

CHAPTER 134

HEALTH AND ENVIRONMENT

SENATE BILL 20-163

BY SENATOR(S) Gonzales and Priola, Bridges, Danielson, Fenberg, Hansen, Lee, Moreno, Rodriguez, Story, Todd;
also REPRESENTATIVE(S) Mullica and Roberts, Arndt, Benavidez, Bird, Buckner, Buentello, Caraveo, Duran, Esgar, Garnett,
Gray, Herod, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Lontine, Sirota, Tipper, Valdez A., Woodrow, McCluskie,
Becker.

AN ACT

CONCERNING THE MODERNIZATION OF THE SCHOOL ENTRY IMMUNIZATION PROCESS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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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) and (6) as follows:

25-4-902. Immunization prior to attending school - standardized immunization information. (1) ~~Except as provided in section 25-4-903,~~ 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 (1) 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 (1) 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, 2021, 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, 2021, and ON OR BEFORE JANUARY 31 each year thereafter. The standardized document ~~shall~~ MUST be updated annually and ~~shall~~ 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, 2021, 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).

(6) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A SCHOOL

DISTRICT THAT IS EXERCISING ITS AUTHORITY PURSUANT TO SECTION 22-33-104.5 (3)(g) OR AN INDEPENDENT SCHOOL ORGANIZED PURSUANT TO SECTION 22-33-104 (2)(b) WHERE STUDENTS ARE ENROLLED BUT DO NOT ATTEND IS ENTITLED TO ONLY:

(a) A STUDENT'S IMMUNIZATION RECORDS, AS PROVIDED BY THE PARENT OR LEGAL GUARDIAN; OR

(b) A STATEMENT SIGNED BY A PARENT OR LEGAL GUARDIAN THAT THE STUDENT IS EXEMPT FROM IMMUNIZATION.

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~~ ARE 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, 2021, 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.

(2) 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~~ SHALL MAINTAIN 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 SUBJECT 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, \$41,906 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) \$31,884 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. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 26, 2020