

SSB 5039 - H COMM AMD
By Committee on Appropriations

ADOPTED 04/11/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54 RCW
4 to read as follows:

5 (1) The secretary of health shall design a state plan for the
6 prevention, education, and treatment of hepatitis C by January 1, 2004.
7 In developing the plan, the secretary shall seek the input of:

- 8 (a) The public;
- 9 (b) Patient groups and organizations;
- 10 (c) Relevant state agencies that have functions that involve
11 hepatitis C or provide services to persons with hepatitis C;
- 12 (d) Local health departments;
- 13 (e) Public health and clinical laboratories;
- 14 (f) Providers of services to persons with hepatitis C;
- 15 (g) Research scientists;
- 16 (h) The University of Washington;
- 17 (i) Representatives from the pharmaceutical industry; and
- 18 (j) The Washington state medical association.

19 (2) The plan shall include implementation recommendations in the
20 following areas:

21 (a) Hepatitis C virus prevention and treatment strategies for
22 groups at risk for hepatitis C with an emphasis towards those groups
23 that are disproportionately affected by hepatitis C, including persons
24 infected with HIV, veterans, racial or ethnic minorities that suffer a
25 higher incidence of hepatitis C, and persons who engage in high-risk
26 behavior, such as intravenous drug use;

27 (b) Educational programs to promote public awareness about
28 bloodborne infections and knowledge about risk factors, the value of
29 early detection, screening, services, and available treatment options
30 for hepatitis C;

1 (c) Education curricula for appropriate health and health-related
2 providers covered by the uniform disciplinary act, chapter 18.130 RCW;

3 (d) Training courses for persons providing hepatitis C counseling,
4 public health clinic staff, and any other appropriate provider, which
5 shall focus on disease prevention, early detection, and intervention;

6 (e) Capacity for voluntary hepatitis C testing programs to be
7 performed at facilities providing voluntary HIV testing under chapter
8 70.24 RCW;

9 (f) A comprehensive model for the prevention and management of
10 hepatitis C; and

11 (g) Sources and availability of funding to implement the plan.

12 (3) The secretary of health shall develop the state plan described
13 in subsections (1) and (2) of this section only to the extent that, and
14 for as long as, federal or private funds are available for that
15 purpose, including grants. Funding for this act shall not come from
16 state sources.

17 (4) The secretary of health shall submit the completed state plan
18 to the legislature by January 1, 2004. After the initial state plan is
19 submitted, the department shall update the state plan biennially and
20 shall submit the plan to the governor and make it available to other
21 interested parties. The update and progress reports are due December
22 1, 2004, and every two years thereafter.

23 (5) The state plan developed pursuant to this section shall be
24 developed using only available federal and private sources, including
25 grants.

26 (6) This section expires June 30, 2007.

27 **Sec. 2.** RCW 49.60.172 and 1988 c 206 s 903 are each amended to
28 read as follows:

29 (1) No person may require an individual to take an HIV test, as
30 defined in chapter 70.24 RCW, or hepatitis C test, as a condition of
31 hiring, promotion, or continued employment unless the absence of HIV or
32 hepatitis C infection is a bona fide occupational qualification for the
33 job in question.

34 (2) No person may discharge or fail or refuse to hire any
35 individual, or segregate or classify any individual in any way which
36 would deprive or tend to deprive that individual of employment

1 opportunities or adversely affect his or her status as an employee, or
2 otherwise discriminate against any individual with respect to
3 compensation, terms, conditions, or privileges of employment on the
4 basis of the results of an HIV test or hepatitis C test unless the
5 absence of HIV or hepatitis C infection is a bona fide occupational
6 qualification of the job in question.

7 (3) The absence of HIV or hepatitis C infection as a bona fide
8 occupational qualification exists when performance of a particular job
9 can be shown to present a significant risk, as defined by the board of
10 health by rule, of transmitting HIV or hepatitis C infection to other
11 persons, and there exists no means of eliminating the risk by
12 restructuring the job.

13 (4) For the purpose of this chapter, any person who is actually
14 infected with HIV or hepatitis C, but is not disabled as a result of
15 the infection, shall not be eligible for any benefits under the
16 affirmative action provisions of chapter 49.74 RCW solely on the basis
17 of such infection.

18 (5) Employers are immune from civil action for damages arising out
19 of transmission of HIV or hepatitis C to employees or to members of the
20 public unless such transmission occurs as a result of the employer's
21 gross negligence.

22 **Sec. 3.** RCW 49.60.174 and 1997 c 271 s 6 are each amended to read
23 as follows:

24 (1) For the purposes of determining whether an unfair practice
25 under this chapter has occurred, claims of discrimination based on
26 actual or perceived HIV or hepatitis C infection shall be evaluated in
27 the same manner as other claims of discrimination based on sensory,
28 mental, or physical disability; or the use of a trained dog guide or
29 service animal by a disabled person.

30 (2) Subsection (1) of this section shall not apply to transactions
31 with insurance entities, health service contractors, or health
32 maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178
33 to prohibit fair discrimination on the basis of actual HIV or actual
34 hepatitis C infection status when bona fide statistical differences in
35 risk or exposure have been substantiated.

36 (3) For the purposes of this chapter((7)):

1 (a) "HIV" means the human immunodeficiency virus, and includes all
2 HIV and HIV-related viruses which damage the cellular branch of the
3 human immune system and leave the infected person immunodeficient; and
4 (b) "Hepatitis C" means the hepatitis C virus of any genotype.

5 NEW SECTION. Sec. 4. A new section is added to chapter 50.20 RCW
6 to read as follows:

7 (1) Credentialed health care professionals listed in RCW 18.130.040
8 shall be deemed to be dislocated workers for the purpose of
9 commissioner approval of training under RCW 50.20.043 if they are
10 unemployed as a result of contracting hepatitis C in the course of
11 employment and are unable to continue to work in their profession
12 because of a significant risk that such work would pose to other
13 persons and that risk cannot be eliminated.

14 (2) For purposes of subsection (1) of this section, a health care
15 professional who was employed on a full-time basis in their profession
16 shall be presumed to have contracted hepatitis C in the course of
17 employment. This presumption may be rebutted by a preponderance of the
18 evidence that demonstrates that the health care professional contracted
19 hepatitis C as a result of activities or circumstances not related to
20 employment.

21 NEW SECTION. Sec. 5. Section 1 of this act does not create a
22 private right of action."

23 Correct the title.

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