

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 14-0574.01 Kristen Forrestal x4217

HOUSE BILL 14-1288

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A BILL FOR AN ACT

101 **CONCERNING PERSONAL BELIEF EXEMPTIONS TO IMMUNIZATION**
102 **REQUIREMENTS FOR CHILDREN PRIOR TO ATTENDING SCHOOL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

When a parent, guardian, emancipated student, or student 18 years of age or older has a personal belief that is opposed to immunizations, the bill requires the person to submit to the student's school a statement of exemption that includes:

! The signature of a health care provider or an authorized

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.*

HOUSE
Amended 2nd Reading
March 21, 2014

representative of the department of public health and environment (department) or of a county, district, or municipal public health agency who is permitted and qualified to administer vaccines stating that the parent, guardian, or student received information disclosing the benefits and risks of immunizations to the student and the community; or

- ! A certificate of completion of an on-line education module developed by the infant immunization program at the department that discloses the benefits and risks of immunization to the student and the community.

The bill also requires the department to promulgate rules concerning student immunizations.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares:

4 (a) Vaccines are considered one of the greatest public health
5 achievements of the twentieth century, and save an estimated three
6 million children's lives every year;

7 (b) Vaccines are cost-effective, and for every dollar we spend
8 immunizing a child up to six years of age, more than \$10 is saved in
9 direct and indirect costs;

10 (c) High rates of immunization coverage are necessary to prevent
11 the spread of vaccine-preventable diseases;

12 (d) Children who are not vaccinated are twenty-two to
13 twenty-eight times more likely to get pertussis (whooping cough) than
14 their immunized peers, and with Colorado pertussis cases at epidemic
15 levels, high exemption rates can increase the risk of pertussis and other
16 vaccine-preventable diseases within Colorado schools and communities;

17 (e) Personal belief exemptions are the primary reason for
18 exemption from recommended vaccines and account for over ninety

1 percent of all exemptions for Colorado kindergartners from 2003-2012;

2 (f) Colorado has one of the highest rates of personal belief
3 exemption for immunizations in the United States, which translates to
4 nearly three thousand kindergartners entering school unvaccinated against
5 one or more vaccine-preventable diseases each year;

6 (g) States with permissive or easy procedures for claiming
7 personal belief exemptions have higher rates of vaccine-preventable
8 diseases; states with policies that make it easy to exempt children from
9 immunization were associated with a ninety percent higher incidence of
10 whooping cough in 2011; and

11 (h) A parent's decision to refuse vaccination for their child carries
12 risk for their child and the community at large and, therefore, it is critical
13 that Colorado develop a policy that ensures careful consideration of the
14 research about vaccine benefits and risks.

15 **SECTION 2.** In Colorado Revised Statutes, 25-4-902, **add** (6) as
16 follows:

17 **25-4-902. Immunization prior to attending school -**
18 **standardized immunization information.** (6) THIS SECTION DOES NOT
19 APPLY TO:

20 (a) A CHILD WHO IS PARTICIPATING IN A NONPUBLIC, HOME-BASED
21 EDUCATIONAL PROGRAM AS LONG AS THE CHILD DOES NOT PARTICIPATE
22 IN ANY ACTIVITY OR CLASS AT A SCHOOL WITH OTHER CHILDREN; OR

23 (b) A CHILD WHO IS EDUCATED THROUGH AN ONLINE SCHOOL
24 PROGRAM AS LONG AS:

25 (I) THE ONLINE SCHOOL DOES NOT HAVE ADDITIONAL CHILDREN,
26 OTHER THAN THE CHILD'S SIBLINGS, IN THE SAME LOCATION AS THE CHILD;
27 AND

1 (II) THE CHILD DOES NOT PARTICIPATE IN ANY ACTIVITY OR CLASS
2 AT A SCHOOL WITH OTHER CHILDREN.

3 SECTION 3. In Colorado Revised Statutes, 25-4-903, **amend** (2)
4 introductory portion and (2) (b); and **add** (2) (c), (2.5), and (5) as follows:

5 25-4-903. Exemptions from immunization - rules. (2) It is the
6 responsibility of the parent or legal guardian to have his or her child
7 immunized unless the child is exempted pursuant to this section. A
8 student ~~shall be~~ IS exempted from receiving the required immunizations
9 in the following manner:

10 (b) By submitting to the student's school a statement of exemption
11 signed by one parent or guardian, ~~or the emancipated student, or student~~
12 eighteen years of age or older that the parent, guardian, or student is an
13 adherent to a religious belief whose teachings are opposed to
14 immunizations; ~~or that the parent or guardian, or the emancipated student,~~
15 ~~or student eighteen years of age or older has a personal belief that is~~
16 ~~opposed to immunizations.~~ OR

17 (c) BY SUBMITTING TO THE STUDENT'S SCHOOL A STATEMENT OF
18 EXEMPTION SIGNED BY ONE PARENT OR GUARDIAN, EMANCIPATED
19 STUDENT, OR STUDENT EIGHTEEN YEARS OF AGE OR OLDER THAT THE
20 PARENT, GUARDIAN, OR STUDENT HAS A PERSONAL BELIEF THAT IS
21 OPPOSED TO IMMUNIZATIONS. THE STATEMENT OF EXEMPTION MUST
22 INCLUDE OR BE ACCOMPANIED BY:

23 (I) THE SIGNATURE OF A PHYSICIAN; A PHYSICIAN ASSISTANT; AN
24 ADVANCED PRACTICE NURSE; OR AN AUTHORIZED REPRESENTATIVE OF THE
25 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR OF A COUNTY,
26 DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY WHO IS PERMITTED AND
27 QUALIFIED TO ADMINISTER VACCINES ON A WRITTEN DISCLOSURE STATING

1 THAT THE PARENT, GUARDIAN, OR STUDENT RECEIVED INFORMATION
2 DISCLOSING THE BENEFITS AND RISKS OF IMMUNIZATIONS TO THE STUDENT
3 AND THE COMMUNITY; OR

4 (II) A CERTIFICATE OF COMPLETION OF AN ON-LINE EDUCATION
5 MODULE DEVELOPED BY THE INFANT IMMUNIZATION PROGRAM AT THE
6 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT THAT DISCLOSES THE
7 BENEFITS AND RISKS OF IMMUNIZATION TO THE STUDENT AND THE
8 COMMUNITY.

9 (2.5) THE STATE BOARD OF HEALTH SHALL PROMULGATE RULES
10 REGARDING:

11 (a) THE CONTENT OF THE REQUIRED DISCLOSURES, INCLUDING
12 EVIDENCE-BASED RESEARCH, RESOURCES AND INFORMATION FROM
13 CREDIBLE SCIENTIFIC AND PUBLIC HEALTH ORGANIZATIONS, AND
14 PEER-REVIEWED STUDIES; AND

15 (b) THE FREQUENCY OF RECEIVING DISCLOSURES AND THE
16 SUBMISSION OF EXEMPTION FORMS.

17 (5) EACH SCHOOL SHALL MAKE THE IMMUNIZATION AND
18 EXEMPTION RATES OF THEIR ENROLLED STUDENT POPULATION PUBLICLY
19 AVAILABLE UPON REQUEST.

20 **SECTION 4.** In Colorado Revised Statutes, **add** 25-4-910 as
21 follows:

22 **25-4-910. Immunization data collection.** (1) THE DEPARTMENT
23 OF PUBLIC HEALTH AND ENVIRONMENT, IN CONSULTATION WITH OTHER
24 STATE DEPARTMENTS, SHALL ESTABLISH A JOINT POLICY ON
25 IMMUNIZATION DATA COLLECTION AND SHARING.

26 (2) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
27 SHALL PROVIDE ASSISTANCE TO THE SCHOOL DISTRICTS WITH THE

1 ANALYSIS AND INTERPRETATION OF THE IMMUNIZATION DATA.

2 **SECTION 5. Effective date.** This act takes effect July 1, 2015.

3 **SECTION 6. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.