
SENATE BILL 5728

State of Washington

64th Legislature

2015 Regular Session

By Senators Darneille, Rivers, Rolfes, Ranker, Keiser, Parlette, Hasegawa, Chase, and Jayapal

Read first time 01/30/15. Referred to Committee on Health Care.

1 AN ACT Relating to permitting opt-out screening for HIV
2 infection; amending RCW 70.24.330; adding a new section to chapter
3 70.24 RCW; 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 the scientific
6 community's understanding of the human immunodeficiency virus has
7 changed significantly since the virus was first identified. With that
8 change has come increased awareness of the value of incorporating HIV
9 testing into routine health screenings. The legislature also finds
10 that since 2003, the United States centers for disease control has
11 advocated making HIV testing a regular part of medical care on the
12 same voluntary basis as other diagnostic and screening tests. In
13 2006, the centers for disease control formally adopted its current
14 recommendations for an opt-out model of HIV screening for all
15 individuals ages thirteen to sixty-four and for all pregnant women.
16 The legislature finds further that it is appropriate to update the
17 state's HIV screening policy by adopting these recommendations.

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

1 No person may undergo HIV testing without the person's consent
2 except:
3 (1) Pursuant to RCW 7.70.065 for incompetent persons;
4 (2) In seroprevalence studies where neither the persons whose
5 blood is being tested know the test results nor the persons
6 conducting the tests know who is undergoing testing;
7 (3) If the department of labor and industries determines that it
8 is relevant, in which case payments made under Title 51 RCW may be
9 conditioned on the taking of an HIV antibody test; or
10 (4) As otherwise expressly authorized by this chapter and section
11 3 of this act.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.24
13 RCW to read as follows:

14 (1) In all health care settings, screening for HIV infection must
15 be performed routinely as part of other diagnostic and screening
16 tests for all patients age thirteen through sixty-four years and for
17 all pregnant women. Screening is voluntary and may be undertaken only
18 after the patient or the patient's authorized representative has been
19 told that HIV testing is planned and that HIV testing will be
20 performed unless the patient declines.

21 (2) If a health care provider offers to perform an HIV test, and
22 the patient or patient's authorized representative declines the HIV
23 test, the health care provider may not use the fact that the person
24 declined an HIV test as a basis for denying services or treatment,
25 other than an HIV test, to the person.

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