

CHAPTER 71

HEALTH AND ENVIRONMENT

HOUSE BILL 12-1058

BY REPRESENTATIVE(S) Joshi, Acree, Barker, Bradford, Brown, Fields, Kerr A., Labuda, Schafer S., Soper, Todd, Young;
also SENATOR(S) Nicholson, Boyd, Tochtrop, Williams S.

AN ACT

**CONCERNING THE REQUIREMENT THAT THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
PROVIDE INFANT EYE PROPHYLAXIS.**

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

SECTION 1. In Colorado Revised Statutes, 25-4-301, **add** (2) and (3) as follows:

25-4-301. Inflammation of eyes. (2) IT IS THE DUTY OF ANY PHYSICIAN, NURSE, OR OTHER PERSON WHO ASSISTS OR IS IN CHARGE AT THE BIRTH OF AN INFANT OR IS CHARGED WITH THE CARE OF THE INFANT AFTER BIRTH TO TREAT THE EYES OF THE INFANT WITH A PROPHYLAXIS IN ACCORDANCE WITH CURRENT STANDARD OF CARE. SUCH TREATMENT SHALL BE GIVEN AS SOON AS PRACTICABLE AFTER THE BIRTH OF THE INFANT AND ALWAYS WITHIN ONE HOUR. IF ANY REDNESS, SWELLING, INFLAMMATION, OR GATHERING OF PUS APPEARS IN THE EYES OF SUCH INFANT, OR UPON THE LIDS OR ABOUT THE EYES, WITHIN TWO WEEKS AFTER BIRTH, ANY PERSON CHARGED WITH CARE OF THE INFANT SHALL REPORT THE SAME TO SOME COMPETENT PRACTICING PHYSICIAN OR ADVANCED PRACTICE NURSE WITHIN SIX HOURS AFTER ITS DISCOVERY.

(3) NOTHING IN THIS SECTION REQUIRES MEDICAL TREATMENT FOR THE MINOR CHILD OF ANY PERSON WHO IS A MEMBER OF A WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION AND WHOSE RELIGIOUS CONVICTIONS, IN ACCORDANCE WITH THE TENETS OR PRINCIPLES OF HIS OR HER CHURCH OR RELIGIOUS DENOMINATION, ARE AGAINST MEDICAL TREATMENT FOR DISEASE.

SECTION 2. In Colorado Revised Statutes, **repeal** 25-4-302 as follows:

25-4-302. Duties of department. ~~(1) It is the duty of the department of public~~

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

health and environment:

~~(a) To officially name and approve a prophylaxis to be used in treating the eyes of newly born infants, which may be a solution of nitrate of silver or such other prophylaxis as the board shall from time to time approve;~~

~~(b) To enforce the provisions of this part 3;~~

~~(c) To promulgate such rules as shall be necessary for the purpose of this part 3 and such as the department of public health and environment deems necessary for the further and proper guidance of county, district, and municipal public health directors;~~

~~(d) To provide for the gratuitous distribution of one percent solution of silver nitrate outfits or such other prophylaxis as the department may select, together with proper directions for the use and administration thereof, to all physicians engaged in the practice of obstetrics or assisting at childbirth;~~

~~(e) To furnish copies of this part 3 to all physicians engaged in the practice of obstetrics or assisting at childbirth.~~

SECTION 3. In Colorado Revised Statutes, **repeal** 25-4-303 as follows:

25-4-303. Duty to treat eyes. ~~It is the duty of any physician, nurse, or other person who assists or is in charge at the birth of any infant or has the care of the same after birth to treat the eyes of the infant with a prophylaxis approved by the department of public health and environment. Such treatment shall be given as soon as practicable after the birth of the infant and always within one hour. If any redness, swelling, inflammation, or gathering of pus appears in the eyes of such infant, or upon the lids or about the eyes, within two weeks after birth, any nurse or other person having care of the infant shall report the same to some competent practicing physician within six hours after its discovery.~~

SECTION 4. In Colorado Revised Statutes, **repeal** 25-4-304 as follows:

25-4-304. Duties of county, district, or municipal public health director.

~~(1) It is the duty of the county, district, or municipal public health director:~~

~~(a) To investigate or have investigated each case as filed with him in pursuance of the law and any other cases which may come to his attention;~~

~~(b) To conform to such other rules and regulations as the state board of health shall promulgate for his further guidance.~~

~~(2) Nothing in sections 25-4-302 and 25-4-303 shall be construed to require medical treatment for the minor child of any person who is a member of a well-recognized church or religious denomination and whose religious convictions, in accordance with the tenets or principles of his church or religious denomination, are against medical treatment for disease.~~

SECTION 5. In Colorado Revised Statutes, **repeal** 25-4-305 as follows:

~~25-4-305. Penalty. Any physician, surgeon, obstetrician, nurse, manager or person in charge of a maternity home or hospital, parent, relative, or other person attending upon or assisting at the birth of an infant who violates any of the provisions of this part 3 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars or by imprisonment in the county jail for not more than fifty days.~~

SECTION 6. In Colorado Revised Statutes, 12-37-105, **amend** (9) as follows:

12-37-105. Prohibited acts - practice standards - informed consent - emergency plan - risk assessment - referral - rules. (9) A direct-entry midwife shall provide eye prophylactic therapy to all newborn children in such direct-entry midwife's care in accordance with section ~~25-4-303~~ 25-4-301, C.R.S.

SECTION 7. In Colorado Revised Statutes, 12-37-105.5, **amend** (2) (d) as follows:

12-37-105.5. Limited use of certain medications - limited use of sutures - limited administration of intravenous fluids - emergency medical procedures - legislative declaration - rules - repeal. (2) Except as otherwise provided in subsection (3) of this section, a registrant may obtain and administer:

(d) Eye prophylaxis. ~~approved pursuant to section 25-4-303, C.R.S., to newborns.~~

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: March 24, 2012