

2 **HB 2861** - S AMD TO HSC COMM AMD (S4976.2) - 194  
3 By Senators Thibaudeau, Costa, Hargrove and Long

4 ADOPTED 3/1/00

5 On page 9, after line 29 of the amendment, insert the following:

6 "**Sec. 11.** RCW 70.24.084 and 1999 c 391 s 4 are each amended to  
7 read as follows:

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

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

13 (b) Against any person who intentionally or recklessly violates a  
14 provision of this chapter, ten thousand dollars, or actual damages,  
15 whichever is greater, for each violation.

16 (c) Reasonable attorneys' fees and costs.

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

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

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

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

30 (5) It is a negligent violation of this chapter to cause an  
31 unauthorized communication of confidential sexually transmitted disease  
32 information by facsimile transmission or otherwise communicating the  
33 information to an unauthorized recipient when the sender knew or had  
34 reason to know the facsimile transmission telephone number or other  
35 transmittal information was incorrect or outdated.

