

---

SENATE BILL 5457

---

State of Washington

52nd Legislature

1991 Regular Session

By Senators L. Smith, Rasmussen, West, Stratton, Johnson, Owen, Saling, McCaslin, Bailey, Metcalf, Craswell, Amondson, Hayner, Thorsness and Cantu.

Read first time January 31, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to persons infected with HIV; amending RCW  
2 49.60.174; adding a new section to chapter 70.24 RCW; adding a new  
3 section to chapter 18.130 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.24 RCW  
6 to read as follows:

7 (1) It is a gross misdemeanor for any person who knows he or she is  
8 infected with HIV to:

9 (a) Continue any contact with the public in the course of  
10 employment that is determined by the board in rule to present a  
11 significant risk of transmitting HIV to other persons; or

12 (b) Fail to provide notification of his or her HIV infection to the  
13 employer and such other persons as the board determines in rule may  
14 have been at significant risk of exposure to the infection as a result

1 of contact with the infected person in the course of the infected  
2 person's employment.

3 (2) Any person who knows they are infected with HIV and notifies  
4 another person as required by subsection (1) of this section shall pay  
5 for pretest counseling, HIV testing, and posttest counseling as  
6 recommended by the board in rule to determine whether persons who have  
7 been exposed have become infected with HIV.

8 (3) The board shall adopt rules defining "significant risk" as used  
9 in this section to include any contact that the federal centers for  
10 disease control have found to result in an actual HIV transmission,  
11 including invasive medical procedures in which recommended infection  
12 control procedures may have failed.

13 (4) The board shall adopt rules as necessary to implement this  
14 section.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.130 RCW  
16 to read as follows:

17 A violation of section 1 of this act by a person subject to this  
18 chapter is unprofessional conduct.

19 **Sec. 3.** RCW 49.60.174 and 1988 c 206 s 902 are each amended to  
20 read as follows:

21 (1) For the purposes of determining whether an unfair practice  
22 under this chapter has occurred, claims of discrimination based on  
23 actual or perceived HIV infection shall be evaluated in the same manner  
24 as other claims of discrimination based on sensory, mental, or physical  
25 handicap.

26 (2) Subsection (1) of this section shall not apply to transactions  
27 with insurance entities, health service contractors, or health  
28 maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178

1 to prohibit fair discrimination on the basis of actual HIV infection  
2 status when bona fide statistical differences in risk or exposure have  
3 been substantiated.

4 (3) Any notification or other action required by section 1 of this  
5 act or rules adopted under section 1 of this act is not an unfair  
6 practice under this section.

7 (4) For the purposes of this chapter, "HIV" means the human  
8 immunodeficiency virus, and includes all HIV and HIV-related viruses  
9 which damage the cellular branch of the human immune system and leave  
10 the infected person immunodeficient.