

**First Extraordinary Session  
Sixty-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 06B-2021.01 Jane Ritter

**HOUSE BILL -**

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**HOUSE SPONSORSHIP**

**Cloer**, Schultheis, and Madden

**SENATE SPONSORSHIP**

**(None)**,

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**House Committees**  
State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE PROVISION OF HEALTH SERVICES FOR ALL PERSONS**  
102     **IN THE CASE OF COMMUNICABLE DISEASES.**

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**Bill Summary**

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

Exempts from any prohibition on the provision of services to persons not lawfully in the United States any program or service that provides for the investigation, identification, testing, preventive care, or treatment of epidemic or communicable diseases, including but not limited to tuberculosis, HIV infection, AIDS, and venereal diseases.

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

2 **SECTION 1.** 25-1-122, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **25-1-122. Named reporting of certain diseases and conditions**  
5 **- access to medical records - confidentiality of reports and records.**

6 (9) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
7 CONTRARY, THE DEPARTMENT SHALL ADMINISTER THE PROVISIONS OF THIS  
8 SECTION REGARDLESS OF AN INDIVIDUAL'S IMMIGRATION STATUS.

9 **SECTION 2.** 25-1.5-102, Colorado Revised Statutes, is amended  
10 BY THE ADDITION OF A NEW SUBSECTION to read:

11 **25-1.5-102. Epidemic and communicable diseases - powers and**  
12 **duties of the department.** (2) NOTWITHSTANDING ANY OTHER

13 PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL  
14 ADMINISTER THE PROVISIONS OF THIS SECTION REGARDLESS OF AN  
15 INDIVIDUAL'S IMMIGRATION STATUS.

16 **SECTION 3.** 25.5-4-103, Colorado Revised Statutes, is amended  
17 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
18 read:

19 **25.5-4-103. Definitions.** As used in this article and articles 5 and  
20 6 of this title, unless the context otherwise requires:

21 (5.5) "COMMUNICABLE DISEASE" MEANS AN ILLNESS DUE TO A  
22 SPECIFIC INFECTIOUS AGENT OR ITS TOXIC PRODUCTS THAT ARISES  
23 THROUGH TRANSMISSION OF THAT AGENT OR ITS PRODUCTS FROM AN  
24 INFECTED PERSON, ANIMAL, OR RESERVOIR TO A SUSCEPTIBLE HOST,  
25 EITHER DIRECTLY OR INDIRECTLY THROUGH AN INTERMEDIATE PLANT OR  
26 ANIMAL HOST, A VECTOR, OR THE INANIMATE ENVIRONMENT.

27 (5.7) "EPIDEMIC DISEASE" MEANS CASES OF AN ILLNESS OR

1     CONDITION, COMMUNICABLE OR NONCOMMUNICABLE, IN EXCESS OF  
2     NORMAL EXPECTANCY, COMPARED TO THE USUAL FREQUENCY OF THE  
3     ILLNESS OR CONDITION IN THE SAME AREA, AMONG A SPECIFIC  
4     POPULATION, AT THE SAME SEASON OF THE YEAR. A SINGLE CASE OF A  
5     DISEASE LONG ABSENT FROM A POPULATION MAY REQUIRE IMMEDIATE  
6     INVESTIGATION.

7             **SECTION 4.** 25.5-5-103, Colorado Revised Statutes, is amended  
8     BY THE ADDITION OF A NEW SUBSECTION to read:

9             **25.5-5-103. Mandated programs with special state provisions.**

10    (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
11    CONTRARY, PROGRAMS AND SERVICES THAT PROVIDE FOR THE  
12    INVESTIGATION, IDENTIFICATION, TESTING, PREVENTIVE CARE, OR  
13    TREATMENT OF EPIDEMIC OR COMMUNICABLE DISEASES, INCLUDING BUT  
14    NOT LIMITED TO TUBERCULOSIS, HIV INFECTION, AIDS, AND VENEREAL  
15    DISEASES, SHALL BE AVAILABLE TO A PERSON REGARDLESS OF HIS OR HER  
16    IMMIGRATION STATUS. THE DEPARTMENT OF PUBLIC HEALTH AND  
17    ENVIRONMENT SHALL BE RESPONSIBLE FOR THE INVESTIGATION AND  
18    REPORTING OF COMMUNICABLE AND EPIDEMIC DISEASES PURSUANT TO  
19    SECTIONS 25-1-122 AND 25-1.5-102, C.R.S.

20             **SECTION 5.** 25-4-406, Colorado Revised Statutes, is amended  
21    to read:

22             **25-4-406. Rules and regulations - provision of services.**

23    (1) The department of public health and environment is directed to make  
24    such rules ~~and regulations~~ as are in its judgment necessary for the  
25    carrying out of the provisions of this part 4, including rules ~~and~~  
26    ~~regulations~~ providing for the control and treatment of persons isolated or  
27    quarantined under the provisions of section 25-4-405, and such other

1 rules ~~and regulations~~ not in conflict with provisions of this part 4  
2 concerning the control of venereal disease and the care, treatment, and  
3 quarantine of persons infected therewith as it may from time to time deem  
4 advisable. All such rules ~~and regulations~~ so made shall be of force and  
5 binding upon all county and municipal health officers and other persons  
6 affected by this part 4 and shall have the force and effect of law.

7 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 4 TO  
8 THE CONTRARY, PROGRAMS AND SERVICES THAT PROVIDE FOR THE  
9 INVESTIGATION, IDENTIFICATION, TESTING, PREVENTIVE CARE, OR  
10 TREATMENT OF VENEREAL DISEASES SHALL BE AVAILABLE TO A PERSON  
11 REGARDLESS OF HIS OR HER IMMIGRATION STATUS.

12 **SECTION 6.** 25-4-512 (1) (c), Colorado Revised Statutes, is  
13 amended, and the said 25-4-512 is further amended BY THE ADDITION  
14 OF A NEW SUBSECTION, to read:

15 **25-4-512. Residency requirement for hospitalization assistance**  
16 **- provision of general services.** (1) Eligibility of persons applying for  
17 hospitalization assistance under this part 5 shall be limited to persons  
18 who:

19 (c) Have multidrug-resistant tuberculosis OR REQUIRE  
20 HOSPITALIZED ISOLATION, regardless of their IMMIGRATION STATUS OR  
21 length of residence in this state.

22 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 5 TO  
23 THE CONTRARY, AND EXCEPT FOR THE RESIDENCY REQUIREMENTS SET  
24 FORTH IN SUBSECTION (1) OF THIS SECTION FOR HOSPITALIZATION  
25 ASSISTANCE, PROGRAMS AND SERVICES THAT PROVIDE FOR THE  
26 INVESTIGATION, IDENTIFICATION, TESTING, PREVENTIVE CARE, OR  
27 TREATMENT OF TUBERCULOSIS SHALL BE AVAILABLE TO A PERSON

1 REGARDLESS OF HIS OR HER IMMIGRATION STATUS.

2 **SECTION 7.** 25-4-905, Colorado Revised Statutes, is amended  
3 to read:

4 **25-4-905. Immunization of indigent children.** (1) The local  
5 health department, a public health or school nurse under the supervision  
6 of a licensed physician, or the department of public health and  
7 environment in the absence of a local health department or public health  
8 nurse shall provide, at public expense to the extent that funds are  
9 available, immunizations required by this part 9 to each child whose  
10 parents or guardians cannot afford to have the child immunized or, if  
11 emancipated, who cannot himself OR HERSELF afford immunization and  
12 who has not been exempted. The department of public health and  
13 environment shall provide all vaccines necessary to comply with this  
14 section as far as funds will permit. Nothing in this section shall preclude  
15 the department of public health and environment from distributing  
16 vaccines to physicians or others as required by law or the ~~regulations~~  
17 RULES of the department. No indigent child shall be excluded, suspended,  
18 or expelled from school unless the immunizations have been available  
19 and readily accessible to the child at public expense.

20 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9 TO  
21 THE CONTRARY, PROGRAMS AND SERVICES THAT PROVIDE IMMUNIZATIONS  
22 TO CHILDREN FOR COMMUNICABLE DISEASES SHALL BE AVAILABLE TO A  
23 CHILD REGARDLESS OF HIS OR HER IMMIGRATION STATUS.

24 **SECTION 8.** Part 14 of article 4 of title 25, Colorado Revised  
25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
26 read:

27 **25-4-1408.5. Eligibility for services.** NOTWITHSTANDING ANY

1 OTHER PROVISION OF THIS PART 14 TO THE CONTRARY, PROGRAMS AND  
2 SERVICES THAT PROVIDE FOR THE INVESTIGATION, IDENTIFICATION,  
3 TESTING, PREVENTIVE CARE, OR TREATMENT OF HIV INFECTION OR AIDS  
4 SHALL BE AVAILABLE TO A PERSON REGARDLESS OF HIS OR HER  
5 IMMIGRATION STATUS.

6 **SECTION 9.** 25-4-1411, Colorado Revised Statutes, is amended  
7 BY THE ADDITION OF A NEW SUBSECTION to read:

8 **25-4-1411. AIDS drug assistance program - legislative**  
9 **declaration - no entitlement created.** (3.5) NOTWITHSTANDING ANY  
10 OTHER PROVISION OF THIS PART 14 TO THE CONTRARY, IF A PERSON MEETS  
11 THE ELIGIBILITY REQUIREMENTS SET FORTH IN SUBSECTION (3) OF THIS  
12 SECTION, HE OR SHE SHALL BE ELIGIBLE FOR PROGRAMS AND SERVICES  
13 THAT PROVIDE FOR THE INVESTIGATION, IDENTIFICATION, TESTING,  
14 PREVENTIVE CARE, OR TREATMENT OF HIV INFECTION OR AIDS  
15 REGARDLESS OF HIS OR HER IMMIGRATION STATUS.

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