

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5728

Chapter 60, Laws of 2016

64th Legislature
2016 Regular Session

HIV INFECTION SCREENING--OPT-OUT

EFFECTIVE DATE: 6/9/2016

Passed by the Senate March 7, 2016
Yeas 46 Nays 2

BRAD OWEN

President of the Senate

Passed by the House March 2, 2016
Yeas 68 Nays 29

FRANK CHOPP

Speaker of the House of Representatives

Approved March 29, 2016 4:14 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5728** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

March 30, 2016

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5728

AS AMENDED BY THE HOUSE

Passed Legislature - 2016 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senate Ways & Means (originally sponsored by Senators Darneille, Rivers, Rolfes, Ranker, Keiser, Parlette, Hasegawa, Chase, and Jayapal)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to permitting opt-out screening for HIV
2 infection; adding a new section to chapter 70.24 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the scientific
6 community's understanding of the human immunodeficiency virus has
7 changed significantly since the virus was first identified. With that
8 change has come increased awareness of the value of incorporating HIV
9 testing into routine health screenings. The legislature finds that
10 the United States preventive services task force recommends that
11 clinicians screen for HIV infection in adolescents and adults age
12 fifteen to sixty-five years and for all pregnant women. The
13 legislature also finds that since 2006, the United States centers for
14 disease control has recommended one-time screening of adolescent and
15 adult patients to identify persons who are already HIV-positive,
16 making HIV screening a regular part of the medical care provided by a
17 primary care provider and on the same voluntary basis as other
18 diagnostic and screening tests. In that same recommendation, the
19 centers for disease control formally adopted its current
20 recommendations for an opt-out model of HIV screening for all
21 individuals ages thirteen to sixty-four and for all pregnant women.

1 The legislature finds further that it is appropriate to update the
2 state's HIV screening policy by adopting these recommendations.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.24
4 RCW to read as follows:

5 (1) Clinicians shall screen for HIV infection consistent with the
6 United States preventive services task force recommendations for all
7 patients age fifteen through sixty-five years and for all pregnant
8 women. Screening is voluntary and may be undertaken only after the
9 patient or the patient's authorized representative has been told that
10 HIV screening is planned and that HIV screening will be performed
11 unless the patient declines.

12 (2) If a health care provider notifies a patient that an HIV
13 screening will be performed unless the patient declines, and the
14 patient or patient's authorized representative declines the HIV
15 screening, the health care provider may not use the fact that the
16 person declined an HIV screening as a basis for denying services or
17 treatment, other than an HIV screening, to the person.

Passed by the Senate March 7, 2016.

Passed by the House March 2, 2016.

Approved by the Governor March 29, 2016.

Filed in Office of Secretary of State March 30, 2016.