



Legislative Council Staff
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Final Fiscal Note

Drafting Number: LLS 22-0260 Date: August 17, 2022
Prime Sponsors: Rep. McCormick; Titone Sen. Jaquez Lewis Bill Status: Signed into Law
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Bill Topic: UTILIZATION OF DEMOGRAPHIC DATA BY CDPHE

- Summary of Fiscal Impact:
- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill requires the Colorado Department of Public Health and Environment to expand the collection of public health data to include certain voluntary demographic information and to provide direct and technical assistance for entities that collect data, and makes changes to birth certificate requirements. The bill will increase state expenditures in FY 2022-23 only, and state workload on an ongoing basis.

Appropriation Summary: For FY 2022-23, the bill includes an appropriation of \$360,000 to the Department of Public Health and Environment. The bill requires a General Fund appropriation of \$395,950 to the Department of Public Health and Environment.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under HB 22-1157

Table with 3 columns: Category, Budget Year FY 2022-23, and Out Year FY 2023-24. Rows include Revenue, Expenditures (General Fund), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

This bill requires the Colorado Department of Public Health and Environment (CDPHE) to collect voluntarily provided public health information concerning race, ethnicity, disability, sexual orientation, and gender identity (demographic elements), as allowed under applicable state and federal data privacy laws, rules, regulations, and federal contracts. The CDPHE must establish a process for the collection and use of this data, as well as provide technical assistance to reporting entities.

The bill requires the Office of Health Equity (OHE) to:

- determine data collection and use methods based on the demographic elements for inclusion in certain data reports;
- include certain populations in the state-level strategic planning process on minority health improvement; and
- provide technical assistance to the CDPHE concerning data collection and use related to the demographic elements.

The State Board of Health must promulgate rules regarding data collection and use in health disparity reporting by the OHE that apply to all public health agencies, health directors, and other persons required to collect and report data. This includes rules concerning the:

- requirement to collect certain data elements;
- the form, manner, and time frame for collecting the data to ensure consistency; and
- disaggregation and reporting of the data to align with applicable privacy laws.

Under current law, beginning July 1, 2022, the CDPHE is required to conduct an assessment and publish a report concerning health disparities and inequities in Colorado every two years. Beginning July 1, 2023, the bill requires each state agency represented on the Health Equity Commission (commission) to provide a supplemental report that includes progress made by the commission to address the social determinants of health, and the strategies used to address health disparities for any published report that does not include complete reporting on the demographic elements.

The bill also requires that the commission convene a data advisory working group, with membership as outlined in the bill, by November 1, 2022. The working group is required to make recommendations to the commission on the process for collecting and aggregating non-identifying data that includes the demographic elements.

Finally, the bill repeals the requirement that a birth certificate issued at the time of birth identify a person's sex as male or female, and requires a report of birth to be completed in accordance with the information required by the federal Department of Health and Human Services.

Background

The Office of Health Equity's mission is to build partnerships to advance health equity and environmental justice. The office is overseen by the 22-member Health Equity Commission, which consists of representatives of 10 state agencies and members of the public with diverse backgrounds and expertise. The commission advises CDPHE through the OHE on health equity issues, oversees grant awards through the Health Disparities and Community Grant Program created under Senate Bill 21-181, and collaborates with CDPHE and the Governor's Office to develop a statewide equity report and strategic plan.

State Expenditures

The bill increases state expenditures in the CDPHE by \$395,950 in FY 2022-23 only from the General Fund. Costs totaling \$360,000 are for CDPHE's technology contractor to add demographic data collection fields for the following programs and systems, and it is assumed that 36 total fields will be added at a cost of \$10,000 each:

- Vital Records Office Birth and Death Registries;
- Special Supplemental Nutrition Program for Women Infants and Children;
- Healthy Colorado Kids Survey;
- Family Planning Program;
- Women's Wellness Connection;
- School-Based Health Center Grant Program;
- WISEWOMAN Program;
- Child Fatality Prevention System;
- Children and Youth with Special Health Care Needs Data System;
- Maternal Mortality Prevention Program;
- Diabetes, Cardiovascular Health and Alzheimer's Disease and Related Dementias; and
- the Colorado Immunization Information System.

In addition, costs to update the Vital Records Office Birth Registry system to meet the new birth certificate requirements are estimated to be \$35,950.

Workload in the CDPHE will increase to promulgate rules, perform systems testing for the demographic data enhancements, and to provide related technical support to local public health agencies, health officers, and other data reporters. Additionally, workload in the OHE will increase to provide technical assistance to the CDPHE and support the commission in its duties under the bill. No change in appropriations is required related to this workload increase. If additional resources are required as a result of rulemaking, this will be addressed through the annual budget process.

Other state agencies. The ten state agencies represented on the Health Equity Commission—the Departments of Corrections, Education, Higher Education, Human Services, Health Care Policy and Financing, Labor and Employment, Local Affairs, Public Health and Environment, Public Safety, and Transportation—will have a workload increase to provide the supplemental reporting required by the bill. The fiscal note assumes this work will be accomplished within the scope of these departments' participation on the Health Equity Commission and no change in appropriations is required.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill will increase the amount of General Fund held in reserve by \$59,393 in FY 2022-23, which will decrease the amount of General Fund available for other purposes. Because the bill appropriates \$360,000, the actual General Fund reserve amount is \$54,000.

Effective Date

This bill was signed into law by the Governor and took effect on June 2, 2022.

State Appropriations

For FY 2022-23, the bill includes a General Fund appropriation of \$360,000 to the Department of Public Health and Environment. The bill requires a General Fund appropriation of \$395,950 to the Department of Public Health and Environment.

State and Local Government Contacts

Counties	Information Technology	Law
Municipalities	Public Health and Environment	