

CHAPTER 9

HEALTH AND ENVIRONMENT

HOUSE BILL 98-1210

BY REPRESENTATIVES Tupa, Epps, Clarke, S. Williams, Hagedorn, Mace, and Snyder;
also SENATORS Wham, Hernandez, Hopper, J. Johnson, Phillips, Tanner, and Weddig.

AN ACT

CONCERNING THE INFANT IMMUNIZATION TRACKING SYSTEM.

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

SECTION 1. 25-4-901 (1), Colorado Revised Statutes, is amended, and the said 25-4-901 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(1) ~~"Child" means any student less than eighteen years of age.~~ "CERTIFICATE OF IMMUNIZATION" MEANS ONE OF THE FOLLOWING FORMS OF DOCUMENTATION THAT INCLUDE THE DATES AND TYPES OF IMMUNIZATIONS ADMINISTERED TO A STUDENT:

(a) A PAPER DOCUMENT THAT INCLUDES INFORMATION TRANSFERRED FROM THE RECORDS OF A LICENSED PHYSICIAN, REGISTERED NURSE, OR PUBLIC HEALTH OFFICIAL; OR

(b) AN ELECTRONIC FILE OR A HARD COPY OF AN ELECTRONIC FILE PROVIDED TO THE SCHOOL DIRECTLY FROM THE IMMUNIZATION TRACKING SYSTEM, ESTABLISHED PURSUANT TO SECTION 25-4-1705 (5) (e).

(1.5) "CHILD" MEANS ANY STUDENT LESS THAN EIGHTEEN YEARS OF AGE.

SECTION 2. 25-4-906 (1), Colorado Revised Statutes, is amended to read:

25-4-906. Certificate of immunization - forms. (1) The department of public health and environment shall provide official ~~certificate~~ CERTIFICATES of

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

immunization forms to the schools, private physicians, and local health departments. Any immunization record provided by a licensed physician, registered nurse, or public health official may be accepted by the school official as certification of immunization if the information is transferred to the official certificate of immunization and verified by the school official.

SECTION 3. 25-4-1705 (5) (e), Colorado Revised Statutes, is amended to read:

25-4-1705. Department of public health and environment - powers and duties. (5) The board of health, in consultation with the medical services board in the state department of health care policy and financing, and such other persons, agencies, or organizations that the board of health deems advisable, shall formulate, adopt, and promulgate rules and regulations governing the implementation and operation of the infant immunization program. Such rules shall address the following:

(e) (I) The gathering of epidemiological information, including the establishment of a comprehensive immunization tracking system. INFANT IMMUNIZATION INFORMATION MAY BE GATHERED FOR SUCH TRACKING SYSTEM BY STATE AND LOCAL HEALTH DEPARTMENTS FROM THE FOLLOWING SOURCES:

(A) PHYSICIANS AND LICENSED HEALTH CARE PRACTITIONERS;

(B) CLINICS;

(C) SCHOOLS;

(D) A PARENT OF THE INFANT, AS DEFINED IN SECTION 25-4-1703 (3);

(E) A CHILD OR STUDENT, AS DEFINED IN SECTIONS 25-4-901 (1.5) AND (3);

(F) MANAGED CARE ORGANIZATIONS OR HEALTH INSURERS IN WHICH A CHILD OR STUDENT, AS DEFINED IN SECTIONS 25-4-901 (1.5) AND (3), OR AN INFANT IS ENROLLED AS A MEMBER OR INSURED, IF SUCH MANAGED CARE ORGANIZATION OR HEALTH INSURER REIMBURSES OR OTHERWISE FINANCIALLY PROVIDES COVERAGE FOR IMMUNIZATIONS;

(G) HOSPITALS; OR

(H) PERSONS AND ENTITIES THAT HAVE CONTRACTED WITH THE STATE PURSUANT TO SECTION 25-4-1705 (7).

(II) Records ~~containing epidemiological information~~ IN THE IMMUNIZATION TRACKING SYSTEM ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) shall be strictly confidential and shall not be released, shared with any agency or institution, or made public, except under the following circumstances:

(⊕) (A) Release may be made of medical and epidemiological information in a manner such that no individual person can be identified.

(⊕) (B) Release may be made of immunization records and epidemiological information to the extent necessary for the treatment, control, investigation, and

prevention of vaccine preventable diseases; except that every effort shall be made to limit disclosure of personal identifying information to the minimal amount necessary to accomplish the public health purpose.

~~(HH)~~ (C) Release may be made of immunization records and epidemiological information to the parent of the infant, to the physician treating the person who is the subject of an immunization record, or to a school in which such person is enrolled, OR ANY ENTITY OR PERSON DESCRIBED IN SUB-SUBPARAGRAPH (E), (F), (G), OR (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (e).

~~(HV)~~ (D) No officer or employee or agent of the state department of public health and environment or local department of health shall be examined in any judicial, executive, legislative, or other proceeding as to the existence or content of any infant's report obtained by such department without consent of the infant's parent. However, this provision shall not apply to infants who are under isolation, quarantine, or other restrictive action taken pursuant to section 25-1-107 (1) (b).

SECTION 4. 26-2-111.1, Colorado Revised Statutes, is amended to read:

26-2-111.1. Eligibility for assistance - immunization of children. As a condition of eligibility for public assistance in the form of a successor program to aid to families with dependent children funded by federal block grant moneys under the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", Public Law 104-193, a participant shall provide verification or written confirmation by a physician or nurse OR PURSUANT TO RECORDS IN THE IMMUNIZATION TRACKING SYSTEM AS SET FORTH IN SECTION 25-4-1705 (5) (e), C.R.S., that each child in the household is being brought up-to-date with immunizations and that, no later than the first scheduled redetermination of eligibility, each child in the household has received any immunization for which the child is eligible according to the age of the child, unless exempted from this condition of eligibility based upon religious or medical reasons pursuant to rules of the state board.

SECTION 5. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 16, 1998