

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

**INTRODUCED**

LLS NO. 23-0625.01 Jacob Baus x2173

**HOUSE BILL 23-1029**

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**HOUSE SPONSORSHIP**

**Bradley,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Health & Insurance

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO PROHIBIT REQUIRING ADMINISTRATION OF**  
102              **A COVID-19 VACCINE TO A MINOR WITHOUT INFORMED**  
103              **CONSENT.**

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**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 prohibits:

- Requiring a COVID-19 vaccine for a minor in Colorado;
- Administering a COVID-19 vaccine to a child without the informed consent of the child's parent or legal guardian;
- Administering a COVID-19 vaccine to an emancipated

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

minor without the informed consent of the emancipated minor;

- A school from dismissing, suspending, refusing admission, or refusing to permit participation in an extracurricular activity to a student who has claimed a COVID-19 immunization exemption;
- A public or private entity from discriminating against a minor participating in a nonpublic home-based educational program based on whether the minor received the COVID-19 vaccine;
- A public entity from levying a fee, fine, or tax, or a private entity from levying a fine or fee, on a minor or their parent or legal guardian based on whether the minor received the COVID-19 vaccine; or
- A public or private entity from discriminating against a minor based on whether the minor received a COVID-19 vaccine.

The bill allows an aggrieved person to file a civil action and waives sovereign immunity if the violator is a public entity.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add 25-1-137** as  
3 follows:

4           **25-1-137. COVID-19 vaccine informed consent for minors**  
5 **protection act - civil action permitted - short title - legislative**  
6 **declaration - definitions.** (1) THE SHORT TITLE OF THIS SECTION IS THE  
7 "COVID-19 VACCINE INFORMED CONSENT FOR MINORS PROTECTION  
8 ACT".

9           (2) THE GENERAL ASSEMBLY DECLARES THAT THE PRINCIPLE OF  
10 INFORMED CONSENT FOR THE ADMINISTRATION OF A COVID-19 VACCINE  
11 TO A MINOR IS NECESSARY TO PRESERVE THE PERSONAL CHOICE AND  
12 RESPECT THE PERSONAL DIGNITY OF A PERSON FOR REFUSING THE  
13 COVID-19 VACCINE FOR ANY REASON, INCLUDING PROTECTION FROM  
14 INJURY, HARM, OR ADVERSE REACTION RESULTING FROM THE

1 ADMINISTRATION OF THE COVID-19 VACCINE.

2 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR RULE  
3 ISSUED BY THE GOVERNOR PURSUANT TO PART 7 OF ARTICLE 33.5 OF TITLE  
4 24 TO THE CONTRARY:

5 (a) A COVID-19 VACCINE IS NOT A REQUIRED IMMUNIZATION FOR  
6 A MINOR IN COLORADO;

7 (b) A CHILD MUST NOT BE ADMINISTERED A COVID-19 VACCINE  
8 UNLESS THE CHILD'S PARENT OR LEGAL GUARDIAN PROVIDES INFORMED  
9 CONSENT TO THE ADMINISTRATION;

10 (c) AN EMANCIPATED MINOR MUST NOT BE ADMINISTERED A  
11 COVID-19 VACCINE UNLESS THE EMANCIPATED MINOR PROVIDES  
12 INFORMED CONSENT TO THE ADMINISTRATION;

13 (d) A SCHOOL SHALL NOT DISMISS, SUSPEND, REFUSE TO ADMIT, OR  
14 REFUSE TO PERMIT PARTICIPATION IN AN EXTRACURRICULAR ACTIVITY TO  
15 A STUDENT WHO HAS CLAIMED AN EXEMPTION FROM A COVID-19  
16 VACCINE PURSUANT TO SECTION 25-4-903;

17 (e) A PUBLIC ENTITY OR PRIVATE ENTITY SHALL NOT DISCRIMINATE  
18 AGAINST A MINOR PARTICIPATING IN A NONPUBLIC HOME-BASED  
19 EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-33-104.5 BASED ON  
20 WHETHER THE MINOR RECEIVED THE COVID-19 VACCINE;

21 (f) A PUBLIC ENTITY SHALL NOT LEVY A FEE, FINE, OR TAX, AND A  
22 PRIVATE ENTITY SHALL NOT LEVY A FEE, ON A MINOR OR THE MINOR'S  
23 PARENT OR LEGAL GUARDIAN BASED ON WHETHER THE MINOR RECEIVED  
24 THE COVID-19 VACCINE; OR

25 (g) A PUBLIC ENTITY OR PRIVATE ENTITY SHALL NOT DISCRIMINATE  
26 AGAINST A MINOR BASED ON WHETHER THE MINOR RECEIVED THE  
27 COVID-19 VACCINE.

1           (4) (a) A PARENT OR LEGAL GUARDIAN OF A CHILD, ON BEHALF OF  
2 THE CHILD, OR AN EMANCIPATED MINOR WHO IS AGGRIEVED UNDER THIS  
3 SECTION MAY FILE A CIVIL ACTION FOR:

4           (I) INJUNCTIVE RELIEF AGAINST ANY FURTHER VIOLATION; AND

5           (II) ANY OTHER RELIEF, INCLUDING EQUITABLE RELIEF OR  
6 DAMAGES, THAT MAY BE APPROPRIATE.

7           (b) IN A CIVIL ACTION FILED PURSUANT TO THIS SECTION, A COURT  
8 MAY ALSO AWARD:

9           (I) PUNITIVE DAMAGES IF:

10           (A) IT IS DEMONSTRATED BY CLEAR AND CONVINCING EVIDENCE  
11 THAT THE PERSON OR ENTITY THAT VIOLATED THIS SECTION HAS ACTED  
12 WITH MALICE OR ACTED WITH WILLFUL AND WANTON MISCONDUCT; OR

13           (B) THE PERSON OR ENTITY THAT VIOLATED THIS SECTION WAS  
14 PREVIOUSLY FOUND, IN A PROCEEDING FOR A VIOLATION OF THIS SECTION,  
15 TO HAVE VIOLATED THIS SECTION; AND

16           (II) ATTORNEY FEES AND COSTS IN CONNECTION WITH THE CIVIL  
17 ACTION.

18           (c) A CIVIL ACTION DESCRIBED IN THIS SECTION IS IN ADDITION TO,  
19 AND DOES NOT LIMIT OR AFFECT, OTHER ACTIONS AVAILABLE BY STATUTE  
20 OR COMMON LAW AND MUST BE PLED AS A SEPARATE CLAIM FOR RELIEF IF  
21 A COMPLAINT ALSO ASSERTS A COMMON LAW COMPLAINT FOR RELIEF.

22           (d) NOTWITHSTANDING ANY STATE LAW THAT PROHIBITS CIVIL  
23 ACTIONS AGAINST A PUBLIC ENTITY, A PERSON MAY BRING A CLAIM  
24 ALLEGING LIABILITY ARISING FROM PROHIBITED CONDUCT PURSUANT TO  
25 THIS SECTION.

26           (5) AS USED IN THIS SECTION:

27           (a) "CHILD" MEANS AN UNEMANCIPATED INDIVIDUAL WHO IS

1 UNDER EIGHTEEN YEARS OF AGE.

2 (b) "COVID-19" MEANS THE CORONAVIRUS DISEASE 2019 CAUSED  
3 BY SARS-CoV-2.

4 (c) "COVID-19 VACCINE" MEANS A VACCINE, INCLUDING A  
5 BOOSTER, USED FOR PURPOSES OF INDUCING IMMUNITY AGAINST  
6 COVID-19 OR SARS-CoV-2 IN HUMANS, OR A VACCINE THAT INCLUDES  
7 AN INGREDIENT FOR PURPOSES OF INDUCING IMMUNITY AGAINST  
8 COVID-19 OR SARS-CoV-2 IN HUMANS.

9 (d) "EMANCIPATED MINOR" MEANS AN INDIVIDUAL WHO IS UNDER  
10 EIGHTEEN YEARS OF AGE WHOSE PARENTS OR LEGAL GUARDIAN HAVE  
11 SURRENDERED PARENTAL RESPONSIBILITIES OR CUSTODY, THE RIGHT TO  
12 CARE AND EARNINGS OF SUCH INDIVIDUAL, AND WHO NO LONGER HAVE A  
13 DUTY TO SUPPORT OR MAINTAIN SUCH INDIVIDUAL.

14 (e) "INFORMED CONSENT" MEANS CONSENT TO THE  
15 ADMINISTRATION OF A COVID-19 VACCINE THAT A PERSON KNOWINGLY  
16 AND INTELLIGENTLY, WITHOUT DURESS, CLEARLY AND EXPLICITLY  
17 MANIFESTS IN WRITING TO THE PERSON OR ENTITY ADMINISTERING THE  
18 COVID-19 VACCINE.

19 (f) "MINOR" MEANS A CHILD OR EMANCIPATED MINOR.

20 (g) "PUBLIC ENTITY" MEANS THE STATE, THE JUDICIAL  
21 DEPARTMENT OF THE STATE, ANY COUNTY, CITY AND COUNTY,  
22 MUNICIPALITY, SCHOOL DISTRICT, SPECIAL IMPROVEMENT DISTRICT, AND  
23 EVERY OTHER KIND OF DISTRICT, AGENCY, INSTRUMENTALITY, OR  
24 POLITICAL SUBDIVISION THEREOF ORGANIZED PURSUANT TO LAW AND ANY  
25 SEPARATE ENTITY CREATED BY INTERGOVERNMENTAL CONTRACT OR  
26 COOPERATION ONLY BETWEEN OR AMONG THE STATE, COUNTY, CITY AND  
27 COUNTY, MUNICIPALITY, SCHOOL DISTRICT, SPECIAL IMPROVEMENT

1 DISTRICT, AND EVERY OTHER KIND OF DISTRICT, AGENCY,  
2 INSTRUMENTALITY, OR POLITICAL SUBDIVISION THEREOF.

3 (h) "SARS-CoV-2" MEANS THE SEVERE ACUTE RESPIRATORY  
4 SYNDROME CORONAVIRUS 2.

5 (i) "SCHOOL" MEANS A PUBLIC, PRIVATE, OR PAROCHIAL NURSERY  
6 SCHOOL, DAY CARE CENTER, CHILD CARE FACILITY, CHILD CARE CENTER  
7 AS DEFINED IN SECTION 26-6-903 OR 26.5-5-303, PUBLIC SERVICES  
8 SHORT-TERM CHILD CARE FACILITY AS DEFINED IN SECTION 26.5-5-303,  
9 GUEST CHILD CARE FACILITY AS DEFINED IN SECTION 26.5-5-303, SKI  
10 SCHOOL, FAMILY CHILD CARE HOME, FOSTER CARE HOME, HEAD START  
11 PROGRAM, KINDERGARTEN, ELEMENTARY SCHOOL, OR SECONDARY  
12 SCHOOL.

13 **SECTION 2.** In Colorado Revised Statutes, 24-10-106, **amend**  
14 (1)(i) and (1)(j); and **add** (1)(k) as follows:

15 **24-10-106. Immunity and partial waiver.** (1) A public entity  
16 shall be immune from liability in all claims for injury which lie in tort or  
17 could lie in tort regardless of whether that may be the type of action or the  
18 form of relief chosen by the claimant except as provided otherwise in this  
19 section. Sovereign immunity is waived by a public entity in an action for  
20 injuries resulting from:

21 (i) An action brought pursuant to section 13-21-128; ~~or~~

22 (j) An action brought pursuant to part 12 of article 20 of title 13,  
23 whether the conduct alleged occurred before, on, or after January 1, 2022;

24 OR

25 (k) AN ACTION BROUGHT PURSUANT TO SECTION 25-1-137.

26 **SECTION 3. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except  
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
3 of the state constitution against this act or an item, section, or part of this  
4 act within such period, then the act, item, section, or part will not take  
5 effect unless approved by the people at the general election to be held in  
6 November 2024 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.