

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

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.

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 **oversight committee - creation - definition - repeal.** (1) IN
7 CONSULTATION WITH THE SCIENTIFIC OVERSIGHT 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, THE CITY AND
8 COUNTY OF BROOMFIELD, AND ADAMS.

9 (2) THE DEPARTMENT SHALL CONDUCT THE ANALYSIS IN TWO
10 STAGES AS FOLLOWS:

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

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

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

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

22 (b) STAGE 2 MUST, AT A MINIMUM, INCLUDE SURVEYS AND CASE
23 STUDIES AS FOLLOWS:

24 (I) TIER 1 MUST INCLUDE:

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

26 (B) SURVEYS OF INDIVIDUALS IN THE IDENTIFIED COMMUNITIES TO
27 OBTAIN INFORMATION ON THE HEALTH AND QUALITY OF LIFE OF THOSE

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

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

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

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

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

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

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

5 (4) (a) THERE IS HEREBY CREATED A SCIENTIFIC OVERSIGHT
6 COMMITTEE TO WORK IN CONJUNCTION WITH THE DEPARTMENT
7 REGARDING THE DESIGN AND CONDUCT OF THE ANALYSIS AND
8 PREPARATION OF THE REPORTS REQUIRED PURSUANT TO THIS SECTION. THE
9 COMMITTEE CONSISTS OF THE FOLLOWING FIFTEEN MEMBERS:

10 (I) ELEVEN MEMBERS APPOINTED AS FOLLOWS:

11 (A) SIX MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN
12 FOUR OF WHOM MAY BE REGISTERED WITH THE SAME POLITICAL PARTY;
13 TWO OF THESE MEMBERS ARE NOT SUBJECT TO PARAGRAPH (b) OF THIS
14 SUBSECTION (4), MUST RESIDE IN EITHER LARIMER, WELD, BOULDER, OR
15 ADAMS COUNTY, AND MUST NOT RESIDE IN THE SAME COUNTY;

16 (B) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
17 REPRESENTATIVES;

18 (C) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
19 HOUSE OF REPRESENTATIVES;

20 (D) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE;

21 (E) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
22 SENATE; AND

23 (F) THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT, OR HIS OR
24 HER DESIGNEE, WHO MUST ALSO BE A PHYSICIAN, WHO IS THE CHAIR OF
25 THE COMMITTEE; AND

26 (II) FOUR MEMBERS APPOINTED AS FOLLOWS:

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

1 INDUSTRY, APPOINTED JOINTLY BY THE COLORADO STATEWIDE OIL AND
2 GAS ASSOCIATIONS;

3 (B) A REPRESENTATIVE OF THE COLORADO ENVIRONMENTAL
4 COMMUNITY, APPOINTED JOINTLY BY THE COLORADO STATEWIDE
5 ENVIRONMENTAL ORGANIZATIONS; AND

6 (C) A STATISTICIAN AND AN ECONOMIST, BOTH APPOINTED BY THE
7 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER EDUCATION.

8 (b) ASIDE FROM THE CHAIR OF THE COMMITTEE, AT LEAST TWO
9 APPOINTEES TO THE COMMITTEE MUST BE PHYSICIANS, AND THE
10 REMAINING APPOINTEES MUST HAVE DEMONSTRATED EXPERTISE AND AT
11 LEAST A MASTER'S OR DOCTORAL DEGREE IN NO FEWER THAN ONE OF THE
12 FOLLOWING SCIENTIFIC OR HEALTH-RELATED FIELDS:

13 (I) PUBLIC HEALTH;

14 (II) ENVIRONMENTAL HEALTH;

15 (III) EPIDEMIOLOGY;

16 (IV) TOXICOLOGY; OR

17 (V) BEHAVIORAL OR SOCIAL SCIENCE.

18 (c) THE ■ MEMBERS OF THE COMMITTEE SHALL NOT HAVE ANY
19 DIRECT INVOLVEMENT OR PECUNIARY INTEREST IN, OR AFFILIATION WITH,
20 THE OIL AND GAS INDUSTRY.

21 (d) (I) THE APPOINTING AUTHORITIES SHALL MAKE THEIR
22 APPOINTMENTS BY JULY 1, 2014, AND SHALL CONFER PRIOR TO MAKING
23 THE APPOINTMENTS TO ENSURE THAT THEIR APPOINTEES SATISFY THE
24 CRITERIA SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (5). THE
25 COMMITTEE SHALL HOLD ITS INITIAL MEETING BY JULY 15, 2014.

26 (II) AN APPOINTING AUTHORITY 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 (5) AS USED IN THIS SECTION:

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

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

10 (c) "OPERATOR" HAS THE MEANING ESTABLISHED IN SECTION
11 34-60-103 (6.8), C.R.S.

12 (d) "SCIENTIFIC OVERSIGHT COMMITTEE" MEANS THE SCIENTIFIC
13 OVERSIGHT COMMITTEE CREATED IN SUBSECTION (4) OF THIS SECTION.

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

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

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

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

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