A BILL FOR AN ACT

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
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.

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

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

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

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

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

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

(e) The centers for disease control and prevention declares an epidemic of influenza when there are near 7.7 cases per 1,000 people. Yet autism has not been declared an epidemic by the centers for disease control and prevention despite data from that organization's autism and developmental disabilities monitoring network that shows that autism reached 7.5 cases per 1,000 Coloradans in 2006, and grew to 10.8 cases
per 1,000 Coloradans in 2012.

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

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

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

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

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

(k) The Colorado department of education data for 2016 reports that more than 7,000 school-age children between the ages of five and 21 have autism, and nearly 9,000 preschool children between the ages of
birth and four years have developmental delays. The number of adults with autism and homeschooled students with autism in Colorado is unknown.

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

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

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

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

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

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

(n) The 2009 autism commission report required by Senate Bill 08-163 clearly stated that the "epidemic of autism spectrum disorders has grown" and no state agency action has been taken as of 2017. Further, as of 2018, only one of the 18 recommendations in the autism commission's
2009 "Ten-Year Strategic Plan for Autism Spectrum Disorders" has been
achieved.

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

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

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

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

(4.5) "Epidemic" means cases of an illness or condition,
communicable or noncommunicable, in excess of normal
expectancy, compared to the usual frequency of the illness or
condition in the same area, among the specified population, at
the same season of the year.

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

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

(IV) Convene pursuant to subsection (8)(d) of this section
and section 24-33.5-704.5 to review, study, and report on data
related to autism, as that term is defined in section 24-33.5-704.5.
THE COMMITTEE SHALL TAKE THE APPROPRIATE ACTIONS AS OUTLINED IN
SECTION 24-33.5-704.5.

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

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

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

(2) ON OR BEFORE AUGUST 30, 2018, THE EXECUTIVE DIRECTOR OF
THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL CONVENE
THE GOVERNOR'S EXPERT EMERGENCY EPIDEMIC RESPONSE COMMITTEE
PURSUANT TO SECTION 24-33.5-704 (8)(d). THE COMMITTEE SHALL
REVIEW AUTISM DATA, INCLUDING STUDENT DATA FROM THE DEPARTMENT OF EDUCATION, FROM 1990 TO 2017 FROM EVERY COLORADO COUNTY AND ACROSS ALL AGE GROUPS FOR THE PURPOSE OF DETERMINING WHETHER THERE IS AN AUTISM EPIDEMIC IN COLORADO.

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

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

(A) THAT AN AUTISM EPIDEMIC EXISTS IN COLORADO;

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

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

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


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

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