
SUBSTITUTE SENATE BILL 5728

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)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to permitting opt-out screening for HIV
2 infection; amending RCW 70.24.330; adding a new section to chapter
3 70.24 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the scientific
6 community's understanding of the human immunodeficiency virus has
7 changed significantly since the virus was first identified. With that
8 change has come increased awareness of the value of incorporating HIV
9 testing into routine health screenings. The legislature also finds
10 that since 2006, the United States centers for disease control has
11 recommended one-time screening of adolescent and adult patients to
12 identify persons who are already HIV-positive, making HIV testing a
13 regular part of the medical care provided by a primary care provider
14 and on the same voluntary basis as other diagnostic and screening
15 tests. In that same recommendation, the centers for disease control
16 formally adopted its current recommendations for an opt-out model of
17 HIV screening for all individuals ages thirteen to sixty-four and for
18 all pregnant women. The legislature finds further that it is
19 appropriate to update the state's HIV screening policy by adopting
20 these recommendations.

1 **Sec. 2.** RCW 70.24.330 and 1988 c 206 s 702 are each amended to
2 read as follows:

3 No person may undergo HIV testing without the person's consent
4 except:

5 (1) Pursuant to RCW 7.70.065 for incompetent persons;

6 (2) In seroprevalence studies where neither the persons whose
7 blood is being tested know the test results nor the persons
8 conducting the tests know who is undergoing testing;

9 (3) If the department of labor and industries determines that it
10 is relevant, in which case payments made under Title 51 RCW may be
11 conditioned on the taking of an HIV antibody test; or

12 (4) As otherwise expressly authorized by this chapter and section
13 3 of this act.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.24
15 RCW to read as follows:

16 (1) Screening for HIV infection must be offered by clinicians
17 consistent with the United States preventive services task force
18 recommendations for all patients age thirteen through sixty-four
19 years and for all pregnant women. Screening is voluntary and may be
20 undertaken only after the patient or the patient's authorized
21 representative has been told that HIV testing is planned and that HIV
22 testing will be performed unless the patient declines.

23 (2) If a health care provider offers to perform an HIV test, and
24 the patient or patient's authorized representative declines the HIV
25 test, the health care provider may not use the fact that the person
26 declined an HIV test as a basis for denying services or treatment,
27 other than an HIV test, to the person.

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