



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

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DATE: July 16, 2020

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WSR 20-15-112

Agency: State Board of Health

Subject of possible rule making: Chapter 246-100 WAC, Communicable and Certain Other Diseases, and Chapter 246-101 WAC, Notifiable Conditions. The State Board of Health (Board) is considering amending these chapters to implement changes made by Engrossed Substitute House Bill 1551 as it relates to HIV/AIDS. The Board may also consider other technical or editorial changes as needed.

Statutes authorizing the agency to adopt rules on this subject: RCW 43.20.050 and RCW 70.24.130.

Reasons why rules on this subject may be needed and what they might accomplish: During the 2020 Legislative Session, the Legislature passed Engrossed Substitute House Bill 1551, Modernizing the control of certain communicable diseases (chapter 76, Laws of 2020). This bill modernizes the state's control of communicable disease laws by ending statutory HIV/AIDS exceptionalism, reducing HIV-related stigma, defelonizing HIV exposure, and removing barriers to HIV testing. The new law took effect June 11, 2020. The Board is undertaking rulemaking to consider possible revisions to chapters 246-100 and 246-101 WAC to assure consistency with the bill's requirements and protect public health and safety. Revisions may include, but are not limited to, establishing reporting requirements and procedures for investigations for sexually transmitted diseases; specifying behavior that endangers the public health; defining specimens that can be obtained and tests that can be administered for sexually transmitted diseases, blood-borne pathogens, and other infections; determining categories of employment that are at risk of substantial exposure to a blood-borne pathogen; and defining what constitutes an exposure that presents a possible risk of transmission of a blood-borne pathogen.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Washington State Department of Health, Department of Corrections, Office of the Superintendent of Public Instruction, Administrative Office of the Courts, Department of Social and Health Services, Health Care Authority, and Department of Children, Youth, and Families, will be invited to participate in rulemaking to assure coordination.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The Board will use a collaborative rule-making approach. The Board will work with partner health agencies in drafting the rule and may convene a stakeholder group for additional input. The Board will keep stakeholders and interested parties informed of the rulemaking through email, the Board's listserv and rule-making website, and notices in the Washington State Register. Stakeholders and interested parties will have opportunities to provide comments through the rule-making process, including informal review of the draft rule, formal review and comment on the proposed rule, and at the Board's public hearing.


Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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(If necessary)

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Additional comments: If you would like to be added to the listserv for this rule making, email Kaitlyn.Donahoe@SBOH.WA.GOV with the subject line "Communicable Disease, STD Modernization - Subscribe." For more

information, please view the website at: https://sboh.wa.gov/Rulemaking/CurrentRulesandActivity/CommunicableandCertainOtherDiseasesSTDModernization	
Date: 07/15/2020	Signature: 
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