
ENGROSSED SUBSTITUTE HOUSE BILL 1427

State of Washington

65th Legislature

2017 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Cody, Jenkins, Peterson, and Pollet)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to opioid treatment programs; amending RCW
2 71.24.560, 71.24.585, 71.24.590, 71.24.590, 71.24.595, and 71.24.595;
3 and providing contingent effective dates.

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

5 **Sec. 1.** RCW 71.24.560 and 2016 sp.s. c 29 s 506 are each amended
6 to read as follows:

7 (1) All approved (~~opiate substitution~~) opioid treatment
8 programs that provide services to women who are pregnant are required
9 to disseminate up-to-date and accurate health education information
10 to all their pregnant clients concerning the possible addiction and
11 health risks that their (~~opiate substitution~~) treatment may have on
12 their baby. All pregnant clients must also be advised of the risks to
13 both them and their baby associated with not remaining on the
14 (~~opiate substitute~~) opioid treatment program. The information must
15 be provided to these clients both verbally and in writing. The health
16 education information provided to the pregnant clients must include
17 referral options for the (~~addicted~~) substance-exposed baby.

18 (2) The department shall adopt rules that require all (~~opiate~~)
19 opioid treatment programs to educate all pregnant women in their
20 program on the benefits and risks of (~~methadone~~) medication-
21 assisted treatment to their fetus before they are provided these

1 medications, as part of their (~~addiction~~) treatment. The department
2 shall meet the requirements under this subsection within the
3 appropriations provided for (~~opiate~~) opioid treatment programs. The
4 department, working with treatment providers and medical experts,
5 shall develop and disseminate the educational materials to all
6 certified (~~opiate~~) opioid treatment programs.

7 **Sec. 2.** RCW 71.24.585 and 2016 sp.s. c 29 s 519 are each amended
8 to read as follows:

9 (~~The state of Washington declares that there is no fundamental
10 right to opiate substitution treatment. The state of Washington
11 further declares that while opiate substitution drugs used in the
12 treatment of opiate dependency are addictive substances, that they
13 nevertheless have several legal, important, and justified uses and
14 that one of their appropriate and legal uses is, in conjunction with
15 other required therapeutic procedures, in the treatment of persons
16 addicted to or habituated to opioids. Opiate substitution treatment
17 should only be used for participants who are deemed appropriate to
18 need this level of intervention and should not be the first treatment
19 intervention for all opiate addicts~~) The state of Washington
20 recognizes as evidence-based for the management of opioid use
21 disorders the treatment approaches acknowledged by the University of
22 Washington alcohol and drug abuse institute, as well as the
23 medications approved by the federal food and drug administration for
24 the treatment of opioid use disorder.

25 Because (~~opiate substitution drugs, used in the treatment of
26 opiate dependency are addictive and are listed as a schedule II~~)
27 some such medications are controlled substances in chapter 69.50 RCW,
28 the state of Washington (~~has~~) maintains the legal obligation and
29 right to regulate the (~~use of opiate substitution treatment. The
30 state of Washington declares its authority to control and regulate
31 carefully, in consultation with counties and cities, all clinical
32 uses of opiate substitution drugs used in the treatment of opiate
33 addiction~~) clinical uses of these medications in the treatment of
34 opioid use disorder.

35 The state declares that choices between recognized treatment
36 options for opioid use disorder should be patient-centered and
37 determined by shared decision making between patients and their
38 health care providers.

1 Further, the state declares that a person lawfully possessing or
2 using lawfully prescribed medication for the treatment of opioid use
3 disorder must be treated the same in judicial and administrative
4 proceedings as a person lawfully possessing or using other lawfully
5 prescribed medications.

6 Further, the state declares that the primary goals of (~~opiate~~
7 ~~substitution treatment is total abstinence from substance use for the~~
8 ~~individuals who participate in the treatment program. The state~~
9 ~~recognizes that a small percentage of persons who participate in~~
10 ~~opiate substitution treatment programs require treatment for an~~
11 ~~extended period of time. Opiate substitution treatment programs shall~~
12 ~~provide a comprehensive transition program to eliminate substance~~
13 ~~use, including opiate and opiate substitute addiction of program~~
14 ~~participants)) treatment for persons with opioid use disorder is the
15 cessation of unprescribed opioid use, reduced morbidity, and
16 restoration of the ability to lead a productive and fulfilling life.~~

17 Nothing in this chapter creates an entitlement to medication
18 assisted treatment.

19 **Sec. 3.** RCW 71.24.590 and 2001 c 242 s 2 are each amended to
20 read as follows:

21 (~~For purposes of this section, "area" means the county in~~
22 ~~which an applicant proposes to locate a certified program and~~
23 ~~counties adjacent, or near to, the county in which the program is~~
24 ~~proposed to be located.))~~

25 When making a decision on an application for certification of a
26 program, the department shall:

27 (a) Consult with the county legislative authorities in the area
28 in which an applicant proposes to locate a program and the city
29 legislative authority in any city in which an applicant proposes to
30 locate a program;

31 (b) Certify only programs that will be sited in accordance with
32 the appropriate county or city land use ordinances. Counties and
33 cities may require conditional (~~or special~~) use permits with
34 reasonable conditions for the siting of programs. Pursuant to RCW
35 36.70A.200, no local comprehensive plan or development regulation may
36 preclude the siting of essential public facilities;

37 (c) Not discriminate in its certification decision on the basis
38 of the corporate structure of the applicant;

1 (d) Consider the size of the population in need of treatment in
2 the area in which the program would be located and certify only
3 applicants whose programs meet the necessary treatment needs of that
4 population;

5 ~~((Demonstrate a need in the community for opiate substitution
6 treatment and not certify more program slots than justified by the
7 need in that community. No program shall exceed three hundred fifty
8 participants unless specifically authorized by the county in which
9 the program is certified;~~

10 ~~(f))~~ Consider the availability of other certified opioid
11 treatment programs near the area in which the applicant proposes to
12 locate the program;

13 ~~((g))~~ (f) Consider the transportation systems that would
14 provide service to the program and whether the systems will provide
15 reasonable opportunities to access the program for persons in need of
16 treatment;

17 ~~((h))~~ (g) Consider whether the applicant has, or has
18 demonstrated in the past, the capability to provide the appropriate
19 services to assist the persons who utilize the program in meeting
20 goals established by the legislature, including ~~((abstinence from
21 opiates and opiate substitutes,))~~ obtaining ~~((mental))~~ behavioral
22 health treatment services, improving economic independence, and
23 reducing adverse consequences associated with illegal use of
24 controlled substances. The department shall prioritize certification
25 to applicants who have demonstrated such capability;

26 ~~((i))~~ (h) Hold ~~((at least))~~ one public hearing in the
27 ~~((county))~~ community in which the facility is proposed to be located
28 ~~((and one hearing in the area in which the facility is proposed to be
29 located)).~~ The hearing shall be held at a time and location that are
30 most likely to permit the largest number of interested persons to
31 attend and present testimony. The department shall notify all
32 appropriate media outlets of the time, date, and location of the
33 hearing at least three weeks in advance of the hearing.

34 (2) A county may impose a maximum capacity for a program of not
35 less than three hundred fifty participants if necessary to address
36 specific local conditions cited by the county.

37 (3) A program applying for certification from the department and
38 a program applying for a contract from a state agency that has been
39 denied the certification or contract shall be provided with a written
40 notice specifying the rationale and reasons for the denial.

1 ~~((3))~~ (4) For the purpose of this chapter, ~~((opiate~~
2 ~~substitution))~~ opioid treatment program means:

3 (a) Dispensing ~~((an opiate substitution drug))~~ a medication
4 approved by the federal drug administration for the treatment of
5 ~~((opiate addiction))~~ opioid use disorder; and

6 (b) Providing a comprehensive range of medical and rehabilitative
7 services.

8 **Sec. 4.** RCW 71.24.590 and 2001 c 242 s 2 are each amended to
9 read as follows:

10 (1) ~~((For purposes of this section, "area" means the county in~~
11 ~~which an applicant proposes to locate a certified program and~~
12 ~~counties adjacent, or near to, the county in which the program is~~
13 ~~proposed to be located.))~~

14 When making a decision on an application for licensing or
15 certification of a program, the department shall:

16 (a) Consult with the county legislative authorities in the area
17 in which an applicant proposes to locate a program and the city
18 legislative authority in any city in which an applicant proposes to
19 locate a program;

20 (b) License or certify only programs that will be sited in
21 accordance with the appropriate county or city land use ordinances.
22 Counties and cities may require conditional ~~((or special))~~ use
23 permits with reasonable conditions for the siting of programs.
24 Pursuant to RCW 36.70A.200, no local comprehensive plan or
25 development regulation may preclude the siting of essential public
26 facilities;

27 (c) Not discriminate in its licensing or certification decision
28 on the basis of the corporate structure of the applicant;

29 (d) Consider the size of the population in need of treatment in
30 the area in which the program would be located and license or certify
31 only applicants whose programs meet the necessary treatment needs of
32 that population;

33 (e) ~~((Demonstrate a need in the community for opiate substitution~~
34 ~~treatment and not certify more program slots than justified by the~~
35 ~~need in that community. No program shall exceed three hundred fifty~~
36 ~~participants unless specifically authorized by the county in which~~
37 ~~the program is certified;~~

1 ~~(f)~~) Consider the availability of other licensed or certified
2 opioid treatment programs near the area in which the applicant
3 proposes to locate the program;

4 ~~(g)~~) (f) Consider the transportation systems that would
5 provide service to the program and whether the systems will provide
6 reasonable opportunities to access the program for persons in need of
7 treatment;

8 ~~(h)~~) (g) Consider whether the applicant has, or has
9 demonstrated in the past, the capability to provide the appropriate
10 services to assist the persons who utilize the program in meeting
11 goals established by the legislature, including ~~((abstinence from~~
12 ~~opiates and opiate substitutes,))~~ obtaining ~~((mental))~~ behavioral
13 health treatment services, improving economic independence, and
14 reducing adverse consequences associated with illegal use of
15 controlled substances. The department shall prioritize licensing or
16 certification to applicants who have demonstrated such capability;

17 ~~(i)~~) (h) Hold ~~((at least))~~ one public hearing in the
18 ~~((county))~~ community in which the facility is proposed to be located
19 ~~((and one hearing in the area in which the facility is proposed to be~~
20 ~~located))~~. The hearing shall be held at a time and location that are
21 most likely to permit the largest number of interested persons to
22 attend and present testimony. The department shall notify all
23 appropriate media outlets of the time, date, and location of the
24 hearing at least three weeks in advance of the hearing.

25 (2) A county may impose a maximum capacity for a program of not
26 less than three hundred fifty participants if necessary to address
27 specific local conditions cited by the county.

28 (3) A program applying for licensing or certification from the
29 department and a program applying for a contract from a state agency
30 that has been denied the licensing or certification or contract shall
31 be provided with a written notice specifying the rationale and
32 reasons for the denial.

33 ~~(3)~~) (4) For the purpose of this chapter, ~~((opiate~~
34 ~~substitution))~~ opioid treatment program means:

35 (a) Dispensing ~~((an opiate substitution drug))~~ a medication
36 approved by the federal drug administration for the treatment of
37 ~~((opiate addiction))~~ opioid use disorder; and

38 (b) Providing a comprehensive range of medical and rehabilitative
39 services.

1 **Sec. 5.** RCW 71.24.595 and 2003 c 207 s 6 are each amended to
2 read as follows:

3 (1) The department, in consultation with (~~opiate substitution~~)
4 opioid treatment program service providers and counties and cities,
5 shall establish statewide treatment standards for certified (~~opiate~~
6 ~~substitution~~) opioid treatment programs. The department shall
7 enforce these treatment standards. The treatment standards shall
8 include, but not be limited to, reasonable provisions for all
9 appropriate and necessary medical procedures, counseling
10 requirements, urinalysis, and other suitable tests as needed to
11 ensure compliance with this chapter.

12 (2) The department, in consultation with (~~opiate substitution~~)
13 opioid treatment programs and counties, shall establish statewide
14 operating standards for certified (~~opiate substitution~~) opioid
15 treatment programs. The department shall enforce these operating
16 standards. The operating standards shall include, but not be limited
17 to, reasonable provisions necessary to enable the department and
18 counties to monitor certified and licensed (~~opiate substitution~~)
19 opioid treatment programs for compliance with this chapter and the
20 treatment standards authorized by this chapter and to minimize the
21 impact of the (~~opiate substitution~~) opioid treatment programs upon
22 the business and residential neighborhoods in which the program is
23 located.

24 (3) (~~The department shall establish criteria for evaluating the~~
25 ~~compliance of opiate substitution treatment programs with the goals~~
26 ~~and standards established under this chapter. As a condition of~~
27 ~~certification, opiate substitution programs shall submit an annual~~
28 ~~report to the department and county legislative authority, including~~
29 ~~data as specified by the department necessary for outcome analysis.~~
30 ~~The department shall analyze and evaluate the data submitted by each~~
31 ~~treatment program and take corrective action where necessary to~~
32 ~~ensure compliance with the goals and standards enumerated under this~~
33 ~~chapter.)) Opioid treatment programs are subject to the oversight
34 required for other substance use disorder treatment programs, as
35 described in this chapter.~~

36 **Sec. 6.** RCW 71.24.595 and 2003 c 207 s 6 are each amended to
37 read as follows:

38 (1) The department, in consultation with (~~opiate substitution~~)
39 opioid treatment program service providers and counties and cities,

1 shall establish statewide treatment standards for licensed or
2 certified (~~((opiate substitution))~~) opioid treatment programs. The
3 department shall enforce these treatment standards. The treatment
4 standards shall include, but not be limited to, reasonable provisions
5 for all appropriate and necessary medical procedures, counseling
6 requirements, urinalysis, and other suitable tests as needed to
7 ensure compliance with this chapter.

8 (2) The department, in consultation with (~~((opiate substitution))~~)
9 opioid treatment programs and counties, shall establish statewide
10 operating standards for certified (~~((opiate substitution))~~) opioid
11 treatment programs. The department shall enforce these operating
12 standards. The operating standards shall include, but not be limited
13 to, reasonable provisions necessary to enable the department and
14 counties to monitor certified (~~((and))~~) or licensed (~~((opiate~~
15 ~~substitution))~~) opioid treatment programs for compliance with this
16 chapter and the treatment standards authorized by this chapter and to
17 minimize the impact of the (~~((opiate substitution))~~) opioid treatment
18 programs upon the business and residential neighborhoods in which the
19 program is located.

20 (3) (~~((The department shall establish criteria for evaluating the~~
21 ~~compliance of opiate substitution treatment programs with the goals~~
22 ~~and standards established under this chapter. As a condition of~~
23 ~~certification, opiate substitution programs shall submit an annual~~
24 ~~report to the department and county legislative authority, including~~
25 ~~data as specified by the department necessary for outcome analysis.~~
26 ~~The department shall analyze and evaluate the data submitted by each~~
27 ~~treatment program and take corrective action where necessary to~~
28 ~~ensure compliance with the goals and standards enumerated under this~~
29 ~~chapter))~~ Opioid treatment programs are subject to the oversight
30 required for other substance use disorder treatment programs, as
31 described in this chapter.

32 NEW SECTION. Sec. 7. Sections 3 and 5 of this act take effect
33 only if neither Substitute House Bill No. 1388 (including any later
34 amendments or substitutes) nor Substitute Senate Bill No. 5259
35 (including any later amendments or substitutes) is signed into law by
36 the governor by the effective date of this section.

37 NEW SECTION. Sec. 8. Sections 4 and 6 of this act take effect
38 only if Substitute House Bill No. 1388 (including any later

1 amendments or substitutes) or Substitute Senate Bill No. 5259
2 (including any later amendments or substitutes) is signed into law by
3 the governor by the effective date of this section.

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