

**Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 04-0235.01 Jerry Barry

SENATE BILL 04-057

SENATE SPONSORSHIP

Johnson S.

HOUSE SPONSORSHIP

Johnson R.

Senate Committees

Health, Environment, Welfare & Institutions

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF INFORMATION ON MENINGOCOCCAL**
102 **DISEASE TO STUDENTS AT POSTSECONDARY INSTITUTIONS.**

Bill Summary

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

Requires each postsecondary institution to provide to each student or the student's parent or guardian certain information concerning meningococcal disease. Requires the student, parent, or guardian to acknowledge receipt of the information and to indicate whether the student has elected to receive a vaccination for meningococcal disease.

Provides immunity to a postsecondary institution that reasonably complies with the requirements of the act.

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 2, 2004

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

2 **SECTION 1.** Article 5 of title 23, Colorado Revised Statutes, is

3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **23-5-128. Meningococcal disease - information - immunity.**

5 (1) AS USED IN THIS SECTION:

6 (a) "INSTITUTION" MEANS ANY PUBLIC OR NONPUBLIC

7 POSTSECONDARY EDUCATION INSTITUTION IN THE STATE.

8 (b) "STUDENT" MEANS EACH STUDENT RESIDING IN STUDENT

9 HOUSING, AS DEFINED BY THE INSTITUTION.

10 (2) (a) ON AND AFTER JULY 1, 2005, EACH INSTITUTION SHALL

11 PROVIDE TO EACH STUDENT, OR, IF A STUDENT IS UNDER THE AGE OF

12 EIGHTEEN YEARS, TO THE STUDENT'S PARENT OR GUARDIAN, INFORMATION

13 CONCERNING MENINGOCOCCAL DISEASE, INCLUDING BUT NOT LIMITED TO

14 THE FOLLOWING:

15 (I) MENINGOCOCCAL DISEASE IS A SERIOUS DISEASE;

16

17 (II) MENINGOCOCCAL DISEASE IS A CONTAGIOUS, BUT A LARGELY

18 PREVENTABLE, INFECTION OF THE SPINAL CORD FLUID AND THE FLUID THAT

19 SURROUNDS THE BRAIN;

20 (III) SCIENTIFIC EVIDENCE SUGGESTS THAT COLLEGE STUDENTS

21 LIVING IN DORMITORY FACILITIES ARE AT A MODERATELY INCREASED RISK

22 OF CONTRACTING MENINGOCOCCAL DISEASE; AND

23 (IV) IMMUNIZATION AGAINST MENINGOCOCCAL DISEASE

24 DECREASES THE RISK OF CONTRACTING THE DISEASE.

25 (b) AN INSTITUTION MAY PROVIDE THE INFORMATION REQUIRED BY

26 PARAGRAPH (a) OF THIS SUBSECTION (2) EXACTLY AS WRITTEN OR

1 THROUGH SIMILAR LANGUAGE THAT REASONABLY MEETS THE INTENT OF
2 THE NOTIFICATION REQUIREMENT AND IS BASED UPON ESTABLISHED AND
3 SCIENTIFICALLY RECOGNIZED MEDICAL OR EPIDEMIOLOGICAL DATA.

4 (3) ON AND AFTER JULY 1, 2005, EACH INSTITUTION SHALL
5 REQUIRE EACH STUDENT, OR, IF THE STUDENT IS UNDER THE AGE OF
6 EIGHTEEN YEARS, THE STUDENT'S PARENT OR GUARDIAN, TO EXECUTE A
7 DOCUMENT PROVIDED BY THE INSTITUTION STATING THAT THE SIGNOR HAS
8 REVIEWED THE INFORMATION PROVIDED PURSUANT TO SUBSECTION (2) OF
9 THIS SECTION AND HAS DECIDED WHETHER THE STUDENT WILL OBTAIN A
10 VACCINATION AGAINST MENINGOCOCCAL DISEASE. AN INSTITUTION MAY
11 INCLUDE THE ACKNOWLEDGMENT REQUIRED IN THIS SECTION ON ANOTHER
12 SIGNED DOCUMENT USED TO COLLECT HEALTH OR HOUSING INFORMATION
13 THAT MUST BE RETURNED TO THE INSTITUTION AND THAT THE INSTITUTION
14 IS ALREADY REQUIRED TO RETAIN FOR OTHER PURPOSES REGARDING THE
15 STUDENT'S HEALTH OR HOUSING.

16 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

17 (a) REQUIRE A STUDENT WHO IS PLANNING TO RESIDE IN STUDENT
18 HOUSING TO OBTAIN THE VACCINATION AGAINST MENINGOCOCCAL
19 DISEASE;

20 (b) REQUIRE AN INSTITUTION TO PROVIDE OR PAY FOR THE
21 VACCINATION OF A STUDENT; OR

22 (c) PROHIBIT AN INSTITUTION FROM ESTABLISHING ADDITIONAL
23 REQUIREMENTS CONCERNING MENINGOCOCCAL VACCINATION.

24 (5) AN INSTITUTION THAT HAS MADE A REASONABLE EFFORT TO
25 COMPLY WITH THIS SECTION SHALL NOT BE LIABLE FOR DAMAGES FOR
26 INJURIES SUSTAINED BY A STUDENT AS A RESULT OF CONTRACTING
27 MENINGOCOCCAL DISEASE WHERE THE STUDENT'S CLAIM IS BASED SOLELY

1 UPON THE PROVISION OF THE INFORMATION REQUIRED BY PARAGRAPH (a)
2 OF SUBSECTION (2) OF THIS SECTION.

3 **SECTION 2. Effective date.** This act shall take effect at 12:01
4 a.m. on the day following the expiration of the ninety-day period after
5 final adjournment of the general assembly that is allowed for submitting
6 a referendum petition pursuant to article V, section 1 (3) of the state
7 constitution (August 4, 2004, if adjournment sine die is on May 5, 2004);
8 except that, if a referendum petition is filed against this act or an item,
9 section, or part of this act within such period, then the act, item, section,
10 or part, if approved by the people, shall take effect on the date of the
11 official declaration of the vote thereon by proclamation of the governor.