Summary of Bill Draft

“Relating to modernizing the control of certain communicable diseases”

- **Findings:** Adds blood-borne pathogens to existing legislative findings regarding sexually transmitted disease (STD) regulation. (RCW 70.24.015)

- **Definitions:** Adds definitions of “blood-borne pathogen,” “health order,” and “medical treatment” and deletes definitions that are no longer used. (RCW 70.24.017)

- **Behaviors endangering:** Removes the requirement that health orders be applied serially. Removes the requirement that orders for medical treatment be “for curable diseases” and removes the 14-day time limit. Requires that when an order includes the option for adherence to treatment, additional options are provided to the individual to choose from. Requires the effective period for a health order to be reasonably related to the purpose of the restriction, up to a maximum period of 24 months (rather than three months). Permits a health officer to apply for a court order requiring adherence (rather than permitting a health officer to request a hearing). Removes the provision making hearing closed and confidential. Adds a gross misdemeanor specific to violation of a health order, and permits a court to place the defendant on probation for up to two years. (RCW 70.24.024 and new section 4)

- **Criminal law:** DOH is working with a legislator and stakeholders to finalize a proposal to replace RCW 70.24.140. Removes HIV from felony A RCW 9A.36.011; repeals RCW 70.24.140; and, inserts a new section – new section is under development.

- **Minors:** Permits a minor 14 years or older to consent to medical treatment to avoid HIV infection (in addition to diagnosis or treatment of STDs). (RCW 70.24.110)

- **Public Health STD Investigators:** Removes “sexually transmitted” terminology from public health disease investigators (DIS). Allows DIS to gather specimens including finger stick puncture to test for communicable disease while working under physician’s standing orders.

- **STD education:** Modifies a legislative finding related to public school education to refer to educating young people about STDs instead of AIDS, and references education statutes. (RCW 70.24.220)

- **Insurance-related testing:** Applies requirements related to HIV testing for insurance coverage to blood borne pathogen testing (rather than HIV testing), modifies the explanatory information the insurance company must provide to the individual, removes the requirement for post-test counseling, and removes the requirement to send test results to a designated provider or the health department rather than the individual. (RCW 70.24.325)

- **Convicted person testing:** Removes mandatory testing of persons convicted of sex offenses, prostitution, and drug offenses. (RCW 70.24.340)

- **At-risk employees:** Removes authority for at-risk employees who have experienced a substantial exposure to request HIV testing of the person whose bodily fluids the employee was exposed to (leaving in place authority to request blood-borne pathogen testing). (RCW 70.24.340). Aligns terminology between the three statutes referring to exposure .340, .360 and .370 to use the same language regarding exposure: “exposure presenting a possible risk of transmission.”
• **Jail detainee testing**: Permits jail administrators to order blood-borne pathogen testing (rather than HIV testing) of a jail detainee if the local public health officer determines that the detainee’s behavior (rather than the detainee’s actual or threatened behavior) presents a possible risk to staff, the general public, or others. Removes the requirement that jail administrators establish a procedure to document possible risk. (RCW 70.24.360). Aligns terminology between the three statutes referring to exposure .340, .360 and .370 to use the same language regarding exposure: “exposure presenting a possible risk of transmission.”

• **Prison inmate testing**: Permits the DOC Chief Medical Officer (rather than the Secretary of Corrections) to order blood-borne pathogen testing (rather than HIV testing) of an inmate if the inmate’s behavior (rather than actual or threatened behavior) presents a possible risk. Removes authority for the DOC to define “possible risk.” Removes the requirement for annual training, as well as language providing that RCW 70.24.340 (at-risk employees) does not apply to the DOC or inmates. (RCW 70.24.370). Aligns terminology between the three statutes referring to exposure .340, .360 and .370 to use the same language regarding exposure: “exposure presenting a possible risk of transmission.”

• **Rulemaking**: Consolidates rulemaking authority for the State Board of Health and Department of Health in one section. Repeals rulemaking authority related to a 1997 session law. (RCW 70.24.130, 70.24.125, 70.24.107)

• **Confidentiality and unfair employment practices**: Makes conforming amendments to confidentiality laws and the law defining unfair employment practices related to HIV. (RCW 70.02.220, 49.60.172)

• **Additional repeals**: Repeals statutes related to:
  - AIDS Patient Counseling (pregnant women and patients with STDs) and Drug Treatment Centers (RCW 70.24.095);
  - Approved laboratory tests for syphilis (RCW 70.24.100);
  - AIDS educational material clearinghouse (RCW 70.24.240);
  - Office on AIDS (RCW 70.24.250);
  - AIDS education and training for health professions, health care facility employees, public school employees, and state and local government employees (RCW 70.24.260, 70.24.270, 70.24.280, 70.24.290, 70.24.300, 70.24.310, and 18.35.040 – not full repeal);
  - Definitions and minimum standards related to counseling and testing (RCW 70.24.320, 70.24.380);
  - Voluntary testing and counseling for persons arrested for prostitution and drug offenses (RCW 70.24.350);
  - Allocation of funding (RCW 70.24.400);
  - UW Center for AIDS Education (RCW 70.24.400); and
  - AIDS Advisory Committee (RCW 70.24.410)

• **Other**: Includes a severability clause.

• **Technical Fixes in Other RCW chapter amendments to align with bill**: Amend statutes in other chapters related to:
  - AIDS education and training for hearing aid professional RCW 18.35.040
  - And other sections to correct numbers changed from the draft bill changes.

Date: September, 2018