

CHAPTER 153

HEALTH

SENATE BILL 93-137

BY SENATORS Wham, Johnson, Casey, Cassidy, Gallagher, Groff, Hopper, Mares, Martinez, Mendez, Peterson, L. Powers, Traylor, and Weissmann;
also REPRESENTATIVES Chlouber, Armstrong, DeGette, Fleming, Gordon, R. Hernandez, Knox, Rupert, Tanner, and Wright.

AN ACT

CONCERNING EXPANSION OF ANONYMOUS TESTING PROGRAMS FOR HIV INFECTION.

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

SECTION 1. 25-4-1405.5, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-4-1405.5. Extraordinary circumstances - procedures. (1) The general assembly hereby finds, determines, and declares that the continued risk to the public health of the citizens of this state resulting from the presence and transmission of HIV infection warrants the implementation of controlled extraordinary measures to further the containment of HIV.

(2) (a) (I) THE PROVISION OF CONFIDENTIAL COUNSELING AND TESTING SERVICES FOR HIV IS THE PREFERRED SCREENING SERVICE FOR DETECTION OF HIV INFECTION. HOWEVER, the department shall, consistent with generally accepted practices for the protection of the public health and safety, conduct ~~a~~ AN ANONYMOUS COUNSELING AND TESTING program for persons considered to be at high risk for infection with HIV. Such program shall be conducted ~~for a period of not less than eighteen nor more than thirty-six months and shall be conducted at a single~~ SELECTED HIV testing ~~site located in the city and county of Denver~~ SITES. THE DEPARTMENT MAY OPERATE SITES OR CONTRACT THROUGH LOCAL BOARDS OF HEALTH TO CONDUCT SUCH TESTING IN CONJUNCTION WITH COUNSELING AND TESTING SITES, SUBJECT TO MAINTAINING STANDARDS FOR PERFORMANCE SET BY THE STATE BOARD OF HEALTH.

(II) THE STATE BOARD OF HEALTH SHALL ADOPT RULES SPECIFYING THE

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

PERFORMANCE STANDARDS FOR ANONYMOUS AND CONFIDENTIAL COUNSELING AND TESTING SITES. STANDARDS SHALL INCLUDE, BUT ARE NOT LIMITED TO, PERFORMANCE STANDARDS FOR NOTIFYING AND COUNSELING HIV-INFECTED PERSONS AND FOR PARTNER NOTIFICATION.

(b) (I) The disclosure of an individual's name, address, phone number, or birth date shall not be required under the program as a condition of being tested to determine whether such person is infected with HIV. Any provision of this part 14 that requires or can be construed to require a person seeking to be tested for HIV to disclose such information shall not apply to persons seeking to be tested at said test site SITES.

(II) Notwithstanding the provisions of subparagraph (I) of this paragraph (b), the age and sex of a person seeking to be tested at the said test site SITES may be required. A PERSON MAY PROVIDE PERSONAL IDENTIFYING INFORMATION AFTER COUNSELING, IF THE PERSON VOLUNTEERS TO DO SO.

~~(c) The department shall evaluate said program using customary recognized epidemiological standards to determine whether the procedure under such program can further public health efforts to control the transmission of the HIV virus and shall report its findings and recommendations to the general assembly within six months from the termination of the program. The empirical data from said evaluation shall be made available to the public through the state auditor so that independent analyses of the findings and conclusions may be made. Any individual's name or address that appears in such data shall be deleted from the data set before such data is publicly released.~~

~~(d) In making its evaluation and recommendations, the department shall give particular attention to the public health necessity of notifying partners and contacts exposed by persons determined to be infected with HIV.~~

~~(e) In making its evaluation and recommendations, the department shall give particular attention to comparing the effectiveness of the program with the effectiveness of the department's other HIV testing programs.~~

~~(3) In the event the executive director of the department determines, with grounds therefor, that the program poses a threat to the public health in any manner, the director shall forthwith terminate such program and submit a report accordingly, with written findings, to the general assembly.~~

~~(4) This section is repealed, effective July 1, 1993.~~

SECTION 2. Effective date. This act shall take effect July 1, 1993.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 29, 1993