

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0699.04 Jacob Baus x2173

**HOUSE BILL 19-1312**

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**HOUSE SPONSORSHIP**

**Mullica**, Arndt, Benavidez, Bird, Buckner, Buentello, Caraveo, Coleman, Duran, Esgar, Froelich, Gray, Hansen, Jaquez Lewis, Kennedy, Kipp, McCluskie, Melton, Michaelson Jenet, Roberts, Sirota, Snyder, Tipper, Valdez A.

**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

101     **CONCERNING MODERNIZING IMMUNIZATION REQUIREMENTS FOR**  
102     **SCHOOL ENTRY TO IMPROVE VACCINATION RATES.**

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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://leg.colorado.gov>.)*

The bill requires the department of public health and environment (department) to:

- !     Develop a standardized form and submission process to claim a medical exemption to an immunization; and
- !     Develop a standardized form and submission process to claim a religious or personal belief exemption to an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

immunization.

The department is:

- ! Required to develop educational materials regarding immunizations to distribute to health care providers and facilities;
- ! Required to present immunization exemption information during its annual SMART Act hearing; and
- ! Required to use the existing immunization tracking system.

The state board of health is:

- ! Required to promulgate rules adopting the medical exemption recommendations from the advisory committee on immunization practices of the centers for disease control and prevention in the federal department of health and human services, or any successor entity (ACIP);
- ! Required to promulgate rules adopting the immunization recommendations from the ACIP;
- ! Allowed to promulgate rules adopting additional immunizations not recommended by ACIP; and
- ! Allowed to promulgate rules establishing the timing by which schools, parents, legal guardians, and students must demonstrate compliance with immunization requirements.

Concerning the immunization tracking system, the bill:

- ! Requires a licensed physician, physician assistant, or advanced practice nurse to inform a parent or legal guardian who is claiming a medical exemption that he or she may choose to exclude the student's immunization information from the immunization tracking system before the student's immunization data is sent to the immunization tracking system;
- ! Requires the department or local or county, district, or municipal public health agency to inform a parent, legal guardian, or student who is claiming a religious or personal belief exemption that he or she may choose to exclude the student's immunization information from the immunization tracking system before the student's immunization data is sent to the immunization tracking system; and
- ! Requires a practitioner who is a licensed physician, physician assistant, or advanced practice nurse to submit immunization and medical exemption data to the immunization tracking system. However, the practitioner is not subject to a regulatory sanction for noncompliance.

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

3           (a) Each year in the United States, immunizations save 33,000  
4 lives, prevent 14 million disease cases, and save \$9.9 billion in direct  
5 health care costs;

6           (b) State immunization requirements for child care facilities and  
7 schools are important tools for maintaining high immunization coverage  
8 rates and low dangerous and costly disease rates;

9           (c) Colorado is one of only 17 states that allow parents to exempt  
10 their children from immunizations required for child care facilities and  
11 schools for personal belief reasons;

12           (d) Evidence shows that states with lenient exemption policies  
13 experience higher rates of vaccine-preventable diseases;

14           (e) Compared to other states, Colorado has a relatively lenient  
15 vaccine exemption process and one of the highest exemption rates for  
16 nonmedical reasons;

17           (f) In 2017, Colorado ranked last among 49 states that reported  
18 kindergarten immunization rates;

19           (g) In 2017, 23,228 children attended Colorado schools without  
20 protection from one or more immunizations;

21           (h) In 2017, 9,424 Colorado children, a majority of them under the  
22 age of four, were hospitalized or went to an emergency department to be  
23 treated for disease that was preventable by an immunization, resulting in  
24 \$55.5 million in charges;

25           (i) In 2016, the cost to investigate and prevent the spread of  
26 disease from just two Colorado measles cases totaled \$68,192 in public  
27 funding; and

1 (j) Because diseases such as measles can spread rapidly, adequate  
2 immunization coverage in schools helps to protect the health of students,  
3 staff, and others in the community, including people who cannot be  
4 vaccinated for medical reasons or because they are too young to have  
5 received all recommended vaccines.

6 (2) Therefore, the general assembly declares that all children  
7 deserve to attend healthy and safe child care facilities and schools that  
8 support their well-being and build strong foundations for learning and  
9 thriving.

10 **SECTION 2.** In Colorado Revised Statutes, 25-4-902, **amend** (1);  
11 and **add** (6) as follows:

12 **25-4-902. Immunization prior to attending school -**  
13 **standardized immunization information.** (1) ~~Except as provided in~~  
14 ~~section 25-4-903,~~ A student shall not attend any school in the state of  
15 Colorado on or after the dates specified in section 25-4-906 (4) unless he  
16 or she has presented the following to the appropriate school official:

17 (a) An up-to-date certificate of immunization from a licensed  
18 physician, a licensed advanced practice nurse, or authorized  
19 representative of the department of public health and environment or  
20 county, district, or municipal public health agency stating that the student  
21 has received immunization against communicable diseases as specified  
22 by the state board of health, based on recommendations of the advisory  
23 committee on immunization practices of the United States department of  
24 health and human services or the American academy of pediatrics; ~~or~~

25 (b) A written authorization signed by one parent or guardian or an  
26 authorization signed by the emancipated student requesting that local  
27 health officials administer the immunizations; OR

1 (c) A CERTIFICATE OF A MEDICAL EXEMPTION OR A CERTIFICATE OF  
2 A RELIGIOUS OR PERSONAL BELIEF EXEMPTION, IN COMPLIANCE WITH  
3 SECTION 25-4-903 (2).

4 (6) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT OF PUBLIC  
5 HEALTH AND ENVIRONMENT SHALL DEVELOP AND MAKE AVAILABLE TO  
6 HEALTH CARE PROVIDERS AND FACILITIES EDUCATIONAL MATERIALS  
7 REGARDING THE BENEFITS OF IMMUNIZATIONS. THE DEPARTMENT OF  
8 PUBLIC HEALTH AND ENVIRONMENT SHALL UPDATE THE EDUCATIONAL  
9 MATERIALS ANNUALLY.

10 **SECTION 3.** In Colorado Revised Statutes, 25-4-903, **amend** (2)  
11 and (3); and **add** (6) as follows:

12 **25-4-903. Exemptions from immunization - rules.** (2) It is the  
13 responsibility of the parent or legal guardian to have his or her child  
14 immunized unless the child is exempted pursuant to this section. A  
15 student ~~shall be~~ IS exempted from receiving the required immunizations  
16 in the following manner:

17 (a) (I) By COMPLETING AND submitting to the student's school  
18 ~~certification~~ A CERTIFICATE OF A MEDICAL EXEMPTION from a licensed  
19 physician, physician assistant authorized ~~under~~ PURSUANT TO section  
20 12-36-106 (5), ~~C.R.S.~~, or advanced practice nurse that the physical  
21 condition of the student is such that one or more specified immunizations  
22 would endanger his or her life or health or is medically contraindicated  
23 due to other medical conditions. ~~or~~

24 (II) TO CLAIM THE EXEMPTION DESCRIBED IN SUBSECTION (2)(a)(I)  
25 OF THIS SECTION, A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT  
26 AUTHORIZED PURSUANT TO SECTION 12-36-106 (5), OR ADVANCED  
27 PRACTICE NURSE MUST COMPLETE THE CERTIFICATE OF A MEDICAL

1 EXEMPTION ON A STANDARDIZED FORM DEVELOPED BY THE DEPARTMENT  
2 OF PUBLIC HEALTH AND ENVIRONMENT AND PROVIDE A COPY OF THE  
3 COMPLETED CERTIFICATE OF A MEDICAL EXEMPTION TO THE STUDENT'S  
4 PARENT OR LEGAL GUARDIAN TO SUBMIT TO THE STUDENT'S SCHOOL,  
5 PURSUANT TO SECTION 25-4-902 (1)(c).

6 (III) A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT AUTHORIZED  
7 PURSUANT TO SECTION 12-36-106 (5), OR ADVANCED PRACTICE NURSE  
8 SHALL INFORM THE PARENT OR LEGAL GUARDIAN OF THE OPTION TO  
9 EXCLUDE THE STUDENT'S IMMUNIZATION INFORMATION FROM THE  
10 IMMUNIZATION TRACKING SYSTEM CREATED IN SECTION 25-4-2403. A  
11 LICENSED PHYSICIAN, PHYSICIAN ASSISTANT AUTHORIZED PURSUANT TO  
12 SECTION 12-36-106(5), OR ADVANCED PRACTICE NURSE MUST SUBMIT THE  
13 MEDICAL EXEMPTION DATA TO THE IMMUNIZATION TRACKING SYSTEM.

14 (b) (I) By COMPLETING AND submitting to the student's school a  
15 ~~statement~~ CERTIFICATE of A RELIGIOUS OR PERSONAL BELIEF exemption  
16 signed by one parent or LEGAL guardian, ~~or the~~ AN emancipated student,  
17 or A student eighteen years of age or older that the parent, guardian, or  
18 student is an adherent to a religious belief whose teachings are opposed  
19 to immunizations or that the parent or guardian or the emancipated  
20 student or student eighteen years of age or older has a personal belief that  
21 is opposed to immunizations.

22 (II) (A) TO CLAIM THE EXEMPTION DESCRIBED IN SUBSECTION  
23 (2)(b)(I) OF THIS SECTION, A PARENT, LEGAL GUARDIAN, OR STUDENT, AS  
24 DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION, MUST COMPLETE  
25 THE CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON A  
26 STANDARDIZED FORM DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH  
27 AND ENVIRONMENT AND SUBMIT THE CERTIFICATE OF A RELIGIOUS OR

1 PERSONAL BELIEF EXEMPTION IN PERSON TO THE DEPARTMENT OF PUBLIC  
2 HEALTH AND ENVIRONMENT OR THE APPLICABLE COUNTY, DISTRICT, OR  
3 MUNICIPAL HEALTH AGENCY, WHICH MUST PROVIDE A COPY OF THE  
4 COMPLETED CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION  
5 THAT HAS BEEN SIGNED BY A REPRESENTATIVE OF THE DEPARTMENT OF  
6 PUBLIC HEALTH AND ENVIRONMENT, OR THE APPLICABLE COUNTY,  
7 DISTRICT, OR MUNICIPAL HEALTH AGENCY, TO THE STUDENT'S PARENT,  
8 LEGAL GUARDIAN, OR THE STUDENT, AS DESCRIBED IN SUBSECTION  
9 (2)(b)(I) OF THIS SECTION, TO SUBMIT TO THE STUDENT'S SCHOOL,  
10 PURSUANT TO SECTION 25-4-902 (1)(c). FOR SUBSEQUENT RENEWALS OF  
11 AN EXEMPTION DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION, A  
12 PARENT, LEGAL GUARDIAN, OR STUDENT, AS DESCRIBED IN SUBSECTION  
13 (2)(b)(I) OF THIS SECTION, MUST COMPLETE THE CERTIFICATE OF A  
14 RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON A STANDARDIZED FORM  
15 DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
16 AND SUBMIT THE CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF  
17 EXEMPTION ONLINE OR IN PERSON TO THE DEPARTMENT OF PUBLIC HEALTH  
18 AND ENVIRONMENT OR THE APPLICABLE COUNTY, DISTRICT, OR MUNICIPAL  
19 HEALTH AGENCY.

20 (B) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT OF PUBLIC  
21 HEALTH AND ENVIRONMENT SHALL POST THE STANDARDIZED FORM FOR A  
22 CERTIFICATE OF A RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON ITS  
23 WEBSITE. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL  
24 POST ANY UPDATED STANDARDIZED FORM FOR A CERTIFICATE OF A  
25 RELIGIOUS OR PERSONAL BELIEF EXEMPTION ON ITS WEBSITE.

26 (III) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR  
27 THE APPLICABLE COUNTY, DISTRICT, OR MUNICIPAL HEALTH AGENCY

1 SHALL INFORM THE PARENT, LEGAL GUARDIAN, OR STUDENT, AS  
2 DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION, OF THE OPTION TO  
3 EXCLUDE THE STUDENT'S IMMUNIZATION INFORMATION FROM THE  
4 IMMUNIZATION TRACKING SYSTEM CREATED IN SECTION 25-4-2403. THE  
5 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE APPLICABLE  
6 COUNTY, DISTRICT, OR MUNICIPAL HEALTH AGENCY MUST SUBMIT THE  
7 RELIGIOUS OR PERSONAL BELIEF EXEMPTION DATA TO THE IMMUNIZATION  
8 TRACKING SYSTEM.

9 (3) The state board of health ~~may provide, by regulation, for~~  
10 ~~further exemptions to immunization based upon sound medical practice~~  
11 SHALL ADOPT BY RULE THE MEDICAL EXEMPTION RECOMMENDATIONS  
12 BASED ON CONTRAINDICATIONS FOR VACCINATIONS AS DESCRIBED BY THE  
13 ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE CENTERS FOR  
14 DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF  
15 HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR ENTITY.

16 (6) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
17 SHALL INCLUDE IMMUNIZATION EXEMPTION INFORMATION AS PART OF ITS  
18 ANNUAL PRESENTATION TO THE GENERAL ASSEMBLY PURSUANT TO THE  
19 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
20 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF  
21 TITLE 2. THE IMMUNIZATION EXEMPTION INFORMATION PRESENTATION  
22 MUST INCLUDE, BUT IS NOT LIMITED TO:

23 (a) STATISTICS DEMONSTRATING RATES OF IMMUNIZATION,  
24 MEDICAL EXEMPTIONS, AND RELIGIOUS OR PERSONAL BELIEF EXEMPTIONS  
25 COMPARED TO PREVIOUS YEARS;

26 (b) STATISTICS DEMONSTRATING RATES OF IMMUNIZATION,  
27 MEDICAL EXEMPTIONS, AND RELIGIOUS OR PERSONAL BELIEF EXEMPTIONS

1 FOR EACH COUNTY WITHIN COLORADO; AND

2 (c) STATISTICS DEMONSTRATING RATES OF IMMUNIZATION,  
3 MEDICAL EXEMPTIONS, AND RELIGIOUS OR PERSONAL BELIEF EXEMPTIONS  
4 OF COLORADO COMPARED TO OTHER STATES.

5 **SECTION 4.** In Colorado Revised Statutes, 25-4-904, **amend** (1)  
6 as follows:

7 **25-4-904. Rules - immunization rules - rule-making authority**  
8 **of state board of health.** (1) The state board of health shall establish  
9 rules ~~and regulations~~ for administering this part 9. Such rules ~~and~~  
10 ~~regulations shall~~ MUST ADOPT THE IMMUNIZATION RECOMMENDATIONS  
11 FROM THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE  
12 CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE FEDERAL  
13 DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR  
14 ENTITY, TO establish which immunizations ~~shall be~~ ARE required and the  
15 manner and frequency of their administration, and ~~shall~~ MUST conform to  
16 recognized standard medical practices. THE STATE BOARD OF HEALTH  
17 MAY PROMULGATE RULES TO ESTABLISH IMMUNIZATIONS THAT ARE  
18 REQUIRED IN ADDITION TO THE IMMUNIZATION RECOMMENDATIONS FROM  
19 THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE CENTERS  
20 FOR DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF  
21 HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR ENTITY. THE STATE  
22 BOARD OF HEALTH MAY PROMULGATE RULES TO ESTABLISH THE TIMING BY  
23 WHICH SCHOOLS, PARENTS, LEGAL GUARDIANS, OR STUDENTS MUST  
24 DEMONSTRATE COMPLIANCE WITH IMMUNIZATION REQUIREMENTS FOR  
25 SCHOOL ENTRY OR GRADE-LEVEL ENTRY. Such rules ~~and regulations~~ may  
26 also require the reporting of statistical information and names of  
27 noncompliers by the schools. The department of public health and

1 environment shall administer and enforce the immunization requirements.

2 **SECTION 5.** In Colorado Revised Statutes, 25-4-2403, **amend**  
3 (2) introductory portion; and **add** (2.5) as follows:

4 **25-4-2403. Department of public health and environment -**  
5 **powers and duties - immunization tracking system - definitions.**

6 (2) To enable the gathering of epidemiological information and  
7 investigation and control of communicable diseases, the department of  
8 public health and environment ~~may~~ SHALL establish a comprehensive  
9 immunization tracking system with immunization information gathered  
10 by state and local health officials from the following sources:

11 (2.5) (a) A PRACTITIONER WHO IS A LICENSED PHYSICIAN,  
12 PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), OR  
13 ADVANCED PRACTICE NURSE SHALL SUBMIT IMMUNIZATION AND MEDICAL  
14 EXEMPTION DATA TO THE TRACKING SYSTEM.

15 (b) NOTWITHSTANDING SUBSECTION (2.5)(a) OF THIS SECTION, A  
16 PRACTITIONER WHO IS A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT  
17 AUTHORIZED UNDER SECTION 12-36-106 (5), OR ADVANCED PRACTICE  
18 NURSE IS NOT SUBJECT TO A REGULATORY SANCTION FOR NONCOMPLIANCE  
19 WITH SUBSECTION (2.5)(a) OF THIS SECTION.

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