

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 14-0180.01 Thomas Morris x4218

HOUSE BILL 14-1297

HOUSE SPONSORSHIP

Ginal, Becker, Fischer, Foote, Hulinghorst, Salazar, Schafer, Singer

SENATE SPONSORSHIP

Aguilar, Jones, Kefalas

House Committees

Health, Insurance, & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN ANALYSIS TO DETERMINE WHETHER OIL AND GAS**
102 **OPERATIONS HAVE AN IMPACT ON HUMAN HEALTH ALONG THE**
103 **FRONT RANGE, AND, IN CONNECTION THEREWITH, MAKING AND**
104 **REDUCING APPROPRIATIONS.**

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://www.leg.state.co.us/billsummaries>.)

The bill directs the department of public health and environment to conduct an analysis of human health and quality of life within the

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

HOUSE
Amended 2nd Reading
April 16, 2014

counties of Larimer, Weld, Boulder, and Adams with the intent of understanding any possible effects of oil and gas operations on communities within these counties. The department must consult with a newly created scientific oversight committee regarding the design and conduct of the analysis and preparation of interim and final reports on the analysis. The analysis will be conducted in 2 stages. Stage 1 will:

- ! Include a review of existing medical literature from peer-reviewed scientific publications on the effects of oil and gas operations on human health and quality of life;
- ! Identify conditions of interest that existing medical literature indicates might be related to oil and gas operations; and
- ! Culminate in a written report due December 1, 2014, and presented orally to committees of the general assembly by January 30, 2015.

Stage 2 will include institutional review board (IRB) approval, surveys, and case studies as follows:

- ! Tier 1 will include IRB approval by December 31, 2014; mailed and on-line surveys with individuals in the identified communities; and an interim report due January 1, 2016, and orally presented to committees of the general assembly by January 30, 2016; and
- ! Tier 2 will include IRB approval by February 1, 2016; case-control studies on at least 2 relevant conditions of interest identified in tier 1; and a final report due January 1, 2017, and presented orally to committees of the general assembly by January 30, 2017.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-1-122.3 as
3 follows:

4 **25-1-122.3. Analysis of the possible effect of oil and gas**
5 **operations on human health and quality of life - definitions - scientific**
6 **advisory committee - creation - definition - repeal.** (1) IN
7 CONSULTATION WITH THE SCIENTIFIC **ADVISORY** COMMITTEE, THE
8 DEPARTMENT SHALL:

9 (a) ANALYZE THE HEALTH AND QUALITY OF LIFE OF RESIDENTS IN
10 SELECTED COMMUNITIES TO UNDERSTAND WHETHER THERE ARE ANY

1 EFFECTS OF OIL AND GAS OPERATIONS ON THE RESIDENTS OF THESE
2 COMMUNITIES AND PREPARE INTERIM AND FINAL REPORTS SUMMARIZING
3 THE ANALYSIS; AND

4 (b) DESIGN AND CONDUCT THE ANALYSIS, INCLUDING THE
5 SELECTION OF COMMUNITIES THAT WILL BE THE SUBJECT OF THE ANALYSIS.
6 THE SELECTED COMMUNITIES MUST BE LOCATED WITHIN THE FOLLOWING
7 COUNTIES: LARIMER, WELD, BOULDER, ARAPAHOE, AND ADAMS AND THE
8 CITY AND COUNTY OF BROOMFIELD.

9 (2) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE
10 SCIENTIFIC ADVISORY COMMITTEE, CONDUCT THE ANALYSIS IN TWO
11 STAGES AS FOLLOWS:

12 (a) STAGE 1 MUST, AT A MINIMUM:

13 (I) INCLUDE A REVIEW OF EXISTING, RELEVANT LITERATURE FROM
14 PEER-REVIEWED, SCIENTIFIC PUBLICATIONS ON THE EFFECTS OF OIL AND
15 GAS OPERATIONS ON HUMAN HEALTH AND QUALITY OF LIFE;

16 (II) IDENTIFY RELEVANT CONDITIONS OF INTEREST THAT EXISTING
17 PEER-REVIEWED, SCIENTIFIC LITERATURE INDICATES MIGHT BE RELATED
18 TO EXPOSURE TO OIL AND GAS OPERATIONS; AND

19 (III) BE SUMMARIZED IN A WRITTEN REPORT PREPARED PURSUANT
20 TO SUBSECTION (3) OF THIS SECTION BY DECEMBER 1, 2014, AND
21 PRESENTED ORALLY BY JANUARY 30, 2015, TO THE COMMITTEES SPECIFIED
22 IN SUBSECTION (3) OF THIS SECTION.

23 (b) STAGE 2 MUST, AT A MINIMUM, INCLUDE SURVEYS AND
24 CASE-CONTROL REVIEWS AS FOLLOWS:

25 (I) TIER 1 MUST INCLUDE:

26 (A) IRB APPROVAL BY DECEMBER 31, 2014;

27 (B) SURVEYS OF INDIVIDUALS IN THE IDENTIFIED COMMUNITIES TO

1 OBTAIN INFORMATION ON THE HEALTH AND QUALITY OF LIFE OF THOSE
2 SURVEYED. THE SURVEYS MUST BE RANDOMLY DISSEMINATED AND
3 INDIVIDUALLY GEOCODED TO ENSURE NO DUPLICATION IN RESPONSES, BE
4 MAILED TO DESIRED RESPONDENTS, HAVE ONLINE RESPONSE CAPABILITIES,
5 AND BE SUMMARIZED IN AN INTERIM WRITTEN REPORT PREPARED
6 PURSUANT TO SUBSECTION (3) OF THIS SECTION BY JANUARY 1, 2016, AND
7 PRESENTED ORALLY BY JANUARY 30, 2016, TO THE COMMITTEES SPECIFIED
8 IN SUBSECTION (3) OF THIS SECTION; AND

9 (II) TIER 2 MUST, AT A MINIMUM:

10 (A) INCLUDE IRB APPROVAL BY FEBRUARY 1, 2016;

11 (B) INCLUDE CASE-CONTROL REVIEWS OF AT LEAST TWO
12 RELEVANT CONDITIONS OF INTEREST THAT WERE IDENTIFIED IN TIER 1 BY
13 THE SCIENTIFIC ADVISORY COMMITTEE; AND

14 (C) BE SUMMARIZED IN A FINAL WRITTEN REPORT PREPARED
15 PURSUANT TO SUBSECTION (3) OF THIS SECTION BY JANUARY 1, 2017, AND
16 PRESENTED ORALLY BY JANUARY 30, 2017, TO THE COMMITTEES SPECIFIED
17 IN SUBSECTION (3) OF THIS SECTION.

18 (3) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE
19 SCIENTIFIC ADVISORY COMMITTEE, PREPARE AND PUBLISH THE WRITTEN
20 REPORTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION ON ITS WEB SITE
21 AND PROVIDE A COPY OF THE REPORTS TO: THE HOUSE OF
22 REPRESENTATIVES' COMMITTEE ON PUBLIC HEALTH CARE AND HUMAN
23 SERVICES AND COMMITTEE ON HEALTH, INSURANCE, AND ENVIRONMENT
24 OR THEIR SUCCESSOR COMMITTEES; THE SENATE'S COMMITTEE ON HEALTH
25 AND HUMAN SERVICES OR ITS SUCCESSOR COMMITTEE; AND GOVERNOR'S
26 OFFICE. THE FINAL WRITTEN REPORT MUST INDICATE WHETHER A
27 STATISTICALLY SIGNIFICANT DIFFERENCE IN THE OCCURRENCE OF A

1 CONDITION OF INTEREST IS FOUND BASED ON THE ANALYSIS CONDUCTED
2 PURSUANT TO SUBSECTION (2) OF THIS SECTION AND WHETHER A MORE
3 IN-DEPTH STUDY IS RECOMMENDED. THE DEPARTMENT SHALL SUBMIT THE
4 REPORT CONTAINING THE FINDINGS AND ANY RECOMMENDATIONS FOR
5 PEER REVIEW FOR PUBLICATION IN A SCIENTIFIC JOURNAL.

6 (4) (a) THERE IS HEREBY CREATED A SCIENTIFIC ADVISORY
7 COMMITTEE TO WORK IN CONJUNCTION WITH THE DEPARTMENT
8 REGARDING THE DESIGN AND CONDUCT OF THE ANALYSIS AND
9 PREPARATION OF THE REPORTS REQUIRED PURSUANT TO THIS SECTION. THE
10 COMMITTEE MEMBERS ARE EACH ENTITLED TO A PER DIEM AND
11 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES AS SPECIFIED IN
12 SECTION 24-34-102 (13), C.R.S. THE COMMITTEE CONSISTS OF THE
13 FOLLOWING NINETEEN MEMBERS, EACH OF WHOM IS APPOINTED BY THE
14 EXECUTIVE DIRECTOR OF THE DEPARTMENT, MUST BE A RESIDENT OF AND
15 BE REGISTERED TO VOTE IN COLORADO, AND MUST NOT BE A MEMBER OF
16 THE GENERAL ASSEMBLY:

17 (I) EIGHT VOTING MEMBERS WHO MEET THE CRITERIA SPECIFIED IN
18 PARAGRAPH (b) OF THIS SUBSECTION (4). THE EXECUTIVE DIRECTOR SHALL
19 GIVE A PREFERENCE TO APPOINTEES WHO RESIDE IN ONE OF THE COUNTIES
20 SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION.

21 (II) THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT, OR HIS OR
22 HER DESIGNEE, WHO MUST BE A PHYSICIAN AND WHO IS A VOTING MEMBER
23 AND CHAIR OF THE COMMITTEE; AND

24 (III) IN ORDER TO ENSURE THE PROFESSIONAL INPUT OF
25 INTERESTED PARTIES AND TO PROVIDE GUIDANCE ON POTENTIAL IMPACTS,
26 SEVEN NONVOTING MEMBERS AS FOLLOWS:

27 (A) A REPRESENTATIVE OF THE COLORADO OIL AND GAS

1 INDUSTRY;

2 (B) A REPRESENTATIVE OF THE COLORADO ENVIRONMENTAL

3 COMMUNITY;

4 (C) SIX REPRESENTATIVES OF THE PUBLIC, WHO MUST RESIDE IN

5 EITHER LARIMER, WELD, BOULDER, ARAPAHOE, OR ADAMS COUNTY OR

6 THE CITY AND COUNTY OF BROOMFIELD, MUST NOT RESIDE IN THE SAME

7 COUNTY, AND MUST BE AT LEAST TWENTY-FIVE YEARS OF AGE; AND

8 (D) A STATISTICIAN AND AN ECONOMIST.

9 (b) ASIDE FROM THE CHAIR OF THE COMMITTEE, AT LEAST TWO

10 VOTING MEMBERS OF THE COMMITTEE MUST BE PHYSICIANS, AND THE

11 REMAINING VOTING MEMBERS MUST HAVE DEMONSTRATED EXPERTISE

12 AND AT LEAST A MASTER'S OR DOCTORAL DEGREE IN NO FEWER THAN ONE

13 OF THE FOLLOWING SCIENTIFIC OR HEALTH-RELATED FIELDS:

14 (I) PUBLIC HEALTH;

15 (II) ENVIRONMENTAL HEALTH;

16 (III) EPIDEMIOLOGY;

17 (IV) TOXICOLOGY; OR

18 (V) BEHAVIORAL OR SOCIAL SCIENCE.

19 (c) THE VOTING MEMBERS OF THE COMMITTEE SHALL NOT BE

20 EMPLOYED BY AN OIL AND GAS OPERATOR.

21 (d) (I) THE EXECUTIVE DIRECTOR SHALL MAKE THE APPOINTMENTS

22 BY JULY 1, 2014, AND SHALL ENSURE THAT EACH OF THE FIELDS SPECIFIED

23 IN PARAGRAPH (b) OF THIS SUBSECTION (4) IS REPRESENTED BY AT LEAST

24 ONE VOTING MEMBER OF THE COMMITTEE. THE COMMITTEE SHALL HOLD

25 ITS INITIAL MEETING BY JULY 15, 2014.

26 (II) THE EXECUTIVE DIRECTOR MAY REMOVE AN APPOINTEE FOR

27 CAUSE. IN THE EVENT OF A VACANCY, WHETHER DUE TO REMOVAL FOR

1 CAUSE OR ANY OTHER REASON, THE APPOINTING AUTHORITY THAT MADE
2 THE ORIGINAL APPOINTMENT OR REAPPOINTMENT MAY APPOINT A
3 REPLACEMENT TO FILL THE VACANCY.

4 (e) THE DEPARTMENT SHALL POST PUBLIC NOTICE OF EACH
5 COMMITTEE MEETING ON ITS WEB SITE AT LEAST TWO WEEKS BEFORE THE
6 MEETING. THE COMMITTEE'S MEETINGS ARE OPEN TO THE PUBLIC AND THE
7 COMMITTEE SHALL PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO SUBMIT
8 WRITTEN AND ORAL COMMENTS AT EACH MEETING.

9 (5) AS USED IN THIS SECTION:

10 (a) "IRB" MEANS AN INSTITUTIONAL REVIEW BOARD ESTABLISHED
11 IN ACCORDANCE WITH, AND FOR THE PURPOSES EXPRESSED, IN 45 CFR
12 PART 46.

13 (b) "OIL AND GAS OPERATIONS" HAS THE MEANING ESTABLISHED
14 IN SECTION 34-60-103 (6.5), C.R.S.

15 (c) "OPERATOR" HAS THE MEANING ESTABLISHED IN SECTION
16 34-60-103 (6.8), C.R.S.

17 (d) "SCIENTIFIC ADVISORY COMMITTEE" MEANS THE SCIENTIFIC
18 ADVISORY COMMITTEE CREATED IN SUBSECTION (4) OF THIS SECTION.

19 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.

20 **SECTION 2. Appropriation - adjustments to 2014 long bill.**

21 (1) For the implementation of this act, the general fund appropriation
22 made in the annual general appropriation act to the controlled
23 maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado
24 Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased
25 by \$203,123.

26 (2) In addition to any other appropriation, there is hereby
27 appropriated, out of any moneys in the general fund, not otherwise

1 appropriated, to the department of public health and environment, for the
2 fiscal year beginning July 1, 2014, the sum of \$203,123 and 2.4 FTE, or
3 so much thereof as may be necessary, to be allocated to the disease
4 control and environmental epidemiology division for the costs of the oil
5 and gas health effects analysis related to the implementation of this act.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.