

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

PREAMENDED

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

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

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, AND**
110 **REQUIRING THAT CERTAIN HEALTH INSURANCE POLICIES**
111 **PROVIDE COVERAGE FOR CERVICAL CANCER IMMUNIZATIONS.**

Bill Summary

*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.*

(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 THE FOLLOWING NEW PARTS to
4 read:

5 **PART 23**

6 **COLORADO IMMUNIZATION FUND**

7 **25-4-2301. Colorado immunization fund - supplemental**

1 **tobacco litigation settlement moneys account - creation.** THERE ARE
2 HEREBY CREATED IN THE STATE TREASURY THE COLORADO IMMUNIZATION
3 FUND AND AN ACCOUNT WITHIN THE FUND TO BE KNOWN AS THE
4 SUPPLEMENTAL TOBACCO LITIGATION SETTLEMENT MONEYS ACCOUNT.
5 THE PRINCIPAL OF THE PORTION OF THE FUND THAT IS NOT THE ACCOUNT
6 SHALL CONSIST OF GENERAL FUND APPROPRIATIONS MADE BY THE
7 GENERAL ASSEMBLY TO THE FUND AND GIFTS, GRANTS, OR AWARDS
8 RECEIVED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
9 FROM THE FEDERAL GOVERNMENT OR PRIVATE SOURCES FOR THE FUND.
10 THE PRINCIPAL OF THE ACCOUNT SHALL CONSIST OF TOBACCO LITIGATION
11 SETTLEMENT MONEYS TRANSFERRED BY THE STATE TREASURER TO THE
12 ACCOUNT IN ACCORDANCE WITH SECTION 24-22-117 (2) (d) (II.5), C.R.S.
13 ALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF
14 MONEYS IN THE PORTION OF THE FUND THAT IS NOT THE ACCOUNT SHALL
15 BE CREDITED TO THAT PORTION OF THE FUND, AND ALL INTEREST AND
16 INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE
17 ACCOUNT SHALL BE CREDITED TO THE ACCOUNT AND REMAIN THEREIN
18 UNTIL TRANSFERRED AS REQUIRED BY THIS SECTION. EXCEPT AS
19 OTHERWISE PROVIDED IN THIS SECTION, AND SUBJECT TO ANNUAL
20 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT, THE
21 DEPARTMENT SHALL EXPEND THE PRINCIPAL OF THE FUND AND THE
22 ACCOUNT ONLY FOR THE PURPOSE OF IMMUNIZATION AND IMMUNIZATION
23 STRATEGIES.

24 PART 24

25 CERVICAL CANCER IMMUNIZATION ACT

26 **25-4-2401. Short title.** THIS PART 24 SHALL BE KNOWN AND MAY
27 BE CITED AS THE "CERVICAL CANCER IMMUNIZATION ACT".

1 **25-4-2402. Definitions.** AS USED IN THIS PART 24, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

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

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

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

10

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

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

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

20 **25-4-2403. Cervical cancer immunization program - rules.**

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

27 (2) FQHCs ARE ENCOURAGED TO ENTER INTO AGREEMENTS WITH

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

11

12 **25-4-2404. Public awareness campaign - fund.** (1) SUBJECT TO
13 THE MONEYS BEING AVAILABLE IN THE FUND CREATED IN SUBSECTION (2)
14 OF THIS SECTION, THE DEPARTMENT SHALL CONDUCT A PUBLIC
15 AWARENESS CAMPAIGN ON CERVICAL CANCER IMMUNIZATION AND THE
16 BENEFITS OF RECEIVING CERVICAL CANCER IMMUNIZATION.

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

1 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
2 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
3 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

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

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

13 **SECTION 2.** 24-22-117 (2) (d), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

15 **24-22-117. Tobacco tax cash fund - accounts - creation -**
16 **repeal.** (2) (d) (II.5) FOR THE 2007-08 FISCAL YEAR AND FOR EACH
17 FISCAL YEAR THEREAFTER, OF THE MONEYS TRANSFERRED PURSUANT TO
18 SUBPARAGRAPH (II) OF THIS PARAGRAPH (d), ONE MILLION FIVE HUNDRED
19 THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE COLORADO
20 IMMUNIZATION FUND CREATED IN SECTION 25-4-2301, C.R.S.

21 **SECTION 3.** 25.5-5-202 (1), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

1 (t) CERVICAL CANCER IMMUNIZATION FOR ALL FEMALES UNDER
2 TWENTY YEARS OF AGE.

3 SECTION 4. 10-16-104, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

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

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

25 (c) FOR PURPOSES OF THIS SUBSECTION (16), "SICKNESS AND
26 ACCIDENT INSURANCE POLICY" DOES NOT INCLUDE SHORT-TERM,
27 ACCIDENT, FIXED INDEMNITY, SPECIFIED DISEASE POLICIES OR DISABILITY

1 INCOME CONTRACTS, AND LIMITED BENEFIT OR CREDIT DISABILITY
2 INSURANCE, OR SUCH OTHER INSURANCE AS DESCRIBED IN SECTION
3 10-18-101 (3) OR BY THE COMMISSIONER. THE TERM ALSO DOES NOT
4 INCLUDE INSURANCE ARISING OUT OF THE "WORKERS' COMPENSATION
5 ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S., OR OTHER
6 SIMILAR LAW, AUTOMOBILE MEDICAL PAYMENT INSURANCE, OR
7 INSURANCE UNDER WHICH BENEFITS ARE PAYABLE WITH OR WITHOUT
8 REGARD TO FAULT AND WHICH IS REQUIRED BY LAW TO BE CONTAINED IN
9 A LIABILITY INSURANCE POLICY OR EQUIVALENT SELF-INSURANCE.

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

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