

# SENATE BILL REPORT

## ESHB 2518

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As Reported By Senate Committee On:  
Health & Long-Term Care, February 28, 2002

**Title:** An act relating to the authority to issue civil penalties by health districts.

**Brief Description:** Establishing a one hundred dollar per day limit on civil penalties for violations of health statutes, rules, and regulations relating to environmental health.

**Sponsors:** House Committee on Local Government & Housing (originally sponsored by Representatives Edwards, Dunshee, Lovick, Berkey and Kirby).

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/25/02, 2/28/02 [DPA].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass as amended.

Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

**Staff:** Tanya Karwaki (786-7447)

**Background:** The Washington Constitution grants local boards of health, district boards of health, and health officers broad authority to pass rules and regulations concerning the public health. The Washington Supreme Court has held that this constitutional grant of authority is a direct delegation of police power and requires no legislative sanction for its exercise if the subject matter is local and the regulation is reasonable and consistent with general laws. The Washington Supreme Court has also stated that the Legislature's broad grant of powers to the local boards of health, district boards of health, and health officers is evident in statute. Specifically, Washington law currently defines "local board of health" to include both county and district boards of health.

There is concern, however, that local boards of health do not have authority to assess civil penalties.

**Summary of Amended Bill:** Health districts are authorized to impose civil penalties for violations of any public health statute, rule or regulation. Any health district imposing such a civil penalty must first provide notice to the person in violation. The person in violation is given a reasonable opportunity to become compliant. If the violation remains, the health district may impose a civil penalty, which may be appealed to the health district board. Health districts must adopt local ordinances implementing the civil penalty process.

**Amended Bill Compared to Substitute Bill:** The amendment adds a new section to the statutory chapter addressing health districts. This clarifies that health districts, rather than each local board of health, has authority to impose civil penalties for violations of any public

health statute, rule, or regulation. The amendment provides procedural guidance to be used by health districts when imposing a civil penalty. It also removes the language "relating to environmental health," and the \$100 per day limit on civil penalties.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Health districts would like the authority to impose civil penalties for violations of environmental health regulations, similar to the authority granted county departments. Without this authority, the current process for gaining compliance is very time consuming and expensive because civil proceedings must be filed with the court. This bill would provide a tool for addressing solid waste disposal and faulty septic tanks.

**Testimony Against:** None.

**Testified:** Rick Mockler, Washington State Association of Local Public Health Officials (pro).