

SHB 1427 - H AMD 195

By Representative Stokesbary

SCOPE AND OBJECT 03/03/2017

1 On page 1, after line 3, insert the following:

2
3 **"Sec. 1.** RCW 70.05.010 and 1993 c 492 s 234 are each amended to
4 read as follows:

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

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

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

12 (3) "Local board of health" means the county or district board
13 of health.

14 (4) "Health district" means all the territory consisting of one
15 or more counties organized pursuant to the provisions of chapters
16 70.05 and 70.46 RCW.

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

18 (6) "Safe injection site" means any building, structure, site,
19 facility, or program, including but not limited to safe consumption,
20 safe injection, or needle exchange programs, with a function of
21 providing a space or area for either use or consumption, or both, of
22 federally controlled substances and prohibited by section 5 of this
23 act.

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25 **Sec. 2.** RCW 70.05.060 and 1991 c 3 s 308 are each amended to
26 read as follows:

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

5 (1) Enforce through the local health officer or the
6 administrative officer appointed under RCW 70.05.040, if any, the
7 public health statutes of the state and rules promulgated by the
8 state board of health and the secretary of health;

9 (2) Supervise the maintenance of all health and sanitary
10 measures for the protection of the public health within its
11 jurisdiction;

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

15 (4) Provide for the control and prevention of any dangerous,
16 contagious or infectious disease within the jurisdiction of the
17 local health department;

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

20 (6) Make such reports to the state board of health through the
21 local health officer or the administrative officer as the state
22 board of health may require; and

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

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29 **Sec. 3.** RCW 70.05.070 and 2013 c 200 s 26 are each amended to
30 read as follows:

31 Except as provided for in section 5 of this act, the local
32 health officer, acting under the direction of the local board of
33 health or under direction of the administrative officer appointed
34 under RCW 70.05.040 or 70.05.035, if any, shall:

1 (1) Enforce the public health statutes of the state, rules of
2 the state board of health and the secretary of health, and all local
3 health rules, regulations and ordinances within his or her
4 jurisdiction including imposition of penalties authorized under RCW
5 70.119A.030 and 70.118.130, the confidentiality provisions in RCW
6 70.02.220 and rules adopted to implement those provisions, and
7 filing of actions authorized by RCW 43.70.190;

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

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

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

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

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

21 (7) Collect such fees as are established by the state board of
22 health or the local board of health for the issuance or renewal of
23 licenses or permits or such other fees as may be authorized by law
24 or by the rules of the state board of health;

25 (8) Inspect, as necessary, expansion or modification of existing
26 public water systems, and the construction of new public water
27 systems, to assure that the expansion, modification, or construction
28 conforms to system design and plans;

29 (9) Take such measures as he or she deems necessary in order to
30 promote the public health, to participate in the establishment of
31 health educational or training activities, and to authorize the
32 attendance of employees of the local health department or
33 individuals engaged in community health programs related to or part
34 of the programs of the local health department.

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

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

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

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22 **Sec. 5.** RCW 70.05.130 and 1993 c 492 s 242 are each amended to
23 read as follows:

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

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Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

EFFECT: Preempts local laws and ordinances relating to safe injection sites. Allows cities, towns, counties, and other municipalities to enact laws and ordinances relating to safe injection sites only if the laws and ordinances are specifically authorized by state law. Requires local health boards to annually certify that no private or public safe injection sites are operating with their jurisdictions. Voids claims made against the general fund for any local government expenditures made related to safe injection sites, which results in the denial of all funding claims until the state, health district, or county is able to certify and report to the State Board of Health and the Legislature that there are no safe injection sites operating with the jurisdiction.

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