

CHAPTER 301

HEALTH AND ENVIRONMENT

SENATE BILL 07-229

BY SENATOR(S) Hagedorn, Boyd, Groff, Isgar, Shaffer, and Wiens;
 also REPRESENTATIVE(S) McGihon, Casso, Frangas, Gibbs, Jahn, Labuda, Marostica, Massey, Rice, Stafford, Todd, and
 Witwer.

AN ACT**CONCERNING EMERGENCY EPIDEMIC PREPAREDNESS.**

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

SECTION 1. Article 3 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 15
 LEGISLATIVE EMERGENCY EPIDEMIC
 RESPONSE COMMITTEE

2-3-1501. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT IN THE EVENT OF AN EMERGENCY EPIDEMIC IN THE STATE, THE GENERAL ASSEMBLY MUST BE PREPARED TO RESPOND TO THE EMERGENCY AND HAVE A PLAN FOR ENSURING THE CONTINUATION OF ITS OPERATIONS IN ORDER TO ASSIST IN THE PROTECTION OF THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC.

2-3-1502. Definitions. AS USED IN THIS PART 15, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BIOTERRORISM" MEANS THE INTENTIONAL USE OF MICROORGANISMS OR TOXINS OF BIOLOGICAL ORIGIN TO CAUSE DEATH OR DISEASE AMONG HUMANS OR ANIMALS.

(2) "COUNCIL" MEANS THE GOVERNOR'S DISASTER EMERGENCY COUNCIL CREATED IN SECTION 24-32-2104 (3), C.R.S.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND

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

ENVIRONMENT CREATED IN SECTION 25-1-102, C.R.S.

(4) "DIVISION" MEANS THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-2105, C.R.S.

(5) "EMERGENCY EPIDEMIC" MEANS CASES OF AN ILLNESS OR CONDITION, COMMUNICABLE OR NONCOMMUNICABLE, CAUSED BY BIOTERRORISM, PANDEMIC INFLUENZA, OR NOVEL AND HIGHLY FATAL INFECTIOUS AGENTS OR BIOLOGICAL TOXINS.

(6) "GEEERC" MEANS THE GOVERNOR'S EXPERT EMERGENCY EPIDEMIC RESPONSE COMMITTEE CREATED IN SECTION 24-32-2104 (8), C.R.S.

(7) "LEGISLATIVE COMMITTEE" MEANS THE LEGISLATIVE EMERGENCY EPIDEMIC RESPONSE COMMITTEE CREATED IN THIS PART 15.

(8) "LEGISLATIVE SERVICE AGENCIES" MEANS THE LEGISLATIVE COUNCIL STAFF, THE OFFICE OF LEGISLATIVE LEGAL SERVICES, THE JOINT BUDGET COMMITTEE STAFF, THE OFFICE OF THE STATE AUDITOR, THE LEGISLATIVE INFORMATION SERVICES, THE SENATE SERVICES STAFF, AND THE STAFF OF THE HOUSE OF REPRESENTATIVES.

(9) "PANDEMIC INFLUENZA" MEANS A WIDESPREAD EPIDEMIC OF INFLUENZA CAUSED BY A HIGHLY VIRULENT STRAIN OF THE INFLUENZA VIRUS.

2-3-1503. Legislative emergency epidemic response committee - creation - membership - duties. (1) (a) THERE IS HEREBY CREATED A LEGISLATIVE EMERGENCY EPIDEMIC RESPONSE COMMITTEE. THE LEGISLATIVE COMMITTEE SHALL DEVELOP A PLAN FOR THE RESPONSE BY, AND CONTINUATION OF OPERATIONS OF, THE GENERAL ASSEMBLY AND THE LEGISLATIVE SERVICE AGENCIES IN THE EVENT OF AN EMERGENCY EPIDEMIC. THE LEGISLATIVE COMMITTEE SHALL COOPERATE AND COORDINATE WITH THE COUNCIL, THE DIVISION, THE DEPARTMENT, AND THE GEEERC IN DEVELOPING THE PLAN. THE LEGISLATIVE COMMITTEE SHALL DEVELOP AND SUBMIT THE PLAN TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE GOVERNOR, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, THE COUNCIL, THE DIRECTOR OF THE DIVISION, AND THE GEEERC NO LATER THAN JULY 1, 2008. THE LEGISLATIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY TO REVIEW AND AMEND THE PLAN AS NECESSARY AND SHALL PROVIDE ANY UPDATED PLAN TO THE PERSONS OR ENTITIES SPECIFIED IN THIS PARAGRAPH (a). THE LEGISLATIVE COMMITTEE SHALL PROVIDE INFORMATION TO AND FULLY COOPERATE WITH THE COUNCIL, THE DIVISION, THE DEPARTMENT, AND THE GEEERC IN FULFILLING ITS DUTIES UNDER THIS SECTION.

(b) THE LEGISLATIVE COMMITTEE SHALL CONSIST OF ELEVEN MEMBERS AS FOLLOWS:

(I) TWO MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE, WITH NO MORE THAN ONE SUCH MEMBER FROM THE SAME POLITICAL PARTY;

(II) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, WITH NO MORE THAN ONE SUCH MEMBER FROM THE SAME POLITICAL PARTY;

(III) THE SECRETARY OF THE SENATE;

(IV) THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES;

(V) THE STAFF DIRECTOR OF THE JOINT BUDGET COMMITTEE OR THE STAFF DIRECTOR'S DESIGNEE;

(VI) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OR THE DIRECTOR'S DESIGNEE;

(VII) THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES OR THE DIRECTOR'S DESIGNEE;

(VIII) THE STATE AUDITOR OR THE STATE AUDITOR'S DESIGNEE; AND

(IX) THE DIRECTOR OF LEGISLATIVE INFORMATION SERVICES OR THE DIRECTOR'S DESIGNEE.

(2) IN THE EVENT OF AN EMERGENCY EPIDEMIC THAT THE GOVERNOR DECLARES TO BE A DISASTER EMERGENCY PURSUANT TO SECTION 24-32-2104, C.R.S., THE LEGISLATIVE COMMITTEE SHALL CONVENE AS RAPIDLY AND AS OFTEN AS NECESSARY TO ADVISE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE LEGISLATIVE SERVICE AGENCIES REGARDING REASONABLE AND APPROPRIATE MEASURES TO BE TAKEN BY THE GENERAL ASSEMBLY AND THE LEGISLATIVE SERVICE AGENCIES TO RESPOND TO THE EMERGENCY EPIDEMIC AND PROTECT PUBLIC HEALTH. THE LEGISLATIVE COMMITTEE SHALL COMMUNICATE, COOPERATE, AND SEEK ADVICE AND ASSISTANCE FROM THE COUNCIL, THE DIVISION, THE DEPARTMENT, AND THE GEEERC IN RESPONDING TO THE EMERGENCY EPIDEMIC.

(3) THE MEMBERS OF THE LEGISLATIVE COMMITTEE SHALL SERVE WITHOUT COMPENSATION, BUT THE SENATORS AND REPRESENTATIVES SERVING ON THE LEGISLATIVE COMMITTEE SHALL BE ENTITLED TO REIMBURSEMENT OF EXPENSES INCURRED IN SERVING ON THE LEGISLATIVE COMMITTEE.

SECTION 2. Part 1 of article 1.5 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-1.5-107. Pandemic influenza - purchase of antiviral therapy. (1) THE DEPARTMENT MAY ENTER INTO PARTNERSHIPS WITH ONE OR MORE AUTHORIZED PURCHASERS TO PURCHASE ANTIVIRAL THERAPY IN ORDER TO ACQUIRE A READY SUPPLY OR STOCKPILE OF ANTIVIRAL DRUGS IN THE EVENT OF AN EPIDEMIC EMERGENCY, INCLUDING PANDEMIC INFLUENZA. IF AN ENTITY WISHES TO PURCHASE ANTIVIRAL THERAPY THROUGH THE DEPARTMENT, THE ENTITY SHALL NOTIFY THE DEPARTMENT OF ITS INTENT AND SHALL DEMONSTRATE TO THE DEPARTMENT, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, THAT THE ENTITY SATISFIES THE CRITERIA OF AN AUTHORIZED PURCHASER. UPON A DETERMINATION THAT AN ENTITY IS AN AUTHORIZED PURCHASER, THE DEPARTMENT SHALL SEEK APPROVAL FROM THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE PURCHASE OF ANTIVIRAL THERAPY BY THE AUTHORIZED PURCHASER. ANY PURCHASE OF ANTIVIRAL THERAPY SHALL BE APPROVED BY THE UNITED STATES

DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND ANTIVIRAL THERAPY SHALL BE STORED AND USED IN ACCORDANCE WITH STATE AND FEDERAL REQUIREMENTS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AUTHORIZED PURCHASER" MEANS AN ENTITY LICENSED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-103 (1) (a), A LOCAL PUBLIC HEALTH AGENCY, OR A HEALTH MAINTENANCE ORGANIZATION, AS DEFINED IN SECTION 10-16-102 (23), C.R.S., AUTHORIZED TO OPERATE IN THIS STATE PURSUANT TO PART 4 OF ARTICLE 16 OF TITLE 10, C.R.S., THAT:

(I) IS PART OF THE STATE PANDEMIC PREPAREDNESS AND RESPONSE PLAN;

(II) WILL PURCHASE ANTIVIRAL THERAPY WITH ITS OWN FUNDS; AND

(III) AGREES TO STOCKPILE THE ANTIVIRAL THERAPY FOR USE IN AN EPIDEMIC EMERGENCY DECLARED A DISASTER EMERGENCY PURSUANT TO SECTION 24-32-2104, C.R.S., AND TO USE THE ANTIVIRAL THERAPY ONLY IN ACCORDANCE WITH STATE AND FEDERAL REQUIREMENTS AND FOR NO OTHER PURPOSE.

(b) "BIOTERRORISM" MEANS THE INTENTIONAL USE OF MICROORGANISMS OR TOXINS OF BIOLOGICAL ORIGIN TO CAUSE DEATH OR DISEASE AMONG HUMANS OR ANIMALS.

(c) "EMERGENCY EPIDEMIC" MEANS CASES OF AN ILLNESS OR CONDITION, COMMUNICABLE OR NONCOMMUNICABLE, CAUSED BY BIOTERRORISM, PANDEMIC INFLUENZA, OR NOVEL AND HIGHLY FATAL INFECTIOUS AGENTS OR BIOLOGICAL TOXINS.

(d) "PANDEMIC INFLUENZA" MEANS A WIDESPREAD EPIDEMIC OF INFLUENZA CAUSED BY A HIGHLY VIRULENT STRAIN OF THE INFLUENZA VIRUS.

SECTION 3. 24-32-2103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-32-2103. Definitions. As used in this part 21, unless the context otherwise requires:

(2.5) (a) "PUBLICLY FUNDED SAFETY NET PROGRAM" MEANS A PROGRAM THAT IS ADMINISTERED BY A STATE DEPARTMENT AND THAT:

(I) IS FUNDED WHOLLY OR IN PART WITH STATE, FEDERAL, OR A COMBINATION OF STATE AND FEDERAL FUNDS; AND

(II) PROVIDES OR FACILITATES THE PROVISION OF MEDICAL SERVICES TO VULNERABLE POPULATIONS, INCLUDING CHILDREN, DISABLED INDIVIDUALS, AND THE ELDERLY.

(b) THE TERM INCLUDES A PROGRAM OF MEDICAL ASSISTANCE, AS DEFINED IN SECTION 25.5-1-103 (5), C.R.S.

SECTION 4. 24-32-2104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-32-2104. The governor and disaster emergencies. (9) EACH DEPARTMENT THAT ADMINISTERS A PUBLICLY FUNDED SAFETY NET PROGRAM SHALL DEVELOP A CONTINUITY OF OPERATIONS PLAN NO LATER THAN JULY 1, 2008. THE PLAN SHALL ESTABLISH PROCEDURES FOR THE RESPONSE BY, AND CONTINUATION OF OPERATIONS OF, THE DEPARTMENT AND THE PROGRAM IN THE EVENT OF AN EPIDEMIC EMERGENCY. EACH DEPARTMENT SHALL FILE ITS PLAN WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND SHALL UPDATE THE PLAN AT LEAST ANNUALLY. IN ADDITION, EACH DEPARTMENT SHALL SUBMIT A REPORT BY MARCH 1, 2008, AND BY EACH MARCH 1 THEREAFTER TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, REGARDING THE STATUS OF THE DEPARTMENT'S PLAN, AS WELL AS THE STATUS OF ANY OTHER PLANS OR PROCEDURES OF THE DEPARTMENT REGARDING EMERGENCY DISASTER PREPAREDNESS.

SECTION 5. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 6. 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: May 25, 2007