1427-S AMH MACR SILV 045

**SHB 1427** - H AMD **64**

By Representative Macri

**WITHDRAWN 03/03/2017**

On page 3, beginning on line 17, strike all of section 3 and insert the following:

"**Sec.**  RCW 71.24.590 and 2001 c 242 s 2 are each amended to read as follows:

(1) ((~~For purposes of this section, "area" means the county in which an applicant proposes to locate a certified program and counties adjacent, or near to, the county in which the program is proposed to be located.~~))

When making a decision on an application for certification of a program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) Certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional ((~~or special~~)) use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and certify only applicants whose programs meet the necessary treatment needs of that population;

(e) ((~~Demonstrate a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community. No program shall exceed three hundred fifty participants unless specifically authorized by the county in which the program is certified;~~

~~(f)~~)) Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

((~~(g)~~)) (f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

((~~(h)~~)) (g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature, including ((~~abstinence from opiates and opiate substitutes,~~)) obtaining ((~~mental~~)) behavioral health treatment services, improving economic independence, and reducing adverse consequences associated with illegal use of controlled substances. The department shall prioritize certification to applicants who have demonstrated such capability;

((~~(i)~~)) (h) Hold at least one public hearing in the county in which the facility is proposed to be located ((~~and one hearing in the area in which the facility is proposed to be located~~)). The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

(2) A county may impose a maximum capacity for a program of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county.

(3) A program applying for certification from the department and a program applying for a contract from a state agency that has been denied the certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

((~~(3)~~)) (4) For the purpose of this chapter, ((~~opiate substitution~~)) opioid treatment program means:

(a) Dispensing ((~~an opiate substitution drug~~)) a medication approved by the federal drug administration for the treatment of ((~~opiate addiction~~)) opioid use disorder; and

(b) Providing a comprehensive range of medical and rehabilitative services."

|  |  |
| --- | --- |
|  | EFFECT:   Makes a technical correction by moving the provision regarding imposition of a participant cap from subsection (1) to subsection (2). |

**--- END ---**