

CHAPTER 8

GOVERNMENT - STATE

HOUSE BILL 06S-1002

BY REPRESENTATIVE(S) Cloer, Madden, Borodkin, Butcher, Carroll M., Carroll T., Coleman, Gallegos, Green, Hefley, Hodge, Kerr A., McGihon, Merrifield, Pommer, Ragsdale, Romanoff, Todd, and Vigil;
also SENATOR(S) Keller, Bacon, Boyd, Fitz-Gerald, Groff, Grossman, Hagedorn, Isgar, Sandoval, Shaffer, Tapia, Tupa, Veiga, Williams, and Windels.

AN ACT

CONCERNING THE PROVISION OF HEALTH SERVICES FOR ALL PERSONS IN THE CASE OF COMMUNICABLE DISEASES.

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

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

25-1-122. Named reporting of certain diseases and conditions - access to medical records - confidentiality of reports and records. (9) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL ADMINISTER THE PROVISIONS OF THIS SECTION REGARDLESS OF AN INDIVIDUAL'S RACE, RELIGION, GENDER, ETHNICITY, NATIONAL ORIGIN, OR IMMIGRATION STATUS.

SECTION 2. 25-1.5-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-1.5-102. Epidemic and communicable diseases - powers and duties of the department. (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL ADMINISTER THE PROVISIONS OF THIS SECTION REGARDLESS OF AN INDIVIDUAL'S RACE, RELIGION, GENDER, ETHNICITY, NATIONAL ORIGIN, OR IMMIGRATION STATUS.

SECTION 3. 25-4-406, Colorado Revised Statutes, is amended to read:

25-4-406. Rules and regulations - provision of services. (1) The department

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

of public health and environment is directed to make such rules ~~and regulations~~ as are in its judgment necessary for the carrying out of the provisions of this part 4, including rules ~~and regulations~~ providing for the control and treatment of persons isolated or quarantined under the provisions of section 25-4-405, and such other rules ~~and regulations~~ not in conflict with provisions of this part 4 concerning the control of venereal disease and the care, treatment, and quarantine of persons infected therewith as it may from time to time deem advisable. All such rules ~~and regulations~~ so made shall be of force and binding upon all county and municipal health officers and other persons affected by this part 4 and shall have the force and effect of law.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 4 TO THE CONTRARY, PROGRAMS AND SERVICES THAT PROVIDE FOR THE INVESTIGATION, IDENTIFICATION, TESTING, PREVENTIVE CARE, OR TREATMENT OF VENEREAL DISEASES SHALL BE AVAILABLE TO A PERSON REGARDLESS OF HIS OR HER RACE, RELIGION, GENDER, ETHNICITY, NATIONAL ORIGIN, OR IMMIGRATION STATUS.

SECTION 4. 25-4-512 (1) (c), Colorado Revised Statutes, is amended, and the said 25-4-512 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25-4-512. Residency requirement for hospitalization assistance - provision of general services. (1) Eligibility of persons applying for hospitalization assistance under this part 5 shall be limited to persons who:

(c) Have multidrug-resistant tuberculosis OR REQUIRE HOSPITALIZED ISOLATION, regardless of their IMMIGRATION STATUS OR length of residence in this state.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 5 TO THE CONTRARY, AND EXCEPT FOR THE RESIDENCY REQUIREMENTS SET FORTH IN SUBSECTION (1) OF THIS SECTION FOR HOSPITALIZATION ASSISTANCE, PROGRAMS AND SERVICES THAT PROVIDE FOR THE INVESTIGATION, IDENTIFICATION, TESTING, PREVENTIVE CARE, OR TREATMENT OF TUBERCULOSIS SHALL BE AVAILABLE TO A PERSON REGARDLESS OF HIS OR HER RACE, RELIGION, GENDER, ETHNICITY, NATIONAL ORIGIN, OR IMMIGRATION STATUS.

SECTION 5. 25-4-905, Colorado Revised Statutes, is amended to read:

25-4-905. Immunization of indigent children. (1) The local health department, a public health or school nurse under the supervision of a licensed physician, or the department of public health and environment in the absence of a local health department or public health nurse shall provide, at public expense to the extent that funds are available, immunizations required by this part 9 to each child whose parents or guardians cannot afford to have the child immunized or, if emancipated, who cannot himself OR HERSELF afford immunization and who has not been exempted. The department of public health and environment shall provide all vaccines necessary to comply with this section as far as funds will permit. Nothing in this section shall preclude the department of public health and environment from distributing vaccines to physicians or others as required by law or the ~~regulations~~ RULES of the department. No indigent child shall be excluded, suspended, or expelled from school unless the immunizations have been available and readily

accessible to the child at public expense.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9 TO THE CONTRARY, PROGRAMS AND SERVICES THAT PROVIDE IMMUNIZATIONS TO CHILDREN FOR COMMUNICABLE DISEASES SHALL BE AVAILABLE TO A CHILD REGARDLESS OF HIS OR HER RACE, RELIGION, GENDER, ETHNICITY, NATIONAL ORIGIN, OR IMMIGRATION STATUS.

SECTION 6. Part 14 of article 4 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-4-1408.5. Eligibility for services. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 14 TO THE CONTRARY, PROGRAMS AND SERVICES THAT PROVIDE FOR THE INVESTIGATION, IDENTIFICATION, TESTING, PREVENTIVE CARE, OR TREATMENT OF HIV INFECTION OR AIDS SHALL BE AVAILABLE TO A PERSON REGARDLESS OF HIS OR HER RACE, RELIGION, GENDER, ETHNICITY, NATIONAL ORIGIN, OR IMMIGRATION STATUS.

SECTION 7. 25-4-1411, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-4-1411. AIDS drug assistance program - legislative declaration - no entitlement created. (3.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 14 TO THE CONTRARY, IF A PERSON MEETS THE ELIGIBILITY REQUIREMENTS SET FORTH IN SUBSECTION (3) OF THIS SECTION, HE OR SHE SHALL BE ELIGIBLE FOR PROGRAMS AND SERVICES THAT PROVIDE FOR THE INVESTIGATION, IDENTIFICATION, TESTING, PREVENTIVE CARE, OR TREATMENT OF HIV INFECTION OR AIDS REGARDLESS OF HIS OR HER RACE, RELIGION, GENDER, ETHNICITY, NATIONAL ORIGIN, OR IMMIGRATION STATUS.

SECTION 8. 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: July 31, 2006