

Second 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. 20-0745.01 Bob Lackner x4350

HOUSE BILL 20-1330

HOUSE SPONSORSHIP

Lontine and McKean,

SENATE SPONSORSHIP

Gardner and Lee,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE "COLORADO GOVERNMENTAL**
102 **IMMUNITY ACT" TO CLARIFY THE STATUS OF IMMUNITY FROM**
103 **LIABILITY THAT APPLIES TO THE UNIVERSITY OF COLORADO**
104 **HOSPITAL AUTHORITY.**

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 makes the following modifications to the "Colorado Governmental Immunity Act" (CGIA):

! Unless otherwise excepted under the bill, **section 1** of the

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
2nd Reading Unamended
May 26, 2020

bill excludes from the definition of "public employee" under the CGIA any health care practitioner or any health care professional who is employed by the university of Colorado hospital authority (authority) unless the practitioner or professional is providing services within the course and scope of the person's responsibilities as an employee or volunteer of the authority in a facility that is either located on the Anschutz medical campus (AMC) or that is operating under the hospital license issued to the university hospital, including off-campus locations. The bill specifies that the "Health Care Availability Act" (act) is applicable to health care practitioners and health care professionals employed by the authority that are not immune from liability because of the definition of "public employee".

! **Section 2** specifies that the basic immunity from liability granted to public entities by the CGIA does not apply to the authority except for any hospital, clinic, surgery center, department, or other facility it owns or operates that is located on the AMC or that is a facility operating under the hospital license issued to the university hospital, including off-campus locations. The act is applicable to health care institutions that are not immune from liability under the CGIA.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-10-103, **add**
3 (4)(c) as follows:

4 **24-10-103. Definitions.** As used in this article 10, unless the
5 context otherwise requires:

6 (4) (c) EXCEPT FOR PERSONS IDENTIFIED IN SUBSECTIONS (4)(b)(II),
7 (4)(b)(III), AND (4)(b)(V) OF THIS SECTION, "PUBLIC EMPLOYEE" SHALL
8 NOT INCLUDE ANY HEALTH CARE PRACTITIONER OR ANY HEALTH CARE
9 PROFESSIONAL AS DEFINED IN SECTION 13-64-202 (4) WHO IS EMPLOYED
10 BY THE UNIVERSITY OF COLORADO HOSPITAL AUTHORITY UNLESS THE
11 PRACTITIONER OR PROFESSIONAL IS PROVIDING SERVICES WITHIN THE

1 COURSE AND SCOPE OF THE PERSON'S RESPONSIBILITIES AS AN EMPLOYEE
2 OR VOLUNTEER OF THE UNIVERSITY OF COLORADO HOSPITAL AUTHORITY
3 IN A FACILITY THAT IS EITHER LOCATED ON THE ANSCHUTZ MEDICAL
4 CAMPUS OR THAT IS OPERATING UNDER THE HOSPITAL LICENSE ISSUED TO
5 THE UNIVERSITY HOSPITAL PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25,
6 INCLUDING OFF-CAMPUS LOCATIONS. THE "HEALTH CARE AVAILABILITY
7 ACT", ARTICLE 64 OF TITLE 13, IS APPLICABLE TO HEALTH CARE
8 PRACTITIONERS AND HEALTH CARE PROFESSIONALS EMPLOYED BY THE
9 UNIVERSITY OF COLORADO HOSPITAL AUTHORITY THAT ARE NOT IMMUNE
10 FROM LIABILITY UNDER SECTION 24-10-118 BECAUSE OF THE DEFINITION
11 OF "PUBLIC EMPLOYEE" SPECIFIED IN THIS SUBSECTION (4)(c).

12 **SECTION 2.** In Colorado Revised Statutes, 24-10-106, **add** (5)
13 and (6) as follows:

14 **24-10-106. Immunity and partial waiver.** (5) THE IMMUNITY
15 FROM LIABILITY GRANTED IN SUBSECTION (1) OF THIS SECTION SHALL NOT
16 APPLY TO THE UNIVERSITY OF COLORADO HOSPITAL AUTHORITY EXCEPT
17 FOR ANY HOSPITAL, CLINIC, SURGERY CENTER, DEPARTMENT, OR OTHER
18 FACILITY OWNED OR OPERATED BY THE AUTHORITY THAT IS LOCATED ON
19 THE ANSCHUTZ MEDICAL CAMPUS OR THAT IS A FACILITY OPERATING
20 UNDER THE HOSPITAL LICENSE ISSUED TO THE UNIVERSITY HOSPITAL
21 PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, INCLUDING OFF-CAMPUS
22 LOCATIONS. THE "HEALTH CARE AVAILABILITY ACT", ARTICLE 64 OF
23 TITLE 13, IS APPLICABLE TO HEALTH CARE INSTITUTIONS AS DEFINED IN
24 SECTION 13-64-202 (3) THAT ARE NOT IMMUNE FROM LIABILITY UNDER
25 THIS SECTION BECAUSE OF THIS SECTION.

26 (6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NOTHING
27 IN SUBSECTIONS (4) OR (5) OF THIS SECTION SHALL BE CONSTRUED TO

1 GRANT ANY ADDITIONAL IMMUNITY FROM LIABILITY BEYOND THAT WHICH
2 IS OTHERWISE PROVIDED IN THIS ARTICLE 10.

3 **SECTION 3. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect September 1, 2020; except that,
5 if a referendum petition is filed pursuant to section 1 (3) of article V of
6 the state constitution against this act or an item, section, or part of this act
7 within the ninety-day period after final adjournment of the general
8 assembly, then the act, item, section, or part will not take effect unless
9 approved by the people at the general election to be held in November
10 2020 and, in such case, will take effect on the date of the official
11 declaration of the vote thereon by the governor.

12 (2) This act applies to acts or omissions occurring on or after
13 January 1, 2021.