

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Health, Insurance, & Environment

HOUSE
3rd Reading Unamended
April 28, 2014

HOUSE
2nd Reading Unamended
April 25, 2014

SENATE
3rd Reading Unamended
April 16, 2014

SENATE
2nd Reading Unamended
April 15, 2014

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.