules.** (2) It is the
22 responsibility of the parent or legal guardian to have his or her child
23 immunized unless the child is exempted pursuant to this section. A
24 student ~~shall be~~ IS exempted from receiving the required immunizations
25 in the following manner:

26 (a) (I) By COMPLETING AND submitting to the student's school
27 ~~certification~~ A CERTIFICATE OF A MEDICAL EXEMPTION from a licensed

1 physician, physician assistant authorized ~~under~~ PURSUANT TO section
2 12-36-106 (5), ~~C.R.S.~~, or advanced practice nurse that the physical
3 condition of the student is such that one or more specified immunizations
4 would endanger his or her life or health or is medically contraindicated
5 due to other medical conditions. ~~or~~

6 (II) TO CLAIM THE EXEMPTION DESCRIBED IN SUBSECTION (2)(a)(I)
7 OF THIS SECTION, A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT
8 AUTHORIZED PURSUANT TO SECTION 12-36-106 (5), OR ADVANCED
9 PRACTICE NURSE MUST COMPLETE THE CERTIFICATE OF A MEDICAL
10 EXEMPTION ON A STANDARDIZED FORM DEVELOPED BY THE DEPARTMENT
11 OF PUBLIC HEALTH AND ENVIRONMENT AND PROVIDE A COPY OF THE
12 COMPLETED CERTIFICATE OF A MEDICAL EXEMPTION TO THE STUDENT'S
13 PARENT OR LEGAL GUARDIAN TO SUBMIT TO THE STUDENT'S SCHOOL,
14 PURSUANT TO SECTION 25-4-902 (1)(c).

15 (III) A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT AUTHORIZED
16 PURSUANT TO SECTION 12-36-106 (5), OR ADVANCED PRACTICE NURSE
17 SHALL INFORM THE PARENT OR LEGAL GUARDIAN OF THE OPTION TO
18 EXCLUDE THE STUDENT'S IMMUNIZATION INFORMATION FROM THE
19 IMMUNIZATION TRACKING SYSTEM CREATED IN SECTION 25-4-2403. A
20 LICENSED PHYSICIAN, PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO
21 SECTION 12-36-106 (5), OR ADVANCED PRACTICE NURSE MUST SUBMIT THE
22 MEDICAL EXEMPTION DATA TO THE IMMUNIZATION TRACKING SYSTEM.

23 (IV) A STUDENT WHO COMPLIES WITH COMPULSORY SCHOOL
24 ATTENDANCE BY PARTICIPATING IN A NONPUBLIC HOME-BASED
25 EDUCATIONAL PROGRAM, PURSUANT TO SECTION 22-33-104.5, OR AN
26 INDEPENDENT SCHOOL PROVIDING A BASIC ACADEMIC EDUCATION, AS
27 DESCRIBED IN SECTION 22-33-104 (2)(b), IS NOT REQUIRED TO COMPLY

1 WITH SUBSECTIONS (2)(a)(I) TO (2)(a)(III) OF THIS SECTION. A PARENT,
2 LEGAL GUARDIAN, OR STUDENT, MAY COMPLY WITH SECTION 22-33-104.5
3 (3)(g) BY MAINTAINING A CERTIFICATION FROM A LICENSED PHYSICIAN,
4 PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE NURSE THAT ONE OR
5 MORE SPECIFIED IMMUNIZATIONS WOULD ENDANGER THE STUDENT'S LIFE
6 OR HEALTH OR IS MEDICALLY CONTRAINDICATED DUE TO OTHER MEDICAL
7 CONDITIONS.

8 (b) (I) By COMPLETING AND submitting to the student's school a
9 ~~statement~~ CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF exemption
10 signed by one parent or LEGAL guardian, ~~or the~~ AN emancipated student,
11 or A student eighteen years of age or older that the parent, guardian, or
12 student is an adherent to a religious belief whose teachings are opposed
13 to immunizations or that the parent or guardian or the emancipated
14 student or student eighteen years of age or older has a personal belief that
15 is opposed to immunizations.

16 (II) (A) TO CLAIM THE EXEMPTION DESCRIBED IN SUBSECTION
17 (2)(b)(I) OF THIS SECTION, A PARENT, LEGAL GUARDIAN, OR STUDENT, AS
18 DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION, MUST COMPLETE
19 THE CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON A
20 STANDARDIZED FORM DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH
21 AND ENVIRONMENT AND SUBMIT THE CERTIFICATE OF A RELIGIOUS OR
22 PERSONAL BELIEF EXEMPTION IN PERSON TO THE DEPARTMENT OF PUBLIC
23 HEALTH AND ENVIRONMENT OR THE APPLICABLE LOCAL HEALTH AGENCY,
24 WHICH MUST PROVIDE A COPY OF THE COMPLETED CERTIFICATE OF A
25 RELIGIOUS OR PERSONAL BELIEF EXEMPTION THAT HAS BEEN SIGNED BY A
26 REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC HEALTH AND
27 ENVIRONMENT, OR THE APPLICABLE LOCAL HEALTH AGENCY, TO THE

1 STUDENT'S PARENT, LEGAL GUARDIAN, OR THE STUDENT, AS DESCRIBED IN
2 SUBSECTION (2)(b)(I) OF THIS SECTION, TO SUBMIT TO THE STUDENT'S
3 SCHOOL, PURSUANT TO SECTION 25-4-902 (1)(c). FOR SUBSEQUENT
4 RENEWALS OF AN EXEMPTION DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS
5 SECTION, A PARENT, LEGAL GUARDIAN, OR STUDENT, AS DESCRIBED IN
6 SUBSECTION (2)(b)(I) OF THIS SECTION, MUST COMPLETE THE CERTIFICATE
7 OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON A STANDARDIZED
8 FORM DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH AND
9 ENVIRONMENT AND SUBMIT THE CERTIFICATE OF A RELIGIOUS OR
10 PERSONAL BELIEF EXEMPTION ONLINE OR IN PERSON TO THE DEPARTMENT
11 OF PUBLIC HEALTH AND ENVIRONMENT OR THE APPLICABLE LOCAL HEALTH
12 AGENCY.

13 (B) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT OF PUBLIC
14 HEALTH AND ENVIRONMENT SHALL POST THE STANDARDIZED FORM FOR A
15 CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON ITS
16 WEBSITE. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL
17 POST ANY UPDATED STANDARDIZED FORM FOR A CERTIFICATE OF A
18 RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON ITS WEBSITE.

19 (III) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR
20 THE APPLICABLE LOCAL HEALTH AGENCY SHALL INFORM THE PARENT,
21 LEGAL GUARDIAN, OR STUDENT, AS DESCRIBED IN SUBSECTION (2)(b)(I) OF
22 THIS SECTION, OF THE OPTION TO EXCLUDE THE STUDENT'S IMMUNIZATION
23 INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM CREATED IN
24 SECTION 25-4-2403. THE DEPARTMENT OF PUBLIC HEALTH AND
25 ENVIRONMENT OR THE APPLICABLE LOCAL HEALTH AGENCY MUST SUBMIT
26 THE RELIGIOUS OR PERSONAL BELIEF EXEMPTION DATA TO THE
27 IMMUNIZATION TRACKING SYSTEM.

1 (IV) A STUDENT WHO COMPLIES WITH COMPULSORY SCHOOL
2 ATTENDANCE BY PARTICIPATING IN A NONPUBLIC HOME-BASED
3 EDUCATIONAL PROGRAM, PURSUANT TO SECTION 22-33-104.5, OR AN
4 INDEPENDENT SCHOOL PROVIDING A BASIC ACADEMIC EDUCATION, AS
5 DESCRIBED IN SECTION 22-33-104 (2)(b), IS NOT REQUIRED TO COMPLY
6 WITH SUBSECTIONS (2)(b)(I) TO (2)(b)(III) OF THIS SUBSECTION. A PARENT
7 OR LEGAL GUARDIAN, OR STUDENT WHO IS EMANCIPATED OR EIGHTEEN
8 YEARS OF AGE OR OLDER, MAY COMPLY WITH SECTION 22-33-104.5 (3)(g)
9 BY MAINTAINING A STATEMENT OF EXEMPTION THAT THE PARENT, LEGAL
10 GUARDIAN, OR STUDENT IS AN ADHERENT TO A RELIGIOUS BELIEF WHOSE
11 TEACHINGS ARE OPPOSED TO IMMUNIZATIONS OR THAT THE PARENT,
12 LEGAL GUARDIAN, OR STUDENT HAS A PERSONAL BELIEF THAT IS OPPOSED
13 TO IMMUNIZATIONS.

14 (V) THE CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF
15 EXEMPTION FORM DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH
16 AND ENVIRONMENT MUST NOT REQUIRE A PARENT OR LEGAL GUARDIAN,
17 OR STUDENT WHO IS EMANCIPATED OR EIGHTEEN YEARS OF AGE OR OLDER,
18 TO PROVIDE ANY INFORMATION THAT WOULD IDENTIFY THE RELIGIOUS
19 FAITH OF THE PARENT OR LEGAL GUARDIAN, OR STUDENT WHO IS
20 EMANCIPATED OR EIGHTEEN YEARS OF AGE OR OLDER, WHO IS CLAIMING
21 THE EXEMPTION. THE IMMUNIZATION TRACKING SYSTEM CREATED IN
22 SECTION 25-4-2403 MUST NOT RECEIVE OR STORE ANY INFORMATION THAT
23 WOULD IDENTIFY THE RELIGIOUS FAITH OF THE PARENT OR LEGAL
24 GUARDIAN, OR STUDENT WHO IS EMANCIPATED OR EIGHTEEN YEARS OF
25 AGE OR OLDER, WHO IS CLAIMING THE EXEMPTION.

26 (2.3) (a) THE FORMS DEVELOPED BY THE DEPARTMENT OF PUBLIC
27 HEALTH AND ENVIRONMENT PURSUANT TO SUBSECTION (2) OF THIS

1 SECTION MUST BE LIMITED TO REQUESTS FOR INFORMATION RELATED TO
2 COLLECTING DATA PERTAINING TO AN EXEMPTION, INCLUDING BUT NOT
3 LIMITED TO:

4 (I) DEMOGRAPHIC INFORMATION FOR THE STUDENT, PARENT, OR
5 LEGAL GUARDIAN, NOT INCLUDING A SOCIAL SECURITY NUMBER;

6 (II) SCHOOL INFORMATION;

7 (III) IMMUNIZATION INFORMATION; AND

8 (IV) TYPE OF EXEMPTION CLAIMED.

9 (b) THE FORMS DEVELOPED BY THE DEPARTMENT OF PUBLIC
10 HEALTH AND ENVIRONMENT PURSUANT TO SUBSECTION (2) OF THIS
11 SECTION MUST INCLUDE INFORMATION REGARDING WHERE A PERSON CAN
12 ACCESS CREDIBLE AND SCIENTIFIC-BASED INFORMATION REGARDING THE
13 BENEFITS AND RISKS OF IMMUNIZATIONS.

14 (c) (I) THE FORM DEVELOPED BY THE DEPARTMENT OF PUBLIC
15 HEALTH AND ENVIRONMENT PURSUANT TO SUBSECTION (2)(a)(II) OF THIS
16 SECTION MUST INCLUDE INFORMATION REGARDING THE PARENT'S OR
17 LEGAL GUARDIAN'S OPTION TO EXCLUDE THE STUDENT'S IMMUNIZATION
18 INFORMATION FROM THE INFORMATION TRACKING SYSTEM CREATED IN
19 SECTION 25-4-2403 AND THE OPTION FOR A PARENT OR LEGAL GUARDIAN
20 TO INDICATE ON THE FORM THE CHOICE TO EXCLUDE THE STUDENT'S
21 IMMUNIZATION INFORMATION FROM THE INFORMATION TRACKING SYSTEM.

22 (II) THE FORM DEVELOPED BY THE DEPARTMENT OF PUBLIC
23 HEALTH AND ENVIRONMENT PURSUANT TO SUBSECTION (2)(b)(II) OF THIS
24 SECTION MUST INCLUDE INFORMATION REGARDING THE PARENT'S, LEGAL
25 GUARDIAN'S, OR STUDENT'S, AS DESCRIBED IN SUBSECTION (2)(b)(I) OF
26 THIS SECTION, OPTION TO EXCLUDE THE STUDENT'S IMMUNIZATION
27 INFORMATION FROM THE INFORMATION TRACKING SYSTEM CREATED IN

1 SECTION 25-4-2403, AND THE OPTION FOR A PARENT, LEGAL GUARDIAN, OR
2 STUDENT, AS DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION, TO
3 INDICATE ON THE FORM THE CHOICE TO EXCLUDE THE STUDENT'S
4 IMMUNIZATION INFORMATION FROM THE INFORMATION TRACKING SYSTEM.

5 (d) ANY FORM CONTAINING DEMOGRAPHIC INFORMATION FOR THE
6 STUDENT, PARENT, OR LEGAL GUARDIAN, SCHOOL INFORMATION,
7 IMMUNIZATION INFORMATION, TYPE OF EXEMPTION CLAIMED, OR CHOICE
8 OF WHETHER TO EXCLUDE THE STUDENT'S IMMUNIZATION INFORMATION
9 FROM THE IMMUNIZATION TRACKING SYSTEM SHALL BE DESTROYED AS
10 SOON AS IS REASONABLY PRACTICABLE BY A LICENSED PHYSICIAN,
11 PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO SECTION 12-36-106(5),
12 ADVANCED PRACTICE NURSE, THE DEPARTMENT OF PUBLIC HEALTH AND
13 ENVIRONMENT, OR LOCAL HEALTH AGENCY, WHICHEVER IS APPLICABLE.

14 (3) The state board of health ~~may provide, by regulation, for~~
15 ~~further exemptions to immunization based upon sound medical practice~~
16 SHALL ADOPT BY RULE THE MEDICAL EXEMPTION RECOMMENDATIONS
17 BASED ON CONTRAINDICATIONS FOR VACCINATIONS AS DESCRIBED BY THE
18 ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE CENTERS FOR
19 DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF
20 HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR ENTITY.

21 (6) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
22 SHALL INCLUDE IMMUNIZATION EXEMPTION INFORMATION AS PART OF ITS
23 ANNUAL PRESENTATION TO THE GENERAL ASSEMBLY PURSUANT TO THE
24 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
25 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF
26 TITLE 2. THE IMMUNIZATION EXEMPTION INFORMATION PRESENTATION
27 MUST INCLUDE, BUT IS NOT LIMITED TO:

1 (a) STATISTICS DEMONSTRATING RATES OF IMMUNIZATION,
2 MEDICAL EXEMPTIONS, AND RELIGIOUS OR PERSONAL BELIEF EXEMPTIONS
3 COMPARED TO PREVIOUS YEARS;

4 (b) STATISTICS DEMONSTRATING RATES OF IMMUNIZATION,
5 MEDICAL EXEMPTIONS, AND RELIGIOUS OR PERSONAL BELIEF EXEMPTIONS
6 FOR EACH COUNTY WITHIN COLORADO; AND

7 (c) STATISTICS DEMONSTRATING RATES OF IMMUNIZATION,
8 MEDICAL EXEMPTIONS, AND RELIGIOUS OR PERSONAL BELIEF EXEMPTIONS
9 OF COLORADO COMPARED TO OTHER STATES.

10 **SECTION 4.** In Colorado Revised Statutes, 25-4-904, **amend** (1)
11 as follows:

12 **25-4-904. Rules and regulations - immunization rules -**
13 **rule-making authority of state board of health.** (1) The state board of
14 health shall establish rules ~~and regulations~~ for administering this part 9.
15 Such rules ~~and regulations shall~~ **MUST** establish which immunizations
16 ~~shall be~~ **ARE** required and the manner and frequency of their
17 administration and ~~shall~~ **MUST** conform to recognized standard medical
18 practices. **IN ADDITION TO THE IMMUNIZATIONS REQUIRED BY STATE**
19 **BOARD OF HEALTH RULES AS OF THE EFFECTIVE DATE OF THIS SUBSECTION**
20 **(1), AS AMENDED, THE STATE BOARD OF HEALTH SHALL ADOPT RULES**
21 **THAT REQUIRE THE HEPATITIS A, ROTAVIRUS, AND MENINGOCOCCAL**
22 **IMMUNIZATIONS. THE STATE BOARD OF HEALTH MAY PROMULGATE RULES**
23 **TO ESTABLISH THE TIMING BY WHICH SCHOOLS, PARENTS, LEGAL**
24 **GUARDIANS, OR STUDENTS MUST DEMONSTRATE COMPLIANCE WITH**
25 **IMMUNIZATION REQUIREMENTS FOR SCHOOL ENTRY OR GRADE-LEVEL**
26 **ENTRY. Such rules ~~and regulations~~ may also require the reporting of**
27 **statistical information and names of noncompliers by the schools. The**

1 department of public health and environment shall administer and enforce
2 the immunization requirements.

3 **SECTION 5.** In Colorado Revised Statutes, 25-4-2403, **amend**
4 (2) introductory portion; and **add** (2.5) as follows:

5 **25-4-2403. Department of public health and environment -**
6 **powers and duties - immunization tracking system - definitions.**

7 (2) To enable the gathering of epidemiological information and
8 investigation and control of communicable diseases, the department of
9 public health and environment ~~may~~ **SHALL** establish a comprehensive
10 immunization tracking system with immunization information gathered
11 by state and local health officials from the following sources:

12 (2.5) (a) A PRACTITIONER WHO IS A LICENSED PHYSICIAN,
13 PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), OR
14 ADVANCED PRACTICE NURSE SHALL SUBMIT IMMUNIZATION AND MEDICAL
15 EXEMPTION DATA TO THE TRACKING SYSTEM.

16 (b) NOTWITHSTANDING SUBSECTION (2.5)(a) OF THIS SECTION, A
17 PRACTITIONER WHO IS A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT
18 AUTHORIZED UNDER SECTION 12-36-106 (5), OR ADVANCED PRACTICE
19 NURSE IS NOT SUBJECT TO A REGULATORY SANCTION FOR NONCOMPLIANCE
20 WITH SUBSECTION (2.5)(a) OF THIS SECTION.

21 **SECTION 6. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.