

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0892.01 Jane Ritter x4342

HOUSE BILL 18-1223

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HOUSE SPONSORSHIP

Lebsock,

SENATE SPONSORSHIP

(None),

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House Committees

Health, Insurance, & Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING DECLARING AN AUTISM EPIDEMIC IN COLORADO.

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 directs the executive director of the department of public health and environment (director) to convene the governor's expert emergency epidemic response committee (committee) for the purpose of determining whether there is an autism epidemic in Colorado. The committee shall review autism data from 1990 to 2017 from every Colorado county and across all age groups. If the committee determines there is an autism epidemic, the director shall advise the governor to declare that an autism epidemic exists in Colorado; that reasonable and

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.

appropriate measures be taken to address the autism epidemic and protect the public health; that departments with publicly funded safety net programs update their plans to include the autism epidemic; and the percentage at which the state will contribute money to the autism epidemic. The committee shall prepare a report documenting its reasons for determining whether an autism epidemic exists and provide a copy of the report to the governor, the director, and each member of the general assembly.

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

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

4 (a) There are nearly 100,000 children in the state of Colorado with  
5 disabilities, and 10% of all students in Colorado are affected by one or  
6 more of 14 different categories of disabilities;

7 (b) Colorado has experienced a 41,729% increase in autism since  
8 the first diagnosed cases appeared in children in Colorado public schools  
9 in 1992;

10 (c) The 41,729% increase in autism and other neurological  
11 disabilities cannot be attributed solely to genetics, better diagnosis, or  
12 state population growth;

13 (d) The United States department of homeland security defines  
14 epidemic as "the rapid spread of disease that affects some or many people  
15 in a community or region at the same time";

16 (e) The centers for disease control and prevention declares an  
17 epidemic of influenza when there are near 7.7 cases per 1,000 people. Yet  
18 autism has not been declared an epidemic by the centers for disease  
19 control and prevention despite data from that organization's autism and  
20 developmental disabilities monitoring network that shows that autism  
21 reached 7.5 cases per 1,000 Coloradans in 2006, and grew to 10.8 cases

1 per 1,000 Coloradans in 2012.

2 (f) In 2000, the governor of Colorado declared HIV/AIDS an  
3 epidemic in the state based on 16,000 people being affected by either HIV  
4 or AIDS. By 2016, more than 16,000 children, and an unknown number  
5 of adults, in Colorado were affected by autism, yet it has not been listed  
6 as a priority health issue by the department of public health and  
7 environment nor declared an epidemic by the governor of Colorado.

8 (g) It is, by law, the responsibility of the Colorado department of  
9 public health and environment to track all chronic disease in the state,  
10 including autism spectrum disorders, autistic disorder, Asperger's  
11 syndrome, pervasive developmental disorder, cerebral palsy, encephalitis,  
12 convulsive or seizure disorders, infantile spasm, and noxious influences  
13 affecting a fetus;

14 (h) The Colorado department of public health and environment,  
15 however, has failed to collect the required data and make the required  
16 report on autism;

17 (i) The centers for disease control and prevention reported that the  
18 prevalence of autism in 2017 is one in 36 children, a statistic that justifies  
19 making autism a new and additional health priority in the Colorado  
20 department of public health and environment's strategic plan;

21 (j) Autism is a medical condition, and co-morbid conditions often  
22 associated with autism include severe gastrointestinal distress, severe  
23 allergies, autoimmune disease, obsessive-compulsive disorder, epilepsy  
24 and seizure disorders, and depression;

25 (k) The Colorado department of education data for 2016 reports  
26 that more than 7,000 school-age children between the ages of five and 21  
27 have autism, and nearly 9,000 preschool children between the ages of

1 birth and four years have developmental delays. The number of adults  
2 with autism and homeschooled students with autism in Colorado is  
3 unknown.

4 (l) In its 2018-19 funding request, the Colorado office of  
5 community living reports that:

6 (I) Thirteen thousand five hundred adults with developmental  
7 delays and intellectual disabilities sought medicaid waivers;

8 (II) More than 5,000 adults obtained the home- and  
9 community-based services supported living services waiver for assisted  
10 living;

11 (III) Five thousand six hundred adults obtained the home- and  
12 community-based services developmental delay waiver for  
13 twenty-four-hour care, while an additional 2,500 adults remain unfunded  
14 and on the waiting list for more than five years for such a waiver; and

15 (IV) The budget request from the Colorado department of health  
16 care policy and financing for the home- and community-based services  
17 developmental delay waiver contemplates a 6,000 person enrollment cap,  
18 leaving a shortfall of more than 2,200 adults. Based on an annual average  
19 of \$6,000 per capita total cost of care, the shortfall totals more than  
20 \$13,500,000.

21 (m) Each case of childhood autism costs the state an average of  
22 \$6,000 annually in additional local school costs for a total state financial  
23 burden of \$96,000,000;

24 (n) The 2009 autism commission report required by Senate Bill  
25 08-163 clearly stated that the "epidemic of autism spectrum disorders has  
26 grown" and no state agency action has been taken as of 2017. Further, as  
27 of 2018, only one of the 18 recommendations in the autism commission's

1 2009 "Ten-Year Strategic Plan for Autism Spectrum Disorders" has been  
2 achieved.

3 (o) The data supports the conclusion that autism is a public health  
4 epidemic caused by environmental factors.

5 (2) The general assembly therefore declares that it is in the best  
6 interest of the people of the state of Colorado to require the governor's  
7 expert emergency epidemic response committee to convene to review and  
8 study autism epidemic data and to develop and implement a strategy to  
9 effectively combat the autism epidemic in Colorado.

10 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-703, **add**  
11 (4.5) as follows:

12 **24-33.5-703. Definitions.** As used in this part 7, unless the  
13 context otherwise requires:

14 (4.5) "EPIDEMIC" MEANS CASES OF AN ILLNESS OR CONDITION,  
15 COMMUNICABLE OR NONCOMMUNICABLE, IN EXCESS OF NORMAL  
16 EXPECTANCY, COMPARED TO THE USUAL FREQUENCY OF THE ILLNESS OR  
17 CONDITION IN THE SAME AREA, AMONG THE SPECIFIED POPULATION, AT  
18 THE SAME SEASON OF THE YEAR.

19 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-704, **amend**  
20 (8)(a) introductory portion and (8)(d); and **add** (8)(a)(IV) as follows:

21 **24-33.5-704. The governor and disaster emergencies - expert**  
22 **emergency epidemic response committee - creation.** (8) (a) There is  
23 ~~hereby~~ created a governor's expert emergency epidemic response  
24 committee. The committee shall:

25 (IV) CONVENE PURSUANT TO SUBSECTION (8)(d) OF THIS SECTION  
26 AND SECTION 24-33.5-704.5 TO REVIEW, STUDY, AND REPORT ON DATA  
27 RELATED TO AUTISM, AS THAT TERM IS DEFINED IN SECTION 24-33.5-704.5.

1 THE COMMITTEE SHALL TAKE THE APPROPRIATE ACTIONS AS OUTLINED IN  
2 SECTION 24-33.5-704.5.

3 (d) The committee shall convene at the call of the governor or the  
4 executive director of the department of public health and environment to  
5 consider evidence presented by the department's chief medical officer or  
6 state epidemiologist that there is an occurrence or imminent threat of an  
7 emergency epidemic, OR TO CONSIDER DATA RELATED TO AUTISM AND  
8 AUTISM SPECTRUM DISORDERS PURSUANT TO SECTION 24-33.5-704.5. If  
9 the committee finds that there is an occurrence or imminent threat of an  
10 emergency epidemic OR AN AUTISM EPIDEMIC, the executive director of  
11 the department of public health and environment shall advise the  
12 governor to declare a disaster emergency OR AN AUTISM EPIDEMIC.

13 **SECTION 4.** In Colorado Revised Statutes, **add** 24-33.5-704.5  
14 as follows:

15 **24-33.5-704.5. Autism epidemic review and study -**  
16 **recommendations - definition.** (1) AS USED IN THIS SECTION, UNLESS  
17 THE CONTEXT OTHERWISE REQUIRES, "AUTISM" MEANS DEVELOPMENTAL  
18 DISABILITIES THAT CAUSE SUBSTANTIAL IMPAIRMENTS IN THE AREAS OF  
19 SOCIAL INTERACTION, COMMUNICATION, AND BEHAVIOR OFTEN  
20 CHARACTERIZED BY THE PRESENCE OF RESTRICTED INTERESTS, REPETITIVE  
21 BEHAVIOR, OR BOTH. THE TERM "AUTISM" INCLUDES AUTISTIC DISORDER,  
22 AUTISM SPECTRUM DISORDER, PERVASIVE DEVELOPMENTAL DISORDER,  
23 AND ASPERGER'S SYNDROME.

24 (2) ON OR BEFORE AUGUST 30, 2018, THE EXECUTIVE DIRECTOR OF  
25 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL CONVENE  
26 THE GOVERNOR'S EXPERT EMERGENCY EPIDEMIC RESPONSE COMMITTEE  
27 PURSUANT TO SECTION 24-33.5-704 (8)(d). THE COMMITTEE SHALL

1 REVIEW AUTISM DATA, INCLUDING STUDENT DATA FROM THE DEPARTMENT  
2 OF EDUCATION, FROM 1990 TO 2017 FROM EVERY COLORADO COUNTY AND  
3 ACROSS ALL AGE GROUPS FOR THE PURPOSE OF DETERMINING WHETHER  
4 THERE IS AN AUTISM EPIDEMIC IN COLORADO.

5 (3) (a) IF THE COMMITTEE DETERMINES THAT THERE IS AN AUTISM  
6 EPIDEMIC IN COLORADO, ON OR BEFORE SEPTEMBER 30, 2018:

7 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
8 HEALTH AND ENVIRONMENT SHALL ADVISE THE GOVERNOR TO DECLARE,  
9 BY EXECUTIVE ORDER PURSUANT TO SECTION 24-33.5-704:

10 (A) THAT AN AUTISM EPIDEMIC EXISTS IN COLORADO;

11 (B) THAT REASONABLE AND APPROPRIATE MEASURES BE TAKEN TO  
12 REDUCE OR PREVENT THE SPREAD OF AUTISM AND THEREBY PROTECT THE  
13 PUBLIC HEALTH;

14 (C) THAT DEPARTMENTS WITH PUBLICLY FUNDED SAFETY NET  
15 PROGRAMS IMPLEMENT PROCEDURES WITHIN THEIR PLANS FOR RESPONSE  
16 TO EPIDEMICS; AND

17 (D) THE PERCENTAGE AT WHICH THE STATE WILL CONTRIBUTE  
18 MONEY TO COVER COSTS ASSOCIATED WITH THE AUTISM EPIDEMIC THAT  
19 ARE NOT COVERED BY FEDERAL OR LOCAL FUNDS; AND

20 (II) THE COMMITTEE SHALL PREPARE A REPORT THAT DOCUMENTS  
21 THE REASONS FOR DETERMINATING SUCH AN EPIDEMIC AND PROVIDE A  
22 COPY OF THE REPORT TO THE GOVERNOR, THE EXECUTIVE DIRECTOR OF  
23 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND EACH  
24 MEMBER OF THE GENERAL ASSEMBLY.

25 (b) IF THE COMMITTEE DETERMINES THAT AN AUTISM EPIDEMIC  
26 DOES NOT EXIST IN COLORADO, THE COMMITTEE SHALL PREPARE A REPORT  
27 THAT DOCUMENTS THE REASONS FOR SUCH A DETERMINATION AND

1 PROVIDE A COPY OF THE REPORT TO THE GOVERNOR, THE EXECUTIVE  
2 DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,  
3 AND EACH MEMBER OF THE GENERAL ASSEMBLY NO LATER THAN  
4 SEPTEMBER 30, 2018.

5 **SECTION 5. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.