



COMMUNICABLE AND CERTAIN OTHER DISEASES, CHAPTER 246-100 WAC
Summary of Draft Rule Changes
June 2021

The State Board of Health (Board) is inviting informal public comment on [draft revisions](#) to [chapter 246-100 WAC](#), Communicable and Certain Other Diseases. This chapter outlines requirements for the prevention and control of infectious and noninfectious diseases. Draft revisions are summarized by section below and relate to implementation of [Engrossed Substitute House Bill 1551](#) (ESHB 1551), which passed during the 2020 Legislative Session.

ESHB 1551 modernizes the state's communicable disease laws by ending statutory HIV/AIDS exceptionalism, reducing HIV-related stigma, defelonizing HIV exposure, and removing barriers to HIV testing. The scope of the Board's rulemaking is to implement changes made by ESHB 1551 and assure consistency with the legislation's requirements. More information about the Board's rulemaking scope can be found in the Board's [CR-101, Preproposal Statement of Inquiry](#).

The informal public comment period closes on July 15, 2021. Please send feedback on the draft revisions and any questions to communicabledisease@sboh.wa.gov.

WAC 246-100 Section Number and Title	Section Purpose	Summary of Draft Changes
Throughout the chapter.	N/A	<ul style="list-style-type: none">Made editorial changes to remove gendered language (e.g., he, his), use people-first language (e.g., individual living with HIV), and provide clarity.
-011 Definitions.	Define terms used throughout the chapter.	<ul style="list-style-type: none"><u>Removed definitions:</u> Acquired immunodeficiency syndrome (AIDS); HIV counseling; Confidential HIV testing; Nosocomial infection; Post-test counseling; Spouse

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		<ul style="list-style-type: none"> • <u>New definitions</u>: Blood-borne pathogen; Health order; Human immunodeficiency virus or HIV; Medical treatment • <u>Adjusted definitions</u>: Anonymous HIV testing; Case; Communicable disease; Detention; Health care facility; HIV testing; Isolation; Local health jurisdiction or LHJ; Local health officer; Principal health care provider; Quarantine; Sexually transmitted disease or sexually transmitted infection; State health officer; Suspected case; Veterinarian
-021 Responsibilities and duties – Health care providers.	Outlines requirements for health care providers related to communicable disease control measures, investigations, and treatment.	<ul style="list-style-type: none"> • Moved language related to anonymous HIV testing from the definitions section to this section for clarity.
-036 Responsibilities and duties – Local health officers.	Outlines requirements for local health officers related to communicable disease control procedures and investigations, including HIV testing, partner notification, and documentation.	<ul style="list-style-type: none"> • Removed references to AIDS counseling and pre/post-test counseling (required by ESHB 1551). • Added language to ensure the identity or identifying information of persons living with HIV is not disclosed outside of the local health jurisdiction.
-070 Enforcement of local health officer orders.	<p>Requires orders issued by a local health officer to be enforced by local law enforcement.</p> <p>Specifies penalties for violating health officer orders and provisions of this chapter.</p>	<ul style="list-style-type: none"> • Updated statutory references (RCWs). • Clarified language related to persons refusing to obey lawful health orders being subject to a <i>gross misdemeanor</i> instead of a <i>misdemeanor</i> (required by ESHB 1551).
-072 Rules for notification of partners at risk of human immunodeficiency virus (HIV) infection	Outlines requirements for local health officers and health care providers related to diagnoses and partner notification of HIV and the use of identifying information.	<ul style="list-style-type: none"> • Removed references to AIDS counseling and pre/post-test counseling (required by ESHB 1551). • Removed language requiring local health officers to destroy documentation and identifying information of persons living with HIV and referral information.
-202 Sexually transmitted infections – Duties and authorities	Outlines requirements for health care providers related to STI reporting and treatment and	<ul style="list-style-type: none"> • Revised title of section.

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	requirements for state and local health officers to conduct STI investigations.	<ul style="list-style-type: none"> Updated reference to treatment of prenatal syphilis for health care providers and added reference to CDC guidelines for STI treatment. Updated references to external rules (WACs).
-203 Sexually transmitted infections – Health officer orders	Outlines when state or local health officers may issue a health order to require a person to submit to medical examination, testing, counseling, receiving medical treatment, or ceasing and desisting specific activities.	<ul style="list-style-type: none"> Revised title of section. Made editorial revisions for clarity and consistency with authorizing statute (ESHB 1551). Updated WAC and RCW references. Changed the effective length of written health orders requiring a person to cease and desist certain behaviors from 3 to 12 months (required by ESHB 1551).
-2031 Sexually transmitted infections – Orders and standards for detainment	Outlines when a state or local health officer may bring action in superior court to detain a person who continues to engage in behaviors that present an imminent danger to the public health.	<ul style="list-style-type: none"> Created new section and moved language from section -203 for clarity. Made editorial revisions for clarity and consistency with authorizing statute. Updated WAC and RCW references. Removed references to pre/post-test counseling (required by ESHB 1551). Removed references to training as approved by the Office on AIDS (required by ESHB 1551).
-204 Absence of HIV or hepatitis C as an occupational qualification	Defines “significant risk” as it relates to HIV or hepatitis C infection status for employment purposes.	<ul style="list-style-type: none"> Revised title of section. Added reference to hepatitis C infection, aligned with statute.
-205 Blood-borne pathogen exposure – Occupation settings	Defines what constitutes a substantial exposure that presents a possible risk of transmission of a blood-borne pathogen in occupational settings.	<ul style="list-style-type: none"> Revised title of section. Replaced references to HIV with blood-borne pathogens (required by ESHB 1551). Removed references to pre/post-test counseling (required by ESHB 1551). Added vaginal fluid as a transmission method in the context of a physical assault (for consistency within the chapter). Added persons licensed to perform body art to the list of employment categories at risk of substantial exposure.

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-206 Blood-borne pathogen exposure – Local jail facilities	Defines what constitutes an exposure that presents a possible risk of transmission of a blood-borne pathogen in local jail facilities.	<ul style="list-style-type: none"> • Revised title of section. • Replaced references to HIV with blood-borne pathogens (required by ESHB 1551). • Removed references to pre/post-test counseling (required by ESHB 1551). • Re-ordered subsections for clarity. • Updated RCW references.
-2061 Blood-borne pathogen exposure – Department of corrections facilities	Defines what constitutes an exposure that presents a possible risk of transmission of a blood-borne pathogen in Washington State Department of Corrections facilities.	<ul style="list-style-type: none"> • Created a new section in the rules (required by ESHB 1551).
-207 Blood-borne pathogen testing – Ordering – Laboratory screening – Interpretation – Reporting	<p>Outlines requirements and exemptions for reporting HIV test results to state and local health authorities under chapter 246-101 WAC, Notifiable Conditions.</p> <p>Outlines information that must be provided to the patient with test results.</p>	<ul style="list-style-type: none"> • Revised title of section. • Removed references to seroprevalence studies. • Replaced references to HIV with blood-borne pathogens (required by ESHB 1551). • Removed redundant language and references to sections of the chapter that have been stricken. • Removed language related to health care providers obtaining sample CDC brochures for HIV testing. • Removed references to pre/post-test counseling (required by ESHB 1551). • Removed requirements related to sending test results to a designated health care provider or local health jurisdiction for interpretation and post-test counseling (consistent with statute). • Removed requirements for the Department of Health's Laboratory Quality Assurance section to accept substitutions for enzyme immunoassay screening.
-208 Counseling standard – HIV counseling	Outlines requirements for health care providers to conduct HIV counseling for pregnant persons.	Removed this section of rule (required by ESHB 1551).
-209 Counseling standards – Human immunodeficiency virus (HIV) pretest counseling – HIV post-test counseling.	Outlines requirements for health care providers to provide pre- and post-test counseling.	Removed this section of rule (required by ESHB 1551).

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<p>-22 Tuberculosis.</p>	<p>Outlines requirements related to tuberculosis control measures for local health officers, local health jurisdictions, and health care providers diagnosing or caring for a person with tuberculosis.</p>	<ul style="list-style-type: none">• Revised title of section.• Revised references of local health jurisdiction consistent with the definitions section.
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