

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0845.01 Jane Ritter x4342

HOUSE BILL 20-1297

HOUSE SPONSORSHIP

Baisley, Humphrey, Geitner, Sandridge, Bockenfeld, Pelton, Ransom, Saine, Williams D.

SENATE SPONSORSHIP

Lundeen,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CLARIFYING THAT PERSONAL IMMUNIZATION
102 EXEMPTIONS CANNOT BE USED AS THE SOLE BASIS FOR CHILD
103 ABUSE OR NEGLECT FOR THE PURPOSES OF COLORADO'S
104 CHILDREN'S CODE.

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 adds language to Colorado's children's code to clarify that a child's immunization status or a parent's or legal guardian's decision to delay or decline one or more immunizations for his or her child does not

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.

alone constitute child abuse or neglect.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-3-304.3 as
3 follows:

4 **19-3-304.3. Immunization status as basis for investigation or**
5 **determination of child abuse.** NOTWITHSTANDING ANY PROVISION OF
6 LAW TO THE CONTRARY, IF A CHILD'S PARENT OR LEGAL GUARDIAN MEETS
7 THE CRITERIA FOR AN IMMUNIZATION EXEMPTION PURSUANT TO SECTION
8 25-4-903 OR 25-4-2403 OR DECIDES TO DELAY OR DECLINE ONE OR MORE
9 IMMUNIZATIONS FOR THE CHILD, THE CHILD'S IMMUNIZATION STATUS MUST
10 NOT BE USED AS THE SOLE PREMISE TO EITHER INITIATE AN INVESTIGATION
11 OF CHILD ABUSE OR NEGLECT OR AS A DETERMINING FACTOR IN REACHING
12 A FINDING OF CHILD ABUSE OR NEGLECT PURSUANT TO THIS PART 3. IF A
13 PARTY MAKES A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT,
14 INITIATES AN INVESTIGATION INTO SUSPECTED CHILD ABUSE OR NEGLECT,
15 OR MAKES A FINDING OF CHILD ABUSE OR NEGLECT BASED SOLELY ON A
16 CHILD'S IMMUNIZATION STATUS, THAT PARTY IS SUBJECT TO THE
17 PENALTIES SET FORTH IN SECTION 19-3-304 (4).

18 **SECTION 2.** In Colorado Revised Statutes, 25-4-903, **add** (6) as
19 follows:

20 **25-4-903. Exemptions from immunization - rules.**
21 (6) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF A
22 CHILD'S PARENT OR LEGAL GUARDIAN MEETS THE CRITERIA FOR AN
23 IMMUNIZATION EXEMPTION PURSUANT TO THIS SECTION, THE CHILD'S
24 IMMUNIZATION STATUS MUST NOT BE USED AS THE SOLE PREMISE TO MAKE
25 A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT PURSUANT TO PART 3

1 OF ARTICLE 3 OF TITLE 19. IF A PARTY MAKES A REPORT OF SUSPECTED
2 CHILD ABUSE OR NEGLECT BASED SOLELY ON A CHILD'S IMMUNIZATION
3 STATUS, THAT PARTY IS SUBJECT TO THE PENALTIES SET FORTH IN SECTION
4 19-3-304 (4).

5 **SECTION 3.** In Colorado Revised Statutes, 25-4-2403, **amend**
6 (7) as follows:

7 **25-4-2403. Department of public health and environment -**
8 **powers and duties - immunization tracking system - definitions -**
9 **rules.** (7) An individual or a parent or legal guardian who consents to the
10 immunization of an infant, child, or student pursuant to part 9 or 17 of
11 this ~~article~~ ARTICLE 4 or this part 24 may exclude immunization
12 information from the immunization tracking system. The individual,
13 parent, or legal guardian may remove such immunization information
14 from the immunization tracking system at any time. The department of
15 public health and environment shall ensure that the process to exclude
16 immunization information from the system is readily available and not
17 burdensome. The physician, licensed health care practitioner, clinic,
18 hospital, or county, district, or municipal public health agency shall
19 inform the individual, parent, or legal guardian of the option to exclude
20 such information from such system and the potential benefits of inclusion
21 in such system. In addition, the physician, licensed health care
22 practitioner, clinic, hospital, or county, district, or municipal public health
23 agency shall inform such parent or legal guardian of a minor individual
24 of the option to refuse an immunization on the grounds of medical,
25 religious, or personal belief considerations pursuant to section 25-4-903.
26 Neither refusing an immunization on the grounds of medical, religious,
27 or personal belief considerations pursuant to section 25-4-903 nor opting

1 to exclude immunization notification information from the immunization
2 tracking system ~~shall~~, by itself ~~constitute~~ CONSTITUTES child abuse or
3 neglect by a parent or legal guardian FOR THE PURPOSES OF PART 3 OF
4 ARTICLE 3 OF TITLE 19. IF A PARTY MAKES A REPORT OF SUSPECTED CHILD
5 ABUSE OR NEGLECT BASED SOLELY ON A CHILD'S IMMUNIZATION STATUS,
6 THAT PARTY IS SUBJECT TO THE PENALTIES SET FORTH IN SECTION
7 19-3-304 (4).

8 **SECTION 4. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2020 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.