

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0554.02 Brita Darling x2241

**SENATE BILL 26-032**

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**SENATE SPONSORSHIP**

**Daugherty and Mullica,**

**HOUSE SPONSORSHIP**

**Feret and Brown,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

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

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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 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**).

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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, with no cost sharing.

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) NOT LATER THAN SEPTEMBER 1, 2026, THE BOARD SHALL  
25       REVIEW EXISTING RECORD-KEEPING RULES TO ENSURE THAT DUPLICATE,  
26       INCONSISTENT, OR OUTDATED RULES RELATING TO VACCINES ARE  
27       REPEALED OR AMENDED. THE BOARD MAY CONFER WITH THE DEPARTMENT

1 OF PUBLIC HEALTH AND ENVIRONMENT AND OTHER APPLICABLE STATE  
2 AGENCIES TO FACILITATE A CONSISTENT REGULATORY FRAMEWORK  
3 RELATING TO VACCINES.

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

6 **25-4-909. Vaccine-related injury or death - limitations on**  
7 **liability - legislative declaration.**

8 (2) ~~No person~~ AN INDIVIDUAL who administers a vaccine  
9 which THAT is required under the provisions of this part 9 to an infant or  
10 child whose age is greater than twenty days shall NOT be held liable for  
11 injuries sustained pursuant to ~~such~~ THE vaccine if:

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

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

20 **25-4-1705. Department of public health and environment -**  
21 **powers and duties - rules.**

22 (5) The board of health, in consultation with the medical services  
23 board in the state department of health care policy and financing and such  
24 other persons, agencies, or organizations that the board of health deems  
25 advisable, shall formulate AND adopt ~~and promulgate~~ rules governing the  
26 implementation and operation of the infant immunization program. ~~Such~~  
27 THE rules ~~shall~~ MUST address the following:



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

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

11 **25-4-1708. Immunization fund - created - transfer - repeal.**

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

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

18 **25-4-1709. Limitations on liability - repeal.**

19 (4) (a) Where a claim BROUGHT ON OR BEFORE JANUARY 30, 2029,  
20 against a hospital, clinic, PHARMACY, MANUFACTURER, or provider arises  
21 from injuries resulting from the handling, storage, or distribution of  
22 vaccines required by this part 17, ~~such~~ THE hospital, clinic, PHARMACY,  
23 MANUFACTURER, or provider ~~shall not be~~ IS NOT liable unless ~~such~~ THE  
24 injuries are the result of the negligent failure of an employee of ~~such~~ THE  
25 hospital, clinic, PHARMACY, MANUFACTURER, or provider to conform to  
26 recognized standards of practice ~~which~~ THAT are necessary for the  
27 protection of public health.

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

2 (4.5) WHERE A CLAIM BROUGHT ON OR AFTER JANUARY 31, 2029,  
3 AGAINST A HOSPITAL, CLINIC, PHARMACY, OR PROVIDER ARISES FROM  
4 INJURIES RESULTING FROM THE HANDLING, STORAGE, OR DISTRIBUTION OF  
5 VACCINES REQUIRED BY THIS PART 17, THE HOSPITAL, CLINIC, PHARMACY,  
6 OR PROVIDER IS NOT LIABLE UNLESS THE INJURIES ARE THE RESULT OF THE  
7 NEGLIGENT FAILURE OF AN EMPLOYEE OF THE HOSPITAL, CLINIC,  
8 PHARMACY, OR PROVIDER TO CONFORM TO RECOGNIZED STANDARDS OF  
9 PRACTICE THAT ARE NECESSARY FOR THE PROTECTION OF PUBLIC HEALTH.

10 **SECTION 12.** In Colorado Revised Statutes, 25-4-2403, **amend**  
11 (1)(f), (6)(a), and (13)(d)(III); and **add (9.5) as follows:**

12 **25-4-2403. Department of public health and environment -**  
13 **powers and duties - immunization tracking system - rules -**  
14 **definitions.**

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

17 (f) The ability of the department of health care policy and  
18 financing to purchase vaccines recommended by ACIP, THE AMERICAN  
19 ACADEMY OF PEDIATRICS, THE AMERICAN ACADEMY OF FAMILY  
20 PHYSICIANS, THE AMERICAN COLLEGE OF OBSTETRICIANS AND  
21 GYNECOLOGISTS, OR THE AMERICAN COLLEGE OF PHYSICIANS through a  
22 purchasing system, if developed pursuant to this subsection (1) and  
23 subsection (1.3) of this section, for children who are enrolled in the  
24 children's basic health plan created in article 8 of title 25.5. ~~C.R.S.~~

25 (6) (a) ~~The department of public health and environment~~ or the  
26 department's contractor may directly contact the individual who is the  
27 subject of immunization records or the individual's parent or legal

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

11 (9.5) THE DEPARTMENT MAY NEGOTIATE FOR AND PURCHASE  
12 VACCINES ADOPTED BY THE BOARD BY RULE OR RECOMMENDED BY ACIP,  
13 THE AMERICAN ACADEMY OF PEDIATRICS, THE AMERICAN ACADEMY OF  
14 FAMILY PHYSICIANS, THE AMERICAN COLLEGE OF OBSTETRICIANS AND  
15 GYNECOLOGISTS, OR THE AMERICAN COLLEGE OF PHYSICIANS.

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~~ ACIP, THE AMERICAN  
20 ACADEMY OF PEDIATRICS, THE AMERICAN ACADEMY OF FAMILY  
21 PHYSICIANS, THE AMERICAN COLLEGE OF OBSTETRICIANS AND  
22 GYNECOLOGISTS, OR THE AMERICAN COLLEGE OF PHYSICIANS.

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

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

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

27 (2) "Cervical cancer vaccine" or "cervical cancer immunization"

1 means the series of HUMAN PAPILLOMAVIRUS vaccines to prevent cervical  
2 ~~cancer~~ AND OTHER CANCERS as determined by the board of health to be  
3 necessary to conform to recognized standard medical practices.

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

6 **25-4-2503. Cervical cancer immunization program - rules.**

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

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

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

24 **PART 26**

25 **ADULT IMMUNIZATION ACT**

26 **25-4-2601. Short title.**

27 THE SHORT TITLE OF THIS PART 26 IS THE "ADULT IMMUNIZATION

1 ACT".

2 **25-4-2602. Legislative declaration.**

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

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

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

9 (c) INDIVIDUALS WHO WANT TO BE VACCINATED AGAINST DISEASE  
10 SHOULD HAVE ACCESS TO SAFE AND EFFECTIVE VACCINES THAT ARE  
11 ADMINISTERED BY TRUSTED HEALTH-CARE PROFESSIONALS WITH NO COST  
12 SHARING.

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

17 **25-4-2603. Definitions.**

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

20 (1) "ACIP" MEANS THE ADVISORY COMMITTEE ON IMMUNIZATION  
21 PRACTICES TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN  
22 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR  
23 ITS SUCCESSOR ENTITY.

24 (2) "ADULT" MEANS AN INDIVIDUAL WHO IS EIGHTEEN YEARS OLD  
25 OR OLDER.

26 (3) "BOARD OF HEALTH" MEANS THE STATE BOARD OF HEALTH  
27 CREATED IN SECTION 25-1-103 (1)(a).

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

5           (5) "VACCINE" MEANS A BIOLOGICAL PREPARATION THAT  
6 CONTAINS ANTIGENIC MATERIAL DESIGNED TO STIMULATE AN  
7 INDIVIDUAL'S IMMUNE SYSTEM TO DEVELOP ACTIVE IMMUNITY AGAINST  
8 A SPECIFIC INFECTIOUS DISEASE TO PREVENT ILLNESS, TYPICALLY BY  
9 INTRODUCING A WEAKENED, INACTIVATED, OR PARTIAL FORM OF A  
10 PATHOGEN OR ITS COMPONENTS.

11           **25-4-2604. Limitations on liability - repeal.**

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

15           (a) THE VACCINE OR OTHER IMMUNIZING AGENT WAS  
16 ADMINISTERED IN ACCORDANCE WITH RECOMMENDATIONS FROM THE  
17 ACIP, THE AMERICAN ACADEMY OF PEDIATRICS, THE AMERICAN  
18 ACADEMY OF FAMILY PHYSICIANS, THE AMERICAN COLLEGE OF  
19 OBSTETRICIANS AND GYNECOLOGISTS, OR THE AMERICAN COLLEGE OF  
20 PHYSICIANS;

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

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

25           (2) AN ACTION SHALL NOT BE MAINTAINED FOR A  
26 VACCINE-RELATED OR IMMUNIZING-AGENT-RELATED INJURY OR DEATH  
27 UNTIL ACTION FOR COMPENSATION FOR THE ALLEGED INJURY IS

1 EXHAUSTED UNDER THE TERMS OF THE FEDERAL "NATIONAL CHILDHOOD  
2 VACCINE INJURY ACT OF 1986", 42 U.S.C. SECS. 300aa-10 TO 300aa-33,  
3 AS SUCH LAW IS FROM TIME TO TIME AMENDED, SO LONG AS THE FEDERAL  
4 "NATIONAL CHILDHOOD VACCINE INJURY ACT OF 1986" APPLIES TO THE  
5 PARTICULAR VACCINE OR IMMUNIZING AGENT ADMINISTERED.

6 (3) IF THE INJURY THAT IS SUSTAINED OR THE DEATH DOES NOT  
7 FALL WITHIN THE PARAMETERS OF THE VACCINE OR IMMUNIZING AGENT  
8 INJURY TABLE AS DEFINED IN 42 U.S.C. SEC. 300aa-14, AS ENACTED ON  
9 NOVEMBER 14, 1986, A REBUTTABLE PRESUMPTION IS ESTABLISHED THAT  
10 THE INJURY SUSTAINED OR THE DEATH WAS NOT DUE TO THE  
11 ADMINISTRATION OF THE VACCINE OR IMMUNIZING AGENT. THE  
12 PRESUMPTION IS OVERCOME BY A PREPONDERANCE OF THE EVIDENCE.

13 (4) (a) WHERE A CLAIM BROUGHT ON OR BEFORE JANUARY 30,  
14 2029, AGAINST A HOSPITAL, CLINIC, PHARMACY, MANUFACTURER, OR  
15 PROVIDER ARISES FROM INJURIES RESULTING FROM THE HANDLING,  
16 STORAGE, OR DISTRIBUTION OF VACCINES OR IMMUNIZING AGENTS  
17 PURSUANT TO THIS PART 26, THE HOSPITAL, CLINIC, PHARMACY,  
18 MANUFACTURER, OR PROVIDER IS NOT LIABLE UNLESS THE INJURIES ARE  
19 THE RESULT OF THE NEGLIGENT FAILURE OF AN EMPLOYEE OF THE  
20 HOSPITAL, CLINIC, PHARMACY, MANUFACTURER, OR PROVIDER TO  
21 CONFORM TO RECOGNIZED STANDARDS OF PRACTICE THAT ARE NECESSARY  
22 FOR THE PROTECTION OF PUBLIC HEALTH.

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

24 (5) WHERE A CLAIM BROUGHT ON OR AFTER JANUARY 31, 2029,  
25 AGAINST A HOSPITAL, CLINIC, PHARMACY, OR PROVIDER ARISES FROM  
26 INJURIES RESULTING FROM THE HANDLING, STORAGE, OR DISTRIBUTION OF  
27 VACCINES OR IMMUNIZING AGENTS PURSUANT TO THIS PART 26, THE

1 HOSPITAL, CLINIC, PHARMACY, OR PROVIDER IS NOT LIABLE UNLESS THE  
2 INJURIES ARE THE RESULT OF THE NEGLIGENT FAILURE OF AN EMPLOYEE  
3 OF THE HOSPITAL, CLINIC, PHARMACY, OR PROVIDER TO CONFORM TO  
4 RECOGNIZED STANDARDS OF PRACTICE THAT ARE NECESSARY FOR THE  
5 PROTECTION OF PUBLIC HEALTH.

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

8 **25.5-8-107. Duties of the department - schedule of services -**  
9 **premiums - copayments - subsidies - purchase of childhood**  
10 **immunizations.**

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

20 **SECTION 17. Safety clause.** The general assembly finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, or safety or for appropriations for  
23 the support and maintenance of the departments of the state and state  
24 institutions.