

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0212.02 Kristen Forrestal x4217

SENATE BILL 21-089

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SENATE SPONSORSHIP

**Buckner,**

HOUSE SPONSORSHIP

**(None),**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE EXPANSION OF BREAST CANCER SCREENING**  
102 **SERVICES PROVIDED THROUGH THE DEPARTMENT OF PUBLIC**  
103 **HEALTH AND ENVIRONMENT TO INCLUDE SCREENING OF OTHER**  
104 **TYPES OF CANCER.**

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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>.)*

Current law appropriates \$5 million annually from the tobacco tax cash fund to the department of public health and environment (department) for breast and cervical cancer screenings. The bill expands

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.*

the use of the funds for additional cancer screenings. The bill changes the name of the breast cancer screening fund to the cancer screening fund and authorizes the money in the fund to be used for breast and cervical cancer screenings, colorectal cancer screenings, and screenings for additional screenable cancers.

The bill changes the makeup of the existing advisory board from persons interested in health care and the promotion of breast cancer screenings to include persons who are interested in health care and the promotion of services for other screenable cancers. When making recommendations to the executive director of the department concerning cancer screening services, the bill requires the advisory board to allocate, at a minimum, \$2.5 million annually for breast and cervical cancer screenings, \$1 million annually for colorectal cancer screenings, and, if feasible, money for screenings for additional screenable cancers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-22-117, **amend**  
3 (2)(d)(II) introductory portion as follows:

4 **24-22-117. Tobacco tax cash fund - accounts - creation -**  
5 **legislative declaration.** (2) There are hereby created in the state treasury  
6 the following funds:

7 (d) (II) Of the ~~moneys~~ MONEY appropriated annually by the  
8 general assembly to the department of public health and environment  
9 pursuant to ~~subparagraph (I) of this paragraph (d), moneys shall be~~  
10 ~~annually allocated by~~ SUBSECTION (2)(d)(I) OF THIS SECTION, the  
11 department of public health and environment SHALL ALLOCATE MONEY  
12 for ~~breast and cervical~~ cancer screenings pursuant to section 25-4-1505  
13 ~~C.R.S.~~, in the following amounts not to exceed five million dollars in any  
14 fiscal year:

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 25-4-1501 as  
16 follows:

17 **25-4-1501. Legislative declaration.** The general assembly hereby

1 finds and declares that the incidence of ~~breast~~ cancer in ~~women of~~  
2 ADULTS IN this state is a significant health problem that can and should be  
3 reduced through PREVENTION, early detection, and treatment.  
4 Accordingly, it is the intention of the general assembly in enacting this  
5 part 15 to provide ~~breast cancer screening~~ SCREENINGS where ~~it is~~ THEY  
6 ARE not otherwise readily available for reasons of cost or distance to  
7 suitable medical facilities.

8 **SECTION 3.** In Colorado Revised Statutes, **amend** 25-4-1502 as  
9 follows:

10 **25-4-1502. Definitions.** As used in this part 15, unless the context  
11 otherwise requires:

12 ~~(1) (Deleted by amendment, L. 95, p. 487, § 2, effective July 1,~~  
13 ~~1995.)~~

14 ~~(2) "Board" means the state board of health.~~

15 ~~(3)~~ (1) "Department" means the department of public health and  
16 environment.

17 ~~(3.5)~~ (2) "Diagnostic ~~screening~~ EVALUATION" means the use of  
18 procedures, including physical examinations, radiologic imaging, BIOPSY  
19 PROCEDURES, surgical techniques, and any new technologies approved by  
20 the STATE board OF HEALTH, for detecting whether abnormalities ~~of the~~  
21 ~~breast~~ are malignant or benign.

22 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
23 THE DEPARTMENT.

24 (4) "Fund" means the ~~breast~~ cancer screening fund established in  
25 section 25-4-1503.

26 (5) "Screening" means the conduct of physical examinations;  
27 visual inspections; INVASIVE AND NONINVASIVE TISSUE TESTING,

1 INCLUDING BLOOD, FECES, AND SPUTUM; BIOPSY PROCEDURES; or other  
2 medical tests exclusively for the purpose of ascertaining the existence of  
3 any physiological OR HISTOLOGIC abnormality ~~which~~ THAT might be  
4 indicative of the presence of disease. "Screening" ~~includes diagnostic~~  
5 ~~screening services.~~

6 **SECTION 4.** In Colorado Revised Statutes, **amend** 25-4-1503 as  
7 follows:

8 **25-4-1503. Cancer screening fund created.** (1) There is hereby  
9 established in the state treasury ~~a fund to be known as the breast cancer~~  
10 ~~screening fund. which shall be~~ THE FUND IS subject to annual  
11 appropriation to the department for the purposes of this part 15. The fund  
12 ~~shall be credited with such appropriations as the~~ CONSISTS OF MONEY  
13 APPROPRIATED BY THE general assembly ~~may make~~ from the general fund  
14 for the purposes of this part 15, as well as any ~~moneys~~ MONEY received  
15 by the department pursuant to section 25-4-1505 (2) and (4). In  
16 accordance with section 24-36-114, ~~C.R.S.~~, THE STATE TREASURER SHALL  
17 CREDIT all interest AND INCOME derived from the deposit and investment  
18 of ~~this~~ MONEY IN THE fund ~~shall be credited~~ to the general fund.

19 (2) All ~~moneys~~ MONEY credited to the ~~breast cancer screening~~  
20 ~~fund which are~~ THAT IS not expended during the fiscal year ~~shall be~~  
21 ~~retained~~ REMAINS in the fund for its future use IN ACCORDANCE WITH THIS  
22 PART 15 and shall not be credited or transferred to the general fund or any  
23 other fund.

24 **SECTION 5.** In Colorado Revised Statutes, **amend** 25-4-1504 as  
25 follows:

26 **25-4-1504. Allocation of funds - cancer screening program.**  
27 (1) ~~All moneys~~ THE MONEY in the fund ~~shall~~ AND THE MONEY

1 APPROPRIATED TO THE DEPARTMENT PURSUANT TO SECTION 24-22-117

2 (2)(d)(II) SHALL be used by the department for the following purposes:

3 (a) The creation and development of a ~~breast~~ cancer screening  
4 program, undertaken by private contract for services or operated by the  
5 department, that will improve the availability of ~~breast cancer screening~~  
6 SCREENINGS and ~~which~~ THAT may include the purchase, maintenance, and  
7 staffing of a truck, a van, or any other vehicle suitably equipped to  
8 perform ~~breast cancer screening~~ SCREENINGS;

9 ~~(a.5)~~ (b) To provide such further ~~breast~~ cancer diagnostic  
10 ~~screening services~~ EVALUATIONS as may be indicated;

11 ~~(b)~~ (c) The creation and operation of a referral service for the  
12 benefit of ~~women~~ PERSONS EIGHTEEN YEARS OF AGE OR OLDER for whom  
13 further examination or treatment is indicated by the ~~breast~~ cancer  
14 screening.

15 **SECTION 6.** In Colorado Revised Statutes, 25-4-1505, **amend**  
16 (1), (3), and (4) as follows:

17 **25-4-1505. Powers and duties - department- state board of**  
18 **health - advisory board - created - cancer screening funding - fees -**  
19 **rules.** (1) (a) (I) The executive director ~~of the department~~ shall appoint  
20 an advisory board ~~which~~ THAT shall recommend guidelines for the  
21 services ~~of~~ PROVIDED BY the CANCER SCREENING program and ~~such~~ rules  
22 ~~and regulations as may be~~ necessary to effect the purposes of this part 15  
23 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

24 (II) THE EXECUTIVE DIRECTOR SHALL APPOINT SEVEN members ~~of~~  
25 TO the advisory board. ~~shall be~~ THE EXECUTIVE DIRECTOR SHALL APPOINT  
26 persons FROM BOTH THE PRIVATE AND PUBLIC SECTORS WHO ARE  
27 interested in health care and the promotion of ~~breast~~ cancer screening.

1 ~~drawn from both the private and public sectors.~~

2 (III) MEMBERS OF THE ADVISORY BOARD SHALL SERVE WITHOUT  
3 COMPENSATION; EXCEPT THAT EACH MEMBER IS ENTITLED TO BE  
4 REIMBURSED FOR NECESSARY EXPENSES IN CONNECTION WITH THE  
5 PERFORMANCE OF THE MEMBER'S DUTIES ON THE ADVISORY BOARD.

6 (IV) THE MEMBERS OF THE ADVISORY BOARD SHALL SERVE AT THE  
7 WILL OF THE EXECUTIVE DIRECTOR.

8 (b) The STATE board of health ~~shall have~~ HAS the authority to  
9 approve recommendations of the advisory board and the authority to  
10 promulgate rules ~~and regulations~~ recommended by the advisory board.

11 (c) WHEN MAKING RECOMMENDATIONS TO THE STATE BOARD OF  
12 HEALTH CONCERNING GUIDELINES FOR THE SERVICES PROVIDED BY THE  
13 CANCER SCREENING PROGRAM PURSUANT TO SUBSECTION (1)(a) OF THIS  
14 SECTION, THE ADVISORY BOARD SHALL ENSURE THE IMPLEMENTATION OF  
15 SERVICES TO SUPPORT CANCER SCREENING INITIATIVES, INCLUDING THE  
16 PROVISION OF DIRECT SCREENINGS AND DIAGNOSTIC EVALUATIONS. THE  
17 ADVISORY BOARD SHALL ALLOCATE, AT A MINIMUM:

18 (I) A TOTAL OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS  
19 ANNUALLY FOR BREAST AND CERVICAL CANCER SCREENINGS, TO BE  
20 ALLOCATED FIRST FROM ANY FEDERAL MONEY RECEIVED FOR THIS  
21 PURPOSE BEFORE ALLOCATING MONEY RECEIVED PURSUANT TO SECTION  
22 24-22-117 (2)(d)(II);

23 (II) ONE MILLION DOLLARS ANNUALLY FOR COLORECTAL CANCER  
24 SCREENINGS; AND

25 (III) IF FEASIBLE, MONEY FOR SERVICES FOR ADDITIONAL  
26 SCREENABLE CANCERS.

27 (3) Any program of ~~breast~~ breast cancer screening conducted pursuant

1 to this part 15 ~~shall~~ MUST be conducted so as to make ~~such~~ screening  
2 available to persons who are at or below two hundred fifty percent of the  
3 federal poverty line and who ~~are at least forty years of age but less than~~  
4 ~~sixty-five years of age~~ MEET THE ELIGIBILITY CRITERIA FOR CANCER  
5 SCREENING USING EVIDENCE-BASED AND CLINICAL GUIDELINES FOR EACH  
6 SCREENABLE CANCER.

7 (4) The ~~department~~ EXECUTIVE DIRECTOR may adopt a schedule  
8 of fees to be charged for ~~breast cancer screening~~ SCREENINGS. The  
9 EXECUTIVE DIRECTOR SHALL DETERMINE A schedule of fees ~~shall be~~  
10 ~~determined~~ so as to make ~~such screening~~ CANCER SCREENINGS available  
11 to the largest possible number of ~~women~~ PEOPLE. The department shall,  
12 where ~~practical~~ PRACTICABLE, collect any available insurance proceeds  
13 or other reimbursement payable on behalf of any recipient of a ~~breast~~  
14 cancer screening under this part 15 and may adjust the schedule of fees  
15 to reflect insurance contributions. All fees collected ~~shall~~ MUST be  
16 credited to the fund.

17 **SECTION 7. Act subject to petition - effective date -**  
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
19 the expiration of the ninety-day period after final adjournment of the  
20 general assembly; except that, if a referendum petition is filed pursuant  
21 to section 1 (3) of article V of the state constitution against this act or an  
22 item, section, or part of this act within such period, then the act, item,  
23 section, or part will not take effect unless approved by the people at the  
24 general election to be held in November 2022 and, in such case, will take  
25 effect on the date of the official declaration of the vote thereon by the  
26 governor.

1           (2) This act applies to cancer screening services provided on or  
2 after July 1, 2022.