

6285-S

Sponsor(s): Senate Committee on Human Services & Corrections (originally sponsored by Senators Zarelli, Roach, Schow, Long, McCaslin, Morton, Hochstatter, Swecker, Hargrove, Hale, Strannigan, Oke, Wood, Finkbeiner, Deccio, Johnson, A. Anderson, Cantu, Moyer and West)

Brief Description: Providing for disclosure of offenders' HIV test results to department of corrections and jail staff.

SB 6285-S.E - DIGEST

(DIGEST AS PASSED LEGISLATURE)

Requires disclosure of offenders' HIV test results to department of corrections and jail staff.

Does not mandate disclosure of the results of voluntary and anonymous tests.

Requires the department of corrections and the department of health to adopt rules to implement the requirements of the act.

Provides that the information may be utilized only for disease prevention.

Prohibits use of the information for harassment or discrimination.

Provides for the development and distribution of communicable disease prevention protocols to staff.

VETO MESSAGE ON SB 6285-S

March 30, 1996

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 6285 entitled:

"AN ACT Relating to disclosure of offenders' HIV test results to department of corrections and jail staff;"

Engrossed Substitute Senate Bill No. 6285 would require the Department of Corrections (DOC) and local jails to identify certain inmates who carry infectious disease and to describe health precautions appropriate with those persons without identifying the nature of their illness.

The plague of the HIV virus continues to be a serious concern to all of the citizens of Washington State. This issue is of particular concern to the men and women who serve our state and local communities as corrections officers and jail staff and who come into contact daily with inmates who may be carrying a variety of infectious diseases. I appreciate this concern and applaud the legislature's attempt to address it as well as to maintain confidentiality with respect to an inmate's HIV status. Despite this attempt, however, I do not believe Engrossed Substitute Senate Bill No. 6285 achieves its objective of providing appropriate protection to corrections officers and to jail staff.

The only proven protection against exposure to the HIV virus

is the use of the universal precautions. These precautions should be used by corrections officers and jail staff at all times and with all inmates. Engrossed Substitute Senate Bill No. 6285 is fundamentally flawed in that it implies extra care should be taken with some inmates, rather than uniform caution with all inmates.

It would be a mistake to give our corrections officers and jail staff a false sense of security by identifying only some of the inmates who carry infectious diseases. Posting the names of inmates whose statutorily mandated HIV tests were positive will not protect corrections officers or jail staff from inmates whose voluntary tests were positive or from those who have not been tested.

We should not place our valued public servants in further jeopardy by tempting them to treat some inmates with less than universal precaution because they are unaware of the possible threat from others. Currently, in the event a situation does occur which results in substantial exposure to bodily fluids, both corrections officers and jail staff are able to obtain confidential test results or to mandate testing, if necessary, to protect their own health.

In an effort to address the legitimate health and safety concerns of corrections officers, I am directing DOC to increase its efforts to provide these officers with sufficient information and training to assist their understanding of the importance of using universal precautions at all times. I am also directing DOC, in consultation with the Department of Health (DOH), to modify its existing policy to eliminate the use of "protocols" issued in relation to particular inmates.

In addition, I encourage local public health officials, in consultation with DOH, to work with local governments to provide local jail staff with information and training regarding universal precautions and other appropriate methods of protecting their health and safety. Until there is a cure, the only way for these valued public servants to remain healthy and safe is to maintain universal precaution.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 6285 in its entirety.

Respectfully submitted,
Mike Lowry
Governor