

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

3 SERIES OF 2021

4

5

COUNCIL BILL NO. CB21-

COMMITTEE OF REFERENCE:

[COMMITTEE NAME]

6 **A BILL**

7 **For an ordinance amending the health and sanitation chapter of the Denver**
8 **Revised Municipal Code to align testing for sexually transmitted infections with**
9 **state statute.**

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** Article V, Division 2, of Chapter 24 shall be amended by adding the language
12 underlined and deleting the language stricken to read as follows:

13 **ARTICLE X. – DISEASES**

14 **Sec. 24-131. – Protection of public health.**

15 (a) *Generally.* In order to protect persons in the city from the spread of sexually transmitted
16 infections, the department of public health and environment is empowered and authorized and the
17 manager of public health and environment is directed to use every available means to ascertain the
18 existence of and to investigate immediately all suspected cases of sexually transmitted infections
19 and to determine the sources of such infections.

20 (b) *Examination.* ~~Certain persons reasonably suspected to have a sexually transmitted~~
21 ~~infection may be detained in jail, examined, and if determined to be so infected, treated, in~~
22 ~~accordance with the provisions of this section. Persons charged with a violation of section 38-158 of~~
23 ~~the Denver Revised Municipal Code may be detained in jail. All persons charged with a violation~~
24 ~~of section 38-158(a)(1) or 38-158(a)(7) of the Denver Revised Municipal Code shall be examined~~
25 ~~by the manager or the manager's delegate, and if determined to have a curable sexually transmitted~~
26 ~~infection, treated in accordance with the provisions of this section. The manager or the manager's~~
27 ~~delegate may order persons reasonably suspected to have a sexually transmitted infection to be~~
28 ~~examined by a person licensed to practice medicine, and to be treated medically for such infection,~~
29 ~~if necessary. Where the manager knows or has reason to believe, because of evidence-based,~~
30 ~~medical, or epidemiological information, that a person has a sexually transmitted infection and~~
31 ~~poses a credible risk to the public health, the manager may issue an order pursuant to C.R.S. § 25-~~
32 ~~4-401 et seq as amended to:~~

33 (1) Require the person to be examined and tested to determine whether he or she has
acquired a sexually transmitted infection;

1 (2) Require him or her to report to a qualified health care provider for counseling regarding
2 sexually transmitted infections, information on treatment, and how to avoid transmitting sexually
3 transmitted infections to others;

4 (3) Direct a person with a sexually transmitted infection to cease and desist from specific
5 conduct that poses risks to the public health, but only if the executive director or local director has
6 determined that clear and convincing evidence exists to believe that such person has been ordered
7 to report for counseling or has received counseling by a qualified health care provider and continues
8 to demonstrate behavior that poses an evidence-based risk to the public health; or

9 (4) Take any other action authorized pursuant to law.

10 (c) Appeal. An order issued under this section must be appealed pursuant to the procedures
11 outlined in C.R.S. § 25-4-412, as amended. Categories of suspected persons. A person in any of
12 the following categories may be reasonably suspected to have a sexually transmitted infection:

13 (1) Any person who is arrested and charged in the county court with an offense in the
14 nature of or involving prostitution, rape, a violation of this division, or another offense related to sex
15 and any person convicted of any such offense in the city; or

16 (2) Any person reasonably suspected to have had a contact with another individual
17 reasonably believed to have had a sexually transmitted infection at the time of such contact and any
18 person who is reasonably believed to have transmitted any such infection to another individual; or

19 (3) Any person who has had any such infection or who has been convicted of any
20 offense of the kinds herein specified within twelve (12) months next past, and who is reasonably
21 believed to be engaged in any activity which might have occasioned exposure to a sexually
22 transmitted infection.

23 (d) Detention in jail. Suspected persons in the categories enumerated in subsection (c)(1)
24 may be detained in jail. When any person so detained is determined not to have a sexually
25 transmitted infection in communicable form, the manager of public health and environment shall
26 release the individual from detention for health purposes. The detention of any person in jail under
27 the provisions hereof shall continue only for such time as is reasonably necessary to examine such
28 person and render treatment if such person is found to have a curable sexually transmitted infection
29 in a communicable form. The provisions hereof shall not be utilized as, nor construed to be, a
30 penalty or punishment. No person detained for health under the provisions hereof shall be released
31 from such detention even if the person is otherwise eligible for release on bond or by reason of
32 payment of fine, or termination of sentence imposed.

33 (e) Examination in jail. Every suspected person detained in jail under the provisions of

1 subsection (d) shall be examined by the department or the manager's delegate for the purpose of
2 determining whether or not such person is, in fact, infected with a sexually transmitted infection.
3 Every such person shall submit to such examinations as are necessary and permit specimens to be
4 taken for laboratory analyses. The detention of each suspected person may continue until the results
5 of such examinations are known and the person found to be free from any such curable infection,
6 or, if infected, until the infection is no longer communicable.

7 (f) ~~Treatment in jail.~~ The department or the manager's delegate shall treat every person
8 suspected to have a curable sexually transmitted infection who has been detained and examined in
9 jail and found to have any such infection. The treatment shall continue until the infection is no longer
10 communicable.

11 (g) ~~Examination and treatment at department or by private physician.~~ Every suspected
12 person in the categories enumerated in subsection (c)(2) and (c)(3), and in the categories
13 enumerated in subsection (c)(1) who is not detained in jail shall be examined as determined in
14 individual instances by the manager or the manager's delegate. Each such person shall submit to
15 examinations as necessary and permit specimens to be taken for laboratory analyses and shall
16 comply with the directions of the manager or the manager's delegate with relation to hospitalization
17 on an in-patient basis or attendance at clinic on an out-patient basis, as the case may be. Each
18 such person shall continue to follow these directions until the results of the examination are known
19 and the person determined to be free from any such infection, or, if infected, until the infection is no
20 longer communicable. With the consent of the manager or the manager's delegate, a suspected
21 person may be, at the person's expense, examined by a doctor licensed to practice medicine and
22 treated medically for such infection, if necessary. In these latter instances, the manager or the
23 manager's delegate shall receive reports of examinations and treatment and other information
24 relative to the problems involved from the medical doctor selected.

25 (h) ~~Violations.~~ It shall be unlawful to refuse to submit to examination or treatment provisions
26 of this section or to violate any order of detention. It shall be unlawful to refuse to obey any order of
27 the manager requiring examinations and treatment, if necessary, for such infection, or any other
28 order issued hereunder.

29 **Sec. 24-132. – Delegation to Manager of Safety and Police Officers. Duties of manager**
30 **of safety and police officers.**

31 The manager may delegate the powers and functions authorized under section 24-131 to the
32 manager of safety. *Generally.* The manager of safety and the officers of the police department of
33 the city are hereby authorized, empowered and directed to implement the purposes of section 24-

1 ~~131 in accordance with the provisions of this section.~~

2 ~~(b) *Manager of safety.* The manager of safety shall cause to be furnished to the department~~
3 ~~of public health and environment information pertinent to the enforcement of section 24-131 with~~
4 ~~relation to persons who are arrested and charged or otherwise imprisoned in any jail administered~~
5 ~~by the department of safety. The manager of safety is directed to make available in such jails an~~
6 ~~area, room or place which may be used as a detention for health facility and for examinations. The~~
7 ~~manager of safety, officers of the police department, and employees of the department of safety~~
8 ~~shall cooperate in the execution of such detention procedures as may be necessary, and shall~~
9 ~~assume custodial supervision of persons detained under the provisions of section 24-131(d) and~~
10 ~~shall supply such personal restraints as may be necessary to effectuate the purposes thereof.~~

11 ~~(c) *Police department.* Officers of the police department shall furnish to the department of~~
12 ~~public health and environment information pertinent to the enforcement of the provisions of section~~
13 ~~24-131. Police officers shall have authority to detain suspected persons in the categories~~
14 ~~enumerated in section 24-131(c)(1) for health purposes in jail in accordance with the procedure set~~
15 ~~forth in section 24-131(d) for examination and treatment under the provisions of section 24-131(e)~~
16 ~~and 24-131(f). Police officers shall have authority to order suspected persons in the categories~~
17 ~~enumerated in section 24-131(c)(2) and in the categories enumerated in section 24-131(c)(1) who~~
18 ~~are not detained in jail to report for examination and treatment at the direction of the manager of~~
19 ~~public health and environment or the manager's delegate in accordance with the provisions~~
20 ~~of section 24-131(g). They shall also have authority to order persons for examination and treatment,~~
21 ~~as aforesaid, who have been held for investigation of offenses of the types enumerated in section~~
22 ~~24-131(c)(1) and who have been released without charges having been filed and similarly persons~~
23 ~~who have been acquitted of any such charges and other suspected persons who have been~~
24 ~~released on bond.~~

25 ~~(d) *Violations.* It shall be unlawful to refuse to submit to examination or treatment under an~~
26 ~~order as hereinabove provided or to violate any order of detention or to refuse to obey any order~~
27 ~~requiring submittal to examination and treatment.~~

28 **Sec. 38-158. - Prostitution.**

29 (C) The police shall immediately notify the manager of public health and environment of
30 persons charged with violations of this section, and the manager ~~shall~~ may, pursuant to state law,
31 order a medical examination pursuant to section 24-131 of the Revised Municipal Code.

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COMMITTEE APPROVAL DATE:
MAYOR-COUNCIL DATE:
PASSED BY THE COUNCIL: _____, 2021

_____- PRESIDENT
APPROVED: _____ - MAYOR _____, 2021

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2021; _____, 2021

PREPARED BY: [NAME], Assistant City Attorney
DATE: _____, 2021

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Kristin Bronson, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____, 2021