

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

PREAMENDED

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

LLS NO. 22-0260.02 Brita Darling x2241

HOUSE BILL 22-1157

HOUSE SPONSORSHIP

McCormick and Titone, Ortiz

SENATE SPONSORSHIP

Jaquez Lewis,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE UTILIZATION OF DEMOGRAPHIC HEALTH DATA BY**
102 **THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO**
103 **ADDRESS HEALTH INEQUITIES, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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 requires the department of public health and environment (department), as part of its duty to disseminate public health information, to:

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.

- Collect public health information from data sources and data provided to the department, including information concerning race, ethnicity, disability, sexual orientation, and gender identity; and
- Provide direction and technical assistance relating to public health information.

The bill does not require a person to provide demographic information concerning race, ethnicity, disability, sexual orientation, or gender identity.

The bill requires the state board of health (board) to promulgate rules, which apply to all public health agencies, health officers, and other persons required to collect and report data, concerning the requirements for collecting data, and the manner and time frame for reporting and disaggregating data in compliance with health data privacy laws.

For required health equity commission (commission) reports that do not include complete demographic information, the bill requires state agencies that are represented on the commission to submit a supplemental report to address the social determinants of health and the strategies used to address health disparities and inequities based on race, ethnicity, disability, sexual orientation, and gender identity.

To assist with the department's assessment of health disparities and inequities, the bill requires the commission to convene a data advisory working group (working group) to advise the commission relating to collecting and aggregating nonidentifying demographic data and information from Colorado residents about race, ethnicity, disability, sexual orientation, and gender identity as part of public health programs and from information acquired by or submitted to the department. The bill includes the selection of members for the working group.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-101, **amend**
 3 (1)(j)(I) as follows:

4 **25-1.5-101. Powers and duties of department - laboratory cash**
 5 **fund - report - dispensation of payments under contracts with**
 6 **grantees - definitions - repeal.** (1) The department has, in addition to all
 7 other powers and duties imposed upon it by law, the powers and duties
 8 provided in this section as follows:

9 (j) (I) To:

1 (A) COLLECT, COMPILE, AND TABULATE PUBLIC HEALTH
2 INFORMATION FROM DATA SOURCES AND DATA PROVIDED TO THE
3 DEPARTMENT, INCLUDING INFORMATION CONCERNING RACE, ETHNICITY,
4 DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY; EXCEPT THAT
5 NOTHING IN THIS SECTION REQUIRES ANY INDIVIDUAL TO PROVIDE
6 INFORMATION RELATING TO THE INDIVIDUAL'S RACE, ETHNICITY,
7 DISABILITY, SEXUAL ORIENTATION, OR GENDER IDENTITY;

8 (B) ESTABLISH A PROCESS FOR, AND PROVIDE TECHNICAL
9 ASSISTANCE RELATING TO, THE COLLECTION, COMPILATION, AND
10 TABULATION OF PUBLIC HEALTH INFORMATION DESCRIBED IN SUBSECTION
11 (1)(j)(I)(A) OF THIS SECTION; AND

12 (C) Disseminate public health information;

13 **SECTION 2.** In Colorado Revised Statutes, 25-4-2205, **amend**
14 (2)(c), (2)(g), (2)(h), and (2.5)(a); and **add** (2.3) and (2.5)(a.5) as follows:

15 **25-4-2205. Powers and duties of the office of health equity -**
16 **rules - working group.** (2) The office has the following powers, duties,
17 and functions:

18 (c) Publishing data reports documenting health disparities AND
19 DETERMINING APPROPRIATE METHODS TO COLLECT AND DISAGGREGATE
20 DATA BASED ON RACE, ETHNICITY, DISABILITY, SEXUAL ORIENTATION, AND
21 GENDER IDENTITY FOR INCLUSION IN DATA REPORTS DOCUMENTING
22 HEALTH DISPARITIES;

23 (g) Conducting state-level strategic planning on minority health
24 improvement, WHICH INCLUDES THOSE INDIVIDUALS WHO IDENTIFY AS
25 RACIAL AND ETHNIC MINORITIES, WHO HAVE DIAGNOSED DISABILITIES,
26 AND WHOSE SEXUAL ORIENTATION OR GENDER IDENTITY INCLUDES BUT IS
27 NOT LIMITED TO LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND

1 NONBINARY;

2 (h) Providing technical assistance to:

3 (I) The department in carrying out its programs, INCLUDING DATA
4 COLLECTION AND DISAGGREGATION OF CONFIDENTIAL HEALTH DATA, IN
5 ACCORDANCE WITH FEDERAL AND STATE DATA PRIVACY LAWS, RELATING
6 TO RACE, ETHNICITY, DISABILITY, SEXUAL ORIENTATION, AND GENDER
7 IDENTITY; and

8 (II) ~~to~~ County, district, and municipal public health agencies,
9 community-based organizations, and communities in the state;

10 (2.3) (a) THE STATE BOARD SHALL PROMULGATE RULES
11 NECESSARY FOR THE COLLECTION OF DATA BY THE OFFICE FOR PURPOSES
12 OF ITS REPORTING ON HEALTH DISPARITIES PURSUANT TO SUBSECTION
13 (2)(c) OF THIS SECTION, INCLUDING RULES CONCERNING:

14 (I) THE REQUIREMENT TO COLLECT THE DATA FROM INDIVIDUALS
15 WHO CHOOSE TO PROVIDE THE DATA;

16 (II) THE DEMOGRAPHIC INFORMATION TO BE COLLECTED AND THE
17 TIME FRAME FOR COLLECTING THE DATA TO ENSURE CONSISTENCY IN THE
18 COLLECTION OF DATA; AND

19 (III) THE DISAGGREGATION AND REPORTING OF CONFIDENTIAL
20 HEALTH DATA, IN ACCORDANCE WITH FEDERAL AND STATE DATA PRIVACY
21 LAWS.

22 (b) THE RULES PROMULGATED PURSUANT TO SUBSECTION (2.3)(a)
23 OF THIS SECTION MUST APPLY TO ALL PUBLIC HEALTH AGENCIES, HEALTH
24 OFFICERS, AND OTHER PERSONS REQUIRED TO COLLECT AND REPORT DATA.

25 (2.5) (a) (I) On or before July 1, 2022, and continuing every two
26 years thereafter, the department shall conduct an assessment and publish
27 a report concerning health disparities and inequities in Colorado that

1 includes an assessment of the impact of social determinants of health on
2 health disparities and inequities and recommended strategies to begin to
3 address such inequities. The department shall collaborate with the
4 commission, community partners working on health equity issues, local
5 public health agencies, stakeholders from affected communities, data
6 organizations, and other state and local partners in the creation of the
7 report. In addition to providing information to the public about the impact
8 of health disparities and inequities on Coloradans, each state agency that
9 has representation on the commission shall use the report in their plan as
10 described in subsection (2.5)(b)(I) of this section. In each report after the
11 first published report, the department shall report the progress made by
12 the commission pursuant to subsection (2.5)(b) of this section to address
13 the social determinants of health and the strategies used to address health
14 disparities and inequities.

15 (II) NOT LATER THAN JULY 1, 2023, FOR ANY REPORT PROVIDED
16 PURSUANT TO SUBSECTION (2.5)(a)(I) OF THIS SECTION THAT DOES NOT
17 INCLUDE COMPLETE REPORTING ON RACE, ETHNICITY, DISABILITY, SEXUAL
18 ORIENTATION, AND GENDER IDENTITY, AS THAT DATA BECOMES
19 AVAILABLE, EACH STATE AGENCY THAT IS REPRESENTED ON THE
20 COMMISSION SHALL PROVIDE A SUPPLEMENTAL REPORT THAT INCLUDES
21 PROGRESS MADE BY THE COMMISSION TO ADDRESS THE SOCIAL
22 DETERMINANTS OF HEALTH AND THE STRATEGIES USED TO ADDRESS
23 HEALTH DISPARITIES AND INEQUITIES BASED ON RACE, ETHNICITY,
24 DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY.

25 (a.5) (I) TO ASSIST WITH THE DEPARTMENT'S ASSESSMENT AND
26 REPORTING REQUIRED PURSUANT TO SUBSECTION (2.5)(a) OF THIS SECTION
27 CONCERNING HEALTH DISPARITIES AND INEQUITIES, NOT LATER THAN

1 NOVEMBER 1, 2022, THE COMMISSION SHALL CONVENE A DATA ADVISORY
2 WORKING GROUP TO ADVISE THE COMMISSION IN CARRYING OUT ITS
3 DUTIES UNDER SUBSECTIONS (2)(c) AND (2)(h) OF THIS SECTION.

4 (II) THE DATA ADVISORY WORKING GROUP SHALL MAKE
5 RECOMMENDATIONS TO THE COMMISSION CONCERNING THE PROCESS FOR
6 COLLECTING AND AGGREGATING NONIDENTIFYING DEMOGRAPHIC DATA
7 FOR COLORADO RESIDENTS RELATING TO RACE, ETHNICITY, DISABILITY,
8 SEXUAL ORIENTATION, AND GENDER IDENTITY:

9 (A) AS PART OF PUBLIC HEALTH PROGRAMS;

10 (B) FROM INFORMATION COLLECTED TO EVALUATE PUBLIC HEALTH
11 CONDITIONS IN THE STATE; AND

12 (C) FROM DATA ACQUIRED FROM DATA SOURCES OR SUBMITTED TO
13 THE DEPARTMENT.

14 (III) THE DATA ADVISORY WORKING GROUP SHALL INCLUDE:

15 (A) ONE MEMBER OF THE DEPARTMENT, APPOINTED BY THE
16 EXECUTIVE DIRECTOR OF THE DEPARTMENT;

17 (B) THREE SERVING MEMBERS OF THE COMMISSION, APPOINTED BY
18 THE DIRECTOR OF THE OFFICE, WITH A PREFERENCE FOR MEMBERS HAVING
19 EXPERIENCE IN DATA AND REPORTING, WORKING WITH COUNTY OR
20 DISTRICT PUBLIC HEALTH AGENCIES IN DATA COLLECTION, OR WORKING
21 WITH OR ON BEHALF OF DEPARTMENT DATA COLLECTORS OR VENDORS;

22 (C) ONE MEMBER OF A NONPROFIT ORGANIZATION, APPOINTED BY
23 THE DIRECTOR OF THE OFFICE, WHO HAS EXPERIENCE IN ADMINISTERING
24 DATA COLLECTION INSTRUMENTS AND REPORTS RELATING TO THE
25 COVID-19 VIRUS, VACCINES, AND HEALTH CARE AS IT IMPACTS
26 INDIVIDUALS WHO IDENTIFY AS LESBIAN, GAY, BISEXUAL, TRANSGENDER,
27 OR NONBINARY AND WHOSE WORK IS RECOGNIZED AT THE STATE AND

1 NATIONAL LEVEL;

2 (D) ONE MEMBER OF A NONPROFIT ORGANIZATION, APPOINTED BY
3 THE DIRECTOR OF THE OFFICE, WHO HAS EXPERIENCE IN ADMINISTERING
4 DATA COLLECTION INSTRUMENTS AND REPORTS RELATING TO THE
5 COVID-19 VIRUS, VACCINES, AND HEALTH CARE AS IT IMPACTS
6 INDIVIDUALS WHO HAVE BEEN DIAGNOSED WITH A DISABILITY AND WHOSE
7 WORK IS RECOGNIZED AT THE STATE OR NATIONAL LEVEL; AND

8 (E) TWO MEMBERS OF NONPROFIT ORGANIZATIONS, APPOINTED BY
9 THE DIRECTOR OF THE OFFICE, WHO HAVE EXPERIENCE IN ADMINISTERING
10 DATA COLLECTION INSTRUMENTS AND REPORTS RELATED TO INDIVIDUALS
11 WHO IDENTIFY AS HISPANIC OR LATINO, AFRICAN AMERICAN OR BLACK,
12 ASIAN, AMERICAN PACIFIC ISLANDER, AND INDIGENOUS AND WHOSE
13 WORK IS RECOGNIZED AT THE STATE OR NATIONAL LEVEL.

14 **SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal
15 year, \$360,000 is appropriated to the department of public health and
16 environment. This appropriation is from the general fund. To implement
17 this act, the department may use this appropriation as follows:

18 (a) \$40,000 for use by administration and support for operating
19 expenses related to health statistics and vital records; and

20 (b) \$320,000 for use by disease control and public health response
21 for immunization operating expenses related to general disease control
22 and surveillance.

23 **SECTION 4. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.