

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

**REVISED**

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

LLS NO. 07-0096.02 Jerry Barry

**HOUSE BILL 07-1301**

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**HOUSE SPONSORSHIP**

**Buescher and Primavera,**

**SENATE SPONSORSHIP**

**Williams,**

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**House Committees**

Health and Human Services  
Appropriations

**Senate Committees**

Health and Human Services  
Appropriations

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**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  
Amended 2nd Reading  
April 30, 2007

HOUSE  
3rd Reading Unamended  
April 18, 2007

HOUSE  
Amended 2nd Reading  
April 17, 2007



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.