
HOUSE BILL 1835

State of Washington

56th Legislature

1999 Regular Session

By Representatives Schual-Berke, Skinner, Cody, Parlette, Kenney, Santos and Regala

Read first time 02/08/1999. Referred to Committee on Health Care.

1 AN ACT Relating to the confidentiality of information relating to
2 sexually transmitted diseases and HIV; amending RCW 70.24.080,
3 70.24.084, 70.05.070, and 70.05.120; adding a new section to chapter
4 70.24 RCW; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.24 RCW
7 to read as follows:

8 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 (1) Report annually to the board incidents of unauthorized
12 disclosure of information protected under RCW 70.24.105 and the rules
13 of the board related to disease reporting. The report shall include
14 recommendations for preventing future unauthorized disclosures and
15 improving the system of confidentiality for reported information;

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

1 (3) Develop and implement, in coordination with local health
2 departments and health care providers, a program of public and consumer
3 education regarding the functioning and purpose of the confidentiality
4 provisions of RCW 70.24.105 and the rules of the board, and the rights
5 and remedies provide for any violation thereof.

6 **Sec. 2.** RCW 70.24.080 and 1988 c 206 s 911 are each amended to
7 read as follows:

8 Any person who shall violate any of the provisions of this chapter
9 or any lawful rule adopted by the board pursuant to the authority
10 herein granted, or who shall fail or refuse to obey any lawful order
11 issued by any state, county or municipal public health officer,
12 pursuant to the authority granted in this chapter, shall be deemed
13 guilty of a (~~gross misdemeanor~~) class C felony punishable as provided
14 under RCW 9A.20.021.

15 **Sec. 3.** RCW 70.24.084 and 1988 c 206 s 914 are each amended to
16 read as follows:

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

19 (a) Against any person who negligently violates a provision of this
20 chapter, (~~one~~) two thousand dollars, or actual damages, whichever is
21 greater, for each violation.

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

25 (c) Reasonable attorneys' fees and costs.

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

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

30 (3) Each violation of this chapter is a separate and actionable
31 offense.

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

35 (~~(4)~~) (5) Nothing in this chapter may be construed to impose
36 civil liability or criminal sanction for disclosure of a test result
37 for a sexually transmitted disease in accordance with any reporting

1 requirement for a diagnosed case of sexually transmitted disease by the
2 department or the centers for disease control of the United States
3 public health service.

4 **Sec. 4.** RCW 70.05.070 and 1993 c 492 s 239 are each amended to
5 read as follows:

6 The local health officer, acting under the direction of the local
7 board of health or under direction of the administrative officer
8 appointed under RCW 70.05.040 or 70.05.035, if any, shall:

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

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

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

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

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

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

28 (7) Collect such fees as are established by the state board of
29 health or the local board of health for the issuance or renewal of
30 licenses or permits or such other fees as may be authorized by law or
31 by the rules of the state board of health;

32 (8) Inspect, as necessary, expansion or modification of existing
33 public water systems, and the construction of new public water systems,
34 to assure that the expansion, modification, or construction conforms to
35 system design and plans;

36 (9) Take such measures as he or she deems necessary in order to
37 promote the public health, to participate in the establishment of
38 health educational or training activities, and to authorize the

1 attendance of employees of the local health department or individuals
2 engaged in community health programs related to or part of the programs
3 of the local health department.

4 **Sec. 5.** RCW 70.05.120 and 1993 c 492 s 241 are each amended to
5 read as follows:

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

22 Any member of a local board of health who shall violate any of the
23 provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or neglect
24 to obey or enforce any of the rules, regulations or orders of the state
25 board of health made for the prevention, suppression or control of any
26 dangerous contagious or infectious disease or for the protection of the
27 health of the people of this state, shall be guilty of a misdemeanor,
28 and upon conviction shall be fined not less than ten dollars nor more
29 than two hundred dollars. Any physician who shall refuse or neglect to
30 report to the proper health officer or administrative officer within
31 twelve hours after first attending any case of contagious or infectious
32 disease or any diseases required by the state board of health to be
33 reported or any case suspicious of being one of such diseases, shall be
34 guilty of a misdemeanor, and upon conviction shall be fined not less
35 than ten dollars nor more than two hundred dollars for each case that
36 is not reported.

37 Any person violating any of the provisions of chapters 70.05,
38 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any

1 of the rules, regulations or orders made for the prevention,
2 suppression and control of dangerous contagious and infectious diseases
3 by the local board of health or local health officer or administrative
4 officer or state board of health, or who shall leave any isolation
5 hospital or quarantined house or place without the consent of the
6 proper health officer or who evades or breaks quarantine or conceals a
7 case of contagious or infectious disease or assists in evading or
8 breaking any quarantine or concealing any case of contagious or
9 infectious disease, shall be guilty of a misdemeanor, and upon
10 conviction thereof shall be subject to a fine of not less than twenty-
11 five dollars nor more than one hundred dollars or to imprisonment in
12 the county jail not to exceed ninety days or to both fine and
13 imprisonment.

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