

WAC 246-100-203 Sexually transmitted infections—Health officer orders. (1) When a state or local health officer within their jurisdiction, concludes an investigation and determines that a person has an STI, their behavior occurred during an infectious period and was sufficient to transmit infection, and continues to engage in specified behavior that endangers the public health despite reasonable efforts to obtain the person's voluntary cooperation, the state or local health officer may, in accordance with RCW 70.24.024, issue orders requiring a person to do one or more of the following:

- (a) Submit to medical examination or testing;
- (b) Receive counseling;
- (c) Receive medical treatment; or
- (d) Cease and desist specific behavior endangering the public health.

(2) For the purposes of RCW 70.24.024 and this section, "behavior that endangers the public health" means:

- (a) For all sexually transmitted infections, anal, oral, or vaginal intercourse without a latex or plastic condom resulting in introduction of semen or vaginal fluids to mucous membranes or an interruption of the epidermis.
- (b) For HIV and Hepatitis B, the following behaviors that result in the introduction of blood, semen or vaginal fluids to mucous membranes:
 - (i) Anal, oral, or vaginal intercourse without a latex or plastic condom;
 - (ii) Sharing of injection equipment;
 - (iii) Knowingly donating or selling blood, blood products, body tissues, or semen; or
 - (iv) Any combination of these.
- (c) This section does not apply when practical means to prevent transmission were taken.

(3) State and local health officers and their authorized representatives may issue written orders for medical examination, testing, counseling, or cessation of behavior that endangers public health under RCW 70.24.024, only after:

- (a) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and
- (b) They have sufficient evidence to "reasonably believe" the person to be affected by the order:
 - (i) Has a sexually transmitted infection; and
 - (ii) Is knowingly engaging in a pattern of "behavior that endangers the public health"; and
- (c) They have investigated and reasonably confirmed the occurrence of this pattern of behaviors by:
 - (i) Interviewing sources to assess their credibility and accuracy; and
 - (ii) Interviewing the person to be affected by the order; and
- (d) They have incorporated all information required in RCW 70.24.024 in a written order.

(4) State and local health officers and their authorized representatives may issue written orders for treatment under RCW 70.24.024 only after laboratory test results or direct observation of clinical signs or assessment of clinical data by a health care provider confirm the person has, or is likely to have, a sexually transmitted infection.

(5) State and local health officers and their authorized representatives may issue written orders to cease and desist specified behaviors under RCW 70.24.024 only after:

(a) They have determined the person to be affected by the order is engaging in "behavior that endangers the public health"; and

(b) Laboratory test results, or direct observation of clinical signs or assessment of clinical data by a health care provider, confirm the person has, or is likely to have, a sexually transmitted infection; and

(c) They have exhausted procedures described in subsection (1) of this section; and

(d) They have enlisted, if appropriate, court enforcement of the orders described in (c) and (d) of this subsection.

(6) Written orders to cease and desist specified behaviors must be reasonably related to the purpose or the restriction or restrictions for a period of time not to exceed 12 months provided all requirements of RCW 70.24.024 regarding notification, confidentiality, right to a judicial hearing, and right to counsel are met.

[Statutory Authority: RCW 43.20.050 and 70.24.130. WSR 22-06-061, § 246-100-203, filed 2/25/22, effective 3/28/22. Statutory Authority: RCW 70.24.130 and 2012 c 10. WSR 14-08-046, § 246-100-203, filed 3/27/14, effective 4/27/14. Statutory Authority: RCW 70.24.130 and 70.24.380. WSR 05-11-110, § 246-100-203, filed 5/18/05, effective 6/18/05.]