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**SENATE BILL 5223**

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**State of Washington                      65th Legislature                      2017 Regular Session**

**By** Senators Miloscia, O'Ban, and Becker

Read first time 01/17/17. Referred to Committee on Health Care.

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 safe injection, or needle exchange programs, with a function of  
13 providing a space or area for either use or consumption, or both, of  
14 federally controlled substances and prohibited by section 5 of this  
15 act.

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

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

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

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

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

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

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

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

1 (7) Establish fee schedules for issuing or renewing licenses or  
2 permits or for such other services as are authorized by the law and  
3 the rules of the state board of health: PROVIDED, That such fees for  
4 services shall not exceed the actual cost of providing any such  
5 services.

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

8 Except as provided for in section 5 of this act, the local health  
9 officer, acting under the direction of the local board of health or  
10 under direction of the administrative officer appointed under RCW  
11 70.05.040 or 70.05.035, if any, shall:

12 (1) Enforce the public health statutes of the state, rules of the  
13 state board of health and the secretary of health, and all local  
14 health rules, regulations and ordinances within his or her  
15 jurisdiction including imposition of penalties authorized under RCW  
16 70.119A.030 and 70.118.130, the confidentiality provisions in RCW  
17 70.02.220 and rules adopted to implement those provisions, and filing  
18 of actions authorized by RCW 43.70.190;

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

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

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

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

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

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

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

1 (9) Take such measures as he or she deems necessary in order to  
2 promote the public health, to participate in the establishment of  
3 health educational or training activities, and to authorize the  
4 attendance of employees of the local health department or individuals  
5 engaged in community health programs related to or part of the  
6 programs of the local health department.

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

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

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

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

29 All expenses incurred by the state, health district, or county in  
30 carrying out the provisions of chapters 70.05 and 70.46 RCW or any  
31 other public health law, or the rules of the department of health  
32 enacted under such laws, shall be paid by the county and such  
33 expenses shall constitute a claim against the general fund as  
34 provided in this section. Any expenditure made related to safe  
35 injection sites voids any claim made against the general fund and  
36 will result in the denial of all funding claims until the state,  
37 health district, or county is able to certify and report to the state

1 board of health and legislature that there are no safe injection  
2 sites operating within its jurisdiction.

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

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