

CHAPTER 161

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 04-057

BY SENATOR(S) Johnson S., Evans, Groff, Hanna, Phillips, and Tapia;
also REPRESENTATIVE(S) Johnson R., Carroll, Coleman, Hodge, Larson, McFadyen, Paccione, Romanoff, and Tochtrop.

AN ACT

CONCERNING THE PROVISION OF INFORMATION ON MENINGOCOCCAL DISEASE TO STUDENTS AT POSTSECONDARY INSTITUTIONS.

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

SECTION 1. Article 5 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-5-128. Meningococcal disease - information - immunity. (1) AS USED IN THIS SECTION:

(a) "INSTITUTION" MEANS ANY PUBLIC OR NONPUBLIC POSTSECONDARY EDUCATION INSTITUTION IN THE STATE.

(b) "NEW STUDENT" MEANS EACH INCOMING FRESHMAN STUDENT RESIDING IN STUDENT HOUSING, AS DEFINED BY THE INSTITUTION, OR ANY STUDENT WHO THE INSTITUTION REQUIRES TO COMPLETE AND RETURN A STANDARD CERTIFICATE INDICATING IMMUNIZATIONS RECEIVED BY THE STUDENT AS A REQUIREMENT FOR RESIDING IN STUDENT HOUSING.

(2) (a) ON AND AFTER JULY 1, 2005, EACH INSTITUTION SHALL PROVIDE TO EACH NEW STUDENT, OR, IF A NEW STUDENT IS UNDER THE AGE OF EIGHTEEN YEARS, TO THE STUDENT'S PARENT OR GUARDIAN, INFORMATION CONCERNING MENINGOCOCCAL DISEASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(I) (A) MENINGOCOCCAL DISEASE IS A SERIOUS DISEASE;

(B) MENINGOCOCCAL DISEASE IS A CONTAGIOUS, BUT A LARGELY PREVENTABLE, INFECTION OF THE SPINAL CORD FLUID AND THE FLUID THAT SURROUNDS THE BRAIN;

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

(C) SCIENTIFIC EVIDENCE SUGGESTS THAT COLLEGE STUDENTS LIVING IN DORMITORY FACILITIES ARE AT A MODESTLY INCREASED RISK OF CONTRACTING MENINGOCOCCAL DISEASE; AND

(D) IMMUNIZATION AGAINST MENINGOCOCCAL DISEASE DECREASES THE RISK OF CONTRACTING THE DISEASE.

(II) WEB SITE ADDRESSES, TELEPHONE NUMBERS, OR OTHER SIMILAR INFORMATION TO ASSIST A NEW STUDENT OR THE STUDENT'S PARENT OR LEGAL GUARDIAN IN IDENTIFYING A LOCATION OR LOCATIONS WHERE THE NEW STUDENT MAY RECEIVE AN IMMUNIZATION AGAINST MENINGOCOCCAL DISEASE.

(b) AN INSTITUTION MAY PROVIDE THE INFORMATION REQUIRED BY SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2) EXACTLY AS WRITTEN OR THROUGH SIMILAR LANGUAGE THAT REASONABLY MEETS THE INTENT OF THE NOTIFICATION REQUIREMENT AND IS BASED UPON ESTABLISHED AND SCIENTIFICALLY RECOGNIZED MEDICAL OR EPIDEMIOLOGICAL DATA.

(3) ON AND AFTER JULY 1, 2005, EACH INSTITUTION SHALL REQUIRE EACH NEW STUDENT WHO HAS NOT RECEIVED A VACCINATION AGAINST MENINGOCOCCAL DISEASE, OR, IF THE NEW STUDENT IS UNDER THE AGE OF EIGHTEEN YEARS, THE STUDENT'S PARENT OR GUARDIAN, TO CHECK A BOX ON A DOCUMENT PROVIDED BY THE INSTITUTION STATING THAT THE SIGNOR HAS REVIEWED THE INFORMATION PROVIDED PURSUANT TO SUBSECTION (2) OF THIS SECTION AND HAS DECIDED THAT THE NEW STUDENT WILL NOT OBTAIN A VACCINATION AGAINST MENINGOCOCCAL DISEASE. AN INSTITUTION MAY INCLUDE THE ACKNOWLEDGMENT REQUIRED IN THIS SECTION ON ANOTHER SIGNED DOCUMENT USED TO COLLECT HEALTH OR HOUSING INFORMATION THAT MUST BE RETURNED TO THE INSTITUTION AND THAT THE INSTITUTION IS ALREADY REQUIRED TO RETAIN FOR OTHER PURPOSES REGARDING THE STUDENT'S HEALTH OR HOUSING.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

(a) REQUIRE A STUDENT WHO IS PLANNING TO RESIDE IN STUDENT HOUSING TO OBTAIN THE VACCINATION AGAINST MENINGOCOCCAL DISEASE;

(b) REQUIRE AN INSTITUTION TO PROVIDE OR PAY FOR THE VACCINATION OF A STUDENT; OR

(c) PROHIBIT AN INSTITUTION FROM ESTABLISHING ADDITIONAL REQUIREMENTS CONCERNING MENINGOCOCCAL VACCINATION.

(5) AN INSTITUTION THAT HAS MADE A REASONABLE EFFORT TO COMPLY WITH THIS SECTION SHALL NOT BE LIABLE FOR DAMAGES FOR INJURIES SUSTAINED BY A STUDENT AS A RESULT OF CONTRACTING MENINGOCOCCAL DISEASE WHERE THE STUDENT'S CLAIM IS BASED SOLELY UPON THE PROVISION OF THE INFORMATION REQUIRED BY PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

SECTION 2. 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 (August 4, 2004, if adjournment sine die is on May 5, 2004); 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: April 20, 2004