
HOUSE BILL 3119

State of Washington

60th Legislature

2008 Regular Session

By Representative Rolfes

Read first time 01/22/08. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to human immunodeficiency virus testing of infants
2 placed in out-of-home care under chapter 13.34 RCW; and amending RCW
3 13.34.315 and 70.24.330.

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

5 **Sec. 1.** RCW 13.34.315 and 2006 c 221 s 2 are each amended to read
6 as follows:

7 (1) Whenever a child is ordered removed from his or her home
8 pursuant to this chapter, the agency charged with his or her care may
9 authorize an evaluation and treatment for the child's routine and
10 necessary medical, dental, or mental health care, and all necessary
11 emergency care.

12 (2)(a) When an infant under one year of age is placed in out-of-
13 home care under this chapter, the department or other supervising
14 agency shall request that the infant's treating physician administer to
15 the infant a test for human immunodeficiency virus (HIV), if the HIV
16 status of the mother of the infant is unknown.

17 (b) The department or other supervising agency shall request
18 follow-up testing for an infant who tests positive for HIV under (a) of
19 this subsection or whose mother is HIV-positive, which shall include,

1 but is not limited to, procedures for the administration of HIV
2 testing, counseling of the infant's mother, tracking the infant, and
3 disclosure of HIV test results to the mother.

4 (c) The provisions of this section shall not apply to an infant
5 whose parents object to the test as being in conflict with their
6 religious tenets and practices. The parents shall provide the
7 department or other supervising agency with a written statement of the
8 objection, and the statement shall be included in the infant's medical
9 record.

10 **Sec. 2.** RCW 70.24.330 and 1988 c 206 s 702 are each amended to
11 read as follows:

12 No person may undergo HIV testing without the person's consent
13 except:

14 (1) Pursuant to RCW 7.70.065 for incompetent persons;

15 (2) In seroprevalence studies where neither the persons whose blood
16 is being tested know the test results nor the persons conducting the
17 tests know who is undergoing testing;

18 (3) If the department of labor and industries determines that it is
19 relevant, in which case payments made under Title 51 RCW may be
20 conditioned on the taking of an HIV antibody test; ~~((or))~~

21 (4) Pursuant to RCW 13.34.315 for infants placed in out-of-home
22 care under chapter 13.34 RCW; or

23 (5) As otherwise expressly authorized by this chapter.

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