

## CHAPTER 239

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**HEALTH AND ENVIRONMENT**

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**HOUSE BILL 01-1134**

BY REPRESENTATIVE(S) Decker, Borodkin, Boyd, Chavez, Clapp, Coleman, Groff, Hodge, Jameson, Larson, Lawrence, Marshall, Ragsdale, Romanoff, Tapia, Tochtrop, Veiga, Vigil, Webster, and Witwer; also SENATOR(S) Hernandez, Gordon, Hanna, Pascoe, Tate, Tupa, and Windels.

**AN ACT**

CONCERNING INFECTIOUS AND COMMUNICABLE DISEASES.

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

**SECTION 1.** 25-1-107(1)(a.5), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS to read:

**25-1-107. Powers and duties of the department - repeal.** (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(a.5) (IV) WHEN A PUBLIC SAFETY WORKER, EMERGENCY MEDICAL SERVICE PROVIDER, OR STAFF MEMBER OF A DETENTION FACILITY HAS BEEN EXPOSED TO BLOOD OR OTHER BODILY FLUID WHICH THERE IS A REASON TO BELIEVE MAY BE INFECTIOUS WITH HEPATITIS C, STATE AND LOCAL HEALTH DEPARTMENTS WITHIN THEIR RESPECTIVE JURISDICTIONS SHALL ASSIST IN EVALUATION AND TREATMENT OF ANY INVOLVED PERSONS BY:

(A) ACCESSING INFORMATION ON THE INCIDENT AND ANY PERSONS INVOLVED TO DETERMINE WHETHER A POTENTIAL EXPOSURE TO HEPATITIS C OCCURRED;

(B) EXAMINING AND TESTING SUCH INVOLVED PERSONS TO DETERMINE HEPATITIS C INFECTION WHEN THE FACT OF AN EXPOSURE HAS BEEN ESTABLISHED BY THE STATE OR LOCAL HEALTH DEPARTMENT;

(C) COMMUNICATING RELEVANT INFORMATION AND LABORATORY TEST RESULTS ON THE INVOLVED PERSONS TO SUCH PERSONS' ATTENDING PHYSICIANS OR DIRECTLY TO THE INVOLVED PERSONS IF THE CONFIDENTIALITY OF SUCH INFORMATION AND TEST

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

RESULTS IS ACKNOWLEDGED BY THE RECIPIENTS AND ADEQUATELY PROTECTED, AS DETERMINED BY THE STATE OR LOCAL HEALTH DEPARTMENT; AND

(D) PROVIDING COUNSELING TO THE INVOLVED PERSONS ON THE POTENTIAL HEALTH RISKS RESULTING FROM EXPOSURE AND THE AVAILABLE METHODS OF TREATMENT.

(V) THE EMPLOYER OF AN EXPOSED PERSON SHALL ENSURE THAT RELEVANT INFORMATION AND LABORATORY TEST RESULTS ON THE INVOLVED PERSON ARE KEPT CONFIDENTIAL. SUCH INFORMATION AND LABORATORY RESULTS ARE CONSIDERED MEDICAL INFORMATION AND PROTECTED FROM UNAUTHORIZED DISCLOSURE.

(VI) FOR PURPOSES OF THIS PARAGRAPH (a.5), "PUBLIC SAFETY WORKER" INCLUDES, BUT IS NOT LIMITED TO, LAW ENFORCEMENT OFFICERS, PEACE OFFICERS, AND FIREFIGHTERS.

**SECTION 2.** The introductory portion to 25-4-1405 (7.5) (a), Colorado Revised Statutes, is amended, and the said 25-4-1405 (7.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**25-4-1405. Disease control by the state department of public health and environment and local health departments.** (7.5) (a) When a public safety worker, emergency medical service provider, or staff member of a detention facility has been exposed to blood or other bodily fluid which there is a reason to believe may be infectious with HIV, state and local health departments within their respective jurisdictions ~~may~~ SHALL assist in evaluation and treatment of any involved persons by:

(c) FOR PURPOSES OF THIS SUBSECTION (7.5), "PUBLIC SAFETY WORKER" INCLUDES, BUT IS NOT LIMITED TO, LAW ENFORCEMENT OFFICERS, PEACE OFFICERS, AND FIREFIGHTERS.

**SECTION 3.** 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 certificates of immunization to the schools, private physicians, and local health departments. UPON THE COMMENCEMENT OF THE GATHERING OF EPIDEMIOLOGICAL INFORMATION PURSUANT TO SECTION 25-4-1705 (5) TO IMPLEMENT THE IMMUNIZATION TRACKING SYSTEM, SUCH FORM SHALL INCLUDE A NOTICE THAT INFORMS A PARENT OR LEGAL GUARDIAN THAT HE OR SHE HAS THE OPTION TO EXCLUDE HIS OR HER INFANT'S, CHILD'S, OR STUDENT'S IMMUNIZATION INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM CREATED IN SECTION 25-4-1705 (5). 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 4.** The introductory portion to 25-4-1705 (5) and 25-4-1705 (5) (e), Colorado Revised Statutes, are amended, and the said 25-4-1705 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, 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~~ AN infant, as defined in section 25-4-1703 (3);
- (E) A child or student, as defined in ~~sections~~ SECTION 25-4-901 (1.5) and (3);

(F) Managed care organizations or health insurers in which a child or student, as defined in ~~sections~~ SECTION 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 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 UPON SUBPOENA, SEARCH WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE, 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.

(C) Release may be made of immunization records and epidemiological information to the parent of ~~the~~ AN infant, the physician treating the person who is the subject of an immunization record, 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).

(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 OR GUARDIAN. 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).

(E) THE DEPARTMENT MAY RELEASE RECORDS OF MEDICAID-ELIGIBLE INFANTS, CHILDREN, AND STUDENTS TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR THE PURPOSES OF THE MEDICAID PROGRAM.

(III) (A) ANY OFFICER, EMPLOYEE, AGENT OF THE DEPARTMENT, OR ANY OTHER PERSON WHO VIOLATES THIS SECTION BY RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH INFORMATION WITHOUT AUTHORIZATION COMMITS A CLASS 1 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106 (1), C.R.S. THE UNAUTHORIZED RELEASE OF EACH RECORD SHALL CONSTITUTE A SEPARATE OFFENSE PURSUANT TO THIS SUBPARAGRAPH (III).

(B) ANY NATURAL PERSON WHO IN EXCHANGE FOR MONEY OR ANY OTHER THING OF VALUE VIOLATES THIS SECTION BY WRONGFULLY RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH INFORMATION WITHOUT AUTHORIZATION COMMITS A CLASS 1 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106 (1), C.R.S.

(C) ANY BUSINESS ENTITY WHO, IN EXCHANGE FOR MONEY OR ANY OTHER THING OF VALUE, VIOLATES THIS SECTION BY WRONGFULLY RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH INFORMATION WITHOUT AUTHORIZATION SHALL BE ASSESSED A CIVIL PENALTY OF TEN THOUSAND DOLLARS PER SALE OF INFORMATION PER SUBJECT OF SUCH INFORMATION.

(IV) THE DEPARTMENT SHALL NOT DIRECTLY CONTACT THE PARENT OR LEGAL GUARDIAN FOR THE PURPOSE OF NOTIFYING THE PARENT OR LEGAL GUARDIAN OF IMMUNIZATIONS THAT ARE RECOMMENDED OR REQUIRED BY THE BOARD OF HEALTH, UNLESS SUCH CONTACT IS NECESSARY TO CONTROL AN OUTBREAK OF OR PREVENT THE SPREAD OF A VACCINE-PREVENTABLE DISEASE PURSUANT TO SECTION 25-1-107 (1) (a) OR 25-4-908.

(V) A PARENT OR LEGAL GUARDIAN WHO CONSENTS TO THE IMMUNIZATION OF AN INFANT, CHILD, OR STUDENT PURSUANT TO THIS PART 17 OR PART 9 OF THIS ARTICLE

SHALL HAVE THE OPTION TO EXCLUDE SUCH INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM. THE PARENT OR LEGAL GUARDIAN SHALL HAVE THE OPTION TO REMOVE SUCH INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM AT ANY TIME. THE PHYSICIAN, LICENSED HEALTH CARE PRACTITIONER, CLINIC, OR LOCAL HEALTH DEPARTMENT SHALL INFORM THE PARENT OR LEGAL GUARDIAN OF THE OPTION TO EXCLUDE SUCH PERSONAL INFORMATION FROM SUCH SYSTEM AND THE POTENTIAL BENEFITS OF INCLUSION IN SUCH SYSTEM. IN ADDITION, THE PHYSICIAN, LICENSED HEALTH CARE PRACTITIONER, CLINIC, OR LOCAL HEALTH DEPARTMENT SHALL INFORM SUCH PARENT OR LEGAL GUARDIAN OF THE OPTION TO REFUSE AN IMMUNIZATION ON THE GROUNDS OF MEDICAL, RELIGIOUS, OR PERSONAL BELIEF CONSIDERATIONS PURSUANT TO SECTION 25-4-903.

(9) (a) AS NECESSARY TO VOLUNTARILY IMMUNIZE INFANTS, CHILDREN, STUDENTS, AND ADULTS OF COLORADO, THE DEPARTMENT MAY CONTRACT IN ACCORDANCE WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., WITH A PRIVATE OR NONPROFIT ENTITY TO ARRANGE FOR THE COST-EFFECTIVE ORDERING, DISTRIBUTION, AND ACCOUNTING OF VACCINES. PRIOR TO THE EXECUTION OF ANY CONTRACT WITH SUCH AN ENTITY, THE DEPARTMENT SHALL PROVIDE TO THE BOARD OF HEALTH FOR PUBLIC REVIEW A REPORT DESCRIBING THE PROPOSED BUSINESS MODEL OF THE PROSPECTIVE CONTRACTOR. ONCE UNDER CONTRACT, THE ENTITY SHALL ALSO PROVIDE COMPLETE RECORDS OF IMMUNIZATIONS TO THE SUBJECT OF SUCH RECORDS AND THE PERSONS OR ENTITIES LISTED IN SUB-SUBPARAGRAPHS (A) TO (H) OF SUBPARAGRAPH (I) OF PARAGRAPH (e) OF SUBSECTION (5) OF THIS SECTION.

(b) THE DEPARTMENT OR ANY PERSON WHO CONTRACTS WITH THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9) OR SUBSECTION (7) OF THIS SECTION SHALL NOT ESTABLISH A UNIVERSAL PURCHASE SYSTEM FOR THE PROCUREMENT OF VACCINES FOR PRIVATELY INSURED PERSONS UNDER FEDERAL GOVERNMENT CONTRACTS.

(10) PHYSICIANS, LICENSED HEALTH CARE PRACTITIONERS, CLINICS, SCHOOLS, LICENSED CHILD CARE PROVIDERS, HOSPITALS, MANAGED CARE ORGANIZATIONS OR HEALTH INSURERS IN WHICH A STUDENT AS DEFINED IN SECTION 25-4-901 (3) OR AN INFANT IS ENROLLED AS A MEMBER OR INSURED, PERSONS THAT HAVE CONTRACTED WITH THE DEPARTMENT PURSUANT TO SUBSECTION (7) OF THIS SECTION, AND PUBLIC HEALTH OFFICIALS MAY RELEASE ANY IMMUNIZATION RECORDS IN THEIR POSSESSION, WHETHER OR NOT SUCH RECORDS ARE IN THE IMMUNIZATION TRACKING SYSTEM, TO THE PERSONS OR ENTITIES SPECIFIED IN SUB-SUBPARAGRAPHS (A) TO (H) OF SUBPARAGRAPH (I) OF PARAGRAPH (e) OF SUBSECTION (5) OF THIS SECTION TO PROVIDE AN ACCURATE AND COMPLETE IMMUNIZATION RECORD FOR THE CHILD IN ORDER TO VERIFY COMPLIANCE WITH STATE IMMUNIZATION LAW.

**SECTION 5.** Article 1 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 12  
MEDICAL RECORD CONFIDENTIALITY

**25-1-1201. Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT MAINTAINING THE CONFIDENTIALITY OF MEDICAL RECORDS IS OF THE UTMOST IMPORTANCE TO THE STATE AND OF CRITICAL

IMPORTANCE TO PATIENT PRIVACY FOR HIGH QUALITY MEDICAL CARE. MOST PEOPLE IN THE UNITED STATES CONSIDER CONFIDENTIALITY OF HEALTH INFORMATION IMPORTANT AND WORRY THAT THE INCREASED COMPUTERIZATION OF HEALTH RECORDS MAY RESULT IN INAPPROPRIATE DISCLOSURE OF SUCH RECORDS. PATIENTS HAVE A STRONG INTEREST IN PRESERVING THE PRIVACY OF THEIR PERSONAL HEALTH INFORMATION, BUT THEY ALSO HAVE AN INTEREST IN MEDICAL RESEARCH AND OTHER EFFORTS BY HEALTH CARE ORGANIZATIONS TO IMPROVE THE MEDICAL CARE THEY RECEIVE. HOW BEST TO PRESERVE CONFIDENTIALITY WITHIN A STATE HEALTH INFORMATION INFRASTRUCTURE IS AN IMPORTANT DISCUSSION THAT IS AFFECTED BY RECENT REGULATIONS PROMULGATED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATED TO THE ELECTRONIC STORAGE OF HEALTH INFORMATION. THE PURPOSE OF THIS PART 12 IS TO INDEX THE PROVISIONS THAT GOVERN MEDICAL RECORD CONFIDENTIALITY TO FACILITATE LOCATING THE LAW CONCERNING THE CONFIDENTIALITY OF MEDICAL RECORDS AND HEALTH INFORMATION. IT IS NOT INTENDED TO EXPAND, NARROW, OR CLARIFY EXISTING PROVISIONS.

**25-1-1202. Index of statutory sections regarding medical record confidentiality and health information.** (1) STATUTORY PROVISIONS CONCERNING POLICIES, PROCEDURES, AND REFERENCES TO THE RELEASE, SHARING, AND USE OF MEDICAL RECORDS AND HEALTH INFORMATION INCLUDE THE FOLLOWING:

(a) SECTION 6-18-103, C.R.S., CONCERNING USE OF INFORMATION BY HEALTH CARE COOPERATIVES;

(b) SECTION 8-43-404, C.R.S., CONCERNING EXAMINATIONS BY A PHYSICIAN OR CHIROPRACTOR FOR THE PURPOSES OF WORKERS' COMPENSATION;

(c) SECTION 8-43-501, C.R.S., CONCERNING UTILIZATION REVIEW RELATED TO WORKERS' COMPENSATION;

(d) SECTION 8-73-108, C.R.S., CONCERNING THE AWARD OF BENEFITS FOR UNEMPLOYMENT COMPENSATION BENEFITS;

(e) SECTION 10-3-1104.7, C.R.S., CONCERNING THE CONFIDENTIALITY AND USE OF GENETIC TESTING INFORMATION;

(f) SECTION 10-16-113, C.R.S., CONCERNING THE PROCEDURES RELATED TO THE DENIAL OF HEALTH BENEFITS BY AN INSURER;

(g) SECTION 10-16-113.5, C.R.S., CONCERNING THE USE OF INDEPENDENT EXTERNAL REVIEW WHEN HEALTH BENEFITS HAVE BEEN DENIED;

(h) SECTION 10-16-423, C.R.S., CONCERNING THE CONFIDENTIALITY OF MEDICAL INFORMATION IN THE CUSTODY OF A HEALTH MAINTENANCE ORGANIZATION;

(i) SECTION 12-32-108.3, C.R.S., CONCERNING DISCIPLINARY ACTIONS AGAINST PODIATRISTS;

(j) SECTION 12-33-126, C.R.S., CONCERNING DISCIPLINARY ACTIONS AGAINST CHIROPRACTORS;

(k) SECTION 12-35-118, C.R.S., CONCERNING DISCIPLINARY ACTIONS AGAINST DENTISTS AND DENTAL HYGIENISTS;

(l) SECTION 12-36-118, C.R.S., CONCERNING DISCIPLINARY ACTIONS AGAINST PHYSICIANS;

(m) SECTION 12-36-135 (1), C.R.S., CONCERNING REPORTING REQUIREMENTS FOR PHYSICIANS PERTAINING TO CERTAIN INJURIES;

(n) SECTION 12-36.5-104, C.R.S., CONCERNING PROFESSIONAL REVIEW COMMITTEES FOR PHYSICIANS;

(o) SECTION 12-36.5-104.4, C.R.S., CONCERNING HOSPITAL PROFESSIONAL REVIEW COMMITTEES;

(p) SECTION 12-37.5-104, C.R.S., CONCERNING REPORTING REQUIREMENTS BY PHYSICIANS RELATED TO ABORTIONS FOR MINORS;

(q) SECTION 12-38-116.5, C.R.S., CONCERNING DISCIPLINARY PROCEEDINGS AGAINST A PRACTICAL NURSE, A PROFESSIONAL NURSE, OR A PSYCHIATRIC TECHNICIAN;

(r) SECTION 12-43-218, C.R.S., CONCERNING THE DISCLOSURE OF CONFIDENTIAL COMMUNICATIONS BY A MENTAL HEALTH PROFESSIONAL;

(s) SECTION 12-43-224 (4), C.R.S., CONCERNING DISCIPLINARY PROCEEDINGS AGAINST A MENTAL HEALTH PROFESSIONAL;

(t) SECTION 13-21-110, C.R.S., CONCERNING CONFIDENTIALITY OF INFORMATION, DATA, REPORTS, OR RECORDS OF A UTILIZATION REVIEW COMMITTEE OF A HOSPITAL OR OTHER HEALTH CARE FACILITY;

(u) SECTION 13-21-117, C.R.S., CONCERNING CIVIL LIABILITY OF A MENTAL HEALTH PROFESSIONAL, MENTAL HEALTH HOSPITAL, COMMUNITY MENTAL HEALTH CENTER, OR CLINIC RELATED TO A DUTY TO WARN OR PROTECT;

(v) SECTIONS 13-22-101 TO 13-22-106, C.R.S., CONCERNING THE AGE OF COMPETENCE FOR CERTAIN MEDICAL PROCEDURES;

(w) SECTION 13-64-502, C.R.S., CONCERNING CIVIL LIABILITY RELATED TO GENETIC COUNSELING AND SCREENING AND PRENATAL CARE, OR ARISING FROM OR DURING THE COURSE OF LABOR AND DELIVERY, OR THE PERIOD OF POSTNATAL CARE IN A HEALTH INSTITUTION;

(x) SECTION 13-80-103.7, C.R.S., CONCERNING A LIMITED WAIVER OF MEDICAL INFORMATION IN CIVIL ACTIONS RELATED TO SEXUAL ASSAULT OR SEXUAL OFFENSES AGAINST A CHILD;

(y) SECTION 13-90-107 (1) (d), C.R.S., CONCERNING WHEN A PHYSICIAN, SURGEON, OR REGISTERED PROFESSIONAL NURSE MAY TESTIFY RELATED TO THE CARE AND TREATMENT OF A PERSON;

(z) SECTION 14-10-124, C.R.S., CONCERNING THE BEST INTERESTS OF A CHILD FOR THE PURPOSES OF A SEPARATION OR DISSOLUTION OF MARRIAGE;

(aa) SECTION 14-10-127, C.R.S., CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD;

(bb) SECTION 17-27.1-101 (4), C.R.S., CONCERNING NONGOVERNMENTAL FACILITIES FOR OFFENDERS AND THE WAIVER OF CONFIDENTIAL INFORMATION;

(cc) SECTION 18-3-203 (1) (f.5), C.R.S., CONCERNING ASSAULT IN THE SECOND DEGREE AND THE AVAILABILITY OF MEDICAL TESTING FOR CERTAIN CIRCUMSTANCES;

(dd) SECTION 18-4-412, C.R.S., CONCERNING THEFT OF MEDICAL RECORDS OR MEDICAL INFORMATION;

(ee) SECTIONS 18-6-101 TO 18-6-104 C.R.S., CONCERNING A JUSTIFIED MEDICAL TERMINATION OF PREGNANCY;

(ff) SECTION 18-18-503, C.R.S., CONCERNING COOPERATIVE AGREEMENTS TO CONTROL SUBSTANCE ABUSE;

(gg) SECTION 19-3-304, C.R.S., CONCERNING PERSONS REQUIRED TO REPORT CHILD ABUSE OR NEGLECT;

(hh) SECTION 19-3-305, C.R.S., CONCERNING POSTMORTEM INVESTIGATION RELATED TO THE DEATH OF A CHILD;

(ii) SECTION 19-5-306, C.R.S., CONCERNING EVIDENCE OF ABUSE OR NEGLECT OF A CHILD;

(jj) SECTION 19-5-103 (2), C.R.S., CONCERNING RELINQUISHMENT OF RIGHTS CONCERNING A CHILD;

(kk) SECTION 19-5-305, C.R.S., CONCERNING ACCESS TO ADOPTION RECORDS;

(ll) SECTION 22-1-123 (5), C.R.S., CONCERNING THE PROTECTION OF STUDENT DATA;

(mm) SECTIONS 22-32-109.1 (6) AND 22-32-109.3 (2), C.R.S., CONCERNING SPECIFIC POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION;

(nn) SECTION 22-64-216, C.R.S., CONCERNING CONFIDENTIALITY OF RECORDS MAINTAINED BY SCHOOL DISTRICT RETIREMENT PLANS;

(oo) SECTION 24-51-213, C.R.S., CONCERNING CONFIDENTIALITY OF RECORDS MAINTAINED BY THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION;

(pp) SECTION 24-72-204 (3), C.R.S., CONCERNING PUBLIC RECORDS NOT OPEN TO PUBLIC INSPECTION;

(qq) SECTION 25-1-122, CONCERNING REPORTING OF CERTAIN DISEASES AND

CONDITIONS FOR INVESTIGATION OF EPIDEMIC AND COMMUNICABLE DISEASES, MORBIDITY AND MORTALITY, CANCER IN CONNECTION WITH THE STATEWIDE CANCER REGISTRY, ENVIRONMENTAL AND CHRONIC DISEASES, VENEREAL DISEASES, TUBERCULOSIS, AND RABIES AND MAMMAL BITES BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(rr) SECTION 25-1-124 (2), CONCERNING HEALTH CARE FACILITIES AND REPORTING REQUIREMENTS;

(ss) SECTIONS 25-1-309 AND 25-1-312, CONCERNING THE TREATMENT OF INTOXICATED PERSONS;

(tt) SECTION 25-1-801, CONCERNING PATIENT RECORDS IN THE CARE OF A HEALTH CARE FACILITY;

(uu) SECTION 25-1-802, CONCERNING PATIENT RECORDS IN THE CARE OF INDIVIDUAL HEALTH CARE PROVIDERS;

(vv) SECTIONS 25-1-1105 AND 25-1-1108, CONCERNING THE TREATMENT OF DRUG ABUSERS;

(ww) SECTION 25-2-120, CONCERNING REPORTS OF ELECTROCONVULSIVE TREATMENT;

(xx) SECTION 25-3-109, CONCERNING QUALITY MANAGEMENT FUNCTIONS OF HEALTH CARE FACILITIES LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(yy) SECTION 25-3.5-501, CONCERNING RECORDS MAINTAINED BY AMBULANCE SERVICES AND EMERGENCY MEDICAL TECHNICIANS;

(zz) SECTION 25-3.5-704 (2) (d) AND (2) (f), CONCERNING THE DESIGNATION OF EMERGENCY MEDICAL FACILITIES AND THE STATEWIDE TRAUMA SYSTEM;

(aaa) SECTION 25-4-402 (4), CONCERNING THE REPORTING OF VENEREAL DISEASES;

(bbb) SECTION 25-4-1003, CONCERNING NEWBORN SCREENING PROGRAMS AND GENETIC COUNSELING;

(ccc) SECTIONS 25-4-1402 TO 25-4-1407, CONCERNING REPORTING AND INVESTIGATION OF THE HUMAN IMMUNODEFICIENCY VIRUS;

(ddd) SECTION 25-4-1705, CONCERNING IMMUNIZATION INFORMATION;

(eee) SECTION 25-4-1905, CONCERNING RECORDS COLLECTED RELATED TO GULF WAR SYNDROME;

(fff) SECTION 25.5-2-104, C.R.S., CONCERNING THE RELEASE OF MEDICAL INFORMATION TO A POISON CONTROL SERVICE PROVIDER;

(ggg) SECTION 26-3.1-102 (2), C.R.S., CONCERNING REPORTING REQUIREMENTS

RELATED TO AT-RISK ADULTS;

(hhh) SECTION 26-11.5-108, C.R.S., CONCERNING THE LONG-TERM OMBUDSMAN PROGRAM AND ACCESS TO MEDICAL RECORDS;

(iii) SECTION 27-10-103 (2), C.R.S., CONCERNING VOLUNTARY APPLICATIONS FOR MENTAL HEALTH SERVICES;

(jjj) SECTIONS 27-10-120 (1.5) AND 27-10-120.5, C.R.S., CONCERNING RECORDS RELATED TO MENTAL HEALTH SERVICES FOR MINOR CHILDREN;

(kkk) SECTION 30-10-606 (6), C.R.S., CONCERNING POSTMORTEM INVESTIGATIONS AND RECORDS;

(lll) SECTION 35-9-109, C.R.S., CONCERNING CONFIDENTIALITY OF INFORMATION RELEASED TO THE COMMISSIONER OF AGRICULTURE RELATED TO HUMAN EXPOSURE TO PESTICIDE APPLICATIONS; AND

(mmm) SECTION 42-2-112, C.R.S., CONCERNING INFORMATION SUPPLIED TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF RENEWING OR OBTAINING A LICENSE TO OPERATE A MOTOR VEHICLE.

**25-1-1203. Electronic storage of medical records.** HEALTH PLANS, HEALTH CARE CLEARINGHOUSES, AND HEALTH CARE PROVIDERS SHALL DEVELOP POLICIES, PROCEDURES, AND SYSTEMS TO COMPLY WITH FEDERAL REGULATIONS PROMULGATED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATED TO ELECTRONIC STORAGE AND MAINTENANCE OF MEDICAL RECORD INFORMATION PURSUANT TO FEDERAL LAW.

**SECTION 6. 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: June 1, 2001