

1 **SSB 5039** - H AMD
2 By Representative Pflug

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. Sec.1. A new section is added to chapter 70.54 RCW to read
6 as follows:

7 (1) The secretary of health shall design a state plan for education efforts
8 concerning hepatitis and the prevention and management of the disease by January
9 1, 2004. In developing the plan, the secretary shall consult with:

10 (a) The public;

11 (b) Patient groups and organizations;

12 (c) Relevant state agencies that have functions that involve hepatitis or provide
13 services to persons with hepatitis;

14 (d) Local health departments;

15 (e) Public health and clinical laboratories;

16 (f) Providers and suppliers of services to persons with hepatitis;

17 (g) Research scientists;

18 (h) The University of Washington and

19 (i) Relevant health care associations.

20 (2) The plan shall include implementation recommendations in the following
21 areas:

22 (a) Hepatitis virus prevention and treatment strategies for groups at risk for
23 hepatitis with an emphasis towards those groups that are disproportionately
24 affected by hepatitis, including persons infected with HIV, veterans, racial or ethnic
25 minorities that suffer a higher incidence of hepatitis, and persons who engage in
26 high-risk behaviors such as intravenous drug use;

27 (b) Educational programs to promote public awareness about hepatitis and
28 knowledge about risk factors, the value of early detection, screening services, and
29 available treatment options for hepatitis, which may be incorporated in public
30 awareness programs concerning bloodborne infections;

31 (c) Education curriculum for appropriate health and health-related providers covered
32 by the uniform disciplinary code, chapter 18.130 RCW;

1 (d) Training courses for persons providing hepatitis C counseling, public health
2 clinistaff and any other appropriate provider which shall focus on disease
3 prevention, early detection, and intervention;

4 (e) Capacity for voluntary hepatitis C testing programs to be performed at
5 facilities providing voluntary HIV testing under chapter 70.24 RCW;

6 (f) A comprehensive model for an evidence-based process for the prevention and
7 management of hepatitis C that is applicable to other diseases and

8 (g) Sources and availability of funding to implement the plan.

9 (3) The secretary of health shall develop the state plan described in subsections
10 (1) and (2) of this section only to the extent that, and for as long as, federal or private
11 funds are available for that purpose including grants. Funding for this act shall not
12 come from state sources.

13 (4) The secretary of health shall submit the completed state plan to the
14 legislature by January 1, 2004. After the initial state plan is submitted, the
15 departments shall update the state plan biennially and shall submit the plan to the
16 governor and make it available to other interested parties. The update and progress
17 reports are due December 1, 2004, and every two years thereafter.

18 (5) The state plan recommendations described in subsection (2) (b) of this section
19 shall be implemented by the secretary of health only to the extent that, and for as
20 long as, federal or private funds are available for that purpose including grants.

21 (6) This section expires June 30, 2007.

22 **Sec. 2.** RCW 49.60.172 and 1988 c 206 s 903 are each amended to read as
23 follows:

24 (1) No person may require an individual to take an HIV test as defined in chapter
25 70.24 RCW, or hepatitis C test as a condition of hiring, promotion or continued
26 employment unless the absence of HIV or hepatitis C infections is a bona fide
27 occupational qualification for the job in question.

28 (2) No person may discharge or fail to hire or refuse to hire any individual or segregate
29 or classify any individual in any way which would deprive or tend to deprive that
30 individual of employment opportunities or adversely affect his or her status as an
31 employee, or otherwise discriminate against any individual with respect to
32 compensation terms, conditions, or privileges of employment on the basis of the
33 results of an HIV test or hepatitis C test unless the absence of HIV or hepatitis C
34 infections is a bona fide occupational qualification for the job in question.

35 (3) The absence of HIV or hepatitis C infections is a bona fide occupational
36 qualification only when performance of a particular job can be shown to present a
37 significant risk as defined by the board of health by rule of transmitting HIV or

1 ~~hepatitis~~ infection to other persons and there exists no means of eliminating
2 risk by restructuring the job.

3 (4) For the purpose of this chapter any person who is actually infected with HIV
4 ~~or hepatitis~~ but is not disabled as a result of the infection shall not be eligible for
5 any benefits under the affirmative action provisions of chapter 49.74 RCW solely on
6 the basis of such infection.

7 (5) Employers are immune from civil action for damages arising out of
8 transmission of HIV ~~or hepatitis~~ to employees or to members of the public unless
9 such transmission occurs as a result of the employer's gross negligence.

10 **Sec. 3.** RCW 49.60.174 and 1997 c 271 s 6 are each amended to read as
11 follows:

12 (1) For the purposes of determining whether an unfair practice under this chapter
13 has occurred, claims of discrimination based on actual or perceived HIV or hepatitis
14 C infection shall be evaluated in the same manner as other claims of discrimination
15 based on sensory mental or physical disability by the use of a trained dog guide or
16 service animal by a disabled person.

17 (2) Subsection (1) of this section shall not apply to transactions with insurance
18 entities, health service contractors, or health maintenance organizations subject to
19 RCW 49.60.030(1) (e) or 49.60.178 to prohibit fair discrimination on the basis of
20 actual HIV or actual hepatitis infection status when bona fide statistical differences
21 in risk exposure have been substantiated.

22 (3) For the purposes of this chapter (,) :

23 (a) "HIV" means the human immunodeficiency virus and includes all HIV and
24 HIV-related viruses which damage the cellular branch of the human immune system
25 and leave the infected person immunodeficient and

26 (b) "Hepatitis" means the hepatitis virus of any genotype.

27 **NEW SECTION. Sec. 4.** Section of this act does not create a private right of
28 action."

29 Correct the title.

EFFECT: Eliminates the required participation in plan development of the University of Washington Medical Center, specified state agencies, and advisory bodies. Adds the required participation in plan development of the University of Washington, relevant state agencies, relevant health care associations, and suppliers of services to persons with

hepatitis C. Eliminates plan components regarding estimated costs of plan components and includes components regarding sources of funding for implementation. Removes the requirement that the prevention and management model be developed by the University of Washington Medical Center. Removes prohibitions on using state sources for plan implementation and references to staged implementation. Eliminates the Board of Health's rule making authority for implementing the hepatitis C plan. Moves the study's due date from July 2004 to January 2004.