

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 09-179

BY SENATOR(S) Tochtrop, Bacon, Boyd, Foster, Heath, Hodge, Hudak, King K., Mitchell, Newell, Penry, Romer, Sandoval, Schwartz, Shaffer B., Tapia, Williams;
also REPRESENTATIVE(S) Gagliardi, Apuan, Court, Fischer, Frangas, Gerou, Green, Kefalas, Kerr A., Kerr J., Labuda, Massey, McGihon, Merrifield, Priola, Roberts, Ryden, Schafer S., Solano, Todd, Vigil.

CONCERNING COMMUNICABLE DISEASE CONTROL.

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

SECTION 1. 25-4-108, Colorado Revised Statutes, is amended to read:

25-4-108. Work by diseased persons forbidden. It is unlawful for any employer to permit any person who WORKS IN FOOD PREPARATION AND is affected with any contagious OR infectious ~~or venereal~~ disease THAT IS SPREAD BY FOOD to work, or for any person so affected to work, ~~in a building, room, basement, enclosure, premises, or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of food~~ IN ANY CAPACITY IN WHICH THERE IS A LIKELIHOOD THAT THE EMPLOYEE WOULD CONTAMINATE FOOD OR FOOD-CONTACT SURFACES WITH PATHOGENIC ORGANISMS OR TRANSMIT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DISEASE TO OTHER PERSONS.

SECTION 2. Part 1 of article 4 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-4-112. Rules. THE STATE BOARD OF HEALTH, CREATED IN SECTION 25-1-103, MAY ADOPT RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS ARTICLE.

SECTION 3. 25-4-201, Colorado Revised Statutes, is amended to read:

25-4-201. Pregnant woman to take blood test. (1) Every ~~physician licensed to practice medicine attending~~ LICENSED HEALTH CARE PROVIDER AUTHORIZED TO PROVIDE CARE TO a pregnant woman in this state for conditions relating to her pregnancy during the period of gestation or at delivery shall take or cause to be taken a sample of blood of ~~such~~ THE woman at the time of the first professional visit or ~~within ten days thereafter~~ DURING THE FIRST TRIMESTER FOR TESTING PURSUANT TO THIS SECTION. The blood specimen ~~thus~~ obtained shall be submitted to an approved laboratory for a standard serological test for syphilis AND HIV. Every other person permitted by law to attend pregnant women in this state but not permitted by law to take blood samples shall cause a sample of blood of ~~such~~ EACH pregnant ~~women~~ WOMAN to be taken by a ~~physician duly licensed to practice medicine and surgery~~ LICENSED HEALTH CARE PROVIDER AUTHORIZED TO TAKE BLOOD SAMPLES and shall have ~~such~~ THE sample submitted to an approved laboratory for a standard serological test for syphilis AND HIV. A PREGNANT WOMAN MAY DECLINE TO BE TESTED AS SPECIFIED IN THIS SUBSECTION (1), IN WHICH CASE THE LICENSED HEALTH CARE PROVIDER SHALL DOCUMENT THAT FACT IN HER MEDICAL RECORD.

(2) IF A PREGNANT WOMAN ENTERING A HOSPITAL FOR DELIVERY HAS NOT BEEN TESTED FOR HIV DURING HER PREGNANCY, THE HOSPITAL SHALL NOTIFY THE WOMAN THAT SHE WILL BE TESTED FOR HIV UNLESS SHE OBJECTS AND DECLINES THE TEST. IF THE WOMAN DECLINES TO BE TESTED, THE HOSPITAL SHALL DOCUMENT THAT FACT IN THE PREGNANT WOMAN'S MEDICAL RECORD.

SECTION 4. Repeal. 25-4-202, Colorado Revised Statutes, is repealed as follows:

25-4-202. Tests approved by department. ~~For the purposes of this part 2, a standard serological test shall be a test for syphilis approved by the department of public health and environment and shall be made at a laboratory approved to make such tests. Such laboratory tests as are required by this part 2 may be made on request, without charge, at the department of public health and environment laboratory.~~

SECTION 5. 25-4-203, Colorado Revised Statutes, is amended to read:

25-4-203. Birth certificate - blood test. In reporting every birth and stillbirth, physicians and others required to make such reports shall state on the certificate whether a blood test for syphilis AND HIV has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and the approximate date when the specimen was taken. In no event shall the birth certificate state the result of the test.

SECTION 6. 25-4-401, Colorado Revised Statutes, is amended to read:

25-4-401. Sexually transmitted infections - definitions. (1) AS USED IN THIS PART 4:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CREATED IN SECTION 25-1-102.

(b) "HEALTH OFFICER" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, THE CHIEF MEDICAL OFFICER APPOINTED PURSUANT TO SECTION 25-1-105, OR A COUNTY OR DISTRICT PUBLIC HEALTH DIRECTOR.

(c) "SEXUALLY TRANSMITTED INFECTION" MEANS syphilis, gonorrhea, and any other type of ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION designated by the STATE board by rule ~~and regulation~~ AS CONTAGIOUS, upon making a finding that a THE particular ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION is contagious; ~~shall be referred to in this part 4 as "venereal diseases", and~~ EXCEPT THAT CASES OF AIDS, HIV-RELATED ILLNESS, AND HIV INFECTIONS SHALL BE GOVERNED SOLELY BY THE REQUIREMENTS OF PART 14 OF ARTICLE 4 OF THIS TITLE.

(d) "STATE BOARD" MEANS THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103.

(2) SEXUALLY TRANSMITTED INFECTIONS are declared to be contagious, sexually transmitted, and dangerous to the public health.

~~(2)~~ (3) It is unlawful for any person who has knowledge or reasonable grounds to suspect that he OR SHE is infected with a ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION to willfully expose to or infect another PERSON with ~~such a disease~~ THE SEXUALLY TRANSMITTED INFECTION or to knowingly perform an act ~~which~~ THAT exposes to or infects another person TO OR with a ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION.

SECTION 7. 25-4-402 (1), (3), and (4), Colorado Revised Statutes, are amended to read:

25-4-402. Sexually transmitted infections shall be reported - physician's immunity. (1) Any physician, intern, or other person who makes a diagnosis in, prescribes for, or treats a ~~case of venereal disease~~ SEXUALLY TRANSMITTED INFECTION and any superintendent or manager of a state, county, or city hospital, dispensary, ~~sanitarium~~, or charitable or penal institution in which there is a ~~case of venereal disease~~ SEXUALLY TRANSMITTED INFECTION shall make a report of such ~~case~~ INFECTION to the health authorities in accordance with the provisions of section 25-1-122 (1).

(3) Reports of ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION shall be made in accordance with the requirements set forth in section 25-1-122 (1).

(4) Any physician, upon consultation by a minor as a patient and with the consent of ~~such~~ THE minor patient, may make a diagnostic examination for ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION and may prescribe for and treat ~~such~~ THE minor patient for ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION without the consent of or notification to the parent or guardian of ~~such~~ THE minor patient or to any other person having custody of or parental responsibilities with respect to ~~such~~ THE minor patient. In any such case, the physician shall ~~incur no civil or criminal liability by reason of having made such~~ NOT BE CIVILLY OR CRIMINALLY LIABLE FOR MAKING THE diagnostic examination or ~~rendered~~

~~such~~ RENDERING THE treatment, but ~~such~~ THE immunity FROM LIABILITY shall not apply to any negligent acts or omissions OF THE PHYSICIAN.

SECTION 8. 25-4-404, Colorado Revised Statutes, is amended to read:

25-4-404. Examination of suspected cases. (1) ~~State, county, and municipal~~ Health officers or their authorized assistants or deputies within their respective jurisdictions are directed, when in their judgment it is necessary to protect the public health, to:

(a) ~~Make examinations of persons~~ REQUIRE A PERSON reasonably suspected of ~~being infected with venereal disease~~ HAVING A SEXUALLY TRANSMITTED INFECTION TO BE EXAMINED and to detain ~~such persons~~ THE PERSON until the results of ~~such examinations~~ THE EXAMINATION are known; ~~to forthwith~~

(b) REQUIRE THE EXAMINER TO give a written report of ~~such~~ THE examination to the confining ~~state, county, or municipal~~ health officer; ~~to~~

(c) Require persons ~~infected with venereal disease~~ WITH SEXUALLY TRANSMITTED INFECTIONS to report for treatment to a qualified physician and continue treatment until cured; and ~~to~~

(d) Isolate ~~or quarantine~~ persons ~~infected with venereal disease~~ WITH SEXUALLY TRANSMITTED INFECTIONS.

(2) ~~Such~~ THE examination and treatment of any person WITH A SEXUALLY TRANSMITTED INFECTION shall be conducted by a qualified physician of ~~his~~ THE PERSON'S own choice, but, if ~~such~~ THE person is unable to retain a private physician, he OR SHE shall submit to examination and treatment provided at public expense.

(3) It is the duty of all ~~local and state~~ health officers to investigate sources of ~~infection of venereal disease~~ SEXUALLY TRANSMITTED INFECTION, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

SECTION 9. 25-4-405, Colorado Revised Statutes, is amended to

read:

25-4-405. Examination of persons confined. (1) All persons who are confined, detained, or imprisoned in any state, county, or city hospital or institution for persons with mental illness, ~~the Mount View school or Lookout Mountain school,~~ any home for dependent children, any reformatory or prison, or any private or charitable institution where any person may be confined, detained, or imprisoned by order of court in this state shall be examined for and, if infected, treated for ~~venereal diseases~~ SEXUALLY TRANSMITTED INFECTIONS by the health authorities having jurisdiction. The managing authorities of any such institutions are directed to make available to the health authorities such portion of their respective institutions as may be necessary for a clinic or hospital, wherein all persons who may be confined or detained or imprisoned in any such institution and who are infected with ~~venereal diseases~~ SEXUALLY TRANSMITTED INFECTIONS may be treated in a manner as prescribed by the ~~director of the agency within the department of public health and environment responsible for control of venereal diseases~~ APPROPRIATE HEALTH OFFICER.

(2) ~~All persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment or confinement and other persons who may be isolated, quarantined, or treated under this section shall be isolated and treated at public expense until cured. In lieu of such isolation, any of such persons may, in the discretion of the department of public health and environment, be required to report for treatment to a licensed physician or advanced practice nurse or submit to treatment provided at public expense as provided in this section. The department of public health and environment is authorized to arrange for hospitalization and to provide and furnish such medical treatment as may be determined to be necessary. Nothing in this section shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.~~

SECTION 10. 25-4-406, Colorado Revised Statutes, is amended to read:

25-4-406. Rules - provision of services. (1) ~~The department, of public health and environment is directed to make such~~ THROUGH THE STATE BOARD, SHALL ADOPT rules ~~as are in its judgment~~ IT DEEMS necessary ~~for the carrying~~ TO CARRY out of the provisions of this part 4, including

rules providing for the control and treatment of persons isolated ~~or quarantined~~ under the provisions of section 25-4-405 and such other rules not in conflict with provisions of this part 4 THAT THE DEPARTMENT DEEMS ADVISABLE concerning the control of ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION and the care, treatment, and ~~quarantine~~ ISOLATION of persons ~~infected therewith as it may from time to time deem advisable.~~ ~~All such~~ WITH SEXUALLY TRANSMITTED INFECTIONS. THE rules ~~so made~~ shall be ~~of force and~~ binding upon all ~~county and municipal~~ PUBLIC HEALTH AGENCIES, health officers, and other persons affected by this part 4 and shall have the force and effect of law.

(2) Notwithstanding any other provision of this part 4 to the contrary, programs and services that provide for the investigation, identification, testing, preventive care, or treatment of ~~venereal diseases~~ SEXUALLY TRANSMITTED INFECTIONS shall be available to a person regardless of his or her race, religion, gender, SEXUAL ORIENTATION, ethnicity, national origin, or immigration status.

SECTION 11. 25-4-407, Colorado Revised Statutes, is amended to read:

25-4-407. Penalty. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, any person, firm, or corporation ~~violating any of the provisions~~ THAT VIOLATES A PROVISION of this part 4, other than section 25-4-408, or any lawful rule ~~or regulation made~~ ADOPTED by the ~~department of public health and environment~~ STATE BOARD pursuant to the authority granted in this part 4, or ~~failing or refusing~~ FAILS OR REFUSES to obey any lawful order issued by any ~~state, county, or municipal~~ health officer pursuant to the authority granted in this part 4, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(2) IF THE PERSON WHO COMMITS A VIOLATION OF THIS PART 4 OR A LAWFUL RULE OF THE STATE BOARD OR WHO FAILS OR REFUSES TO OBEY A LAWFUL ORDER OF A HEALTH OFFICER IS A LICENSED OR CERTIFIED HEALTH CARE PROFESSIONAL, THE HEALTH OFFICER MAY BRING AN ACTION IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT IN WHICH THE VIOLATION OR FAILURE OR REFUSAL OCCURS TO SEEK A CIVIL PENALTY OF NOT MORE THAN THREE HUNDRED DOLLARS PER VIOLATION, FAILURE, OR REFUSAL. A PERSON

SUBJECT TO THE PENALTIES SPECIFIED IN THIS SUBSECTION (2) SHALL NOT BE SUBJECT TO THE PENALTIES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

SECTION 12. 25-4-408, Colorado Revised Statutes, is amended to read:

25-4-408. Distribution of information. The department of ~~public health and environment~~ shall prepare, for free distribution among the residents of the state, printed information and instructions concerning the dangers ~~from venereal diseases~~ OF SEXUALLY TRANSMITTED INFECTIONS, their prevention, and the necessity for treatment. It is the duty of every physician who, during the course of an examination, discovers the existence of a ~~venereal disease~~ SEXUALLY TRANSMITTED INFECTION or who treats a person for ~~venereal disease~~ A SEXUALLY TRANSMITTED INFECTION to ~~instruct him in~~ INFORM THE PERSON ABOUT THE measures for preventing the spread of ~~such disease, to inform him of~~ THE INFECTION AND the necessity for treatment until cured, ~~and to hand him a copy of the circular of information regarding venereal disease from the department of public health and environment~~ WHEN APPROPRIATE.

SECTION 13. 25-4-500.3 (6), Colorado Revised Statutes, is amended to read:

25-4-500.3. Definitions. As used in this part 5, unless the context otherwise requires:

(6) "Health officer" means the EXECUTIVE DIRECTOR OF THE DEPARTMENT, THE state chief medical officer, and ~~local health officers~~ COUNTY OR DISTRICT PUBLIC HEALTH DIRECTORS.

SECTION 14. 25-4-507 (1) (c), Colorado Revised Statutes, is amended, and the said 25-4-507 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

25-4-507. Isolation order - enforcement - court review.
(1) (c) All isolation orders shall set forth the name of the person to be isolated and the initial period, not to exceed six months, during which the order shall remain effective, the place of isolation, and such other terms and conditions as may be immediately necessary to protect the public health. THE ISOLATION ORDER SHALL ADVISE THE PERSON BEING DETAINED THAT HE

OR SHE HAS THE RIGHT TO REQUEST RELEASE FROM DETENTION BY CONTACTING A PERSON DESIGNATED IN THE ORDER AND THAT THE DETENTION SHALL NOT CONTINUE FOR MORE THAN FIVE BUSINESS DAYS AFTER THE REQUEST FOR RELEASE, UNLESS THE DETENTION IS AUTHORIZED BY COURT ORDER. THE HEALTH OFFICER SHALL SERVE a copy of ~~such~~ THE ISOLATION order ~~shall be served~~ upon the person. The person shall be reexamined at the time the initial order expires to ascertain whether or not the tuberculous condition continues to be infectious. When it has been medically determined that the person no longer has active tuberculosis, the person shall be relieved from all further liability or duty imposed by this part 5, and the HEALTH OFFICER SHALL RESCIND THE order. ~~shall be rescinded.~~

(d) A HEALTH OFFICER MAY DETAIN A PERSON WHO IS THE SUBJECT OF AN ISOLATION ORDER ISSUED PURSUANT TO THIS SUBSECTION (1) WITHOUT A PRIOR COURT ORDER. THE HEALTH OFFICER MAY DETAIN THE PERSON IN A HOSPITAL OR OTHER APPROPRIATE PLACE FOR EXAMINATION OR TREATMENT.

SECTION 15. 25-4-507, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-4-507. Isolation order - enforcement - court review. (3) (a) IF A PERSON DETAINED PURSUANT TO AN ISOLATION ORDER REQUESTS TO BE RELEASED, THE DETAINING AUTHORITY SHALL RELEASE THE PERSON NOT LATER THAN FIVE BUSINESS DAYS AFTER THE PERSON REQUESTS THE RELEASE, ABSENT A COURT ORDER AUTHORIZING DETENTION. UPON RECEIPT OF A REQUEST FOR RELEASE, THE DETAINING AUTHORITY SHALL APPLY FOR A COURT ORDER AUTHORIZING CONTINUED DETENTION OF THE PERSON. THE DETAINING AUTHORITY SHALL MAKE THE APPLICATION WITHIN SEVENTY-TWO HOURS AFTER THE PERSON REQUESTS RELEASE OR, IF THE SEVENTY-TWO-HOUR PERIOD ENDS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, BY THE END OF THE FIRST BUSINESS DAY FOLLOWING THE SATURDAY, SUNDAY, OR LEGAL HOLIDAY. THE APPLICATION SHALL INCLUDE A REQUEST FOR AN EXPEDITED HEARING.

(b) IN ANY COURT PROCEEDING TO ENFORCE AN ISOLATION ORDER, THE HEALTH OFFICER SHALL PROVE THE PARTICULAR CIRCUMSTANCES CONSTITUTING THE NECESSITY FOR THE DETENTION BY CLEAR AND CONVINCING EVIDENCE. ANY PERSON WHO IS SUBJECT TO AN ISOLATION

ORDER HAS THE RIGHT TO BE REPRESENTED BY COUNSEL AND, UPON REQUEST, COUNSEL SHALL BE PROVIDED TO THE PERSON.

(c) THE REQUEST FOR RELEASE OR FILING OF AN APPLICATION FOR A COURT ORDER TO CONTINUE AN ISOLATION ORDER SHALL NOT STAY THE ISOLATION ORDER.

(d) IN REVIEWING THE APPLICATION TO CONTINUE THE ISOLATION ORDER, THE COURT SHALL NOT CONDUCT A DE NOVO REVIEW. THE COURT SHALL CONSIDER THE EXISTING ADMINISTRATIVE RECORD AND ANY SUPPLEMENTAL EVIDENCE THE COURT DEEMS RELEVANT.

(e) UPON COMPLETION OF THE HEARING, THE COURT SHALL ISSUE AN ORDER CONTINUING, MODIFYING, OR DISMISSING THE ISOLATION ORDER.

(f) A HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE CLOSED AND CONFIDENTIAL, AND ANY TRANSCRIPTS RELATING TO THE HEARING SHALL BE CONFIDENTIAL.

SECTION 16. The introductory portion to 25-4-1405 (8) (a), Colorado Revised Statutes, is amended, and the said 25-4-1405 (8) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

25-4-1405. Disease control by the state department of public health and environment and local health departments. (8) (a) No ~~physician, health worker,~~ CARE PROVIDER or other person, and no hospital, clinic, ~~sanitarium,~~ laboratory, or other private or public institution, shall test, or shall cause by any means to have tested, any specimen of any patient for HIV infection without the knowledge and consent of the patient; except that knowledge and consent need not be given:

(VI) WHEN A PREGNANT WOMAN IS INFORMED OF THE NEED FOR AN HIV TEST AND GIVEN THE OPPORTUNITY TO DECLINE THE TEST AS SPECIFIED IN SECTION 25-4-201.

SECTION 17. 25-4-1414 (1) (a) (I), (1) (a) (III), and (1) (a) (V), Colorado Revised Statutes, are amended to read:

25-4-1414. Grant program - conflict of interest. (1) (a) The

program shall fund medically accurate HIV and AIDS prevention and education programs through a competitive grant process that shall be overseen by the HIV and AIDS prevention grant program advisory committee, which is hereby created and referred to in this section as the "advisory committee". The advisory committee shall consist of seven members appointed by the executive director of the department as follows:

(I) ~~Two members representing community-based organizations who are recommended by and who are existing members of the Colorado advisory council on AIDS;~~

(III) ~~Two~~ FOUR members who are recommended by a statewide collaborative group that assists the department in the department's comprehensive plan for HIV and AIDS prevention;

(V) One member who represents a clinic that receives moneys under ~~Title III~~ PART 3 of the federal "Ryan White C.A.R.E. Act of 1990", as amended.

SECTION 18. Repeal. 25-4-403 and 25-4-1402.5, Colorado Revised Statutes, are repealed.

SECTION 19. 25-1-122 (1) and the introductory portion to 25-1-122 (4), Colorado Revised Statutes, are amended to read:

25-1-122. Named reporting of certain diseases and conditions - access to medical records - confidentiality of reports and records.

(1) With respect to investigations of epidemic and communicable diseases, morbidity and mortality, cancer in connection with the statewide cancer registry, environmental and chronic diseases, ~~venereal diseases~~ SEXUALLY TRANSMITTED INFECTIONS, tuberculosis, and rabies and mammal bites, the board has the authority to require reporting, without patient consent, of occurrences of those diseases and conditions by any person having knowledge of such to the state and local health departments, within their respective jurisdictions. Any required reports shall contain the name, address, age, sex, diagnosis, and such other relevant information as the board determines is necessary to protect the public health. The board shall set the manner, time period, and form in which such reports are to be made. The board may limit reporting for a specific disease or condition to a particular region or community or for a limited period of time. Nothing in

this subsection (1) shall be construed to apply to cases of AIDS, HIV-related illness, or HIV infection, which shall be governed solely by the reporting requirements set forth in part 14 of article 4 of this title.

(4) Reports and records resulting from the investigation of epidemic and communicable diseases, environmental and chronic diseases, reports of morbidity and mortality, reports of cancer in connection with the statewide cancer registry, and reports and records resulting from the investigation of ~~venereal diseases~~ SEXUALLY TRANSMITTED INFECTIONS, tuberculosis, and rabies and mammal bites held by the state department of public health and environment or local departments of health shall be strictly confidential. Such reports and records shall not be released, shared with any agency or institution, or made public, upon subpoena, search warrant, discovery proceedings, or otherwise, except under any of the following circumstances:

SECTION 20. 25-1-801 (1) (d), Colorado Revised Statutes, is amended to read:

25-1-801. Patient records in custody of health care facility.

(1) (d) Nothing in this section shall be construed to require a person responsible for the diagnosis or treatment of ~~venereal diseases~~ SEXUALLY TRANSMITTED INFECTIONS or addiction to or use of drugs in the case of minors pursuant to sections 25-4-402 (4) and 13-22-102, C.R.S., to release patient records of such diagnosis or treatment to a parent, guardian, or person other than the minor or his OR HER designated representative.

SECTION 21. 25-1-802 (2), Colorado Revised Statutes, is amended to read:

25-1-802. Patient records in custody of individual health care providers. (2) Nothing in this section shall be construed to require a person responsible for the diagnosis or treatment of ~~venereal diseases~~ SEXUALLY TRANSMITTED INFECTIONS or addiction to or use of drugs in the case of minors pursuant to sections 25-4-402 (4) and 13-22-102, C.R.S., to release patient records of such diagnosis or treatment to a parent, guardian, or person other than the minor or his OR HER designated representative.

SECTION 22. 25-1-1202 (1) (qq) and (1) (aaa), Colorado Revised Statutes, are amended to read:

25-1-1202. Index of statutory sections regarding medical record confidentiality and health information. (1) Statutory provisions concerning policies, procedures, and references to the release, sharing, and use of medical records and health information include the following:

(qq) Section 25-1-122, concerning reporting of certain diseases and conditions for investigation of epidemic and communicable diseases, morbidity and mortality, cancer in connection with the statewide cancer registry, environmental and chronic diseases, ~~veneraeal diseases~~ SEXUALLY TRANSMITTED INFECTIONS, tuberculosis, and rabies and mammal bites by the department of public health and environment;

(aaa) Section 25-4-402 (4), concerning the reporting of ~~veneraeal diseases~~ SEXUALLY TRANSMITTED INFECTIONS;

SECTION 23. 25-5-415 (1) (k), Colorado Revised Statutes, is amended to read:

25-5-415. Misbranding. (1) A drug or device shall be deemed to be misbranded:

(k) If its labeling represents it to have any effect in albuminuria, appendicitis, arteriosclerosis, arthritis, baldness, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, rheumatism, scarlet fever, sexual impotence, SEXUALLY TRANSMITTED INFECTION, sinus infection, smallpox, tuberculosis, tumors, typhoid, OR uremia, ~~or veneraeal disease~~, and shall also be deemed to be false; except that no labeling in violation of paragraphs (a) and (b) of this subsection (1) shall be deemed to be false under this paragraph (k) if it is disseminated only to members of the medical, dental, chiropractic, or veterinary professions or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices; but, if the department determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named in this paragraph (k), the department shall by regulation authorize the labeling of drugs having curative or therapeutic effect for such disease, subject to such conditions

and restrictions as the department may deem necessary in the interests of public health; except that this paragraph (k) shall not be construed as indicating that self-medication for any disease is safe or efficacious;

SECTION 24. 25-5-418 (2), Colorado Revised Statutes, is amended to read:

25-5-418. Advertisements. (2) For the purpose of this part 4, the advertisement of a drug or device representing it to have any effect in albuminuria, appendicitis, arteriosclerosis, arthritis, baldness, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, rheumatism, scarlet fever, sexual impotence, SEXUALLY TRANSMITTED INFECTIONS, sinus infection, smallpox, tuberculosis, tumors, typhoid, OR uremia ~~or venereal diseases~~ shall also be deemed to be false; except that no advertisement not in violation of subsection (1) of this section shall be deemed to be false under this subsection (2) if it is disseminated only to members of the medical, dental, chiropractic, or veterinary professions, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices; but, if the department determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named in this subsection (2), the department shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the department may deem necessary in the interests of public health; except that this subsection (2) shall not be construed as indicating that self-medication for any diseases is safe or efficacious.

SECTION 25. 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.

Peter C. Groff
PRESIDENT OF
THE SENATE

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO