

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1080

Chapter 391, Laws of 1999

56th Legislature
1999 Regular Session

GOOD SAMARITANS--INFECTIOUS DISEASE TESTING AND CONFIDENTIALITY

EFFECTIVE DATE: 7/25/99 - Except sections 1 and 2 which become effective on 5/18/99.

Passed by the House April 19, 1999
Yeas 84 Nays 13

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 12, 1999
Yeas 46 Nays 0

BRAD OWEN
President of the Senate

Approved May 18, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1080** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 18, 1999 - 3:23 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1080

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Representatives Carlson, Ogden, Pennington, Dunn, Tokuda, Stensen, O'Brien, Morris, Conway, Lambert, Lantz, Wood, Rockefeller, Parlette, Esser and Lovick

Read first time 01/14/1999. Referred to Committee on Health Care.

1 AN ACT Relating to providing infectious disease testing for good
2 samaritans; amending RCW 70.24.084, 70.05.070, and 70.05.120; adding a
3 new section to chapter 70.05 RCW; adding a new section to chapter 70.24
4 RCW; creating a new section; prescribing penalties; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that citizens who
8 assist individuals in emergency situations perform a needed and
9 valuable role that deserves recognition and support. The legislature
10 further finds that emergency assistance in the form of mouth to mouth
11 resuscitation or other emergency medical procedures resulting in the
12 exchange of bodily fluids significantly increases the odds of being
13 exposed to a deadly infectious disease. Some of the more life-
14 threatening diseases that can be transferred during an emergency
15 procedure where bodily fluids are exchanged include hepatitis A, B, and
16 C, and human immunodeficiency virus (HIV). Individuals infected by
17 these diseases value confidentiality regarding this information. A
18 number of good samaritans who perform life-saving emergency procedures
19 such as cardiopulmonary resuscitation are unable to pay for the tests

1 necessary for detecting infectious diseases that could have been
2 transmitted during the emergency procedure. It is the purpose of this
3 act to provide infectious disease testing at no cost to good samaritans
4 who request testing for infectious diseases after rendering emergency
5 assistance that has brought them into contact with a bodily fluid and
6 to further protect the testing information once obtained through
7 confidentiality provisions.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.05 RCW
9 to read as follows:

10 A person rendering emergency care or transportation, commonly known
11 as a "Good Samaritan," as described in RCW 4.24.300 and 4.24.310, may
12 request and receive appropriate infectious disease testing free of
13 charge from the local health department of the county of her or his
14 residence, if: (1) While rendering emergency care she or he came into
15 contact with bodily fluids; and (2) she or he does not have health
16 insurance that covers the testing. Nothing in this section requires a
17 local health department to provide health care services beyond testing.
18 The department shall adopt rules implementing this section.

19 The information obtained from infectious disease testing is subject
20 to statutory confidentiality provisions, including those of chapters
21 70.24 and 70.05 RCW.

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

24 (1) In order to assure compliance with the protections under this
25 chapter and the rules of the board, and to assure public confidence in
26 the confidentiality of reported information, the department shall:

27 (a) Report annually to the board any incidents of unauthorized
28 disclosure by the department, local health departments, or their
29 employees of information protected under RCW 70.24.105. The report
30 shall include recommendations for preventing future unauthorized
31 disclosures and improving the system of confidentiality for reported
32 information; and

33 (b) Assist health care providers, facilities that conduct tests,
34 local health departments, and other persons involved in disease
35 reporting to understand, implement, and comply with this chapter and
36 the rules of the board related to disease reporting.

1 (2) This section is exempt from RCW 70.24.084, 70.05.070, and
2 70.05.120.

3 **Sec. 4.** RCW 70.24.084 and 1988 c 206 s 914 are each amended to
4 read as follows:

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

7 (a) Against any person who negligently violates a provision of this
8 chapter, one thousand dollars, or actual damages, whichever is greater,
9 for each violation.

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

13 (c) Reasonable attorneys' fees and costs.

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

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

18 (3) Nothing in this chapter limits the rights of the subject of a
19 test for a sexually transmitted disease to recover damages or other
20 relief under any other applicable law.

21 (4) Nothing in this chapter may be construed to impose civil
22 liability or criminal sanction for disclosure of a test result for a
23 sexually transmitted disease in accordance with any reporting
24 requirement for a diagnosed case of sexually transmitted disease by the
25 department or the centers for disease control of the United States
26 public health service.

27 **Sec. 5.** RCW 70.05.070 and 1993 c 492 s 239 are each amended to
28 read as follows:

29 The local health officer, acting under the direction of the local
30 board of health or under direction of the administrative officer
31 appointed under RCW 70.05.040 or 70.05.035, if any, shall:

32 (1) Enforce the public health statutes of the state, rules of the
33 state board of health and the secretary of health, and all local health
34 rules, regulations and ordinances within his or her jurisdiction
35 including imposition of penalties authorized under RCW 70.119A.030, the
36 confidentiality provisions in RCW 70.24.105 and rules adopted to

1 implement those provisions, and filing of actions authorized by RCW
2 43.70.190;

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

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

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

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

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

15 (7) Collect such fees as are established by the state board of
16 health or the local board of health for the issuance or renewal of
17 licenses or permits or such other fees as may be authorized by law or
18 by the rules of the state board of health;

19 (8) Inspect, as necessary, expansion or modification of existing
20 public water systems, and the construction of new public water systems,
21 to assure that the expansion, modification, or construction conforms to
22 system design and plans;

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

29 **Sec. 6.** RCW 70.05.120 and 1993 c 492 s 241 are each amended to
30 read as follows:

31 Any local health officer or administrative officer appointed under
32 RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce
33 the provisions of chapters 70.05, 70.24, and 70.46 RCW or the rules,
34 regulations or orders of the state board of health or who shall refuse
35 or neglect to make prompt and accurate reports to the state board of
36 health, may be removed as local health officer or administrative
37 officer by the state board of health and shall not again be reappointed
38 except with the consent of the state board of health. Any person may

1 complain to the state board of health concerning the failure of the
2 local health officer or administrative officer to carry out the laws or
3 the rules and regulations concerning public health, and the state board
4 of health shall, if a preliminary investigation so warrants, call a
5 hearing to determine whether the local health officer or administrative
6 officer is guilty of the alleged acts. Such hearings shall be held
7 pursuant to the provisions of chapter 34.05 RCW, and the rules and
8 regulations of the state board of health adopted thereunder.

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

24 Any person violating any of the provisions of chapters 70.05,
25 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any
26 of the rules, regulations or orders made for the prevention,
27 suppression and control of dangerous contagious and infectious diseases
28 by the local board of health or local health officer or administrative
29 officer or state board of health, or who shall leave any isolation
30 hospital or quarantined house or place without the consent of the
31 proper health officer or who evades or breaks quarantine or conceals a
32 case of contagious or infectious disease or assists in evading or
33 breaking any quarantine or concealing any case of contagious or
34 infectious disease, shall be guilty of a misdemeanor, and upon
35 conviction thereof shall be subject to a fine of not less than twenty-
36 five dollars nor more than one hundred dollars or to imprisonment in
37 the county jail not to exceed ninety days or to both fine and
38 imprisonment.

1 NEW SECTION. **Sec. 7.** Sections 1 and 2 of this act are necessary
2 for the immediate preservation of the public peace, health, or safety,
3 or support of the state government and its existing public
4 institutions, and take effect immediately.

Passed the House April 19, 1999.

Passed the Senate April 12, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.