

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 12-0555.01 Kristen Forrestal x4217

**HOUSE BILL 12-1058**

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**HOUSE SPONSORSHIP**

**Joshi,**

**SENATE SPONSORSHIP**

**Nicholson,**

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**House Committees**  
Health and Environment

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REQUIREMENT THAT THE DEPARTMENT OF PUBLIC**  
102 **HEALTH AND ENVIRONMENT PROVIDE INFANT EYE**  
103 **PROPHYLAXIS.**

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

Currently, the department of public health and environment is required to name, approve, and provide, free of charge, a prophylaxis to be used in treating the eyes of newly born infants. The bill deletes these requirements and requires the health care provider in charge of the birth

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 Unam ended  
February 9, 2012

HOUSE  
2nd Reading Unam ended  
February 8, 2012

to treat an infant with a prophylaxis that is in accordance with the current medical standard of care. The bill also deletes the penalty provision for a health care provider who violates the statutes relating to infant eye prophylaxis.

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

2           **SECTION 1.** In Colorado Revised Statutes, 25-4-301, **add** (2)  
3 and (3) as follows:

4           **25-4-301. Inflammation of eyes.** (2) IT IS THE DUTY OF ANY  
5 PHYSICIAN, NURSE, OR OTHER PERSON WHO ASSISTS OR IS IN CHARGE AT  
6 THE BIRTH OF AN INFANT OR IS CHARGED WITH THE CARE OF THE INFANT  
7 AFTER BIRTH TO TREAT THE EYES OF THE INFANT WITH A PROPHYLAXIS IN  
8 ACCORDANCE WITH CURRENT MEDICAL STANDARD OF CARE. SUCH  
9 TREATMENT SHALL BE GIVEN AS SOON AS PRACTICABLE AFTER THE BIRTH  
10 OF THE INFANT AND ALWAYS WITHIN ONE HOUR. IF ANY REDNESS,  
11 SWELLING, INFLAMMATION, OR GATHERING OF PUS APPEARS IN THE EYES  
12 OF SUCH INFANT, OR UPON THE LIDS OR ABOUT THE EYES, WITHIN TWO  
13 WEEKS AFTER BIRTH, ANY NURSE OR OTHER PERSON CHARGED WITH CARE  
14 OF THE INFANT SHALL REPORT THE SAME TO SOME COMPETENT PRACTICING  
15 PHYSICIAN WITHIN SIX HOURS AFTER ITS DISCOVERY.

16           (3) NOTHING IN THIS SECTION REQUIRES MEDICAL TREATMENT FOR  
17 THE MINOR CHILD OF ANY PERSON WHO IS A MEMBER OF A  
18 WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION AND WHOSE  
19 RELIGIOUS CONVICTIONS, IN ACCORDANCE WITH THE TENETS OR  
20 PRINCIPLES OF HIS OR HER CHURCH OR RELIGIOUS DENOMINATION, ARE  
21 AGAINST MEDICAL TREATMENT FOR DISEASE.

22           **SECTION 2.** In Colorado Revised Statutes, **repeal** 25-4-302 as  
23 follows:

1           **25-4-302. Duties of department.** ~~(1) It is the duty of the~~  
2 ~~department of public health and environment:~~

3           ~~(a) To officially name and approve a prophylaxis to be used in~~  
4 ~~treating the eyes of newly born infants, which may be a solution of nitrate~~  
5 ~~of silver or such other prophylaxis as the board shall from time to time~~  
6 ~~approve;~~

7           ~~(b) To enforce the provisions of this part 3;~~

8           ~~(c) To promulgate such rules as shall be necessary for the purpose~~  
9 ~~of this part 3 and such as the department of public health and environment~~  
10 ~~deems necessary for the further and proper guidance of county, district,~~  
11 ~~and municipal public health directors;~~

12           ~~(d) To provide for the gratuitous distribution of one percent~~  
13 ~~solution of silver nitrate outfits or such other prophylaxis as the~~  
14 ~~department may select, together with proper directions for the use and~~  
15 ~~administration thereof, to all physicians engaged in the practice of~~  
16 ~~obstetrics or assisting at childbirth;~~

17           ~~(e) To furnish copies of this part 3 to all physicians engaged in the~~  
18 ~~practice of obstetrics or assisting at childbirth.~~

19           **SECTION 3.** In Colorado Revised Statutes, **repeal** 25-4-303 as  
20 follows:

21           **25-4-303. Duty to treat eyes.** ~~It is the duty of any physician,~~  
22 ~~nurse, or other person who assists or is in charge at the birth of any infant~~  
23 ~~or has the care of the same after birth to treat the eyes of the infant with~~  
24 ~~a prophylaxis approved by the department of public health and~~  
25 ~~environment. Such treatment shall be given as soon as practicable after~~  
26 ~~the birth of the infant and always within one hour. If any redness,~~  
27 ~~swelling, inflammation, or gathering of pus appears in the eyes of such~~

1 ~~infant, or upon the lids or about the eyes, within two weeks after birth,~~  
2 ~~any nurse or other person having care of the infant shall report the same~~  
3 ~~to some competent practicing physician within six hours after its~~  
4 ~~discovery.~~

5 **SECTION 4.** In Colorado Revised Statutes, **repeal** 25-4-304 as  
6 follows:

7 **25-4-304. Duties of county, district, or municipal public health**  
8 **director.** ~~(1) It is the duty of the county, district, or municipal public~~  
9 ~~health director:~~

10 ~~(a) To investigate or have investigated each case as filed with him~~  
11 ~~in pursuance of the law and any other cases which may come to his~~  
12 ~~attention;~~

13 ~~(b) To conform to such other rules and regulations as the state~~  
14 ~~board of health shall promulgate for his further guidance.~~

15 ~~(2) Nothing in sections 25-4-302 and 25-4-303 shall be construed~~  
16 ~~to require medical treatment for the minor child of any person who is a~~  
17 ~~member of a well-recognized church or religious denomination and~~  
18 ~~whose religious convictions, in accordance with the tenets or principles~~  
19 ~~of his church or religious denomination, are against medical treatment for~~  
20 ~~disease.~~

21 **SECTION 5.** In Colorado Revised Statutes, **repeal** 25-4-305 as  
22 follows:

23 **25-4-305. Penalty.** ~~Any physician, surgeon, obstetrician, nurse,~~  
24 ~~manager or person in charge of a maternity home or hospital, parent,~~  
25 ~~relative, or other person attending upon or assisting at the birth of an~~  
26 ~~infant who violates any of the provisions of this part 3 is guilty of a~~  
27 ~~misdemeanor and, upon conviction thereof, shall be punished by a fine of~~

1 not less than ten dollars nor more than fifty dollars or by imprisonment in  
2 the county jail for not more than fifty days.

3 **SECTION 6.** In Colorado Revised Statutes, 12-37-105, **amend**  
4 (9) as follows:

5 **12-37-105. Prohibited acts - practice standards - informed**  
6 **consent - emergency plan - risk assessment - referral - rules.** (9) A  
7 direct-entry midwife shall provide eye prophylactic therapy to all  
8 newborn children in such direct-entry midwife's care in accordance with  
9 section ~~25-4-303~~ 25-4-301, C.R.S.

10 **SECTION 7.** In Colorado Revised Statutes, 12-37-105.5, **amend**  
11 (2) (d) as follows:

12 **12-37-105.5. Limited use of certain medications - limited use**  
13 **of sutures - limited administration of intravenous fluids - emergency**  
14 **medical procedures - legislative declaration - rules - repeal.**

15 (2) Except as otherwise provided in subsection (3) of this section, a  
16 registrant may obtain and administer:

17 (d) Eye prophylaxis. ~~approved pursuant to section 25-4-303,~~  
18 ~~C.R.S., to newborns.~~

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