
SENATE BILL 5454

State of Washington

63rd Legislature

2013 Regular Session

By Senators Rolfes, Cleveland, Kohl-Welles, and Kline

Read first time 01/31/13. Referred to Committee on Human Services & Corrections.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it has a
6 compelling interest in discovering and caring for the medical needs of
7 infants placed in out-of-home care who may be at risk of acquiring or
8 have acquired the human immunodeficiency virus. Therefore, it is the
9 intent of the legislature that infants who may be at risk for
10 contracting the human immunodeficiency virus are tested as soon as
11 possible after being placed in custody. This testing will enable the
12 infant's treating physician to begin any necessary treatment which may
13 in fact prevent the infant from ever acquiring the disease.

14 **Sec. 2.** RCW 13.34.315 and 2006 c 221 s 2 are each amended to read
15 as follows:

16 (1) Whenever a child is ordered removed from his or her home
17 pursuant to this chapter, the agency charged with his or her care may

1 authorize an evaluation and treatment for the child's routine and
2 necessary medical, dental, or mental health care, and all necessary
3 emergency care.

4 (2)(a) When an infant under one year of age is placed in out-of-
5 home care under this chapter, the department or other supervising
6 agency shall request that the infant's treating physician test the
7 infant for human immunodeficiency virus, if the human immunodeficiency
8 virus status of the mother of the infant:

9 (i) Is known to be positive; or

10 (ii) Is unknown and the department has specific information
11 indicating that the mother is at increased risk of human
12 immunodeficiency virus infection, including, but not limited to, a
13 history of drug abuse.

14 (b) The department or other supervising agency shall follow the
15 treating physician's recommendations for any follow-up testing and
16 treatment for an infant who has tested positive for human
17 immunodeficiency virus under (a) of this subsection.

18 (c) Prior to requesting testing under (a) of this subsection, the
19 department shall request a parent's consent to test the infant. If a
20 parent objects to the test for any reason, including, but not limited
21 to, that it conflicts with their religious tenets and practices, the
22 department or other supervising agency shall, at the earliest possible
23 opportunity, request the court to order such testing.

24 **Sec. 3.** RCW 70.24.330 and 1988 c 206 s 702 are each amended to
25 read as follows:

26 No person may undergo HIV testing without the person's consent
27 except:

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

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

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

35 (4) Pursuant to RCW 13.34.315 for infants placed in out-of-home

1 care under chapter 13.34 RCW; or

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

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