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Seventy-fourth General Assembly
STATE OF COLORADO

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BILL 4

LLS NO. 23-0168.01 Kristen Forrestal x4217

INTERIM COMMITTEE BILL

Colorado Youth Advisory Council Review Committee

BILL TOPIC: "Addressing Youth Exposure To HIV & AIDS"

A BILL FOR AN ACT

101 **CONCERNING RECOMMENDATIONS OF THE COLORADO YOUTH**
102 **ADVISORY COUNCIL REVIEW COMMITTEE TO ADDRESS YOUTH**
103 **EXPOSURE TO HIV/AIDS IN THE STATE.**

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/>.)

Colorado Youth Advisory Council Review Committee. Current law states that if human sexuality is taught in public schools, the instruction must include medically accurate information about methods to prevent HIV/AIDS infections. The bill expands this requirement to include information regarding the effectiveness of preexposure

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

prophylaxis and post-exposure prophylaxis medications for the treatment of HIV/AIDS and the resources available to, and the availability of these medications for, students who have or may be exposed to HIV/AIDS. The bill also requires that health education classes taught in grades 7 through 12 include information about the risks of contracting HIV/AIDS through drug use, the effectiveness of preexposure prophylaxis and post-exposure prophylaxis medications for the treatment of HIV/AIDS, and the resources available to, and the availability of these medications for, students who have or may be exposed to HIV/AIDS.

The bill requires the department of public health and environment (department) to contract with family planning clinics and school-based clinics to provide HIV testing and preexposure prophylaxis and post-exposure prophylaxis medications at low or no cost to youth in Colorado and to provide grants to these clinics to implement the services. The grant program is repealed in 2032.

The bill requires the director of the prevention services division (director) in the department to establish a youth leadership advisory board (board) for HIV/AIDS prevention in the division, with the mission of educating Colorado youth about HIV/AIDS and expanding access to preexposure prophylaxis and post-exposure prophylaxis medications. The director is required to select board members who range in age from 13 to 25 years of age; represent urban, mountain, and rural areas, varying sexual and gender identities, and different races and ethnicities; and have lived experience with HIV/AIDS. The board must create a youth education campaign that focuses on positive, encouraging messaging surrounding the prevention of HIV/AIDS; reducing the stigmas around HIV-positive status; and providing youth with accurate and understandable information on how to access free HIV/AIDS care.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-1-128, **amend**
3 (6)(b) as follows:

4 **22-1-128. Comprehensive human sexuality education -**
5 **legislative declaration - definitions - guidelines and content**
6 **standards.** (6) Human sexuality instruction is not required. However, if
7 a school district, board of cooperative services, charter school, or institute
8 charter school offers human sexuality instruction, the instruction must be
9 comprehensive and meet the comprehensive human sexuality education

1 content requirements. These requirements must:

2 (b) (I) Include medically accurate information about methods to
3 prevent unintended pregnancy and sexually transmitted infections,
4 including HIV/AIDS, and the link between human papillomavirus and
5 cancer.

6 (II) Methods taught ~~shall~~ MUST include information about the
7 correct and consistent use of abstinence, contraception, including all
8 FDA-approved forms of contraception, condoms, and other barrier
9 methods and must be taught in a cohesive, integrated, objective manner
10 so that youth learn the full scope of preventive methods available to them
11 and are empowered to decide for themselves which preventive methods
12 are best suited for their individual needs, beliefs, and values.

13 (III) METHODS TAUGHT TO PREVENT THE TRANSMISSION OF
14 HIV/AIDS MUST INCLUDE INFORMATION REGARDING THE EFFECTIVENESS
15 OF PREEXPOSURE PROPHYLAXIS AND POST-EXPOSURE PROPHYLAXIS
16 MEDICATIONS FOR THE TREATMENT OF HIV/AIDS AND THE RESOURCES
17 AVAILABLE TO, AND THE AVAILABILITY OF THESE MEDICATIONS FOR,
18 STUDENTS WHO HAVE OR MAY BE EXPOSED TO HIV/AIDS.

19 **SECTION 2.** In Colorado Revised Statutes, 22-25-104, **add**
20 (3)(c) as follows:

21 **22-25-104. Colorado comprehensive health education program**
22 **- role of department of education - recommended curriculum**
23 **guidelines - allocation of funds - rules.** (3) (c) THE GUIDELINES
24 DEVELOPED BY THE DEPARTMENT OF EDUCATION PURSUANT TO
25 SUBSECTION (3)(a) OF THIS SECTION FOR GRADES SEVEN THROUGH TWELVE
26 MUST INCLUDE:

27 (I) INFORMATION CONCERNING THE RISKS OF CONTRACTING

1 HIV/AIDS THROUGH DRUG USE;

2 (II) INFORMATION CONCERNING THE EFFECTIVENESS OF
3 PREEXPOSURE PROPHYLAXIS AND POST-EXPOSURE PROPHYLAXIS
4 MEDICATIONS FOR THE TREATMENT OF HIV/AIDS; AND

5 (III) THE RESOURCES AVAILABLE TO, AND THE AVAILABILITY OF
6 PREEXPOSURE PROPHYLAXIS AND POST-EXPOSURE PROPHYLAXIS
7 MEDICATIONS FOR, STUDENTS WHO HAVE OR MAY BE EXPOSED TO
8 HIV/AIDS.

9 **SECTION 3.** In Colorado Revised Statutes, **add 25-1-137** as
10 follows:

11 **25-1-137. Youth sexual health services - HIV testing - PrEP**
12 **and PEP services - grants - report - definitions - repeal.** (1) AS USED
13 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

14 (a) "LGBTQIA2S+" MEANS LESBIAN, GAY, BISEXUAL,
15 TRANSGENDER, QUEER, QUESTIONING, INTERSEX, ASEXUAL, TWO-SPIRIT,
16 AND THE COUNTLESS AFFIRMATIVE WAYS IN WHICH PEOPLE CHOOSE TO
17 SELF-IDENTIFY.

18 (b) "PEP" OR "POST-EXPOSURE PROPHYLAXIS" MEANS MEDICATION
19 TAKEN TO PREVENT HIV AFTER A POSSIBLE EXPOSURE TO HIV.

20 (c) "PrEP" OR "PREEXPOSURE PROPHYLAXIS" MEANS MEDICATION
21 TAKEN TO PREVENT HIV PRIOR TO EXPOSURE TO HIV.

22 (d) "UNDERSERVED POPULATION" MEANS COMMUNITIES WITH HIGH
23 RATES OF POVERTY, COMMUNITIES OF COLOR, LGBTQIA2S+
24 COMMUNITIES, AND COMMUNITIES WITH HIGH RATES OF DRUG USE.

25 (e) "YOUTH" MEANS A PERSON AT LEAST SEVEN YEARS OF AGE AND
26 LESS THAN TWENTY-SIX YEARS OF AGE.

27 (2) (a) THE DEPARTMENT SHALL CONTRACT WITH FAMILY

1 PLANNING CLINICS AND SCHOOL-BASED CLINICS TO PROVIDE HIV TESTING
2 AND PREEXPOSURE PROPHYLAXIS AND POST-EXPOSURE PROPHYLAXIS TO
3 YOUTH IN COLORADO AND TO PROVIDE FOLLOW-UP VISITS AT THE CLINIC
4 FOR BLOOD WORK SCREENINGS, POSSIBLE SIDE EFFECTS OF THE
5 MEDICATIONS, AND ANY OTHER MEDICALLY NECESSARY SCREENING.

6 (b) ANY CONTRACT BETWEEN THE DEPARTMENT AND A CLINIC
7 MUST INCLUDE A PROVISION REQUIRING YOUTH BEING TREATED WITH PEP
8 OR PREP BY THAT CLINIC TO COMPLETE FOLLOW-UP VISITS AND CHECK-INS
9 AT THE CLINIC FOR BLOOD WORK SCREENINGS, POSSIBLE SIDE EFFECTS OF
10 THE MEDICATIONS, AND ANY OTHER MEDICALLY NECESSARY SCREENING
11 AS DETERMINED BY THE CLINIC.

12 (3) THE PROVISION OF HIV TESTING AND PEP AND PREP TO
13 YOUTH IN COLORADO INCLUDES:

14 (a) TRAINING FOR STAFF AT FAMILY PLANNING CLINICS AND
15 SCHOOL-BASED CLINICS REGARDING THE USE, EFFECTIVENESS, AND
16 ADMINISTRATION OF PEP AND PREP;

17 (b) TRAINING FOR HIV TESTING AS NECESSARY FOR HEALTH-CARE
18 PROVIDERS AND STAFF AT FAMILY PLANNING CLINICS AND SCHOOL-BASED
19 CLINICS TO ADMINISTER HIV TESTING TO YOUTH;

20 (c) TECHNICAL ASSISTANCE AS NECESSARY FOR THE PROVISION OF
21 PEP AND PREP AND HIV TESTING;

22 (d) GENERAL SUPPORT FOR ANY EXPANSION OF THE FAMILY
23 PLANNING CLINICS AND SCHOOL-BASED CLINICS NECESSARY FOR THE
24 PURPOSE OF PROVIDING PEP AND PREP AND HIV TESTING; AND

25 (e) ANY OTHER SUPPORT AND ASSISTANCE DEEMED NECESSARY BY
26 THE DEPARTMENT TO PROVIDE PEP AND PREP AND HIV TESTING.

27 (4) WHEN AWARDING CONTRACTS TO FAMILY PLANNING CLINICS

1 AND SCHOOL-BASED CLINICS, THE DEPARTMENT SHALL GIVE PRIORITY TO:

2 (a) SCHOOL-BASED CLINICS;

3 (b) CLINICS THAT SERVE UNDERSERVED POPULATIONS FOR
4 HIV/AIDS CARE;

5 (c) CLINICS THAT SERVE POPULATIONS WITH PERSONS AT A HIGHER
6 RISK FOR HIV INFECTION THAN PERSONS WITHIN POPULATIONS SERVED BY
7 OTHER CLINICS IN THE STATE; AND

8 (d) CLINICS THAT CURRENTLY DO NOT HAVE THE MEANS TO
9 PROVIDE FREE OR REDUCED-COST PEP AND PrEP AND RELATED SERVICES
10 OR THE RESOURCES TO PROVIDE SUCH MEDICATIONS AND SERVICES.

11 (5) (a) THE DEPARTMENT SHALL ENSURE THAT FAMILY PLANNING
12 CLINICS AND SCHOOL-BASED CLINICS STATEWIDE PROVIDE PEP AND PrEP
13 AND HIV TESTING AT LOW COST OR NO COST AND THAT THE CLINICS DO
14 NOT REQUIRE YOUTH WHO REQUEST SERVICES TO PROVIDE PROOF OF
15 HEALTH INSURANCE.

16 (b) IN ORDER TO ENSURE THAT THE SERVICES IN SUBSECTION (5)(a)
17 OF THIS SECTION ARE PROVIDED AT LOW OR NO COST, THE DEPARTMENT
18 SHALL AWARD GRANTS, ON AT LEAST AN ANNUAL BASIS OR MORE
19 FREQUENTLY AS DEEMED NECESSARY BY THE DEPARTMENT, TO THE
20 FAMILY PLANNING CLINICS AND SCHOOL-BASED CLINICS WITH WHICH IT
21 CONTRACTS TO PAY FOR THE SERVICES. THE MONEY AWARDED THROUGH
22 THE GRANTS MAY BE USED BY THE CLINICS TO:

23 (I) INCREASE STAFF;

24 (II) INCREASE HOURS OF OPERATION;

25 (III) REACH OUT TO COMMUNITY PARTNERS FOR ASSISTANCE IN
26 PROVIDING SERVICES;

27 (IV) PURCHASE PEP AND PrEP;

1 (V) IMPROVE THE CLINIC'S INFRASTRUCTURE; AND

2 (VI) ENGAGE IN TRAINING ACTIVITIES.

3 (c) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
4 GRANTS, AND DONATIONS FROM PUBLIC OR PRIVATE SOURCES FOR THE
5 PURPOSES OF THIS SECTION.

6 (d) A FAMILY PLANNING CLINIC OR SCHOOL-BASED CLINIC THAT
7 RECEIVES A GRANT OR GRANTS FROM THE DEPARTMENT PURSUANT TO THIS
8 SECTION SHALL PROVIDE THE DEPARTMENT WITH AN ANNUAL REPORT
9 CONCERNING THE CLINIC'S PROGRESS AND USE OF THE GRANT MONEY IN A
10 FORM AND MANNER DETERMINED BY THE EXECUTIVE DIRECTOR OF THE
11 DEPARTMENT.

12 (e) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JUNE 30, 2032.

13 **SECTION 4.** In Colorado Revised Statutes, **add** 25-20.5-112 as
14 follows:

15 **25-20.5-112. Youth leadership advisory board for HIV/AIDS**
16 **prevention - creation - members - duties - gifts, grants, and donations**
17 **- rules - definitions.** (1) AS USED IN THIS SECTION:

18 (a) "BOARD" MEANS THE YOUTH LEADERSHIP ADVISORY BOARD
19 FOR HIV/AIDS PREVENTION ESTABLISHED BY THE DIRECTOR OF THE
20 DIVISION PURSUANT TO SUBSECTION (2) OF THIS SECTION.

21 (b) "PEP" OR "POST-EXPOSURE PROPHYLAXIS" MEANS MEDICATION
22 TAKEN TO PREVENT HIV AFTER A POSSIBLE EXPOSURE TO HIV.

23 (c) "PrEP" OR "PREEXPOSURE PROPHYLAXIS" MEANS MEDICATION
24 TAKEN TO PREVENT HIV PRIOR TO EXPOSURE TO HIV.

25 (2) ON OR BEFORE JANUARY 1, 2024, THE DIRECTOR OF THE
26 DIVISION SHALL ESTABLISH IN THE DIVISION A YOUTH LEADERSHIP
27 ADVISORY BOARD FOR HIV/AIDS PREVENTION, WITH THE MISSION OF

1 EDUCATING COLORADO YOUTH ABOUT HIV/AIDS AND EXPANDING
2 ACCESS TO PEP AND PrEP. MEMBERS OF THE BOARD SHALL BE SELECTED
3 BY THE DIRECTOR OF THE DIVISION OR THE DIRECTOR'S DESIGNEE AND
4 MUST RANGE IN AGE FROM THIRTEEN TO TWENTY-FIVE YEARS OF AGE;
5 REPRESENT URBAN, MOUNTAIN, AND RURAL AREAS, VARYING SEXUAL AND
6 GENDER IDENTITIES, AND DIFFERENT RACES AND ETHNICITIES; AND HAVE
7 LIVED EXPERIENCE WITH HIV/AIDS.

8 (3)(a) THE BOARD SHALL CREATE EDUCATIONAL MATERIALS THAT
9 HIGHLIGHT PEP AND PrEP AND ARE ROOTED IN THE YOUTH EXPERIENCE.
10 THE BOARD SHALL COLLABORATE WITH THE DIVISION TO CREATE
11 EDUCATIONAL MATERIALS THAT THE BOARD DETERMINES WILL BEST
12 FULFILL ITS MISSION AND RELAY ITS CAMPAIGN MESSAGES TO YOUTH IN
13 THIS STATE. THE DIVISION MAY CONTRACT WITH EXPERTS IN MARKETING
14 OR OTHER FIELDS AS IT DEEMS NECESSARY TO IMPLEMENT THE EDUCATION
15 CAMPAIGN. THE EDUCATIONAL MATERIALS MUST INCLUDE MESSAGES
16 THAT FOCUS ON:

17 (I) POSITIVE, ENCOURAGING MESSAGING SURROUNDING THE
18 PREVENTION OF HIV/AIDS;

19 (II) REDUCING THE STIGMAS AROUND HIV-POSITIVE STATUS; AND

20 (III) PROVIDING YOUTH WITH ACCURATE AND UNDERSTANDABLE
21 INFORMATION ON HOW TO ACCESS FREE HIV/AIDS CARE.

22 (b) FOR THE PURPOSE OF THE EDUCATION CAMPAIGN, THE BOARD
23 MAY USE SOCIAL MEDIA OUTREACH, PAMPHLETS, VIDEOS, OR ANY OTHER
24 MEANS THE BOARD DEEMS USEFUL FOR ITS MISSION.

25 (4) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
26 AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
27 THIS SECTION.

1 (5) THE DIRECTOR OF THE DIVISION MAY PROMULGATE RULES AS
2 NECESSARY TO IMPLEMENT THIS SECTION.

3 **SECTION 5. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.