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Health & Human Services
Appropriations

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A BILL FOR AN ACT
101 CONCERNING THE MODERNIZATION OF THE SCHOOL ENTRY
102 IMMUNIZATION PROCESS, AND, IN CONNECTION THEREWITH,
103 MAKING AN APPROPRIATION.

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 codifies a definition of "nonmedical exemption" to mean an immunization exemption based upon a religious belief whose teachings are opposed to immunizations or a personal belief that is opposed to immunizations.

Under current law, each student must submit to a school, as
defined in section 25-4-901, either a certificate of immunization, a
certificate of medical exemption, or a statement of nonmedical exemption
for an immunization for a religious or personal belief. The bill requires
the department of public health and environment (department) to develop
standardized forms and a submission process for persons who want to
claim a nonmedical exemption for an immunization for a religious or
personal belief. A person who wants to claim a nonmedical exemption for
an immunization for a religious or personal belief can do so by submitting
to the school either:

! A certificate of completion of the online education module;
or

! A certificate of nonmedical exemption.

The bill requires the department to annually evaluate the state's
immunization practices, including an examination of best practices and
guidelines recommended by the advisory committee on immunization
practices. The state board of health may update the state's immunization
practices pursuant to the annual evaluation.

The bill creates a vaccine-protected children standard, whereby the
immunization rate goal for every school is 95% of the student population
to be vaccinated. The bill requires the department to amend an
immunization document it currently publishes annually to include
information about the vaccine-protected children standard. Every school
shall publish its immunization rate and exemption rate on the document
and annually distribute it to the parents, legal guardians, and students of
the school.

The bill requires, as applicable, a practitioner who is a licensed
physician, physician assistant, advanced practice nurse, or person
authorized pursuant to title 12 to administer immunizations within their
scope of practice to students and to submit immunization, medical, or
nonmedical exemption data to the immunization tracking system. The
practitioner is not subject to a regulatory sanction for noncompliance.

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

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

(a) Immunizations save lives and money. Each year in the United
States, immunizations save 33,000 lives, prevent 14 million disease cases,
and save $9.9 billion in direct health care costs.

(b) In 2017, more than 9,000 Colorado children, a majority of
them young children, were hospitalized or went to an emergency
department to be treated for a vaccine-preventable disease, resulting in
$55.5 million in charges;
(c) In 2016, the cost to investigate and prevent the spread of
disease from just two Colorado measles cases exceeded $68,000 in public
funding;
(d) In 1777, George Washington, as the commander in chief of the
Continental Army, determined that his troops would be inoculated against
smallpox. Smallpox significantly affected troops who fought for the
British. George Washington's decision to inoculate the Continental Army
contributed to America's independence from the British.
(e) During the Spanish-American War, more American soldiers
died from yellow fever, malaria, and other diseases than from combat.
The U.S. Army created the Yellow Fever Commission, which was led by
Major Walter Reed, a surgeon. The commission's work eventually helped
contribute to the development of the 17D vaccine against yellow fever,
a vaccine that is still used today.
(f) The Centers for Disease Control and Prevention identified
vaccinations as one of the 10 great public health achievements of the
twentieth century. Since 1900, the average lifespan of people in the
United States has lengthened by more than 30 years. Twenty-five years
of this gain are attributable to public health advances, including the
eradication of smallpox; the elimination of poliomyelitis in the Americas;
and the control of measles, rubella, tetanus, diphtheria, Haemophilus
influenzae type b, and other infectious diseases in the United States and
other parts of the world.
(g) Evidence shows that state immunization requirements for
schools, including child care facilities, are important tools for maintaining high immunization coverage rates to prevent dangerous, costly, and sometimes deadly diseases;

(h) Evidence shows that states with lenient exemption policies, such as Colorado, experience higher rates of vaccine-preventable diseases;

(i) Compared to other states, Colorado has one of the highest exemption rates for nonmedical reasons;

(j) In 2018, Colorado ranked last among 49 states that reported kindergarten measles, mumps, and rubella vaccination rates;

(k) During the 2018-19 school year, 28,874 kindergarten through twelfth grade students attended Colorado schools without protection from one or more vaccine-preventable diseases;

(l) Statewide, nearly 25,000 students would potentially be excluded from school for up to 21 days in the case of a measles outbreak because they have a nonmedical exemption filed for the measles, mumps, and rubella vaccine;

(m) Because diseases such as measles can spread rapidly, 95% immunization coverage in schools helps to protect the health of students, staff, and others in the community, including people who cannot be vaccinated for medical reasons or because they are too young to have received all recommended vaccines; and

(n) Accurate and up-to-date documentation of immunization status supports coordinated and effective public health disease control response efforts in the case of an outbreak, which help protect the overall health of a community.

(2) Therefore, the general assembly declares that all children
deserve to attend schools, including child care facilities, that provide them with the greatest protection from vaccine-preventable diseases, support their well-being, honor their personal circumstances, and build strong foundations for learning and thriving.

SECTION 2. In Colorado Revised Statutes, 25-4-901, add (1.7) as follows:

25-4-901. Definitions. As used in this part 9, unless the context otherwise requires:

(1.7) "NONMEDICAL EXEMPTION" MEANS AN IMMUNIZATION EXEMPTION BASED UPON A RELIGIOUS BELIEF WHOSE TEACHINGS ARE OPPOSED TO IMMUNIZATIONS OR A PERSONAL BELIEF THAT IS OPPOSED TO IMMUNIZATIONS.

SECTION 3. In Colorado Revised Statutes, 25-4-902, amend (1) and (4); and add (1.5) as follows:

25-4-902. Immunization prior to attending school - standardized immunization information. (1) Except as provided in section 25-4-903, STARTING WITH THE SCHOOL YEAR THAT COMMENCES AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED BY SENATE BILL 20-163, AND EACH SCHOOL YEAR THEREAFTER, a student shall not attend any school in the state of Colorado on or after the dates specified in section 25-4-906 (4) unless he or she has presented ONE OF the following to the appropriate school official:

(a) An up-to-date certificate of immunization from a licensed physician, a licensed PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO SECTION 12-240-107 (6), advanced practice nurse, or authorized representative of the department of public health and environment or county, district, or municipal A LOCAL public health agency stating that
the student has received immunization against communicable diseases as
specified by the state board of health, based on recommendations of the
advisory committee on immunization practices of THE CENTERS FOR
DISEASE CONTROL AND PREVENTION in the United States FEDERAL
department of health and human services; or the American academy of
pediatrics; or

(b) A written authorization signed by one parent or LEGAL
   guardian, or an authorization signed by the AN emancipated student, OR
   A STUDENT EIGHTEEN YEARS OF AGE OR OLDER requesting that local
   PUBLIC health officials administer the immunizations; OR

(c) A CERTIFICATE OF MEDICAL EXEMPTION, OR A CERTIFICATE
   OF COMPLETION OF THE ONLINE EDUCATION MODULE OR A CERTIFICATE OF
   NONMEDICAL EXEMPTION IN COMPLIANCE WITH SECTION 25-4-903. A
   CERTIFICATE OF MEDICAL EXEMPTION, OR A CERTIFICATE OF COMPLETION
   OF THE ONLINE EDUCATION MODULE OR A CERTIFICATE OF NONMEDICAL
   EXEMPTION, IS ONLY VALID IF COMPLETED IN COMPLIANCE WITH SECTION
   25-4-903.

(1.5) A STUDENT IS NOT REQUIRED TO COMPLY WITH SUBSECTION
(1) OF THIS SECTION IF THE STUDENT IS PARTICIPATING IN A NONPUBLIC
HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO SECTION
22-33-104.5; EXCEPT THAT:
(a) A SCHOOL DISTRICT MAY REQUIRE COMPLIANCE WITH
SUBSECTION (1) OF THIS SECTION PURSUANT TO SECTION 22-33-104.5
(3)(g); AND
(b) (I) A SCHOOL DISTRICT MAY REQUIRE COMPLIANCE WITH
SUBSECTION (1) OF THIS SECTION IF THE STUDENT PARTICIPATING IN A
NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM ATTENDS A SCHOOL OF THE SCHOOL DISTRICT FOR A PORTION OF THE SCHOOL DAY;

(II) AN INSTITUTE CHARTER SCHOOL MAY REQUIRE COMPLIANCE WITH SUBSECTION (I) OF THIS SECTION IF THE STUDENT PARTICIPATING IN A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM ATTENDS THE INSTITUTE CHARTER SCHOOL FOR A PORTION OF THE SCHOOL DAY; OR

(III) A PRIVATE SCHOOL MAY REQUIRE COMPLIANCE WITH SUBSECTION (I) OF THIS SECTION IF THE STUDENT PARTICIPATING IN A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM ATTENDS THE PRIVATE SCHOOL FOR A PORTION OF THE SCHOOL DAY.

(4) (a) On or before March 1, 2011 JANUARY 15 OF THE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION (4), AS AMENDED BY SENATE BILL 20-163, the department of public health and environment shall develop and provide to the department of education AND THE DEPARTMENT OF HUMAN SERVICES a standardized document regarding childhood immunizations. The department of education AND THE DEPARTMENT OF HUMAN SERVICES shall post the standardized immunization document on its website THEIR WEBSITES on or before January 15, 2011 JANUARY 31 OF THE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION (4), AS AMENDED BY SENATE BILL 20-163, and on or before January 31 each year thereafter. The standardized document MUST be updated annually and MUST include, but need not be limited to:

(a) (I) A list of the immunizations required for enrollment in a school and the age at which the immunization is required; and

(b) (II) A list of immunizations currently recommended for children by the center for disease control advisory committee on
immunization practices OF THE CENTERS FOR DISEASE CONTROL AND
PREVENTION IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
SERVICES and the recommended age at which each immunization should
be given;

(III) A PLACE ON THE DOCUMENT WHERE A SCHOOL CAN INCLUDE
THE SCHOOL’S SPECIFIC IMMUNIZATION AND EXEMPTION RATES FOR THE
MEASLES, MUMPS, AND RUBELLA VACCINE AND FOR EVERY OTHER
VACCINE FOR THE SCHOOL’S ENROLLED STUDENT POPULATION FOR THE
PRIOR SCHOOL YEAR COMPARED TO THE VACCINATED CHILDREN
STANDARD DESCRIBED IN SECTION 25-4-911; AND

(IV) A STATEMENT THAT THE SCHOOL IS REQUIRED TO COLLECT
AND REPORT THE INFORMATION PURSUANT TO THIS SUBSECTION (4)(a)
AND THAT THE SCHOOL DOES NOT CONTROL THE SCHOOL’S SPECIFIC
IMMUNIZATION AND EXEMPTION RATES OR ESTABLISH THE VACCINATED
CHILDREN STANDARD DESCRIBED IN SECTION 25-4-911.

(b) ON OR BEFORE February 15 OF THE SCHOOL YEAR THAT
COMMENCES AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4), AS
AMENDED BY Senate Bill 20-163, AND ON OR BEFORE February 15
EACH YEAR THEREAFTER, A SCHOOL SHALL INCLUDE ON THE DOCUMENT
THE SCHOOL’S SPECIFIC IMMUNIZATION AND EXEMPTION RATES FOR THE
MEASLES, MUMPS, AND RUBELLA VACCINE FOR THE SCHOOL’S ENROLLED
STUDENT POPULATION FOR THE PRIOR SCHOOL YEAR COMPARED TO THE
VACCINATED CHILDREN STANDARD DESCRIBED IN SECTION 25-4-911. THE
SCHOOL MAY INCLUDE ON THE DOCUMENT THE SCHOOL’S SPECIFIC
IMMUNIZATION AND EXEMPTION RATES FOR ANY OTHER VACCINE FOR THE
SCHOOL’S ENROLLED STUDENT POPULATION FOR THE PRIOR SCHOOL YEAR.
THE SCHOOL SHALL DIRECTLY DISTRIBUTE THE DOCUMENT TO THE PARENT
OR LEGAL GUARDIAN OF EACH STUDENT ENROLLED IN ITS SCHOOL,
EMANCIPATED STUDENTS, OR STUDENTS EIGHTEEN YEARS OF AGE OR
OLDER, CONSISTENT WITH SECTION 25-4-903 (5).

SECTION 4. In Colorado Revised Statutes, 25-4-903, amend (2)
and (5); and add (2.2), (2.3), and (2.7) as follows:

25-4-903. Exemptions from immunization - rules. (2) It is the
responsibility of the parent or legal guardian to have his or her child
immunized unless the child is exempted pursuant to this section. A
student shall be exempted from receiving the required immunizations in
the following manner: A PARENT OR LEGAL GUARDIAN SHALL HAVE HIS OR
HER STUDENT IMMUNIZED, UNLESS THE STUDENT IS EXEMPTED PURSUANT
to this section, or an emancipated student or a student eighteen
years of age or older shall have himself or herself immunized,
unless the student is exempted pursuant to this section. A
student is exempted from receiving the required immunizations
in the following manner:

(a) By submitting to the student's school certification a
completed certificate of medical exemption from a licensed
physician, physician assistant authorized under PURSUANT TO
section 12-240-107 (6), or advanced practice nurse that the physical condition of
the student is such that one or more specified immunizations would
endanger his or her life or health or is medically contraindicated due
to other medical conditions; or

(b) (I) By submitting to the student's school a statement of EITHER
a completed certificate of completion of the online education
module or a completed certificate of nonmedical exemption
signed by one parent or legal guardian, or THE AN emancipated student,
or a student eighteen years of age or older that the parent, legal
guardian, or student is an adherent to a religious belief whose teachings
are opposed to immunizations or that the parent or guardian or the
emancipated student or student eighteen years of age or older has a
personal belief that is opposed to immunizations.

(II) (A) A COMPLETE CERTIFICATE OF COMPLETION OF THE ONLINE
EDUCATION MODULE IS ACQUIRED UPON COMPLETING THE ONLINE
EDUCATION MODULE DESCRIBED IN SUBSECTION (2.7) OF THIS SECTION.

(B) A COMPLETE CERTIFICATE OF NONMEDICAL EXEMPTION MUST
INCLUDE THE SIGNATURE OF A PERSON WHO IS AUTHORIZED PURSUANT TO
TITLE 12 TO ADMINISTER IMMUNIZATIONS WITHIN HIS OR HER SCOPE OF
PRACTICE TO THE STUDENT FOR WHOM THE CERTIFICATE OF NONMEDICAL
EXEMPTION IS SOUGHT. NOTHING IN THIS SUBSECTION (2)(b)(II)(B)
REQUIRES A PERSON AUTHORIZED PURSUANT TO TITLE 12 TO ADMINISTER
IMMUNIZATIONS WITHIN HIS OR HER SCOPE OF PRACTICE TO SIGN A
CERTIFICATE OF NONMEDICAL EXEMPTION. NOTWITHSTANDING ANY LAW
OR RULE TO THE CONTRARY, A BODY THAT REGULATES THE PROFESSIONAL
CONDUCT OF A PERSON WHO IS AUTHORIZED PURSUANT TO TITLE 12 TO
ADMINISTER IMMUNIZATIONS WITHIN HIS OR HER SCOPE OF PRACTICE TO
THE STUDENT FOR WHOM THE CERTIFICATE IS SOUGHT SHALL NOT ORDER
A DISCIPLINARY ACTION AGAINST THE PERSON BECAUSE THE PERSON
AUTHORIZED TO SIGN THE CERTIFICATE SIGNED SUCH CERTIFICATE
PURSUANT TO THIS SUBSECTION (2)(b)(II)(B). IT IS UNLAWFUL FOR THE
EMPLOYER OR ANY PROFESSIONAL ORGANIZATION TO RETALIATE AGAINST
A PERSON BECAUSE THE PERSON AUTHORIZED TO SIGN A CERTIFICATE
SIGNED SUCH CERTIFICATE PURSUANT TO THIS SUBSECTION (2)(b)(II)(B).

(2.2) (a) (I) A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT
AUTHORIZED PURSUANT TO SECTION 12-240-107 (6), OR ADVANCED PRACTICE NURSE SHALL PROVIDE A COPY OF A COMPLETED CERTIFICATE OF MEDICAL EXEMPTION TO THE STUDENT'S PARENT OR LEGAL GUARDIAN, THE EMANCIPATED STUDENT, OR THE STUDENT EIGHTEEN YEARS OF AGE OR OLDER.

(II) THE CERTIFICATE OF COMPLETION OF THE ONLINE EDUCATION MODULE MUST BE IMMEDIATELY AVAILABLE TO DOWNLOAD OR PRINT UPON COMPLETION OF THE ONLINE EDUCATION MODULE. THE CERTIFICATE OF COMPLETION OF THE ONLINE EDUCATION MODULE DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MUST INCLUDE THE SAME INFORMATION AS THE CERTIFICATE OF NONMEDICAL EXEMPTION PURSUANT TO SUBSECTION (2.3) OF THIS SECTION.

(III) A PERSON AUTHORIZED PURSUANT TO TITLE 12 TO ADMINISTER IMMUNIZATIONS WITHIN HIS OR HER SCOPE OF PRACTICE TO THE STUDENT FOR WHOM THE CERTIFICATE OF NONMEDICAL EXEMPTION IS SOUGHT AND WHO SIGNS THE CERTIFICATE OF NONMEDICAL EXEMPTION FORM SHALL PROVIDE A COPY OF A COMPLETED CERTIFICATE OF NONMEDICAL EXEMPTION TO THE STUDENT'S PARENT OR LEGAL GUARDIAN, THE EMANCIPATED STUDENT, OR THE STUDENT EIGHTEEN YEARS OF AGE OR OLDER.

(b)(I) A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO SECTION 12-240-107 (6), OR ADVANCED PRACTICE NURSE SHALL SUBMIT THE MEDICAL EXEMPTION DATA TO THE IMMUNIZATION TRACKING SYSTEM CREATED IN SECTION 25-4-2403.

(II) A PERSON AUTHORIZED PURSUANT TO TITLE 12 TO ADMINISTER IMMUNIZATIONS WITHIN HIS OR HER SCOPE OF PRACTICE TO THE STUDENT FOR WHOM THE CERTIFICATE OF NONMEDICAL EXEMPTION IS SOUGHT AND
WHO SIGNS THE CERTIFICATE OF NONMEDICAL EXEMPTION SHALL SUBMIT
THE NONMEDICAL EXEMPTION DATA TO THE IMMUNIZATION TRACKING
SYSTEM CREATED IN SECTION 25-4-2403.

(III) NOTWITHSTANDING SUBSECTIONS (2.2)(b)(I) AND (2.2)(b)(II)
of this section, a licensed physician, physician assistant
authorized pursuant to section 12-240-107(6), advanced practice
nurse, or a person authorized pursuant to title 12 to administer
immunizations within his or her scope of practice is not subject
to a regulatory sanction for failing to submit medical
exemption or nonmedical exemption data to the immunization
tracking system.

(2.3) (a) On or before January 1 of the year following the
effective date of this subsection (2.3), as enacted by Senate Bill
20-163, the Department of Public Health and Environment shall
develop and post on its website a standardized certificate of
medical exemption form and a standardized certificate of
nonmedical exemption form. The Department of Public Health
and Environment shall post any updated form on its website.

(b) At a minimum, the forms developed by the Department
of Public Health and Environment must:

(I) Include a notice that informs the student's parent or
legal guardian, the emancipated student, or the student
eighteen years of age or older of the option to exclude the
student's medical or nonmedical exemption information from the
immunization tracking system established in section 25-4-2403;

(II) Be limited to requests for information related to
collecting data pertaining to a medical or nonmedical
EXEMPTION, INCLUDING BUT NOT LIMITED TO:

(A) The student's immunization information and the vaccine or vaccines for which the exemption applies; and

(B) Whether a medical exemption or a nonmedical exemption is claimed;

(III) Not require the student's parent or legal guardian, the emancipated student, or the student eighteen years of age or older to provide any demographic data except the student's name, date of birth, sex, and school's name and location, and the parent's or legal guardian's name;

(IV) Include references to scientifically based information regarding the benefits and risks of immunizations; and

(V) Not require the student's parent or legal guardian, the emancipated student, or the student eighteen years of age or older to provide any information that would identify the religious faith or describe the reasons for the personal belief of the student's parent or legal guardian, the emancipated student, or the student eighteen years of age or older who is claiming a nonmedical exemption. The existing immunization tracking system established in section 25-4-2403 must not receive or store any information that would identify the religious faith or the reasons for the personal belief of the student's parent or legal guardian, the emancipated student, or the student eighteen years of age or older who is claiming the exemption.
(c) The forms developed by the Department of Public Health and Environment must not require a parent or legal guardian, emancipated student, or student eighteen years of age or older to sign or indicate agreement with any language regarding immunizations that may be contrary to a religious belief or personal belief that is opposed to immunizations in order to complete the form.

(2.7) (a) The online learning module administered by the Department of Public Health and Environment pursuant to subsection (2.5)(a) of this section must:

(I) include medical and scientific data that is evidence-based and peer reviewed by credible scientific and public health organizations concerning both the benefits and risks of immunizations and evidence-based practices. The module must fairly present both the benefits and risks of immunizations and include data concerning the risk of immunization injury.

(II) be interactive; and

(III) include other criteria adopted by the Department of Public Health and Environment.

(b) The online learning module must not require a parent or legal guardian, emancipated student, or student eighteen years of age or older to sign or indicate agreement with any language regarding immunizations that may be contrary to a religious belief or personal belief that is opposed to immunizations in order to complete the online learning module.

(5) In addition to the requirements pursuant to section 25-4-902 (4)(b), each school shall make the immunization and exemption
rates of their enrolled student population publicly available upon request.

SECTION 5. In Colorado Revised Statutes, add 25-4-904.5 as follows:

25-4-904.5. Annual alignment evaluation. The Department of Public Health and Environment shall annually evaluate the state's immunization practices, including an examination of updated best practices and guidelines recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention in the Federal Department of Health and Human Services. The State Board of Health shall review the Department of Public Health and Environment's annual evaluation and may update the state's immunization practices pursuant to the Department of Public Health and Environment's annual evaluation.

SECTION 6. In Colorado Revised Statutes, add 25-4-911 as follows:

25-4-911. Vaccinated children standard - legislative declaration. (1) The General Assembly finds and declares it is necessary to establish a vaccinated children standard, whereby the immunization rate goal for every school is ninety-five percent of the student population to be vaccinated according to the school immunization schedule established by the State Board of Health pursuant to section 25-4-904. Achieving this immunization rate goal will help reduce the spread of infectious diseases and protect the health of all people in the school community, including the students who cannot be immunized for medical reasons.
IN ORDER TO ACHIEVE THE IMMUNIZATION RATE GOAL DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL COLLABORATE WITH LOCAL PUBLIC HEALTH AGENCIES AND SCHOOLS TO PROVIDE INFORMATION AND TECHNICAL ASSISTANCE REGARDING BEST PRACTICES TO EDUCATE AND ENGAGE WITH STUDENTS AND FAMILIES ABOUT VACCINES, THE RISKS OF VACCINE-PREVENTABLE DISEASES, AND WHERE VACCINES ARE ADMINISTERED.

SECTION 7. In Colorado Revised Statutes, add 25-4-912 as follows:

25-4-912. Confidentiality. All immunization and exemption data that is submitted to the immunization tracking system created in section 25-4-2403 is subject to the confidentiality provisions contained in section 25-4-2403.

SECTION 8. In Colorado Revised Statutes, 25-4-2403, amend (2) introductory portion; and add (2.5) as follows:

25-4-2403. Department of public health and environment - powers and duties - immunization tracking system - rules - definitions. (2) To enable the gathering of epidemiological information and investigation and control of communicable diseases, the department of public health and environment may establish a comprehensive immunization tracking system with immunization information gathered by state and local public health officials from the following sources:

(2.5) (a) A practitioner who is a licensed physician, physician assistant authorized pursuant to section 12-240-107 (6), advanced practice nurse, or person authorized pursuant to
TITLE 12 TO ADMINISTER IMMUNIZATIONS WITHIN HIS OR HER SCOPE OF
PRACTICE SHALL SUBMIT IMMUNIZATION, MEDICAL EXEMPTION, OR
NONMEDICAL EXEMPTION DATA TO THE TRACKING SYSTEM.

(b) NOTWITHSTANDING SUBSECTION (2.5)(a) OF THIS SECTION, A
PRACTITIONER WHO IS A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT
AUTHORIZED PURSUANT TO SECTION 12-240-107(6), ADVANCED PRACTICE
NURSE, OR A PERSON AUTHORIZED PURSUANT TO TITLE 12 TO ADMINISTER
IMMUNIZATIONS WITHIN HIS OR HER SCOPE OF PRACTICE IS NOT SUBJEC T
TO A REGULATORY SANCTION FOR FAILING TO SUBMIT IMMUNIZATION,
MEDICAL EXEMPTION, OR NONMEDICAL EXEMPTION DATA TO THE
IMMUNIZATION TRACKING SYSTEM.

SECTION 9. Appropriation. (1) For the 2020-21 state fiscal
year, $40,953 is appropriated to the department of public health and
environment. This appropriation is from the general fund. To implement
this act, the division may use this appropriation as follows:

(a) $30,931 for use by the environmental epidemiology division
for program costs, which amount is based on an assumption that the
division will require an additional 0.1 FTE;

(b) $10,022 for the purchase of information technology services.

(2) for the 2020-21 state fiscal year, $10,022 is appropriated to the
office of the governor for use by the office of information technology.
This appropriation is from reappropriated funds received from the
department of public health and environment under subsection (1)(b) of
this section. To implement this act, the office may use this appropriation
to provide information technology services for the department of public
health and environment.

SECTION 10. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.