

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

**INTRODUCED**

LLS NO. 13-0605.01 Christy Chase x2008

**SENATE BILL 13-222**

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**SENATE SPONSORSHIP**

**Aguilar**, Newell, Nicholson

**HOUSE SPONSORSHIP**

**Pabon**, Kraft-Tharp, Levy, May, Melton, Peniston, Rosenthal, Salazar, Singer, Tyler

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING IMPROVING ACCESS TO CHILDHOOD IMMUNIZATIONS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Current law prohibits the department of public health and environment (department) from establishing a universal purchasing system for procuring vaccines for insured individuals in the state.

**Section 2** of the bill removes the barrier to establishing a vaccine purchasing system. **Section 4** authorizes the department, for purposes of increasing access to immunizations, to examine mechanisms for statewide

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.*

purchase of vaccines, including childhood immunizations, and options for the state to more effectively purchase and distribute vaccines for insured individuals in the state. Additionally, the department is to explore authorizing the department of health care policy and financing to purchase vaccines recommended by the federal advisory committee on immunization practices (ACIP). Section 3 also:

! Requires the department to convene a stakeholder task force to make recommendations regarding the financing and delivery of childhood immunizations, including through a vaccine purchasing system; and

! Authorizes the state board of health to adopt rules to implement the task force's recommendations.

**Section 3** of the bill authorizes the department to expend moneys in the immunization fund to purchase vaccines through a vaccine purchasing system, if developed.

**Section 5** of the bill permits the department of health care policy and financing to purchase vaccines recommended by the ACIP through a vaccine purchasing system, if developed, for children enrolled in the children's basic health plan.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds that:

4 (a) Colorado's current system of financing and delivering  
5 childhood immunizations is complicated and presents barriers for  
6 providers, patients, and payers;

7 (b) The current fragmented system creates access issues because  
8 some small and rural providers are unable to afford to stock and deliver  
9 vaccine, thus forcing the patient to seek immunizations elsewhere and  
10 eroding the medical home;

11 (c) Many of Colorado's primary care providers report that, in a  
12 private office setting, the cost to purchase and deliver childhood  
13 immunizations is second only to the cost of personnel, resulting in many  
14 providers being unable to offer immunizations;

1 (d) Colorado's primary care providers are required to keep  
2 different inventory and accounting systems for vaccine stock, based on  
3 the insurance status of patients, resulting in a "two drawer" system;

4 (e) Recent changes in federal law prohibit local public health  
5 agencies from providing federally funded immunizations to patients with  
6 private insurance, including situations in which a primary care provider  
7 is unable to offer immunizations and refers a patient to the local public  
8 health agency;

9 (f) In the future, local public health agencies will only be able to  
10 provide immunizations to insured children if the family is able to pay for  
11 the cost of the vaccine or the agency implements a sophisticated billing  
12 procedure with each private payer;

13 (g) Vaccines for children enrolled in the state's medicaid program  
14 are received from the vaccines for children program, taking advantages  
15 of economies of scale and bulk purchasing power;

16 (h) Vaccines for the children's basic health plan are purchased in  
17 the commercial market, creating a fragmented funding system for the  
18 state's public health programs;

19 (i) The current patchwork of conflicting vaccine financing and  
20 requirement system makes it difficult to respond to disease outbreaks with  
21 a statewide, systematic plan and response;

22 (j) In order to ease the administrative and financial burdens on the  
23 state's primary care providers and thus expand access to vaccines for  
24 Colorado children, the state needs to take a comprehensive look at the  
25 current system of vaccine financing and delivery; and

26 (k) Colorado is in a unique position to examine existing models,  
27 as well as proposed models, for vaccine financing and delivery in order

1 to create an efficient solution designed with cost savings and effective  
2 administration in mind.

3 **SECTION 2.** In Colorado Revised Statutes, 25-4-1705, **amend**  
4 (9) (b) as follows:

5 **25-4-1705. Department of public health and environment -**  
6 **powers and duties - rules.** (9) (b) The department or any person who  
7 contracts with the department pursuant to subsection (7) of this section  
8 ~~shall not~~ MAY establish a ~~universal~~ purchase system AS DESCRIBED IN  
9 SECTION 25-4-2403 for the procurement of vaccines for privately insured  
10 persons under federal government contracts.

11 **SECTION 3.** In Colorado Revised Statutes, 25-4-1708, **amend**  
12 (1) as follows:

13 **25-4-1708. Fund created.** (1) (a) There is hereby established in  
14 the state treasury a fund to be known as the immunization fund, which  
15 fund ~~shall be~~ IS subject to annual appropriation BY THE GENERAL  
16 ASSEMBLY to the department of public health and environment ~~by the~~  
17 ~~general assembly~~ for the purposes of:

18 (I) Purchasing vaccines, INCLUDING PURCHASING VACCINES  
19 THROUGH A VACCINE PURCHASING SYSTEM, IF SUCH A SYSTEM IS  
20 DEVELOPED PURSUANT TO SECTION 25-4-2403 (1) AND (1.3), WHICH  
21 SYSTEM MAY INCLUDE VACCINES FOR PRIVATELY INSURED INDIVIDUALS;

22 (II) Assisting users of the immunization tracking system  
23 established in section 25-4-2403 to connect to the system;

24 (III) Utilizing the reminder and recall process of the immunization  
25 tracking system; and

26 (IV) Implementing, developing, and operating immunization  
27 programs.

1 (b) The fund ~~shall be credited with such appropriations as~~  
2 CONSISTS OF:

3 (I) MONEYS APPROPRIATED BY the general assembly ~~may make~~  
4 from the general fund for immunization programs;

5 (II) Any gifts, grants, or awards received pursuant to sections  
6 25-4-1705 (6) and 25-4-2403 (9) (c) OR FOR PURPOSES OF EXPANDING  
7 ACCESS TO CHILDHOOD IMMUNIZATIONS; and

8 (III) Moneys received from the state department of health care  
9 policy and financing as reimbursement pursuant to section 25-4-1707.

10 (c) THE STATE TREASURER SHALL CREDIT TO THE FUND all income  
11 from the investment of moneys in the fund. ~~shall be credited to the fund.~~

12 (d) THE DEPARTMENT SHALL USE THE MONEYS IN THE  
13 IMMUNIZATION FUND TO PAY THE DEPARTMENT'S DIRECT AND INDIRECT  
14 COSTS OF ADMINISTERING THE PROGRAMS DESCRIBED IN PARAGRAPH (a)  
15 OF THIS SUBSECTION (1).

16 **SECTION 4.** In Colorado Revised Statutes, 25-4-2403, **amend**  
17 (1) introductory portion, (1) (a), (1) (c), and (1) (f); and **add** (1.3) and  
18 (13) as follows:

19 **25-4-2403. Department of public health and environment -**  
20 **powers and duties - immunization tracking system.** (1) In order to  
21 expand the immunization registry and increase access to immunizations,  
22 the department of ~~public health and environment~~ may address:

23 (a) Mechanisms for:

24 (I) Maximizing federal funds to purchase, distribute, and deliver  
25 vaccines for individuals in Colorado; ~~including, but not limited to,~~  
26 ~~participation in a state purchasing and distribution cooperative and the~~  
27 ~~mechanisms for~~

1           (II) Statewide purchase, distribution, and prioritization ~~to include,~~  
2 ~~but not be limited to~~ OF VACCINES, INCLUDING CHILDHOOD  
3 IMMUNIZATIONS AND the seasonal influenza vaccine;

4           (c) Options for Colorado to more effectively purchase, distribute,  
5 and deliver vaccines to INSURED, underinsured, and uninsured individuals;

6           (f) ~~Methods for implementing the findings addressed in~~  
7 ~~paragraphs (a) to (d) of~~ THE ABILITY OF THE DEPARTMENT OF HEALTH  
8 CARE POLICY AND FINANCING TO PURCHASE VACCINES RECOMMENDED BY  
9 ACIP THROUGH A PURCHASING SYSTEM, IF DEVELOPED PURSUANT TO this  
10 subsection (1) AND SUBSECTION (1.3) OF THIS SECTION, FOR CHILDREN  
11 WHO ARE ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN CREATED IN  
12 ARTICLE 8 OF TITLE 25.5, C.R.S.

13           (1.3) (a) THE DEPARTMENT SHALL CONVENE A TASK FORCE OF  
14 INTERESTED STAKEHOLDERS TO CONSIDER THE ISSUES IDENTIFIED IN  
15 SUBSECTION (1) OF THIS SECTION. THE TASK FORCE MUST CONSIST OF AT  
16 LEAST THE FOLLOWING PERSONS OR GROUPS:

17           (I) PRIMARY CARE PROVIDERS, INCLUDING ESSENTIAL COMMUNITY  
18 PROVIDERS, PEDIATRICIANS, FAMILY PHYSICIANS, MID-LEVEL PROVIDERS,  
19 AND PRACTICE MANAGERS;

20           (II) PHARMACISTS FROM BOTH INDEPENDENT AND CHAIN  
21 PHARMACIES;

22           (III) LOCAL PUBLIC HEALTH PROVIDERS;

23           (IV) CHILD HEALTH ADVOCATES;

24           (V) HEALTH INSURERS AND OTHER PERSONS WHO PAY FOR HEALTH  
25 CARE SERVICES;

26           (VI) PHARMACEUTICAL MANUFACTURERS; AND

27           (VII) REPRESENTATIVES FROM THE DEPARTMENTS OF PUBLIC

1 HEALTH AND ENVIRONMENT AND HEALTH CARE POLICY AND FINANCING.

2 (b) THE TASK FORCE SHALL MAKE RECOMMENDATIONS TO THE  
3 DEPARTMENT AND THE BOARD ON THE FINANCING, ORDERING, AND  
4 DELIVERY OF CHILDHOOD IMMUNIZATIONS, INCLUDING THROUGH ANY OF  
5 THE FOLLOWING METHODS:

6 (I) A PUBLIC-PRIVATE MODEL OF VACCINE PURCHASE AND  
7 DELIVERY;

8 (II) JUST-IN-TIME DELIVERY;

9 (III) INVENTORY MANAGEMENT;

10 (IV) OUTBREAK RESPONSE;

11 (V) LINKAGE BETWEEN THE IMMUNIZATION TRACKING SYSTEM  
12 ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS SECTION AND  
13 VACCINE INVENTORY;

14 (VI) VACCINE SHORTAGE RESPONSE;

15 (VII) PRESERVATION OF VACCINE DELIVERY IN A MEDICAL HOME  
16 MODEL OF CARE;

17 (VIII) MECHANISMS FOR LOCAL PUBLIC HEALTH ENTITIES TO BILL  
18 HEALTH INSURANCE CARRIERS; AND

19 (IX) CONTINUATION AND PRESERVATION OF CURRENT MODELS OF  
20 VACCINE PURCHASE, FINANCING, AND DELIVERY AND THE ABILITY OF  
21 HEALTH CARE PROVIDERS TO USE THOSE CURRENT MODELS OR ANY NEW  
22 MODELS THAT MAY BE DEVELOPED PURSUANT TO THIS SUBSECTION (1.3)  
23 AND SUBSECTION (1) OF THIS SECTION.

24 (c) THE BOARD MAY ADOPT RULES AS NECESSARY TO IMPLEMENT  
25 THE RECOMMENDATIONS OF THE TASK FORCE.

26 (d) NO HEALTH CARE PROVIDER IS COMPELLED TO PARTICIPATE IN  
27 A VACCINE PURCHASING SYSTEM, IF SUCH SYSTEM IS DEVELOPED

1 PURSUANT TO THIS SECTION.

2 (13) AS USED IN THIS SECTION:

3 (a) "ACIP" MEANS THE ADVISORY COMMITTEE ON IMMUNIZATION  
4 PRACTICES TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN  
5 THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS  
6 SUCCESSOR ENTITY.

7 (b) "BOARD" MEANS THE STATE BOARD OF HEALTH CREATED IN  
8 SECTION 25-1-103.

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

11 **SECTION 5.** In Colorado Revised Statutes, 25.5-8-107, **add** (5)  
12 as follows:

13 **25.5-8-107. Duties of the department - schedule of services -**  
14 **premiums - copayments - subsidies - purchase of childhood**  
15 **immunizations.** (5) THE DEPARTMENT MAY PURCHASE VACCINES  
16 RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION  
17 PRACTICES TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN  
18 THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS  
19 SUCCESSOR ENTITY, THROUGH A VACCINE PURCHASING SYSTEM, IF SUCH  
20 A SYSTEM IS DEVELOPED PURSUANT TO SECTION 25-4-2403 (1), C.R.S.,  
21 FOR CHILDREN ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN.

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