

CHAPTER 6

GOVERNMENT - LOCAL

HOUSE BILL 04-1065

BY REPRESENTATIVE(S) Paccione, Boyd, Butcher, Carroll, Cloer, Coleman, Garcia, Harvey, Hodge, Hoppe, Marshall, McCluskey, McFadyen, Merrifield, Miller, Salazar, Stafford, Vigil, and Weddig;
also SENATOR(S) Anderson, Arnold, and Groff.

AN ACT

CONCERNING THE GRANTING OF IMMUNITY RELATED TO THE PROVISION OF HUMAN SERVICES REFERRAL INFORMATION.

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

SECTION 1. Article 11 of title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 2
HUMAN SERVICES REFERRAL SERVICE**

29-11-201. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT OBTAINING ACCESS TO APPROPRIATE COMMUNITY-BASED ORGANIZATIONS AND GOVERNMENTAL AGENCIES PROVIDING FOR HUMAN SERVICES IS A CRITICAL FIRST STEP FOR MANY INDIVIDUALS AND FAMILIES OF COLORADO TO RECEIVING THE HELP AND ASSISTANCE THEY NEED. IN 2000, IN RECOGNITION OF THE NEED TO PROMOTE EFFECTIVE ACCESS TO HUMAN SERVICES, THE FEDERAL COMMUNICATIONS COMMISSION RESERVED THE THREE-DIGIT TELEPHONE NUMBER OF 2-1-1 FOR ACCESS TO COMMUNITY HEALTH AND HUMAN SERVICES INFORMATION. THE PUBLIC UTILITIES COMMISSION APPROVED THE USE OF A 2-1-1 NUMBER FOR COLORADO IN OCTOBER OF 2002, AND WHILE FOUR PILOT SITES ARE OPERATING IN SPECIFIED COUNTIES, THERE IS A NEED FOR SERVICE IN ALL COUNTIES OF THIS STATE. THE 2-1-1 HUMAN SERVICES REFERRAL SERVICE IS DEDICATED TO PROVIDING INDIVIDUALS AND FAMILIES WITH REFERRAL INFORMATION TO OBTAIN NONEMERGENCY SERVICES SUCH AS FOOD ASSISTANCE, SHELTER, JOB ASSISTANCE, AND LOW-COST HEALTH CARE, FOR THOSE IN NEED. DUE TO THE IMPORTANCE OF THE HUMAN SERVICES REFERRAL SYSTEM AND THE NEED TO ASSURE THAT THIS SYSTEM IS ENABLED IN ALL AREAS OF THE STATE OF COLORADO, THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE HUMAN SERVICES REFERRAL SERVICE

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

PROVIDERS SHOULD RECEIVE PROTECTION OF IMMUNITY THAT IS SIMILAR TO THE PROTECTION AFFORDED TO THE 9-1-1 EMERGENCY SERVICE.

29-11-202. Definitions. FOR PURPOSES OF THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COLORADO 2-1-1 COLLABORATIVE" MEANS THE GROUP AUTHORIZED BY THE PUBLIC UTILITIES COMMISSION TO ESTABLISH THE PROVISION OF HUMAN SERVICES REFERRAL SERVICES IN THE STATE OF COLORADO.

(2) "HUMAN SERVICES REFERRAL SERVICE PROVIDER" MEANS A SERVICE THAT IS AUTHORIZED BY THE COLORADO 2-1-1 COLLABORATIVE TO PROVIDE HEALTH AND HUMAN SERVICES REFERRAL INFORMATION.

29-11-203. Human services referral service - immunity. (1) NO COLORADO 2-1-1 COLLABORATIVE, HUMAN SERVICES REFERRAL SERVICE PROVIDER, OR EMPLOYEE, AGENT, OR FINANCIAL SUPPORTER THEREOF SHALL BE LIABLE TO ANY PERSON OR ENTITY FOR ANY DAMAGES IN A CIVIL ACTION FOR INJURIES, DEATH, OR LOSS TO PERSON OR PROPERTY INCURRED AS A RESULT OF ANY ACT OR OMISSION OF THE COLORADO 2-1-1 COLLABORATIVE, HUMAN SERVICES REFERRAL SERVICE PROVIDER, OR ANY EMPLOYEE OR AGENT THEREOF IN CONNECTION WITH DEVELOPING, ADOPTING, AUTHORIZING, IMPLEMENTING, MAINTAINING, ENHANCING, OR OPERATING A REFERRAL SERVICE UNLESS SUCH DAMAGE OR INJURY WAS INTENTIONALLY CAUSED BY OR RESULTED FROM GROSS NEGLIGENCE OF THE COLORADO 2-1-1 COLLABORATIVE, HUMAN SERVICES REFERRAL SERVICE PROVIDER, EMPLOYEE, AGENT, OR FINANCIAL SUPPORTER IN CONNECTION WITH THE PROVISION OF HUMAN SERVICES REFERRAL SERVICE.

(2) NO COLORADO 2-1-1 COLLABORATIVE, HUMAN SERVICES REFERRAL SERVICE PROVIDER OR EMPLOYEE, AGENT, OR FINANCIAL SUPPORTER THEREOF SHALL BE LIABLE TO ANY PERSON OR ENTITY FOR INFRINGEMENT OR INVASION OF THE RIGHT OF PRIVACY OF ANY PERSON CAUSED OR CLAIMED TO HAVE BEEN CAUSED, DIRECTLY OR INDIRECTLY, BY ANY ACT OR OMISSION IN CONNECTION WITH THE PROVISION OF HUMAN SERVICE REFERRAL INFORMATION TO ANY PERSON OR ENTITY UNLESS THE INFRINGEMENT OR INVASION OF THE RIGHT OF PRIVACY AROSE OUT OF THE GROSS NEGLIGENCE OR OTHER WRONGFUL AND INTENTIONAL ACT OF THE COLORADO 2-1-1 COLLABORATIVE, HUMAN SERVICES REFERRAL SERVICE PROVIDER, EMPLOYEE, AGENT, OR FINANCIAL SUPPORTER THEREOF.

SECTION 2. 29-11-100.5 (1) and (3), Colorado Revised Statutes, are amended to read:

29-11-100.5. Legislative declaration - provision of emergency service to wireless and multi-line telephone service users. (1) The general assembly hereby finds and declares that dialing 9-1-1 is the most effective and familiar way the public has of seeking emergency assistance. The amendments to this ~~article~~ PART 1 made in Senate Bill 97-132, enacted at the first regular session of the sixty-first general assembly, are intended to provide a funding mechanism for 9-1-1 and enhanced 9-1-1 service for wireless service users. Enhanced 9-1-1 permits rapid response in situations where callers are unable to relay their phone number or location. Public safety answering points will need to make extensive changes in, and additions to,

existing equipment to provide enhanced 9-1-1 service to wireless service users. To do so, public safety answering points must have the resources to purchase and update equipment, software, and training. A mechanism for recovery of costs reasonably incurred by wireless carriers, service suppliers, and basic emergency service providers in the acquisition and transmission of 9-1-1 information to public safety answering points is necessary to ensure that wireless service users receive the same level of 9-1-1 service as wireline service users.

(3) Nothing in this ~~article~~ PART 1 should be construed to alter the method of regulation or deregulation of providers of telecommunications service as set forth in article 15 of title 40, 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: February 20, 2004