

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

PREAMENDED

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

LLS NO. 19-0699.04 Jacob Baus x2173

HOUSE BILL 19-1312

HOUSE SPONSORSHIP

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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.

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) 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 (b) A written authorization signed by one parent or guardian or an
27 authorization signed by the emancipated student requesting that local

1 health officials administer the immunizations; OR

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

5 (6) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT OF PUBLIC
6 HEALTH AND ENVIRONMENT SHALL DEVELOP AND MAKE AVAILABLE TO
7 HEALTH CARE PROVIDERS AND FACILITIES EDUCATIONAL MATERIALS
8 REGARDING THE BENEFITS OF IMMUNIZATIONS. THE DEPARTMENT OF
9 PUBLIC HEALTH AND ENVIRONMENT SHALL UPDATE THE EDUCATIONAL
10 MATERIALS ANNUALLY.

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

13 **25-4-903. Exemptions from immunization - rules.** (2) It is the
14 responsibility of the parent or legal guardian to have his or her child
15 immunized unless the child is exempted pursuant to this section. A
16 student ~~shall be~~ IS exempted from receiving the required immunizations
17 in the following manner:

18 (a) (I) By COMPLETING AND submitting to the student's school
19 ~~certification~~ A CERTIFICATE OF A MEDICAL EXEMPTION from a licensed
20 physician, physician assistant authorized ~~under~~ PURSUANT TO section
21 12-36-106 (5), ~~C.R.S.~~, or advanced practice nurse that the physical
22 condition of the student is such that one or more specified immunizations
23 would endanger his or her life or health or is medically contraindicated
24 due to other medical conditions. ~~or~~

25 (II) TO CLAIM THE EXEMPTION DESCRIBED IN SUBSECTION (2)(a)(I)
26 OF THIS SECTION, A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT
27 AUTHORIZED PURSUANT TO SECTION 12-36-106 (5), OR ADVANCED

1 PRACTICE NURSE MUST COMPLETE THE CERTIFICATE OF A MEDICAL
2 EXEMPTION ON A STANDARDIZED FORM DEVELOPED BY THE DEPARTMENT
3 OF PUBLIC HEALTH AND ENVIRONMENT AND PROVIDE A COPY OF THE
4 COMPLETED CERTIFICATE OF A MEDICAL EXEMPTION TO THE STUDENT'S
5 PARENT OR LEGAL GUARDIAN TO SUBMIT TO THE STUDENT'S SCHOOL,
6 PURSUANT TO SECTION 25-4-902 (1)(c).

7 (III) A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT AUTHORIZED
8 PURSUANT TO SECTION 12-36-106 (5), OR ADVANCED PRACTICE NURSE
9 SHALL INFORM THE PARENT OR LEGAL GUARDIAN OF THE OPTION TO
10 EXCLUDE THE STUDENT'S IMMUNIZATION INFORMATION FROM THE
11 IMMUNIZATION TRACKING SYSTEM CREATED IN SECTION 25-4-2403. A
12 LICENSED PHYSICIAN, PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO
13 SECTION 12-36-106(5), OR ADVANCED PRACTICE NURSE MUST SUBMIT THE
14 MEDICAL EXEMPTION DATA TO THE IMMUNIZATION TRACKING SYSTEM.

15 (b) (I) By COMPLETING AND submitting to the student's school a
16 ~~statement~~ CERTIFICATE of A RELIGIOUS OR PERSONAL BELIEF exemption
17 signed by one parent or LEGAL guardian, ~~or the~~ AN emancipated student,
18 or A student eighteen years of age or older that the parent, guardian, or
19 student is an adherent to a religious belief whose teachings are opposed
20 to immunizations or that the parent or guardian or the emancipated
21 student or student eighteen years of age or older has a personal belief that
22 is opposed to immunizations.

23 (II) (A) TO CLAIM THE EXEMPTION DESCRIBED IN SUBSECTION
24 (2)(b)(I) OF THIS SECTION, A PARENT, LEGAL GUARDIAN, OR STUDENT, AS
25 DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION, MUST COMPLETE
26 THE CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON A
27 STANDARDIZED FORM DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH

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

20 (B) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT OF PUBLIC
21 HEALTH AND ENVIRONMENT SHALL POST THE STANDARDIZED FORM FOR A
22 CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON ITS
23 WEBSITE. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL
24 POST ANY UPDATED STANDARDIZED FORM FOR A CERTIFICATE OF A
25 RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON ITS WEBSITE.

26 (III) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR
27 THE APPLICABLE LOCAL HEALTH AGENCY SHALL INFORM THE PARENT,

1 LEGAL GUARDIAN, OR STUDENT, AS DESCRIBED IN SUBSECTION (2)(b)(I) OF
2 THIS SECTION, OF THE OPTION TO EXCLUDE THE STUDENT'S IMMUNIZATION
3 INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM CREATED IN
4 SECTION 25-4-2403. THE DEPARTMENT OF PUBLIC HEALTH AND
5 ENVIRONMENT OR THE APPLICABLE LOCAL HEALTH AGENCY MUST SUBMIT
6 THE RELIGIOUS OR PERSONAL BELIEF EXEMPTION DATA TO THE
7 IMMUNIZATION TRACKING SYSTEM.

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

15 (6) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
16 SHALL INCLUDE IMMUNIZATION EXEMPTION INFORMATION AS PART OF ITS
17 ANNUAL PRESENTATION TO THE GENERAL ASSEMBLY PURSUANT TO THE
18 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
19 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF
20 TITLE 2. THE IMMUNIZATION EXEMPTION INFORMATION PRESENTATION
21 MUST INCLUDE, BUT IS NOT LIMITED TO:

22 (a) STATISTICS DEMONSTRATING RATES OF IMMUNIZATION,
23 MEDICAL EXEMPTIONS, AND RELIGIOUS OR PERSONAL BELIEF EXEMPTIONS
24 COMPARED TO PREVIOUS YEARS;

25 (b) STATISTICS DEMONSTRATING RATES OF IMMUNIZATION,
26 MEDICAL EXEMPTIONS, AND RELIGIOUS OR PERSONAL BELIEF EXEMPTIONS
27 FOR EACH COUNTY WITHIN COLORADO; AND

1 (c) STATISTICS DEMONSTRATING RATES OF IMMUNIZATION,
2 MEDICAL EXEMPTIONS, AND RELIGIOUS OR PERSONAL BELIEF EXEMPTIONS
3 OF COLORADO COMPARED TO OTHER STATES.

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

6 **25-4-904. Rules - immunization rules - rule-making authority**
7 **of state board of health.** (1) The state board of health shall establish
8 rules ~~and regulations~~ for administering this part 9. Such rules ~~and~~
9 ~~regulations shall~~ MUST ADOPT THE IMMUNIZATION RECOMMENDATIONS
10 FROM THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE
11 CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE FEDERAL
12 DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR
13 ENTITY, TO establish which immunizations ~~shall be~~ ARE required and the
14 manner and frequency of their administration, and ~~shall~~ MUST conform to
15 recognized standard medical practices. THE STATE BOARD OF HEALTH
16 MAY PROMULGATE RULES TO ESTABLISH IMMUNIZATIONS THAT ARE
17 REQUIRED IN ADDITION TO THE IMMUNIZATION RECOMMENDATIONS FROM
18 THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE CENTERS
19 FOR DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF
20 HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR ENTITY. THE STATE
21 BOARD OF HEALTH MAY PROMULGATE RULES TO ESTABLISH THE TIMING BY
22 WHICH SCHOOLS, PARENTS, LEGAL GUARDIANS, OR STUDENTS MUST
23 DEMONSTRATE COMPLIANCE WITH IMMUNIZATION REQUIREMENTS FOR
24 SCHOOL ENTRY OR GRADE-LEVEL ENTRY. Such rules ~~and regulations~~ may
25 also require the reporting of statistical information and names of
26 noncompliers by the schools. The department of public health and
27 environment shall administer and enforce the immunization requirements.

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

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

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

10 (2.5) (a) A PRACTITIONER WHO IS A LICENSED PHYSICIAN,
11 PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), OR
12 ADVANCED PRACTICE NURSE SHALL SUBMIT IMMUNIZATION AND MEDICAL
13 EXEMPTION DATA TO THE TRACKING SYSTEM.

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

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