

**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. 07-0678.02 Kristen Forrestal

HOUSE BILL 07-1347

HOUSE SPONSORSHIP

Kerr A., Frangas, Gibbs, McGihon, and Pommer

SENATE SPONSORSHIP

Shaffer, Gordon, Morse, Sandoval, and Tochtrop

House Committees

Health and Human Services

Senate Committees

Health and Human Services

A BILL FOR AN ACT

101 **CONCERNING THE IMMUNIZATION TRACKING SYSTEM IN COLORADO,**
102 **AND, IN CONNECTION THEREWITH, AUTHORIZING THE**
103 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO**
104 **ADDRESS ISSUES RELATED TO ACCESS TO THE EXISTING**
105 **IMMUNIZATION REGISTRY.**

Bill Summary

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

In order to expand the immunization registry and increase access to immunizations, authorizes the department of public health and environment (department) to address:

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
3rd Reading Unamended
March 26, 2007

HOUSE
Amended 2nd Reading
March 23, 2007

Mechanisms for maximizing federal funds to purchase, distribute, and deliver vaccines;
Methods to reduce the administrative burdens of providing immunizations to individuals in Colorado;
Options for Colorado to more effectively purchase, distribute, and deliver vaccines to underinsured and uninsured individuals;
Options for the most cost-effective use of funds;
Private-public partnerships to the immunization registry;
and
Methods for implementing the findings of the committee and to provide a report to the general assembly.

Authorizes the department of public health and environment to establish a comprehensive immunization tracking system to include all persons in Colorado who voluntarily participate in the system. Requires records in the system to be confidential except under specific circumstances. Makes the unauthorized release or the sale of confidential immunization records a class 1 misdemeanor. Subjects a business entity that sells such records to a civil penalty.

Allows an individual or parent or guardian of an individual to exclude immunization information from the comprehensive immunization tracking system.

Makes conforming amendments.

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

2 **SECTION 1.** 25-2-122 (2) (c) (I), Colorado Revised Statutes, is
3 amended to read:

4 **25-2-122. Heirloom birth and marriage certificates - funds**
5 **created - report - rules - definitions.** (2) (c) The fee established
6 pursuant to paragraph (a) of this subsection (2) shall be sufficient to cover
7 the direct and indirect costs of producing and issuing the heirloom birth
8 certificate, plus an additional ten dollars. The state registrar shall transmit
9 moneys generated pursuant to this subsection (2), along with an
10 explanation of the number of heirloom birth certificate sales that
11 correspond to such moneys, to the state treasurer, who shall credit:

12 (I) For each sale of an heirloom birth certificate, ten dollars to the

1 ~~infant~~ immunization fund created in section 25-4-1708; and

2 **SECTION 2.** 25-4-1004 (1) (b), Colorado Revised Statutes, is
3 amended to read:

4 **25-4-1004. Newborn screening.** (1) (b) On or after April 1,
5 1989, all infants born in the state of Colorado shall be tested for the
6 following conditions: Phenylketonuria, hypothyroidism, abnormal
7 hemoglobins, galactosemia, cystic fibrosis, biotinidase deficiency, and
8 such other conditions as the board of health may determine meet the
9 criteria set forth in paragraph (c) of this subsection (1). Appropriate
10 specimens for such testing shall be forwarded by the hospital in which the
11 child is born to the laboratory operated or designated by the department
12 of public health and environment for such purposes. The physician,
13 nurse, midwife, or other health professional attending a birth outside a
14 hospital shall be responsible for the collection and forwarding of such
15 specimens. The results of the testing shall be forwarded directly to the
16 physician or other primary health care provider for the provision of such
17 information to the parent or parents of the child. THE RESULTS OF ANY
18 TESTING OR FOLLOW-UP TESTING PURSUANT TO SECTION 25-4-1004.5 MAY
19 BE SENT TO THE IMMUNIZATION TRACKING SYSTEM AUTHORIZED BY
20 SECTION 25-4-2303 AND ACCESSED BY THE PHYSICIAN OR OTHER PRIMARY
21 HEALTH CARE PROVIDER. The state board of health may discontinue
22 testing for any condition listed in this paragraph (b) if, upon consideration
23 of criteria set forth in paragraph (c) of this subsection (1), the board finds
24 that the public health is better served by not testing infants for that
25 condition. ~~The department of public health and environment shall submit~~
26 ~~a report to the house and senate health, environment, welfare, and~~
27 ~~institutions committees on or before January 15, 1993, concerning the~~

1 ~~newborn screening program. Such report shall include the history of the~~
2 ~~newborn screening program and criteria used for the addition or deletion~~
3 ~~of tests utilized under this section.~~

4 **SECTION 3.** 25-4-1705 (5) (e), (8), and (10), Colorado Revised
5 Statutes, are amended to read:

6 **25-4-1705. Department of public health and environment -**
7 **powers and duties - rules.** (5) The board of health, in consultation with
8 the medical services board in the state department of health care policy
9 and financing, and such other persons, agencies, or organizations that the
10 board of health deems advisable, shall formulate, adopt, and promulgate
11 rules governing the implementation and operation of the infant
12 immunization program. Such rules shall address the following:

13 ~~(e) (f) The gathering of epidemiological information, including the~~
14 ~~establishment of a comprehensive immunization tracking system.~~
15 ~~Immunization information may be gathered for such tracking system by~~
16 ~~state and local health departments from the following sources:~~

- 17 ~~(A) Physicians and licensed health care practitioners;~~
- 18 ~~(B) Clinics;~~
- 19 ~~(C) Schools;~~
- 20 ~~(D) A parent of an infant, as defined in section 25-4-1703 (3);~~
- 21 ~~(E) A child or student, as defined in section 25-4-901 (1.5) and~~
22 ~~(3);~~
- 23 ~~(F) Managed care organizations or health insurers in which a child~~
24 ~~or student, as defined in section 25-4-901 (1.5) and (3), or an infant is~~
25 ~~enrolled as a member or insured, if such managed care organization or~~
26 ~~health insurer reimburses or otherwise financially provides coverage for~~
27 ~~immunizations;~~

1 ~~(G) Hospitals; or~~
2 ~~(H) Persons and entities that have contracted with the state~~
3 ~~pursuant to section 25-4-1705 (7).~~

4 ~~(H) Records in the immunization tracking system established~~
5 ~~pursuant to subparagraph (I) of this paragraph (e) shall be strictly~~
6 ~~confidential and shall not be released, shared with any agency or~~
7 ~~institution, or made public upon subpoena, search warrant, discovery~~
8 ~~proceedings, or otherwise, except under the following circumstances:~~

9 ~~(A) Release may be made of medical and epidemiological~~
10 ~~information in a manner such that no individual person can be identified.~~

11 ~~(B) Release may be made of immunization records and~~
12 ~~epidemiological information to the extent necessary for the treatment,~~
13 ~~control, investigation, and prevention of vaccine preventable diseases;~~
14 ~~except that every effort shall be made to limit disclosure of personal~~
15 ~~identifying information to the minimal amount necessary to accomplish~~
16 ~~the public health purpose.~~

17 ~~(C) Release may be made of immunization records and~~
18 ~~epidemiological information to the parent of an infant, the physician~~
19 ~~treating the person who is the subject of an immunization record, a school~~
20 ~~in which such person is enrolled, or any entity or person described in~~
21 ~~sub-subparagraph (E), (F), (G), or (H) of subparagraph (I) of this~~
22 ~~paragraph (e).~~

23 ~~(D) No officer or employee or agent of the state department of~~
24 ~~public health and environment or local department of health shall be~~
25 ~~examined in any judicial, executive, legislative, or other proceeding as to~~
26 ~~the existence or content of any infant's report obtained by such~~
27 ~~department without consent of the infant's parent or guardian. However,~~

1 ~~this provision shall not apply to infants who are under isolation,~~
2 ~~quarantine, or other restrictive action taken pursuant to section 25-1.5-102~~
3 ~~(1)(c).~~

4 ~~(E) The department may release records of medicaid-eligible~~
5 ~~infants, children, and students to the department of health care policy and~~
6 ~~financing for the purposes of the medicaid program.~~

7 ~~(HH) (A) Any officer, employee, agent of the department, or any~~
8 ~~other person who violates this section by releasing or making public~~
9 ~~confidential immunization records or epidemiological information in the~~
10 ~~immunization tracking system or by otherwise breaching the~~
11 ~~confidentiality requirements of subparagraph (H) of this paragraph (e) or~~
12 ~~releasing such information without authorization commits a class 1~~
13 ~~misdemeanor and, upon conviction thereof, shall be punished as provided~~
14 ~~in section 18-1.3-501 (1), C.R.S. The unauthorized release of each record~~
15 ~~shall constitute a separate offense pursuant to this subparagraph (H).~~

16 ~~(B) Any natural person who in exchange for money or any other~~
17 ~~thing of value violates this section by wrongfully releasing or making~~
18 ~~public confidential immunization records or epidemiological information~~
19 ~~in the immunization tracking system or by otherwise breaching the~~
20 ~~confidentiality requirements of subparagraph (H) of this paragraph (e) or~~
21 ~~releasing such information without authorization commits a class 1~~
22 ~~misdemeanor and, upon conviction thereof, shall be punished as provided~~
23 ~~in section 18-1.3-501 (1), C.R.S.~~

24 ~~(C) Any business entity who, in exchange for money or any other~~
25 ~~thing of value, violates this section by wrongfully releasing or making~~
26 ~~public confidential immunization records or epidemiological information~~
27 ~~in the immunization tracking system or by otherwise breaching the~~

1 confidentiality requirements of subparagraph (H) of this paragraph (e) or
2 releasing such information without authorization shall be assessed a civil
3 penalty of ten thousand dollars per sale of information per subject of such
4 information.

5 ~~(IV) (A) The department or the department's contractor may~~
6 ~~directly contact the parent or legal guardian for the purpose of notifying~~
7 ~~the parent or legal guardian if immunizations are due or overdue as~~
8 ~~indicated by the advisory committee on immunization practices of the~~
9 ~~United States department of health and human services or the American~~
10 ~~academy of pediatrics. The department or the department's contractor~~
11 ~~shall contact the parent or legal guardian if it is necessary to control an~~
12 ~~outbreak of or prevent the spread of a vaccine-preventable disease~~
13 ~~pursuant to section 25-1.5-102 (1) (a) or 25-4-908.~~

14 ~~(B) Any notice given pursuant to sub-subparagraph (A) of this~~
15 ~~subparagraph (IV) shall also inform the parent or legal guardian of the~~
16 ~~option to refuse an immunization on the grounds of medical, religious, or~~
17 ~~personal belief considerations pursuant to section 25-4-903, C.R.S.~~

18 ~~(C) On or before February 1, 2010, the health and human services~~
19 ~~committees of the senate and the house of representatives shall review the~~
20 ~~state's implementation of notification provisions by specified entities in~~
21 ~~relation to the implementation of the immunization tracking system~~
22 ~~pursuant to the modifications contained in Senate Bill 05-087 to~~
23 ~~determine if the utilization of the immunization tracking system has had~~
24 ~~a substantial impact on the state's immunization ranking.~~

25 ~~(V) A parent or legal guardian who consents to the immunization~~
26 ~~of an infant, child, or student pursuant to this part 17 or part 9 of this~~
27 ~~article shall have the option to exclude such information from the~~

1 immunization tracking system. The parent or legal guardian shall have
2 the option to remove such information from the immunization tracking
3 system at any time. The physician, licensed health care practitioner,
4 clinic, or local health department shall inform the parent or legal guardian
5 of the option to exclude such personal information from such system and
6 the potential benefits of inclusion in such system. In addition, the
7 physician, licensed health care practitioner, clinic, or local health
8 department shall inform such parent or legal guardian of the option to
9 refuse an immunization on the grounds of medical, religious, or personal
10 belief considerations pursuant to section 25-4-903. Neither refusing an
11 immunization on the grounds of medical, religious, or personal belief
12 considerations pursuant to section 25-4-903 nor opting to exclude
13 immunization notification information from the immunization tracking
14 system shall, by itself, constitute child abuse or neglect by a parent or
15 legal guardian.

16 (VI) A person licensed to practice medicine pursuant to article 36
17 of title 12, C.R.S., a person licensed to practice nursing pursuant to article
18 38 of title 12, C.R.S., providers of county nursing services, staff members
19 of health care clinics, hospitals, and offices of private practitioners,
20 county, district, and regional health departments, and all persons and
21 entities listed in subparagraph (I) of this paragraph (e) are authorized to
22 report to the immunization tracking system and to use the reminder and
23 recall process established by the immunization tracking system.

24 (8) Local health departments and the department shall use the
25 birth certificate of any infant to enroll such infant in an immunization
26 tracking system ESTABLISHED IN SECTION 25-4-2303. Such use of the
27 infant's birth certificate shall be considered an official duty of local health

1 departments and the department.

2 (10) Physicians, licensed health care practitioners, clinics, schools,
3 licensed child care providers, hospitals, managed care organizations or
4 health insurers in which a student, as defined in section 25-4-901 (3), or
5 an infant is enrolled as a member or insured, persons that have contracted
6 with the department pursuant to subsection (7) of this section, and public
7 health officials may release any immunization records in their possession,
8 whether or not such records are in the immunization tracking system
9 ESTABLISHED IN SECTION 25-4-2303, to the persons or entities specified
10 in ~~sub-subparagraphs (A) to (H) of subparagraph (I) of paragraph (e) of~~
11 ~~subsection (5) of this section~~ SECTION 25-4-2303 (1) to provide an
12 accurate and complete immunization record for the child in order to verify
13 compliance with state immunization law.

14 **SECTION 4.** 25-4-1707, Colorado Revised Statutes, is amended
15 to read:

16 **25-4-1707. Moneys targeted for medical assistance for infants**
17 **- reimbursement.** The state department of health care policy and
18 financing shall reimburse the department of public health and
19 environment for the costs of vaccinating infants under the infant
20 immunization program who are medicaid eligible pursuant to the
21 "Colorado Medical Assistance Act", articles 4, 5, and 6 of title 25.5,
22 C.R.S. Such moneys received from the state department of health care
23 policy and financing shall be credited to the ~~infant~~ immunization fund.

24 **SECTION 5.** 25-4-1708, Colorado Revised Statutes, is amended
25 to read:

26 **25-4-1708. Fund created.** (1) There is hereby established in the
27 state treasury a fund to be known as the ~~infant~~ immunization fund, which

1 fund shall be subject to annual appropriation to the department of public
2 health and environment by the general assembly for the purposes of
3 purchasing vaccines, assisting users of the immunization tracking system
4 ESTABLISHED IN SECTION 25-4-2303 to connect to the system, utilizing the
5 reminder and recall process of the immunization tracking system, and
6 implementing, developing, and operating ~~the infant~~ immunization
7 ~~program~~ PROGRAMS. The fund shall be credited with such appropriations
8 as the general assembly may make from the general fund for ~~the infant~~
9 immunization ~~program~~, PROGRAMS, any gifts, grants, or awards received
10 pursuant to ~~section~~ SECTIONS 25-4-1705 (6) AND 25-4-2303, and moneys
11 received from the state department of health care policy and financing as
12 reimbursement pursuant to section 25-4-1707. All income from the
13 investment of moneys in the fund shall be credited to the fund.

14 (2) If federal funds are not received to implement and operate the
15 ~~infant immunization program~~ PROGRAMS created in this part 17 AND PART
16 23 OF THIS ARTICLE, no additional general fund moneys shall be
17 appropriated for such purposes.

18 (3) All moneys credited to the ~~infant~~ immunization fund ~~which~~
19 THAT are not expended during the fiscal year shall be retained in the fund
20 for its future use and shall not be credited or transferred to the general
21 fund or any other fund.

22 (4) ~~Notwithstanding any provision of this section to the contrary,~~
23 ~~on July 1, 2003, the state treasurer shall deduct two hundred forty~~
24 ~~thousand dollars from the infant immunization fund and transfer such sum~~
25 ~~to the general fund.~~

26 **SECTION 6.** Article 4 of title 25, Colorado Revised Statutes, is
27 amended BY THE ADDITION OF A NEW PART to read:

1 PART 23

2 IMMUNIZATION REGISTRY ACT

3 **25-4-2301. Short title.** THIS PART 23 SHALL BE KNOWN AND MAY
4 BE CITED AS THE "IMMUNIZATION REGISTRY ACT".

5 **25-4-2302. Legislative declaration.** (1) THE GENERAL
6 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

7 (a) IMMUNIZATION IS ONE OF THE MOST IMPORTANT WAYS TO
8 PROTECT INDIVIDUALS AND COMMUNITIES AGAINST SERIOUS INFECTIOUS
9 DISEASES AND THEIR CONSEQUENCES, AND WIDESPREAD IMMUNIZATION
10 HAS VIRTUALLY ELIMINATED MANY SERIOUS DISEASES THAT WERE ONCE
11 RESPONSIBLE FOR MILLIONS OF INFECTIONS AND THOUSANDS OF DEATHS
12 EACH YEAR.

13 (b) ALTHOUGH IMMUNIZATION RATES OF INFANTS, CHILDREN,
14 ADOLESCENTS, AND ADULTS IN COLORADO HAVE IMPROVED OVER THE
15 LAST SEVERAL YEARS, THERE IS A NEED TO CONTINUE TO IMPROVE THE
16 RATES SO THAT FEWER INDIVIDUALS ARE PUT AT RISK FROM
17 VACCINE-PREVENTABLE DISEASES.

18 (c) TIMELY VACCINATION OF CHILDREN, ADOLESCENTS, AND
19 ADULTS NOT ONLY PROTECTS THEM AGAINST COMMON, SOMETIMES
20 SERIOUS, AND POTENTIALLY FATAL DISEASES, BUT ALSO SERVES THE
21 COMMUNITY AS ONE OF THE MOST SUCCESSFUL AND COST-EFFECTIVE
22 PUBLIC HEALTH TOOLS AVAILABLE FOR THE PREVENTION AND SPREAD OF
23 THESE INFECTIONS, AND THE VACCINES ARE SAFE AND HIGHLY
24 PROTECTIVE, PARTICULARLY WHEN ADMINISTERED ACCORDING TO
25 RECOMMENDED SCHEDULES.

26 (d) MORE THAN TWENTY PERCENT OF PRESCHOOL-AGED CHILDREN
27 IN COLORADO ARE NOT FULLY VACCINATED AND ARE AT INCREASED RISK

1 OF CONTRACTING AND SPREADING VACCINE-PREVENTABLE DISEASES.

2 (e) IT IS UNNECESSARY FOR CHILDREN, ADOLESCENTS, AND ADULTS
3 TO BE SUBJECTED TO SUFFERING OR DEATH FROM DISEASES THAT ARE
4 IMMUNIZATION PREVENTABLE.

5 (f) IN 2005, HOSPITAL CHARGES FOR THE CARE OF CHILDREN WITH
6 VACCINE-PREVENTABLE DISEASES EXCEEDED TWENTY-FIVE MILLION
7 DOLLARS. ADDITIONALLY, TENS OF MILLIONS OF DOLLARS WERE SPENT ON
8 THE COSTS OF THE OUTPATIENT CARE OF AFFECTED CHILDREN, IN ADDITION
9 TO THE COSTS OF THE LOSS OF PRODUCTIVITY AND ABSENCES FROM WORK
10 FOR CAREGIVERS DUE TO THE ABSENCES OF CHILDREN FROM SCHOOL.

11 (g) OVER THE PAST THREE DECADES, THE RECOMMENDED
12 VACCINATION SCHEDULES FOR CHILDREN AND ADULTS HAVE BECOME
13 INCREASINGLY MORE COMPLEX AS VACCINES HAVE BEEN COMBINED, NEW
14 VACCINES HAVE BEEN ADDED, AND THE DELIVERY SYSTEM HAS
15 INCORPORATED MORE MANUFACTURERS, DISTRIBUTORS, AND PROVIDERS.
16 ADDITIONALLY, LOCAL AND NATIONAL VACCINE SHORTAGES AND
17 DISTRIBUTION ERRORS HAVE RESULTED IN COMPROMISED VACCINATION
18 INITIATIVES.

19 (h) FOR COLORADO TO BE CONSISTENT WITH THE HEALTHY PEOPLE
20 2010 INITIATIVE AND REACH THE GOAL OF IMMUNIZING NINETY PERCENT
21 OF ALL CHILDREN IN THE STATE IN A TIMELY AND EXPEDITIOUS MANNER,
22 THE COLORADO IMMUNIZATION INFORMATION SYSTEM MUST BE FUNDED
23 AND SUSTAINED. THE COLORADO IMMUNIZATION INFORMATION SYSTEM
24 MAY ALSO PROVIDE A SECURE METHOD FOR AUTHORIZED INDIVIDUALS
25 AND ENTITIES TO ACCESS INFORMATION COLLECTED BY PUBLIC AGENCIES.

26 (2) THEREFORE, THE GENERAL ASSEMBLY SUPPORTS THE
27 EXPANSION OF THE COLORADO IMMUNIZATION REGISTRY AND SUPPORTS

1 INCREASED ACCESS TO IMMUNIZATIONS FOR PERSONS IN COLORADO.

2 **25-4-2303. Department of public health and environment -**
3 **powers and duties - immunization tracking system.** (1) IN ORDER TO
4 EXPAND THE IMMUNIZATION REGISTRY AND INCREASE ACCESS TO
5 IMMUNIZATIONS, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
6 MAY ADDRESS:

7 (a) MECHANISMS FOR MAXIMIZING FEDERAL FUNDS TO PURCHASE,
8 DISTRIBUTE, AND DELIVER VACCINES FOR INDIVIDUALS IN COLORADO,
9 INCLUDING, BUT NOT LIMITED TO, PARTICIPATION IN A STATE PURCHASING
10 AND DISTRIBUTION COOPERATIVE AND THE MECHANISMS FOR STATEWIDE
11 PURCHASE, DISTRIBUTION, AND PRIORITIZATION TO INCLUDE, BUT NOT BE
12 LIMITED TO, THE SEASONAL INFLUENZA VACCINE;

13 (b) METHODS TO REDUCE THE ADMINISTRATIVE BURDEN OF
14 PROVIDING IMMUNIZATIONS TO INDIVIDUALS IN COLORADO BY REVIEWING
15 CURRENT IMMUNIZATION ACTIVITIES AND STRATEGIES AND
16 EPIDEMIOLOGICAL DATA RELATED TO VACCINE-PREVENTABLE DISEASES
17 AND IDENTIFYING OPPORTUNITIES TO IMPLEMENT BEST PRACTICES FOR
18 IMMUNIZATIONS THROUGHOUT COLORADO USING INNOVATIVE STRATEGIES
19 THAT ARE POPULATION-SPECIFIC, CULTURALLY SENSITIVE, AND INCLUSIVE;
20 ADDRESS SAFETY ISSUES; AND ENHANCE CURRENT SERVICES;

21 (c) OPTIONS FOR COLORADO TO MORE EFFECTIVELY PURCHASE,
22 DISTRIBUTE, AND DELIVER VACCINES TO UNDERINSURED AND UNINSURED
23 INDIVIDUALS;

24 (d) THE PURSUIT OF PRIVATE AND PUBLIC PARTNERSHIPS FOR
25 FUNDING FOR THE IMMUNIZATION REGISTRY INFRASTRUCTURE;

26 (e) OPTIONS FOR THE MOST EFFECTIVE AND COST-EFFECTIVE USE
27 OF FUNDS THAT MAY BE AVAILABLE TO THE DEPARTMENT OF PUBLIC

1 HEALTH AND ENVIRONMENT TO ADDRESS VACCINE DELIVERY IN THE
2 STATE; AND

3 (f) METHODS FOR IMPLEMENTING THE FINDINGS ADDRESSED IN
4 PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (1).

5 (2) TO ENABLE THE GATHERING OF EPIDEMIOLOGICAL
6 INFORMATION AND INVESTIGATION AND CONTROL OF COMMUNICABLE
7 DISEASES, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY
8 ESTABLISH A COMPREHENSIVE IMMUNIZATION TRACKING SYSTEM WITH
9 IMMUNIZATION INFORMATION GATHERED BY STATE AND LOCAL HEALTH
10 OFFICIALS FROM THE FOLLOWING SOURCES:

11 (a) PRACTITIONERS;

12 (b) CLINICS;

13 (c) SCHOOLS;

14 (d) PARENTS, LEGAL GUARDIANS, OR PERSONS AUTHORIZED TO
15 CONSENT TO IMMUNIZATION PURSUANT TO SECTION 25-4-1704;

16 (e) INDIVIDUALS;

17 (f) MANAGED CARE ORGANIZATIONS OR HEALTH INSURANCE PLANS
18 IN WHICH AN INDIVIDUAL IS ENROLLED AS A MEMBER OR INSURED, IF SUCH
19 MANAGED CARE ORGANIZATION OR HEALTH INSURER REIMBURSES OR
20 OTHERWISE FINANCIALLY PROVIDES COVERAGE FOR IMMUNIZATIONS;

21 (g) HOSPITALS;

22 (h) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
23 WITH RESPECT TO INDIVIDUALS WHO ARE ELIGIBLE FOR COVERAGE UNDER
24 THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF
25 TITLE 25.5, C.R.S.; AND

26 (i) PERSONS AND ENTITIES THAT HAVE CONTRACTED WITH THE
27 STATE PURSUANT TO PARAGRAPH (d) OF SUBSECTION (9) OF THIS SECTION.

1 (3) RECORDS IN THE IMMUNIZATION TRACKING SYSTEM SHALL BE
2 STRICTLY CONFIDENTIAL AND SHALL NOT BE RELEASED, SHARED WITH ANY
3 AGENCY OR INSTITUTION, OR MADE PUBLIC UPON SUBPOENA, SEARCH
4 WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE, EXCEPT UNDER THE
5 FOLLOWING CIRCUMSTANCES:

6 (a) MEDICAL AND EPIDEMIOLOGICAL INFORMATION MAY BE
7 RELEASED IN A MANNER SUCH THAT NO INDIVIDUAL PERSON CAN BE
8 IDENTIFIED.

9 (b) IMMUNIZATION RECORDS AND EPIDEMIOLOGICAL INFORMATION
10 MAY BE RELEASED TO THE EXTENT NECESSARY FOR THE TREATMENT,
11 CONTROL, INVESTIGATION, AND PREVENTION OF VACCINE-PREVENTABLE
12 DISEASES; EXCEPT THAT EVERY EFFORT SHALL BE MADE TO LIMIT
13 DISCLOSURE OF PERSONAL IDENTIFYING INFORMATION TO THE MINIMUM
14 AMOUNT NECESSARY TO ACCOMPLISH THE PUBLIC HEALTH PURPOSE.

15 (c) IMMUNIZATION RECORDS AND EPIDEMIOLOGICAL INFORMATION
16 MAY BE RELEASED TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE
17 RECORD, TO A PARENT OF A MINOR INDIVIDUAL, TO A GUARDIAN OR
18 PERSON AUTHORIZED TO CONSENT TO IMMUNIZATION UNDER SECTION
19 25-4-1704, TO THE PHYSICIAN, CLINIC, HOSPITAL, OR LICENSED HEALTH
20 CARE PRACTITIONER TREATING THE PERSON WHO IS THE SUBJECT OF AN
21 IMMUNIZATION RECORD, TO A SCHOOL IN WHICH SUCH PERSON IS
22 ENROLLED, OR ANY ENTITY OR PERSON DESCRIBED IN PARAGRAPH (f), (h),
23 OR (i) OF SUBSECTION (2) OF THIS SECTION.

24 (4) AN OFFICER, EMPLOYEE, OR AGENT OF THE DEPARTMENT OF
25 PUBLIC HEALTH AND ENVIRONMENT OR A LOCAL DEPARTMENT OF HEALTH
26 SHALL NOT BE EXAMINED IN ANY JUDICIAL, EXECUTIVE, LEGISLATIVE, OR
27 OTHER PROCEEDING AS TO THE EXISTENCE OR CONTENT OF ANY

1 INDIVIDUAL'S REPORT OBTAINED BY SUCH DEPARTMENT WITHOUT
2 CONSENT OF THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR GUARDIAN.
3 HOWEVER, THIS SUBSECTION (4) SHALL NOT APPLY TO INDIVIDUALS WHO
4 ARE UNDER ISOLATION, QUARANTINE, OR OTHER RESTRICTIVE ACTION
5 TAKEN PURSUANT TO SECTION 25-1.5-102 (1) (c).

6 (5) (a) AN OFFICER, EMPLOYEE, OR AGENT OF THE DEPARTMENT OF
7 PUBLIC HEALTH AND ENVIRONMENT OR ANY OTHER PERSON WHO VIOLATES
8 THIS SECTION BY RELEASING OR MAKING PUBLIC CONFIDENTIAL
9 IMMUNIZATION RECORDS OR EPIDEMIOLOGICAL INFORMATION IN THE
10 IMMUNIZATION TRACKING SYSTEM OR BY OTHERWISE BREACHING THE
11 CONFIDENTIALITY REQUIREMENTS OF THIS SECTION OR RELEASING SUCH
12 INFORMATION WITHOUT AUTHORIZATION COMMITS A CLASS 1
13 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS
14 PROVIDED IN SECTION 18-1.3-501 (1), C.R.S. THE UNAUTHORIZED
15 RELEASE OF EACH RECORD SHALL CONSTITUTE A SEPARATE OFFENSE.

16 (b) A NATURAL PERSON WHO, IN EXCHANGE FOR MONEY OR ANY
17 OTHER THING OF VALUE, VIOLATES THIS SECTION BY WRONGFULLY
18 RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR
19 EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM
20 OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF
21 THIS SECTION OR RELEASING SUCH INFORMATION WITHOUT
22 AUTHORIZATION COMMITS A CLASS 1 MISDEMEANOR AND, UPON
23 CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION
24 18-1.3-501 (1), C.R.S.

25 (c) A BUSINESS ENTITY WHO, IN EXCHANGE FOR MONEY OR ANY
26 OTHER THING OF VALUE, VIOLATES THIS SECTION BY WRONGFULLY
27 RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR

1 EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM
2 OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF
3 THIS SECTION OR RELEASING SUCH INFORMATION WITHOUT
4 AUTHORIZATION SHALL BE ASSESSED A CIVIL PENALTY OF TEN THOUSAND
5 DOLLARS PER SALE OF INFORMATION PER SUBJECT OF SUCH INFORMATION.

6 (6) (a) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
7 OR THE DEPARTMENT'S CONTRACTOR MAY DIRECTLY CONTACT THE
8 INDIVIDUAL WHO IS THE SUBJECT OF IMMUNIZATION RECORDS OR THE
9 INDIVIDUAL'S PARENT OR LEGAL GUARDIAN FOR THE PURPOSE OF
10 NOTIFYING THE INDIVIDUAL, PARENT, OR LEGAL GUARDIAN IF
11 IMMUNIZATIONS ARE DUE OR OVERDUE AS INDICATED BY THE ADVISORY
12 COMMITTEE ON IMMUNIZATION PRACTICES OF THE UNITED STATES
13 DEPARTMENT OF HEALTH AND HUMAN SERVICES OR THE AMERICAN
14 ACADEMY OF PEDIATRICS. THE DEPARTMENT OR THE DEPARTMENT'S
15 CONTRACTOR SHALL CONTACT THE INDIVIDUAL, PARENT, OR LEGAL
16 GUARDIAN IF IT IS NECESSARY TO CONTROL AN OUTBREAK OF OR PREVENT
17 THE SPREAD OF A VACCINE-PREVENTABLE DISEASE PURSUANT TO SECTION
18 25-1.5-102 (1) (a) OR 25-4-908.

19 (b) A NOTICE GIVEN TO AN INDIVIDUAL OR A PARENT OR LEGAL
20 GUARDIAN OF AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE PURSUANT
21 TO THIS SUBSECTION (6) SHALL ALSO INFORM THE INDIVIDUAL, PARENT, OR
22 LEGAL GUARDIAN OF THE OPTION TO REFUSE AN IMMUNIZATION ON THE
23 GROUNDS OF MEDICAL, RELIGIOUS, OR PERSONAL BELIEF CONSIDERATIONS
24 PURSUANT TO SECTION 25-4-903.

25 (7) AN INDIVIDUAL OR A PARENT OR LEGAL GUARDIAN WHO
26 CONSENTS TO THE IMMUNIZATION OF AN INFANT, CHILD, OR STUDENT
27 PURSUANT TO PART 9 OR 17 OF THIS ARTICLE OR THIS PART 23 MAY

1 EXCLUDE IMMUNIZATION INFORMATION FROM THE IMMUNIZATION
2 TRACKING SYSTEM. THE INDIVIDUAL, PARENT, OR LEGAL GUARDIAN MAY
3 REMOVE SUCH IMMUNIZATION INFORMATION FROM THE IMMUNIZATION
4 TRACKING SYSTEM AT ANY TIME. THE DEPARTMENT OF PUBLIC HEALTH
5 AND ENVIRONMENT SHALL ENSURE THAT THE PROCESS TO EXCLUDE
6 IMMUNIZATION INFORMATION FROM THE SYSTEM IS READILY AVAILABLE
7 AND NOT BURDENSOME. THE PHYSICIAN, LICENSED HEALTH CARE
8 PRACTITIONER, CLINIC, HOSPITAL, OR LOCAL HEALTH DEPARTMENT SHALL
9 INFORM THE INDIVIDUAL, PARENT, OR LEGAL GUARDIAN OF THE OPTION TO
10 EXCLUDE SUCH INFORMATION FROM SUCH SYSTEM AND THE POTENTIAL
11 BENEFITS OF INCLUSION IN SUCH SYSTEM. IN ADDITION, THE PHYSICIAN,
12 LICENSED HEALTH CARE PRACTITIONER, CLINIC, HOSPITAL, OR LOCAL
13 HEALTH DEPARTMENT SHALL INFORM SUCH PARENT OR LEGAL GUARDIAN
14 OF A MINOR INDIVIDUAL OF THE OPTION TO REFUSE AN IMMUNIZATION ON
15 THE GROUNDS OF MEDICAL, RELIGIOUS, OR PERSONAL BELIEF
16 CONSIDERATIONS PURSUANT TO SECTION 25-4-903. NEITHER REFUSING AN
17 IMMUNIZATION ON THE GROUNDS OF MEDICAL, RELIGIOUS, OR PERSONAL
18 BELIEF CONSIDERATIONS PURSUANT TO SECTION 25-4-903 NOR OPTING TO
19 EXCLUDE IMMUNIZATION NOTIFICATION INFORMATION FROM THE
20 IMMUNIZATION TRACKING SYSTEM SHALL, BY ITSELF, CONSTITUTE CHILD
21 ABUSE OR NEGLECT BY A PARENT OR LEGAL GUARDIAN.

22 (8) A PERSON LICENSED TO PRACTICE MEDICINE PURSUANT TO
23 ARTICLE 36 OF TITLE 12, C.R.S.; A PERSON LICENSED TO PRACTICE
24 NURSING PURSUANT TO ARTICLE 38 OF TITLE 12, C.R.S.; ANY OTHER
25 LICENSED HEALTH CARE PRACTITIONER AS DEFINED IN SECTION 25-4-1703;
26 PROVIDERS OF COUNTY NURSING SERVICES; STAFF MEMBERS OF HEALTH
27 CARE CLINICS, HOSPITALS, AND OFFICES OF PRIVATE PRACTITIONERS;

1 COUNTY, DISTRICT, AND REGIONAL HEALTH DEPARTMENTS; AND ALL
2 PERSONS AND ENTITIES LISTED IN SUBSECTION (2) OF THIS SECTION ARE
3 AUTHORIZED TO REPORT TO THE IMMUNIZATION TRACKING SYSTEM AND
4 TO USE THE REMINDER AND RECALL PROCESS ESTABLISHED BY THE
5 IMMUNIZATION TRACKING SYSTEM.

6 (9) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY:

7 (a) ISSUE IMMUNIZATION RECORDS TO INDIVIDUALS, PARENTS, OR
8 GUARDIANS AUTHORIZED TO CONSENT TO IMMUNIZATIONS;

9 (b) ASSESS THE VACCINATION STATUS OF INDIVIDUALS;

10

11 (c) ACCEPT ANY GIFTS OR GRANTS OR AWARDS OF FUNDS FROM
12 THE FEDERAL GOVERNMENT OR PRIVATE SOURCES FOR THE
13 IMPLEMENTATION AND OPERATION OF THE IMMUNIZATION TRACKING
14 SYSTEM, WHICH SHALL BE CREDITED TO THE IMMUNIZATION FUND
15 CREATED IN SECTION 25-4-1708; AND

16 (d) ENTER INTO CONTRACTS THAT ARE NECESSARY FOR THE
17 IMPLEMENTATION AND OPERATION OF THE IMMUNIZATION TRACKING
18 SYSTEM. A PERSON WHO ENTERS INTO A CONTRACT PURSUANT TO THIS
19 PARAGRAPH (d) SHALL ONLY USE THE INFORMATION GATHERED FROM THE
20 IMMUNIZATION TRACKING SYSTEM IN ACCORDANCE WITH THIS PART 23
21 AND SHALL BE SUBJECT TO ALL APPLICABLE STATE AND FEDERAL LAWS
22 REGARDING THE CONFIDENTIALITY OF INFORMATION.

23 (10) LOCAL HEALTH DEPARTMENTS AND THE DEPARTMENT OF
24 PUBLIC HEALTH AND ENVIRONMENT SHALL USE THE BIRTH CERTIFICATE OF
25 ANY PERSON TO ENROLL THE PERSON IN AN IMMUNIZATION TRACKING
26 SYSTEM. THE USE OF THE BIRTH CERTIFICATE SHALL BE CONSIDERED AN
27 OFFICIAL DUTY OF LOCAL HEALTH DEPARTMENTS AND THE DEPARTMENT

1 OF PUBLIC HEALTH AND ENVIRONMENT.

2 (11) PHYSICIANS, LICENSED HEALTH CARE PRACTITIONERS,
3 CLINICS, SCHOOLS, LICENSED CHILD CARE PROVIDERS, HOSPITALS,
4 MANAGED CARE ORGANIZATIONS OR HEALTH INSURANCE PLANS IN WHICH
5 AN INDIVIDUAL IS ENROLLED AS A MEMBER OR INSURED, PERSONS THAT
6 HAVE CONTRACTED WITH THE DEPARTMENT OF PUBLIC HEALTH AND
7 ENVIRONMENT PURSUANT TO PARAGRAPH (d) OF SUBSECTION (9) OF THIS
8 SECTION, AND PUBLIC HEALTH OFFICIALS MAY RELEASE ANY
9 IMMUNIZATION RECORDS IN THEIR POSSESSION, WHETHER OR NOT SUCH
10 RECORDS ARE IN THE IMMUNIZATION TRACKING SYSTEM, TO THE PERSONS
11 OR ENTITIES SPECIFIED IN SUBSECTION (2) OF THIS SECTION TO PROVIDE
12 TREATMENT FOR SUCH INDIVIDUAL OR TO PROVIDE AN ACCURATE AND
13 COMPLETE IMMUNIZATION RECORD FOR THE INDIVIDUAL. ■

14 (12) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
15 SHALL DISSEMINATE INFORMATION ABOUT THE IMMUNIZATION TRACKING
16 SYSTEM, INCLUDING PROVIDING NOTIFICATION PURSUANT TO SUBSECTION
17 (7) OF THIS SECTION TO BIRTHING HOSPITALS. THE HOSPITALS SHALL
18 PROVIDE THE NOTICES TO THE PARENTS OF NEWBORNS.

19 **SECTION 7.** 25-4-901 (1) (b), Colorado Revised Statutes, is
20 amended to read:

21 **25-4-901. Definitions.** As used in this part 9, unless the context
22 otherwise requires:

23 (1) "Certificate of immunization" means one of the following
24 forms of documentation that include the dates and types of immunizations
25 administered to a student:

26 (b) An electronic file or a hard copy of an electronic file provided
27 to the school directly from the immunization tracking system, established

1 pursuant to section ~~25-4-1705 (5) (e)~~ 25-4-2303.

2 **SECTION 8.** 25-4-906 (1), Colorado Revised Statutes, is
3 amended to read:

4 **25-4-906. Certificate of immunization - forms.** (1) The
5 department of public health and environment shall provide official
6 certificates of immunization to the schools, private physicians, and local
7 health departments. Upon the commencement of the gathering of
8 epidemiological information pursuant to section ~~25-4-1705 (5)~~ 25-4-2303
9 to implement the immunization tracking system, such form shall include
10 a notice that informs a parent or legal guardian that he or she has the
11 option to exclude his or her infant's, child's, or student's immunization
12 information from the immunization tracking system created in section
13 ~~25-4-1705 (5)~~ 25-4-2303. Any immunization record provided by a
14 licensed physician, registered nurse, or public health official may be
15 accepted by the school official as certification of immunization if the
16 information is transferred to the official certificate of immunization and
17 verified by the school official.

18 **SECTION 9.** 26-2-111.1, Colorado Revised Statutes, is amended
19 to read:

20 **26-2-111.1. Eligibility for assistance - immunization of**
21 **children.** As a condition of eligibility for public assistance in the form
22 of a successor program to aid to families with dependent children funded
23 by federal block grant moneys under the federal "Personal Responsibility
24 and Work Opportunity Reconciliation Act of 1996", ~~Public Law~~ PUB. L.
25 104-193, a participant shall provide verification or written confirmation
26 by a physician or nurse or pursuant to records in the immunization
27 tracking system as set forth in section ~~25-4-1705 (5) (e)~~ 25-4-2303,

1 C.R.S., that each child in the household is being brought up-to-date with
2 immunizations and that, no later than the first scheduled redetermination
3 of eligibility, each child in the household has received any immunization
4 for which the child is eligible according to the age of the child, unless
5 exempted from this condition of eligibility based upon religious or
6 medical reasons pursuant to rules of the state board.

7 **SECTION 10. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.