

limiting age and subsequently as required by the health maintenance organization but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

NEW SECTION. Sec. 7. A new section is added to chapter 48.46 RCW to read as follows:

If an individual health care service agreement is issued on any basis other than as applied for, an endorsement setting forth such modification must accompany and be attached to the agreement. No agreement shall be effective unless the endorsement is signed by the applicant, and a signed copy thereof returned to the health maintenance organization.

NEW SECTION. Sec. 8. A new section is added to chapter 48.46 RCW to read as follows:

Every health care service agreement issued, amended, or renewed after January 1, 1986, for an individual and his or her dependents shall contain provisions to assure that the covered spouse and/or dependents, in the event that any cease to be a qualified family member by reason of termination of marriage or death of the principal enrollee, shall have the right to continue the health maintenance agreement without a physical examination, statement of health, or other proof of insurability.

NEW SECTION. Sec. 9. Section 11, chapter 106, Laws of 1983 and RCW 48.46.330 are each repealed.

Passed the Senate April 23, 1985.

Passed the House April 12, 1985.

Approved by the Governor May 16, 1985.

Filed in Office of Secretary of State May 16, 1985.

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CHAPTER 321

[Engrossed Senate Bill No. 3804]

ACQUIRED IMMUNE DEFICIENCY—BLOOD DONATION TRANSACTIONS—  
LIABILITY

AN ACT Relating to blood; amending RCW 70.54.120; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 56, Laws of 1971 and RCW 70.54.120 are each amended to read as follows:

The procurement, processing, storage, distribution, administration, or use of whole blood, plasma, blood products and blood derivatives for the purpose of injecting or transfusing the same, or any of them, into the human body is declared to be, for all purposes whatsoever, the rendition of a service by each and every person, firm, or corporation participating therein, and is declared not to be covered by any implied warranty under the Uniform Commercial Code, Title 62A RCW, or otherwise, and no civil liability shall be incurred as a result of any of such acts, except in the case of wilful

or negligent conduct: PROVIDED, HOWEVER, That this section shall apply only to liability alleged in the contraction of hepatitis ((and)), malaria, and acquired immune deficiency disease and shall not apply to any transaction in which the blood donor receives compensation: PROVIDED FURTHER, That this section shall only apply where the person, firm or corporation rendering the above service shall have maintained records of donor suitability and donor identification similar to those specified in sections 73.301 and 73.302(c) as now written or hereafter amended in Title 42, Public Health Service Regulations adopted pursuant to the Public Health Service Act, 42 U.S.C. 262: PROVIDED FURTHER, That nothing in this section shall be considered by the courts in determining or applying the law to any blood transfusion occurring before June 10, 1971 and the court shall decide such case as though this section had not been passed.

NEW SECTION. Sec. 2. The department of social and health services shall provide a written report to the senate committee on human services and corrections and the house of representatives committee on social and health services by January 1, 1986, providing a description of the current policies and procedures utilized by blood banks for detecting the presence of acquired immune deficiency disease in potential donors, the utilization of such procedures, costs of administering the procedures, and statistics on the number of cases of acquired immune deficiency disease reported as a result of the blood banks' screening procedures and information acquired as a result of transfusions. The department shall have the authority to collect data from blood banks, as necessary to develop the report.

Passed the Senate March 18, 1985.

Passed the House April 17, 1985.

Approved by the Governor May 16, 1985.

Filed in Office of Secretary of State May 16, 1985.

## CHAPTER 322

[Senate Bill No. 3829]

### PHYSICIAN LICENSURE—ACUPUNCTURE LICENSURE

AN ACT Relating to medical practice; amending RCW 18.71.050, 18.71.070, 18.71.095, and 18.71A.080; reenacting and amending RCW 18.71.040 and 18.71.080; and reenacting RCW 18.71.090.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 35, chapter 202, Laws of 1955 as amended by section 61, chapter 30, Laws of 1975 1st ex. sess. and by section 6, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.040 are each reenacted and amended to read as follows:

Every applicant for a certificate to practice medicine and surgery shall pay a fee determined by the director as provided in RCW ((43.24.085 as