

ESHB 2489 - S AMD TO S-5789.1 957

By Senator Padden

1 On page 37, after line 14, insert the following:

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3 NEW SECTION. (1) The state of Washington fully occupies and
4 preempts the entire field of safe injection site regulation within
5 the boundaries of the state, including the registration, licensing,
6 possession, purchase, sale, acquisition, transfer, use,
7 authorization, or any other element relating to safe injection
8 sites. Cities, towns, and counties or other municipalities may only
9 enact laws and ordinances relating to safe injection sites that are
10 specifically authorized by state law and are consistent with this
11 chapter. Such local ordinances have the same penalty as provided for
12 by state law. Local laws and ordinances that are inconsistent with,
13 more restrictive than, or exceed the requirements of state law may
14 not be enacted and are preempted and repealed, regardless of the
15 nature of the code, charter, or home rule status of the enacting
16 city, town, county, or municipality.

17 (2) Each local health board must provide annual certification to the
18 legislature and state board of health that no private or public safe
19 injection sites are operating in its local health department
20 jurisdiction.

21 (3) Any expenditure made related to safe injection sites voids any
22 claim made against the general fund and will result in the denial of
23 all funding claims until the state, health district, or county is
24 able to certify and report to the state board of health and
25 legislature that there are no safe injection sites operating within
26 its jurisdiction.

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1 (4) For purposes of this section, "safe injection site" means any
2 building, structure, site, facility, or program, including but not
3 limited to safe consumption or safe injection programs, with a
4 function of providing a space or area for either use or consumption,
5 or both, of federally controlled substances."

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7 NEW SECTION. The secretary of the state shall submit this act to the
8 people for their adoption and ratification, or rejection, at the
9 next general election to be held in this state, In accordance with
10 Article II, Section 1 of the state Constitution and the laws adopted
11 to facilitate its operation.

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EFFECT:

- Permits Washington State to preempt the entire field of safe injection site regulation in the state.
- Local governments may only enact laws and ordinances relating to safe injection sites that are specifically authorized by state law.
- Any local government expenditures relating to safe injection sites void any claim made by it against the state General Fund.
- All funding claims by the local government will be denied until the state, health district, or county is able to certify that there are no safe injection sites operating within its jurisdiction.
- Adds a referendum clause.

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