

NEW SECTION. Sec. 39. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 150, Laws of 1935, section 1, chapter 162, Laws of 1939, section 1, chapter 251, Laws of 1951 and RCW 26.36.010;
- (2) Section 2, chapter 150, Laws of 1935 and RCW 26.36.020;
- (3) Section 3, chapter 150, Laws of 1935 and RCW 26.36.030;
- (4) Section 4, chapter 150, Laws of 1935, section 2, chapter 162, Laws of 1939, section 2, chapter 251, Laws of 1951 and RCW 26.36.040;
- (5) Section 1, chapter 82, Laws of 1970 ex. sess., section 21, chapter 80, Laws of 1977 ex. sess., section 20, chapter 165, Laws of 1979 ex. sess. and RCW 26.36.050;
- (6) Section 6, chapter 150, Laws of 1935 and RCW 26.36.060;
- (7) Section 1, chapter 49, Laws of 1903, section 7, chapter 134, Laws of 1973, section 34, chapter 42, Laws of 1975-'76 2nd ex. sess., section 18, chapter 165, Laws of 1979 ex. sess. and RCW 26.37.010;
- (8) Section 2, chapter 49, Laws of 1903, section 44, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.37.020;
- (9) Section 3, chapter 49, Laws of 1903 and RCW 26.37.030;
- (10) Section 4, chapter 49, Laws of 1903 and RCW 26.37.040;
- (11) Section 5, chapter 49, Laws of 1903 and RCW 26.37.050;
- (12) Section 6, chapter 49, Laws of 1903 and RCW 26.37.060;
- (13) Section 7, chapter 49, Laws of 1903 and RCW 26.37.070; and
- (14) Section 8, chapter 49, Laws of 1903 and RCW 26.37.080.

NEW SECTION. Sec. 40. Sections 1 through 37 of this act shall constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 41. This act shall take effect January 1, 1985. Any proceeding initiated before the effective date of this act shall be governed by the law in effect on the date the proceeding was initiated.

NEW SECTION. Sec. 42. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 29, 1984.

Passed the Senate February 26, 1984.

Approved by the Governor March 8, 1984.

Filed in Office of Secretary of State March 8, 1984.

CHAPTER 156

[Substitute House Bill No. 1105]

SENTINEL BIRTH DEFECTS

AN ACT Relating to birth defects; amending section 3, chapter 177, Laws of 1959 as amended by section 111, chapter 141, Laws of 1979 and RCW 70.58.320; amending section 4,

chapter 177, Laws of 1959 and RCW 70.58.330; and adding new sections to chapter 70.58 RCW.

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

Sec. 1. Section 3, chapter 177, Laws of 1959 as amended by section 111, chapter 141, Laws of 1979 and RCW 70.58.320 are each amended to read as follows:

Whenever the attending physician discovers that a newborn child has a ((congenital)) sentinel defect, and whenever a physician discovers upon treating a child under the age of fourteen years that such child has a partial or complete disability or a condition which may lead to partial or complete disability, such fact shall be reported to the local registrar and to the parents, or legal guardians of the child, upon a form to be provided by the secretary of social and health services. No report shall be required if the disabling condition has been previously reported or the condition is not one required to be reported by the secretary of social and health services. ((Congenital)) Sentinel defects shall be reported at the same time as birth certificates are required to be filed. Each physician shall make a report as to disabling conditions within thirty days after discovery thereof. If a child with sentinel birth defects is born outside the hospital, the person filling out the birth certificate shall make a report to the department.

The forms to be provided by the secretary of social and health services for this purpose shall require such information as the secretary deems necessary to carry out the purpose of RCW 70.58.300 through 70.58.350.

NEW SECTION. Sec. 2. There is added to chapter 70.58 RCW a new section to read as follows:

Sentinel birth defect shall mean a birth defect whose occurrence signals the possible presence of environmental hazards, genetic disease, poor quality health care, or some other factor determined by the users of the data to be present when a certain birth defect occurs.

Sentinel birth defects include, but are not limited to:

- (1) Anencephaly;
- (2) Spina bifida;
- (3) Hydrocephaly;
- (4) Cleft palate;
- (5) Total cleft palate;
- (6) Esophageal atresia and stenosis;
- (7) Rectal and anal atresia;
- (8) Hypospadias;
- (9) Reduction and deformity of the upper limb;
- (10) Reduction and deformity of the lower limb;
- (11) Congenital dislocation of the hip; and
- (12) Down's syndrome.

NEW SECTION. Sec. 3. There is added to chapter 70.58 RCW a new section to read as follows:

(1) The department shall not disclose the identity of a sentinel birth defect child from reports required under RCW 70.58.320 unless:

(a) There is a demonstrated public health need for the individual identity;

(b) The department obtains written consent of the parent or guardian of the child; and

(c) The department assures that the identity of the child shall not be released without the written consent of the parent or guardian.

(2) If there is a demonstrated need for the individual identity of children without sentinel birth defects to conduct a case-control investigation, subsection (1) (a), (b), and (c) of this section shall apply.

Sec. 4. Section 4, chapter 177, Laws of 1959 and RCW 70.58.330 are each amended to read as follows:

Except compilations of statistical data furnished by the department, the information furnished in the reports required by RCW 70.58.320 shall be secret and shall not be revealed except upon order of the superior court or by the process established by section 3 of this 1984 act. A parent or legal guardian of a child who is the subject of a report required by RCW 70.58-.320 shall have access to such report or reports.

NEW SECTION. Sec. 5. There is added to chapter 70.58 RCW a new section to read as follows:

The department shall assure that information is prepared and periodically updated on:

(1) Sentinel birth defects; and

(2) Public and private services for the disabled with sentinel birth defects.

NEW SECTION. Sec. 6. There is added to chapter 70.58 RCW a new section to read as follows:

The secretary shall appoint a committee of physicians, educators, social service specialists, representatives of the department, representatives of the state board of health, representatives of the superintendent of public instruction, and parents of children with sentinel birth defects. The committee shall determine what information is to be prepared and furnished on sentinel birth defects and public and private services as required by section 5 of this act.

NEW SECTION. Sec. 7. There is added to chapter 70.58 RCW a new section to read as follows:

The department shall develop procedures to monitor the data on sentinel birth defect trends which may be caused by environmental hazards.

Passed the House February 29, 1984.

Passed the Senate February 24, 1984.

Approved by the Governor March 8, 1984.

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