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

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| 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** | 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  **Chief Clerk** |
| Approved March 29, 2016 4:14 PM | March 30, 2016 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SUBSTITUTE SENATE BILL 5728**

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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)

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

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

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

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

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

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

**--- END ---**

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.