

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 07-0096.02 Jerry Barry

HOUSE BILL 07-1301

HOUSE SPONSORSHIP

Buescher and Primavera,

SENATE SPONSORSHIP

Williams,

House Committees

Health and Human Services
Appropriations

Senate Committees

Health and Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE AVAILABILITY OF CERVICAL CANCER**
102 **IMMUNIZATIONS, AND, IN CONNECTION THEREWITH,**
103 **ESTABLISHING THE CERVICAL CANCER IMMUNIZATION**
104 **PROGRAM, ENCOURAGING FEDERALLY QUALIFIED HEALTH**
105 **CENTERS TO CONTRACT WITH LOCAL HEALTH AGENCIES TO**
106 **ADMINISTER CERVICAL CANCER IMMUNIZATIONS, REQUIRING A**
107 **CERVICAL CANCER IMMUNIZATION PUBLIC AWARENESS**
108 **CAMPAIGN, SPECIFYING THAT CERVICAL CANCER**
109 **IMMUNIZATION IS A BENEFIT FOR MEDICAID RECIPIENTS,**
110 **REQUIRING THAT CERTAIN HEALTH INSURANCE POLICIES**
111 **PROVIDE COVERAGE FOR CERVICAL CANCER IMMUNIZATIONS,**
112 **AND MAKING AN APPROPRIATION.**

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.

SENATE
3rd Reading Unamended
May 1, 2007

SENATE
Amended 2nd Reading
April 30, 2007

HOUSE
3rd Reading Unamended
April 18, 2007

HOUSE
Amended 2nd Reading
April 17, 2007

Bill Summary

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

Establishes the cervical cancer immunization program ("program") to immunize female minors and women against cervical cancer. Directs the department of public health and environment ("department") to investigate ways of making cervical cancer vaccines available. Authorizes the state board of health to adopt rules to assist the department in making the vaccines available.

Encourages federally qualified health centers to contract with local public health agencies to administer vaccinations to underinsured female minors. Authorizes local public health agencies to administer vaccinations to underinsured female minors. Directs the department to pay a local public health agency's costs for administering cervical cancer vaccinations.

Establishes the cervical cancer immunization fund ("program fund") for the program. Transfers \$1.5 million of moneys in the prevention, early detection, and treatment fund to the program fund for the program.

Directs the department to conduct a public awareness campaign. Establishes a public awareness campaign fund ("public awareness fund"). Authorizes the department to solicit and accept gifts, grants, and donations to pay for the public awareness campaign. Specifies that if \$800,000 is received in gifts, grants, or donations by January 1, 2008, \$200,000 shall be transferred from the program fund to the public awareness fund.

Adds cervical cancer immunization as a benefit under Medicaid.

Mandates that certain health insurance policies provide coverage for cervical cancer vaccinations.

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

2 **SECTION 1.** Article 4 of title 25, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PART to read:

4 **PART 24**

5 **CERVICAL CANCER IMMUNIZATION ACT**

6 **25-4-2401. Short title.** THIS PART 24 SHALL BE KNOWN AND MAY

1 BE CITED AS THE "CERVICAL CANCER IMMUNIZATION ACT".

2 **25-4-2402. Definitions.** AS USED IN THIS PART 24, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "BOARD OF HEALTH" MEANS THE STATE BOARD OF HEALTH.

5 (2) "CERVICAL CANCER VACCINE" OR "CERVICAL CANCER
6 IMMUNIZATION" MEANS THE SERIES OF VACCINES TO PREVENT CERVICAL
7 CANCER AS DETERMINED BY THE BOARD OF HEALTH TO BE NECESSARY TO
8 CONFORM TO RECOGNIZED STANDARD MEDICAL PRACTICES.

9 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
10 AND ENVIRONMENT.

11 [REDACTED]
12 (4) "FQHC" MEANS A PROVIDER DESIGNATED AS A FEDERALLY
13 QUALIFIED HEALTH CENTER PURSUANT TO THE PROVISIONS OF 42 U.S.C.
14 SEC. 1396d (1) (2) (B).

15 (5) "LOCAL PUBLIC HEALTH AGENCY" MEANS A COUNTY OR
16 DISTRICT DEPARTMENT OF HEALTH ESTABLISHED PURSUANT TO SECTION
17 25-1-501 OR AN AGENCY PROVIDING PUBLIC HEALTH NURSING SERVICES
18 AS DESCRIBED IN SECTION 25-1-610.5.

19 (6) "PROGRAM" MEANS THE CERVICAL CANCER IMMUNIZATION
20 PROGRAM, CREATED IN SECTION 25-4-2403.

21 **25-4-2403. Cervical cancer immunization program - rules.**

22 (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE CERVICAL
23 CANCER IMMUNIZATION PROGRAM. THE DEPARTMENT IS DIRECTED TO
24 INVESTIGATE MANNERS IN WHICH THE CERVICAL CANCER VACCINE MAY BE
25 ADMINISTERED IN AN ECONOMICAL FASHION. [REDACTED] THE STATE BOARD IS
26 AUTHORIZED TO PROMULGATE RULES TO ASSIST THE DEPARTMENT IN
27 MAKING THE VACCINE AVAILABLE.

1 (2) FQHCs ARE ENCOURAGED TO ENTER INTO AGREEMENTS WITH
2 LOCAL PUBLIC HEALTH AGENCIES TO ADMINISTER VACCINATIONS TO
3 UNDERINSURED FEMALE MINORS THROUGH A FEDERALLY RECOGNIZED
4 VACCINATION PROGRAM FOR CHILDREN. IF A LOCAL PUBLIC HEALTH
5 AGENCY ENTERS INTO AN AGREEMENT, THE AGENCY SHALL ADMINISTER
6 VACCINATIONS, INCLUDING BUT NOT LIMITED TO CERVICAL CANCER
7 VACCINATIONS, PURSUANT TO THE AGREEMENT WITH THE FQHC. THE
8 DEPARTMENT SHALL PAY TO A LOCAL PUBLIC HEALTH AGENCY THE
9 AGENCY'S ADMINISTRATIVE COST FOR ADMINISTERING A CERVICAL
10 CANCER VACCINATION TO AN UNDERINSURED FEMALE ENTERING THE
11 SIXTH GRADE.

12 [REDACTED] [REDACTED]
13 **25-4-2404. Public awareness campaign - fund.** (1) SUBJECT TO
14 THE MONEYS BEING AVAILABLE IN THE FUND CREATED IN SUBSECTION (2)
15 OF THIS SECTION, ON AND AFTER JANUARY 1, 2008, THE DEPARTMENT
16 SHALL CONDUCT A PUBLIC AWARENESS CAMPAIGN ON CERVICAL CANCER
17 IMMUNIZATION AND THE BENEFITS, DISADVANTAGES, AND POSSIBLE SIDE
18 EFFECTS OF RECEIVING CERVICAL CANCER IMMUNIZATION.

19 (2) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
20 CERVICAL CANCER IMMUNIZATION AWARENESS CAMPAIGN FUND,
21 REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST
22 OF ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE DEPARTMENT
23 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND
24 ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY.
25 MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY
26 THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS
27 ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. INTEREST AND

1 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE
2 FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
3 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
4 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
5 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

6 (3) (a) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT
7 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
8 THE PURPOSES OF THIS SECTION.

9 (b) IF, ON OR BEFORE JANUARY 1, 2008, THE DEPARTMENT HAS
10 RECEIVED EIGHT HUNDRED THOUSAND DOLLARS OR MORE IN GIFTS,
11 GRANTS, OR DONATIONS PURSUANT TO PARAGRAPH (a) OF THIS
12 SUBSECTION (3), THERE IS TRANSFERRED FROM THE COLORADO
13 IMMUNIZATION FUND ESTABLISHED PURSUANT TO SECTION 25-4-2301 TO
14 THE FUND ON JANUARY 15, 2008, THE SUM OF ONE HUNDRED THOUSAND
15 DOLLARS AND ON OR AFTER JULY 1, 2008, THE SUM OF ONE HUNDRED
16 THOUSAND DOLLARS.

17
18 **SECTION 2.** 25.5-5-202 (1), Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

20 **25.5-5-202. Basic services for the categorically needy - optional**
21 **services - repeal.** (1) Subject to the provisions of subsection (2) of this
22 section, the following are services for which federal financial
23 participation is available and which Colorado has selected to provide as
24 optional services under the medical assistance program:

25 (t) CERVICAL CANCER IMMUNIZATION FOR ALL FEMALES UNDER
26 TWENTY YEARS OF AGE.

27 **SECTION 3.** 10-16-104, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **10-16-104. Mandatory coverage provisions. (16) Cervical**
3 **cancer vaccines.** (a) ALL INDIVIDUAL AND ALL GROUP SICKNESS AND
4 ACCIDENT INSURANCE POLICIES, EXCEPT SUPPLEMENTAL POLICIES
5 COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, THAT ARE
6 DELIVERED OR ISSUED FOR DELIVERY WITHIN THE STATE BY AN ENTITY
7 SUBJECT TO THE PROVISIONS OF PART 2 OF THIS ARTICLE AND ALL
8 INDIVIDUAL AND GROUP HEALTH CARE SERVICE OR INDEMNITY CONTRACTS
9 ISSUED BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 3 OR 4 OF THIS
10 ARTICLE, AS WELL AS ANY OTHER GROUP HEALTH CARE COVERAGE
11 OFFERED TO RESIDENTS OF THIS STATE, SHALL PROVIDE COVERAGE FOR
12 THE FULL COST OF CERVICAL CANCER VACCINATION FOR ALL FEMALES FOR
13 WHOM A VACCINATION IS RECOMMENDED BY THE ADVISORY COMMITTEE
14 ON IMMUNIZATION PRACTICES OF THE UNITED STATES DEPARTMENT OF
15 HEALTH AND HUMAN SERVICES.

16 (b) THE REQUIREMENTS OF THIS SUBSECTION (16) SHALL APPLY TO
17 ALL INDIVIDUAL SICKNESS AND ACCIDENT INSURANCE POLICIES AND
18 HEALTH CARE SERVICE OR INDEMNITY CONTRACTS ISSUED ON OR AFTER
19 JANUARY 1, 2008, AND TO ALL GROUP ACCIDENT AND SICKNESS POLICIES
20 AND GROUP HEALTH CARE SERVICE OR INDEMNITY CONTRACTS ISSUED,
21 RENEWED, OR REINSTATED ON OR AFTER JANUARY 1, 2008.

22 (c) FOR PURPOSES OF THIS SUBSECTION (16), "SICKNESS AND
23 ACCIDENT INSURANCE POLICY" DOES NOT INCLUDE SHORT-TERM,
24 ACCIDENT, FIXED INDEMNITY, SPECIFIED DISEASE POLICIES OR DISABILITY
25 INCOME CONTRACTS, AND LIMITED BENEFIT OR CREDIT DISABILITY
26 INSURANCE, OR SUCH OTHER INSURANCE AS DESCRIBED IN SECTION
27 10-18-101 (3) OR BY THE COMMISSIONER. THE TERM ALSO DOES NOT

1 INCLUDE INSURANCE ARISING OUT OF THE "WORKERS' COMPENSATION
2 ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S., OR OTHER
3 SIMILAR LAW, AUTOMOBILE MEDICAL PAYMENT INSURANCE, OR
4 INSURANCE UNDER WHICH BENEFITS ARE PAYABLE WITH OR WITHOUT
5 REGARD TO FAULT AND WHICH IS REQUIRED BY LAW TO BE CONTAINED IN
6 A LIABILITY INSURANCE POLICY OR EQUIVALENT SELF-INSURANCE.

7 (d) THE HEALTH CARE SERVICE PLAN ISSUED BY AN ENTITY
8 SUBJECT TO THE PROVISIONS OF PART 4 OF THIS ARTICLE MAY PROVIDE
9 THAT THE BENEFITS PROVIDED PURSUANT TO THIS SUBSECTION (16) SHALL
10 BE COVERED BENEFITS ONLY IF THE SERVICES ARE RENDERED BY A
11 PROVIDER WHO IS DESIGNATED BY AND AFFILIATED WITH THE HEALTH
12 MAINTENANCE ORGANIZATION.

13 **SECTION 4. Appropriation.** (1) For the implementation of this
14 act, appropriations made to the department of public health and
15 environment, for the fiscal year beginning July 1, 2007, shall be adjusted
16 as follows:

17 (a) In addition to any other appropriation, there is hereby
18 appropriated, to the disease control and environmental epidemiology
19 division, for allocation to the cervical cancer immunization program to
20 immunize female minors and women in Colorado against cervical cancer
21 as created in section 25-4-2303, Colorado Revised Statutes, of this act,
22 the sum of forty-two thousand six hundred dollars (\$42,600), cash funds
23 exempt, or so much thereof as may be necessary. This appropriation shall
24 be from the Colorado immunization fund created in section 25-4-2301,
25 Colorado Revised Statutes.

26 (b) In addition to any other appropriation, there is hereby
27 appropriated, to the disease control and environmental epidemiology

1 division, for allocation to the public awareness campaign on cervical
2 cancer immunization and the benefits of receiving cervical cancer
3 immunization pursuant to section 25-4-2305 (1), Colorado Revised
4 Statutes, of this act, the sum of two hundred twenty-five thousand dollars
5 (\$225,000), cash funds exempt, or so much thereof as may be necessary.
6 This appropriation shall be from any gifts, grants, and donations received
7 by the department for this purpose and deposited into the cervical cancer
8 immunization awareness campaign fund created in section 25-4-2305 (2),
9 Colorado Revised Statutes.

10 (2) For the implementation of this act, appropriations made to the
11 department of health care policy and financing, for the fiscal year
12 beginning July 1, 2007, to the indigent care program, for allocation to the
13 children's basic health plan premiums costs, the sum of two hundred
14 ninety-eight thousand one hundred seventy-seven dollars (\$298,177). Of
15 said sum, ninety thousand seven hundred ninety-five dollars (\$90,795)
16 shall be cash funds exempt from the Colorado immunization fund created
17 in section 25-4-2301, Colorado Revised Statutes, thirteen thousand five
18 hundred sixty-seven dollars (\$13,567) shall be cash funds exempt from
19 the health care expansion fund created in section 24-22-117 (2) (a) (I),
20 Colorado Revised Statutes, and one hundred ninety-three thousand eight
21 hundred fifteen dollars (\$193,815) shall be from federal funds.

22 **SECTION 5.** Section 14 (5) (b) of Senate Bill 07-097, enacted at
23 the First Regular Session of the Sixty-sixth General Assembly, is
24 amended to read:

25 Section 14. **Appropriation** (5) (b) In addition to any other
26 appropriation, there is hereby appropriated, out of any moneys in the
27 supplemental tobacco litigation settlement moneys account within the

1 Colorado immunization fund created in ~~section 25-4-2305~~, SECTION
2 25-4-2301, Colorado Revised Statutes, not otherwise appropriated, to the
3 department of public health and environment, disease control and
4 environmental epidemiology division, for the fiscal year beginning July
5 1, 2007, the sum of ~~nine hundred thousand dollars (\$900,000)~~, SIX
6 HUNDRED SIXTY-SIX THOUSAND SIX HUNDRED FIVE DOLLARS (\$666,605),
7 cash funds exempt, or so much thereof as may be necessary, for the
8 implementation of this act.

9 **SECTION 6. Appropriation.** (1) In addition to any other
10 appropriation, there is hereby appropriated, out of any moneys in the
11 supplemental tobacco litigation settlement moneys account within the
12 Colorado immunization fund created in section 25-4-2301, Colorado
13 Revised Statutes, not otherwise appropriated, to the department of public
14 health and environment, disease control and environmental epidemiology
15 division, for the fiscal year beginning July 1, 2007, the sum of one
16 hundred thousand dollars (\$100,000), cash funds exempt, or so much
17 thereof as may be necessary, for the implementation of this act.

18 **SECTION 7. Effective date.** (1) Except as otherwise provided
19 in subsection (2) of this section, this act shall take effect upon passage.

20 (2) Section 6 of this act shall take effect January 1, 2008, only if
21 the executive director of the department of public health and environment
22 certifies to the revisor of statutes that eight hundred thousand dollars or
23 more has not been received in gifts, grants, or donations, in the cervical
24 cancer immunization awareness campaign fund.

25 **SECTION 8. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.