

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

PREAMENDED

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

LLS NO. 20-0845.01 Jane Ritter x4342

HOUSE BILL 20-1297

HOUSE SPONSORSHIP

Baisley, Humphrey, Geitner, Sandridge, Bockenfeld, Pelton, Ransom, Saine, Williams D.

SENATE SPONSORSHIP

Lundeen,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING THAT PERSONAL IMMUNIZATION**
102 **EXEMPTIONS CANNOT BE USED AS THE SOLE BASIS FOR CHILD**
103 **ABUSE OR NEGLECT FOR THE PURPOSES OF COLORADO'S**
104 **CHILDREN'S CODE.**

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 adds language to Colorado's children's code to clarify that a child's immunization status or a parent's or legal guardian's decision to delay or decline one or more immunizations for his or her child does not

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.

alone constitute child abuse or neglect.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-3-103, **add** (3) as
3 follows:

4 **19-3-103. Child not neglected - when.** (3) REFUSING AN
5 IMMUNIZATION ON THE GROUNDS OF MEDICAL, RELIGIOUS, OR PERSONAL
6 BELIEF CONSIDERATIONS, AS SET FORTH IN SECTION 25-4-903, OR OPTING
7 TO EXCLUDE IMMUNIZATION NOTIFICATION INFORMATION FROM THE
8 IMMUNIZATION TRACKING SYSTEM ESTABLISHED IN SECTION 25-4-2403 (7)
9 BY ITSELF DOES NOT CONSTITUTE CHILD ABUSE OR NEGLECT BY A PARENT
10 OR LEGAL GUARDIAN FOR THE PURPOSES OF THIS ARTICLE 3.

11 **SECTION 2.** In Colorado Revised Statutes, 25-4-2403, **amend**
12 (7) as follows:

13 **25-4-2403. Department of public health and environment -**
14 **powers and duties - immunization tracking system - definitions -**
15 **rules.** (7) An individual or a parent or legal guardian who consents to the
16 immunization of an infant, child, or student pursuant to part 9 or 17 of
17 this ~~article~~ ARTICLE 4 or this part 24 may exclude immunization
18 information from the immunization tracking system. The individual,
19 parent, or legal guardian may remove such immunization information
20 from the immunization tracking system at any time. The department of
21 public health and environment shall ensure that the process to exclude
22 immunization information from the system is readily available and not
23 burdensome. The physician, licensed health care practitioner, clinic,
24 hospital, or county, district, or municipal public health agency shall
25 inform the individual, parent, or legal guardian of the option to exclude

1 such information from such system and the potential benefits of inclusion
2 in such system. In addition, the physician, licensed health care
3 practitioner, clinic, hospital, or county, district, or municipal public health
4 agency shall inform such parent or legal guardian of a minor individual
5 of the option to refuse an immunization on the grounds of medical,
6 religious, or personal belief considerations pursuant to section 25-4-903.
7 Neither refusing an immunization on the grounds of medical, religious,
8 or personal belief considerations pursuant to section 25-4-903 nor opting
9 to exclude immunization notification information from the immunization
10 tracking system shall, by itself constitute CONSTITUTES child abuse or
11 neglect by a parent or legal guardian FOR THE PURPOSES OF PART 3 OF
12 ARTICLE 3 OF TITLE 19.

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2020 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.