

# FINAL BILL REPORT

## SHB 2151

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Synopsis as Enacted

**Brief Description:** Requiring that victims of felony sex offenses be given notice of HIV test results, whether the results are positive or negative.

By House Committee on Health Care (originally sponsored by Representatives L. Johnson, Ballasiotes, Dellwo, Chappell, Cothorn, Conway, Thibaudeau, Talcott, Wood, Heavey, Sheldon, Van Luven, Campbell, Brough, Dorn, Lemmon, Long, Dyer, Kessler, Holm, Wineberry, Basich, Romero, Springer, Hansen, H. Myers, Leonard and Foreman).

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** Washington law prohibits a person from disclosing or being compelled to disclose the identity of a person having an HIV test, the results of the HIV test, or the positive results of tests for other sexually transmitted diseases.

However, certain persons specified in statute may receive this information, including persons whose interaction with the infected individual has resulted in risk of acquisition of a sexually transmitted disease if the health officer believes that the exposed person was unaware that the risk existed and disclosure of the identity of the infected person is necessary.

Although this exemption is used as the basis for release of positive HIV test results to victims of sexual offenses, Washington law does not include a specific disclosure exemption for release of negative test results. The Washington State Department of Community Development was notified by the U.S. Bureau of Justice that Washington State's HIV statute is out of compliance with the Federal Anti-Drug Abuse Funding requirements because it does not include a clear provision for the reporting of all HIV test results to victims. Noncompliance could result in an annual 10 percent reduction of an \$8 million federal grant.

**Summary:** Upon request of the victim of a sexual offense, disclosure of the results of tests for sexually transmitted diseases must be made to the victim if the result is negative or positive. The county prosecuting attorney must

notify the victim of the right to this disclosure. The disclosure must be accompanied by appropriate counseling, including information regarding follow-up testing.

**Votes on Final Passage:**

House	97	0
Senate	45	0

**Effective:** June 9, 1994