

2 **HB 1080** - S AMD - 331

3 By Senators Thibaudeau and Deccio

4 ADOPTED 4/12/99

5 Strike everything after the enacting clause and insert the
6 following:

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
20 necessary for detecting infectious diseases that could have been
21 transmitted during the emergency procedure. It is the purpose of this
22 act to provide infectious disease testing at no cost to good samaritans
23 who request testing for infectious diseases after rendering emergency
24 assistance that has brought them into contact with a bodily fluid and
25 to further protect the testing information once obtained through
26 confidentiality provisions.

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

29 A person rendering emergency care or transportation, commonly known
30 as a "Good Samaritan," as described in RCW 4.24.300 and 4.24.310, may
31 request and receive appropriate infectious disease testing free of
32 charge from the local health department of the county of her or his
33 residence, if: (1) While rendering emergency care she or he came into
34 contact with bodily fluids; and (2) she or he does not have health
35 insurance that covers the testing. Nothing in this section requires a

1 local health department to provide health care services beyond testing.
2 The department shall adopt rules implementing this section.

3 The information obtained from infectious disease testing is subject
4 to statutory confidentiality provisions, including those of chapters
5 70.24 and 70.05 RCW.

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

8 (1) 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 (a) Report annually to the board any incidents of unauthorized
12 disclosure by the department, local health departments, or their
13 employees of information protected under RCW 70.24.105. The report
14 shall include recommendations for preventing future unauthorized
15 disclosures and improving the system of confidentiality for reported
16 information; and

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

21 (2) This section is exempt from RCW 70.24.084, 70.05.070, and
22 70.05.120.

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

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

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

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

33 (c) Reasonable attorneys' fees and costs.

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

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

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

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

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

12 The local health officer, acting under the direction of the local
13 board of health or under direction of the administrative officer
14 appointed under RCW 70.05.040 or 70.05.035, if any, shall:

15 (1) Enforce the public health statutes of the state, rules of the
16 state board of health and the secretary of health, and all local health
17 rules, regulations and ordinances within his or her jurisdiction
18 including imposition of penalties authorized under RCW 70.119A.030, the
19 confidentiality provisions in RCW 70.24.105 and rules adopted to
20 implement those provisions, and filing of actions authorized by RCW
21 43.70.190;

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

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

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

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

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

34 (7) Collect such fees as are established by the state board of
35 health or the local board of health for the issuance or renewal of
36 licenses or permits or such other fees as may be authorized by law or
37 by the rules of the state board of health;

1 (8) Inspect, as necessary, expansion or modification of existing
2 public water systems, and the construction of new public water systems,
3 to assure that the expansion, modification, or construction conforms to
4 system design and plans;

5 (9) Take such measures as he or she deems necessary in order to
6 promote the public health, to participate in the establishment of
7 health educational or training activities, and to authorize the
8 attendance of employees of the local health department or individuals
9 engaged in community health programs related to or part of the programs
10 of the local health department.

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

13 Any local health officer or administrative officer appointed under
14 RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce
15 the provisions of chapters 70.05, 70.24, and 70.46 RCW or the rules,
16 regulations or orders of the state board of health or who shall refuse
17 or neglect to make prompt and accurate reports to the state board of
18 health, may be removed as local health officer or administrative
19 officer by the state board of health and shall not again be reappointed
20 except with the consent of the state board of health. Any person may
21 complain to the state board of health concerning the failure of the
22 local health officer or administrative officer to carry out the laws or
23 the rules and regulations concerning public health, and the state board
24 of health shall, if a preliminary investigation so warrants, call a
25 hearing to determine whether the local health officer or administrative
26 officer is guilty of the alleged acts. Such hearings shall be held
27 pursuant to the provisions of chapter 34.05 RCW, and the rules and
28 regulations of the state board of health adopted thereunder.

29 Any member of a local board of health who shall violate any of the
30 provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or neglect
31 to obey or enforce any of the rules, regulations or orders of the state
32 board of health made for the prevention, suppression or control of any
33 dangerous contagious or infectious disease or for the protection of the
34 health of the people of this state, shall be guilty of a misdemeanor,
35 and upon conviction shall be fined not less than ten dollars nor more
36 than two hundred dollars. Any physician who shall refuse or neglect to
37 report to the proper health officer or administrative officer within
38 twelve hours after first attending any case of contagious or infectious

1 disease or any diseases required by the state board of health to be
2 reported or any case suspicious of being one of such diseases, shall be
3 guilty of a misdemeanor, and upon conviction shall be fined not less
4 than ten dollars nor more than two hundred dollars for each case that
5 is not reported.

6 Any person violating any of the provisions of chapters 70.05,
7 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any
8 of the rules, regulations or orders made for the prevention,
9 suppression and control of dangerous contagious and infectious diseases
10 by the local board of health or local health officer or administrative
11 officer or state board of health, or who shall leave any isolation
12 hospital or quarantined house or place without the consent of the
13 proper health officer or who evades or breaks quarantine or conceals a
14 case of contagious or infectious disease or assists in evading or
15 breaking any quarantine or concealing any case of contagious or
16 infectious disease, shall be guilty of a misdemeanor, and upon
17 conviction thereof shall be subject to a fine of not less than twenty-
18 five dollars nor more than one hundred dollars or to imprisonment in
19 the county jail not to exceed ninety days or to both fine and
20 imprisonment.

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

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27 ADOPTED 4/12/99

28 On page 1, line 2 of the title, after "samaritans;" strike the
29 remainder of the title and insert "amending RCW 70.24.084, 70.05.070,
30 and 70.05.120; adding a new section to chapter 70.05 RCW; adding a new
31 section to chapter 70.24 RCW; creating a new section; prescribing
32 penalties; and declaring an emergency."

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