
SUBSTITUTE SENATE BILL 5793

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio and Kohl-Welles)

Read first time 03/03/1999.

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

1 reporting to understand, implement, and comply with this chapter and
2 the rules of the board related to disease reporting.

3 (2) This section is exempt from RCW 70.24.084, 70.05.070, and
4 70.05.120.

5 **Sec. 2.** RCW 70.24.084 and 1988 c 206 s 914 are each amended to
6 read as follows:

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

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

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

15 (c) Reasonable attorneys' fees and costs.

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

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

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

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

29 **Sec. 3.** RCW 70.05.070 and 1993 c 492 s 239 are each amended to
30 read as follows:

31 The local health officer, acting under the direction of the local
32 board of health or under direction of the administrative officer
33 appointed under RCW 70.05.040 or 70.05.035, if any, shall:

34 (1) Enforce the public health statutes of the state, rules of the
35 state board of health and the secretary of health, and all local health
36 rules, regulations and ordinances within his or her jurisdiction
37 including imposition of penalties authorized under RCW 70.119A.030, the

1 confidentiality provisions in RCW 70.24.105 and rules adopted to
2 implement those provisions, and filing of actions authorized by RCW
3 43.70.190;

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

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

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

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

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

16 (7) Collect such fees as are established by the state board of
17 health or the local board of health for the issuance or renewal of
18 licenses or permits or such other fees as may be authorized by law or
19 by the rules of the state board of health;

20 (8) Inspect, as necessary, expansion or modification of existing
21 public water systems, and the construction of new public water systems,
22 to assure that the expansion, modification, or construction conforms to
23 system design and plans;

24 (9) Take such measures as he or she deems necessary in order to
25 promote the public health, to participate in the establishment of
26 health educational or training activities, and to authorize the
27 attendance of employees of the local health department or individuals
28 engaged in community health programs related to or part of the programs
29 of the local health department.

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

32 Any local health officer or administrative officer appointed under
33 RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce
34 the provisions of chapters 70.05, 70.24, and 70.46 RCW or the rules,
35 regulations or orders of the state board of health or who shall refuse
36 or neglect to make prompt and accurate reports to the state board of
37 health, may be removed as local health officer or administrative
38 officer by the state board of health and shall not again be reappointed

1 except with the consent of the state board of health. Any person may
2 complain to the state board of health concerning the failure of the
3 local health officer or administrative officer to carry out the laws or
4 the rules and regulations concerning public health, and the state board
5 of health shall, if a preliminary investigation so warrants, call a
6 hearing to determine whether the local health officer or administrative
7 officer is guilty of the alleged acts. Such hearings shall be held
8 pursuant to the provisions of chapter 34.05 RCW, and the rules and
9 regulations of the state board of health adopted thereunder.

10 Any member of a local board of health who shall violate any of the
11 provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or neglect
12 to obey or enforce any of the rules, regulations or orders of the state
13 board of health made for the prevention, suppression or control of any
14 dangerous contagious or infectious disease or for the protection of the
15 health of the people of this state, shall be guilty of a misdemeanor,
16 and upon conviction shall be fined not less than ten dollars nor more
17 than two hundred dollars. Any physician who shall refuse or neglect to
18 report to the proper health officer or administrative officer within
19 twelve hours after first attending any case of contagious or infectious
20 disease or any diseases required by the state board of health to be
21 reported or any case suspicious of being one of such diseases, shall be
22 guilty of a misdemeanor, and upon conviction shall be fined not less
23 than ten dollars nor more than two hundred dollars for each case that
24 is not reported.

25 Any person violating any of the provisions of chapters 70.05,
26 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any
27 of the rules, regulations or orders made for the prevention,
28 suppression and control of dangerous contagious and infectious diseases
29 by the local board of health or local health officer or administrative
30 officer or state board of health, or who shall leave any isolation
31 hospital or quarantined house or place without the consent of the
32 proper health officer or who evades or breaks quarantine or conceals a
33 case of contagious or infectious disease or assists in evading or
34 breaking any quarantine or concealing any case of contagious or
35 infectious disease, shall be guilty of a misdemeanor, and upon
36 conviction thereof shall be subject to a fine of not less than twenty-
37 five dollars nor more than one hundred dollars or to imprisonment in

1 the county jail not to exceed ninety days or to both fine and
2 imprisonment.

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