

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

ENGROSSED

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

LLS NO. 09-0821.01 Christy Chase

SENATE BILL 09-179

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Gagliardi,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING COMMUNICABLE DISEASE CONTROL.**

Bill Summary

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

Modifies certain provisions of communicable disease control laws as follows:

- ! Limits the scope of the prohibition against persons affected with a contagious or infectious disease working in certain food-related areas to specify that such persons cannot work in food preparation in a capacity in which the employee is likely to contaminate food or food-contact surfaces;
- ! Allows the state board of health (state board) to adopt necessary rules for implementing disease control laws;

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
February 24, 2009

- ! Requires health care providers providing care to a pregnant woman during gestation, or hospitals where a pregnant woman presents for delivery, to test the woman for HIV if she has not previously been tested and allows the pregnant woman to decline to be tested;
- ! Requires birth certificates to indicate whether and when a blood test for HIV has been conducted on the woman giving birth;
- ! Defines "sexually transmitted infections" as syphilis, gonorrhea, and any other sexually transmitted disease declared by state board rule to be contagious, and changes references from "venereal disease" to "sexually transmitted infection" throughout disease control statutes;
- ! Defines "health officer" to include the executive director of the department of public health and environment (department), the state chief medical officer, or a county or district public health director;
- ! Clarifies the rule-making authority of the state board regarding enforcement of laws pertaining to the control of sexually transmitted infections;
- ! Allows a health officer to issue an isolation order to detain a person diagnosed with tuberculosis without a court order, requires the isolation order to advise the detained person that he or she has the right to request release from detention and limits to 5 days the duration of the detention after a release request unless a court orders the detention to continue, and specifies the procedures for seeking a court-ordered detention; and
- ! Modifies the membership of the HIV and AIDS prevention grant program advisory committee to eliminate the 2 members who are members of the Colorado advisory council on AIDS and adds 2 additional members who are recommended by a statewide group assisting with the department's comprehensive plan for HIV and AIDS prevention.

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

2 **SECTION 1.** 25-4-108, Colorado Revised Statutes, is amended
 3 to read:

4 **25-4-108. Work by diseased persons forbidden.** It is unlawful
 5 for any employer to permit any person who WORKS IN FOOD PREPARATION

1 AND is affected with any contagious OR infectious ~~or venereal~~ disease
2 THAT IS SPREAD BY FOOD to work, or for any person so affected to work,
3 ~~in a building, room, basement, enclosure, premises, or vehicle occupied~~
4 ~~or used for the production, preparation, manufacture, packing, storage,~~
5 ~~sale, distribution, or transportation of food~~ IN ANY CAPACITY IN WHICH
6 THERE IS A LIKELIHOOD THAT THE EMPLOYEE WOULD CONTAMINATE FOOD
7 OR FOOD-CONTACT SURFACES WITH PATHOGENIC ORGANISMS OR
8 TRANSMIT DISEASE TO OTHER PERSONS.

9 **SECTION 2.** Part 1 of article 4 of title 25, Colorado Revised
10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
11 read:

12 **25-4-112. Rules.** THE STATE BOARD OF HEALTH, CREATED IN
13 SECTION 25-1-103, MAY ADOPT RULES AS NECESSARY FOR THE
14 IMPLEMENTATION OF THIS ARTICLE.

15 **SECTION 3.** 25-4-201, Colorado Revised Statutes, is amended
16 to read:

17 **25-4-201. Pregnant woman to take blood test.** (1) Every
18 ~~physician licensed to practice medicine attending~~ LICENSED HEALTH CARE
19 PROVIDER AUTHORIZED TO PROVIDE CARE TO a pregnant woman in this
20 state for conditions relating to her pregnancy during the period of
21 gestation or at delivery shall take or cause to be taken a sample of blood
22 of ~~such~~ THE woman at the time of the first professional visit or ~~within ten~~
23 ~~days thereafter~~ DURING THE FIRST TRIMESTER FOR TESTING PURSUANT TO
24 THIS SECTION. The blood specimen ~~thus~~ obtained shall be submitted to an
25 approved laboratory for a standard serological test for syphilis AND HIV.
26 Every other person permitted by law to attend pregnant women in this
27 state but not permitted by law to take blood samples shall cause a sample

1 of blood of ~~such~~ EACH pregnant ~~women~~ WOMAN to be taken by a
2 ~~physician duly licensed to practice medicine and surgery~~ LICENSED
3 HEALTH CARE PROVIDER AUTHORIZED TO TAKE BLOOD SAMPLES and shall
4 have ~~such~~ THE sample submitted to an approved laboratory for a standard
5 serological test for syphilis AND HIV. A PREGNANT WOMAN MAY DECLINE
6 TO BE TESTED AS SPECIFIED IN THIS SUBSECTION (1), IN WHICH CASE THE
7 LICENSED HEALTH CARE PROVIDER SHALL DOCUMENT THAT FACT IN HER
8 MEDICAL RECORD.

9 (2) IF A PREGNANT WOMAN ENTERING A HOSPITAL FOR DELIVERY
10 HAS NOT BEEN TESTED FOR HIV DURING HER PREGNANCY, THE HOSPITAL
11 SHALL NOTIFY THE WOMAN THAT SHE WILL BE TESTED FOR HIV UNLESS
12 SHE OBJECTS AND DECLINES THE TEST. IF THE WOMAN DECLINES TO BE
13 TESTED, THE HOSPITAL SHALL DOCUMENT THAT FACT IN THE PREGNANT
14 WOMAN'S MEDICAL RECORD.

15 **SECTION 4. Repeal.** 25-4-202, Colorado Revised Statutes, is
16 repealed as follows:

17 **25-4-202. Tests approved by department.** ~~For the purposes of~~
18 ~~this part 2, a standard serological test shall be a test for syphilis approved~~
19 ~~by the department of public health and environment and shall be made at~~
20 ~~a laboratory approved to make such tests. Such laboratory tests as are~~
21 ~~required by this part 2 may be made on request, without charge, at the~~
22 ~~department of public health and environment laboratory.~~

23 **SECTION 5.** 25-4-203, Colorado Revised Statutes, is amended
24 to read:

25 **25-4-203. Birth certificate - blood test.** In reporting every birth
26 and stillbirth, physicians and others required to make such reports shall
27 state on the certificate whether a blood test for syphilis AND HIV has been

1 made upon a specimen of blood taken from the woman who bore the
2 child for which a birth or stillbirth certificate is filed and the approximate
3 date when the specimen was taken. In no event shall the birth certificate
4 state the result of the test.

5 **SECTION 6.** 25-4-401, Colorado Revised Statutes, is amended
6 to read:

7 **25-4-401. Sexually transmitted infections - definitions.** (1) AS
8 USED IN THIS PART 4:

9 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
10 AND ENVIRONMENT CREATED IN SECTION 25-1-102.

11 (b) "HEALTH OFFICER" MEANS THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT, THE CHIEF MEDICAL OFFICER APPOINTED PURSUANT TO
13 SECTION 25-1-105, OR A COUNTY OR DISTRICT PUBLIC HEALTH DIRECTOR.

14 (c) "SEXUALLY TRANSMITTED INFECTION" MEANS syphilis,
15 gonorrhea, and any other type of ~~venereal disease~~ SEXUALLY
16 TRANSMITTED INFECTION designated by the STATE board by rule and
17 ~~regulation~~ AS CONTAGIOUS, upon making a finding that a THE particular
18 ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION is contagious; ~~shall~~
19 ~~be referred to in this part 4 as "venereal diseases", and~~ EXCEPT THAT
20 CASES OF AIDS, HIV-RELATED ILLNESS, AND HIV INFECTIONS SHALL BE
21 GOVERNED SOLELY BY THE REQUIREMENTS OF PART 14 OF ARTICLE 4 OF
22 THIS TITLE.

23 (d) "STATE BOARD" MEANS THE STATE BOARD OF HEALTH
24 CREATED IN SECTION 25-1-103.

25 (2) SEXUALLY TRANSMITTED INFECTIONS are declared to be
26 contagious, sexually transmitted, and dangerous to the public health.

27 ~~(2)~~ (3) It is unlawful for any person who has knowledge or

1 reasonable grounds to suspect that he OR SHE is infected with a ~~venereal~~
2 ~~disease~~ SEXUALLY TRANSMITTED INFECTION to willfully expose to or
3 infect another PERSON with ~~such a disease~~ THE SEXUALLY TRANSMITTED
4 INFECTION or to knowingly perform an act ~~which~~ THAT exposes to or
5 infects another person TO OR with a ~~venereal disease~~ SEXUALLY
6 TRANSMITTED INFECTION.

7 **SECTION 7.** 25-4-402 (1), (3), and (4), Colorado Revised
8 Statutes, are amended to read:

9 **25-4-402. Sexually transmitted infections shall be reported -**
10 **physician's immunity.** (1) Any physician, intern, or other person who
11 makes a diagnosis in, prescribes for, or treats a ~~case of venereal disease~~
12 SEXUALLY TRANSMITTED INFECTION and any superintendent or manager
13 of a state, county, or city hospital, dispensary, ~~sanitarium~~, or charitable or
14 penal institution in which there is a ~~case of venereal disease~~ SEXUALLY
15 TRANSMITTED INFECTION shall make a report of such ~~case~~ INFECTION to
16 the health authorities in accordance with the provisions of section
17 25-1-122 (1).

18 (3) Reports of ~~venereal disease~~ SEXUALLY TRANSMITTED
19 INFECTION shall be made in accordance with the requirements set forth in
20 section 25-1-122 (1).

21 (4) Any physician, upon consultation by a minor as a patient and
22 with the consent of ~~such~~ THE minor patient, may make a diagnostic
23 examination for ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION and
24 may prescribe for and treat ~~such~~ THE minor patient for ~~venereal disease~~
25 SEXUALLY TRANSMITTED INFECTION without the consent of or notification
26 to the parent or guardian of ~~such~~ THE minor patient or to any other person
27 having custody of or parental responsibilities with respect to ~~such~~ THE

1 minor patient. In any such case, the physician shall ~~incur no civil or~~
2 ~~criminal liability by reason of having made such~~ NOT BE CIVILLY OR
3 CRIMINALLY LIABLE FOR MAKING THE diagnostic examination or ~~rendered~~
4 ~~such~~ RENDERING THE treatment, but ~~such~~ THE immunity FROM LIABILITY
5 shall not apply to any negligent acts or omissions OF THE PHYSICIAN.

6 **SECTION 8.** 25-4-404, Colorado Revised Statutes, is amended
7 to read:

8 **25-4-404. Examination of suspected cases.** (1) ~~State, county,~~
9 ~~and municipal~~ Health officers or their authorized assistants or deputies
10 within their respective jurisdictions are directed, when in their judgment
11 it is necessary to protect the public health, to:

12 (a) ~~Make examinations of persons~~ REQUIRE A PERSON reasonably
13 suspected of ~~being infected with venereal disease~~ HAVING A SEXUALLY
14 TRANSMITTED INFECTION TO BE EXAMINED and to detain ~~such persons~~ THE
15 PERSON until the results of ~~such examinations~~ THE EXAMINATION are
16 known; ~~to forthwith~~

17 (b) REQUIRE THE EXAMINER TO give a written report of ~~such~~ THE
18 examination to the confining ~~state, county, or municipal~~ health officer; ~~to~~

19 (c) Require persons ~~infected with venereal disease~~ WITH
20 SEXUALLY TRANSMITTED INFECTIONS to report for treatment to a qualified
21 physician and continue treatment until cured; and ~~to~~

22 (d) Isolate ~~or quarantine~~ persons ~~infected with venereal disease~~
23 WITH SEXUALLY TRANSMITTED INFECTIONS.

24 (2) ~~Such~~ THE examination and treatment of any person WITH A
25 SEXUALLY TRANSMITTED INFECTION shall be conducted by a qualified
26 physician of ~~his~~ THE PERSON'S own choice, but, if ~~such~~ THE person is
27 unable to retain a private physician, he OR SHE shall submit to

1 examination and treatment provided at public expense.

2 (3) It is the duty of all ~~local and state~~ health officers to investigate
3 sources of ~~infection of venereal disease~~ SEXUALLY TRANSMITTED
4 INFECTION, to cooperate with the proper officials whose duty it is to
5 enforce laws directed against prostitution, and otherwise to use every
6 proper means for the repression of prostitution.

7 **SECTION 9.** 25-4-405, Colorado Revised Statutes, is amended
8 to read:

9 **25-4-405. Examination of persons confined.** (1) All persons
10 who are confined, detained, or imprisoned in any state, county, or city
11 hospital or institution for persons with mental illness, ~~the Mount View~~
12 ~~school or Lookout Mountain school~~, any home for dependent children,
13 any reformatory or prison, or any private or charitable institution where
14 any person may be confined, detained, or imprisoned by order of court in
15 this state shall be examined for and, if infected, treated for ~~venereal~~
16 ~~diseases~~ SEXUALLY TRANSMITTED INFECTIONS by the health authorities
17 having jurisdiction. The managing authorities of any such institutions are
18 directed to make available to the health authorities such portion of their
19 respective institutions as may be necessary for a clinic or hospital,
20 wherein all persons who may be confined or detained or imprisoned in
21 any such institution and who are infected with ~~venereal diseases~~
22 SEXUALLY TRANSMITTED INFECTIONS may be treated in a manner as
23 prescribed by the ~~director of the agency within the department of public~~
24 ~~health and environment responsible for control of venereal diseases~~
25 APPROPRIATE HEALTH OFFICER.

26 (2) ~~All persons who are suffering with venereal disease at the time~~
27 ~~of the expiration of their terms of imprisonment or confinement and other~~

1 ~~persons who may be isolated, quarantined, or treated under this section~~
2 ~~shall be isolated and treated at public expense until cured. In lieu of such~~
3 ~~isolation, any of such persons may, in the discretion of the department of~~
4 ~~public health and environment, be required to report for treatment to a~~
5 ~~licensed physician or advanced practice nurse or submit to treatment~~
6 ~~provided at public expense as provided in this section. The department~~
7 ~~of public health and environment is authorized to arrange for~~
8 ~~hospitalization and to provide and furnish such medical treatment as may~~
9 ~~be determined to be necessary. Nothing in this section shall be construed~~
10 ~~to interfere with the service of any sentence imposed by a court as a~~
11 ~~punishment for the commission of crime.~~

12 **SECTION 10.** 25-4-406, Colorado Revised Statutes, is amended
13 to read:

14 **25-4-406. Rules - provision of services.** (1) The department, of
15 ~~public health and environment is directed to make such~~ THROUGH THE
16 STATE BOARD, SHALL ADOPT rules ~~as are in its judgment~~ IT DEEMS
17 necessary ~~for the carrying~~ TO CARRY out of the provisions of this part 4,
18 including rules providing for the control and treatment of persons isolated
19 ~~or quarantined under the provisions of section 25-4-405 and such~~ other
20 rules not in conflict with ~~provisions of this part 4~~ THAT THE DEPARTMENT
21 DEEMS ADVISABLE concerning the control of ~~venereal disease~~ SEXUALLY
22 TRANSMITTED INFECTION and the care, treatment, and ~~quarantine~~
23 ISOLATION of persons ~~infected therewith as it may from time to time deem~~
24 ~~advisable.~~ All such WITH SEXUALLY TRANSMITTED INFECTIONS. THE
25 rules ~~so made~~ shall be of force and binding upon all ~~county and municipal~~
26 PUBLIC HEALTH AGENCIES, health officers, and other persons affected by
27 this part 4 and shall have the force and effect of law.

1 (2) Notwithstanding any other provision of this part 4 to the
2 contrary, programs and services that provide for the investigation,
3 identification, testing, preventive care, or treatment of ~~venereal diseases~~
4 SEXUALLY TRANSMITTED INFECTIONS shall be available to a person
5 regardless of his or her race, religion, gender, SEXUAL ORIENTATION,
6 ethnicity, national origin, or immigration status.

7 **SECTION 11.** 25-4-407, Colorado Revised Statutes, is amended
8 to read:

9 **25-4-407. Penalty.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2)
10 OF THIS SECTION, any person, firm, or corporation ~~violating any of the~~
11 ~~provisions~~ THAT VIOLATES A PROVISION of this part 4, other than section
12 25-4-408, or any lawful rule ~~or regulation made~~ ADOPTED by the
13 ~~department of public health and environment~~ STATE BOARD pursuant to
14 the authority granted in this part 4, or ~~failing or refusing~~ FAILS OR
15 REFUSES to obey any lawful order issued by any ~~state, county, or~~
16 ~~municipal~~ health officer pursuant to the authority granted in this part 4,
17 is guilty of a misdemeanor and, upon conviction thereof, shall be
18 punished by a fine of not more than three hundred dollars, or by
19 imprisonment in the county jail for not more than ninety days, or by both
20 such fine and imprisonment.

21 (2) IF THE PERSON WHO COMMITS A VIOLATION OF THIS PART 4 OR
22 A LAWFUL RULE OF THE STATE BOARD OR WHO FAILS OR REFUSES TO OBEY
23 A LAWFUL ORDER OF A HEALTH OFFICER IS A LICENSED OR CERTIFIED
24 HEALTH CARE PROFESSIONAL, THE HEALTH OFFICER MAY BRING AN ACTION
25 IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT IN WHICH THE
26 VIOLATION OR FAILURE OR REFUSAL OCCURS TO SEEK A CIVIL PENALTY OF
27 NOT MORE THAN THREE HUNDRED DOLLARS PER VIOLATION, FAILURE, OR

1 REFUSAL. A PERSON SUBJECT TO THE PENALTIES SPECIFIED IN THIS
2 SUBSECTION (2) SHALL NOT BE SUBJECT TO THE PENALTIES DESCRIBED IN
3 SUBSECTION (1) OF THIS SECTION.

4 **SECTION 12.** 25-4-408, Colorado Revised Statutes, is amended
5 to read:

6 **25-4-408. Distribution of information.** The department of
7 ~~public health and environment~~ shall prepare, for free distribution among
8 the residents of the state, printed information and instructions concerning
9 the dangers ~~from venereal diseases~~ OF SEXUALLY TRANSMITTED
10 INFECTIONS, their prevention, and the necessity for treatment. It is the
11 duty of every physician who, during the course of an examination,
12 discovers the existence of a ~~venereal disease~~ SEXUALLY TRANSMITTED
13 INFECTION or who treats a person for ~~venereal disease~~ A SEXUALLY
14 TRANSMITTED INFECTION to ~~instruct him in~~ INFORM THE PERSON ABOUT
15 THE measures for preventing the spread of ~~such disease, to inform him of~~
16 THE INFECTION AND the necessity for treatment until cured, ~~and to hand~~
17 ~~him a copy of the circular of information regarding venereal disease from~~
18 ~~the department of public health and environment~~ WHEN APPROPRIATE.

19 **SECTION 13.** 25-4-500.3 (6), Colorado Revised Statutes, is
20 amended to read:

21 **25-4-500.3. Definitions.** As used in this part 5, unless the context
22 otherwise requires:

23 (6) "Health officer" means the EXECUTIVE DIRECTOR OF THE
24 DEPARTMENT, THE state chief medical officer, and ~~local health officers~~
25 COUNTY OR DISTRICT PUBLIC HEALTH DIRECTORS.

26 **SECTION 14.** 25-4-507 (1) (c), Colorado Revised Statutes, is
27 amended, and the said 25-4-507 (1) is further amended BY THE

1 ADDITION OF A NEW PARAGRAPH, to read:

2 **25-4-507. Isolation order - enforcement - court review.**

3 (1) (c) All isolation orders shall set forth the name of the person to be
4 isolated and the initial period, not to exceed six months, during which the
5 order shall remain effective, the place of isolation, and such other terms
6 and conditions as may be immediately necessary to protect the public
7 health. THE ISOLATION ORDER SHALL ADVISE THE PERSON BEING
8 DETAINED THAT HE OR SHE HAS THE RIGHT TO REQUEST RELEASE FROM
9 DETENTION BY CONTACTING A PERSON DESIGNATED IN THE ORDER AND
10 THAT THE DETENTION SHALL NOT CONTINUE FOR MORE THAN FIVE
11 BUSINESS DAYS AFTER THE REQUEST FOR RELEASE, UNLESS THE
12 DETENTION IS AUTHORIZED BY COURT ORDER. THE HEALTH OFFICER
13 SHALL SERVE a copy of ~~such~~ THE ISOLATION order ~~shall be served~~ upon
14 the person. The person shall be reexamined at the time the initial order
15 expires to ascertain whether or not the tuberculous condition continues to
16 be infectious. When it has been medically determined that the person no
17 longer has active tuberculosis, the person shall be relieved from all
18 further liability or duty imposed by this part 5, and the HEALTH OFFICER
19 SHALL RESCIND THE order. ~~shall be rescinded.~~

20 (d) A HEALTH OFFICER MAY DETAIN A PERSON WHO IS THE SUBJECT
21 OF AN ISOLATION ORDER ISSUED PURSUANT TO THIS SUBSECTION (1)
22 WITHOUT A PRIOR COURT ORDER. THE HEALTH OFFICER MAY DETAIN THE
23 PERSON IN A HOSPITAL OR OTHER APPROPRIATE PLACE FOR EXAMINATION
24 OR TREATMENT.

25 **SECTION 15.** 25-4-507, Colorado Revised Statutes, is amended
26 BY THE ADDITION OF A NEW SUBSECTION to read:

27 **25-4-507. Isolation order - enforcement - court review.**

1 (3) (a) IF A PERSON DETAINED PURSUANT TO AN ISOLATION ORDER
2 REQUESTS TO BE RELEASED, THE DETAINING AUTHORITY SHALL RELEASE
3 THE PERSON NOT LATER THAN FIVE BUSINESS DAYS AFTER THE PERSON
4 REQUESTS THE RELEASE, ABSENT A COURT ORDER AUTHORIZING
5 DETENTION. UPON RECEIPT OF A REQUEST FOR RELEASE, THE DETAINING
6 AUTHORITY SHALL APPLY FOR A COURT ORDER AUTHORIZING CONTINUED
7 DETENTION OF THE PERSON. THE DETAINING AUTHORITY SHALL MAKE THE
8 APPLICATION WITHIN SEVENTY-TWO HOURS AFTER THE PERSON REQUESTS
9 RELEASE OR, IF THE SEVENTY-TWO-HOUR PERIOD ENDS ON A SATURDAY,
10 SUNDAY, OR LEGAL HOLIDAY, BY THE END OF THE FIRST BUSINESS DAY
11 FOLLOWING THE SATURDAY, SUNDAY, OR LEGAL HOLIDAY. THE
12 APPLICATION SHALL INCLUDE A REQUEST FOR AN EXPEDITED HEARING.

13 (b) IN ANY COURT PROCEEDING TO ENFORCE AN ISOLATION ORDER,
14 THE HEALTH OFFICER SHALL PROVE THE PARTICULAR CIRCUMSTANCES
15 CONSTITUTING THE NECESSITY FOR THE DETENTION BY CLEAR AND
16 CONVINCING EVIDENCE. ANY PERSON WHO IS SUBJECT TO AN ISOLATION
17 ORDER HAS THE RIGHT TO BE REPRESENTED BY COUNSEL AND, UPON
18 REQUEST, COUNSEL SHALL BE PROVIDED TO THE PERSON.

19 (c) THE REQUEST FOR RELEASE OR FILING OF AN APPLICATION FOR
20 A COURT ORDER TO CONTINUE AN ISOLATION ORDER SHALL NOT STAY THE
21 ISOLATION ORDER.

22 (d) IN REVIEWING THE APPLICATION TO CONTINUE THE ISOLATION
23 ORDER, THE COURT SHALL NOT CONDUCT A DE NOVO REVIEW. THE COURT
24 SHALL CONSIDER THE EXISTING ADMINISTRATIVE RECORD AND ANY
25 SUPPLEMENTAL EVIDENCE THE COURT DEEMS RELEVANT.

26 (e) UPON COMPLETION OF THE HEARING, THE COURT SHALL ISSUE
27 AN ORDER CONTINUING, MODIFYING, OR DISMISSING THE ISOLATION

1 ORDER.

2 (f) A HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE
3 CLOSED AND CONFIDENTIAL, AND ANY TRANSCRIPTS RELATING TO THE
4 HEARING SHALL BE CONFIDENTIAL.

5 **SECTION 16.** The introductory portion to 25-4-1405 (8) (a),
6 Colorado Revised Statutes, is amended, and the said 25-4-1405 (8) (a) is
7 further amended BY THE ADDITION OF A NEW SUBPARAGRAPH,
8 to read:

9 **25-4-1405. Disease control by the state department of public**
10 **health and environment and local health departments.** (8) (a) No
11 ~~physician, health worker,~~ CARE PROVIDER or other person, and no
12 hospital, clinic, ~~sanitarium,~~ laboratory, or other private or public
13 institution, shall test, or shall cause by any means to have tested, any
14 specimen of any patient for HIV infection without the knowledge and
15 consent of the patient; except that knowledge and consent need not be
16 given:

17 (VI) WHEN A PREGNANT WOMAN IS INFORMED OF THE NEED FOR
18 AN HIV TEST AND GIVEN THE OPPORTUNITY TO DECLINE THE TEST AS
19 SPECIFIED IN SECTION 25-4-201.

20 **SECTION 17.** 25-4-1414 (1) (a) (I), (1) (a) (III), and (1) (a) (V),
21 Colorado Revised Statutes, are amended to read:

22 **25-4-1414. Grant program - conflict of interest.** (1) (a) The
23 program shall fund medically accurate HIV and AIDS prevention and
24 education programs through a competitive grant process that shall be
25 overseen by the HIV and AIDS prevention grant program advisory
26 committee, which is hereby created and referred to in this section as the
27 "advisory committee". The advisory committee shall consist of seven

1 members appointed by the executive director of the department as
2 follows:

3 (I) ~~Two members representing community-based organizations~~
4 ~~who are recommended by and who are existing members of the Colorado~~
5 ~~advisory council on AIDS;~~

6 (III) ~~Two~~ FOUR members who are recommended by a statewide
7 collaborative group that assists the department in the department's
8 comprehensive plan for HIV and AIDS prevention;

9 (V) One member who represents a clinic that receives moneys
10 under ~~Title III~~ PART 3 of the federal "Ryan White C.A.R.E. Act of 1990",
11 as amended.

12 **SECTION 18. Repeal.** 25-4-403 and 25-4-1402.5, Colorado
13 Revised Statutes, are repealed.

14 **SECTION 19.** 25-1-122 (1) and the introductory portion to
15 25-1-122 (4), Colorado Revised Statutes, are amended to read:

16 **25-1-122. Named reporting of certain diseases and conditions**
17 **- access to medical records - confidentiality of reports and records.**

18 (1) With respect to investigations of epidemic and communicable
19 diseases, morbidity and mortality, cancer in connection with the statewide
20 cancer registry, environmental and chronic diseases, ~~venereal diseases~~
21 SEXUALLY TRANSMITTED INFECTIONS, tuberculosis, and rabies and
22 mammal bites, the board has the authority to require reporting, without
23 patient consent, of occurrences of those diseases and conditions by any
24 person having knowledge of such to the state and local health
25 departments, within their respective jurisdictions. Any required reports
26 shall contain the name, address, age, sex, diagnosis, and such other
27 relevant information as the board determines is necessary to protect the

1 public health. The board shall set the manner, time period, and form in
2 which such reports are to be made. The board may limit reporting for a
3 specific disease or condition to a particular region or community or for a
4 limited period of time. Nothing in this subsection (1) shall be construed
5 to apply to cases of AIDS, HIV-related illness, or HIV infection, which
6 shall be governed solely by the reporting requirements set forth in part 14
7 of article 4 of this title.

8 (4) Reports and records resulting from the investigation of
9 epidemic and communicable diseases, environmental and chronic
10 diseases, reports of morbidity and mortality, reports of cancer in
11 connection with the statewide cancer registry, and reports and records
12 resulting from the investigation of ~~venereal diseases~~ SEXUALLY
13 TRANSMITTED INFECTIONS, tuberculosis, and rabies and mammal bites
14 held by the state department of public health and environment or local
15 departments of health shall be strictly confidential. Such reports and
16 records shall not be released, shared with any agency or institution, or
17 made public, upon subpoena, search warrant, discovery proceedings, or
18 otherwise, except under any of the following circumstances:

19 **SECTION 20.** 25-1-801 (1) (d), Colorado Revised Statutes, is
20 amended to read:

21 **25-1-801. Patient records in custody of health care facility.**

22 (1) (d) Nothing in this section shall be construed to require a person
23 responsible for the diagnosis or treatment of ~~venereal diseases~~ SEXUALLY
24 TRANSMITTED INFECTIONS or addiction to or use of drugs in the case of
25 minors pursuant to sections 25-4-402 (4) and 13-22-102, C.R.S., to
26 release patient records of such diagnosis or treatment to a parent,
27 guardian, or person other than the minor or his OR HER designated

1 representative.

2 **SECTION 21.** 25-1-802 (2), Colorado Revised Statutes, is
3 amended to read:

4 **25-1-802. Patient records in custody of individual health care**
5 **providers.** (2) Nothing in this section shall be construed to require a
6 person responsible for the diagnosis or treatment of ~~venereal diseases~~
7 SEXUALLY TRANSMITTED INFECTIONS or addiction to or use of drugs in the
8 case of minors pursuant to sections 25-4-402 (4) and 13-22-102, C.R.S.,
9 to release patient records of such diagnosis or treatment to a parent,
10 guardian, or person other than the minor or his OR HER designated
11 representative.

12 **SECTION 22.** 25-1-1202 (1) (qq) and (1) (aaa), Colorado
13 Revised Statutes, are amended to read:

14 **25-1-1202. Index of statutory sections regarding medical**
15 **record confidentiality and health information.** (1) Statutory
16 provisions concerning policies, procedures, and references to the release,
17 sharing, and use of medical records and health information include the
18 following:

19 (qq) Section 25-1-122, concerning reporting of certain diseases
20 and conditions for investigation of epidemic and communicable diseases,
21 morbidity and mortality, cancer in connection with the statewide cancer
22 registry, environmental and chronic diseases, ~~venereal diseases~~ SEXUALLY
23 TRANSMITTED INFECTIONS, tuberculosis, and rabies and mammal bites by
24 the department of public health and environment;

25 (aaa) Section 25-4-402 (4), concerning the reporting of ~~venereal~~
26 ~~diseases~~ SEXUALLY TRANSMITTED INFECTIONS;

27 **SECTION 23.** 25-5-415 (1) (k), Colorado Revised Statutes, is

1 amended to read:

2 **25-5-415. Misbranding.** (1) A drug or device shall be deemed
3 to be misbranded:

4 (k) If its labeling represents it to have any effect in albuminuria,
5 appendicitis, arteriosclerosis, arthritis, baldness, blood poison, bone
6 disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes,
7 diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases,
8 high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis,
9 otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis),
10 prostate gland disorders, pyelitis, rheumatism, scarlet fever, sexual
11 impotence, SEXUALLY TRANSMITTED INFECTION, sinus infection,
12 smallpox, tuberculosis, tumors, typhoid, OR uremia, ~~or venereal disease,~~
13 and shall also be deemed to be false; except that no labeling in violation
14 of paragraphs (a) and (b) of this subsection (1) shall be deemed to be false
15 under this paragraph (k) if it is disseminated only to members of the
16 medical, dental, chiropractic, or veterinary professions or is disseminated
17 only for the purpose of public health education by persons not
18 commercially interested, directly or indirectly, in the sale of such drugs
19 or devices; but, if the department determines that an advance in medical
20 science has made any type of self-medication safe as to any of the
21 diseases named in this paragraph (k), the department shall by regulation
22 authorize the labeling of drugs having curative or therapeutic effect for
23 such disease, subject to such conditions and restrictions as the department
24 may deem necessary in the interests of public health; except that this
25 paragraph (k) shall not be construed as indicating that self-medication for
26 any disease is safe or efficacious;

27 **SECTION 24.** 25-5-418 (2), Colorado Revised Statutes, is

1 amended to read:

2 **25-5-418. Advertisements.** (2) For the purpose of this part 4, the
3 advertisement of a drug or device representing it to have any effect in
4 albuminuria, appendicitis, arteriosclerosis, arthritis, baldness, blood
5 poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis,
6 diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular
7 diseases, high blood pressure, mastoiditis, measles, meningitis, mumps,
8 nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile
9 paralysis), prostate gland disorders, pyelitis, rheumatism, scarlet fever,
10 sexual impotence, SEXUALLY TRANSMITTED INFECTIONS, sinus infection,
11 smallpox, tuberculosis, tumors, typhoid, OR uremia ~~or venereal diseases~~
12 shall also be deemed to be false; except that no advertisement not in
13 violation of subsection (1) of this section shall be deemed to be false
14 under this subsection (2) if it is disseminated only to members of the
15 medical, dental, chiropractic, or veterinary professions, or appears only
16 in the scientific periodicals of these professions, or is disseminated only
17 for the purpose of public health education by persons not commercially
18 interested, directly or indirectly, in the sale of such drugs or devices; but,
19 if the department determines that an advance in medical science has made
20 any type of self-medication safe as to any of the diseases named in this
21 subsection (2), the department shall by regulation authorize the
22 advertisement of drugs having curative or therapeutic effect for such
23 disease, subject to such conditions and restrictions as the department may
24 deem necessary in the interests of public health; except that this
25 subsection (2) shall not be construed as indicating that self-medication for
26 any diseases is safe or efficacious.

27 **SECTION 25. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.