

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0554.02 Brita Darling x2241

SENATE BILL 26-032

SENATE SPONSORSHIP

Daugherty and Mullica,

HOUSE SPONSORSHIP

Feret and Brown,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROMOTION OF IMMUNIZATION ACCESS.**

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 amends existing law and adds new provisions relating to access to vaccines as follows:

- Updates insurance coverage for cervical cancer vaccinations to refer to the vaccine as the human papillomavirus vaccine, rather than the cervical cancer vaccine; recognizes coverage for both women and men; and authorizes the commissioner of insurance to adopt coverage rules for the vaccine if the advisory committee on

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

immunization practices to the centers for disease control in the federal department of health and human services (ACIP) no longer recommends the vaccine (**section 3** of the bill);

- In naturopathic medicine practice, references a schedule of immunizations and guidelines established by the state board of health (board of health) in addition to ACIP's schedule of immunizations and guidelines referenced in existing law (**sections 4 and 5**);
- Authorizes pharmacists to exercise independent prescriptive authority for vaccines and requires the state board of pharmacy to adopt rules establishing and amending, as necessary, requirements for independent prescriptive authority for vaccines (**sections 6 and 7**);
- In the context of vaccines required for school entry, updates vaccine-related liability limitation provisions to limit liability for injuries if the vaccine was administered according to the board of health schedule of immunizations or to ACIP's schedule referenced in existing law (**section 8**);
- Directs the board of health, in adopting rules addressing which vaccines are to be administered to infants, to consider the recommendations of ACIP, as well as the recommendations of the American Academy of Pediatrics and other similar entities (**section 9**);
- Removes a prohibition on the use of state money for infant immunization programs if the state does not receive federal money for the immunization programs (**section 10**);
- Adds pharmacies and manufacturers to liability limitation provisions for hospitals, clinics, and other providers relating to the handling, storage, and distribution of vaccines for infants. Manufacturer liability limitation provisions are removed from the law for claims brought on or after January 31, 2029 (**section 11**).
- Authorizes the department of public health and environment to consider recommendations of the American Academy of Pediatrics and other similar entities, in addition to ACIP, in recommending the purchase of vaccines, sending notifications concerning overdue vaccines and vaccine-preventable disease outbreaks, and when considering equivalent vaccines (**section 12**);
- Updates language in the cervical cancer immunization program to define the cervical cancer vaccine as the human papillomavirus vaccine and to refer to underinsured minors, rather than just uninsured female minors, since both male

and female minors receive the vaccine (**sections 13 and 14**);

- Adds a new limitation on liability for civil damages for injury or death of an adult caused by a vaccine or immunizing agent if the vaccine or immunizing agent was administered according to the schedule of immunizations establish by the board of health, there were no medical contraindications, and the vaccine or immunizing agent was administered in accordance with generally accepted clinical methods. For claims brought on or before January 30, 2029, against a hospital, clinic, pharmacy, manufacturer, or provider arising from injuries resulting from the handling, storage, or distribution of vaccines, there is no liability unless the injuries are the result of the negligent failure of an employee of the hospital, clinic, pharmacy, or manufacturer to conform to recognized standards to protect public health. Manufacturer liability protections are removed from the law for claims brought on or after January 31, 2029 (**section 15**).
- Authorizes the department of health care policy and financing to purchase for the children's basic health plan vaccines that are recommended by the American Academy of Pediatrics and other similar entities, in addition to those recommended by ACIP (**section 16**).

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

2 **SECTION 1. Short title.** The short title of this act is the
3 "Ensuring Immunization Access for Coloradans Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 finds and determines that:

6 (a) Freedom from debilitating and life-threatening illness is
7 necessary to maintain Colorado's economy and prosperity;

8 (b) Access to life-saving vaccines and other immunizing agents
9 is critical to the health of all individuals living in the state;

10 (c) Coloradans, including health-care providers, teachers, police
11 and other public safety professionals, food industry professionals, grocery

1 and retail workers, children in day care settings, and students from
2 kindergarten to college seniors, among others, should feel safe working,
3 learning, and participating in society; and

4 (d) Individuals who want to be vaccinated against disease should
5 have access to safe and effective vaccines that are administered by trusted
6 health-care professionals.

7 (2) Therefore, the general assembly declares that the purpose of
8 this act is to:

9 (a) Ensure consistent and equitable access to vaccines and other
10 immunizing agents for all Coloradans;

11 (b) Ensure continued alignment of the administration of vaccines
12 and other immunizing agents across care settings with evidence-based
13 science and medical standards of care, while maintaining protections for
14 health-care providers and vaccine manufacturers; and

15 (c) Support the health-care workforce, including physicians,
16 physician assistants, nurse practitioners, pharmacists, and other
17 professionals who are qualified to administer vaccines and immunizing
18 agents, in delivering safe and necessary immunization services.

19 **SECTION 3.** In Colorado Revised Statutes, 10-16-104, **amend**
20 (17)(a); and **add** (17)(e) as follows:

21 **10-16-104. Mandatory coverage provisions - applicability -**
22 **rules - definitions.**

23 (17) **Human papillomavirus vaccines - rules.**

24 (a) All individual and all group sickness and accident insurance
25 policies, except supplemental policies covering a specified disease or
26 other limited benefit, that are delivered or issued for delivery within the
27 state by an entity subject to the provisions of part 2 of this article ARTICLE

1 16 and all individual and group health-care service or indemnity contracts
2 issued by an entity subject to ~~the provisions of part 3 or 4 of this article~~
3 ARTICLE 16, as well as any other group health-care coverage offered to
4 residents of this state, shall provide coverage for the full cost of ~~cervical~~
5 ~~cancer~~ HUMAN PAPILLOMAVIRUS vaccination for all ~~females~~ INDIVIDUALS
6 for whom a vaccination is recommended by the ~~advisory committee on~~
7 ~~immunization practices of the United States department of health and~~
8 ~~human services~~ ACIP. IF THE ACIP NO LONGER RECOMMENDS HUMAN
9 PAPILLOMAVIRUS VACCINATIONS, THE COMMISSIONER MAY ADOPT RULES
10 TO REQUIRE COVERAGE IN COMPLIANCE WITH THE HUMAN
11 PAPILLOMAVIRUS VACCINATION RECOMMENDATIONS OF THE ACIP THAT
12 WERE IN EFFECT IN JANUARY 2025 OR MAY ADOPT RULES FOR COVERAGE
13 OF HUMAN PAPILLOMAVIRUS VACCINATIONS AFTER CONSIDERING
14 RECOMMENDATIONS OF THE NPATCH.

15 (e) AS USED IN THIS SUBSECTION (17):

16 (I) "ACIP" HAS THE MEANING SET FORTH IN SUBSECTION (18)(c)(I)
17 OF THIS SECTION.

18 (II) "NPATCH" MEANS THE NURSE-PHYSICIAN ADVISORY TASK
19 FORCE FOR COLORADO HEALTH CARE CREATED IN SECTION 12-30-105.

20 **SECTION 4.** In Colorado Revised Statutes, 12-250-103, **add**
21 (5.5) as follows:

22 **12-250-103. Definitions.**

23 As used in this article 250, unless the context otherwise requires:

24 (5.5) "BOARD OF HEALTH" MEANS THE STATE BOARD OF HEALTH
25 CREATED IN SECTION 25-1-103 (1)(a).

26 **SECTION 5.** In Colorado Revised Statutes, 12-250-106, **amend**
27 (1)(c)(I)(F), (2)(e) introductory portion, (2)(e)(I), (2)(f) introductory

1 portion, and (2)(f)(I) as follows:

2 **12-250-106. Practice of naturopathic medicine by**
3 **naturopathic doctors - exclusions - protected activities - definition -**
4 **rules.**

5 (1) The practice of naturopathic medicine by a naturopathic doctor
6 includes the following:

7 (c) (I) Obtaining, dispensing, administering, ordering, or
8 prescribing, as specified, medicines listed in the naturopathic formulary,
9 which include:

10 (F) Vaccines, in accordance with the ACIP guidelines OR BOARD
11 OF HEALTH RULES, for patients who are at least eighteen years ~~of age~~ OLD;
12 and

13 (2) A naturopathic doctor shall not:

14 (e) Treat a child who is less than two years ~~of age~~ OLD, unless the
15 naturopathic doctor:

16 (I) Provides to the parent or legal guardian of the child a copy of
17 the most recent immunizations schedule recommended by the ACIP OR
18 THE IMMUNIZATIONS SCHEDULE ESTABLISHED BY THE BOARD OF HEALTH
19 and recommends that the parent or legal guardian follow the
20 immunizations schedule;

21 (f) Treat a child who is two years ~~of age~~ OLD or older but less than
22 eight years ~~of age~~ OLD, unless the naturopathic doctor:

23 (I) Provides to the parent or legal guardian of the child a copy of
24 the most recent immunizations schedule recommended by the ACIP OR
25 THE IMMUNIZATIONS SCHEDULE ESTABLISHED BY THE BOARD OF HEALTH
26 and recommends that the parent or legal guardian follow the
27 immunizations schedule;

1 **SECTION 6.** In Colorado Revised Statutes, 12-280-103, **amend**
2 (39)(g)(IV) introductory portion, (39)(g)(IV)(C), and (39)(g)(V); and **add**
3 (39)(g)(VI) as follows:

4 **12-280-103. Definitions - rules.**

5 As used in this article 280, unless the context otherwise requires
6 or the term is otherwise defined in another part of this article 280:

7 (39) "Practice of pharmacy" means:

8 (g) Exercising independent prescriptive authority:

9 (IV) For drugs that are not controlled substances, drug categories,
10 or devices that are prescribed in accordance with the product's
11 FDA-approved labeling and to patients who are at least twelve years of
12 ~~age~~ OLD and that are limited to conditions that:

13 (C) Have a test that is used to guide diagnosis or clinical
14 decision-making and is waived under the federal "Clinical Laboratory
15 Improvement Amendments of 1988", Pub.L. 100-578, as amended; ~~or~~

16 (V) For any FDA-approved product indicated for opioid use
17 disorder in accordance with federal law and regulations, including
18 medications for opioid use disorder, if authorized pursuant to part 6 of
19 this article 280; OR

20 (VI) FOR VACCINES;

21 **SECTION 7.** In Colorado Revised Statutes, 12-280-107, **add** (4)
22 as follows:

23 **12-280-107. Rules.**

24 (4) (a) NOT LATER THAN SEPTEMBER 1, 2026, THE BOARD SHALL
25 ADOPT RULES ESTABLISHING AND AMENDING, AS NECESSARY,
26 REQUIREMENTS FOR PHARMACISTS TO EXERCISE INDEPENDENT
27 PRESCRIPTIVE AUTHORITY FOR VACCINES, INCLUDING PRESCRIBING,

1 DISPENSING, ORDERING, AND ADMINISTERING VACCINES.

2 (b) THE BOARD SHALL REVIEW EXISTING RECORD-KEEPING RULES
3 TO ENSURE THAT DUPLICATE, INCONSISTENT, OR OUTDATED RULES
4 RELATING TO VACCINES ARE REPEALED OR AMENDED. THE BOARD MAY
5 CONFER WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
6 AND OTHER APPLICABLE STATE AGENCIES TO FACILITATE A CONSISTENT
7 REGULATORY FRAMEWORK RELATING TO VACCINES.

8 **SECTION 8.** In Colorado Revised Statutes, 25-4-909, **amend** (2)
9 introductory portion and (2)(b) as follows:

10 **25-4-909. Vaccine-related injury or death - limitations on**
11 **liability - legislative declaration.**

12 (2) ~~No person~~ AN INDIVIDUAL who administers TO AN INFANT OR
13 CHILD WHO IS TWENTY DAYS OLD OR OLDER a vaccine ~~which~~ THAT is
14 required under ~~the provisions of this part 9 to an infant or child whose age~~
15 ~~is greater than twenty days~~ shall NOT be held liable for injuries sustained
16 pursuant to ~~such~~ THE vaccine if:

17 (b) The vaccine was administered according to the schedule of
18 immunization as published by the ~~communicable disease control~~
19 ~~administration of the federal government~~ CENTERS FOR DISEASE CONTROL
20 AND PREVENTION IN THE UNITED STATES DEPARTMENT OF HEALTH AND
21 HUMAN SERVICES OR THE SCHEDULE OF IMMUNIZATION ESTABLISHED BY
22 RULE OF THE STATE BOARD OF HEALTH; and

23 **SECTION 9.** In Colorado Revised Statutes, 25-4-1705, **amend**
24 (5) introductory portion and (5)(c) as follows:

25 **25-4-1705. Department of public health and environment -**
26 **powers and duties - rules.**

27 (5) The board of health, in consultation with the medical services

1 board in the state department of health care policy and financing and such
2 other persons, agencies, or organizations that the board of health deems
3 advisable, shall formulate AND adopt ~~and promulgate~~ rules governing the
4 implementation and operation of the infant immunization program. ~~Such~~
5 THE rules ~~shall~~ MUST address the following:

6 (c) Which vaccines shall be required to be administered, AFTER
7 TAKING INTO CONSIDERATION THE RECOMMENDATIONS OF THE ADVISORY
8 COMMITTEE ON IMMUNIZATION PRACTICES TO THE CENTERS FOR DISEASE
9 CONTROL AND PREVENTION IN THE UNITED STATES DEPARTMENT OF
10 HEALTH AND HUMAN SERVICES, THE AMERICAN ACADEMY OF PEDIATRICS,
11 THE AMERICAN ACADEMY OF FAMILY PHYSICIANS, THE AMERICAN
12 COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, OR THE AMERICAN
13 COLLEGE OF PHYSICIANS;

14 **SECTION 10.** In Colorado Revised Statutes, 25-4-1708, **repeal**
15 (2) as follows:

16 **25-4-1708. Immunization fund - created - transfer - repeal.**

17 (2) ~~If federal funds are not received to implement and operate the~~
18 ~~immunization programs created in this part 17 and part 24 of this article,~~
19 ~~no additional general fund moneys shall be appropriated for such~~
20 ~~purposes.~~

21 **SECTION 11.** In Colorado Revised Statutes, 25-4-1709, **amend**
22 (4); and **add** (4.5) as follows:

23 **25-4-1709. Limitations on liability - repeal.**

24 (4) (a) Where a claim BROUGHT ON OR BEFORE JANUARY 30, 2029,
25 against a hospital, clinic, PHARMACY, MANUFACTURER, or provider arises
26 from injuries resulting from the handling, storage, or distribution of
27 vaccines required by this part 17, ~~such~~ THE hospital, clinic, PHARMACY,

1 MANUFACTURER, or provider ~~shall not be~~ IS NOT liable unless ~~such~~ THE
2 injuries are the result of the negligent failure of an employee of ~~such~~ THE
3 hospital, clinic, PHARMACY, MANUFACTURER, or provider to conform to
4 recognized standards of practice ~~which~~ THAT are necessary for the
5 protection of public health.

6 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2031.

7 (4.5) WHERE A CLAIM BROUGHT ON OR AFTER JANUARY 31, 2029,
8 AGAINST A HOSPITAL, CLINIC, PHARMACY, OR PROVIDER ARISES FROM
9 INJURIES RESULTING FROM THE HANDLING, STORAGE, OR DISTRIBUTION OF
10 VACCINES REQUIRED BY THIS PART 17, THE HOSPITAL, CLINIC, PHARMACY,
11 OR PROVIDER IS NOT LIABLE UNLESS THE INJURIES ARE THE RESULT OF THE
12 NEGLIGENT FAILURE OF AN EMPLOYEE OF THE HOSPITAL, CLINIC,
13 PHARMACY, OR PROVIDER TO CONFORM TO RECOGNIZED STANDARDS OF
14 PRACTICE THAT ARE NECESSARY FOR THE PROTECTION OF PUBLIC HEALTH.

15 **SECTION 12.** In Colorado Revised Statutes, 25-4-2403, **amend**
16 (1)(f), (6)(a), and (13)(d)(III) as follows:

17 **25-4-2403. Department of public health and environment -**
18 **powers and duties - immunization tracking system - rules -**
19 **definitions.**

20 (1) In order to expand the immunization registry and increase
21 access to immunizations, the department may address:

22 (f) The ability of the department of health care policy and
23 financing to purchase vaccines recommended by ACIP, THE AMERICAN
24 ACADEMY OF PEDIATRICS, THE AMERICAN ACADEMY OF FAMILY
25 PHYSICIANS, THE AMERICAN COLLEGE OF OBSTETRICIANS AND
26 GYNECOLOGISTS, OR THE AMERICAN COLLEGE OF PHYSICIANS through a
27 purchasing system, if developed pursuant to this subsection (1) and

1 subsection (1.3) of this section, for children who are enrolled in the
2 children's basic health plan created in article 8 of title 25.5. ~~C.R.S.~~

3 (6) (a) The department of ~~public health and environment~~ or the
4 department's contractor may directly contact the individual who is the
5 subject of immunization records or the individual's parent or legal
6 guardian for the purpose of notifying the individual, parent, or legal
7 guardian if immunizations are due or overdue as indicated by ~~the advisory~~
8 ~~committee on immunization practices of the United States department of~~
9 ~~health and human services~~ or ACIP, the American Academy of Pediatrics,
10 THE AMERICAN ACADEMY OF FAMILY PHYSICIANS, THE AMERICAN
11 COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, OR THE AMERICAN
12 COLLEGE OF PHYSICIANS. The department or the department's contractor
13 shall contact the individual, parent, or legal guardian if it is necessary to
14 control an outbreak of or prevent the spread of a vaccine-preventable
15 disease pursuant to section 25-1.5-102 (1)(a) or 25-4-908.

16 (13) As used in this section:

17 (d) "Equivalent vaccines" means two or more vaccines that:

18 (III) Are recommended for comparable populations by the federal
19 centers for disease control and prevention OR THE BOARD.

20 **SECTION 13.** In Colorado Revised Statutes, 25-4-2502, **amend**
21 (2) as follows:

22 **25-4-2502. Definitions.**

23 As used in this part 25, unless the context otherwise requires:

24 (2) "Cervical cancer vaccine" or "cervical cancer immunization"
25 means the series of HUMAN PAPILLOMAVIRUS vaccines to prevent cervical
26 ~~cancer~~ AND OTHER CANCERS as determined by the board of health to be
27 necessary to conform to recognized standard medical practices.

1 **SECTION 14.** In Colorado Revised Statutes, **amend** 25-4-2503
2 as follows:

3 **25-4-2503. Cervical cancer immunization program - rules.**

(1) There is hereby created in the department the cervical cancer immunization program. The department is directed to investigate manners in which the cervical cancer vaccine may be administered in an economical fashion. The ~~state~~ board OF HEALTH is authorized to ~~promulgate~~ ADOPT rules to assist the department in making the vaccine available.

(2) FQHCs are encouraged to enter into agreements with local public health agencies to administer vaccinations to underinsured female minors through a federally recognized vaccination program for children. If a local public health agency enters into an agreement WITH AN FQHC, the agency shall administer vaccinations, including but not limited to cervical cancer vaccinations, pursuant to the agreement with the FQHC. The department shall pay to a local public health agency the agency's administrative cost for administering a cervical cancer vaccination to an underinsured female MINOR entering the sixth grade.

19 **SECTION 15.** In Colorado Revised Statutes, **add** part 26 to
20 article 4 of title 25 as follows:

21 PART 26

22 ADULT IMMUNIZATION ACT

23 **25-4-2601. Short title.**

24 THE SHORT TITLE OF THIS PART 26 IS THE "ADULT IMMUNIZATION
25 ACT".

26 **25-4-2602. Legislative declaration.**

27 (1) THE GENERAL ASSEMBLY FINDS AND DETERMINES THAT:

1 (a) VACCINE-PREVENTABLE DISEASES REPRESENT A SERIOUS
2 PUBLIC HEALTH THREAT TO PEOPLE IN THE STATE;

3 (b) IT HAS BEEN WELL DOCUMENTED THAT VACCINES AND OTHER
4 IMMUNIZING AGENTS ARE AN EFFECTIVE WAY TO PREVENT SICKNESS AND
5 DEBILITATING DISEASE; AND

6 (c) RECENT SHIFTS IN FEDERAL VACCINE GUIDANCE HAVE CREATED
7 UNCERTAINTY ABOUT THE AVAILABILITY OF PROVEN VACCINES THAT A
8 MAJORITY OF COLORADANS HAVE SAFELY RECEIVED AND DESIRE TO
9 CONTINUE RECEIVING. COLORADANS DESERVE CONSISTENT GUIDANCE TO
10 MAINTAIN ACCESS TO SAFE, EFFECTIVE, EVIDENCE-BASED VACCINES AND
11 IMMUNIZING AGENTS ACROSS HEALTH-CARE SETTINGS.

12 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
13 PROMOTING EVIDENCE-BASED ADMINISTRATION OF VACCINES AND OTHER
14 IMMUNIZING AGENTS TO ADULTS IS CRITICAL TO PRESERVING THE HEALTH
15 OF ALL PEOPLE IN THE STATE.

16 **25-4-2603. Definitions.**

17 AS USED IN THIS PART 26, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (1) "ADULT" MEANS AN INDIVIDUAL WHO IS EIGHTEEN YEARS OLD
20 OR OLDER.

21 (2) "BOARD OF HEALTH" MEANS THE STATE BOARD OF HEALTH
22 CREATED IN SECTION 25-1-103 (1)(a).

23 (3) "IMMUNIZING AGENT" MEANS ANY BIOLOGICAL SUBSTANCE,
24 INCLUDING VACCINES, TOXOIDS, OR OTHER ANTIGENIC COMPONENTS, THAT
25 IS ADMINISTERED TO AN INDIVIDUAL FOR THE PURPOSE OF PRODUCING
26 ACTIVE OR PASSIVE IMMUNITY AGAINST A SPECIFIC DISEASE.

27 (4) "VACCINE" MEANS A BIOLOGICAL PREPARATION THAT

1 CONTAINS ANTIGENIC MATERIAL DESIGNED TO STIMULATE AN
2 INDIVIDUAL'S IMMUNE SYSTEM TO DEVELOP ACTIVE IMMUNITY AGAINST
3 A SPECIFIC INFECTIOUS DISEASE TO PREVENT ILLNESS, TYPICALLY BY
4 INTRODUCING A WEAKENED, INACTIVATED, OR PARTIAL FORM OF A
5 PATHOGEN OR ITS COMPONENTS.

6 **25-4-2604. Limitations on liability - repeal.**

7 (1) A PERSON THAT ADMINISTERS A VACCINE OR OTHER
8 IMMUNIZING AGENT TO AN ADULT IS NOT LIABLE FOR INJURIES SUSTAINED
9 PURSUANT TO THE VACCINE OR OTHER IMMUNIZING AGENT IF:

10 (a) THE VACCINE OR OTHER IMMUNIZING AGENT WAS
11 ADMINISTERED ACCORDING TO THE SCHEDULE OF IMMUNIZATIONS
12 ESTABLISHED BY THE BOARD OF HEALTH;

13 (b) THERE WERE NO MEDICAL CONTRAINDICATIONS FOR
14 ADMINISTERING THE VACCINE OR OTHER IMMUNIZING AGENT; AND

15 (c) THE VACCINE OR OTHER IMMUNIZING AGENT WAS
16 ADMINISTERED USING GENERALLY ACCEPTED CLINICAL METHODS.

17 (2) AN ACTION SHALL NOT BE MAINTAINED FOR A
18 VACCINE-RELATED OR IMMUNIZING-AGENT-RELATED INJURY OR DEATH
19 UNTIL ACTION FOR COMPENSATION FOR THE ALLEGED INJURY IS
20 EXHAUSTED UNDER THE TERMS OF THE FEDERAL "NATIONAL CHILDHOOD
21 VACCINE INJURY ACT OF 1986", 42 U.S.C. SECS. 300aa-10 TO 300aa-33,
22 AS SUCH LAW IS FROM TIME TO TIME AMENDED, SO LONG AS THE FEDERAL
23 "NATIONAL CHILDHOOD VACCINE INJURY ACT OF 1986" APPLIES TO THE
24 PARTICULAR VACCINE OR IMMUNIZING AGENT ADMINISTERED.

25 (3) IF THE INJURY THAT IS SUSTAINED OR THE DEATH DOES NOT
26 FALL WITHIN THE PARAMETERS OF THE VACCINE OR IMMUNIZING AGENT
27 INJURY TABLE AS DEFINED IN 42 U.S.C. SEC. 300aa-14, AS ENACTED ON

1 NOVEMBER 14, 1986, A REBUTTABLE PRESUMPTION IS ESTABLISHED THAT
2 THE INJURY SUSTAINED OR THE DEATH WAS NOT DUE TO THE
3 ADMINISTRATION OF THE VACCINE OR IMMUNIZING AGENT. THE
4 PRESUMPTION IS OVERCOME BY A PREPONDERANCE OF THE EVIDENCE.

5 (4) (a) WHERE A CLAIM BROUGHT ON OR BEFORE JANUARY 30,
6 2029, AGAINST A HOSPITAL, CLINIC, PHARMACY, MANUFACTURER, OR
7 PROVIDER ARISES FROM INJURIES RESULTING FROM THE HANDLING,
8 STORAGE, OR DISTRIBUTION OF VACCINES OR IMMUNIZING AGENTS
9 PURSUANT TO THIS PART 26, THE HOSPITAL, CLINIC, PHARMACY,
10 MANUFACTURER, OR PROVIDER IS NOT LIABLE UNLESS THE INJURIES ARE
11 THE RESULT OF THE NEGLIGENT FAILURE OF AN EMPLOYEE OF THE
12 HOSPITAL, CLINIC, PHARMACY, MANUFACTURER, OR PROVIDER TO
13 CONFORM TO RECOGNIZED STANDARDS OF PRACTICE THAT ARE NECESSARY
14 FOR THE PROTECTION OF PUBLIC HEALTH.

15 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2031.

16 (5) WHERE A CLAIM BROUGHT ON OR AFTER JANUARY 31, 2029,
17 AGAINST A HOSPITAL, CLINIC, PHARMACY, OR PROVIDER ARISES FROM
18 INJURIES RESULTING FROM THE HANDLING, STORAGE, OR DISTRIBUTION OF
19 VACCINES OR IMMUNIZING AGENTS PURSUANT TO THIS PART 26, THE
20 HOSPITAL, CLINIC, PHARMACY, OR PROVIDER IS NOT LIABLE UNLESS THE
21 INJURIES ARE THE RESULT OF THE NEGLIGENT FAILURE OF AN EMPLOYEE
22 OF THE HOSPITAL, CLINIC, PHARMACY, OR PROVIDER TO CONFORM TO
23 RECOGNIZED STANDARDS OF PRACTICE THAT ARE NECESSARY FOR THE
24 PROTECTION OF PUBLIC HEALTH.

25 **SECTION 16.** In Colorado Revised Statutes, 25.5-8-107, **amend**
26 (5) as follows:

27 **25.5-8-107. Duties of the department - schedule of services -**

1 **premiums - copayments - subsidies - purchase of childhood**
2 **immunizations.**

3 (5) The department may purchase vaccines recommended by the
4 advisory committee on immunization practices to the centers for disease
5 control and prevention in the federal department of health and human
6 services, or its successor entity, THE AMERICAN ACADEMY OF PEDIATRICS,
7 THE AMERICAN ACADEMY OF FAMILY PHYSICIANS, THE AMERICAN
8 COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, OR THE AMERICAN
9 COLLEGE OF PHYSICIANS through a vaccine purchasing system, if such a
10 system is developed pursuant to section 25-4-2403 (1), ~~C.R.S.~~, for
11 children enrolled in the children's basic health plan.

12 **SECTION 17. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.