

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

Health & Human Services
Appropriations

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
3rd Reading Unamended
April 17, 2014

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 _____ - definitions - scientific advisory**
6 **committee - creation - definition - repeal.** (1) IN CONSULTATION WITH
7 THE SCIENTIFIC **ADVISORY** COMMITTEE, THE DEPARTMENT SHALL:

8 (a) ANALYZE THE HEALTH _____ OF RESIDENTS IN SELECTED
9 COMMUNITIES TO UNDERSTAND WHETHER THERE ARE ANY EFFECTS OF OIL
10 AND GAS OPERATIONS ON THE RESIDENTS OF THESE COMMUNITIES AND

1 PREPARE INTERIM AND FINAL REPORTS SUMMARIZING THE ANALYSIS; AND

2 (b) DESIGN AND CONDUCT THE ANALYSIS, INCLUDING THE
3 SELECTION OF COMMUNITIES THAT WILL BE THE SUBJECT OF THE ANALYSIS.

4 THE SELECTED COMMUNITIES MUST BE LOCATED WITHIN THE FOLLOWING
5 COUNTIES: LARIMER, WELD, BOULDER, ARAPAHOE, AND ADAMS AND THE
6 CITY AND COUNTY OF BROOMFIELD.

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

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

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

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

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

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

23 (I) TIER 1 MUST INCLUDE:

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

25 (B) SURVEYS OF INDIVIDUALS IN THE IDENTIFIED COMMUNITIES TO
26 OBTAIN INFORMATION ON THE HEALTH OF THOSE SURVEYED. THE
27 SURVEYS MUST BE RANDOMLY DISSEMINATED TO PEOPLE WHO LIVE IN

1 AREAS POTENTIALLY AFFECTED BY OIL AND GAS OPERATIONS AND TO A
2 CONTROL POPULATION THAT DOES NOT LIVE IN SUCH AREAS 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, IF ANY, IN
13 TIER 1 BY THE SCIENTIFIC ADVISORY COMMITTEE; EXCEPT THAT IF NO
14 RELEVANT CONDITIONS OF INTEREST WERE IDENTIFIED IN TIER 1, THE
15 DEPARTMENT SHALL NOT CONDUCT TIER 2; AND

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

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

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

8 (4) THE DEPARTMENT SHALL:

9 (a) CONDUCT A PUBLIC HEARING REGARDING THE DEPARTMENT'S
10 PROPOSED DESIGN AND CONDUCT OF THE ANALYSIS REQUIRED BY THIS
11 SECTION AT EACH OF THE FOLLOWING POINTS, INCLUDING ANY
12 PRELIMINARY RESULTS AND DRAFT REPORTS:

13 (I) BEFORE FINALIZING THE DESIGN OF STAGE 1;

14 (II) BEFORE FINALIZING THE DESIGN OF STAGE 2, TIER 1;

15 (III) BEFORE FINALIZING THE DESIGN OF STAGE 2, TIER 2; AND

16 (IV) BEFORE FINALIZING THE FINAL WRITTEN REPORT
17 SUMMARIZING THE ANALYSIS.

18 (b) POST NOTICE OF THE HEARINGS REQUIRED BY PARAGRAPH (a)
19 OF THIS SUBSECTION (4) ON ITS WEB SITE AT LEAST TWO WEEKS BEFORE
20 EACH HEARING; AND

21 (c) PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO SUBMIT
22 WRITTEN AND ORAL COMMENTS ON THE SUBJECT MATTER OF EACH
23 HEARING.

24 (5) (a) THERE IS HEREBY CREATED A SCIENTIFIC ADVISORY
25 COMMITTEE TO WORK IN CONJUNCTION WITH THE DEPARTMENT
26 REGARDING THE DESIGN AND CONDUCT OF THE ANALYSIS AND
27 PREPARATION OF THE REPORTS REQUIRED PURSUANT TO THIS SECTION. THE

1 COMMITTEE MEMBERS ARE EACH ENTITLED TO A PER DIEM AND
2 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES AS SPECIFIED IN
3 SECTION 24-34-102 (13), C.R.S. THE COMMITTEE CONSISTS OF THE
4 FOLLOWING NINE MEMBERS, EACH OF WHOM IS APPOINTED BY THE
5 EXECUTIVE DIRECTOR OF THE DEPARTMENT, MUST BE A RESIDENT OF AND
6 BE REGISTERED TO VOTE IN COLORADO, AND MUST NOT BE A MEMBER OF
7 THE GENERAL ASSEMBLY:

8 (I) EIGHT VOTING MEMBERS WHO MEET THE CRITERIA SPECIFIED IN
9 paragraph (b) of this subsection (5). ==

10 (II) THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT, OR HIS OR
11 HER DESIGNEE, WHO MUST BE A PHYSICIAN AND WHO IS A VOTING MEMBER
12 AND CHAIR OF THE COMMITTEE.

13 == ==

14 (b) ASIDE FROM THE CHAIR OF THE COMMITTEE, AT LEAST TWO
15 VOTING MEMBERS OF THE COMMITTEE MUST BE PHYSICIANS, AND THE
16 REMAINING VOTING MEMBERS MUST HAVE DEMONSTRATED EXPERTISE
17 AND AT LEAST A MASTER'S OR DOCTORAL DEGREE IN NO FEWER THAN ONE
18 OF THE FOLLOWING SCIENTIFIC OR HEALTH-RELATED FIELDS:

- 19 (I) PUBLIC HEALTH;
- 20 (II) ENVIRONMENTAL HEALTH;
- 21 (III) EPIDEMIOLOGY;
- 22 (IV) TOXICOLOGY; OR
- 23 (V) BEHAVIORAL OR SOCIAL SCIENCE.

24 (c) THE VOTING MEMBERS OF THE COMMITTEE SHALL NOT BE
25 EMPLOYED BY AN OIL AND GAS OPERATOR.

26 (d) (I) THE EXECUTIVE DIRECTOR SHALL MAKE THE APPOINTMENTS
27 BY JULY 1, 2014, AND SHALL ENSURE THAT EACH OF THE FIELDS SPECIFIED

1 IN PARAGRAPH (b) OF THIS SUBSECTION (5) IS REPRESENTED BY AT LEAST
2 ONE VOTING MEMBER OF THE COMMITTEE. THE COMMITTEE SHALL HOLD
3 ITS INITIAL MEETING BY JULY 15, 2014.

4 (II) THE EXECUTIVE DIRECTOR MAY REMOVE AN APPOINTEE FOR
5 CAUSE. IN THE EVENT OF A VACANCY, WHETHER DUE TO REMOVAL FOR
6 CAUSE OR ANY OTHER REASON, THE APPOINTING AUTHORITY THAT MADE
7 THE ORIGINAL APPOINTMENT OR REAPPOINTMENT MAY APPOINT A
8 REPLACEMENT TO FILL THE VACANCY.

9 (e) THE DEPARTMENT SHALL POST PUBLIC NOTICE OF EACH
10 COMMITTEE MEETING ON ITS WEB SITE AT LEAST TWO WEEKS BEFORE THE
11 MEETING. THE COMMITTEE'S MEETINGS ARE OPEN TO THE PUBLIC AND THE
12 COMMITTEE SHALL PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO SUBMIT
13 WRITTEN AND ORAL COMMENTS AT EACH MEETING.

14 (6) AS USED IN THIS SECTION:

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

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

20 (c) "OPERATOR" HAS THE MEANING ESTABLISHED IN SECTION
21 34-60-103 (6.8), C.R.S.

22 (d) "SCIENTIFIC ADVISORY COMMITTEE" MEANS THE SCIENTIFIC
23 ADVISORY COMMITTEE CREATED IN SUBSECTION (5) OF THIS SECTION.

24 (7) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.

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

26 (1) For the implementation of this act, the general fund appropriation
27 made in the annual general appropriation act to the controlled

1 maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado
2 Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased
3 by \$203,123.

4 (2) In addition to any other appropriation, there is hereby
5 appropriated, out of any moneys in the general fund, not otherwise
6 appropriated, to the department of public health and environment, for the
7 fiscal year beginning July 1, 2014, the sum of \$203,123 and 2.4 FTE, or
8 so much thereof as may be necessary, to be allocated to the disease
9 control and environmental epidemiology division for the costs of the oil
10 and gas health effects analysis related to the implementation of this act.

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