
SUBSTITUTE SENATE BILL 5223

State of Washington 65th Legislature 2017 Regular Session

By Senate State Government (originally sponsored by Senators Miloscia, O'Ban, and Becker)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to safe injection sites in Washington state;
2 amending RCW 70.05.010, 70.05.060, 70.05.070, and 70.05.130; adding
3 new sections to chapter 70.05 RCW; and providing for submission of
4 this act to a vote of the people.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.05
7 RCW to read as follows:

8 The legislature recognizes the need for action in order to remedy
9 the substance abuse and addiction issues seen across the state of
10 Washington. As a part of the state's response to this issue, the
11 legislature further recognizes that the use of safe injection sites
12 is inconsistent with the state's goal of remedying substance use
13 disorder issues across Washington.

14 **Sec. 2.** RCW 70.05.010 and 1993 c 492 s 234 are each amended to
15 read as follows:

16 For the purposes of chapters 70.05 and 70.46 RCW and unless the
17 context thereof clearly indicates to the contrary:

18 (1) "Local health departments" means the county or district which
19 provides public health services to persons within the area.

1 (2) "Local health officer" means the legally qualified physician
2 who has been appointed as the health officer for the county or
3 district public health department.

4 (3) "Local board of health" means the county or district board of
5 health.

6 (4) "Health district" means all the territory consisting of one
7 or more counties organized pursuant to the provisions of chapters
8 70.05 and 70.46 RCW.

9 (5) "Department" means the department of health.

10 (6) "Safe injection site" means any building, structure, site,
11 facility, or program, including but not limited to safe consumption
12 or safe injection programs, with a function of providing a space or
13 area for either use or consumption, or both, of federally controlled
14 substances and prohibited by section 5 of this act.

15 **Sec. 3.** RCW 70.05.060 and 1991 c 3 s 308 are each amended to
16 read as follows:

17 Except as provided for in section 5 of this act, each local board
18 of health shall have supervision over all matters pertaining to the
19 preservation of the life and health of the people within its
20 jurisdiction and shall:

21 (1) Enforce through the local health officer or the
22 administrative officer appointed under RCW 70.05.040, if any, the
23 public health statutes of the state and rules promulgated by the
24 state board of health and the secretary of health;

25 (2) Supervise the maintenance of all health and sanitary measures
26 for the protection of the public health within its jurisdiction;

27 (3) Enact such local rules and regulations as are necessary in
28 order to preserve, promote and improve the public health and provide
29 for the enforcement thereof;

30 (4) Provide for the control and prevention of any dangerous,
31 contagious or infectious disease within the jurisdiction of the local
32 health department;

33 (5) Provide for the prevention, control and abatement of
34 nuisances detrimental to the public health;

35 (6) Make such reports to the state board of health through the
36 local health officer or the administrative officer as the state board
37 of health may require; and

38 (7) Establish fee schedules for issuing or renewing licenses or
39 permits or for such other services as are authorized by the law and

1 the rules of the state board of health: PROVIDED, That such fees for
2 services shall not exceed the actual cost of providing any such
3 services.

4 **Sec. 4.** RCW 70.05.070 and 2013 c 200 s 26 are each amended to
5 read as follows:

6 Except as provided for in section 5 of this act, the local health
7 officer, acting under the direction of the local board of health or
8 under direction of the administrative officer appointed under RCW
9 70.05.040 or 70.05.035, if any, shall:

10 (1) Enforce the public health statutes of the state, rules of the
11 state board of health and the secretary of health, and all local
12 health rules, regulations and ordinances within his or her
13 jurisdiction including imposition of penalties authorized under RCW
14 70.119A.030 and 70.118.130, the confidentiality provisions in RCW
15 70.02.220 and rules adopted to implement those provisions, and filing
16 of actions authorized by RCW 43.70.190;

17 (2) Take such action as is necessary to maintain health and
18 sanitation supervision over the territory within his or her
19 jurisdiction;

20 (3) Control and prevent the spread of any dangerous, contagious
21 or infectious diseases that may occur within his or her jurisdiction;

22 (4) Inform the public as to the causes, nature, and prevention of
23 disease and disability and the preservation, promotion and
24 improvement of health within his or her jurisdiction;

25 (5) Prevent, control or abate nuisances which are detrimental to
26 the public health;

27 (6) Attend all conferences called by the secretary of health or
28 his or her authorized representative;

29 (7) Collect such fees as are established by the state board of
30 health or the local board of health for the issuance or renewal of
31 licenses or permits or such other fees as may be authorized by law or
32 by the rules of the state board of health;

33 (8) Inspect, as necessary, expansion or modification of existing
34 public water systems, and the construction of new public water
35 systems, to assure that the expansion, modification, or construction
36 conforms to system design and plans;

37 (9) Take such measures as he or she deems necessary in order to
38 promote the public health, to participate in the establishment of
39 health educational or training activities, and to authorize the

1 attendance of employees of the local health department or individuals
2 engaged in community health programs related to or part of the
3 programs of the local health department.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.05
5 RCW to read as follows:

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

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

24 **Sec. 6.** RCW 70.05.130 and 1993 c 492 s 242 are each amended to
25 read as follows:

26 All expenses incurred by the state, health district, or county in
27 carrying out the provisions of chapters 70.05 and 70.46 RCW or any
28 other public health law, or the rules of the department of health
29 enacted under such laws, shall be paid by the county and such
30 expenses shall constitute a claim against the general fund as
31 provided in this section. Any expenditure made related to safe
32 injection sites voids any claim made against the general fund and
33 will result in the denial of all funding claims until the state,
34 health district, or county is able to certify and report to the state
35 board of health and legislature that there are no safe injection
36 sites operating within its jurisdiction.

1 NEW SECTION. **Sec. 7.** The secretary of state shall submit this
2 act to the people for their adoption and ratification, or rejection,
3 at the next general election to be held in this state, in accordance
4 with Article II, section 1 of the state Constitution and the laws
5 adopted to facilitate its operation.

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