

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

REVISED

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

LLS NO. 20-0858.03 Jacob Baus x2173

SENATE BILL 20-163

SENATE SPONSORSHIP

Gonzales and Priola, Bridges, Danielson, Fenberg, Hansen, Lee, Moreno, Rodriguez, Story, Todd

HOUSE SPONSORSHIP

Mullica and Roberts,

Senate Committees

Health & Human Services
Appropriations

House Committees

Health & Insurance
Appropriations

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

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
June 9, 2020

SENATE
3rd Reading Unamended
February 28, 2020

SENATE
Amended 2nd Reading
February 27, 2020

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.

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

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

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

7 (b) In 2017, more than 9,000 Colorado children, a majority of

1 them young children, were hospitalized or went to an emergency
2 department to be treated for a vaccine-preventable disease, resulting in
3 \$55.5 million in charges;

4 (c) In 2016, the cost to investigate and prevent the spread of
5 disease from just two Colorado measles cases exceeded \$68,000 in public
6 funding;

7 (d) In 1777, George Washington, as the commander in chief of the
8 Continental Army, determined that his troops would be inoculated against
9 smallpox. Smallpox significantly affected troops who fought for the
10 British. George Washington's decision to inoculate the Continental Army
11 contributed to America's independence from the British.

12 (e) During the Spanish-American War, more American soldiers
13 died from yellow fever, malaria, and other diseases than from combat.
14 The U.S. Army created the Yellow Fever Commission, which was led by
15 Major Walter Reed, a surgeon. The commission's work eventually helped
16 contribute to the development of the 17D vaccine against yellow fever,
17 a vaccine that is still used today.

18 (f) The Centers for Disease Control and Prevention identified
19 vaccinations as one of the 10 great public health achievements of the
20 twentieth century. Since 1900, the average lifespan of people in the
21 United States has lengthened by more than 30 years. Twenty-five years
22 of this gain are attributable to public health advances, including the
23 eradication of smallpox; the elimination of poliomyelitis in the Americas;
24 and the control of measles, rubella, tetanus, diphtheria, Haemophilus
25 influenzae type b, and other infectious diseases in the United States and
26 other parts of the world.

27 (g) Evidence shows that state immunization requirements for

1 schools, including child care facilities, are important tools for maintaining
2 high immunization coverage rates to prevent dangerous, costly, and
3 sometimes deadly diseases;

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

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

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

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

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

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

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

27 (2) Therefore, the general assembly declares that all children

1 deserve to attend schools, including child care facilities, that provide them
2 with the greatest protection from vaccine-preventable diseases, support
3 their well-being, honor their personal circumstances, and build strong
4 foundations for learning and thriving.

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

7 **25-4-901. Definitions.** As used in this part 9, unless the context
8 otherwise requires:

9 (1.7) "NONMEDICAL EXEMPTION" MEANS AN IMMUNIZATION
10 EXEMPTION BASED UPON A RELIGIOUS BELIEF WHOSE TEACHINGS ARE
11 OPPOSED TO IMMUNIZATIONS OR A PERSONAL BELIEF THAT IS OPPOSED TO
12 IMMUNIZATIONS.

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

15 **25-4-902. Immunization prior to attending school -**
16 **standardized immunization information.** (1) ~~Except as provided in~~
17 ~~section 25-4-903~~; ~~STARTING WITH THE SCHOOL YEAR THAT COMMENCES~~
18 ~~AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED BY~~
19 ~~SENATE BILL 20-163, AND EACH SCHOOL YEAR THEREAFTER,~~ a student
20 shall not attend any school in the state of Colorado ~~on or after the dates~~
21 ~~specified in section 25-4-906 (4)~~ unless he or she has presented ONE OF
22 the following to the appropriate school official:

23 (a) An up-to-date certificate of immunization from a licensed
24 physician, ~~a licensed~~ PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO
25 SECTION 12-240-107 (6), advanced practice nurse, or authorized
26 representative of the department of public health and environment or
27 ~~county, district, or municipal~~ A LOCAL public health agency stating that

1 the student has received immunization against communicable diseases as
2 specified by the state board of health, based on recommendations of the
3 advisory committee on immunization practices of THE CENTERS FOR
4 DISEASE CONTROL AND PREVENTION IN the ~~United States~~ FEDERAL
5 department of health and human services; ~~or the American academy of~~
6 ~~pediatrics; or~~

7
8 (b) A written authorization signed by one parent or LEGAL
9 guardian, ~~or an authorization signed by the~~ AN emancipated student, OR
10 A STUDENT EIGHTEEN YEARS OF AGE OR OLDER requesting that local
11 PUBLIC health officials administer the immunizations; OR

12 (c) A CERTIFICATE OF MEDICAL EXEMPTION, OR A CERTIFICATE
13 OF COMPLETION OF THE ONLINE EDUCATION MODULE OR A CERTIFICATE OF
14 NONMEDICAL EXEMPTION IN COMPLIANCE WITH SECTION 25-4-903. A
15 CERTIFICATE OF MEDICAL EXEMPTION, OR A CERTIFICATE OF COMPLETION
16 OF THE ONLINE EDUCATION MODULE OR A CERTIFICATE OF NONMEDICAL
17 EXEMPTION, IS ONLY VALID IF COMPLETED IN COMPLIANCE WITH SECTION
18 25-4-903.

19 (1.5) A STUDENT IS NOT REQUIRED TO COMPLY WITH SUBSECTION
20 (1) OF THIS SECTION IF THE STUDENT IS PARTICIPATING IN A NONPUBLIC
21 HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO SECTION
22 22-33-104.5; EXCEPT THAT:

23 (a) A SCHOOL DISTRICT MAY REQUIRE COMPLIANCE WITH
24 SUBSECTION (1) OF THIS SECTION PURSUANT TO SECTION 22-33-104.5
25 (3)(g); AND

26 (b) (I) A SCHOOL DISTRICT MAY REQUIRE COMPLIANCE WITH
27 SUBSECTION (1) OF THIS SECTION IF THE STUDENT PARTICIPATING IN A

1 NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM ATTENDS A SCHOOL OF
2 THE SCHOOL DISTRICT FOR A PORTION OF THE SCHOOL DAY;

3 (II) AN INSTITUTE CHARTER SCHOOL MAY REQUIRE COMPLIANCE
4 WITH SUBSECTION (1) OF THIS SECTION IF THE STUDENT PARTICIPATING IN
5 A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM ATTENDS THE
6 INSTITUTE CHARTER SCHOOL FOR A PORTION OF THE SCHOOL DAY; OR

7 (III) A PRIVATE SCHOOL MAY REQUIRE COMPLIANCE WITH
8 SUBSECTION (1) OF THIS SECTION IF THE STUDENT PARTICIPATING IN A
9 NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM ATTENDS THE PRIVATE
10 SCHOOL FOR A PORTION OF THE SCHOOL DAY. _____

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

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

26 (b) (II) A list of immunizations currently recommended for
27 children by the ~~center for disease control~~ advisory committee on

1 immunization practices OF THE CENTERS FOR DISEASE CONTROL AND
2 PREVENTION IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES and the recommended age at which each immunization should
4 be given;

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

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

16 (b) ON OR BEFORE FEBRUARY 15 OF THE SCHOOL YEAR THAT
17 COMMENCES AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4), AS
18 AMENDED BY SENATE BILL 20-163, AND ON OR BEFORE FEBRUARY 15
19 EACH YEAR THEREAFTER, A SCHOOL SHALL INCLUDE ON THE DOCUMENT
20 THE SCHOOL'S SPECIFIC IMMUNIZATION AND EXEMPTION RATES FOR THE
21 MEASLES, MUMPS, AND RUBELLA VACCINE FOR THE SCHOOL'S ENROLLED
22 STUDENT POPULATION FOR THE PRIOR SCHOOL YEAR COMPARED TO THE
23 VACCINATED CHILDREN STANDARD DESCRIBED IN SECTION 25-4-911. THE
24 SCHOOL MAY INCLUDE ON THE DOCUMENT THE SCHOOL'S SPECIFIC
25 IMMUNIZATION AND EXEMPTION RATES FOR ANY OTHER VACCINE FOR THE
26 SCHOOL'S ENROLLED STUDENT POPULATION FOR THE PRIOR SCHOOL YEAR.
27 THE SCHOOL SHALL DIRECTLY DISTRIBUTE THE DOCUMENT TO THE PARENT

1 OR LEGAL GUARDIAN OF EACH STUDENT ENROLLED IN ITS SCHOOL,
2 EMANCIPATED STUDENTS, OR STUDENTS EIGHTEEN YEARS OF AGE OR
3 OLDER, CONSISTENT WITH SECTION 25-4-903 (5).

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

6 **25-4-903. Exemptions from immunization - rules.** (2) ~~It is the~~
7 ~~responsibility of the parent or legal guardian to have his or her child~~
8 ~~immunized unless the child is exempted pursuant to this section. A~~
9 ~~student shall be exempted from receiving the required immunizations in~~
10 ~~the following manner:~~ A PARENT OR LEGAL GUARDIAN SHALL HAVE HIS OR
11 HER STUDENT IMMUNIZED, UNLESS THE STUDENT IS EXEMPTED PURSUANT
12 TO THIS SECTION, OR AN EMANCIPATED STUDENT OR A STUDENT EIGHTEEN
13 YEARS OF AGE OR OLDER SHALL HAVE HIMSELF OR HERSELF IMMUNIZED,
14 UNLESS THE STUDENT IS EXEMPTED PURSUANT TO THIS SECTION. A
15 STUDENT IS EXEMPTED FROM RECEIVING THE REQUIRED IMMUNIZATIONS
16 IN THE FOLLOWING MANNER:

17 (a) By submitting to the student's school ~~certification~~ A
18 COMPLETED CERTIFICATE OF MEDICAL EXEMPTION from a licensed
19 physician, physician assistant authorized ~~under~~ PURSUANT TO section
20 12-240-107 (6), or advanced practice nurse that the physical condition of
21 the student is such that one or more specified immunizations would
22 endanger his or her life or health or ~~is~~ ARE medically contraindicated due
23 to other medical conditions; or

24 (b) (I) By submitting to the student's school ~~a statement of~~ EITHER
25 A COMPLETED CERTIFICATE OF COMPLETION OF THE ONLINE EDUCATION
26 MODULE OR A COMPLETED CERTIFICATE OF NONMEDICAL exemption
27 signed by one parent or LEGAL guardian, ~~or the~~ AN emancipated student,

1 or A student eighteen years of age or older that the parent, LEGAL
2 guardian, or student is an adherent to a religious belief whose teachings
3 are opposed to immunizations or ~~that the parent or guardian or the~~
4 ~~emancipated student or student eighteen years of age or older~~ has a
5 personal belief that is opposed to immunizations.

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

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

27 (2.2) (a) (I) A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT

1 AUTHORIZED PURSUANT TO SECTION 12-240-107 (6), OR ADVANCED
2 PRACTICE NURSE SHALL PROVIDE A COPY OF A COMPLETED CERTIFICATE OF
3 MEDICAL EXEMPTION TO THE STUDENT'S PARENT OR LEGAL GUARDIAN,
4 THE EMANCIPATED STUDENT, OR THE STUDENT EIGHTEEN YEARS OF AGE
5 OR OLDER.

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

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

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

25 (II) A PERSON AUTHORIZED PURSUANT TO TITLE 12 TO ADMINISTER
26 IMMUNIZATIONS WITHIN HIS OR HER SCOPE OF PRACTICE TO THE STUDENT
27 FOR WHOM THE CERTIFICATE OF NONMEDICAL EXEMPTION IS SOUGHT AND

1 WHO SIGNS THE CERTIFICATE OF NONMEDICAL EXEMPTION SHALL SUBMIT
2 THE NONMEDICAL EXEMPTION DATA TO THE IMMUNIZATION TRACKING
3 SYSTEM CREATED IN SECTION 25-4-2403.

4 (III) NOTWITHSTANDING SUBSECTIONS (2.2)(b)(I) AND (2.2)(b)(II)
5 OF THIS SECTION, A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT
6 AUTHORIZED PURSUANT TO SECTION 12-240-107(6), ADVANCED PRACTICE
7 NURSE, OR A PERSON AUTHORIZED PURSUANT TO TITLE 12 TO ADMINISTER
8 IMMUNIZATIONS WITHIN HIS OR HER SCOPE OF PRACTICE IS NOT SUBJECT
9 TO A REGULATORY SANCTION FOR FAILING TO SUBMIT MEDICAL
10 EXEMPTION OR NONMEDICAL EXEMPTION DATA TO THE IMMUNIZATION
11 TRACKING SYSTEM.

12 (2.3) (a) ON OR BEFORE JANUARY 1 OF THE YEAR FOLLOWING THE
13 EFFECTIVE DATE OF THIS SUBSECTION (2.3), AS ENACTED BY SENATE BILL
14 20-163, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL
15 DEVELOP AND POST ON ITS WEBSITE A STANDARDIZED CERTIFICATE OF
16 MEDICAL EXEMPTION FORM AND A STANDARDIZED CERTIFICATE OF
17 NONMEDICAL EXEMPTION FORM. THE DEPARTMENT OF PUBLIC HEALTH
18 AND ENVIRONMENT SHALL POST ANY UPDATED FORM ON ITS WEBSITE.

19 (b) AT A MINIMUM, THE FORMS DEVELOPED BY THE DEPARTMENT
20 OF PUBLIC HEALTH AND ENVIRONMENT MUST:

21 (I) INCLUDE A NOTICE THAT INFORMS THE STUDENT'S PARENT OR
22 LEGAL GUARDIAN, THE EMANCIPATED STUDENT, OR THE STUDENT
23 EIGHTEEN YEARS OF AGE OR OLDER OF THE OPTION TO EXCLUDE THE
24 STUDENT'S MEDICAL OR NONMEDICAL EXEMPTION INFORMATION FROM THE
25 IMMUNIZATION TRACKING SYSTEM ESTABLISHED IN SECTION 25-4-2403;

26 (II) BE LIMITED TO REQUESTS FOR INFORMATION RELATED TO
27 COLLECTING DATA PERTAINING TO A MEDICAL OR NONMEDICAL

1 EXEMPTION, INCLUDING BUT NOT LIMITED TO:

2

3 (A) THE STUDENT'S IMMUNIZATION INFORMATION AND THE
4 VACCINE OR VACCINES FOR WHICH THE EXEMPTION APPLIES; AND

5 (B) WHETHER A MEDICAL EXEMPTION OR A NONMEDICAL
6 EXEMPTION IS CLAIMED;

7 (III) NOT REQUIRE THE STUDENT'S PARENT OR LEGAL GUARDIAN,
8 THE EMANCIPATED STUDENT, OR THE STUDENT EIGHTEEN YEARS OF AGE
9 OR OLDER TO PROVIDE ANY DEMOGRAPHIC DATA EXCEPT THE STUDENT'S
10 NAME, DATE OF BIRTH, SEX, AND SCHOOL'S NAME AND LOCATION, AND THE
11 PARENT'S OR LEGAL GUARDIAN'S NAME;

12 (IV) INCLUDE REFERENCES TO SCIENTIFICALLY BASED
13 INFORMATION REGARDING THE BENEFITS AND RISKS OF IMMUNIZATIONS;
14 AND

15 (V) NOT REQUIRE THE STUDENT'S PARENT OR LEGAL GUARDIAN,
16 THE EMANCIPATED STUDENT, OR THE STUDENT EIGHTEEN YEARS OF AGE
17 OR OLDER TO PROVIDE ANY INFORMATION THAT WOULD IDENTIFY THE
18 RELIGIOUS FAITH OR DESCRIBE THE REASONS FOR THE PERSONAL BELIEF OF
19 THE STUDENT'S PARENT OR LEGAL GUARDIAN, THE EMANCIPATED
20 STUDENT, OR THE STUDENT EIGHTEEN YEARS OF AGE OR OLDER WHO IS
21 CLAIMING A NONMEDICAL EXEMPTION. THE EXISTING IMMUNIZATION
22 TRACKING SYSTEM ESTABLISHED IN SECTION 25-4-2403 MUST NOT
23 RECEIVE OR STORE ANY INFORMATION THAT WOULD IDENTIFY THE
24 RELIGIOUS FAITH OR THE REASONS FOR THE PERSONAL BELIEF OF THE
25 STUDENT'S PARENT OR LEGAL GUARDIAN, THE EMANCIPATED STUDENT, OR
26 THE STUDENT EIGHTEEN YEARS OF AGE OR OLDER WHO IS CLAIMING THE
27 EXEMPTION.

1 (c) THE FORMS DEVELOPED BY THE DEPARTMENT OF PUBLIC
2 HEALTH AND ENVIRONMENT MUST NOT REQUIRE A PARENT OR LEGAL
3 GUARDIAN, EMANCIPATED STUDENT, OR STUDENT EIGHTEEN YEARS OF AGE
4 OR OLDER TO SIGN OR INDICATE AGREEMENT WITH ANY LANGUAGE
5 REGARDING IMMUNIZATIONS THAT MAY BE CONTRARY TO A RELIGIOUS
6 BELIEF OR PERSONAL BELIEF THAT IS OPPOSED TO IMMUNIZATIONS IN
7 ORDER TO COMPLETE THE FORM.

8 (2.7) (a) THE ONLINE LEARNING MODULE ADMINISTERED BY THE
9 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO
10 SUBSECTION (2.5)(a) OF THIS SECTION MUST:

11 (I) INCLUDE MEDICAL AND SCIENTIFIC DATA THAT IS
12 EVIDENCE-BASED AND PEER REVIEWED BY CREDIBLE SCIENTIFIC AND
13 PUBLIC HEALTH ORGANIZATIONS CONCERNING BOTH THE BENEFITS AND
14 RISKS OF IMMUNIZATIONS AND EVIDENCE-BASED PRACTICES. THE MODULE
15 MUST FAIRLY PRESENT BOTH THE BENEFITS AND RISKS OF IMMUNIZATIONS
16 AND INCLUDE DATA CONCERNING THE RISK OF IMMUNIZATION INJURY.

17 (II) BE INTERACTIVE; AND

18 (III) INCLUDE OTHER CRITERIA ADOPTED BY THE DEPARTMENT OF
19 PUBLIC HEALTH AND ENVIRONMENT.

20 (b) THE ONLINE LEARNING MODULE MUST NOT REQUIRE A PARENT
21 OR LEGAL GUARDIAN, EMANCIPATED STUDENT, OR STUDENT EIGHTEEN
22 YEARS OF AGE OR OLDER TO SIGN OR INDICATE AGREEMENT WITH ANY
23 LANGUAGE REGARDING IMMUNIZATIONS THAT MAY BE CONTRARY TO A
24 RELIGIOUS BELIEF OR PERSONAL BELIEF THAT IS OPPOSED TO
25 IMMUNIZATIONS IN ORDER TO COMPLETE THE ONLINE LEARNING MODULE.

26 (5) IN ADDITION TO THE REQUIREMENTS PURSUANT TO SECTION
27 25-4-902 (4)(b), each school shall make the immunization and exemption

1 rates of their enrolled student population publicly available upon request.

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

4 **25-4-904.5. Annual alignment evaluation.** THE DEPARTMENT OF
5 PUBLIC HEALTH AND ENVIRONMENT SHALL ANNUALLY EVALUATE THE
6 STATE'S IMMUNIZATION PRACTICES, INCLUDING AN EXAMINATION OF
7 UPDATED BEST PRACTICES AND GUIDELINES RECOMMENDED BY THE
8 ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE CENTERS FOR
9 DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF
10 HEALTH AND HUMAN SERVICES. THE STATE BOARD OF HEALTH SHALL
11 REVIEW THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S
12 ANNUAL EVALUATION AND MAY UPDATE THE STATE'S IMMUNIZATION
13 PRACTICES PURSUANT TO THE DEPARTMENT OF PUBLIC HEALTH AND
14 ENVIRONMENT'S ANNUAL EVALUATION.

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

17 **25-4-911. Vaccinated children standard - legislative**
18 **declaration.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES IT IS
19 NECESSARY TO ESTABLISH A VACCINATED CHILDREN STANDARD, WHEREBY
20 THE IMMUNIZATION RATE GOAL FOR EVERY SCHOOL IS NINETY-FIVE
21 PERCENT OF THE STUDENT POPULATION TO BE VACCINATED ACCORDING TO
22 THE SCHOOL IMMUNIZATION SCHEDULE ESTABLISHED BY THE STATE
23 BOARD OF HEALTH PURSUANT TO SECTION 25-4-904. ACHIEVING THIS
24 IMMUNIZATION RATE GOAL WILL HELP REDUCE THE SPREAD OF INFECTIOUS
25 DISEASES AND PROTECT THE HEALTH OF ALL PEOPLE IN THE SCHOOL
26 COMMUNITY, INCLUDING THE STUDENTS WHO CANNOT BE IMMUNIZED FOR
27 MEDICAL REASONS.

1 (2) IN ORDER TO ACHIEVE THE IMMUNIZATION RATE GOAL
2 DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT OF
3 PUBLIC HEALTH AND ENVIRONMENT SHALL COLLABORATE WITH LOCAL
4 PUBLIC HEALTH AGENCIES AND SCHOOLS TO PROVIDE INFORMATION AND
5 TECHNICAL ASSISTANCE REGARDING BEST PRACTICES TO EDUCATE AND
6 ENGAGE WITH STUDENTS AND FAMILIES ABOUT VACCINES, THE RISKS OF
7 VACCINE-PREVENTABLE DISEASES, AND WHERE VACCINES ARE
8 ADMINISTERED.

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

11 **25-4-912. Confidentiality.** ALL IMMUNIZATION AND EXEMPTION
12 DATA THAT IS SUBMITTED TO THE IMMUNIZATION TRACKING SYSTEM
13 CREATED IN SECTION 25-4-2403 IS SUBJECT TO THE CONFIDENTIALITY
14 PROVISIONS CONTAINED IN SECTION 25-4-2403.

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

17 **25-4-2403. Department of public health and environment -**
18 **powers and duties - immunization tracking system - rules -**
19 **definitions.** (2) To enable the gathering of epidemiological information
20 and investigation and control of communicable diseases, the department
21 of public health and environment ~~may establish~~ SHALL MAINTAIN a
22 comprehensive immunization tracking system with immunization
23 information gathered by state and local PUBLIC health officials from the
24 following sources:

25 (2.5) (a) A PRACTITIONER WHO IS A LICENSED PHYSICIAN,
26 PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO SECTION 12-240-107
27 (6), ADVANCED PRACTICE NURSE, OR PERSON AUTHORIZED PURSUANT TO

1 TITLE 12 TO ADMINISTER IMMUNIZATIONS WITHIN HIS OR HER SCOPE OF
2 PRACTICE SHALL SUBMIT IMMUNIZATION, MEDICAL EXEMPTION, OR
3 NONMEDICAL EXEMPTION DATA TO THE TRACKING SYSTEM.

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

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

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

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

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

27 **SECTION 10. Act subject to petition - effective date. This act**

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