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HOUSE BILL 22-1157

BY REPRESENTATIVE(S) McCormick and Titone, Ortiz, Amabile, Bacon, Benavidez, Burnett, Boesenecker, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Jodeh, Kipp, Lindsay, Lontine, McLachlan, Michaelson Jenet, Mullica, Sirota, Valdez A., Woodrow, Garnett, Herod; also SENATOR(S) Jaquez Lewis, Bridges, Buckner, Donovan, Fields, Ginal, Gonzales, Hansen, Lee, Moreno, Winter, Zenzinger, Fenberg.

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

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

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

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

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.

(j) (I) To:

(A) COLLECT, COMPILE, AND TABULATE PUBLIC HEALTH INFORMATION FROM DATA SOURCES AND DATA PROVIDED TO THE DEPARTMENT, TO THE EXTENT PERMISSIBLE UNDER APPLICABLE FEDERAL AND STATE DATA PRIVACY LAWS, RULES, AND REGULATIONS AND FEDERAL CONTRACTS, INCLUDING INFORMATION CONCERNING RACE, ETHNICITY, DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY; EXCEPT THAT NOTHING IN THIS SECTION REQUIRES ANY INDIVIDUAL TO PROVIDE INFORMATION RELATING TO THE INDIVIDUAL'S RACE, ETHNICITY, DISABILITY, SEXUAL ORIENTATION, OR GENDER IDENTITY;

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

(C) Disseminate public health information;

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

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

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

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

(h) Providing technical assistance to:

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

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

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

(I) THE REQUIREMENT TO COLLECT DATA, TO THE EXTENT PERMISSIBLE UNDER APPLICABLE FEDERAL AND STATE DATA PRIVACY LAWS, RULES, AND REGULATIONS AND FEDERAL CONTRACTS, FROM ENTITIES IDENTIFIED IN SUBSECTION (2)(h) OF THIS SECTION THAT SERVE INDIVIDUALS WHO CHOOSE TO PROVIDE THE DATA;

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

(III) THE DISAGGREGATION AND REPORTING OF CONFIDENTIAL HEALTH DATA, IN ACCORDANCE WITH FEDERAL AND STATE DATA PRIVACY LAWS, RULES, AND REGULATIONS AND FEDERAL CONTRACTS, TO PROTECT SENSITIVE MEDICAL INFORMATION OR PERSONALLY IDENTIFYING INFORMATION.

(b) THE RULES PROMULGATED PURSUANT TO SUBSECTION (2.3)(a) OF THIS SECTION MUST APPLY TO ALL STATE AND COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES, AS DESCRIBED IN SECTION 25-1-506; PUBLIC HEALTH DIRECTORS, AS DESCRIBED IN SECTION 25-1-509; AND OTHER PERSONS REQUIRED TO COLLECT AND REPORT DATA TO THE DEPARTMENT.

(2.5) (a) (I) On or before July 1, 2022, and continuing every two years thereafter, the department shall conduct an assessment and publish a report concerning health disparities and inequities in Colorado that includes an assessment of the impact of social determinants of health on health

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

(II) NOT LATER THAN JULY 1, 2023, FOR ANY REPORT PUBLISHED PURSUANT TO SUBSECTION (2.5)(a)(I) OF THIS SECTION THAT DOES NOT INCLUDE COMPLETE REPORTING ON RACE, ETHNICITY, DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY, AS THAT DATA BECOMES AVAILABLE, EACH STATE AGENCY THAT IS REPRESENTED ON THE COMMISSION SHALL 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 AND INEQUITIES BASED ON RACE, ETHNICITY, DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY.

(a.5) (I) TO ASSIST WITH THE DEPARTMENT'S ASSESSMENT AND REPORTING REQUIRED PURSUANT TO SUBSECTION (2.5)(a) OF THIS SECTION CONCERNING HEALTH DISPARITIES AND INEQUITIES, NOT LATER THAN NOVEMBER 1, 2022, THE COMMISSION SHALL CONVENE A DATA ADVISORY WORKING GROUP TO ADVISE THE COMMISSION IN CARRYING OUT ITS DUTIES UNDER SUBSECTIONS (2)(c) AND (2)(h) OF THIS SECTION.

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

(A) AS PART OF PUBLIC HEALTH PROGRAMS;

(B) FROM INFORMATION COLLECTED TO EVALUATE PUBLIC HEALTH

CONDITIONS IN THE STATE; AND

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

(III) THE DATA ADVISORY WORKING GROUP SHALL INCLUDE:

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

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

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

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

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

SECTION 3. In Colorado Revised Statutes, 25-4-2206, **amend** (4) as follows:

25-4-2206. Health equity commission - creation - repeal.

(4) (a) The office shall provide staff to the commission.

(b) IN ADDITION TO ANY OTHER DUTIES, UNDER THE DIRECTION OF THE COMMISSION, COMMISSION STAFF SHALL DETERMINE, IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE DATA PRIVACY LAWS, RULES, AND REGULATIONS AND FEDERAL CONTRACTS, THE SCOPE OF DATA AND THE MANNER OF DATA SHARING FOR PURPOSES OF REQUIRED REPORTING CONCERNING HEALTH DISPARITIES AND INEQUITIES PURSUANT TO SECTION 25-4-2205 (2.5), IN ORDER TO MINIMIZE DUPLICATION AND TO PROTECT SENSITIVE OR PERSONALLY IDENTIFYING INFORMATION.

SECTION 4. In Colorado Revised Statutes, **repeal** 25-2-113.8 (2)(a).

SECTION 5. In Colorado Revised Statutes, 25-2-113.8, **add** (1.5) and (2)(c) as follows:

25-2-113.8. Birth certificate modernization act - new birth certificate following a change in gender designation - short title - definition. (1.5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "REPORT OF BIRTH" MEANS AN ELECTRONIC OR PAPER DOCUMENT CONTAINING INFORMATION RELATED TO A VITAL EVENT SUBMITTED BY A PERSON OR ENTITY REQUIRED TO SUBMIT THE INFORMATION FOR PURPOSES OF REGISTERING A VITAL STATISTIC.

(2)(c) A REPORT OF BIRTH, FILED WITH THE STATE REGISTRAR, MUST BE COMPLETED IN ACCORDANCE WITH THE INFORMATION REQUIRED BY THE NATIONAL CENTER FOR HEALTH STATISTICS IN THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

SECTION 6. Appropriation. (1) For the 2022-23 state fiscal year, \$360,000 is appropriated to the department of public health and environment. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

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

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

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO