

SENATE BILL REPORT

ESHB 1594

As of March 27, 1995

Title: An act relating to persons rendering aid who had contact with the blood of an injured person.

Brief Description: Requiring blood tests of injured persons if persons rendering aid came in contact with their blood.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Foreman, Sherstad, Campbell, Benton, McMahan, Elliot, Chandler and Hargrove).

Brief History: Passed House 3/9/95, 72-24.

Committee Activity: Law & Justice: 3/28/95.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Lidia Mori (786-7755)

Background: No person may be required to undergo an HIV test without his or her consent except in limited circumstances.

Law enforcement officers, fire fighters, health care providers, or staff of health care facilities who have experienced a substantial exposure to another person's bodily fluids in the course of employment may request a health officer to order pretest counseling, HIV testing, and posttest counseling for the person whose bodily fluids he or she has been exposed to. Authorized volunteers in these occupations may also request that a test be ordered if they have been substantially exposed to another's bodily fluids. If the person ordered to undergo the HIV test refuses, the public health officer may petition the superior court for a hearing. If the court determines that substantial exposure occurred and that the exposure presents a possible risk of transmission of HIV, the court shall issue the appropriate order.

HIV test results may not be disclosed or compelled to be disclosed except in limited circumstances. These circumstances include disclosure to a law enforcement officer, fire fighter, or health care provider who has requested a test of a person whose bodily fluids he or she has been substantially exposed to. In addition, a person determined by a court to have "good cause" for access to the test results may compel disclosure of the results. In determining whether there is good cause, the court must weigh the public interest and the need for disclosure against the injury to the patient, to the patient-physician relationship, and to the treatment services.

There are no similar mandatory testing and test result disclosure provisions for other blood-borne diseases.

Summary of Bill: An injured person who receives emergency medical treatment at the scene of an emergency, or is transported for emergency medical care by a person who

renders the care with or without the expectation of compensation, is required to submit to blood tests to determine the presence of any blood-borne diseases, if requested by the person who rendered aid and had contact with the blood of the injured person.

A person rendering emergency care to an injured person at the scene of an emergency must submit to blood tests to detect the presence of any blood-borne diseases, if requested by the injured person and if the injured person has contact with the blood of the person rendering emergency care.

The Department of Health is required to adopt guidelines concerning the procedures for testing injured persons and persons rendering care. The person conducting the blood tests or the Department of Health notifies the person who requested the test of the test results. A person who receives the test results of another person may not disclose the identity of the person whose blood was tested. It is a gross misdemeanor to disclose test results in violation of the act.

Appropriation: None.

Fiscal Note: Requested on March 27, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.