

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0821.01 Christy Chase

SENATE BILL 09-179

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Gagliardi,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING COMMUNICABLE DISEASE CONTROL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Modifies certain provisions of communicable disease control laws as follows:

- ! Limits the scope of the prohibition against persons affected with a contagious or infectious disease working in certain food-related areas to specify that such persons cannot work in food preparation in a capacity in which the employee is likely to contaminate food or food-contact surfaces;
- ! Allows the state board of health (state board) to adopt necessary rules for implementing disease control laws;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Requires health care providers providing care to a pregnant woman during gestation, or hospitals where a pregnant woman presents for delivery, to test the woman for HIV if she has not previously been tested and allows the pregnant woman to decline to be tested;
- ! Requires birth certificates to indicate whether and when a blood test for HIV has been conducted on the woman giving birth;
- ! Defines "sexually transmitted infections" as syphilis, gonorrhea, and any other sexually transmitted disease declared by state board rule to be contagious, and changes references from "venereal disease" to "sexually transmitted infection" throughout disease control statutes;
- ! Defines "health officer" to include the executive director of the department of public health and environment (department), the state chief medical officer, or a county or district public health director;
- ! Clarifies the rule-making authority of the state board regarding enforcement of laws pertaining to the control of sexually transmitted infections;
- ! Allows a health officer to issue an isolation order to detain a person diagnosed with tuberculosis without a court order, requires the isolation order to advise the detained person that he or she has the right to request release from detention and limits to 5 days the duration of the detention after a release request unless a court orders the detention to continue, and specifies the procedures for seeking a court-ordered detention; and
- ! Modifies the membership of the HIV and AIDS prevention grant program advisory committee to eliminate the 2 members who are members of the Colorado advisory council on AIDS and adds 2 additional members who are recommended by a statewide group assisting with the department's comprehensive plan for HIV and AIDS prevention.

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

2 **SECTION 1.** 25-4-108, Colorado Revised Statutes, is amended
 3 to read:

4 **25-4-108. Work by diseased persons forbidden.** It is unlawful
 5 for any employer to permit any person who WORKS IN FOOD PREPARATION

1 AND is affected with any contagious OR infectious ~~or venereal~~ disease
2 THAT IS SPREAD BY FOOD to work, or for any person so affected to work,
3 ~~in a building, room, basement, enclosure, premises, or vehicle occupied~~
4 ~~or used for the production, preparation, manufacture, packing, storage,~~
5 ~~sale, distribution, or transportation of food~~ IN ANY CAPACITY IN WHICH
6 THERE IS A LIKELIHOOD THAT THE EMPLOYEE WOULD CONTAMINATE FOOD
7 OR FOOD-CONTACT SURFACES WITH PATHOGENIC ORGANISMS OR
8 TRANSMIT DISEASE TO OTHER PERSONS.

9 **SECTION 2.** Part 1 of article 4 of title 25, Colorado Revised
10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
11 read:

12 **25-4-112. Rules.** THE STATE BOARD OF HEALTH, CREATED IN
13 SECTION 25-1-103, MAY ADOPT RULES AS NECESSARY FOR THE
14 IMPLEMENTATION OF THIS ARTICLE.

15 **SECTION 3.** 25-4-201, Colorado Revised Statutes, is amended
16 to read:

17 **25-4-201. Pregnant woman to take blood test.** (1) Every
18 ~~physician licensed to practice medicine attending~~ LICENSED HEALTH CARE
19 PROVIDER AUTHORIZED TO PROVIDE CARE TO a pregnant woman in this
20 state for conditions relating to her pregnancy during the period of
21 gestation or at delivery shall take or cause to be taken a sample of blood
22 of ~~such~~ THE woman at the time of the first professional visit or ~~within ten~~
23 ~~days thereafter~~ DURING THE FIRST TRIMESTER FOR TESTING PURSUANT TO
24 THIS SECTION. The blood specimen ~~thus~~ obtained shall be submitted to an
25 approved laboratory for a standard serological test for syphilis AND HIV.
26 Every other person permitted by law to attend pregnant women in this
27 state but not permitted by law to take blood samples shall cause a sample

1 of blood of ~~such~~ EACH pregnant ~~women~~ WOMAN to be taken by a
2 ~~physician duly licensed to practice medicine and surgery~~ LICENSED
3 HEALTH CARE PROVIDER AUTHORIZED TO TAKE BLOOD SAMPLES and shall
4 have ~~such~~ THE sample submitted to an approved laboratory for a standard
5 serological test for syphilis AND HIV. A PREGNANT WOMAN MAY DECLINE
6 TO BE TESTED AS SPECIFIED IN THIS SUBSECTION (1), IN WHICH CASE THE
7 LICENSED HEALTH CARE PROVIDER SHALL DOCUMENT THAT FACT IN HER
8 MEDICAL RECORD.

9 (2) IF A PREGNANT WOMAN ENTERING A HOSPITAL FOR DELIVERY
10 HAS NOT BEEN TESTED FOR HIV DURING HER PREGNANCY, THE HOSPITAL
11 SHALL NOTIFY THE WOMAN THAT SHE WILL BE TESTED FOR HIV UNLESS
12 SHE OBJECTS AND DECLINES THE TEST. IF THE WOMAN DECLINES TO BE
13 TESTED, THE HOSPITAL SHALL DOCUMENT THAT FACT IN THE PREGNANT
14 WOMAN'S MEDICAL RECORD.

15 **SECTION 4. Repeal.** 25-4-202, Colorado Revised Statutes, is
16 repealed as follows:

17 **25-4-202. Tests approved by department.** ~~For the purposes of~~
18 ~~this part 2, a standard serological test shall be a test for syphilis approved~~
19 ~~by the department of public health and environment and shall be made at~~
20 ~~a laboratory approved to make such tests. Such laboratory tests as are~~
21 ~~required by this part 2 may be made on request, without charge, at the~~
22 ~~department of public health and environment laboratory.~~

23 **SECTION 5.** 25-4-203, Colorado Revised Statutes, is amended
24 to read:

25 **25-4-203. Birth certificate - blood test.** In reporting every birth
26 and stillbirth, physicians and others required to make such reports shall
27 state on the certificate whether a blood test for syphilis AND HIV has been

1 made upon a specimen of blood taken from the woman who bore the
2 child for which a birth or stillbirth certificate is filed and the approximate
3 date when the specimen was taken. In no event shall the birth certificate
4 state the result of the test.

5 **SECTION 6.** 25-4-401, Colorado Revised Statutes, is amended
6 to read:

7 **25-4-401. Sexually transmitted infections - definitions.** (1) AS
8 USED IN THIS PART 4:

9 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
10 AND ENVIRONMENT CREATED IN SECTION 25-1-102.

11 (b) "HEALTH OFFICER" MEANS THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT, THE CHIEF MEDICAL OFFICER APPOINTED PURSUANT TO
13 SECTION 25-1-105, OR A COUNTY OR DISTRICT PUBLIC HEALTH DIRECTOR.

14 (c) "SEXUALLY TRANSMITTED INFECTION" MEANS syphilis,
15 gonorrhea, and any other type of ~~venereal disease~~ SEXUALLY
16 TRANSMITTED INFECTION designated by the STATE board by rule ~~and~~
17 ~~regulation~~ AS CONTAGIOUS, upon making a finding that ~~a~~ THE particular
18 ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION is contagious. ~~shall~~
19 ~~be referred to in this part 4 as "venereal diseases", and~~

20 (d) "STATE BOARD" MEANS THE STATE BOARD OF HEALTH
21 CREATED IN SECTION 25-1-103.

22 (2) SEXUALLY TRANSMITTED INFECTIONS are declared to be
23 contagious, sexually transmitted, and dangerous to the public health.

24 ~~(2)~~ (3) It is unlawful for any person who has knowledge or
25 reasonable grounds to suspect that he OR SHE is infected with a ~~venereal~~
26 ~~disease~~ SEXUALLY TRANSMITTED INFECTION to willfully expose to or
27 infect another PERSON with ~~such a disease~~ THE SEXUALLY TRANSMITTED

1 INFECTION or to knowingly perform an act ~~which~~ THAT exposes to or
2 infects another person TO OR with a ~~venereal disease~~ SEXUALLY
3 TRANSMITTED INFECTION.

4 **SECTION 7.** 25-4-402 (1), (3), and (4), Colorado Revised
5 Statutes, are amended to read:

6 **25-4-402. Sexually transmitted infections shall be reported -**
7 **physician's immunity.** (1) Any physician, intern, or other person who
8 makes a diagnosis in, prescribes for, or treats a ~~case of venereal disease~~
9 SEXUALLY TRANSMITTED INFECTION and any superintendent or manager
10 of a state, county, or city hospital, dispensary, ~~sanitarium~~, or charitable or
11 penal institution in which there is a ~~case of venereal disease~~ SEXUALLY
12 TRANSMITTED INFECTION shall make a report of such ~~case~~ INFECTION to
13 the health authorities in accordance with the provisions of section
14 25-1-122 (1).

15 (3) Reports of ~~venereal disease~~ SEXUALLY TRANSMITTED
16 INFECTION shall be made in accordance with the requirements set forth in
17 section 25-1-122 (1).

18 (4) Any physician, upon consultation by a minor as a patient and
19 with the consent of ~~such~~ THE minor patient, may make a diagnostic
20 examination for ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION and
21 may prescribe for and treat ~~such~~ THE minor patient for ~~venereal disease~~
22 SEXUALLY TRANSMITTED INFECTION without the consent of or notification
23 to the parent or guardian of ~~such~~ THE minor patient or to any other person
24 having custody of or parental responsibilities with respect to ~~such~~ THE
25 minor patient. In any such case, the physician shall ~~incur no civil or~~
26 ~~criminal liability by reason of having made such~~ NOT BE CIVILLY OR
27 CRIMINALLY LIABLE FOR MAKING THE diagnostic examination or ~~rendered~~

1 ~~such~~ RENDERING THE treatment, but ~~such~~ THE immunity FROM LIABILITY
2 shall not apply to any negligent acts or omissions OF THE PHYSICIAN.

3 **SECTION 8.** 25-4-404, Colorado Revised Statutes, is amended
4 to read:

5 **25-4-404. Examination of suspected cases.** (1) ~~State, county,~~
6 ~~and municipal~~ Health officers or their authorized assistants or deputies
7 within their respective jurisdictions are directed, when in their judgment
8 it is necessary to protect the public health, to:

9 (a) ~~Make examinations of persons~~ REQUIRE A PERSON reasonably
10 suspected of ~~being infected with venereal disease~~ HAVING A SEXUALLY
11 TRANSMITTED INFECTION TO BE EXAMINED and to detain ~~such persons~~ THE
12 PERSON until the results of ~~such examinations~~ THE EXAMINATION are
13 known; ~~to forthwith~~

14 (b) REQUIRE THE EXAMINER TO give a written report of ~~such~~ THE
15 examination to the confining ~~state, county, or municipal~~ health officer; ~~to~~

16 (c) Require persons ~~infected with venereal disease~~ WITH
17 SEXUALLY TRANSMITTED INFECTIONS to report for treatment to a qualified
18 physician and continue treatment until cured; and ~~to~~

19 (d) Isolate ~~or quarantine~~ persons ~~infected with venereal disease~~
20 WITH SEXUALLY TRANSMITTED INFECTIONS.

21 (2) ~~Such~~ THE examination and treatment of any person WITH A
22 SEXUALLY TRANSMITTED INFECTION shall be conducted by a qualified
23 physician of ~~his~~ THE PERSON'S own choice, but, if ~~such~~ THE person is
24 unable to retain a private physician, he OR SHE shall submit to
25 examination and treatment provided at public expense.

26 (3) It is the duty of all ~~local and state~~ health officers to investigate
27 sources of ~~infection of venereal disease~~ SEXUALLY TRANSMITTED

1 INFECTION, to cooperate with the proper officials whose duty it is to
2 enforce laws directed against prostitution, and otherwise to use every
3 proper means for the repression of prostitution.

4 **SECTION 9.** 25-4-405, Colorado Revised Statutes, is amended
5 to read:

6 **25-4-405. Examination of persons confined.** (1) All persons
7 who are confined, detained, or imprisoned in any state, county, or city
8 hospital or institution for persons with mental illness, ~~the Mount View~~
9 ~~school or Lookout Mountain school~~, any home for dependent children,
10 any reformatory or prison, or any private or charitable institution where
11 any person may be confined, detained, or imprisoned by order of court in
12 this state shall be examined for and, if infected, treated for ~~venereal~~
13 ~~diseases~~ SEXUALLY TRANSMITTED INFECTIONS by the health authorities
14 having jurisdiction. The managing authorities of any such institutions are
15 directed to make available to the health authorities such portion of their
16 respective institutions as may be necessary for a clinic or hospital,
17 wherein all persons who may be confined or detained or imprisoned in
18 any such institution and who are infected with ~~venereal diseases~~
19 SEXUALLY TRANSMITTED INFECTIONS may be treated in a manner as
20 prescribed by the ~~director of the agency within the department of public~~
21 ~~health and environment responsible for control of venereal diseases~~
22 APPROPRIATE HEALTH OFFICER.

23 (2) ~~All persons who are suffering with venereal disease at the time~~
24 ~~of the expiration of their terms of imprisonment or confinement and other~~
25 ~~persons who may be isolated, quarantined, or treated under this section~~
26 ~~shall be isolated and treated at public expense until cured. In lieu of such~~
27 ~~isolation, any of such persons may, in the discretion of the department of~~

1 ~~public health and environment, be required to report for treatment to a~~
2 ~~licensed physician or advanced practice nurse or submit to treatment~~
3 ~~provided at public expense as provided in this section. The department~~
4 ~~of public health and environment is authorized to arrange for~~
5 ~~hospitalization and to provide and furnish such medical treatment as may~~
6 ~~be determined to be necessary. Nothing in this section shall be construed~~
7 ~~to interfere with the service of any sentence imposed by a court as a~~
8 ~~punishment for the commission of crime.~~

9 **SECTION 10.** 25-4-406, Colorado Revised Statutes, is amended
10 to read:

11 **25-4-406. Rules - provision of services.** (1) The department, of
12 ~~public health and environment is directed to make such~~ THROUGH THE
13 STATE BOARD, SHALL ADOPT rules ~~as are in its judgment~~ IT DEEMS
14 necessary ~~for the carrying~~ TO CARRY out of the provisions of this part 4,
15 including rules providing for the control and treatment of persons isolated
16 ~~or quarantined under the provisions of section 25-4-405 and such~~ other
17 rules not in conflict with ~~provisions of this part 4~~ THAT THE DEPARTMENT
18 DEEMS ADVISABLE concerning the control of ~~venereal disease~~ SEXUALLY
19 TRANSMITTED INFECTION and the care, treatment, and ~~quarantine~~
20 ISOLATION of persons ~~infected therewith as it may from time to time deem~~
21 ~~advisable. All such~~ WITH SEXUALLY TRANSMITTED INFECTIONS. THE
22 rules ~~so made~~ shall be of force and binding upon all ~~county and municipal~~
23 PUBLIC HEALTH AGENCIES, health officers, and other persons affected by
24 this part 4 and shall have the force and effect of law.

25 (2) Notwithstanding any other provision of this part 4 to the
26 contrary, programs and services that provide for the investigation,
27 identification, testing, preventive care, or treatment of ~~venereal diseases~~

1 SEXUALLY TRANSMITTED INFECTIONS shall be available to a person
2 regardless of his or her race, religion, gender, SEXUAL ORIENTATION,
3 ethnicity, national origin, or immigration status.

4 **SECTION 11.** 25-4-407, Colorado Revised Statutes, is amended
5 to read:

6 **25-4-407. Penalty.** Any person, firm, or corporation ~~violating any~~
7 ~~of the provisions~~ THAT VIOLATES A PROVISION of this part 4, other than
8 section 25-4-408, or any lawful rule ~~or regulation made~~ ADOPTED by the
9 ~~department of public health and environment~~ STATE BOARD pursuant to
10 the authority granted in this part 4, or ~~failing or refusing~~ FAILS OR
11 REFUSES to obey any lawful order issued by any ~~state, county, or~~
12 ~~municipal~~ health officer pursuant to the authority granted in this part 4,
13 is guilty of a misdemeanor and, upon conviction thereof, shall be
14 punished by a fine of not more than three hundred dollars, or by
15 imprisonment in the county jail for not more than ninety days, or by both
16 such fine and imprisonment.

17 **SECTION 12.** 25-4-408, Colorado Revised Statutes, is amended
18 to read:

19 **25-4-408. Distribution of information.** The department ~~of~~
20 ~~public health and environment~~ shall prepare, for free distribution among
21 the residents of the state, printed information and instructions concerning
22 the dangers ~~from venereal diseases~~ OF SEXUALLY TRANSMITTED
23 INFECTIONS, their prevention, and the necessity for treatment. It is the
24 duty of every physician who, during the course of an examination,
25 discovers the existence of a ~~venereal disease~~ SEXUALLY TRANSMITTED
26 INFECTION or who treats a person for ~~venereal disease~~ A SEXUALLY
27 TRANSMITTED INFECTION to ~~instruct him in~~ INFORM THE PERSON ABOUT

1 THE measures for preventing the spread of ~~such disease, to inform him of~~
2 THE INFECTION AND the necessity for treatment until cured, ~~and to hand~~
3 ~~him a copy of the circular of information regarding venereal disease from~~
4 ~~the department of public health and environment~~ WHEN APPROPRIATE.

5 **SECTION 13.** 25-4-500.3 (6), Colorado Revised Statutes, is
6 amended to read:

7 **25-4-500.3. Definitions.** As used in this part 5, unless the context
8 otherwise requires:

9 (6) "Health officer" means the EXECUTIVE DIRECTOR OF THE
10 DEPARTMENT, THE state chief medical officer, and ~~local health officers~~
11 COUNTY OR DISTRICT PUBLIC HEALTH DIRECTORS.

12 **SECTION 14.** 25-4-507 (1) (c), Colorado Revised Statutes, is
13 amended, and the said 25-4-507 (1) is further amended BY THE
14 ADDITION OF A NEW PARAGRAPH, to read:

15 **25-4-507. Isolation order - enforcement - court review.**

16 (1) (c) All isolation orders shall set forth the name of the person to be
17 isolated and the initial period, not to exceed six months, during which the
18 order shall remain effective, the place of isolation, and such other terms
19 and conditions as may be immediately necessary to protect the public
20 health. THE ISOLATION ORDER SHALL ADVISE THE PERSON BEING
21 DETAINED THAT HE OR SHE HAS THE RIGHT TO REQUEST RELEASE FROM
22 DETENTION BY CONTACTING A PERSON DESIGNATED IN THE ORDER AND
23 THAT THE DETENTION SHALL NOT CONTINUE FOR MORE THAN FIVE
24 BUSINESS DAYS AFTER THE REQUEST FOR RELEASE, UNLESS THE
25 DETENTION IS AUTHORIZED BY COURT ORDER. THE HEALTH OFFICER
26 SHALL SERVE a copy of ~~such~~ THE ISOLATION order ~~shall be served~~ upon
27 the person. The person shall be reexamined at the time the initial order

1 expires to ascertain whether or not the tuberculous condition continues to
2 be infectious. When it has been medically determined that the person no
3 longer has active tuberculosis, the person shall be relieved from all
4 further liability or duty imposed by this part 5, and the HEALTH OFFICER
5 SHALL RESCIND THE order. ~~shall be rescinded.~~

6 (d) A HEALTH OFFICER MAY DETAIN A PERSON WHO IS THE SUBJECT
7 OF AN ISOLATION ORDER ISSUED PURSUANT TO THIS SUBSECTION (1)
8 WITHOUT A PRIOR COURT ORDER. THE HEALTH OFFICER MAY DETAIN THE
9 PERSON IN A HOSPITAL OR OTHER APPROPRIATE PLACE FOR EXAMINATION
10 OR TREATMENT.

11 **SECTION 15.** 25-4-507, Colorado Revised Statutes, is amended
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13 **25-4-507. Isolation order - enforcement - court review.**

14 (3) (a) IF A PERSON DETAINED PURSUANT TO AN ISOLATION ORDER
15 REQUESTS TO BE RELEASED, THE DETAINING AUTHORITY SHALL RELEASE
16 THE PERSON NOT LATER THAN FIVE BUSINESS DAYS AFTER THE PERSON
17 REQUESTS THE RELEASE, ABSENT A COURT ORDER AUTHORIZING
18 DETENTION. UPON RECEIPT OF A REQUEST FOR RELEASE, THE DETAINING
19 AUTHORITY SHALL APPLY FOR A COURT ORDER AUTHORIZING CONTINUED
20 DETENTION OF THE PERSON. THE DETAINING AUTHORITY SHALL MAKE THE
21 APPLICATION WITHIN SEVENTY-TWO HOURS AFTER THE PERSON REQUESTS
22 RELEASE OR, IF THE SEVENTY-TWO-HOUR PERIOD ENDS ON A SATURDAY,
23 SUNDAY, OR LEGAL HOLIDAY, BY THE END OF THE FIRST BUSINESS DAY
24 FOLLOWING THE SATURDAY, SUNDAY, OR LEGAL HOLIDAY. THE
25 APPLICATION SHALL INCLUDE A REQUEST FOR AN EXPEDITED HEARING.

26 (b) IN ANY COURT PROCEEDING TO ENFORCE AN ISOLATION ORDER,
27 THE HEALTH OFFICER SHALL PROVE THE PARTICULAR CIRCUMSTANCES

1 CONSTITUTING THE NECESSITY FOR THE DETENTION BY CLEAR AND
2 CONVINCING EVIDENCE. ANY PERSON WHO IS SUBJECT TO AN ISOLATION
3 ORDER HAS THE RIGHT TO BE REPRESENTED BY COUNSEL AND, UPON
4 REQUEST, COUNSEL SHALL BE PROVIDED TO THE PERSON.

5 (c) THE REQUEST FOR RELEASE OR FILING OF AN APPLICATION FOR
6 A COURT ORDER TO CONTINUE AN ISOLATION ORDER SHALL NOT STAY THE
7 ISOLATION ORDER.

8 (d) IN REVIEWING THE APPLICATION TO CONTINUE THE ISOLATION
9 ORDER, THE COURT SHALL NOT CONDUCT A DE NOVO REVIEW. THE COURT
10 SHALL CONSIDER THE EXISTING ADMINISTRATIVE RECORD AND ANY
11 SUPPLEMENTAL EVIDENCE THE COURT DEEMS RELEVANT.

12 (e) UPON COMPLETION OF THE HEARING, THE COURT SHALL ISSUE
13 AN ORDER CONTINUING, MODIFYING, OR DISMISSING THE ISOLATION
14 ORDER.

15 (f) A HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE
16 CLOSED AND CONFIDENTIAL, AND ANY TRANSCRIPTS RELATING TO THE
17 HEARING SHALL BE CONFIDENTIAL.

18 **SECTION 16.** The introductory portion to 25-4-1405 (8) (a),
19 Colorado Revised Statutes, is amended, and the said 25-4-1405 (8) (a) is
20 further amended BY THE ADDITION OF A NEW SUBPARAGRAPH,
21 to read:

22 **25-4-1405. Disease control by the state department of public**
23 **health and environment and local health departments.** (8) (a) No
24 ~~physician, health worker,~~ CARE PROVIDER or other person, and no
25 hospital, clinic, ~~sanitarium,~~ laboratory, or other private or public
26 institution, shall test, or shall cause by any means to have tested, any
27 specimen of any patient for HIV infection without the knowledge and

1 consent of the patient; except that knowledge and consent need not be
2 given:

3 (VI) WHEN A PREGNANT WOMAN IS INFORMED OF THE NEED FOR
4 AN HIV TEST AND GIVEN THE OPPORTUNITY TO DECLINE THE TEST AS
5 SPECIFIED IN SECTION 25-4-201.

6 **SECTION 17.** 25-4-1414 (1) (a) (I), (1) (a) (III), and (1) (a) (V),
7 Colorado Revised Statutes, are amended to read:

8 **25-4-1414. Grant program - conflict of interest.** (1) (a) The
9 program shall fund medically accurate HIV and AIDS prevention and
10 education programs through a competitive grant process that shall be
11 overseen by the HIV and AIDS prevention grant program advisory
12 committee, which is hereby created and referred to in this section as the
13 "advisory committee". The advisory committee shall consist of seven
14 members appointed by the executive director of the department as
15 follows:

16 (I) ~~Two members representing community-based organizations~~
17 ~~who are recommended by and who are existing members of the Colorado~~
18 ~~advisory council on AIDS;~~

19 (III) ~~Two~~ FOUR members who are recommended by a statewide
20 collaborative group that assists the department in the department's
21 comprehensive plan for HIV and AIDS prevention;

22 (V) One member who represents a clinic that receives moneys
23 under ~~Title III~~ PART 3 of the federal "Ryan White C.A.R.E. Act of 1990",
24 as amended.

25 **SECTION 18. Repeal.** 25-4-403 and 25-4-1402.5, Colorado
26 Revised Statutes, are repealed.

27 **SECTION 19.** 25-1-122 (1) and the introductory portion to

1 25-1-122 (4), Colorado Revised Statutes, are amended to read:

2 **25-1-122. Named reporting of certain diseases and conditions**
3 **- access to medical records - confidentiality of reports and records.**

4 (1) With respect to investigations of epidemic and communicable
5 diseases, morbidity and mortality, cancer in connection with the statewide
6 cancer registry, environmental and chronic diseases, ~~venereal diseases~~
7 SEXUALLY TRANSMITTED INFECTIONS, tuberculosis, and rabies and
8 mammal bites, the board has the authority to require reporting, without
9 patient consent, of occurrences of those diseases and conditions by any
10 person having knowledge of such to the state and local health
11 departments, within their respective jurisdictions. Any required reports
12 shall contain the name, address, age, sex, diagnosis, and such other
13 relevant information as the board determines is necessary to protect the
14 public health. The board shall set the manner, time period, and form in
15 which such reports are to be made. The board may limit reporting for a
16 specific disease or condition to a particular region or community or for a
17 limited period of time. Nothing in this subsection (1) shall be construed
18 to apply to cases of AIDS, HIV-related illness, or HIV infection, which
19 shall be governed solely by the reporting requirements set forth in part 14
20 of article 4 of this title.

21 (4) Reports and records resulting from the investigation of
22 epidemic and communicable diseases, environmental and chronic
23 diseases, reports of morbidity and mortality, reports of cancer in
24 connection with the statewide cancer registry, and reports and records
25 resulting from the investigation of ~~venereal diseases~~ SEXUALLY
26 TRANSMITTED INFECTIONS, tuberculosis, and rabies and mammal bites
27 held by the state department of public health and environment or local

1 departments of health shall be strictly confidential. Such reports and
2 records shall not be released, shared with any agency or institution, or
3 made public, upon subpoena, search warrant, discovery proceedings, or
4 otherwise, except under any of the following circumstances:

5 **SECTION 20.** 25-1-801 (1) (d), Colorado Revised Statutes, is
6 amended to read:

7 **25-1-801. Patient records in custody of health care facility.**

8 (1) (d) Nothing in this section shall be construed to require a person
9 responsible for the diagnosis or treatment of ~~venereal diseases~~ SEXUALLY
10 TRANSMITTED INFECTIONS or addiction to or use of drugs in the case of
11 minors pursuant to sections 25-4-402 (4) and 13-22-102, C.R.S., to
12 release patient records of such diagnosis or treatment to a parent,
13 guardian, or person other than the minor or his OR HER designated
14 representative.

15 **SECTION 21.** 25-1-802 (2), Colorado Revised Statutes, is
16 amended to read:

17 **25-1-802. Patient records in custody of individual health care**

18 **providers.** (2) Nothing in this section shall be construed to require a
19 person responsible for the diagnosis or treatment of ~~venereal diseases~~
20 SEXUALLY TRANSMITTED INFECTIONS or addiction to or use of drugs in the
21 case of minors pursuant to sections 25-4-402 (4) and 13-22-102, C.R.S.,
22 to release patient records of such diagnosis or treatment to a parent,
23 guardian, or person other than the minor or his OR HER designated
24 representative.

25 **SECTION 22.** 25-1-1202 (1) (qq) and (1) (aaa), Colorado
26 Revised Statutes, are amended to read:

27 **25-1-1202. Index of statutory sections regarding medical**

1 **record confidentiality and health information.** (1) Statutory
2 provisions concerning policies, procedures, and references to the release,
3 sharing, and use of medical records and health information include the
4 following:

5 (qq) Section 25-1-122, concerning reporting of certain diseases
6 and conditions for investigation of epidemic and communicable diseases,
7 morbidity and mortality, cancer in connection with the statewide cancer
8 registry, environmental and chronic diseases, ~~venereal diseases~~ SEXUALLY
9 TRANSMITTED INFECTIONS, tuberculosis, and rabies and mammal bites by
10 the department of public health and environment;

11 (aaa) Section 25-4-402 (4), concerning the reporting of ~~venereal~~
12 ~~diseases~~ SEXUALLY TRANSMITTED INFECTIONS;

13 **SECTION 23.** 25-5-415 (1) (k), Colorado Revised Statutes, is
14 amended to read:

15 **25-5-415. Misbranding.** (1) A drug or device shall be deemed
16 to be misbranded:

17 (k) If its labeling represents it to have any effect in albuminuria,
18 appendicitis, arteriosclerosis, arthritis, baldness, blood poison, bone
19 disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes,
20 diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases,
21 high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis,
22 otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis),
23 prostate gland disorders, pyelitis, rheumatism, scarlet fever, sexual
24 impotence, SEXUALLY TRANSMITTED INFECTION, sinus infection,
25 smallpox, tuberculosis, tumors, typhoid, OR uremia, ~~or venereal disease,~~
26 and shall also be deemed to be false; except that no labeling in violation
27 of paragraphs (a) and (b) of this subsection (1) shall be deemed to be false

1 under this paragraph (k) if it is disseminated only to members of the
2 medical, dental, chiropractic, or veterinary professions or is disseminated
3 only for the purpose of public health education by persons not
4 commercially interested, directly or indirectly, in the sale of such drugs
5 or devices; but, if the department determines that an advance in medical
6 science has made any type of self-medication safe as to any of the
7 diseases named in this paragraph (k), the department shall by regulation
8 authorize the labeling of drugs having curative or therapeutic effect for
9 such disease, subject to such conditions and restrictions as the department
10 may deem necessary in the interests of public health; except that this
11 paragraph (k) shall not be construed as indicating that self-medication for
12 any disease is safe or efficacious;

13 **SECTION 24.** 25-5-418 (2), Colorado Revised Statutes, is
14 amended to read:

15 **25-5-418. Advertisements.** (2) For the purpose of this part 4, the
16 advertisement of a drug or device representing it to have any effect in
17 albuminuria, appendicitis, arteriosclerosis, arthritis, baldness, blood
18 poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis,
19 diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular
20 diseases, high blood pressure, mastoiditis, measles, meningitis, mumps,
21 nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile
22 paralysis), prostate gland disorders, pyelitis, rheumatism, scarlet fever,
23 sexual impotence, SEXUALLY TRANSMITTED INFECTIONS, sinus infection,
24 smallpox, tuberculosis, tumors, typhoid, OR uremia ~~or venereal diseases~~
25 shall also be deemed to be false; except that no advertisement not in
26 violation of subsection (1) of this section shall be deemed to be false
27 under this subsection (2) if it is disseminated only to members of the

1 medical, dental, chiropractic, or veterinary professions, or appears only
2 in the scientific periodicals of these professions, or is disseminated only
3 for the purpose of public health education by persons not commercially
4 interested, directly or indirectly, in the sale of such drugs or devices; but,
5 if the department determines that an advance in medical science has made
6 any type of self-medication safe as to any of the diseases named in this
7 subsection (2), the department shall by regulation authorize the
8 advertisement of drugs having curative or therapeutic effect for such
9 disease, subject to such conditions and restrictions as the department may
10 deem necessary in the interests of public health; except that this
11 subsection (2) shall not be construed as indicating that self-medication for
12 any diseases is safe or efficacious.

13 **SECTION 25. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.