



## 2014 Legislative Summary

### Colorado Children's Immunization Coalition

### May 13, 2014

#### ***2014 Session Highlights***

- Passage of CCIC's top legislative priority, HB 1288 "Personal Belief Exemptions"
  - Engaged coalitions focused on other CCIC policy priorities
  - Protection of immunization related funding within CDPHE budget
- Built successful relationships with key legislators and administrative leadership

On Wednesday, May 7, 2014 after 120 days of debate, state lawmakers concluded their business and closed the 69<sup>th</sup> session of the Colorado General Assembly. Over 600 bills and resolutions were introduced, with a significant number of late bills introduced in the waning days of the session. While there were many issues and topics covered in the 2014 session, lawmakers spent considerable time on early childhood initiatives, tax credits and exemptions, K-12 education issues, and oil & gas regulations among other issues. Significant debate also surrounded controversial topics such as vaccine exemption and construction defect legislation.

At the onset of the legislative session, leaders in each party vowed to focus on putting Coloradans back to work and passing policies to strengthen the economy. A wide breadth of business issues were discussed, and compromise between traditional business interests and the labor community were reached on many key policy issues, such as workers compensation reform and the Wage Protection Act. Marijuana issues also took top billing, given the passage of Proposition AA and the legalization of recreational marijuana on January 1, 2014. Bills regulating edible marijuana products and marijuana concentration equivalencies passed with broad bi-partisan support, as well as legislation directing funding towards research studies of medical marijuana efficacy.

In closing, the 2014 session can be summed up as relatively low key while setting the stage for a contentious November election cycle. Many members of the Legislature are term-limited or have chosen not to return to the statehouse, including Sen. Greg Brophy (R-Wray), Sen. Ted Harvey (R-Highlands Ranch) Sen. Steve King (R-Grand Junction), Sen. Scott Renfroe (R-Greeley), Sen. Gail Schwartz (D-Snowmass Village), Sen. Lois Tochtrop (D-Thornton), Rep. Mark Ferrandino (D-Denver), Rep. Randy Fischer (D-Fort Collins), Rep. Bob Gardner (R-Colorado Springs), Rep. Cheri Gerou (R-Evergreen), Rep. Jeanne Labuda (D-Denver), Rep. Frank McNulty (R-Highlands Ranch), Rep. Carole Murray (R-Castle Rock), Rep. Cherylin Peniston (D-Westminster), Rep. Sue Schafer (D-Wheat Ridge), Rep. Amy Stephens (R-Monument), Rep. Spencer Swalm (R-Centennial), Rep. Mark Waller (R-Colorado Springs) and Rep. Jared Wright (R-Fruita). Several other members



are departing the House and plan to seek a vacant Senate seat, including Rep. Leroy Garcia (D-Pueblo), Rep. Chris Holbert (R-Parker), Rep. Ray Scott (R-Grand Junction), and Rep. Jerry Sonnenberg (R-Sterling).

### ***Legislation of Interest***

CCIC has another outstanding year at the Legislature, as it initiated and led a diverse coalition to support a key policy initiative concerning personal belief exemptions. For several years, personal belief exemptions (PBE) have been an important policy priority for CCIC, as defined by both the Public Policy Committee and the Board of Directors. As such, CCIC participated in an extensive stakeholder process, led by the Department of Public Health and Environment, which culminated in a series of six recommendations to strengthen Colorado's PBE process.

Upon public release of the recommendations, CCIC led efforts with the Colorado Children's Campaign and the American Academy of Pediatrics, Colorado Chapter, to initiate legislative changes to the PBE process. From the inception of the campaign, the legislation (HB 14-1288) faced stiff opposition from the anti-vaccine community, specifically the National Vaccine Information Center. Ultimately, the changes to the PBE process were amended out of the bill due to mounting political pressures and the lack of political will to pass the introduced bill in the Senate. However, the public disclosure of immunization and exemption rates in licensed child care centers and schools remained in the bill, and will provide transparency to parents and the community alike. Despite the challenges the bill faced in the Senate, CCIC and over 30 supporting organizations were able to garner bi-partisan support in both chambers of the Legislature. The bill is scheduled to be signed by Governor Hickenlooper at a signing ceremony on May 21, and will go into effect on July 1, 2014.

Below is a link to CCIC's legislative matrix, and summaries of key bills:

<http://www.statebillinfo.com/SBI/index.cfm?fuseaction=Public.Dossier&id=19089&pk=469&f=word&style=pinstripe>

#### **HB 1288: Concerning Information Available Regarding Personal Belief Exemptions**

**Sponsors:** Rep. Pabon/Sen. Aguilar

**Position:** Active support

**Status:** Awaiting Governor's signature

**Summary:** The bill directs the State Board of Health, within the Department of Public Health and Environment (DPHE), to promulgate rules regarding the requirements related to personal belief exemptions (PBE), specifically the frequency of a PBE form. Each school in the state will be responsible for making immunization exemption rates of their student population publicly available upon request. The DPHE, in consultation with other state departments, must establish a joint policy on immunization data collection and information sharing. The bill requires the DPHE to assist school districts in the analysis and interpretation of the immunization data collected.

**CCIC Engagement:** As the lead coalition member supporting HB 1288, CCIC was actively engaged in media support, grassroots outreach and direct lobbying of the bill. CCIC also served as the lead convener for the over 30 organizations supporting HB 1288, and coordinated messaging and lobbying efforts.



### **SB 32: Concerning the Treatment of Children by Alternative Health Care Providers**

**Sponsors:** Sen. Lundberg/Rep. Saine

**Position:** Active oppose

**Status:** Postponed indefinitely in House Health, Insurance and Environment Committee on April 3

**Summary:** Under current law, complementary and alternative health care practitioners and registered naturopathic doctors (alternative care providers) are prohibited from treating children under 2 years of age. Alternative care providers who treat children over 2 years of age but less than 8 years of age must obtain parental consent and make specific disclosures. The bill was amended in the Senate to permit alternative healthcare providers, not including naturopathic doctors, to treat children less than 2 years of age if they make the disclosures currently required for children under 8 years of age.

**CCIC Engagement:** CCIC voted to actively oppose SB 32 as alternative health care providers, or lay naturopaths, traditionally do not support childhood immunizations. A letter stating CCIC's opposition was distributed to both the Senate and House health committees, along with opposition testimony from the American Academy of Pediatrics, Colorado Chapter, Children's Hospital Colorado, the Colorado Academy of Family Physicians, and the Colorado Associations of Local Public Health Officials, among others.

### ***FY 2014-15 Budget Overview***

Unlike previous years, the state budget was not the main event at the Legislature. While it certainly dominated a significant amount of time and effort, there were not the same concerns about revenue shortfalls and budget cuts as in the past. The session began with two positive economic forecasts, signaling an improvement in the state's economic health. The March 2014 revenue forecast followed suit, and economists projected that the state will have an excess of \$1B of additional revenue to spend, not including allowances for inflation and caseload growth. This represents a 13% increase from FY 13/14 available revenue. Transfers to capital construction and transportation projects, as required by HB 09-228 are not expected to begin until FY 15/16. Continuing to look ahead, economists project the slow and steady recovery from the recession will continue and be complete in 2015. Colorado remains ahead of national trends in terms of revenue, job creation and other key indicators of a strong economy.

A key factor not present in previous years was the collection and allocation of Proposition AA revenue from retail marijuana sales. Initial projections estimated \$90M revenue from retail marijuana sales, with the first \$40M dedicated to K-12 capital construction needs. The Governor's Office proposed a plan in March 2014 to spend the additional tax revenue, focusing on community-based programs, substance use prevention and treatment, a public awareness campaign and additional law enforcement and education. Legislation was subsequently introduced allocating an estimated \$28.8M to the various community-based programs and prevention activities proposed by the Administration.



Below is a list of key FY 14/15 budget decisions from the Governor's Office of State Planning and Budgeting<sup>1</sup>

- General Fund Reserves – This budget package raises the amount of revenue set aside in reserve to 6.5 percent of General Fund appropriations. This represents significant progress from the 2.0 percent reserve from just three years ago, and places Colorado on much firmer footing when the inevitable next revenue downturn comes.
- Disaster Recovery and Preparedness – Coupled with the supplemental budgets for FY 2013-14, our FY 2014-15 budget ensures that Colorado can continue its recovery from last September's devastating floods. Further, we are positioned with substantial available resources, including an enhanced aerial firefighting presence, to cope with the impacts of future wildfires and other disasters.
- Support for K-12 Education – In FY 2014-15, spending on K-12 Education will keep pace with enrollment plus inflation and continues our recovery from the effects of the Great Recession by maintaining efforts to reduce the negative factor. This budget also includes targeted increases in special education programs for children with disabilities, English language proficiency programs, public school transportation, career and technical programs, and gifted and talented programs.
- Aid to Students in Higher Education – With over \$100 million in additional funding for institutions of Higher Education, including \$40 million for financial aid, Colorado's college students will see some relief from the ongoing growth in the cost of earning an undergraduate degree. This budget slows tuition growth at institutions across all of Colorado for FY 2014-15.
- Law Enforcement Stability – The FY 2014-15 budget accommodates growing demand for the services of our Colorado Bureau of Investigation. We have provided funding for expanded laboratory operations in both Denver and Pueblo to allow the CBI to efficiently test thousands of sexual assault kits that, before the passage of H.B. 13-1020, local law enforcement agencies were unable to test. We also anticipate signing legislation that uses the revenue from legalized marijuana to protect and educate children and to enforce responsible rules and regulations for this new industry.
- Reforms to Colorado's Parole System – We have set aside funding for critical enhancements to important Parole programs in the Department of Corrections. These range from initiatives aimed to ease offenders' transitions from prison to parole, to reducing caseload ratios for parole officers.
- Promoting Economic Development – The FY 2014-15 budget will continue and enhance many economic development initiatives that we began in FY 2013-14, including significant investments in programs and projects to assist Colorado companies in burgeoning industries ranging from aerospace to medical devices.

<sup>1</sup> 2014 Budget Approval Letter, April 30, 2014, [www.colorado.gov/ospb](http://www.colorado.gov/ospb)



- Driver's License Modernization – This budget includes a substantial increase for the Department of Revenue to modernize its driver's license offices, both with advanced technology and better staffing. When these enhancements are fully implemented, Colorado drivers can expect average wait times of less than 15 minutes when renewing their licenses.

Additionally, significant financial resources were invested into serving the state's safety net citizens via the Medicaid program. In FY 14/15 primary care providers will continue to receive increase reimbursement rates, equal to Medicare rates, as originally provided by the Affordable Care Act. The Joint Budget Committee unanimously agreed to continue the enhanced primary care rates, as a means to attracting and retaining Medicaid providers. Additionally, all community-based providers will receive an additional 2-3 percent increase in base Medicaid reimbursement rates, dependent on specialty and population served. The funds are intended to help backfill previous years' budget cuts for Medicaid providers. Also included in the increased rate structure is a bump in vaccine administration codes for all Medicaid providers.

### ***Looking Ahead – Interim Activity & November Elections***

As we close out the 2014 session and begin to look towards the future, lawmakers will remain busy with interim committees, summer work and the upcoming November election. The Joint Budget Committee will reconvene in June to receive the quarterly economic forecast, and an update on the ongoing improvements to the Colorado Benefits Management System (CBMS).

We anticipate continued work on several key policy issues, including the implementation of SB 13-222 recommendations regarding vaccine access; implementation of HB 12-1288 regarding personal belief exemptions; and publicity of the Colorado Immunization Information System (CIIS) work group report. All of these initiatives are part of the long term CCIC policy objectives as defined by the Board of Directors. Additionally, CCIC will continue to broaden and diversify the Coalition to support these policy objectives.

While there are not as many legislative interim committees as in previous years, there are still several important issues relegated to summer discussion. A short list of interim committees and task forces is below:

<b><i>2014 Interim Committees and Legislative Task Forces</i></b>	<b><i>Purpose</i></b>
Joint Technology Committee – continuation from 2013	The Committee will oversee state agencies, projects and issues related to information technology. The Committee may meet year round.
Wildfire Matters Review Committee – continuation from 2013	The Committee will finish the work of the Lower North Fork Wildfire Commission, and will develop policy recommendations related to wildfire prevention and mitigation in the state
Mental Illness in the Criminal Justice System – continuation	The Committee will discuss issues related to mental



from 2013	illness in the criminal justice system, and make appropriate recommendations.
Early Childhood and School Readiness Commission – continuation from 2013	The Commission will discuss issues related to early childhood education, and make appropriate recommendations.
Legislative Health Benefits Review Committee – continuation from 2013	The Committee will discuss issues related to Colorado's state-based health care exchange, Connect for Health Colorado.
Flood Disaster Study Committee – continuation from 2013	The Committee will discuss issues related to recent Colorado floods, and make appropriate recommendations.
Study Committee regarding Use of Recreational Marijuana Sales Tax Revenues – new in 2014	The Committee will study and make recommendations on ongoing use of sales tax revenue from Proposition AA. The Committee will be comprised of both legislators and members of the public.
Task Force on Human Trafficking – new in 2014	The Task Force will discuss and make recommendations on issues related to Human Trafficking, as authorized by HB 1273.
K-12 Online Education Task Force – new in 2014	The Task Force will recommend to the State Board of Education quality standards and other rules for certifying K-12 online authorizers, as authorized by HB 1382.
Cost Containment Commission – new in 2014	The Commission, comprised of all private citizens, will discuss issues related to the cost of provision of health care services.
Suicide Prevention Commission – new in 2014	The Commission will discuss issues related to Colorado's high suicide rate, and make appropriate recommendations.

In addition to interim work, the summer and fall months will be very busy for lawmakers as all 65 House seats are up to election, and roughly half of the 35 Senate seats. Additionally, all state level offices including Governor, Secretary of State, Treasurer and Attorney General are up for election. We expect a busy and very partisan election cycle as Republicans seek to take back one or both chamber of the General Assembly and the Governor's Office.

Current election polling shows Governor Hickenlooper with a comfortable lead over his Republican challengers, however we have a long election season ahead of us. The state House is expected to stay in control of the Democrats, however the state Senate is up for grabs as the Democrats hold a slim one vote majority. Several key races in Jefferson County are expected to be where action is in November, and ultimately could lead to a change in control of the state Senate. Primaries are held this year on June 24<sup>th</sup> across the state. Many of these races actually determine the winner in the general election because of the voter registration composition in the districts.



Thus far there have been several ballot initiatives certified for the 2014 general election and several other issues are pending. Voters may see ballot initiatives regarding the definition of personhood, repeal of firearm reforms, election reform, local control of oil and gas regulations and animal welfare reform.

Aponte & Busam Public Affairs engages in fundraising and strategic opportunities to build relationships with incumbent and incoming legislators on behalf of all our clients. As the election season heats up, you can expect to receive 2014 election projections and opportunities to engage in the process. As always, it is a pleasure to represent your interests at the State Capitol, and we look forward to working together over the interim months in preparation for 2015.