

Public Health

<i>House Bills</i>	<i>Senate Bills</i>
HB 06-1175 Colorado Clean Indoor Air Act	SB 06-027 Retail Food Establishment Violations
HB 06-1309 Protect Air Quality Health Environment	SB 06-099 Vaccines Mercury Pregnant Women Children
HB 06-1113 Protect Air Quality Health Environment	
HB 06-1078 Health Board Retail Food License	
HB 06-1074 Waste Tires Fee Recycling Grants	
HB 06-1389 Rocky Flats Refuge Signs Information	

The General Assembly considered a diverse array of public health-related topics during the 2006 session. Legislation concerned banning smoking in indoor areas, restaurant inspections, air quality, immunizations, the use of waste tire recycling grant moneys, and the former Rocky Flats Nuclear Weapons Plant.

Smoking Ban

HB 06-1175 enacts the "Colorado Clean Indoor Air Act." Beginning July 1, 2006, the act prohibits smoking in indoor areas, with certain exemptions. Exceptions include:

- private homes;
- automobiles if not used for child care or public transportation of children;
- limousines under private hire;
- up to 25 percent of rooms in a hotel or motel;
- retail tobacco businesses;
- cigar-tobacco bars;
- the outdoor area of any business;

- places of employment not open to the public with three or fewer employees;
- a private nonresidential building on a farm or ranch;
- an airport smoking lounge; and
- casinos.

For places of employment that are exempt, the bill requires the employer to provide a smoke-free work area if requested by an employee. In addition, the bill allows the owner or manager of any place not specifically exempted to prohibit smoking or to provide smoking and nonsmoking areas.

Air Quality

HB 06-1309 would have allowed the Colorado Air Quality Commission to include in the state implementation plan (the plan for state compliance with Environmental Protection Agency (EPA) requirements), standards that exceed minimum EPA requirements. The bill was vetoed by the Governor. A similar bill, **HB 06-1113**, was lost in the House.

Food Safety

Two bills addressed the regulation of retail food establishments. These establishments are retail businesses that store, prepare, package, and/or serve food (e.g., restaurants, supermarkets). Both bills were postponed indefinitely.

SB 06-027 would have addressed concerns noted in a 2003 legislative audit with the civil penalty process for retail food establishments. Penalties can range from the issuance of a noncompliance letter to the eventual suspension or revocation of a license. Currently, the civil penalty process requires a

minimum of four inspections (i.e., one routine and three follow-up) before a penalty of \$250 to \$1,000 can be assessed for a recurring violation. This bill increased the range of penalties and allowed for a civil penalty to be assessed after three inspections (i.e., one routine and two follow-up).

HB 06-1078 would have allowed the Colorado Department of Public Health and Environment to set fees to cover the actual costs of an annual license for a retail food establishment. Under current law, the cost of a license is based on the seating capacity and the square footage of the establishment. If a local board of health provides food safety programs, it was also permitted to set fees to cover the costs for a retail food establishment's annual license. Whether administered by the state or local board, license fees were capped at \$750. Local boards that do not set their own fees were required to use the department's fee schedule.

Immunizations

SB 06-099 would have prohibited health care workers from administering immunizations that contained more than a limited amount of mercury to pregnant woman and children under age 3. Vaccines containing more than the specified amount of mercury could have been given to children and pregnant women if a public health emergency, such as an epidemic or outbreak, existed. The bill was postponed indefinitely.

Waste Tire Recycling Grants

Currently, tire retailers are required to collect a \$1 fee for each used tire that a customer leaves with the retailer to be recycled. The fee is set to expire July 1, 2007. **HB 06-1074** extends the fee until July 1, 2012. In addition, the bill specifies that an increased portion of the fee revenue must fund research, development, and technology transfer with regard to waste diversion and recycling strategies.

Rocky Flats

The former Rocky Flats Nuclear Weapons Plant has been redeveloped as a national wildlife refuge. **HB 06-1389** would have required signs to be posted at the entrance to the refuge containing specific information regarding the presence of, and risks posed by, plutonium and other toxic substances that were used in the production of nuclear weapons at the site. The bill was postponed indefinitely.