

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-1158.02 Brita Darling x2241

HOUSE BILL 24-1456

HOUSE SPONSORSHIP

Marvin and Daugherty, Amabile, Bacon, Bird, Boesenecker, Brown, Duran, Froelich, Garcia, Hamrick, Hernandez, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, Marshall, Mauro, McCluskie, McCormick, McLachlan, Rutinel, Sirota, Snyder, Vigil, Woodrow, Young

SENATE SPONSORSHIP

Michaelson Jenet,

House Committees
Health & Human Services

Senate Committees
Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING TESTING FOR SYPHILIS DURING THE PERINATAL PERIOD.**

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 expands the existing requirement to test a person who is pregnant for syphilis at the person's first professional visit with a health-care provider or during the first trimester of pregnancy to also require testing for syphilis early in the third trimester of pregnancy and at delivery. The person who is pregnant may decline any testing.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
May 6, 2024

HOUSE
3rd Reading Unamended
April 30, 2024

HOUSE
Amended 2nd Reading
April 29, 2024

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

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

4 (a) Syphilis is a bacterial infection that, if untreated, can progress
5 to severe infection of the brain, eyes, and other body organs;

6 (b) Congenital syphilis occurs when the infection is passed to a
7 fetus during pregnancy and can cause miscarriage, stillbirth, severe
8 congenital abnormalities, or death. The department of health care policy
9 and financing estimates that the cost of care for a baby born with syphilis
10 is approximately \$30,000 in the baby's first year of life.

11 (c) According to the federal centers for disease control and
12 prevention, over ten times as many babies were born with syphilis in 2022
13 than in 2012, the highest number of infected babies reported in a single
14 year since 1992;

15 (d) Colorado has experienced a 900 percent increase in congenital
16 syphilis cases since 2017, based on 2023 provisional data;

17 (e) During the first quarter of 2024, there have already been 22
18 reported congenital syphilis cases, including five stillbirths and two fetal
19 deaths;

20 (f) Congenital syphilis disproportionately impacts Hispanic and
21 Black communities;

22 (g) The spread of syphilis and congenital syphilis is preventable
23 when caught early and treated in a timely manner with routine and
24 inexpensive antibiotics like penicillin;

25 (h) Currently, Colorado requires only one syphilis test during the
26 prenatal period: In the first trimester or when initiating prenatal care;

27 (i) Reinfection or inadequate treatment can result in a syphilis

1 infection being present after the first trimester, putting the baby at risk of
2 congenital syphilis;

3 (j) Additional syphilis testing in the third trimester and at delivery
4 provides additional opportunities to identify and treat an infection;

5 (k) At least 17 other states require testing later in pregnancy in
6 addition to testing during the first trimester, including North Carolina,
7 Texas, Georgia, and Arizona, which have laws that require testing during
8 the first trimester, during the third trimester, and at delivery of the baby;
9 and

10 (l) Therefore, to reduce the rapidly increasing rates of syphilis and
11 congenital syphilis infection in Colorado, it is necessary and appropriate
12 to require additional testing throughout the prenatal period, including
13 during the third trimester and at delivery of the baby.

14 **SECTION 2.** In Colorado Revised Statutes, **amend** 25-4-201 as
15 follows:

16 **25-4-201. Blood testing during pregnancy - HIV - syphilis -**
17 **rules - repeal.** (1) (a) ~~Every~~ EACH licensed health-care provider
18 authorized to provide care to a ~~pregnant woman~~ PERSON WHO IS
19 PREGNANT in this state for conditions relating to ~~her~~ THE pregnancy
20 during the period of gestation or at delivery shall take or cause to be taken
21 a sample of blood of the ~~woman~~ PERSON at the time of the first
22 professional visit or during the first trimester for testing pursuant to this
23 section. The blood specimen obtained shall be submitted to an approved
24 laboratory for a standard serological test for syphilis and HIV. Every
25 other person permitted by law to attend TO A PERSON WHO IS pregnant
26 ~~women~~ in this state but not permitted by law to take blood samples shall
27 cause a sample of blood of each PERSON UNDER THE ATTENDANT'S CARE

1 WHO IS pregnant woman to be taken by a licensed health-care provider
2 authorized to take blood samples and shall have the sample submitted to
3 an approved laboratory for a standard serological test for syphilis and
4 HIV. A PERSON WHO IS pregnant woman may decline to be tested as
5 specified in this subsection (†) (1)(a), in which case the licensed
6 health-care provider shall document that fact in her THE PERSON'S medical
7 record.

8 (b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JANUARY 1,
9 2025.

10 (2) (a) If a PERSON WHO IS pregnant woman entering ENTERS a
11 hospital for delivery AND has not been tested for HIV during her THE
12 pregnancy OR THERE IS NO AVAILABLE RECORD OF TESTING, the hospital
13 shall notify the woman PERSON WHO IS PREGNANT that she THE PERSON
14 will be tested for HIV unless she THE PERSON objects and declines the
15 test. If the woman PERSON declines to be tested, the hospital shall
16 document that fact in the pregnant woman's PERSON'S medical record.

17 (b) EACH LICENSED HEALTH-CARE PROVIDER AUTHORIZED TO
18 PROVIDE CARE TO A PERSON WHO IS PREGNANT IN THIS STATE SHALL, FOR
19 ALL PERSONS WHO ARE PREGNANT UNDER THE CARE OF THE LICENSED
20 HEALTH-CARE PROVIDER, TAKE, OR CAUSE TO BE TAKEN, A BLOOD SAMPLE
21 AND SUBMIT THE BLOOD SAMPLE TO AN APPROVED LABORATORY FOR A
22 STANDARD SEROLOGICAL TEST FOR HIV. IF THE PERSON DECLINES TO BE
23 TESTED, THE LICENSED HEALTH-CARE PROVIDER SHALL DOCUMENT THAT
24 FACT IN THE PERSON'S MEDICAL RECORD.

25 (3) (a) ON OR BEFORE JANUARY 1, 2025, THE STATE BOARD OF
26 HEALTH CREATED IN SECTION 25-1-103 SHALL PROMULGATE RULES
27 CONCERNING PRENATAL TESTING STANDARDS FOR SYPHILIS, INCLUDING

1 FREQUENCY OF TESTING.

2 (b) AT LEAST ONCE EVERY THREE YEARS, THE DEPARTMENT OF
3 PUBLIC HEALTH AND ENVIRONMENT SHALL REVIEW THE RULES
4 PROMULGATED PURSUANT TO THIS SECTION FOR ALIGNMENT WITH
5 NATIONAL PRENATAL TESTING RECOMMENDATIONS FOR SEXUALLY
6 TRANSMITTED INFECTIONS AS WELL AS THE DEPARTMENT OF PUBLIC
7 HEALTH AND ENVIRONMENT'S INFECTION CONTROL DUTIES ESTABLISHED
8 IN SECTION 25-4-408. BEFORE EACH REVIEW OF THE RULES, THE
9 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL MAKE
10 RELEVANT STAKEHOLDERS AWARE OF THE REVIEW, INCLUDING
11 HEALTH-CARE PROVIDERS AND LOCAL PUBLIC HEALTH AGENCIES.

12 **SECTION 3.** In Colorado Revised Statutes, 25-4-406, **amend** (1)
13 introductory portion; and **add** (1.5) as follows:

14 **25-4-406. Reports - confidentiality.** (1) The public health
15 reports required pursuant to section 25-4-405 and any records resulting
16 from compliance with that section held by the state department and ~~local~~
17 COUNTY AND DISTRICT public health agencies, or any health-care
18 provider, facility, third-party payer, physician, clinic, laboratory, blood
19 bank, health records database, or other agency, are confidential
20 information. The information ~~may~~ SHALL only be released, shared with
21 any agency or institution, or made public, upon subpoena, search warrant,
22 discovery proceedings, or otherwise, under the following circumstances:

23 (1.5) IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS SECTION,
24 FOR STATISTICAL PURPOSES, THE STATE DEPARTMENT SHALL MAKE
25 AVAILABLE TO COUNTY AND DISTRICT PUBLIC HEALTH AGENCIES
26 DE-IDENTIFIED CASE RATE DATA FOR SYPHILIS THAT IS SPECIFIC TO THE
27 COUNTY OR DISTRICT, WHICH DATA MUST REMAIN CONFIDENTIAL

1 PURSUANT TO THIS SECTION.

2 **SECTION 4. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.