
HOUSE BILL 1046

State of Washington 61st Legislature 2009 Regular Session

By Representatives Rolfes, Roberts, Morrell, Kagi, and Moeller

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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 of social and health
14 services or other supervising agency shall request that the infant's
15 treating physician test the infant for human immunodeficiency virus, if
16 the human immunodeficiency virus status of the mother of the infant is:

17 (i) Known to be positive; or

18 (ii) Unknown and the department has information indicating that the
19 mother is at increased risk of human immunodeficiency virus infection.

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

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

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

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

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

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

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

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

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

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