


Councilmember Brianne K. Nadeau


Councilmember Brooke Pinto

1 A BILL
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3 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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5 To amend Chapter 6 of Title 22-B of the District of Columbia Municipal Regulations to permit a
6 minor of any age to consent to health services for the prevention, diagnosis, or treatment
7 of HIV or AIDS, to authorize the health service provider to determine whether the minor
8 meets the informed consent standard to receive the health services, to direct the health
9 service provider to seek reimbursement directly from the insurer without parental
10 consent, to require an insurer to not send an Explanation of Benefits for health services,
11 and to permit a minor to have access to their HIV and AIDS medical records without
12 parental consent; and to amend section 47-2005 of the District of Columbia Official Code
13 to exempt sales of HIV in-home tests from taxation.
14

15 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
16 act may be cited as the “Minor Consent to Healthcare for HIV and AIDS Regulations
17 Amendment Act of 2020”.

18 Sec. 2. Chapter 6 of Title 22-B of the District of Columbia Municipal Regulations
19 (22-B DCMR § 600) is amended by adding a new subsection 600.10 to read as follows:

20 “600.10 (a) A minor of any age who is capable of providing informed consent may
21 consent to health services that the minor requests for the prevention, diagnosis, or treatment of
22 human immunodeficiency virus (“HIV”) or Acquired Immune Deficiency Syndrome (“AIDS”).

23 “(b) For purposes of this subsection, the health services provider shall determine whether
24 the minor is capable of providing informed consent by determining whether the minor is able to
25 comprehend the need for, the nature of, and any significant risks ordinarily inherent in the
26 medical care.

27 “(c) The health services provider shall seek reimbursement directly from the insurer,
28 without parental consent, and shall notify the insurer that the health services have been provided
29 under the authority of this subsection.

30 “(d) An insurer shall not send an Explanation of Benefits for health services provided
31 under this subsection.

32 “(e) A minor who receives health services provided under the authority of this subsection
33 shall have access to their HIV and AIDS medical records without parental consent.”.

34 Sec. 3. Section 47-2005 of the District of Columbia Official Code is amended by adding
35 a new paragraph (41) to read as follows:

36 “(41) Sales of human immunodeficiency virus (“HIV”) in-home tests.”.

37 Sec. 4. Applicability.

38 (a) Section 3 of this act shall take effect subject to the inclusion of its fiscal effect in an
39 approved budget and financial plan.

40 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
41 an approved budget and financial plan, and provide notice to the Budget Director of the Council
42 of the certification.

43 (c)(1) The Budget Director shall cause the notice of the certification to be published in
44 the District of Columbia Register.

45 (2) The date of publication of the notice of the certification shall not affect the
46 applicability of this act.

47 Sec. 5. Fiscal impact statement.

48 The Council adopts the fiscal impact statement in the committee report as the fiscal
49 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
50 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

51 Sec. 6. Effective date.

52 This act shall take effect following approval by the Mayor (or in the event of veto by the
53 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
54 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
55 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
56 Columbia Register.