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**SENATE BILL 5793**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senators Thibaudeau, Deccio and Kohl-Welles

Read first time 02/09/1999. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the confidentiality of information relating to  
2 sexually transmitted diseases and HIV; amending RCW 70.24.084,  
3 70.05.070, and 70.05.120; adding a new section to chapter 70.24 RCW;  
4 and prescribing penalties.

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

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

8 In order to assure compliance with the protections under this  
9 chapter and the rules of the board, and to assure public confidence in  
10 the confidentiality of reported information, the department shall:

11 (1) Report annually to the board incidents of unauthorized  
12 disclosure of information protected under RCW 70.24.105 and the rules  
13 of the board related to disease reporting. The report shall include  
14 recommendations for preventing future unauthorized disclosures and  
15 improving the system of confidentiality for reported information;

16 (2) Assist health care providers, facilities that conduct tests,  
17 local health departments, and other persons involved in disease  
18 reporting to understand, implement, and comply with this chapter and  
19 the rules of the board related to disease reporting; and

1 (3) Develop and implement, in coordination with local health  
2 departments and health care providers, a program of public and consumer  
3 education regarding the functioning and purpose of the confidentiality  
4 provisions of RCW 70.24.105 and the rules of the board, and the rights  
5 and remedies provide for any violation thereof.

6 **Sec. 2.** RCW 70.24.084 and 1988 c 206 s 914 are each amended to  
7 read as follows:

8 (1) Any person aggrieved by a violation of this chapter shall have  
9 a right of action in superior court and may recover for each violation:

10 (a) Against any person who negligently violates a provision of this  
11 chapter, (~~(one)~~) two thousand dollars, or actual damages, whichever is  
12 greater, for each violation.

13 (b) Against any person who intentionally or recklessly violates a  
14 provision of this chapter, (~~(two)~~) ten thousand dollars, or actual  
15 damages, whichever is greater, for each violation.

16 (c) Reasonable attorneys' fees and costs.

17 (d) Such other relief, including an injunction, as the court may  
18 deem appropriate.

19 (2) Any action under this chapter is barred unless the action is  
20 commenced within three years after the cause of action accrues.

21 (3) Each violation of this chapter is a separate and actionable  
22 offense.

23 (4) Nothing in this chapter limits the rights of the subject of a  
24 test for a sexually transmitted disease to recover damages or other  
25 relief under any other applicable law.

26 (~~(4)~~) (5) Nothing in this chapter may be construed to impose  
27 civil liability or criminal sanction for disclosure of a test result  
28 for a sexually transmitted disease in accordance with any reporting  
29 requirement for a diagnosed case of sexually transmitted disease by the  
30 department or the centers for disease control of the United States  
31 public health service.

32 **Sec. 3.** RCW 70.05.070 and 1993 c 492 s 239 are each amended to  
33 read as follows:

34 The local health officer, acting under the direction of the local  
35 board of health or under direction of the administrative officer  
36 appointed under RCW 70.05.040 or 70.05.035, if any, shall:

1 (1) Enforce the public health statutes of the state, rules of the  
2 state board of health and the secretary of health, and all local health  
3 rules, regulations and ordinances within his or her jurisdiction  
4 including imposition of penalties authorized under RCW 70.119A.030, the  
5 confidentiality provisions in RCW 70.24.105 and rules adopted to  
6 implement those provisions, and filing of actions authorized by RCW  
7 43.70.190;

8 (2) Take such action as is necessary to maintain health and  
9 sanitation supervision over the territory within his or her  
10 jurisdiction;

11 (3) Control and prevent the spread of any dangerous, contagious or  
12 infectious diseases that may occur within his or her jurisdiction;

13 (4) Inform the public as to the causes, nature, and prevention of  
14 disease and disability and the preservation, promotion and improvement  
15 of health within his or her jurisdiction;

16 (5) Prevent, control or abate nuisances which are detrimental to  
17 the public health;

18 (6) Attend all conferences called by the secretary of health or his  
19 or her authorized representative;

20 (7) Collect such fees as are established by the state board of  
21 health or the local board of health for the issuance or renewal of  
22 licenses or permits or such other fees as may be authorized by law or  
23 by the rules of the state board of health;

24 (8) Inspect, as necessary, expansion or modification of existing  
25 public water systems, and the construction of new public water systems,  
26 to assure that the expansion, modification, or construction conforms to  
27 system design and plans;

28 (9) Take such measures as he or she deems necessary in order to  
29 promote the public health, to participate in the establishment of  
30 health educational or training activities, and to authorize the  
31 attendance of employees of the local health department or individuals  
32 engaged in community health programs related to or part of the programs  
33 of the local health department.

34 **Sec. 4.** RCW 70.05.120 and 1993 c 492 s 241 are each amended to  
35 read as follows:

36 Any local health officer or administrative officer appointed under  
37 RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce  
38 the provisions of chapters 70.05, 70.24, and 70.46 RCW or the rules,

1 regulations or orders of the state board of health or who shall refuse  
2 or neglect to make prompt and accurate reports to the state board of  
3 health, may be removed as local health officer or administrative  
4 officer by the state board of health and shall not again be reappointed  
5 except with the consent of the state board of health. Any person may  
6 complain to the state board of health concerning the failure of the  
7 local health officer or administrative officer to carry out the laws or  
8 the rules and regulations concerning public health, and the state board  
9 of health shall, if a preliminary investigation so warrants, call a  
10 hearing to determine whether the local health officer or administrative  
11 officer is guilty of the alleged acts. Such hearings shall be held  
12 pursuant to the provisions of chapter 34.05 RCW, and the rules and  
13 regulations of the state board of health adopted thereunder.

14 Any member of a local board of health who shall violate any of the  
15 provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or neglect  
16 to obey or enforce any of the rules, regulations or orders of the state  
17 board of health made for the prevention, suppression or control of any  
18 dangerous contagious or infectious disease or for the protection of the  
19 health of the people of this state, shall be guilty of a misdemeanor,  
20 and upon conviction shall be fined not less than ten dollars nor more  
21 than two hundred dollars. Any physician who shall refuse or neglect to  
22 report to the proper health officer or administrative officer within  
23 twelve hours after first attending any case of contagious or infectious  
24 disease or any diseases required by the state board of health to be  
25 reported or any case suspicious of being one of such diseases, shall be  
26 guilty of a misdemeanor, and upon conviction shall be fined not less  
27 than ten dollars nor more than two hundred dollars for each case that  
28 is not reported.

29 Any person violating any of the provisions of chapters 70.05,  
30 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any  
31 of the rules, regulations or orders made for the prevention,  
32 suppression and control of dangerous contagious and infectious diseases  
33 by the local board of health or local health officer or administrative  
34 officer or state board of health, or who shall leave any isolation  
35 hospital or quarantined house or place without the consent of the  
36 proper health officer or who evades or breaks quarantine or conceals a  
37 case of contagious or infectious disease or assists in evading or  
38 breaking any quarantine or concealing any case of contagious or  
39 infectious disease, shall be guilty of a misdemeanor, and upon

1 conviction thereof shall be subject to a fine of not less than twenty-  
2 five dollars nor more than one hundred dollars or to imprisonment in  
3 the county jail not to exceed ninety days or to both fine and  
4 imprisonment.

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