

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0975.01 Kristen Forrestal x4217

SENATE BILL 14-173

---

SENATE SPONSORSHIP

**Jahn and King**, Crowder, Guzman, Herpin, Hill, Newell, Nicholson, Steadman

HOUSE SPONSORSHIP

**Singer and McNulty**, Gardner, Gerou, Kagan, Landgraf, Melton, Tyler

---

Senate Committees

Health & Human Services

House Committees

---

A BILL FOR AN ACT

101 CONCERNING THE RECOMMENDATION THAT CERTAIN PERSONS BE  
102 OFFERED A TEST FOR THE HEPATITIS C VIRUS.

---

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 states that the department of public health and environment (department) recommends that each treating primary health care provider, physician, physician assistant, or nurse practitioner who treats a patient born between 1945 and 1965 in an inpatient or outpatient setting offer the patient hepatitis C screening or hepatitis C diagnostic

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.*

testing unless the patient:

- ! Is being treated for a life-threatening emergency;
- ! Has previously been offered the testing; or
- ! Lacks capacity to give consent.

If the offer is accepted and the test is reactive, the health care provider is required to offer the patient follow-up care or refer the patient for follow-up care.

---

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) More than seventy-five percent of adults with hepatitis C are  
5 baby boomers born between 1945 and 1965;

6 (b) The number of hepatitis C infections is five times higher  
7 among persons born between 1945 and 1965 than among adults born in  
8 other years and most do not know that they are infected;

9 (c) As baby boomers age, there is a greater chance that they will  
10 develop serious, life-threatening liver disease from hepatitis C;

11 (d) Testing people will help them learn if they are infected and get  
12 them into lifesaving care and treatment;

13 (e) Early diagnosis and treatment of hepatitis C can help prevent  
14 liver damage, cirrhosis, and liver cancer; and

15 (f) The federal center for disease control and prevention  
16 recommends that anyone born from 1945 to 1965 get tested for  
17 hepatitis C.

18 (2) Therefore, it is the recommendation of the general assembly  
19 that health care providers offer hepatitis C screenings to people born  
20 between 1945 and 1965.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 25-4-2005 as  
22 follows:

1                   **25-4-2005. Hepatitis C testing - recommendations - definitions.**

2           (1) THE DEPARTMENT RECOMMENDS THAT EACH PRIMARY HEALTH CARE  
3           PROVIDER OR PHYSICIAN, PHYSICIAN ASSISTANT, OR NURSE PRACTITIONER  
4           WHO TREATS A PATIENT IN AN INPATIENT OR OUTPATIENT SETTING MAY  
5           OFFER A PERSON BORN BETWEEN THE YEARS OF 1945 AND 1965 A  
6           HEPATITIS C SCREENING TEST OR HEPATITIS C DIAGNOSTIC TEST UNLESS  
7           THE HEALTH CARE PROVIDER PROVIDING SUCH SERVICES REASONABLY  
8           BELIEVES THAT:

9                   (a) THE PATIENT IS BEING TREATED FOR A LIFE-THREATENING  
10                  EMERGENCY;

11                  (b) THE PATIENT HAS PREVIOUSLY BEEN OFFERED OR HAS BEEN  
12                  THE SUBJECT OF A HEPATITIS C SCREENING; OR

13                  (c) THE PATIENT LACKS CAPACITY TO CONSENT TO A HEPATITIS C  
14                  SCREENING TEST.

15           (2) IF A PATIENT ACCEPTS THE OFFER OF A HEPATITIS C SCREENING  
16           TEST AND THE SCREENING TEST IS REACTIVE, THE HEALTH CARE PROVIDER  
17           MAY EITHER OFFER THE PATIENT FOLLOW-UP HEALTH CARE OR REFER THE  
18           INDIVIDUAL TO A HEALTH CARE PROVIDER WHO CAN PROVIDE FOLLOW-UP  
19           HEALTH CARE, INCLUDING A HEPATITIS C DIAGNOSTIC TEST.

20           (3) THE HEALTH CARE PROVIDER SHALL MAKE THE OFFER OF A  
21           HEPATITIS C SCREENING TO THE PATIENT IN A LINGUISTICALLY AND  
22           CULTURALLY APPROPRIATE MANNER, AS DETERMINED BY RULES  
23           PROMULGATED BY THE DEPARTMENT.

24           (4) NOTHING IN THIS SECTION AFFECTS THE SCOPE OF PRACTICE OF  
25           A HEALTH CARE PROVIDER OR DIMINISHES ANY AUTHORITY OR LEGAL OR  
26           PROFESSIONAL OBLIGATION OF A HEALTH CARE PROVIDER TO OFFER A  
27           HEPATITIS C SCREENING TEST OR HEPATITIS C DIAGNOSTIC TEST OR TO

1 PROVIDE SERVICES OR CARE FOR THE SUBJECT OF A HEPATITIS C  
2 SCREENING TEST OR HEPATITIS C DIAGNOSTIC TEST.

3 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
4 REQUIRES:

5 (a) "HEPATITIS C DIAGNOSTIC TEST" MEANS A LABORATORY TEST  
6 OR TESTS THAT DETECT THE PRESENCE OF HEPATITIS C VIRUS IN THE  
7 BLOOD AND PROVIDE CONFIRMATION OF WHETHER THE PATIENT HAS A  
8 HEPATITIS C INFECTION.

9 (b) "HEPATITIS C SCREENING TEST" MEANS A FEDERAL FOOD AND  
10 DRUG ADMINISTRATION-APPROVED RAPID POINT OF CARE TEST OR OTHER  
11 FOOD AND DRUG ADMINISTRATION-APPROVED TESTS THAT DETECT THE  
12 PRESENCE OF HEPATITIS C VIRUS ANTIBODIES IN THE BLOOD.

13 **SECTION 3. Act subject to petition - effective date.** This act  
14 takes effect at 12:01 a.m. on the day following the expiration of the  
15 ninety-day period after final adjournment of the general assembly (August  
16 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a  
17 referendum petition is filed pursuant to section 1 (3) of article V of the  
18 state constitution against this act or an item, section, or part of this act  
19 within such period, then the act, item, section, or part will not take effect  
20 unless approved by the people at the general election to be held in  
21 November 2014 and, in such case, will take effect on the date of the  
22 official declaration of the vote thereon by the governor.