

CHAPTER 127

---

**HEALTH AND ENVIRONMENT**

---

**HOUSE BILL 96-1176**

BY REPRESENTATIVES Morrison, Kreutz, McElhany, Musgrave, Schwarz, Tool, Tucker, Hagedorn, Knox, Leyba, Mace, Nichol, Prinzler, Saliman, and Sullivan;  
also SENATORS Coffman and Pascoe.

**AN ACT**

**CONCERNING THE DELEGATION OF AUTHORITY TO CERTAIN INDIVIDUALS TO CONSENT TO THE IMMUNIZATION OF MINORS.**

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

**SECTION 1.** 25-4-1702, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**25-4-1702. Legislative declaration.** (3) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT THE INABILITY OF SOME PARENTS TO PERSONALLY TAKE THEIR CHILDREN TO HEALTH CARE PROFESSIONALS FOR THE PURPOSE OF IMMUNIZATION CONTRIBUTES TO THE SIGNIFICANT NUMBER OF CHILDREN WHO HAVE NOT BEEN IMMUNIZED ON A TIMELY BASIS IN ACCORDANCE WITH THIS PART 17. THEREFORE, IT IS THE FURTHER PURPOSE OF THIS PART 17 TO PROVIDE AN ALTERNATIVE METHOD BY WHICH SUCH CHILDREN MAY BE IMMUNIZED WITHOUT CIRCUMVENTING PARENTAL AUTHORITY AND CONTROL.

**SECTION 2.** 25-4-1703, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**25-4-1703. Definitions.** As used in this part 17, unless the context otherwise requires:

(3.5) "MINOR" MEANS ANY CHILD UNDER EIGHTEEN YEARS OF AGE.

**SECTION 3.** 25-4-1704, Colorado Revised Statutes, 1989 Repl. Vol., as

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**25-4-1704. Infant immunization program - delegation of authority to immunize minor.** (2.5) (a) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION (2.5), A PARENT, LEGAL GUARDIAN, PERSON VESTED WITH LEGAL CUSTODY OF A MINOR, OR SUCH OTHER ADULT PERSON RESPONSIBLE FOR THE CARE AND CUSTODY OF A MINOR IN THIS STATE, OTHER THAN ANY EMPLOYEE OF A LICENSED CHILD CARE CENTER IN WHICH THE MINOR IS ENROLLED, MAY DELEGATE, VERBALLY OR IN WRITING, THAT PERSON'S AUTHORITY TO CONSENT TO THE IMMUNIZATION OF A MINOR TO A STEPPARENT, AN ADULT RELATIVE OF FIRST OR SECOND DEGREE OF KINSHIP, OR AN ADULT CHILD CARE PROVIDER WHO HAS CARE AND CONTROL OF THE MINOR. ANY IMMUNIZATION ADMINISTERED PURSUANT TO A DELEGATION OF AUTHORITY UNDER THIS SUBSECTION (2.5) SHALL BE ADMINISTERED ONLY AT A HEALTH CARE CLINIC, HOSPITAL, OFFICE OF A PRIVATE PRACTITIONER, OR COUNTY PUBLIC HEALTH CLINIC.

(b) IF A PARENT, LEGAL GUARDIAN, PERSON VESTED WITH LEGAL CUSTODY OF A MINOR, OR OTHER ADULT PERSON RESPONSIBLE FOR THE CARE AND CUSTODY OF A MINOR IN THIS STATE VERBALLY DELEGATES HIS OR HER AUTHORITY TO CONSENT TO THE IMMUNIZATION OF A MINOR UNDER THIS SUBSECTION (2.5), THE PERSON TO WHOM SUCH AUTHORITY IS THEREBY DELEGATED SHALL CONFIRM THE VERBAL DELEGATION IN WRITING AND SHALL VERBALLY RELAY ANY RELEVANT HEALTH HISTORY TO THE ADMINISTERING PRACTITIONER. THE PRACTITIONER ADMINISTERING THE VACCINATION SHALL INCLUDE THE WRITTEN CONFIRMATION IN THE MINOR'S MEDICAL RECORD. IF A PARENT, LEGAL GUARDIAN, PERSON VESTED WITH LEGAL CUSTODY OF A MINOR, OR OTHER ADULT PERSON RESPONSIBLE FOR THE CARE AND CUSTODY OF A MINOR IN THIS STATE DELEGATES HIS OR HER AUTHORITY TO CONSENT TO THE IMMUNIZATION OF A MINOR UNDER THIS SUBSECTION (2.5) IN WRITING, SUCH WRITING SHALL INCLUDE THE RELEVANT HEALTH HISTORY, AND THE PRACTITIONER ADMINISTERING THE VACCINATION SHALL INCLUDE A COPY OF THE WRITTEN DELEGATION OF AUTHORITY IN THE MINOR'S MEDICAL RECORD.

(c) A PERSON WHO CONSENTS TO THE IMMUNIZATION OF A MINOR PURSUANT TO A DELEGATION OF AUTHORITY UNDER THIS SUBSECTION (2.5) SHALL PROVIDE THE PRACTITIONER WITH SUFFICIENT AND ACCURATE HEALTH INFORMATION ABOUT THE MINOR FOR WHOM THE CONSENT IS GIVEN AND, IF NECESSARY, SUFFICIENT AND ACCURATE HEALTH INFORMATION ABOUT THE MINOR'S FAMILY TO ENABLE THE PRACTITIONER TO ASSESS ADEQUATELY THE RISKS AND BENEFITS INHERENT IN THE PROPOSED IMMUNIZATION AND TO DETERMINE WHETHER THE IMMUNIZATION IS ADVISABLE.

(d) A PERSON MAY NOT CONSENT TO THE IMMUNIZATION OF A MINOR PURSUANT TO THIS SUBSECTION (2.5) IF:

(I) THE PERSON HAS ACTUAL KNOWLEDGE THAT THE PARENT, LEGAL GUARDIAN, PERSON VESTED WITH LEGAL CUSTODY OF A MINOR, OR OTHER ADULT PERSON RESPONSIBLE FOR THE CARE AND CUSTODY OF A MINOR IN THIS STATE HAS EXPRESSLY REFUSED TO GIVE CONSENT TO THE IMMUNIZATION; OR

(II) THE PARENT, LEGAL GUARDIAN, PERSON VESTED WITH LEGAL CUSTODY OF A MINOR, OR OTHER ADULT PERSON RESPONSIBLE FOR THE CARE AND CUSTODY OF A

MINOR IN THIS STATE HAS TOLD THE PERSON THAT THE PERSON MAY NOT CONSENT TO THE IMMUNIZATION OF THE MINOR OR, IN THE CASE OF A WRITTEN AUTHORIZATION, HAS WITHDRAWN THE AUTHORIZATION IN WRITING.

**SECTION 4.** 25-4-1709, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**25-4-1709. Limitations on liability.** (5) A PRACTITIONER LICENSED TO PRACTICE MEDICINE PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., OR NURSING PURSUANT TO ARTICLE 38 OF TITLE 12, C.R.S., OR THE HEALTH CARE CLINIC, HOSPITAL, OFFICE OF A PRIVATE PRACTITIONER, OR COUNTY PUBLIC HEALTH CLINIC AT WHICH THE IMMUNIZATION WAS ADMINISTERED THAT RELIES ON THE HEALTH HISTORY AND OTHER INFORMATION GIVEN BY A PERSON WHO HAS BEEN DELEGATED THE AUTHORITY TO CONSENT TO THE IMMUNIZATION OF A MINOR PURSUANT TO SECTION 25-4-1704 (2.5) IS NOT LIABLE FOR DAMAGES RELATED TO AN IMMUNIZATION RESULTING FROM FACTUAL ERRORS IN THE HEALTH HISTORY OR INFORMATION GIVEN TO THE PRACTITIONER OR THE HEALTH CARE CLINIC, HOSPITAL, OFFICE OF A PRIVATE PRACTITIONER, OR COUNTY PUBLIC HEALTH CLINIC AT WHICH THE IMMUNIZATION WAS ADMINISTERED BY THE PERSON WHEN SUCH PRACTITIONER OR HEALTH CARE CLINIC, HOSPITAL, OFFICE OF A PRIVATE PRACTITIONER, OR COUNTY PUBLIC HEALTH CLINIC REASONABLY RELIES UPON THE HEALTH HISTORY INFORMATION GIVEN AND EXERCISES REASONABLE AND PRUDENT CARE IN ADMINISTERING THE IMMUNIZATION.

**SECTION 5.** 13-22-103 (3), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

**13-22-103. Minors - consent for medical, dental, and related care.** (3) IN ADDITION TO THE AUTHORITY GRANTED IN SECTION 25-4-1704 (2.5), C.R.S., any parent, including a parent who is a minor, may request and consent to the furnishing of hospital, medical, dental, emergency health, and surgical care to his OR HER child or ward. The consent of a minor parent shall not be subject to disaffirmance because of minority, and, when such consent is given, said minor parent has the same rights, powers, and obligations as if he OR SHE were of legal age.

**SECTION 6. Effective date.** This act shall take effect July 1, 1996.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 1, 1996