

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2)
7 OF THIS SECTION, any person, firm, or corporation ~~violating any of the~~
8 ~~provisions~~ THAT VIOLATES A PROVISION of this part 4, other than section
9 25-4-408, or any lawful rule ~~or regulation made~~ ADOPTED by the
10 ~~department of public health and environment~~ STATE BOARD pursuant to
11 the authority granted in this part 4, or ~~failing or refusing~~ FAILS OR
12 REFUSES to obey any lawful order issued by any ~~state, county, or~~
13 ~~municipal~~ health officer pursuant to the authority granted in this part 4,
14 is guilty of a misdemeanor and, upon conviction thereof, shall be
15 punished by a fine of not more than three hundred dollars, or by
16 imprisonment in the county jail for not more than ninety days, or by both
17 such fine and imprisonment.

18 (2) IF THE PERSON WHO COMMITS A VIOLATION OF THIS PART 4 OR
19 A LAWFUL RULE OF THE STATE BOARD OR WHO FAILS OR REFUSES TO OBEY
20 A LAWFUL ORDER OF A HEALTH OFFICER IS A LICENSED OR CERTIFIED
21 HEALTH CARE PROFESSIONAL, THE HEALTH OFFICER MAY BRING AN ACTION
22 IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT IN WHICH THE
23 VIOLATION OR FAILURE OR REFUSAL OCCURS TO SEEK A CIVIL PENALTY OF
24 NOT MORE THAN THREE HUNDRED DOLLARS PER VIOLATION, FAILURE, OR
25 REFUSAL. A PERSON SUBJECT TO THE PENALTIES SPECIFIED IN THIS
26 SUBSECTION (2) SHALL NOT BE SUBJECT TO THE PENALTIES DESCRIBED IN
27 SUBSECTION (1) OF THIS SECTION.

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

3 **25-4-408. Distribution of information.** The department of
4 ~~public health and environment~~ shall prepare, for free distribution among
5 the residents of the state, printed information and instructions concerning
6 the dangers ~~from venereal diseases~~ OF SEXUALLY TRANSMITTED
7 INFECTIONS, their prevention, and the necessity for treatment. It is the
8 duty of every physician who, during the course of an examination,
9 discovers the existence of a ~~venereal disease~~ SEXUALLY TRANSMITTED
10 INFECTION or who treats a person for ~~venereal disease~~ A SEXUALLY
11 TRANSMITTED INFECTION to ~~instruct him in~~ INFORM THE PERSON ABOUT
12 THE measures for preventing the spread of ~~such disease, to inform him of~~
13 THE INFECTION AND the necessity for treatment until cured, ~~and to hand~~
14 ~~him a copy of the circular of information regarding venereal disease from~~
15 ~~the department of public health and environment~~ WHEN APPROPRIATE.

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

18 **25-4-500.3. Definitions.** As used in this part 5, unless the context
19 otherwise requires:

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

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

26 **25-4-507. Isolation order - enforcement - court review.**
27 (1) (c) All isolation orders shall set forth the name of the person to be

1 isolated and the initial period, not to exceed six months, during which the
2 order shall remain effective, the place of isolation, and such other terms
3 and conditions as may be immediately necessary to protect the public
4 health. THE ISOLATION ORDER SHALL ADVISE THE PERSON BEING
5 DETAINED THAT HE OR SHE HAS THE RIGHT TO REQUEST RELEASE FROM
6 DETENTION BY CONTACTING A PERSON DESIGNATED IN THE ORDER AND
7 THAT THE DETENTION SHALL NOT CONTINUE FOR MORE THAN FIVE
8 BUSINESS DAYS AFTER THE REQUEST FOR RELEASE, UNLESS THE
9 DETENTION IS AUTHORIZED BY COURT ORDER. THE HEALTH OFFICER
10 SHALL SERVE a copy of ~~such~~ THE ISOLATION order ~~shall be served~~ upon
11 the person. The person shall be reexamined at the time the initial order
12 expires to ascertain whether or not the tuberculous condition continues to
13 be infectious. When it has been medically determined that the person no
14 longer has active tuberculosis, the person shall be relieved from all
15 further liability or duty imposed by this part 5, and the HEALTH OFFICER
16 SHALL RESCIND THE order. ~~shall be rescinded.~~

17 (d) A HEALTH OFFICER MAY DETAIN A PERSON WHO IS THE SUBJECT
18 OF AN ISOLATION ORDER ISSUED PURSUANT TO THIS SUBSECTION (1)
19 WITHOUT A PRIOR COURT ORDER. THE HEALTH OFFICER MAY DETAIN THE
20 PERSON IN A HOSPITAL OR OTHER APPROPRIATE PLACE FOR EXAMINATION
21 OR TREATMENT.

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

24 **25-4-507. Isolation order - enforcement - court review.**

25 (3) (a) IF A PERSON DETAINED PURSUANT TO AN ISOLATION ORDER
26 REQUESTS TO BE RELEASED, THE DETAINING AUTHORITY SHALL RELEASE
27 THE PERSON NOT LATER THAN FIVE BUSINESS DAYS AFTER THE PERSON

1 REQUESTS THE RELEASE, ABSENT A COURT ORDER AUTHORIZING
2 DETENTION. UPON RECEIPT OF A REQUEST FOR RELEASE, THE DETAINING
3 AUTHORITY SHALL APPLY FOR A COURT ORDER AUTHORIZING CONTINUED
4 DETENTION OF THE PERSON. THE DETAINING AUTHORITY SHALL MAKE THE
5 APPLICATION WITHIN SEVENTY-TWO HOURS AFTER THE PERSON REQUESTS
6 RELEASE OR, IF THE SEVENTY-TWO-HOUR PERIOD ENDS ON A SATURDAY,
7 SUNDAY, OR LEGAL HOLIDAY, BY THE END OF THE FIRST BUSINESS DAY
8 FOLLOWING THE SATURDAY, SUNDAY, OR LEGAL HOLIDAY. THE
9 APPLICATION SHALL INCLUDE A REQUEST FOR AN EXPEDITED HEARING.

10 (b) IN ANY COURT PROCEEDING TO ENFORCE AN ISOLATION ORDER,
11 THE HEALTH OFFICER SHALL PROVE THE PARTICULAR CIRCUMSTANCES
12 CONSTITUTING THE NECESSITY FOR THE DETENTION BY CLEAR AND
13 CONVINCING EVIDENCE. ANY PERSON WHO IS SUBJECT TO AN ISOLATION
14 ORDER HAS THE RIGHT TO BE REPRESENTED BY COUNSEL AND, UPON
15 REQUEST, COUNSEL SHALL BE PROVIDED TO THE PERSON.

16 (c) THE REQUEST FOR RELEASE OR FILING OF AN APPLICATION FOR
17 A COURT ORDER TO CONTINUE AN ISOLATION ORDER SHALL NOT STAY THE
18 ISOLATION ORDER.

19 (d) IN REVIEWING THE APPLICATION TO CONTINUE THE ISOLATION
20 ORDER, THE COURT SHALL NOT CONDUCT A DE NOVO REVIEW. THE COURT
21 SHALL CONSIDER THE EXISTING ADMINISTRATIVE RECORD AND ANY
22 SUPPLEMENTAL EVIDENCE THE COURT DEEMS RELEVANT.

23 (e) UPON COMPLETION OF THE HEARING, THE COURT SHALL ISSUE
24 AN ORDER CONTINUING, MODIFYING, OR DISMISSING THE ISOLATION
25 ORDER.

26 (f) A HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE
27 CLOSED AND CONFIDENTIAL, AND ANY TRANSCRIPTS RELATING TO THE

1 HEARING SHALL BE CONFIDENTIAL.

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

6 **25-4-1405. Disease control by the state department of public**
7 **health and environment and local health departments.** (8) (a) No
8 ~~physician, health worker,~~ CARE PROVIDER or other person, and no
9 hospital, clinic, ~~sanitarium,~~ laboratory, or other private or public
10 institution, shall test, or shall cause by any means to have tested, any
11 specimen of any patient for HIV infection without the knowledge and
12 consent of the patient; except that knowledge and consent need not be
13 given:

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

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

19 **25-4-1414. Grant program - conflict of interest.** (1) (a) The
20 program shall fund medically accurate HIV and AIDS prevention and
21 education programs through a competitive grant process that shall be
22 overseen by the HIV and AIDS prevention grant program advisory
23 committee, which is hereby created and referred to in this section as the
24 "advisory committee". The advisory committee shall consist of seven
25 members appointed by the executive director of the department as
26 follows:

27 (I) ~~Two members representing community-based organizations~~

1 ~~who are recommended by and who are existing members of the Colorado~~
2 ~~advisory council on AIDS;~~

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

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

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

11 **SECTION 19.** 25-1-122 (1) and the introductory portion to
12 25-1-122 (4), Colorado Revised Statutes, are amended to read:

13 **25-1-122. Named reporting of certain diseases and conditions**
14 **- access to medical records - confidentiality of reports and records.**

15 (1) With respect to investigations of epidemic and communicable
16 diseases, morbidity and mortality, cancer in connection with the statewide
17 cancer registry, environmental and chronic diseases, ~~venereal diseases~~
18 SEXUALLY TRANSMITTED INFECTIONS, tuberculosis, and rabies and
19 mammal bites, the board has the authority to require reporting, without
20 patient consent, of occurrences of those diseases and conditions by any
21 person having knowledge of such to the state and local health
22 departments, within their respective jurisdictions. Any required reports
23 shall contain the name, address, age, sex, diagnosis, and such other
24 relevant information as the board determines is necessary to protect the
25 public health. The board shall set the manner, time period, and form in
26 which such reports are to be made. The board may limit reporting for a
27 specific disease or condition to a particular region or community or for a

1 limited period of time. Nothing in this subsection (1) shall be construed
2 to apply to cases of AIDS, HIV-related illness, or HIV infection, which
3 shall be governed solely by the reporting requirements set forth in part 14
4 of article 4 of this title.

5 (4) Reports and records resulting from the investigation of
6 epidemic and communicable diseases, environmental and chronic
7 diseases, reports of morbidity and mortality, reports of cancer in
8 connection with the statewide cancer registry, and reports and records
9 resulting from the investigation of ~~venereal diseases~~ SEXUALLY
10 TRANSMITTED INFECTIONS, tuberculosis, and rabies and mammal bites
11 held by the state department of public health and environment or local
12 departments of health shall be strictly confidential. Such reports and
13 records shall not be released, shared with any agency or institution, or
14 made public, upon subpoena, search warrant, discovery proceedings, or
15 otherwise, except under any of the following circumstances:

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

18 **25-1-801. Patient records in custody of health care facility.**

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

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

1 **25-1-802. Patient records in custody of individual health care**
2 **providers.** (2) Nothing in this section shall be construed to require a
3 person responsible for the diagnosis or treatment of ~~venereal diseases~~
4 SEXUALLY TRANSMITTED INFECTIONS or addiction to or use of drugs in the
5 case of minors pursuant to sections 25-4-402 (4) and 13-22-102, C.R.S.,
6 to release patient records of such diagnosis or treatment to a parent,
7 guardian, or person other than the minor or his OR HER designated
8 representative.

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

11 **25-1-1202. Index of statutory sections regarding medical**
12 **record confidentiality and health information.** (1) Statutory
13 provisions concerning policies, procedures, and references to the release,
14 sharing, and use of medical records and health information include the
15 following:

16 (qq) Section 25-1-122, concerning reporting of certain diseases
17 and conditions for investigation of epidemic and communicable diseases,
18 morbidity and mortality, cancer in connection with the statewide cancer
19 registry, environmental and chronic diseases, ~~venereal diseases~~ SEXUALLY
20 TRANSMITTED INFECTIONS, tuberculosis, and rabies and mammal bites by
21 the department of public health and environment;

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

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

26 **25-5-415. Misbranding.** (1) A drug or device shall be deemed
27 to be misbranded:

1 (k) If its labeling represents it to have any effect in albuminuria,
2 appendicitis, arteriosclerosis, arthritis, baldness, blood poison, bone
3 disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes,
4 diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases,
5 high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis,
6 otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis),
7 prostate gland disorders, pyelitis, rheumatism, scarlet fever, sexual
8 impotence, SEXUALLY TRANSMITTED INFECTION, sinus infection,
9 smallpox, tuberculosis, tumors, typhoid, OR uremia, ~~or venereal disease,~~
10 and shall also be deemed to be false; except that no labeling in violation
11 of paragraphs (a) and (b) of this subsection (1) shall be deemed to be false
12 under this paragraph (k) if it is disseminated only to members of the
13 medical, dental, chiropractic, or veterinary professions or is disseminated
14 only for the purpose of public health education by persons not
15 commercially interested, directly or indirectly, in the sale of such drugs
16 or devices; but, if the department determines that an advance in medical
17 science has made any type of self-medication safe as to any of the
18 diseases named in this paragraph (k), the department shall by regulation
19 authorize the labeling of drugs having curative or therapeutic effect for
20 such disease, subject to such conditions and restrictions as the department
21 may deem necessary in the interests of public health; except that this
22 paragraph (k) shall not be construed as indicating that self-medication for
23 any disease is safe or efficacious;

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

26 **25-5-418. Advertisements.** (2) For the purpose of this part 4, the
27 advertisement of a drug or device representing it to have any effect in

1 albuminuria, appendicitis, arteriosclerosis, arthritis, baldness, blood
2 poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis,
3 diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular
4 diseases, high blood pressure, mastoiditis, measles, meningitis, mumps,
5 nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile
6 paralysis), prostate gland disorders, pyelitis, rheumatism, scarlet fever,
7 sexual impotence, SEXUALLY TRANSMITTED INFECTIONS, sinus infection,
8 smallpox, tuberculosis, tumors, typhoid, OR uremia ~~or venereal diseases~~
9 shall also be deemed to be false; except that no advertisement not in
10 violation of subsection (1) of this section shall be deemed to be false
11 under this subsection (2) if it is disseminated only to members of the
12 medical, dental, chiropractic, or veterinary professions, or appears only
13 in the scientific periodicals of these professions, or is disseminated only
14 for the purpose of public health education by persons not commercially
15 interested, directly or indirectly, in the sale of such drugs or devices; but,
16 if the department determines that an advance in medical science has made
17 any type of self-medication safe as to any of the diseases named in this
18 subsection (2), the department shall by regulation authorize the
19 advertisement of drugs having curative or therapeutic effect for such
20 disease, subject to such conditions and restrictions as the department may
21 deem necessary in the interests of public health; except that this
22 subsection (2) shall not be construed as indicating that self-medication for
23 any diseases is safe or efficacious.

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