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HOUSE BILL 1872

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives Leonard and Sheldon

Read first time 02/12/93. Referred to Committee on Human Services.

1 AN ACT Relating to chronically disabled, chemically dependent  
2 persons; amending RCW 70.96A.020 and 66.08.120; adding new sections to  
3 chapter 70.96A RCW; adding a new chapter to Title 82 RCW; creating a  
4 new section; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that there is a small  
7 number of chronically disabled, chemically dependent people who consume  
8 a large portion of expensive public resources. The types of resources  
9 used by this group include the police, courts, jails, emergency medical  
10 transportation, emergency medical treatment services, detoxification  
11 facilities, alcohol treatment facilities, and mental health services.  
12 After using or receiving these services many of the people in this  
13 population regress into the same behaviors which necessitated the  
14 original use of public resources.

15 The legislature finds that incremental progress can be made in  
16 resolving the obstacles to recovery for chronically disabled,  
17 chemically dependent people by providing a comprehensive set of  
18 treatment and support services.

1       **Sec. 2.** RCW 70.96A.020 and 1991 c 364 s 8 are each amended to read  
2 as follows:

3       For the purposes of this chapter the following words and phrases  
4 shall have the following meanings unless the context clearly requires  
5 otherwise:

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

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

13       (3) "Approved treatment program" means a discrete program of  
14 chemical dependency treatment provided by a treatment program certified  
15 by the department of social and health services as meeting standards  
16 adopted under this chapter.

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

20       (5) "Chemical dependency program" means expenditures and activities  
21 of the department designed and conducted to prevent or treat alcoholism  
22 and other drug addiction, including reasonable administration and  
23 overhead.

24       (6) "Chronically disabled, chemically dependent person" is an  
25 individual with a severe chemical dependency problem who is frequently  
26 intoxicated and repeatedly uses, or is at high risk of repeatedly  
27 using, multiple public services such as detoxification services,  
28 police, court, and jail services, emergency transportation and medical  
29 services, emergency room and hospital care, and involuntary commitment  
30 services.

31       (7) "Department" means the department of social and health  
32 services.

33       (~~(7)~~) (8) "Designated chemical dependency specialist" means a  
34 person designated by the county alcoholism and other drug addiction  
35 program coordinator designated under RCW 70.96A.310 to perform the  
36 commitment duties described in RCW 70.96A.140 and qualified to do so by  
37 meeting standards adopted by the department.

38       (~~(8)~~) (9) "Director" means the person administering the chemical  
39 dependency program within the department.

1       (~~(9)~~) (10) "Drug addict" means a person who suffers from the  
2 disease of drug addiction.

3       (~~(10)~~) (11) "Drug addiction" means a disease characterized by a  
4 dependency on psychoactive chemicals, loss of control over the amount  
5 and circumstances of use, symptoms of tolerance, physiological or  
6 psychological withdrawal, or both, if use is reduced or discontinued,  
7 and impairment of health or disruption of social or economic  
8 functioning.

9       (~~(11)~~) (12) "Emergency service patrol" means a patrol established  
10 under RCW 70.96A.170.

11       (~~(12)~~) (13) "Gravely disabled by alcohol or other drugs" means  
12 that a person, as a result of the use of alcohol or other drugs: (a)  
13 Is in danger of serious physical harm resulting from a failure to  
14 provide for his or her essential human needs of health or safety; or  
15 (b) manifests severe deterioration in routine functioning evidenced by  
16 a repeated and escalating loss of cognition or volitional control over  
17 his or her actions and is not receiving care as essential for his or  
18 her health or safety.

19       (~~(13)~~) (14) "Incapacitated by alcohol or other psychoactive  
20 chemicals" means that a person, as a result of the use of alcohol or  
21 other psychoactive chemicals, has his or her judgment so impaired that  
22 he or she is incapable of realizing and making a rational decision with  
23 respect to his or her need for treatment and constitutes a danger to  
24 himself or herself, to any other person, or to property.

25       (~~(14)~~) (15) "Incompetent person" means a person who has been  
26 adjudged incompetent by the superior court.

27       (~~(15)~~) (16) "Intoxicated person" means a person whose mental or  
28 physical functioning is substantially impaired as a result of the use  
29 of alcohol or other psychoactive chemicals.

30       (~~(16)~~) (17) "Licensed physician" means a person licensed to  
31 practice medicine or osteopathy in the state of Washington.

32       (~~(17)~~) (18) "Minor" means a person less than eighteen years of  
33 age.

34       (~~(18)~~) (19) "Peace officer" means a law enforcement official of  
35 a public agency or governmental unit, and includes persons specifically  
36 given peace officer powers by any state law, local ordinance, or  
37 judicial order of appointment.

38       (~~(19)~~) (20) "Person" means an individual, including a minor.

1       (~~(20)~~) (21) "Secretary" means the secretary of the department of  
2 social and health services.

3       (~~(21)~~) (22) "Treatment" means the broad range of emergency,  
4 detoxification, residential, and outpatient services and care,  
5 including diagnostic evaluation, chemical dependency education and  
6 counseling, medical, psychiatric, psychological, and social service  
7 care, vocational rehabilitation and career counseling, which may be  
8 extended to alcoholics and other drug addicts and their families,  
9 persons incapacitated by alcohol or other psychoactive chemicals, and  
10 intoxicated persons.

11       (~~(22)~~) (23) "Treatment program" means an organization,  
12 institution, or corporation, public or private, engaged in the care,  
13 treatment, or rehabilitation of alcoholics or other drug addicts.

14       NEW SECTION. Sec. 3. A new section is added to chapter 70.96A RCW  
15 to read as follows:

16       (1) The legislative authority of any county that seeks to impose  
17 the local option liquor sales tax authorized in section 5 of this act  
18 must first develop a six-year plan for the provision of chemical  
19 dependency treatment and support services for chronically disabled,  
20 chemically dependent persons. The plan shall:

21       (a) Address the needs of this population by increasing the length  
22 of their periods of sobriety, improving their overall quality of life,  
23 and reducing their involvement with such services as detoxification,  
24 police, court, and jail services, emergency transportation and medical  
25 services, emergency room and hospital care, and involuntary commitment  
26 services;

27       (b) Address the needs of mentally ill, chemically addicted persons.  
28 This portion of the plan shall be developed in collaboration with the  
29 local mental health regional support network;

30       (c) Reduce the overall prevalence of public intoxication;

31       (d) Include the revision of the current plan for the use of state  
32 allocated funds for alcohol and substance abuse treatment to reflect  
33 the changes necessary to implement the plan for chronically disabled,  
34 chemically dependent people, and for the underserved populations as  
35 funds permit.

36       (2) In addition to the plan enumerated in subsection (1) of this  
37 section, a county may develop a comprehensive four-year plan by also  
38 including a component which addresses chemical dependency service needs

1 of other high-risk, chemically dependent populations. This component  
2 shall be used in allocating available state, federal, local, and  
3 community resources and shall include:

4 (a) A needs assessment specifying the needs of populations most at  
5 risk and most in need of publicly supported chemical dependency  
6 services; and

7 (b) Proposed revisions and improvements in existing services and  
8 systems to better meet the specified needs including those revisions  
9 and improvements that can be accomplished without any change in  
10 existing resources or categorical funding restrictions, those that  
11 require waivers from existing state or federal categorical  
12 restrictions, and those that require additional resources.

13 (3)(a) The plan shall be approved by the department of social and  
14 health services prior to implementation of the local option liquor  
15 sales tax. The department shall adopt, by rule, the criteria used to  
16 determine the approval of the comprehensive plans.

17 (b) The county legislative authority must reapply to the department  
18 for approval of the county's plan every four years. The department  
19 shall not approve the county's reapplication unless the county  
20 demonstrates: (i) Substantial progress in providing treatment and  
21 support services to chronically disabled, chemically dependent people;  
22 and (ii) a significant reduction in the use of other public resources  
23 traditionally used by chronically disabled, chemically dependent  
24 people.

25 (c) The department shall approve or reject an application within  
26 sixty days of its receipt. If the application is rejected the  
27 department shall provide a written explanation stating the grounds for  
28 rejection and allow the county thirty days to revise and resubmit the  
29 plan. If the department does not approve a renewal application, after  
30 allowing an opportunity for resubmittal, the county's authority to  
31 impose a local option liquor sales tax shall immediately cease.

32 (4) For the purposes of this section "treatment and support  
33 services" means a comprehensive set of chemical dependency treatment  
34 and support services which can be made available to the adult  
35 chronically disabled, chemically dependent person according to the  
36 individual's needs. The services may consist of outreach, sobering  
37 services, detoxification, case management, inpatient and outpatient  
38 treatment, transitional housing, permanent housing, and support

1 services such as vocational and educational services, child care,  
2 health care, and mental health care.

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

5 (1) The legislative authority of the county may request from the  
6 department of social and health services a waiver from the existing  
7 categorical funding restrictions for alcohol and substance abuse  
8 programs, if those restrictions impair the county's ability to  
9 implement the comprehensive chemical dependency services plan submitted  
10 under section 3(2) of this act. The department is authorized to grant  
11 a waiver and, if necessary, seek any required federal waivers.

12 (2) Before granting a waiver the department shall ensure that the  
13 county's plan provides a comprehensive, coordinated program for  
14 chemical dependency and substance services to the adult chronically  
15 disabled, chemically dependent; mentally ill, chemically addicted;  
16 youth; women; ethnic and racial minorities; and multiple substance  
17 abusing people.

18 NEW SECTION. **Sec. 5.** (1) The legislative authority of any county  
19 may impose a tax upon each retail sale of spirits, or strong beer in  
20 the original package sold within the county at a rate not to exceed  
21 three percent of the selling price. The tax imposed in this subsection  
22 shall apply to all sales including sales by the Washington state liquor  
23 stores and agencies, but excluding sales to class H licensees.

24 (2) The legislative authority of any county may impose a tax upon  
25 each sale of spirits, or strong beer in the original package sold  
26 within the county at a rate not to exceed two percent of the selling  
27 price on sales by Washington state liquor stores and agencies to class  
28 H licensees.

29 (3) The legislative authority of any county may impose a tax upon  
30 each retail sale of spirits in the original package sold within the  
31 county at a rate not to exceed thirty-four cents per liter. The  
32 additional tax imposed in this subsection shall apply to all such sales  
33 including sales by Washington state liquor stores and agencies, and  
34 including sales to class H licensees.

35 (4) Proceeds of the taxes imposed under this section shall be used  
36 solely for providing a comprehensive set of chemical dependency

1 treatment and support services for chronically disabled, chemically  
2 dependent persons as defined in section 2 of this act.

3 (5) The county shall meet the requirements contained in section 3  
4 of this act prior to imposing any tax under this section.

5 (6) The taxes imposed in this section shall be paid by the buyer to  
6 the seller, and each seller shall collect from the buyer the full  
7 amount of the tax payable in respect to each taxable sale under this  
8 section. The taxes required by this section to be collected by the  
9 seller shall be stated separately from the selling price and for  
10 purposes of determining the tax due from the buyer to the seller, it  
11 shall be conclusively presumed that the selling price quoted in any  
12 price list does not include the taxes imposed by this section.

13 (7) As used in this section, the terms, "spirits," "strong beer,"  
14 and "package" shall have the meaning ascribed to them in chapter 66.04  
15 RCW.

16 NEW SECTION. **Sec. 6.** (1) The counties imposing a tax under  
17 section 5 of this act shall contract, prior to the effective date of a  
18 resolution or ordinance imposing the tax, the administration and  
19 collection to the state department of revenue, which shall deduct a  
20 percentage amount, as provided by contract, not to exceed two percent  
21 of the taxes collected for administration and collection expenses  
22 incurred by the department. The remainder of any portion of any tax  
23 authorized by section 5 of this act which is collected by the  
24 department of revenue shall be deposited by the department of revenue  
25 in a local liquor sales tax account which is hereby created in the  
26 state treasury.

27 (2) Moneys in the local liquor sales tax account may only be spent  
28 by the county imposing the tax and only for the purposes of the  
29 county's chemical dependency treatment and support services plan as  
30 approved by the department of social and health services under section  
31 3(3) of this act.

32 (3) All administrative provisions in chapters 82.03, 82.08, 82.12,  
33 and 82.32 RCW shall, insofar as they are applicable to state sales and  
34 use taxes, be applicable to taxes imposed pursuant to this chapter.

35 (4) Except as provided in RCW 43.08.190, all earnings of  
36 investments of balances in the local liquor sales tax account shall be  
37 credited to the local liquor sales tax account and distributed to the  
38 counties monthly.

1        NEW SECTION.    **Sec. 7.**    Monthly the state treasurer shall make  
2 distribution from the local liquor sales tax account to the counties  
3 the amount of tax collected on behalf of each county, less the  
4 deduction provided for in section 6 of this act. The state treasurer  
5 shall make the distribution under this section without appropriation.

6        In the event that any ordinance or resolution imposes a local  
7 liquor sales tax at a rate in excess of the authorized limits contained  
8 in section 5 of this act, such ordinance or resolution shall not be  
9 considered void in its entirety, but only with respect to that portion  
10 of the rate which is in excess of the authorized limits.

11        **Sec. 8.**    RCW 66.08.120 and 1933 ex.s. c 62 s 29 are each amended to  
12 read as follows:

13        No municipality or county shall have power to license the sale of,  
14 ~~((or))~~ impose an excise tax upon, ~~((liquor as defined in this title,))~~  
15 or ~~((to))~~ license the sale or distribution ~~((thereof in any manner;~~  
16 ~~and))~~ of liquor as defined in RCW 66.04.010, except as authorized in  
17 section 5 of this act. Any other power now conferred by law on any  
18 municipality or county to license premises which may be licensed under  
19 this section, or to impose an excise tax upon liquor, or to license the  
20 sale and distribution thereof, as defined in this title, shall be  
21 suspended and shall be of no further effect~~((:—PROVIDED, That))~~.  
22 Municipalities and counties shall have power to adopt police ordinances  
23 and regulations not in conflict with this title or with the regulations  
24 made by the board.

25        NEW SECTION.    **Sec. 9.**    Sections 5 through 7 of this act shall  
26 constitute a new chapter in Title 82 RCW.

27        NEW SECTION.    **Sec. 10.**    This act shall take effect January 1, 1994.

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