

HOUSE BILL REPORT

HB 1454

As Passed Legislature

Title: An act relating to testing for bloodborne pathogens.

Brief Description: Regarding testing for bloodborne pathogens.

Sponsors: Representatives Van De Wege, Hinkle, Green, Jinkins, Cody, Takko, Hurst, Liias, Hope, Stanford and Overstreet.

Brief History:

Committee Activity:

Health Care & Wellness: 2/3/11 [DP].

Floor Activity:

Passed House: 2/14/11, 93-0.

Passed Senate: 4/8/11, 49-0.

Passed Legislature.

Brief Summary of Bill

- Permits certain categories of workers who are at risk of exposure to human immunodeficiency virus (HIV) to request that a person be tested for bloodborne pathogens at the same time HIV testing is ordered.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 11 members: Representatives Cody, Chair; Jinkins, Vice Chair; Schmick, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Bailey, Clibborn, Green, Harris, Kelley, Moeller and Van De Wege.

Staff: Chris Blake (786-7392).

Background:

Law enforcement officers, firefighters, health care providers, health care facility staff, Department of Corrections staff, jail staff, and other categories of employment that the State Board of Health determines are at risk of substantial exposure to human immunodeficiency virus (HIV) (collectively, "at-risk employees"), upon a substantial exposure to another

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person's bodily fluids in the course of their employment, may request a state or local health official to order testing for HIV upon the person to whose bodily fluids they were exposed. If the state or local health official refuses, then the at-risk employee may petition the superior court for a hearing as to whether or not testing should be ordered. The standard of review for the superior court is whether substantial exposure occurred and whether it presents a possible risk of transmission of HIV. If testing is ordered by the state or local health officer, the person who is to be tested may also petition the superior court under the same standard to have the request for testing denied.

Summary of Bill:

Law enforcement officers, firefighters, health care providers, health care facility staff, Department of Corrections staff, jail staff, and other categories of employment that the State Board of Health determines are at risk of substantial exposure to human immunodeficiency virus (HIV) (collectively, "at-risk employees") who are eligible to request an order for HIV testing upon a person to whose bodily fluids he or she has been exposed, may also request a state or local health official to order testing for bloodborne pathogens. Court orders for the mandatory testing of an individual for HIV may also include additional testing for other bloodborne pathogens. The exception to privacy laws regarding the disclosure of information related to HIV for at-risk employees also applies to the disclosure of test results for bloodborne pathogens.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill builds upon a structure that was started in 1988 for health care workers to get test results for HIV and expands it to all bloodborne pathogens. It is helpful for a health care worker who contracts hepatitis C from a needle stick to know where it came from. Hepatitis C is easier to contract than HIV. This bill will help alleviate fears among health care providers.

(Opposed) None.

Persons Testifying: Representative Van De Wege, prime sponsor; Representative Hinkle; and Sharon Ness, United Food and Commercial Workers International Union.

Persons Signed In To Testify But Not Testifying: None.