

CHAPTER 264

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 20-1297

BY REPRESENTATIVE(S) Baisley and Singer, Humphrey, Geitner, Sandridge, Bockenfeld, Pelton, Ransom, Saine, Williams D., Carver, Cutter, Duran, Gonzales-Gutierrez, Holtorf, Liston, Soper, Van Winkle, Will, Young;
also SENATOR(S) Lundeen, Cooke, Coram, Crowder, Gardner, Hisey, Priola, Smallwood, Tate, Todd, Woodward.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, 19-3-103, **add** (3) as follows:

19-3-103. Child not neglected - when. (3) REFUSING AN IMMUNIZATION ON THE GROUNDS OF MEDICAL, RELIGIOUS, OR PERSONAL BELIEF CONSIDERATIONS, AS SET FORTH IN SECTION 25-4-903, OR OPTING TO EXCLUDE IMMUNIZATION NOTIFICATION INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM ESTABLISHED IN SECTION 25-4-2403 (7) BY ITSELF DOES NOT CONSTITUTE CHILD ABUSE OR NEGLECT BY A PARENT OR LEGAL GUARDIAN FOR THE PURPOSES OF THIS ARTICLE 3.

SECTION 2. In Colorado Revised Statutes, 25-4-2403, **amend** (7) as follows:

25-4-2403. Department of public health and environment - powers and duties - immunization tracking system - definitions - rules. (7) An individual or a parent or legal guardian who consents to the immunization of an infant, child, or student pursuant to part 9 or 17 of this ~~article~~ ARTICLE 4 or this part 24 may exclude immunization information from the immunization tracking system. The individual, parent, or legal guardian may remove such immunization information from the immunization tracking system at any time. The department of public health and environment shall ensure that the process to exclude immunization information from the system is readily available and not burdensome. The physician, licensed health care practitioner, clinic, hospital, or county, district, or municipal public health agency shall inform the individual, parent, or legal guardian of the option to exclude

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

such information from such system and the potential benefits of inclusion in such system. In addition, the physician, licensed health care practitioner, clinic, hospital, or county, district, or municipal public health agency shall inform such parent or legal guardian of a minor individual of the option to refuse an immunization on the grounds of medical, religious, or personal belief considerations pursuant to section 25-4-903. Neither refusing an immunization on the grounds of medical, religious, or personal belief considerations pursuant to section 25-4-903 nor opting to exclude immunization notification information from the immunization tracking system shall, by itself constitute CONSTITUTES child abuse or neglect by a parent or legal guardian FOR THE PURPOSES OF PART 3 OF ARTICLE 3 OF TITLE 19.

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

Approved: July 10, 2020