
SUBSTITUTE SENATE BILL 5278

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen, Madsen, A. Smith, Erwin, Hayner, Thorsness, Hansen and Craswell).

Read first time March 1, 1991.

1 AN ACT Relating to sexually transmitted disease; amending RCW
2 9A.36.011, 9A.36.031, 9A.36.041, 49.60.174, 70.24.105, and 70.24.340;
3 reenacting and amending RCW 9A.36.021; adding new sections to chapter
4 70.24 RCW; repealing RCW 70.24.140; and prescribing penalties.

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

6 **Sec. 1.** RCW 9A.36.011 and 1986 c 257 s 4 are each amended to read
7 as follows:

8 (1) A person is guilty of assault in the first degree if he or she,
9 with intent to inflict great bodily harm:

10 (a) Assaults another with a firearm or any deadly weapon or by any
11 force or means likely to produce great bodily harm or death; or

12 (b) Administers to or causes to be taken by another, poison or any
13 other destructive or noxious substance; or

14 (c) Assaults another and inflicts great bodily harm.

1 (2) A person is guilty of assault in the first degree if he or she,
2 with intent to inflict bodily harm to another, exposes, transmits,
3 administers, or causes to be taken, the human immunodeficiency virus as
4 defined in chapter 70.24 RCW.

5 (3) Assault in the first degree is a class A felony.

6 **Sec. 2.** RCW 9A.36.021 and 1988 c 266 s 2, 1988 c 206 s 916, and
7 1988 c 158 s 2 are each reenacted and amended to read as follows:

8 (1) A person is guilty of assault in the second degree if he or
9 she, under circumstances not amounting to assault in the first degree:

10 (a) Intentionally assaults another and thereby recklessly inflicts
11 substantial bodily harm; or

12 (b) Intentionally and unlawfully causes substantial bodily harm to
13 an unborn quick child by intentionally and unlawfully inflicting any
14 injury upon the mother of such child; or

15 (c) Assaults another with a deadly weapon; or

16 (d) With intent to inflict bodily harm, administers to or causes to
17 be taken by another, ~~poison((, the human immunodeficiency virus as~~
18 ~~defined in chapter 70.24 RCW,))~~ or any other destructive or noxious
19 substance; or

20 (e) ~~((With intent to inflict bodily harm,))~~ Knowingly exposes or
21 transmits the human immunodeficiency virus as defined in chapter 70.24
22 RCW, to another without previously informing him or her of the presence
23 of the virus; or

24 (f) With intent to commit a felony, assaults another; or

25 (g) Knowingly inflicts bodily harm which by design causes such pain
26 or agony as to be the equivalent of that produced by torture.

27 (2) Assault in the second degree is a class B felony.

1 **Sec. 3.** RCW 9A.36.031 and 1990 c 236 s 1 are each amended to read
2 as follows:

3 (1) A person is guilty of assault in the third degree if he or she,
4 under circumstances not amounting to assault in the first or second
5 degree:

6 (a) With intent to prevent or resist the execution of any lawful
7 process or mandate of any court officer or the lawful apprehension or
8 detention of himself or another person, assaults another; or

9 (b) Assaults a person employed as a transit operator or driver by
10 a public or private transit company while that person is operating or
11 is in control of a vehicle that is owned or operated by the transit
12 company and that is occupied by one or more passengers; or

13 (c) Assaults a school bus driver employed by a school district or
14 a private company under contract for transportation services with a
15 school district while the driver is operating or is in control of a
16 school bus that is occupied by one or more passengers; or

17 (d) With criminal negligence, causes bodily harm to another person
18 by means of a weapon or other instrument or thing likely to produce
19 bodily harm; or

20 (e) Assaults a fire fighter or other employee of a fire department
21 or fire protection district who was performing his or her official
22 duties at the time of the assault; or

23 (f) With criminal negligence, causes bodily harm accompanied by
24 substantial pain that extends for a period sufficient to cause
25 considerable suffering; or

26 (g) Assaults a law enforcement officer or other employee of a law
27 enforcement agency who was performing his or her official duties at the
28 time of the assault; or

29 (h) Knows that he or she has a sexually transmitted disease, as
30 defined in chapter 70.24 RCW, except the human immunodeficiency virus,

1 and transmits the disease to another without informing him or her of
2 the presence of the disease.

3 (2) Assault in the third degree is a class C felony.

4 **Sec. 4.** RCW 9A.36.041 and 1987 c 188 s 2 are each amended to read
5 as follows:

6 (1) A person is guilty of assault in the fourth degree if he or
7 she, under circumstances not amounting to assault in the first, second,
8 or third degree, or custodial assault(~~(, he or she)~~): (a) Assaults
9 another; or

10 (b) Knows that he or she has a sexually transmitted disease, as
11 defined in chapter 70.24 RCW, except the human immunodeficiency virus,
12 and exposes another person to the disease without informing him or her
13 of the presence of the disease.

14 (2) Assault in the fourth degree is a gross misdemeanor.

15 **Sec. 5.** RCW 9.94A.310 and 1990 c 3 s 701 are each amended to read
16 as follows:

17 (1) TABLE 1

18

19 Sentencing Grid

20 SERIOUSNESS

21 SCORE OFFENDER SCORE

22 9 or

23 0 1 2 3 4 5 6 7 8 more

24

25 XV Life Sentence without Parole/Death Penalty

1	.....									
2	XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
3		240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
4		320	333	347	361	374	388	416	450	493	548
5	.....									
6	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
7		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
8		164	178	192	205	219	233	260	288	342	397
9	.....									
10	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
11		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
12		123	136	147	160	171	184	216	236	277	318
13	.....									
14	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
15		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
16		102	114	125	136	147	158	194	211	245	280
17	.....									
18	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
19		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
20		68	75	82	89	96	102	130	144	171	198
21	.....									
22	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
23		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
24		41	48	54	61	68	75	102	116	144	171
25	.....									
26	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
27		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
28		27	34	41	48	54	61	89	102	116	144
29	.....									

1	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
2		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
3		20	27	34	41	48	54	75	89	102	116
4	.....									
5	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
6		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
7		14	20	27	34	41	48	61	75	89	102
8	.....									
9	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
10		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
11		12	14	17	20	29	43	54	68	82	96
12	.....									
13	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
14		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
15		9	12	14	17	20	29	43	57	70	84
16	.....									
17	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
18		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
19		3	8	12	12	16	22	29	43	57	68
20	.....									
21	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
22		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
23		Days	6	9	12	14	18	22	29	43	57
24	.....									
25	I			3m	4m	5m	8m	13m	16m	20m	2y2m
26		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
27		Days	Days	5	6	8	12	14	18	22	29
28	.....									

1 NOTE: Numbers in the first horizontal row of each seriousness category
2 represent sentencing midpoints in years(y) and months(m). Numbers in
3 the second and third rows represent presumptive sentencing ranges in
4 months, or in days if so designated. 12+ equals one year and one day.

5 (2) For persons convicted of the anticipatory offenses of criminal
6 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
7 presumptive sentence is determined by locating the sentencing grid
8 sentence range defined by the appropriate offender score and the
9 seriousness level of the completed crime, and multiplying the range by
10 75 percent.

11 (3) The following additional times shall be added to the
12 presumptive sentence if the offender or an accomplice was armed with a
13 deadly weapon as defined in this chapter and the offender is being
14 sentenced for one of the crimes listed in this subsection. If the
15 offender or an accomplice was armed with a deadly weapon and the
16 offender is being sentenced for an anticipatory offense under chapter
17 9A.28 RCW to commit one of the crimes listed in this subsection, the
18 following times shall be added to the presumptive range determined
19 under subsection (2) of this section:

20 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW
21 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)

22 (b) 18 months for Burglary 1 (RCW 9A.52.020)

23 (c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1
24 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building
25 other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW
26 9A.56.080), or any drug offense.

27 (4) The following additional times shall be added to the
28 presumptive sentence if the offender or an accomplice committed the
29 offense while in a county jail or state correctional facility as that
30 term is defined in this chapter and the offender is being sentenced for

1 one of the crimes listed in this subsection. If the offender or an
2 accomplice committed one of the crimes listed in this subsection while
3 in a county jail or state correctional facility as that term is defined
4 in this chapter, and the offender is being sentenced for an
5 anticipatory offense under chapter 9A.28 RCW to commit one of the
6 crimes listed in this subsection, the following times shall be added to
7 the presumptive sentence range determined under subsection (2) of this
8 section:

9 (a) Eighteen months for offenses committed under RCW
10 69.50.401(a)(1)(i);

11 (b) Fifteen months for offenses committed under RCW
12 69.50.401(a)(1)(ii), (iii), and (iv);

13 (c) Twelve months for offenses committed under RCW 69.50.401(d).

14 For the purposes of this subsection, all of the real property of a
15 state correctional facility or county jail shall be deemed to be part
16 of that facility or county jail.

17 (5) An additional twenty-four months shall be added to the
18 presumptive sentence for any ranked offense involving a violation of
19 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

20 (6) An additional forty-eight months shall be added to the
21 presumptive sentence for an offense under chapter 9A.44 RCW or RCW
22 9A.64.020, if the offender has, prior to the offense, tested positive
23 for the human immunodeficiency virus as defined in chapter 70.24 RCW.

24 **Sec. 6.** RCW 70.24.105 and 1989 c 123 s 1 are each amended to read
25 as follows:

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

1 (2) No person may disclose or be compelled to disclose the identity
2 of any person upon whom an HIV antibody test is performed, or the
3 results of such a test, nor may the result of a test for any other
4 sexually transmitted disease when it is positive be disclosed. This
5 protection against disclosure of test subject, diagnosis, or treatment
6 also applies to any information relating to diagnosis of or treatment
7 for HIV infection and for any other confirmed sexually transmitted
8 disease. The following persons, however, may receive such information:

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

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

19 (c) The state public health officer, a local public health officer,
20 or the centers for disease control of the United States public health
21 service in accordance with reporting requirements for a diagnosed case
22 of a sexually transmitted disease;

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

29 (e) Any state or local public health officer conducting an
30 investigation pursuant to RCW 70.24.024, provided that such record was

1 obtained by means of court ordered HIV testing pursuant to RCW
2 70.24.340 or 70.24.024;

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

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

25 (h) A law enforcement officer, fire fighter, health care provider,
26 health care facility staff person, or other persons as defined by the
27 board in rule pursuant to RCW 70.24.340(4), who has requested a test of
28 a person whose bodily fluids he or she has been substantially exposed
29 to, pursuant to RCW 70.24.340(4), if a state or local public health
30 officer performs the test;

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

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

21 (k) A person named as a victim of any criminal offense, or that
22 person's legal representative for health care decisions in accordance
23 with RCW 7.70.065, where the victim was substantially exposed to the
24 bodily fluids of the accused, as defined by the board by rule, and
25 testing was conducted pursuant to RCW 70.24.340 or section 9 of this
26 act.

27 (3) No person to whom the results of a test for a sexually
28 transmitted disease have been disclosed pursuant to subsection (2) of
29 this section may disclose the test results to another person except as
30 authorized by that subsection.

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

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

12 (b) The sexually transmitted disease status of a person detained in
13 a jail shall be made available by the local public health officer to a
14 jail administrator as necessary for disease prevention or control and
15 for protection of the safety and security of the staff, offenders, and
16 the public. The information may be submitted to transporting officers
17 and receiving facilities.

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

26 (5) Whenever disclosure is made pursuant to this section, except
27 for subsections (2)(a) and (6) of this section, it shall be accompanied
28 by a statement in writing which includes the following or substantially
29 similar language: "This information has been disclosed to you from
30 records whose confidentiality is protected by state law. State law

1 prohibits you from making any further disclosure of it without the
2 specific written consent of the person to whom it pertains, or as
3 otherwise permitted by state law. A general authorization for the
4 release of medical or other information is NOT sufficient for this
5 purpose." An oral disclosure shall be accompanied or followed by such
6 a notice within ten days.

7 (6) The requirements of this section shall not apply to the
8 customary methods utilized for the exchange of medical information
9 among health care providers in order to provide health care services to
10 the patient, nor shall they apply within health care facilities where
11 there is a need for access to confidential medical information to
12 fulfill professional duties.

13 **Sec. 7.** RCW 70.24.340 and 1988 c 206 s 703 are each amended to
14 read as follows:

15 (1) Local health departments authorized under this chapter shall
16 conduct or cause to be conducted pretest counseling, HIV testing, and
17 posttest counseling of all persons:

18 (a) Convicted of a (~~sexual offense under chapter 9A.44 RCW~~)
19 criminal offense involving a victim who was substantially exposed to
20 the bodily fluids of the accused and the exposure presents a possible
21 risk of infection, as defined by the board by rule;

22 (b) Convicted of prostitution (~~or offenses relating to~~
23 ~~prostitution under chapter 9A.88 RCW~~), under RCW 9A.88.030, or
24 patronizing a prostitute, under RCW 9A.88.110; or

25 (c) Convicted of drug offenses under chapter 69.50 RCW if the court
26 determines at the time of conviction that the related drug offense is
27 one associated with the use of hypodermic needles.

28 (2) Such testing shall be conducted as soon as possible after
29 sentencing and shall be so ordered by the sentencing judge.

1 (3) This section applies only to offenses committed after March 23,
2 1988.

3 (4) A law enforcement officer, fire fighter, health care provider,
4 health care facility staff person, or other categories of employment
5 determined by the board in rule to be at risk of substantial exposure
6 to HIV, who has experienced a substantial exposure to another person's
7 bodily fluids in the course of his or her employment, or any good
8 samaritan who experienced a substantial exposure and who qualifies for
9 immunity under RCW 4.24.300, may request a state or local public health
10 officer to order pretest counseling, HIV testing, and posttest
11 counseling for the person whose bodily fluids he or she has been
12 exposed to. The person who is subject to the order shall be given
13 written notice of the order promptly, personally, and confidentially,
14 stating the grounds and provisions of the order, including the factual
15 basis therefor. If the person who is subject to the order refuses to
16 comply, the state or local public health officer may petition the
17 superior court for a hearing. The standard of review for the order is
18 whether substantial exposure occurred and whether that exposure
19 presents a possible risk of transmission of the HIV virus as defined by
20 the board by rule. Upon conclusion of the hearing, the court shall
21 issue the appropriate order. The state or local public health officer
22 shall perform counseling and testing under this subsection if he or she
23 finds that the exposure was substantial and presents a possible risk as
24 defined by the board of health by rule.

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 70.24 RCW
26 to read as follows:

27 The board of health shall by October 1, 1991, adopt rules that
28 specify a schedule for testing at sufficient intervals to detect the

1 HIV infection for persons requiring testing under RCW 70.24.340 and
2 section 9 of this act.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.24 RCW
4 to read as follows:

5 (1) The victim of a charged criminal offense, or that person's
6 legal representative for health care decisions in accordance with RCW
7 7.70.065, shall have the right to request that the accused submit to
8 certain tests, as defined by the board in rule, to determine if the
9 accused carries the HIV antibody.

10 (2) The prosecuting attorney in the county where the charge was
11 filed shall advise the victim, in writing, of the right to request
12 testing of the accused. To assist the victim in determining whether he
13 or she should make this request, the prosecutor shall refer the victim
14 to the local health officer or health care provider, who shall make
15 available prerequest counseling and testing. The counseling shall be
16 designed: (a) To assist the person in understanding the risk of
17 transmission of the HIV antibody based on the particular circumstances
18 of the crime, (b) to ensure the person understands both the benefits
19 and limitations of the current tests, and (c) to help the victim in
20 deciding whether to be tested and whether to request the testing of the
21 accused.

22 (3) Upon request of the victim, the prosecuting attorney shall
23 petition the court, as soon as possible, for an order mandating that
24 the accused be tested for the HIV antibody.

25 (4) The court shall order the accused to submit to testing by the
26 local public health officer if the court finds, by a preponderance of
27 the evidence, that during the course of the alleged criminal offense
28 the victim was substantially exposed to the bodily fluids of the
29 accused and the exposure presents a possible risk of infection. The

1 order shall require the accused to report to the local public health
2 department for testing if the person is not in custody or if the
3 accused is released from custody prior to testing. The court shall use
4 the board's definition of "substantial exposure" and "exposure
5 presenting possible risk," as adopted by rule.

6 (5) The court shall base its findings upon affidavits submitted by
7 the victim, accused, public health officer, prosecutor, or any other
8 witnesses. The affidavit of the public health officer shall set forth
9 the type of circumstances under which a victim may be substantially
10 exposed to the bodily fluids of another, presenting a possible risk of
11 transmission of the HIV antibody. The prosecutor may present the
12 petition and affidavits to the court and obtain the order without the
13 presence of the victim or the public health officer.

14 (6) Upon issuance of the order the prosecutor shall immediately
15 notify the public health officer of the order and of the location of
16 the accused if the accused is in custody. The public health officer
17 shall initiate the testing process as soon as possible, and shall
18 conduct testing at the intervals determined necessary by the board
19 under section 8 of this act. Testing shall not occur under this
20 section after the accused is acquitted or charges are dismissed.

21 (7) Any blood tested under this section shall be subjected to
22 appropriate confirmatory tests to ensure accuracy of the first test
23 results. Initially reactive test results shall not be released until
24 confirmed for positive reactors. When available, the public health
25 officer shall report the results to the victim and to the accused.
26 Positive test results shall not be disclosed without providing or
27 offering to provide professional counseling as appropriate to the
28 circumstances.

1 (8) The results of any blood tested pursuant to this section shall
2 not be used in any criminal proceeding as evidence of guilt or
3 innocence.

4 (9) A victim may also use the procedure provided in this section to
5 request the testing of a person convicted of a criminal offense
6 involving a substantial exposure to the bodily fluids of the accused
7 and the exposure presents a possible risk of infection to the victim,
8 as defined by the board by rule.

9 NEW SECTION. **Sec. 10.** RCW 70.24.140 and 1988 c 206 s 917 are
10 each repealed.