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SENATE BILL 5306

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State of Washington

55th Legislature

1997 Regular Session

By Senators Zarelli, Hargrove, Long, Stevens, Benton, Schow and Roach

Read first time 01/22/97. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to disclosure of offenders' HIV and other  
2 communicable disease test results to department of corrections and jail  
3 staff; amending RCW 70.24.105, 70.24.340, 70.24.360, 70.24.370, and  
4 70.24.024; adding new sections to chapter 72.10 RCW; adding a new  
5 section to chapter 70.48 RCW; adding new sections to chapter 70.28 RCW;  
6 creating new sections; and prescribing penalties.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that department of  
9 corrections staff and jail staff perform essential public functions  
10 that are vital to our communities. The health and safety of these  
11 workers is often placed in jeopardy while they perform the  
12 responsibilities of their jobs. Therefore, the legislature intends  
13 that the results of any HIV tests conducted on an offender or detainee  
14 under RCW 70.24.340, 70.24.360, or 70.24.370, or tuberculosis tests  
15 conducted on an offender or detainee under section 7 or 12 of this act  
16 be disclosed to the superintendent or administrator of the department  
17 of corrections facility or local jail housing the offender or detainee,  
18 and also be disclosed to any corrections staff or jail staff who may  
19 come in close physical proximity to offenders with communicable

1 diseases, including any member of a jail staff or department of  
2 corrections staff who has been substantially exposed to the bodily  
3 fluids of an offender or detained person. The legislature finds that  
4 the system of universal precautions required under federal and state  
5 law in all settings where risk of occupational exposure to communicable  
6 diseases exists are an effective way to reduce the risk of communicable  
7 disease transmission. The legislature does not intend to discourage  
8 the use of universal precautions but to provide supplemental  
9 information for corrections and jail staff to utilize as part of their  
10 universal precautions with all offenders and detained people.

11 **Sec. 2.** RCW 70.24.105 and 1994 c 72 s 1 are each amended to read  
12 as follows:

13 (1) No person may disclose or be compelled to disclose the identity  
14 of any person who has investigated, considered, or requested a test or  
15 treatment for a sexually transmitted disease, except as authorized by  
16 this chapter.

17 (2) No person may disclose or be compelled to disclose the identity  
18 of any person upon whom an HIV antibody test is performed, or the  
19 results of such a test, nor may the result of a test for any other  
20 sexually transmitted disease when it is positive be disclosed, except  
21 as authorized by this chapter. This protection against disclosure of  
22 test subject, diagnosis, or treatment also applies to any information  
23 relating to diagnosis of or treatment for HIV infection and for any  
24 other confirmed sexually transmitted disease. The following persons,  
25 however, under (a) through (g), (i), and (j) of this subsection, may  
26 receive such information; and the following persons under (h) and (k)  
27 of this subsection shall receive such information:

28 (a) The subject of the test or the subject's legal representative  
29 for health care decisions in accordance with RCW 7.70.065, with the  
30 exception of such a representative of a minor child over fourteen years  
31 of age and otherwise competent;

32 (b) Any person who secures a specific release of test results or  
33 information relating to HIV or confirmed diagnosis of or treatment for  
34 any other sexually transmitted disease executed by the subject or the  
35 subject's legal representative for health care decisions in accordance  
36 with RCW 7.70.065, with the exception of such a representative of a  
37 minor child over fourteen years of age and otherwise competent;

1 (c) The state public health officer, a local public health officer,  
2 or the centers for disease control of the United States public health  
3 service in accordance with reporting requirements for a diagnosed case  
4 of a sexually transmitted disease;

5 (d) A health facility or health care provider that procures,  
6 processes, distributes, or uses: (i) A human body part, tissue, or  
7 blood from a deceased person with respect to medical information  
8 regarding that person; (ii) semen, including that provided prior to  
9 March 23, 1988, for the purpose of artificial insemination; or (iii)  
10 blood specimens;

11 (e) Any state or local public health officer (~~conducting an~~  
12 ~~investigation pursuant to RCW 70.24.024, provided that such record was~~  
13 ~~obtained by means of court ordered HIV testing pursuant to~~) under RCW  
14 70.24.340 ((or 70.24.024)), 70.24.360, or 70.24.370;

15 (f) A person allowed access to the record by a court order granted  
16 after application showing good cause therefor. In assessing good  
17 cause, the court shall weigh the public interest and the need for  
18 disclosure against the injury to the patient, to the physician-patient  
19 relationship, and to the treatment services. Upon the granting of the  
20 order, the court, in determining the extent to which any disclosure of  
21 all or any part of the record of any such test is necessary, shall  
22 impose appropriate safeguards against unauthorized disclosure. An  
23 order authorizing disclosure shall: (i) Limit disclosure to those  
24 parts of the patient's record deemed essential to fulfill the objective  
25 for which the order was granted; (ii) limit disclosure to those persons  
26 whose need for information is the basis for the order; and (iii)  
27 include any other appropriate measures to keep disclosure to a minimum  
28 for the protection of the patient, the physician-patient relationship,  
29 and the treatment services, including but not limited to the written  
30 statement set forth in subsection (5) of this section;

31 (g) Persons who, because of their behavioral interaction with the  
32 infected individual, have been placed at risk for acquisition of a  
33 sexually transmitted disease, as provided in RCW 70.24.022, if the  
34 health officer or authorized representative believes that the exposed  
35 person was unaware that a risk of disease exposure existed and that the  
36 disclosure of the identity of the infected person is necessary;

37 (h) A law enforcement officer, fire fighter, health care provider,  
38 health care facility staff person, or other persons as defined by the  
39 board in rule pursuant to RCW 70.24.340(4), who has requested a test of

1 a person whose bodily fluids he or she has been substantially exposed  
2 to, pursuant to RCW 70.24.340(4), if a state or local public health  
3 officer performs the test;

4 (i) Claims management personnel employed by or associated with an  
5 insurer, health care service contractor, health maintenance  
6 organization, self-funded health plan, state-administered health care  
7 claims payer, or any other payer of health care claims where such  
8 disclosure is to be used solely for the prompt and accurate evaluation  
9 and payment of medical or related claims. Information released under  
10 this subsection shall be confidential and shall not be released or  
11 available to persons who are not involved in handling or determining  
12 medical claims payment; ~~((and))~~

13 (j) A department of social and health services worker, a child  
14 placing agency worker, or a guardian ad litem who is responsible for  
15 making or reviewing placement or case-planning decisions or  
16 recommendations to the court regarding a child, who is less than  
17 fourteen years of age, has a sexually transmitted disease, and is in  
18 the custody of the department of social and health services or a  
19 licensed child placing agency; this information may also be received by  
20 a person responsible for providing residential care for such a child  
21 when the department of social and health services or a licensed child  
22 placing agency determines that it is necessary for the provision of  
23 child care services; and

24 (k) A department of corrections superintendent or administrator, a  
25 jail administrator, a transportation officer, staff in receiving  
26 facilities, or other corrections staff, who, in the course of their  
27 regularly assigned job responsibilities, may come in close physical  
28 proximity to offenders with communicable diseases, including any member  
29 of a jail staff or department of corrections staff who has been  
30 substantially exposed to the bodily fluids of an offender or detained  
31 person.

32 (3) No person to whom the results of a test for a sexually  
33 transmitted disease have been disclosed pursuant to subsection (2) of  
34 this section may disclose the test results to another person except as  
35 ~~((authorized))~~ otherwise required by ~~((that subsection))~~ law.

36 (4) The release of sexually transmitted disease information  
37 regarding an offender, except as provided in subsection (2)(e) of this  
38 section, shall be governed as follows:

1 (a) The sexually transmitted disease status of a department of  
2 corrections offender shall be made available by department of  
3 corrections health care providers to a department of corrections  
4 superintendent or administrator as necessary for disease prevention or  
5 control and for protection of the safety and security of the staff,  
6 offenders, and the public. The information may be submitted to  
7 transporting officers and receiving facilities, including facilities  
8 that are not under the department of correction's jurisdiction.

9 (b) The sexually transmitted disease status of a person detained in  
10 a jail and the results of any tests conducted under RCW 70.24.340,  
11 70.24.360, or 70.24.370 shall be made available by the local public  
12 health officer to a jail administrator ~~((as necessary))~~. The  
13 information made available to administrators under this subsection  
14 (4)(b) shall be utilized only as provided in section 4 of this act for  
15 disease prevention or control and for protection of the safety and  
16 security of the staff, offenders, detainees, and the public. The  
17 information may be submitted to transporting officers and receiving  
18 facilities.

19 (c) Information regarding ~~((a department of corrections~~  
20 ~~offender's))~~ the sexually transmitted disease status of an offender or  
21 detained person is confidential and may be disclosed by a correctional  
22 superintendent or administrator or local jail administrator only as  
23 necessary for disease prevention or control and for protection of the  
24 safety and security of the staff, offenders, and the public.  
25 Unauthorized disclosure of this information to any person may result in  
26 disciplinary action, in addition to the penalties prescribed in RCW  
27 70.24.080 or any other penalties as may be prescribed by law.

28 (d) Notwithstanding the limitations on disclosure contained in (a),  
29 (b), and (c) of this subsection, whenever any member of jail staff or  
30 department of corrections staff has been substantially exposed to the  
31 bodily fluids of an offender or detained person, then the results of  
32 any tests conducted under RCW 70.24.340, 70.24.360, or 70.24.370 shall  
33 be immediately disclosed by the department of corrections health care  
34 provider and the local public health officer or the officer's designee  
35 to the correctional superintendent or administrator or local jail  
36 administrator. The superintendent or administrator shall then  
37 immediately disclose these results to the staff member who was  
38 substantially exposed. Disclosure must be accompanied by appropriate

1 counseling for the staff member, including information regarding  
2 follow-up testing.

3 (e) The receipt by an individual of information disclosed under  
4 this subsection (4) shall be utilized only for disease prevention or  
5 control and for protection of the safety and security of the staff,  
6 offenders, detainees, and the public. Use of this information for any  
7 other purpose, including harassment or discrimination, may result in  
8 disciplinary action, in addition to the penalties prescribed in RCW  
9 70.24.080 or any other penalties as may be prescribed by law.

10 (5) Whenever disclosure is made pursuant to this section, except  
11 for subsections (2)(a) and (6) of this section, it shall be accompanied  
12 by a statement in writing (~~which~~) that includes the following or  
13 substantially similar language: "This information has been disclosed  
14 to you from records whose confidentiality is protected by state law.  
15 State law prohibits you from making any further disclosure of it  
16 without the specific written consent of the person to whom it pertains,  
17 or as otherwise permitted by state law. A general authorization for  
18 the release of medical or other information is NOT sufficient for this  
19 purpose." An oral disclosure shall be accompanied or followed by such  
20 a notice within ten days.

21 (6) The requirements of this section shall not apply to the  
22 customary methods utilized for the exchange of medical information  
23 among health care providers in order to provide health care services to  
24 the patient, nor shall they apply within health care facilities where  
25 there is a need for access to confidential medical information to  
26 fulfill professional duties.

27 (7) Upon request of the victim, disclosure of test results under  
28 this section to victims of sexual offenses under chapter 9A.44 RCW  
29 shall be made if the result is negative or positive. The county  
30 prosecuting attorney shall notify the victim of the right to such  
31 disclosure. Such disclosure shall be accompanied by appropriate  
32 counseling, including information regarding follow-up testing.

33 NEW SECTION. Sec. 3. A new section is added to chapter 72.10 RCW  
34 to read as follows:

35 (1) The department must develop and implement policies and  
36 procedures for the uniform distribution of communicable disease  
37 prevention protocols to all corrections staff who, in the course of  
38 their regularly assigned job responsibilities, may come within close

1 physical proximity to offenders with communicable diseases. The  
2 protocols must include, but not be limited to, information learned from  
3 tests conducted under RCW 70.24.340, 70.24.360, 70.24.370, and section  
4 7 of this act.

5 (2) The protocols must identify the offender and special  
6 precautions necessary to reduce the risk of transmission of the  
7 communicable disease but must not identify the offender's particular  
8 communicable disease.

9 (3) For the purposes of this section, "communicable disease" means  
10 an illness caused by an infectious agent that can be transmitted from  
11 one person, animal, or object to another person by direct or indirect  
12 means including transmission via an intermediate host or vector, food,  
13 water, or air.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.48 RCW  
15 to read as follows:

16 (1) Local jail administrators must develop and implement policies  
17 and procedures for the uniform distribution of communicable disease  
18 prevention protocols to all jail staff who, in the course of their  
19 regularly assigned job responsibilities, may come within close physical  
20 proximity to offenders or detainees with communicable diseases. The  
21 protocols must include, but need not be limited to, information learned  
22 from tests conducted under RCW 70.24.340, 70.24.360, 70.24.370, and  
23 section 7 of this act.

24 (2) The protocols must identify the offender or detainee and  
25 special precautions necessary to reduce the risk of transmission of the  
26 communicable disease but must not identify the offender's or detainee's  
27 particular communicable disease.

28 (3) For the purposes of this section, "communicable disease" means  
29 an illness caused by an infectious agent that can be transmitted from  
30 one person, animal, or object to another person by direct or indirect  
31 means including transmission via an intermediate host or vector, food,  
32 water, or air.

33 NEW SECTION. **Sec. 5.** The department of health and the department  
34 of corrections must each adopt rules to implement this act. The  
35 department of health and the department of corrections must also report  
36 to the legislature by January 1, 1998, on the following: (1) Changes  
37 made in rules and department of corrections and local jail policies and

1 procedures to implement this act; and (2) a summary of the number and  
2 circumstances of mandatory test results that were disclosed to  
3 department of corrections staff and jail staff under RCW 70.24.105.

4 **Sec. 6.** RCW 70.24.340 and 1988 c 206 s 703 are each amended to  
5 read as follows:

6 (1) Local health departments (~~((authorized under this chapter))~~)  
7 shall conduct or cause to be conducted pretest counseling, HIV testing,  
8 ~~((and)) posttest counseling, and testings for hepatitis A and B~~ of all  
9 persons:

10 (a) Convicted of a sexual offense under chapter 9A.44 RCW;

11 (b) Convicted of prostitution or offenses relating to prostitution  
12 under chapter 9A.88 RCW; ~~((or))~~

13 (c) Convicted of drug offenses under chapter 69.50 RCW ~~((if the~~  
14 ~~court determines at the time of conviction that the related drug~~  
15 ~~offense is one associated with the use of hypodermic needles))~~; or

16 (d) Who have subjected a law enforcement officer, fire fighter,  
17 health care provider, health care facility staff person, department of  
18 corrections staff person, jail staff person, or other category of  
19 employee, as determined by the board, to substantial exposure to their  
20 bodily fluids.

21 (2) ~~((Such))~~ Testing of persons convicted under subsection (1)(a)  
22 through (c) of this section shall be conducted ((as soon as possible))  
23 no later than thirty days after sentencing and shall be so ordered by  
24 the sentencing judge. Testing of persons causing a substantial  
25 exposure under subsection (1)(d) of this section shall be conducted as  
26 soon as possible, but not later than seventy-two hours after the  
27 exposure.

28 (3) ~~((This section applies))~~ Subsection (1)(a) through (c) of this  
29 section applies only to offenses committed after March 23, 1988, and  
30 subsection (1)(d) of this section applies only to exposures occurring  
31 after the effective date of this act.

32 (4) A law enforcement officer, fire fighter, health care provider,  
33 health care facility staff person, or other categories of employment  
34 determined by the board in rule to be at risk of substantial exposure  
35 to HIV, who has experienced a substantial exposure to another person's  
36 bodily fluids in the course of his or her employment, may request a  
37 state or local public health officer to order pretest counseling, HIV  
38 testing, and posttest counseling for the person whose bodily fluids he



1 or she has been exposed to. (~~The person who is subject to the order~~  
2 ~~shall be given written notice of the order promptly, personally, and~~  
3 ~~confidentially, stating the grounds and provisions of the order,~~  
4 ~~including the factual basis therefor. If the person who is subject to~~  
5 ~~the order refuses to comply, the state or local public health officer~~  
6 ~~may petition the superior court for a hearing. The standard of review~~  
7 ~~for the order is whether substantial exposure occurred and whether that~~  
8 ~~exposure presents a possible risk of transmission of the HIV virus as~~  
9 ~~defined by the board by rule. Upon conclusion of the hearing, the~~  
10 ~~court shall issue the appropriate order.)) The state or local public~~  
11 health officer shall perform counseling and testing under this  
12 subsection if he or she finds that the exposure was substantial and  
13 presents a possible risk as defined by the board of health by rule.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.28 RCW  
15 to read as follows:

16 Local health departments shall conduct or cause to be conducted in  
17 local correctional facilities an inspection, examination, and test for  
18 the purposes of determining the presence of tuberculosis in the  
19 infectious stage of all persons detained or incarcerated in a local  
20 correctional facility for more than five days. Initial testing shall  
21 be conducted within ten days of reception into the correctional  
22 facility, with follow-up testing as medically indicated.

23 **Sec. 8.** RCW 70.24.360 and 1988 c 206 s 706 are each amended to  
24 read as follows:

25 Jail administrators, (~~with the approval of the local public health~~  
26 ~~officer,~~) after consultation with and receiving written  
27 recommendations from a licensed health care provider, may order pretest  
28 counseling, HIV testing, and posttest counseling for persons detained  
29 in the jail if the (~~local public health officer~~) jail administrator  
30 determines that actual or threatened behavior presents a possible risk  
31 to the staff, general public, or other persons. (~~Approval of the~~  
32 ~~local public health officer shall be based on RCW 70.24.024(3) and may~~  
33 ~~be contested through RCW 70.24.024(4).)~~ The administrator shall  
34 establish, pursuant to RCW 70.48.071, a procedure to document the  
35 possible risk (~~which~~) that is the basis for the HIV testing.  
36 (~~"Possible risk," as used in this section, shall be defined by the~~  
37 ~~board in rule. Documentation of the behavior, or threat thereof, shall~~

1 ~~be reviewed with the person to try to assure that the person~~  
2 ~~understands the basis for testing.))~~

3       **Sec. 9.** RCW 70.24.370 and 1988 c 206 s 707 are each amended to  
4 read as follows:

5       (1) Department of corrections facility administrators may order  
6 pretest counseling, HIV testing, and posttest counseling for inmates if  
7 the secretary of corrections or the secretary's designee determines  
8 that actual or threatened behavior presents a possible risk to the  
9 staff, general public, or other inmates. The department of corrections  
10 shall establish a procedure to document the possible risk which is the  
11 basis for the HIV testing. (~~"Possible risk," as used in this section,~~  
12 ~~shall be defined by the department of corrections after consultation~~  
13 ~~with the board. Possible risk, as used in the documentation of the~~  
14 ~~behavior, or threat thereof, shall be reviewed with the inmate.))~~

15       (2) Department of corrections administrators and superintendents  
16 who are authorized to make decisions about testing and dissemination of  
17 test information shall, at least annually, participate in training  
18 seminars on public health considerations conducted by the assistant  
19 secretary for public health or her or his designee.

20       (3) Administrative hearing requirements set forth in chapter 34.05  
21 RCW do not apply to the procedure developed by the department of  
22 corrections pursuant to this section. This section shall not be  
23 construed as requiring any hearing process except as may be required  
24 under existing federal constitutional law.

25       (4) RCW 70.24.340 does not apply to the department of corrections  
26 or to inmates in its custody or subject to its jurisdiction.

27       **Sec. 10.** RCW 70.24.024 and 1988 c 206 s 909 are each amended to  
28 read as follows:

29       (1) Subject to the provisions of this chapter, the state and local  
30 public health officers or their authorized representatives may examine  
31 and counsel or cause to be examined and counseled persons reasonably  
32 believed to be infected with or to have been exposed to a sexually  
33 transmitted disease.

34       (2) Orders or restrictive measures directed to persons with a  
35 sexually transmitted disease shall be used as the last resort when  
36 other measures to protect the public health have failed, including  
37 reasonable efforts, which shall be documented, to obtain the voluntary

1 cooperation of the person who may be subject to such an order. The  
2 orders and measures shall be applied serially with the least intrusive  
3 measures used first. The burden of proof shall be on the state or  
4 local public health officer to show that specified grounds exist for  
5 the issuance of the orders or restrictive measures and that the terms  
6 and conditions imposed are no more restrictive than necessary to  
7 protect the public health.

8 (3) When the state or local public health officer within his or her  
9 respective jurisdiction knows or has reason to believe, because of  
10 direct medical knowledge or reliable testimony of others in a position  
11 to have direct knowledge of a person's behavior, that a person has a  
12 sexually transmitted disease and is engaging in specified conduct, as  
13 determined by the board by rule based upon generally accepted standards  
14 of medical and public health science, that endangers the public health,  
15 he or she shall conduct an investigation in accordance with procedures  
16 prescribed by the board to evaluate the specific facts alleged, if any,  
17 and the reliability and credibility of the person or persons providing  
18 such information and, if satisfied that the allegations are true, he or  
19 she may issue an order according to the following priority to:

20 (a) Order a person to submit to a medical examination or testing,  
21 seek counseling, or obtain medical treatment for curable diseases, or  
22 any combination of these, within a period of time determined by the  
23 public health officer, not to exceed fourteen days.

24 (b) Order a person to immediately cease and desist from specified  
25 conduct (~~(which)~~) that endangers the health of others by imposing such  
26 restrictions upon the person as are necessary to prevent the specified  
27 conduct that endangers the health of others only if the public health  
28 officer has determined that clear and convincing evidence exists to  
29 believe that such person has been ordered to report for counseling as  
30 provided in (a) of this subsection and continues to demonstrate  
31 behavior (~~(which)~~) that endangers the health of others. Any  
32 restriction shall be in writing, setting forth the name of the person  
33 to be restricted and the initial period of time, not to exceed three  
34 months, during which the order shall remain effective, the terms of the  
35 restrictions, and such other conditions as may be necessary to protect  
36 the public health. Restrictions shall be imposed in the least-  
37 restrictive manner necessary to protect the public health.

38 (4)(a) Upon the issuance of any order by the state or local public  
39 health officer or an authorized representative pursuant to subsection

1 (3) of this section (~~(or RCW 70.24.340(4))~~), such public health officer  
2 shall give written notice promptly, personally, and confidentially to  
3 the person who is the subject of the order stating the grounds and  
4 provisions of the order, including the factual bases therefor, the  
5 evidence relied upon for proof of infection and dangerous behavior, and  
6 the likelihood of repetition of such behaviors in the absence of such  
7 an order, and notifying the person who is the subject of the order  
8 that, if he or she contests the order, he or she may appear at a  
9 judicial hearing on the enforceability of the order, to be held in  
10 superior court. He or she may have an attorney appear on his or her  
11 behalf in the hearing at public expense, if necessary. The hearing  
12 shall be held within seventy-two hours of receipt of the notice, unless  
13 the person subject to the order agrees to comply. If the person  
14 contests the order, no invasive medical procedures shall be carried out  
15 prior to a hearing being held pursuant to this subsection. If the  
16 person does not contest the order within seventy-two hours of receiving  
17 it, and the person does not comply with the order within the time  
18 period specified for compliance with the order, the state or local  
19 public health officer may request a warrant be issued by the superior  
20 court to insure appearance at the hearing. The hearing shall be within  
21 seventy-two hours of the expiration date of the time specified for  
22 compliance with the original order. The burden of proof shall be on  
23 the public health officer to show by clear and convincing evidence that  
24 the specified grounds exist for the issuance of the order and for the  
25 need for compliance and that the terms and conditions imposed therein  
26 are no more restrictive than necessary to protect the public health.  
27 Upon conclusion of the hearing, the court shall issue appropriate  
28 orders affirming, modifying, or dismissing the order.

29 (b) If the superior court dismisses the order of the public health  
30 officer, the fact that the order was issued shall be expunged from the  
31 records of the department or local department of health.

32 (5) Any hearing conducted pursuant to this section shall be closed  
33 and confidential unless a public hearing is requested by the person who  
34 is the subject of the order, in which case the hearing will be  
35 conducted in open court. Unless in open hearing, any transcripts or  
36 records relating thereto shall also be confidential and may be sealed  
37 by the order of the court.

1        NEW SECTION.   **Sec. 11.**   A new section is added to chapter 70.28 RCW  
2 to read as follows:

3        (1) The tuberculosis status of a department of corrections offender  
4 shall be made available by department of corrections health care  
5 providers and local public health officers to a department of  
6 corrections superintendent or administrator.   The information made  
7 available to superintendents and administrators under this subsection  
8 (1) shall be utilized by a superintendent or administrator only as  
9 provided in section 3 of this act.

10       (2) The tuberculosis status of a person detained in a jail shall be  
11 made available by department of corrections health care providers and  
12 local public health officers to a department of corrections  
13 superintendent or administrator.   The information made available to  
14 superintendents and administrators under this subsection (2) shall be  
15 utilized by a superintendent or administrator only as provided in  
16 section 4 of this act.

17       NEW SECTION.   **Sec. 12.**   A new section is added to chapter 72.10 RCW  
18 to read as follows:

19       (1) The department shall conduct or cause to be conducted an  
20 inspection, examination, and test for the purposes of determining the  
21 presence of tuberculosis in the infectious stage of all offenders  
22 sentenced to the department.   Initial testing shall be conducted within  
23 five days of reception, with follow-up testing as medically indicated.

24       (2) All offenders received by the department, those offenders who  
25 are remanded from community custody or work training release, and all  
26 offenders who return or are received at a department facility from the  
27 community or a local jail after being out of the department's custody  
28 for ninety days or more shall be tested for tuberculosis within five  
29 days of reception or return to the department's custody, followed by a  
30 second test after another ninety days.

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