

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

REENGROSSED

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

LLS NO. 01-0656.01 Jery Payne

SENATE BILL 01-101

SENATE SPONSORSHIP

Owen,

HOUSE SPONSORSHIP

Lawrence,

Senate Committees

Health, Environment, Children & Families

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE VACCINATION OF PERSONS PURSUANT TO CERTAIN**
102 **STATE PROGRAMS.**

Bill Summary

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

Authorizes the immunization tracking system to track persons who are not infants. Allows a parent or legal guardian who consents to the immunization of an infant, child, or student under state programs the option to not include such person in the immunization tracking system. Instructs the physician, clinic, or licensed health care practitioner to inform the parent or legal guardian of such option and the potential benefits of inclusion in such system.

Authorizes the department to contract with a private, nonprofit

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
3rd Reading Unamended
February 12, 2001

SENATE
Amended 2nd Reading
February 9, 2001

entity to arrange for a single cost-effective system for ordering, distributing, and accounting for vaccines and to provide complete records of such immunizations.

Clarifies that personal information in the immunization tracking system will not be released upon subpoena, search warrant, or discovery unless such release is statutorily authorized. Authorizes physicians, licensed health care practitioners, clinics, schools, licensed day care centers, and public health officials to release immunization records in their possession regarding an infant, child, or student upon request of the parent or legal guardian of such infant, child, or student.

Authorizes a clinic, physician, or licensed health care practitioner that vaccinates an infant, child, or student that is enrolled in the immunization tracking system to contact the parent or legal guardian of such infant, child, or student to notify the parent or guardian of immunizations that are recommended or required by the board or health. Prohibits the department from directly contacting the parent or legal guardian for such purpose unless it is necessary to control an outbreak of vaccine-preventable diseases.

Makes the unauthorized release of personal information from the immunization tracking system a class 1 misdemeanor.

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

2 **SECTION 1.** 25-4-1705 (3), the introductory portion to
3 25-4-1705 (5), and 25-4-1705 (5) (e), Colorado Revised Statutes, are
4 amended, and the said 25-4-1705 is further amended BY THE
5 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

6 **25-4-1705. Department of public health and environment -**
7 **powers and duties.** (3) ~~The department shall distribute such vaccines,~~
8 ~~in accordance with rules promulgated by the board of health, without~~
9 ~~purchase, shipping, handling, or other charges to practitioners who agree~~
10 ~~not to impose a charge for such vaccine on the infant recipient, the child's~~
11 ~~parent or guardian, third-party payor, or any other person; except that A~~
12 practitioner may charge a reasonable administrative fee in connection with
13 the administration of a vaccine. The board of health shall determine the
14 amount of such administrative fee that a practitioner may charge.

1 (5) The board of health, in consultation with the medical services
2 board in the state department of health care policy and financing, and such
3 other persons, agencies, or organizations that the board of health deems
4 advisable, shall formulate, adopt, and promulgate rules ~~and regulations~~
5 governing the implementation and operation of the infant immunization
6 program. Such rules shall address the following:

7 (e) (I) The gathering of epidemiological information, including the
8 establishment of a comprehensive immunization tracking system. ~~Infant~~
9 Immunization information may be gathered for such tracking system by
10 state and local health departments from the following sources:

- 11 (A) Physicians and licensed health care practitioners;
- 12 (B) Clinics;
- 13 (C) Schools;
- 14 (D) A parent of ~~the~~ AN infant, as defined in section 25-4-1703 (3);
- 15 (E) A child or student, as defined in sections 25-4-901 (1.5) and
16 (3);
- 17 (F) Managed care organizations or health insurers in which a child
18 or student, as defined in sections 25-4-901 (1.5) and (3), or an infant is
19 enrolled as a member or insured, if such managed care organization or
20 health insurer reimburses or otherwise financially provides coverage for
21 immunizations;
- 22 (G) Hospitals; or
- 23 (H) Persons and entities that have contracted with the state
24 pursuant to section 25-4-1705 (7).

25 (II) Records in the immunization tracking system established
26 pursuant to subparagraph (I) of this paragraph (e) shall be strictly
27 confidential and shall not be released, shared with any agency or

1 institution, or made public UPON SUBPOENA, SEARCH WARRANT,
2 DISCOVERY PROCEEDINGS, OR OTHERWISE, except under the following
3 circumstances:

4 (A) Release may be made of medical and epidemiological
5 information in a manner such that no individual person can be identified.

6 (B) Release may be made of immunization records and
7 epidemiological information to the extent necessary for the treatment,
8 control, investigation, and prevention of vaccine preventable diseases;
9 except that every effort shall be made to limit disclosure of personal
10 identifying information to the minimal amount necessary to accomplish
11 the public health purpose.

12 (C) Release may be made of immunization records and
13 epidemiological information to the parent of ~~the~~ AN infant, the physician
14 treating the person who is the subject of an immunization record, a school
15 in which such person is enrolled, or any entity or person described in
16 sub-subparagraph (E), (F), (G), or (H) of subparagraph (I) of this
17 paragraph (e).

18 (D) No officer or employee or agent of the state department of
19 public health and environment or local department of health shall be
20 examined in any judicial, executive, legislative, or other proceeding as to
21 the existence or content of any infant's report obtained by such department
22 without consent of the infant's parent OR GUARDIAN. However, this
23 provision shall not apply to infants who are under isolation, quarantine,
24 or other restrictive action taken pursuant to section 25-1-107 (1) (b).

25 (E) THE DEPARTMENT MAY RELEASE RECORDS OF
26 MEDICAID-ELIGIBLE INFANTS, CHILDREN, AND STUDENTS TO THE
27 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR THE PURPOSES

1 OF THE MEDICAID PROGRAM.

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3 (III) ANY OFFICER, EMPLOYEE, AGENT OF THE DEPARTMENT, OR
4 ANY OTHER PERSON WHO IS NOT AUTHORIZED TO ACCESS THE INFORMATION
5 IN THE IMMUNIZATION TRACKING SYSTEM AND WHO VIOLATES THIS
6 SECTION BY RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION
7 RECORDS OR EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION
8 TRACKING SYSTEM OR BY OTHERWISE BREACHING THE CONFIDENTIALITY
9 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR
10 RELEASING SUCH INFORMATION WITHOUT AUTHORIZATION COMMITS A
11 CLASS 1 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE
12 PUNISHED AS PROVIDED IN SECTION 18-1-106 (1) C.R.S. THE
13 UNAUTHORIZED RELEASE OF EACH RECORD SHALL CONSTITUTE A SEPARATE
14 OFFENSE PURSUANT TO THIS SUBPARAGRAPH (III).

15 (IV) THE DEPARTMENT SHALL NOT DIRECTLY CONTACT THE PARENT
16 OR LEGAL GUARDIAN FOR THE PURPOSE OF NOTIFYING THE PARENT OR
17 LEGAL GUARDIAN OF IMMUNIZATIONS THAT ARE RECOMMENDED OR
18 REQUIRED BY THE BOARD OF HEALTH, UNLESS SUCH CONTACT IS
19 NECESSARY TO CONTROL AN OUTBREAK OF A VACCINE-PREVENTABLE
20 DISEASE PURSUANT TO SECTION 25-1-107 (1) (a) OR 25-4-908.

21 (V) A PARENT OR LEGAL GUARDIAN WHO CONSENTS TO THE
22 IMMUNIZATION OF AN INFANT, CHILD, OR STUDENT PURSUANT TO THIS PART
23 17 OR PART 9 OF THIS ARTICLE SHALL HAVE THE OPTION TO EXCLUDE SUCH
24 INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM. THE
25 PHYSICIAN, LICENSED HEALTH CARE PRACTITIONER, CLINIC, OR LOCAL
26 HEALTH DEPARTMENT SHALL INFORM THE PARENT OR LEGAL GUARDIAN OF
27 THE OPTION TO EXCLUDE SUCH PERSONAL INFORMATION FROM SUCH

1 COMPLIANCE WITH STATE IMMUNIZATION LAW.

2 **SECTION 2. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.