

---

## Health Care & Wellness Committee

---

### HB 2396

**Brief Description:** Concerning fentanyl and other synthetic opioids.

**Sponsors:** Representatives Mosbrucker, Davis, Couture, Rule, Barkis, Jacobsen and Pollet.

#### Brief Summary of Bill

- Creates a grant program to encourage hospitals to use toxicology screenings capable of detecting fentanyl and other synthetic opioids.
- Requires the Department of Health to conduct a public outreach campaign on the risks of misusing fentanyl and other synthetic opioids.
- Requires the Washington Association of Sheriffs and Police Chiefs to study issues relating to the presence and associated dangers of synthetic opioid residue in motor vehicles.
- Requires jails to provide individuals with information on substance use disorder treatment programs upon release.

**Hearing Date:** 1/26/24

**Staff:** Jim Morishima (786-7191).

#### Background:

Synthetic opioids are artificially created substances that act on the same neurological processes as natural opioids, which are based on naturally occurring substances derived from the poppy plant. Some synthetic opioids, like methadone and fentanyl, are approved for medical use, but must be prescribed by an authorized health care provider.

Unlawful possession of a controlled substance, including synthetic opioids like fentanyl, is a

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

gross misdemeanor. It is also a gross misdemeanor to knowingly use a controlled substance in public without a valid prescription. When a law enforcement officer has reasonable cause to believe an individual has committed a crime, the officer is authorized and encouraged to refer that individual to specified alternatives to arrest if the individual has a known history or consultation with the behavioral health system. Those alternatives include crisis stabilization, crisis relief, and outpatient treatment.

The Health Care Authority (HCA) is required, through the biennial budget, to conduct various opioid awareness campaigns for various purposes, including harm reduction, overdose prevention, secondary prevention, and youth prevention. The HCA is required to consult with the Department of Health when conducting these public awareness efforts.

### **Summary of Bill:**

#### Hospital Grants.

Subject to appropriated funds, the Department of Health (DOH) must administer a grant program to encourage hospitals to use toxicology screenings capable of detecting fentanyl and other synthetic opioids. The DOH must establish an application process and other procedures. The program must prioritize grants to critical access hospitals and hospitals not currently using toxicology screenings capable of detecting fentanyl and other synthetic opioids. Beginning July 1, 2025, the DOH must submit annual reports to the Legislature on any grants awarded during the previous year.

#### Public Awareness Campaign.

Subject to appropriated funds, the DOH must develop and operate a public outreach campaign to deliver public service announcements that explain and clarify risks related to the misuse of fentanyl and other synthetic opioids. The risks described in the campaign must include the risk of overdose, addiction, respiratory depression, and oversedation. When appropriate, the campaign must use the phrase, "Not Even Once."

When developing the campaign, the DOH may coordinate with the Health Care Authority, the Department of Social and Health Services, the Office of the Superintendent of Public Instruction, and other agencies deemed necessary by the DOH. The materials in the campaign must be localized and targeted towards identifiable communities as deemed necessary by the DOH for the purpose of improving the efficacy of communication. Any written materials must be presented in a manner easily understood by the public. The DOH may use a multimedia approach and create materials across different formats.

#### Fentanyl Testing of Automobiles.

Subject to appropriated funds, the Washington Association of Sheriffs and Police Chiefs (WASPC) must study and report on the presence and associated dangers of fentanyl residue or the residue of other synthetic opioids in stolen vehicles recovered by law enforcement and seized vehicles subject to a police auction. The report must study and make recommendations on:

- whether and how often the residue of fentanyl or other synthetic opioids is present at levels

- that can cause harm to the vehicle's occupants;
- the feasibility of developing and implementing standard protocols and procedures requiring law enforcement to test for the residue of fentanyl and other synthetic opioids in vehicles; and
- potential options to defray the costs of implementing the testing protocols.

The WASPC may contract with a consultant to perform the study and report, which must be completed by July 1, 2025.

Providing Information to Individuals in Custody.

When a jail releases any individual from custody, it must provide the individual with information on the availability of substance use disorder treatment programs relating to addictions to fentanyl and other synthetic opioids, including the services that law enforcement officers are encouraged to offer individuals suspected of committing crimes.

Short Title.

The act may be known and cited as "Ivan's Law."

**Appropriation:** None.

**Fiscal Note:** Requested on January 22, 2024.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.