

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0593.01 Christy Chase x2008

HOUSE BILL 25-1027

HOUSE SPONSORSHIP

Gilchrist and Brown,

SENATE SPONSORSHIP

Daugherty,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO STATUTES GOVERNING DISEASE**
102 **CONTROL.**

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 amends various statutes governing the operations of the department of public health and environment (department) regarding disease control. Specifically, **sections 1 through 9** of the bill:

- Repeal the governor's expert emergency epidemic response committee (GEEERC);
- Direct the state board of health to review and approve the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

department's emergency response and recovery plan every 3 years; and

- Require the executive director of the department or, if the executive director is not the chief medical officer, the chief medical officer to convene a group of subject matter experts to develop crisis standards of care to be used in responding to a public health emergency.

Sections 10 through 15 modify school immunization provisions as follows to:

- Allow the records of a physician assistant to be used to create a certificate of immunization for a student;
- Eliminate a provision regarding a plan for complying with immunization requirements since it is not one of the ways for complying with school immunization requirements;
- Repeal the 14-day period within which a student whose certificate of immunization is not up to date to comply with immunization requirements to attend school and instead direct the state board of health to establish a timeline for compliance that is no shorter than 14 days after notice of noncompliance is received;
- Extend from February 15 to April 15 the deadline for a school to distribute the annual letter to parents specifying the school's aggregate immunization rates and the immunization requirements applicable for the next school year;
- Remove gendered pronouns and replace them with gender-neutral language; and
- Repeal the requirement for schools to notify the department and the local public health agency when a student is suspended or expelled from school for noncompliance with immunization requirements.

Section 16 extends from July 15 to September 15 the date by which the department is required to submit to the general assembly an annual report summarizing health-care-associated infections data received from health facilities in the state.

Section 17 repeals the requirement for certain health-care providers to offer a hepatitis C screening test to individuals born between 1945 and 1965 and instead directs the state board of health to adopt standards, consistent with recommendations from the federal centers for disease control and prevention, for hepatitis C screening tests.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1-105, **add** (4) as

1 follows:

2 **25-1-105. Executive director - chief medical officer -**
3 **qualifications - salary - office - duties - crisis standards of care.**

4 (4) (a) IN THE EVENT OF A PUBLIC HEALTH EMERGENCY, IF THE GOVERNOR
5 AND THE EXECUTIVE DIRECTOR AND, IF THE EXECUTIVE DIRECTOR IS NOT
6 THE CHIEF MEDICAL OFFICER, THE CHIEF MEDICAL OFFICER AGREE THAT
7 CRISIS STANDARDS OF CARE ARE NEEDED TO RESPOND TO THE PUBLIC
8 HEALTH EMERGENCY, THE EXECUTIVE DIRECTOR OR, IF THE EXECUTIVE
9 DIRECTOR IS NOT THE CHIEF MEDICAL OFFICER, THE CHIEF MEDICAL
10 OFFICER SHALL:

11 (I) ASSEMBLE A GROUP OF SUBJECT MATTER EXPERTS TO DEVELOP
12 CRISIS STANDARDS OF CARE FOR USE BY HEALTH-CARE PROVIDERS AND
13 HEALTH-CARE FACILITIES IN RESPONDING TO THE PUBLIC HEALTH
14 EMERGENCY; AND

15 (II) ACTIVATE ALL OR PORTIONS OF THE CRISIS STANDARDS OF
16 CARE AS NEEDED DURING THE PUBLIC HEALTH EMERGENCY.

17 (b) UPON AGREEMENT OF THE GOVERNOR AND THE EXECUTIVE
18 DIRECTOR AND, IF THE EXECUTIVE DIRECTOR IS NOT THE CHIEF MEDICAL
19 OFFICER, THE CHIEF MEDICAL OFFICER THAT THE CRISIS STANDARDS OF
20 CARE ARE NO LONGER NEEDED TO RESPOND TO THE PUBLIC HEALTH
21 EMERGENCY, THE EXECUTIVE DIRECTOR OR, IF THE EXECUTIVE DIRECTOR
22 IS NOT THE CHIEF MEDICAL OFFICER, THE CHIEF MEDICAL OFFICER SHALL
23 VACATE THE CRISIS STANDARDS OF CARE.

24 **SECTION 2.** In Colorado Revised Statutes, 25-1-108, **add** (1)(i)
25 as follows:

26 **25-1-108. Powers and duties of state board of health - rules -**
27 **definitions.** (1) In addition to all other powers and duties conferred and

1 imposed upon the state board of health by this part 1, the board has the
2 following specific powers and duties:

3 (i) (I) TO REVIEW AND APPROVE THE INTERNAL EMERGENCY
4 RESPONSE AND RECOVERY PLAN SUBMITTED TO THE BOARD EVERY THREE
5 YEARS.

6 (II) AS USED IN THIS SUBSECTION (1)(i):

7 (A) "INTERNAL EMERGENCY RESPONSE AND RECOVERY PLAN"
8 MEANS THE PORTION OF THE STATE EMERGENCY OPERATIONS PLAN
9 PREPARED AND UPDATED BY THE DEPARTMENT THAT SPECIFIES
10 OPERATIONS THAT WILL BE IMPLEMENTED IF THERE IS AN OCCURRENCE OR
11 IMMINENT THREAT OF AN EMERGENCY EPIDEMIC.

12 (B) "STATE EMERGENCY OPERATIONS PLAN" MEANS THE PLAN
13 DEVELOPED IN ACCORDANCE WITH SECTION 24-33.5-705 (2) BY THE OFFICE
14 OF EMERGENCY MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY
15 AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY
16 TO ADDRESS THE PREPARATION, PREVENTION, MITIGATION, RESPONSE, AND
17 RECOVERY FROM EMERGENCIES AND DISASTERS.

18 **SECTION 3.** In Colorado Revised Statutes, **repeal** 24-33.5-704.5
19 (1).

20 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-704.5,
21 **amend** (2) as follows:

22 **24-33.5-704.5. Continuity of operations plans - reports to**
23 **general assembly.** (2) Each department that administers a publicly
24 funded safety net program shall develop a continuity of operations plan
25 ~~The plan shall establish~~ THAT ESTABLISHES procedures for the response
26 by, and continuation of operations of, the department and the SAFETY NET
27 program in the event of an emergency epidemic. ~~Each department shall~~

1 file its plan with the executive director of the department of public health
2 and environment and shall update the plan at least annually. In addition,
3 notwithstanding section 24-1-136 (11), each department shall submit a
4 report by March 1 of each year to the health and human services
5 committee COMMITTEES of the senate and the public health care and
6 human services committee of the house of representatives, or any
7 successor committees, regarding the status of the department's plan, as
8 well as the status of any other plans or procedures of the department
9 regarding emergency and disaster preparedness.

10 SECTION 5. In Colorado Revised Statutes, 2-3-1502, **repeal** (6)
11 as follows:

12 2-3-1502. **Definitions.** As used in this part 15, unless the context
13 otherwise requires:

14 (6) "GEEERC" means the governor's expert emergency epidemic
15 response committee created in section 24-33.5-704.5.

16 SECTION 6. In Colorado Revised Statutes, 2-3-1503, **amend**
17 (1)(a) and (2) as follows:

18 2-3-1503. **Legislative emergency preparedness, response, and**
19 **recovery committee - creation - membership - duties.** (1) (a) There is
20 hereby created a legislative emergency preparedness, response, and
21 recovery committee. The legislative committee shall develop a plan for
22 the response by, and continuation of operations of, the general assembly
23 and the legislative service agencies in the event of an emergency
24 epidemic or disaster. The legislative committee shall cooperate and
25 coordinate with the division AND the department and the GEEERC in
26 developing the plan The legislative committee shall develop and SHALL
27 submit the plan to the speaker of the house of representatives, the

1 president of the senate, the governor, the executive director of the
2 department, AND the director of the division. ~~and the GEEERC no later~~
3 ~~than July 1, 2011.~~ The legislative committee shall meet at least annually
4 to review and amend the plan as necessary and shall provide any updated
5 plan to the ~~persons~~ INDIVIDUALS or entities specified in this ~~paragraph (a)~~
6 SUBSECTION (1)(a). The legislative committee may recommend legislation
7 pertaining to the preparedness, response, and recovery by, and
8 continuation of operations of, the general assembly and the legislative
9 service agencies in the event of an emergency epidemic or disaster. The
10 legislative committee shall provide information to and fully cooperate
11 with the division AND the department ~~and the GEEERC~~ in fulfilling its
12 duties under this section.

13 (2) In the event of an emergency epidemic or disaster that the
14 governor declares to be a disaster emergency pursuant to section
15 24-33.5-704, ~~C.R.S.~~, the legislative committee shall convene as rapidly
16 and as often as necessary to advise the speaker of the house of
17 representatives, the president of the senate, and the legislative service
18 agencies regarding reasonable and appropriate measures to be taken by
19 the general assembly and the legislative service agencies to respond to the
20 emergency epidemic or disaster and protect the public health, safety, and
21 welfare. The legislative committee shall communicate, cooperate, and
22 seek advice and assistance from the division AND the department ~~and the~~
23 ~~GEEERC~~ in responding to the emergency epidemic or disaster.

24 **SECTION 7.** In Colorado Revised Statutes, 24-33.5-703, **repeal**
25 (2) as follows:

26 **24-33.5-703. Definitions.** As used in this part 7, unless the
27 context otherwise requires:

1 (2) "~~Committee~~" means the governor's expert emergency epidemic
2 ~~response committee created in section 24-33.5-704.5.~~

3 **SECTION 8.** In Colorado Revised Statutes, 24-33.5-711.5,
4 **amend** (1) as follows:

5 **24-33.5-711.5. Liability - limits on damages and compensation**
6 **- immunity for good faith compliance with rules and orders.**

7 (1) ~~Neither The state nor the members of the expert emergency epidemic~~
8 ~~response committee designated or appointed pursuant to section~~
9 ~~24-33.5-704.5 are~~ IS NOT liable for ~~any~~ A claim based upon the
10 ~~committee's~~ advice PROVIDED BY AN OFFICER OR EMPLOYEE OF A STATE
11 DEPARTMENT to the governor or the alleged negligent exercise or
12 performance of, or failure to exercise or perform, an act relating to an
13 emergency epidemic. Liability against ~~a member of the committee~~ AN
14 OFFICER OR EMPLOYEE OF A STATE DEPARTMENT may be found only for
15 wanton or willful misconduct or willful disregard of the best interests of
16 protecting and maintaining the public health. Damages awarded on the
17 basis of such liability shall not exceed one hundred thousand dollars for
18 any injury to or damage suffered by one person or three hundred thousand
19 dollars for an injury to or damage suffered by three or more persons in the
20 course of an emergency epidemic.

21 **SECTION 9.** In Colorado Revised Statutes, 25-1.5-102, **amend**
22 (1)(b)(I) as follows:

23 **25-1.5-102. Epidemic and communicable diseases - powers and**
24 **duties of department - rules - definitions.** (1) The department has, in
25 addition to all other powers and duties imposed upon it by law, the
26 powers and duties provided in this section as follows:

27 (b) (I) To investigate and monitor the spread of disease that is

1 considered part of an emergency epidemic, as defined in section
2 24-33.5-703 (4), to determine the extent of environmental contamination
3 resulting from the emergency epidemic, and to rapidly provide
4 epidemiological and environmental information to the ~~governor's expert~~
5 ~~emergency epidemic response committee, created in section~~
6 ~~24-33.5-704.5~~ STATE BOARD OF HEALTH.

7 **SECTION 10.** In Colorado Revised Statutes, 25-4-901, **amend**
8 (1)(a) as follows:

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

11 (1) "Certificate of immunization" means one of the following
12 forms of documentation that include the dates and types of immunizations
13 administered to a student:

14 (a) A paper OR ELECTRONIC document that includes information
15 transferred from the records of a licensed physician, PHYSICIAN
16 ASSISTANT AUTHORIZED PURSUANT TO SECTION 12-240-107 (6),
17 ADVANCED PRACTICE registered nurse, or public health official; or


18 **SECTION 11.** In Colorado Revised Statutes, 25-4-902, **amend**
19 (1) introductory portion, (1)(a), (2), (3), and (4)(b); and **repeal** (1)(b) as
20 follows:

21 **25-4-902. Immunization prior to attending school -**
22 **standardized immunization information.** (1) A student shall not attend
23 any school in the state of Colorado on or after the dates specified in
24 section 25-4-906 (4) unless ~~he or she~~ THE STUDENT OR THE STUDENT'S
25 PARENT OR LEGAL GUARDIAN has presented one of the following to the
26 appropriate school official:

27 (a) An up-to-date certificate of immunization ~~from a licensed~~

1 physician, physician assistant authorized pursuant to section 12-240-107
2 (6), advanced practice registered nurse, or authorized representative of the
3 department of public health and environment or a local public health
4 agency stating that the student has received immunization against
5 communicable diseases as specified by the state board of health, based on
6 recommendations of the advisory committee on immunization practices
7 of the centers for disease control and prevention in the federal department
8 of health and human services; or

9 (b) ~~A written authorization signed by one parent or legal guardian,~~
10 ~~an emancipated student, or a student eighteen years of age or older~~
11 ~~requesting that local public health officials administer the immunizations;~~
12 or

13 

14 (2) If the student's certificate of immunization is not up to date
15 according to the requirements of the state board of health, the parent or
16 guardian OF THE STUDENT or, IF THE STUDENT IS EMANCIPATED OR
17 EIGHTEEN YEARS OF AGE OR OLDER, the ~~emancipated student or the~~
18 ~~student eighteen years of age or older~~ shall submit to the school, within
19 ~~fourteen~~ THIRTY days after receiving direct personal notification that the
20 certificate is not up to date, documentation INDICATING that the next
21 required immunization has been given and THAT INCLUDES a written plan
22 for completion of all required immunizations. The scheduling of
23 immunizations in the written plan shall follow medically recommended
24 minimum intervals approved by the state board of health. If the student
25 begins but does not continue or complete the written plan, ~~he or she~~ THE
26 SCHOOL shall ~~be suspended or expelled~~ SUSPEND OR EXPEL THE STUDENT
27 pursuant to this part 9.

1 (3) Notwithstanding ~~the provisions of~~ subsection (1) of this
2 section, a school shall enroll a student who is in out-of-home placement
3 within five school days after receiving the student's education information
4 and records as required in section 22-32-138, ~~C.R.S.~~, regardless of
5 whether the school has received the items specified in subsection (1) of
6 this section. Upon enrolling the student, THE REQUIREMENTS OF
7 SUBSECTIONS (1) AND (2) OF THIS SECTION APPLY, AND the school shall
8 notify the student's legal guardian that, unless the school receives the
9 student's certificate of immunization or a ~~written authorization for~~
10 ~~administration of immunizations~~ CERTIFICATE OF EXEMPTION within
11 fourteen days after the student enrolls, the school ~~shall~~ WILL suspend the
12 student until such time as the school receives the certificate of
13 immunization or ~~the authorization~~ CERTIFICATE OF EXEMPTION.

14 (4) (b) On or before ~~February 15, 2021~~ APRIL 15, 2026, and on or
15 before ~~February 15~~ APRIL 15 each year thereafter, a school shall include
16 on the document DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION the
17 school's specific immunization and exemption rates for the measles,
18 mumps, and rubella vaccine for the school's enrolled student population
19 for the prior school year compared to the vaccinated children standard
20 described in section 25-4-911. The school may include on the document
21 the school's specific immunization and exemption rates for any other
22 vaccine for the school's enrolled student population for the prior school
23 year. The school shall directly distribute the document to the parent or
24 legal guardian of each student enrolled in its school, emancipated
25 students, or students eighteen years of age or older, consistent with
26 section 25-4-903 (5).

27 **SECTION 12.** In Colorado Revised Statutes, 25-4-903, **amend**

1 (2) introductory portion, (2)(a), (2)(b)(II)(B), (2.2)(a)(III), (2.2)(b)(II),
2 and (2.2)(b)(III) as follows:

3 **25-4-903. Exemptions from immunization - rules.** (2) A
4 UNLESS A STUDENT IS EXEMPTED PURSUANT TO THIS SECTION, THE parent
5 or legal guardian OF A STUDENT shall have ~~his or her~~ THE student
6 immunized, ~~unless the student is exempted pursuant to this section, or an~~
7 ~~emancipated student or a student eighteen years of age or older~~ OR, IF A
8 STUDENT IS EMANCIPATED OR EIGHTEEN YEARS OF AGE OR OLDER, THE
9 STUDENT shall have ~~himself or herself~~ THEMSELF immunized. ~~unless the~~
10 ~~student is exempted pursuant to this section.~~ A student is exempted from
11 receiving the required immunizations in the following manner:

12 (a) By submitting to the student's school a completed certificate
13 of medical exemption from a licensed physician, physician assistant
14 authorized pursuant to section 12-240-107 (6), or advanced practice
15 registered nurse that the physical condition of the student is such that one
16 or more specified immunizations would endanger ~~his or her~~ THE
17 STUDENT'S life or health or are medically contraindicated due to other
18 medical conditions; or

19 (b) (II) (B) A complete certificate of nonmedical exemption must
20 include the signature of a person who is authorized pursuant to title 12 to
21 administer immunizations within ~~his or her~~ THE PERSON'S scope of
22 practice to the student for whom the certificate of nonmedical exemption
23 is sought. Nothing in this subsection (2)(b)(II)(B) requires a person
24 authorized pursuant to title 12 to administer immunizations within ~~his or~~
25 ~~her~~ THE PERSON'S scope of practice to sign a certificate of nonmedical
26 exemption. Notwithstanding any law or rule to the contrary, a body that
27 regulates the professional conduct of a person who is authorized pursuant

1 to title 12 to administer immunizations within ~~his or her~~ THE PERSON'S
2 scope of practice to the student for whom the certificate is sought shall
3 not order a disciplinary action against the person because the person
4 authorized to sign the certificate signed such certificate pursuant to this
5 subsection (2)(b)(II)(B). It is unlawful for the employer or ~~any~~ A
6 professional organization to retaliate against a person because the person
7 authorized to sign a certificate signed such certificate pursuant to this
8 subsection (2)(b)(II)(B).

9 (2.2) (a) (III) A person authorized pursuant to title 12 to
10 administer immunizations within ~~his or her~~ THE PERSON'S scope of
11 practice to the student for whom the certificate of nonmedical exemption
12 is sought and who signs the certificate of nonmedical exemption form
13 shall provide a copy of a completed certificate of nonmedical exemption
14 to the student's parent or legal guardian, the emancipated student, or the
15 student eighteen years of age or older.

16 (b) (II) A person authorized pursuant to title 12 to administer
17 immunizations within ~~his or her~~ THE PERSON'S scope of practice to the
18 student for whom the certificate of nonmedical exemption is sought and
19 who signs the certificate of nonmedical exemption shall submit the
20 nonmedical exemption data to the immunization tracking system created
21 in section 25-4-2403.

22 (III) Notwithstanding subsections (2.2)(b)(I) and (2.2)(b)(II) of
23 this section, a licensed physician, a physician assistant authorized
24 pursuant to section 12-240-107 (6), an advanced practice registered nurse,
25 or a person authorized pursuant to title 12 to administer immunizations
26 within ~~his or her~~ THE PERSON'S scope of practice is not subject to a
27 regulatory sanction for failing to submit medical exemption or

1 nonmedical exemption data to the immunization tracking system.

2 **SECTION 13.** In Colorado Revised Statutes, **amend 25-4-905** as
3 follows:

4 **25-4-905. Immunization of indigent children.** (1) The county,
5 district, or municipal public health agency; a public health or school nurse
6 under the supervision of a licensed physician or physician assistant
7 authorized under section 12-240-107 (6); or the department of public
8 health and environment, in the absence of a county, district, or municipal
9 public health agency or public health nurse, shall provide, at public
10 expense to the extent that ~~funds are~~ FUNDING IS available, immunizations
11 required by this part 9 to each child whose parents or guardians cannot
12 afford to have the child immunized or, if emancipated, who cannot
13 ~~himself or herself~~ THEMSELF afford immunization and who has not been
14 exempted. The department of public health and environment shall provide
15 all vaccines necessary to comply with this section as far as ~~funds~~ FUNDING
16 will permit. Nothing in this section precludes the department of public
17 health and environment from distributing vaccines to physicians,
18 PHYSICIAN ASSISTANTS AUTHORIZED UNDER SECTION 12-240-107 (6),
19 advanced practice registered nurses, or others as required by law or the
20 rules of the department. ~~No~~ AN indigent child shall NOT be excluded,
21 suspended, or expelled from school unless the immunizations have been
22 available and readily accessible to the child at public expense.

23 (2) Notwithstanding any other provision of this part 9 to the
24 contrary, programs and services that provide immunizations to children
25 for communicable diseases shall be MADE available to a child regardless
26 of ~~his or her~~ THE CHILD'S race, religion, gender, ethnicity, national origin,
27 or immigration status.

1 **SECTION 14.** In Colorado Revised Statutes, 25-4-906, **amend**
2 (1) as follows:

3 **25-4-906. Certificate of immunization - forms.** (1) The
4 department of public health and environment shall provide official
5 certificates of immunization to the schools, private physicians, and
6 county, district, and municipal public health agencies. Upon the
7 commencement of the gathering of epidemiological information pursuant
8 to section 25-4-2403 to implement the immunization tracking system,
9 such form shall include a notice that informs a parent or legal guardian
10 that ~~he or she~~ THE PARENT OR LEGAL GUARDIAN has the option to exclude
11 ~~his or her~~ THEIR infant's, child's, or student's immunization information
12 from the immunization tracking system created in section 25-4-2403. Any
13 ~~immunization record provided by~~ PAPER OR ELECTRONIC DOCUMENT THAT
14 INCLUDES INFORMATION TRANSFERRED FROM THE RECORDS OF a licensed
15 physician, A LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
16 12-240-107 (6), AN ADVANCED PRACTICE registered nurse, or A public
17 health official may be accepted by the school official as certification of
18 immunization. ~~if the information is transferred to the official certificate~~
19 ~~of immunization and verified by the school official.~~

20 **SECTION 15.** In Colorado Revised Statutes, 25-4-907, **repeal** (2)
21 as follows:

22 **25-4-907. Noncompliance.** (2) ~~In the event of suspension or~~
23 ~~expulsion of a student, school officials shall notify the state department~~
24 ~~of public health and environment or the county, district, and municipal~~
25 ~~public health agency. An agent of said department shall then contact the~~
26 ~~parent or guardian or the emancipated student or student eighteen years~~
27 ~~of age or older in an effort to secure compliance with this part 9 in order~~

1 ~~that the student may be reenrolled in school.~~

2 **SECTION 16.** In Colorado Revised Statutes, 25-3-603, **amend**
3 (1) as follows:

4 **25-3-603. Department reports.** (1) Notwithstanding section
5 24-1-136 (11)(a)(I), on or before ~~July 15, 2017~~ SEPTEMBER 15, 2025, and
6 each ~~July 15~~ SEPTEMBER 15 thereafter, the department shall submit to the
7 health and human services committees of the house of representatives and
8 of the senate, OR THEIR SUCCESSOR COMMITTEES, a report summarizing
9 the risk-adjusted health-facility data. The department shall post the report
10 on its website.

11 **SECTION 17.** In Colorado Revised Statutes, 25-4-2005, **amend**
12 (1) as follows:

13 **25-4-2005. Hepatitis C testing - recommendations - definitions**
14 **- rules - repeal.** (1) (a) (I) The department recommends that each
15 primary health-care provider or physician, physician assistant, or nurse
16 practitioner who treats a patient in an inpatient or outpatient setting offer
17 a person born between the years of 1945 and 1965 a hepatitis C screening
18 test or hepatitis C diagnostic test unless the health-care provider providing
19 such services reasonably believes that:

20 ~~(a)~~ (A) The patient is being treated for a life-threatening
21 emergency;

22 ~~(b)~~ (B) The patient has previously been offered or has been the
23 subject of a hepatitis C screening; or

24 ~~(c)~~ (C) The patient lacks capacity to consent to a hepatitis C
25 screening test.

26 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JULY 1, 2026.

27 (b) (I) THE STATE BOARD OF HEALTH CREATED IN SECTION

1 25-1-103 SHALL ADOPT RULES ESTABLISHING STANDARDS FOR HEPATITIS
2 C SCREENING AND DIAGNOSTIC TESTS FOR USE BY PRIMARY HEALTH-CARE
3 PROVIDERS, PHYSICIANS, PHYSICIAN ASSISTANTS, OR NURSE
4 PRACTITIONERS WHO TREAT PATIENTS IN AN INPATIENT OR OUTPATIENT
5 SETTING. THE BOARD SHALL ENSURE THAT THE SCREENING AND
6 DIAGNOSTIC TEST STANDARDS ALIGN WITH RECOMMENDATIONS OF THE
7 FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION FOR HEPATITIS
8 C SCREENING AND DIAGNOSTIC TESTING.

9 (II) THE RULES ADOPTED BY THE BOARD PURSUANT TO THIS
10 SUBSECTION (1)(b) SHALL TAKE EFFECT ON JULY 1, 2026.

11 **SECTION 18. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.