

NOTE: The governor signed this measure on 5/19/2014.

An Act

SENATE BILL 14-173

BY SENATOR(S) Jahn and King, Crowder, Guzman, Herpin, Hill, Newell, Nicholson, Steadman, Heath, Kefalas, Kerr, Roberts, Schwartz, Tochtrop, Todd, Ulibarri;
also REPRESENTATIVE(S) Singer and McNulty, Gardner, Gerou, Kagan, Landgraf, Melton, Tyler, Becker, Fields, Pettersen, Primavera, Rosenthal, Ryden, Schafer, Vigil, Young.

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

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

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

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

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

(c) As baby boomers age, there is a greater chance that they will

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

develop serious, life-threatening liver disease from hepatitis C;

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

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

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

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

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

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

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

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

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

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

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

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

(4) NOTHING IN THIS SECTION AFFECTS THE SCOPE OF PRACTICE OF A HEALTH CARE PROVIDER OR DIMINISHES ANY AUTHORITY OR LEGAL OR PROFESSIONAL OBLIGATION OF A HEALTH CARE PROVIDER TO OFFER A HEPATITIS C SCREENING TEST OR HEPATITIS C DIAGNOSTIC TEST OR TO PROVIDE SERVICES OR CARE FOR THE SUBJECT OF A HEPATITIS C SCREENING TEST OR HEPATITIS C DIAGNOSTIC TEST.

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

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

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

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Morgan Carroll
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO