
HOUSE BILL 1252

State of Washington

57th Legislature

2001 Regular Session

By Representatives Boldt, Mulliken, Schindler and Lambert

Read first time 01/22/2001. Referred to Committee on Children & Family Services.

1 AN ACT Relating to faith-based chemical dependency treatment
2 programs; amending RCW 70.96A.020; and adding new sections to chapter
3 70.96A RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.96A.020 and 1998 c 296 s 22 are each amended to
6 read as follows:

7 For the purposes of this chapter the following words and phrases
8 shall have the following meanings unless the context clearly requires
9 otherwise:

10 (1) "Alcoholic" means a person who suffers from the disease of
11 alcoholism.

12 (2) "Alcoholism" means a disease, characterized by a dependency on
13 alcoholic beverages, loss of control over the amount and circumstances
14 of use, symptoms of tolerance, physiological or psychological
15 withdrawal, or both, if use is reduced or discontinued, and impairment
16 of health or disruption of social or economic functioning.

17 (3) "Approved treatment program" means a discrete program of
18 chemical dependency treatment provided by a treatment program certified

1 by the department of social and health services as meeting standards
2 adopted under this chapter.

3 (4) "Chemical dependency" means alcoholism or drug addiction, or
4 dependence on alcohol and one or more other psychoactive chemicals, as
5 the context requires.

6 (5) "Chemical dependency program" means expenditures and activities
7 of the department designed and conducted to prevent or treat alcoholism
8 and other drug addiction, including reasonable administration and
9 overhead.

10 (6) "Department" means the department of social and health
11 services.

12 (7) "Designated chemical dependency specialist" means a person
13 designated by the county alcoholism and other drug addiction program
14 coordinator designated under RCW 70.96A.310 to perform the commitment
15 duties described in RCW 70.96A.140 and qualified to do so by meeting
16 standards adopted by the department.

17 (8) "Director" means the person administering the chemical
18 dependency program within the department.

19 (9) "Drug addict" means a person who suffers from the disease of
20 drug addiction.

21 (10) "Drug addiction" means a disease characterized by a dependency
22 on psychoactive chemicals, loss of control over the amount and
23 circumstances of use, symptoms of tolerance, physiological or
24 psychological withdrawal, or both, if use is reduced or discontinued,
25 and impairment of health or disruption of social or economic
26 functioning.

27 (11) "Emergency service patrol" means a patrol established under
28 RCW 70.96A.170.

29 (12) "Gravely disabled by alcohol or other drugs" means that a
30 person, as a result of the use of alcohol or other drugs: (a) Is in
31 danger of serious physical harm resulting from a failure to provide for
32 his or her essential human needs of health or safety; or (b) manifests
33 severe deterioration in routine functioning evidenced by a repeated and
34 escalating loss of cognition or volitional control over his or her
35 actions and is not receiving care as essential for his or her health or
36 safety.

37 (13) "Incapacitated by alcohol or other psychoactive chemicals"
38 means that a person, as a result of the use of alcohol or other
39 psychoactive chemicals, has his or her judgment so impaired that he or

1 she is incapable of realizing and making a rational decision with
2 respect to his or her need for treatment and presents a likelihood of
3 serious harm to himself or herself, to any other person, or to
4 property.

5 (14) "Incompetent person" means a person who has been adjudged
6 incompetent by the superior court.

7 (15) "Intoxicated person" means a person whose mental or physical
8 functioning is substantially impaired as a result of the use of alcohol
9 or other psychoactive chemicals.

10 (16) "Licensed physician" means a person licensed to practice
11 medicine or osteopathic medicine and surgery in the state of
12 Washington.

13 (17) "Likelihood of serious harm" means either: (a) A substantial
14 risk that physical harm will be inflicted by an individual upon his or
15 her own person, as evidenced by threats or attempts to commit suicide
16 or inflict physical harm on one's self; (b) a substantial risk that
17 physical harm will be inflicted by an individual upon another, as
18 evidenced by behavior that has caused the harm or that places another
19 person or persons in reasonable fear of sustaining the harm; or (c) a
20 substantial risk that physical harm will be inflicted by an individual
21 upon the property of others, as evidenced by behavior that has caused
22 substantial loss or damage to the property of others.

23 (18) "Medical necessity" for inpatient care of a minor means a
24 requested certified inpatient service that is reasonably calculated to:
25 (a) Diagnose, arrest, or alleviate a chemical dependency; or (b)
26 prevent the worsening of chemical dependency conditions that endanger
27 life or cause suffering and pain, or result in illness or infirmity or
28 threaten to cause or aggravate a handicap, or cause physical deformity
29 or malfunction, and there is no adequate less restrictive alternative
30 available.

31 (19) "Minor" means a person less than eighteen years of age.

32 (20) "Parent" means the parent or parents who have the legal right
33 to custody of the child. Parent includes custodian or guardian.

34 (21) "Peace officer" means a law enforcement official of a public
35 agency or governmental unit, and includes persons specifically given
36 peace officer powers by any state law, local ordinance, or judicial
37 order of appointment.

38 (22) "Person" means an individual, including a minor.

1 (23) "Professional person in charge" or "professional person" means
2 a physician or chemical dependency counselor as defined in rule by the
3 department, who is empowered by a certified treatment program with
4 authority to make assessment, admission, continuing care, and discharge
5 decisions on behalf of the certified program.

6 (24) "Religious organization" means a church, synagogue, mosque, or
7 other religious institution:

8 (a) The purpose of which is the propagation of religious beliefs;
9 and

10 (b) That is exempt from federal income tax under section 501 of the
11 internal revenue code of 1986 (26 U.S.C. Sec. 501(a)) by being listed
12 as an exempt organization under section 501(c) of that code (26 U.S.C.
13 Sec. 501(a)).

14 (25) "Secretary" means the secretary of the department of social
15 and health services.

16 (~~(25)~~) (26) "Treatment" means the broad range of emergency,
17 detoxification, residential, and outpatient services and care,
18 including diagnostic evaluation, chemical dependency education and
19 counseling, medical, psychiatric, psychological, and social service
20 care, vocational rehabilitation and career counseling, which may be
21 extended to alcoholics and other drug addicts and their families,
22 persons incapacitated by alcohol or other psychoactive chemicals, and
23 intoxicated persons.

24 (~~(26)~~) (27) "Treatment program" means an organization,
25 institution, or corporation, public or private, engaged in the care,
26 treatment, or rehabilitation of alcoholics or other drug addicts.

27 NEW SECTION. Sec. 2. A new section is added to chapter 70.96A RCW
28 to read as follows:

29 (1) This chapter, other than RCW 70.96A.020 and sections 2 through
30 9 of this act, and chapter 71.12 RCW do not apply to a chemical
31 dependency treatment program that:

32 (a) Is conducted by a religious organization;

33 (b) Is exclusively religious, spiritual, or ecclesiastical in
34 nature;

35 (c) Does not treat minors; and

36 (d) Is registered under section 3 of this act.

1 (2) The department may not prohibit the use, by a program exempted
2 under this subsection, of the term "counseling," "treatment," or
3 "rehabilitation."

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.96A RCW
5 to read as follows:

6 (1) The department by rule shall establish a simple procedure for
7 a faith-based chemical dependency treatment program to register the
8 program's exemption under section 2 of this act.

9 (2) A program exempted under section 2 of this act may not provide
10 medical care, medical detoxification, or medical withdrawal services.

11 (3) A program exempted under section 2 of this act shall
12 conspicuously include in any advertisement or literature that promotes
13 or describes the program or the program's chemical dependency treatment
14 services the following statement:

15 "The treatment and recovery services at (name of program) are
16 exclusively religious in nature and are not subject to licensure by the
17 Washington department of health or regulation by the Washington
18 department of social and health services, division of alcohol and
19 substance abuse. This program offers only nonmedical treatment and
20 recovery methods such as prayer, moral guidance, spiritual counseling,
21 and scriptural study."

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.96A RCW
23 to read as follows:

24 (1) A program exempted under section 2 of this act may not admit a
25 person unless the person signs the following statement on admission:

26 "DECLARATION:

27 I understand that:

28 (1) The treatment and recovery services at (name of program) are
29 exclusively religious in nature and are not subject to licensure by the
30 Washington department of health or regulation by the Washington
31 department of social and health services, division of alcohol and
32 substance abuse; and

33 (2) (Name of program) offers only nonmedical treatment and recovery
34 methods, such as prayer, moral guidance, spiritual counseling, and
35 scriptural study.

36 signed date"

- 1 (2) The program shall:
2 (a) Keep the original signed statement on file; and
3 (b) Provide a copy of the signed statement to the person admitted.

4 NEW SECTION. Sec. 5. A new section is added to chapter 70.96A RCW
5 to read as follows:

6 The department may revoke the exemption after notice and hearing
7 if:

8 (1) The organization conducting the program fails to timely inform
9 the department of any material change in the program's registration
10 information;

11 (2) Any program advertisement or literature fails to include the
12 statements required by section 3 of this act; or

13 (3) The organization violates the provisions of sections 2 through
14 4 or 8 of this act or a department rule adopted under sections 2
15 through 9 of this act.

16 NEW SECTION. Sec. 6. A new section is added to chapter 70.96A RCW
17 to read as follows:

18 A state agency may not deny to an individual a state or federal
19 social service benefit on the basis that the individual is
20 participating in a faith-based residential chemical dependency
21 treatment program.

22 NEW SECTION. Sec. 7. A new section is added to chapter 70.96A RCW
23 to read as follows:

24 Sections 2 through 9 of this act are not intended to aid religion.
25 These sections are intended to aid chemically dependent persons by
26 supporting programs that serve the valid public purpose of combating
27 chemical dependency, regardless of whether the programs are religious,
28 spiritual, or ecclesiastical in nature. The exemption of faith-based
29 chemical dependency treatment programs from licensure and regulation is
30 not an endorsement or sponsorship by the state of the religious
31 character, expression, beliefs, doctrines, or practices of the
32 treatment programs.

33 NEW SECTION. Sec. 8. A new section is added to chapter 70.96A RCW
34 to read as follows:

1 A program exempted under section 2 of this act is not eligible to
2 compete against a licensed program for direct federal or state
3 treatment funding.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.96A RCW
5 to read as follows:

6 Sections 2 through 8 of this act do not affect the authority of a
7 local, regional, or state health department official, the state fire
8 marshal, or a local fire prevention official to inspect a facility used
9 by a program exempted under section 2 of this act.

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