

CHAPTER 126

HEALTH AND ENVIRONMENT

SENATE BILL 05-087

BY SENATOR(S) Shaffer, Bacon, Gordon, Groff, Hagedorn, Hanna, Sandoval, Tochtrop, Williams, Windels, Fitz-Gerald, Grossman, Teck, Veiga, and Tupa;
also REPRESENTATIVE(S) Witwer, Borodkin, Boyd, Butcher, Carroll M., Coleman, Green, Madden, McGihon, Merrifield, and Todd.

AN ACT**CONCERNING IMPLEMENTATION OF NOTIFICATION PROVISIONS BY SPECIFIED ENTITIES IN RELATION TO THE IMMUNIZATION TRACKING SYSTEM.**

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

SECTION 1. 25-4-1705 (5) (e) (IV) and (5) (e) (V), Colorado Revised Statutes, are amended, and the said 25-4-1705 (5) (e) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, 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 governing the implementation and operation of the infant immunization program. Such rules shall address the following:

(e) (IV) (A) The department ~~shall not~~ OR THE DEPARTMENT'S CONTRACTOR MAY 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~~ IF IMMUNIZATIONS ARE DUE OR OVERDUE AS INDICATED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES OR THE AMERICAN ACADEMY OF PEDIATRICS. THE DEPARTMENT OR THE DEPARTMENT'S CONTRACTOR SHALL CONTACT THE PARENT OR LEGAL GUARDIAN IF IT IS NECESSARY TO CONTROL AN OUTBREAK OF OR PREVENT THE SPREAD OF A VACCINE-PREVENTABLE DISEASE PURSUANT TO SECTION 25-1.5-102 (1) (a) OR 25-4-908.

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

(B) ANY NOTICE GIVEN PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV) SHALL ALSO INFORM THE 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, C.R.S.

(C) ON OR BEFORE FEBRUARY 1, 2010, THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES SHALL REVIEW THE STATE'S IMPLEMENTATION OF NOTIFICATION PROVISIONS BY SPECIFIED ENTITIES IN RELATION TO THE IMPLEMENTATION OF THE IMMUNIZATION TRACKING SYSTEM PURSUANT TO THE MODIFICATIONS CONTAINED IN SENATE BILL 05-087 TO DETERMINE IF THE UTILIZATION OF THE IMMUNIZATION TRACKING SYSTEM HAS HAD A SUBSTANTIAL IMPACT ON THE STATE'S IMMUNIZATION RANKING.

(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. NEITHER REFUSING AN IMMUNIZATION ON THE GROUNDS OF MEDICAL, RELIGIOUS, OR PERSONAL BELIEF CONSIDERATIONS PURSUANT TO SECTION 25-4-903 NOR OPTING TO EXCLUDE IMMUNIZATION NOTIFICATION INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM SHALL, BY ITSELF, CONSTITUTE CHILD ABUSE OR NEGLECT BY A PARENT OR LEGAL GUARDIAN.

(VI) A PERSON LICENSED TO PRACTICE MEDICINE PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., A PERSON LICENSED TO PRACTICE NURSING PURSUANT TO ARTICLE 38 OF TITLE 12, C.R.S., PROVIDERS OF COUNTY NURSING SERVICES, STAFF MEMBERS OF HEALTH CARE CLINICS, HOSPITALS, AND OFFICES OF PRIVATE PRACTITIONERS, COUNTY, DISTRICT, AND REGIONAL HEALTH DEPARTMENTS, AND ALL PERSONS AND ENTITIES LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) ARE AUTHORIZED TO REPORT TO THE IMMUNIZATION TRACKING SYSTEM AND TO USE THE REMINDER AND RECALL PROCESS ESTABLISHED BY THE IMMUNIZATION TRACKING SYSTEM.

SECTION 2. 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 29, 2005