

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

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

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.

1 **25-4-2302. Definitions.** AS USED IN THIS PART 23, 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 (4) "FEMALE MINOR" MEANS A FEMALE CHILD OVER NINE YEARS
11 OF AGE AND UNDER EIGHTEEN YEARS OF AGE.

12 (5) "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 (6) "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 (7) "PROGRAM" MEANS THE CERVICAL CANCER IMMUNIZATION
20 PROGRAM, CREATED IN SECTION 25-4-2303.

21 **25-4-2303. Cervical cancer immunization program - rules.**

22 (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE CERVICAL
23 CANCER IMMUNIZATION PROGRAM TO IMMUNIZE FEMALE MINORS AND
24 WOMEN IN COLORADO AGAINST CERVICAL CANCER. THE DEPARTMENT IS
25 DIRECTED TO INVESTIGATE MANNERS IN WHICH THE CERVICAL CANCER
26 VACCINE MAY BE ADMINISTERED IN AN ECONOMICAL FASHION TO ALL
27 FEMALE MINORS AND WOMEN IN COLORADO WHO WANT THE VACCINE.

1 THE STATE BOARD IS AUTHORIZED TO PROMULGATE RULES TO ASSIST THE
2 DEPARTMENT IN MAKING THE VACCINE AVAILABLE.

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

13 **25-4-2304. Cervical cancer immunization fund - created.**

14 THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE CERVICAL
15 CANCER IMMUNIZATION FUND, REFERRED TO IN THIS SECTION AS THE
16 "FUND", WHICH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION TO
17 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT BY THE GENERAL
18 ASSEMBLY FOR THE PURPOSES OF IMPLEMENTING, DEVELOPING, AND
19 OPERATING THE CERVICAL CANCER IMMUNIZATION PROGRAM. THE FUND
20 SHALL BE CREDITED WITH SUCH APPROPRIATIONS AS THE GENERAL
21 ASSEMBLY MAY MAKE FROM THE GENERAL FUND FOR THE CERVICAL
22 CANCER IMMUNIZATION PROGRAM; AND TRANSFERS FROM THE
23 PREVENTION, EARLY DETECTION, AND TREATMENT FUND PURSUANT TO
24 SECTION 24-22-117 (2) (d) (II.5), C.R.S.; AND GIFTS, GRANTS, OR
25 DONATIONS RECEIVED. ALL INCOME FROM THE INVESTMENT OF MONEYS
26 IN THE FUND SHALL BE CREDITED TO THE FUND. ALL MONEYS CREDITED
27 TO THE FUND THAT ARE NOT EXPENDED DURING THE FISCAL YEAR SHALL

1 BE RETAINED IN THE FUND FOR ITS FUTURE USE AND SHALL NOT BE
2 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

3 **25-4-2305. Public awareness campaign - fund.** (1) SUBJECT TO
4 THE MONEYS BEING AVAILABLE IN THE FUND CREATED IN SUBSECTION (2)
5 OF THIS SECTION, THE DEPARTMENT SHALL CONDUCT A PUBLIC
6 AWARENESS CAMPAIGN ON CERVICAL CANCER IMMUNIZATION AND THE
7 BENEFITS OF RECEIVING CERVICAL CANCER IMMUNIZATION.

8 (2) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
9 CERVICAL CANCER IMMUNIZATION AWARENESS CAMPAIGN FUND,
10 REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST
11 OF ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE DEPARTMENT
12 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND
13 ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY.
14 MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY
15 THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS
16 ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. INTEREST AND
17 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE
18 FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
19 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
20 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
21 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

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

25 (b) IF, ON OR BEFORE JANUARY 1, 2008, THE DEPARTMENT HAS
26 RECEIVED EIGHT HUNDRED THOUSAND DOLLARS OR MORE IN GIFTS,
27 GRANTS, OR DONATIONS PURSUANT TO PARAGRAPH (a) OF THIS

1 SUBSECTION (3), THERE IS TRANSFERRED FROM THE CERVICAL CANCER
2 IMMUNIZATION FUND ESTABLISHED PURSUANT TO SECTION 25-4-2304 TO
3 THE FUND THE SUM OF TWO HUNDRED THOUSAND DOLLARS.

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

6 **24-22-117. Tobacco tax cash fund - accounts - creation -**
7 **repeal.** (2) (d) (II.5) FOR THE 2007-08 FISCAL YEAR AND FOR EACH
8 FISCAL YEAR THEREAFTER, OF THE MONEYS TRANSFERRED PURSUANT TO
9 SUBPARAGRAPH (II) OF THIS PARAGRAPH (d), ONE MILLION FIVE HUNDRED
10 THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE CERVICAL CANCER
11 IMMUNIZATION FUND CREATED IN SECTION 25-4-2304, C.R.S.

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

14 **25.5-5-202. Basic services for the categorically needy - optional**
15 **services - repeal.** (1) Subject to the provisions of subsection (2) of this
16 section, the following are services for which federal financial
17 participation is available and which Colorado has selected to provide as
18 optional services under the medical assistance program:

19 (t) CERVICAL CANCER IMMUNIZATION.

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

22 **10-16-104. Mandatory coverage provisions.** (16) **Cervical**
23 **cancer vaccines.** (a) ALL INDIVIDUAL AND ALL GROUP SICKNESS AND
24 ACCIDENT INSURANCE POLICIES, EXCEPT SUPPLEMENTAL POLICIES
25 COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, THAT ARE
26 DELIVERED OR ISSUED FOR DELIVERY WITHIN THE STATE BY AN ENTITY
27 SUBJECT TO THE PROVISIONS OF PART 2 OF THIS ARTICLE AND ALL

1 INDIVIDUAL AND GROUP HEALTH CARE SERVICE OR INDEMNITY CONTRACTS
2 ISSUED BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 3 OR 4 OF THIS
3 ARTICLE, AS WELL AS ANY OTHER GROUP HEALTH CARE COVERAGE
4 OFFERED TO RESIDENTS OF THIS STATE, SHALL PROVIDE COVERAGE FOR
5 CERVICAL CANCER VACCINATION FOR ALL FEMALES FOR WHOM A
6 VACCINATION IS RECOMMENDED BY THE ADVISORY COMMITTEE ON
7 IMMUNIZATION PRACTICES OF THE UNITED STATES DEPARTMENT OF
8 HEALTH AND HUMAN SERVICES.

9 (b) THE REQUIREMENTS OF THIS SUBSECTION (16) SHALL APPLY TO
10 ALL INDIVIDUAL SICKNESS AND ACCIDENT INSURANCE POLICIES AND
11 HEALTH CARE SERVICE OR INDEMNITY CONTRACTS ISSUED ON OR AFTER
12 JANUARY 1, 2008, AND TO ALL GROUP ACCIDENT AND SICKNESS POLICIES
13 AND GROUP HEALTH CARE SERVICE OR INDEMNITY CONTRACTS ISSUED,
14 RENEWED, OR REINSTATED ON OR AFTER JANUARY 1, 2008.

15 (c) FOR PURPOSES OF THIS SUBSECTION (16), "SICKNESS AND
16 ACCIDENT INSURANCE POLICY" DOES NOT INCLUDE SHORT-TERM,
17 ACCIDENT, FIXED INDEMNITY, SPECIFIED DISEASE POLICIES OR DISABILITY
18 INCOME CONTRACTS, AND LIMITED BENEFIT OR CREDIT DISABILITY
19 INSURANCE, OR SUCH OTHER INSURANCE AS DESCRIBED IN SECTION
20 10-18-101 (3) OR BY THE COMMISSIONER. THE TERM ALSO DOES NOT
21 INCLUDE INSURANCE ARISING OUT OF THE "WORKERS' COMPENSATION
22 ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S., OR OTHER
23 SIMILAR LAW, AUTOMOBILE MEDICAL PAYMENT INSURANCE, OR
24 INSURANCE UNDER WHICH BENEFITS ARE PAYABLE WITH OR WITHOUT
25 REGARD TO FAULT AND WHICH IS REQUIRED BY LAW TO BE CONTAINED IN
26 A LIABILITY INSURANCE POLICY OR EQUIVALENT SELF-INSURANCE.

27 (d) THE HEALTH CARE SERVICE PLAN ISSUED BY AN ENTITY

1 SUBJECT TO THE PROVISIONS OF PART 4 OF THIS ARTICLE MAY PROVIDE
2 THAT THE BENEFITS PROVIDED PURSUANT TO THIS SUBSECTION (16) SHALL
3 BE COVERED BENEFITS ONLY IF THE SERVICES ARE RENDERED BY A
4 PROVIDER WHO IS DESIGNATED BY AND AFFILIATED WITH THE HEALTH
5 MAINTENANCE ORGANIZATION.

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