



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

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| Drafting Number: | LLS 23-0625 | Date: | May 26, 2023 |
| Prime Sponsors: | Rep. Bradley Sen. Baisley | Bill Status: | Postponed Indefinitely |
| | | Fiscal Analyst: | Shukria Maktabi 303-866-4720 shukria.maktabi@coleg.gov |

Bill Topic: PROHIBIT COVID-19 VACCINE TO MINOR WITHOUT CONSENT

Summary of Fiscal Impact:

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|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill would have prohibited entities from requiring COVID-19 vaccinations for minors, administering vaccinations without guardian consent, and discriminating against unvaccinated minors, with violating entities held liable in court. The bill would have increased state and local costs on an ongoing basis beginning in FY 2023-24.

Appropriation Summary: No appropriation was required.

Fiscal Note Status: The fiscal note reflects the introduced bill. This bill was postponed indefinitely by the House Health and Insurance Committee on February 7, 2023; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill prohibits public and private entities from requiring minors to be vaccinated for COVID-19, discriminating against unvaccinated minors, and administering the COVID-19 vaccine to a minor without parental or guardian consent. Parents or guardians of a minor, or an emancipated minor, can file civil action if provisions of the bill are violated and sovereign immunity for public entities is waived. The court may award punitive damages and attorney fees in connection with the civil action.

State Expenditures

Starting in FY 2023-24, workload and costs may increase for the Judicial Department, the Colorado Department of Public Health and Environment (CDPHE), the Department of Law (DOL), and the Department of Personnel and Administration (DPA) as described below.

Judicial Department. Trial court workload may increase if individuals file additional cases under the new civil action. As most public entities are expected to comply with the law, this workload increase is expected to be minimal and can be managed within existing appropriations.

Department of Law. Workload in the DOL may increase if there is an increase in legal representation need for the state. Currently, the cost to a state agency for legal services is \$105.74 per hour, which appropriated to the client agency and then paid to the DOL as reappropriated funds. The fiscal note assumes the DOL will request additional funding through the budget process, based on actual legal service use.

Department of Personnel and Administration. If plaintiffs bring cases against the state that either settle or prevail in court, expenditures from the Risk Management Fund within the DPA will increase to pay settlements and prevailing attorney fees. Because the fiscal note assumes a high degree of compliance, any impact to the Risk Management Fund is assumed to be minimal.

Local Government

Similar to the state, there may also be an increase in local government expenditures to pay for legal support and to pay settlements. The fiscal note assumes a high degree of compliance and therefore, any impacts are expected to be minimal.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Child Welfare
Human Services
Personnel

Counties
Information Technology
Public Health and Environment

Education
Law