

CHAPTER 141

HEALTH AND ENVIRONMENT

HOUSE BILL 03-1026

BY REPRESENTATIVE(S) Witwer, Boyd, Carroll, Clapp, Cloer, Coleman, Crane, Fairbank, Frangas, Fritz, Jahn, Merrifield, Miller, Paccione, Romanoff, Sanchez, Stafford, Tochtrop, Weddig, Williams S., and Young;
also SENATOR(S) Arnold, Chlouber, Entz, Evans, Gordon, Johnson S., Jones, Kester, and Sandoval.

AN ACT

CONCERNING THE AUTHORITY OF PUBLIC HEALTH AGENCIES TO RELEASE TO LAW ENFORCEMENT OFFICIALS INFORMATION RELATED TO BIOTERRORISM.

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

SECTION 1. 25-1-122 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-1-122. Named reporting of certain diseases and conditions - access to medical records - confidentiality of reports and records. (4) Reports and records resulting from the investigation of epidemic and communicable diseases, environmental and chronic diseases, reports of morbidity and mortality, reports of cancer in connection with the statewide cancer registry, and reports and records resulting from the investigation of venereal diseases, tuberculosis, and rabies and mammal bites held by the state department of public health and environment or local departments of health shall be strictly confidential. Such reports and records shall not be released, shared with any agency or institution, or made public, upon subpoena, search warrant, discovery proceedings, or otherwise, except under any of the following circumstances:

(e) MEDICAL AND EPIDEMIOLOGICAL INFORMATION MAY BE RELEASED TO A PEACE OFFICER AS DEFINED IN SECTION 18-1-901 (3) (1), C.R.S., THE FEDERAL BUREAU OF INVESTIGATION, A FEDERAL LAW ENFORCEMENT AGENCY AS DESIGNATED BY THE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO, OR ANY PROSECUTOR TO THE EXTENT NECESSARY FOR ANY INVESTIGATION OR PROSECUTION RELATED TO BIOTERRORISM; EXCEPT THAT REASONABLE EFFORTS SHALL BE MADE TO LIMIT DISCLOSURE OF PERSONAL IDENTIFYING INFORMATION TO THE MINIMAL AMOUNT NECESSARY TO ACCOMPLISH THE LAW ENFORCEMENT PURPOSE. FOR PURPOSES 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.

THIS PARAGRAPH (e), "BIOTERRORISM" MEANS THE INTENTIONAL USE OF, ATTEMPTED USE OF, CONSPIRACY TO USE, OR SOLICITATION TO USE MICROORGANISMS OR TOXINS OF BIOLOGICAL ORIGIN OR CHEMICAL OR RADIOLOGICAL AGENTS TO CAUSE DEATH OR DISEASE AMONG HUMANS OR ANIMALS.

SECTION 2. 18-4-412 (2) (c) (IV), Colorado Revised Statutes, is amended to read:

18-4-412. Theft of medical records or medical information - penalty. (2) As used in this section:

(c) "Proper authorization" means:

(IV) Authorized possession pursuant to ~~section 18-7-201.5, 18-7-205.5, or 18-3-415.5, or section 30-10-606 (6)~~ SECTION 18-3-415.5, 18-7-201.5, 18-7-205.5, 25-1-122, OR 30-10-606 (6), C.R.S.

SECTION 3. 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: April 17, 2003