
SENATE BILL 5624

State of Washington

68th Legislature

2023 Regular Session

By Senators Dhingra, Kuderer, Nguyen, Saldaña, Lovelett, Wellman, Nobles, Valdez, and C. Wilson

Read first time 01/30/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to implementing the recommendations of the
2 substance use recovery services advisory committee; amending RCW
3 69.50.4011, 69.50.4013, 69.41.030, 84.36.043, 69.50.4121, 36.70A.200,
4 and 71.24.590; reenacting and amending RCW 13.34.030; adding a new
5 section to chapter 69.50 RCW; adding a new section to chapter 26.12
6 RCW; adding new sections to chapter 71.24 RCW; adding a new section
7 to chapter 43.216 RCW; adding a new section to chapter 43.330 RCW;
8 creating new sections; and prescribing penalties.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that the substance
11 use recovery services advisory committee was tasked with developing
12 measures to help individuals with substance use disorder access
13 outreach, treatment, and recovery support services. The committee was
14 responsible for identifying services that would be low barrier,
15 person-centered, informed by people with lived experience, and
16 culturally and linguistically appropriate.

17 The legislature further finds while the urgent public health
18 needs did not begin with the state supreme court decision in 2021 and
19 subsequent enacted legislation, there must be a system in place that
20 helps people with substance use disorders. Any solution must address

1 not only the criminal legal response, but also appropriate access to
2 medical, harm reduction, and social services.

3 The legislature further finds that the recommendations made by
4 the substance use recovery services advisory committee reflect hours
5 of diligent work by individuals with a range of professional and
6 personal experience, who brought that expertise to the group, and
7 whose expertise is reflected in the committee recommendations.

8 **PART I – Decriminalization of Possession of a Personal Amount of a**
9 **Counterfeit Substance, Controlled Substance, or Legend Drug for**
10 **Persons 21 Years of Age or Older**

11 **Sec. 2.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to
12 read as follows:

13 (1) Except as authorized by this chapter, it is unlawful for
14 ~~((any))~~:

15 (a) Any person to create(~~(r)~~) or deliver(~~(r—or—possess)~~) a
16 counterfeit substance;

17 (b) Any person to knowingly possess more than a personal amount
18 of a counterfeit substance; or

19 (c) Any person under the age of 21 to knowingly possess a
20 counterfeit substance of any amount.

21 (2) Any person who violates subsection (1)(a) of this section
22 with respect to:

23 (a) A counterfeit substance classified in Schedule I or II which
24 is a narcotic drug, or flunitrazepam classified in Schedule IV, is
25 guilty of a class B felony and upon conviction may be imprisoned for
26 not more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five~~
27 ~~thousand dollars))~~ \$25,000, or both;

28 (b) A counterfeit substance which is methamphetamine, is guilty
29 of a class B felony and upon conviction may be imprisoned for not
30 more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five~~
31 ~~thousand dollars))~~ \$25,000, or both;

32 (c) Any other counterfeit substance classified in Schedule I, II,
33 or III, is guilty of a class C felony punishable according to chapter
34 9A.20 RCW;

35 (d) A counterfeit substance classified in Schedule IV, except
36 flunitrazepam, is guilty of a class C felony punishable according to
37 chapter 9A.20 RCW;

1 (e) A counterfeit substance classified in Schedule V, is guilty
2 of a class C felony punishable according to chapter 9A.20 RCW.

3 (3) A violation of subsection (1)(b) or (c) of this section is a
4 misdemeanor. The prosecutor is encouraged to divert such cases for
5 assessment, treatment, or other services.

6 **Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to
7 read as follows:

8 (1) (~~It is unlawful for any person to possess a controlled~~
9 ~~substance unless~~) Unless the substance was obtained directly from,
10 or pursuant to, a valid prescription or order of a practitioner while
11 acting in the course of his or her professional practice, or except
12 as otherwise authorized by this chapter, it is unlawful for:

13 (a) Any person to knowingly possess more than a personal amount
14 of a controlled substance; or

15 (b) A person under the age of 21 to knowingly possess a
16 controlled substance of any amount.

17 (2) Except as provided in RCW 69.50.4014(~~, any~~):

18 (a) Any person who violates subsection (1)(a) of this section is
19 guilty of a (~~class C felony punishable under chapter 9A.20 RCW.~~
20 ~~(3)~~) Misdemeanor.

21 (b) Any person who violates subsection (1)(b) of this section is
22 guilty of a misdemeanor.

23 (3) The prosecutor is encouraged to divert cases under this
24 section for assessment, treatment, or other services.

25 (4)(a) The possession, by a person (~~twenty-one~~) 21 years of age
26 or older, of useable cannabis, cannabis concentrates, or cannabis-
27 infused products in amounts that do not exceed those set forth in RCW
28 69.50.360(3) is not a violation of this section, this chapter, or any
29 other provision of Washington state law.

30 (b) The possession of cannabis, useable cannabis, cannabis
31 concentrates, and cannabis-infused products being physically
32 transported or delivered within the state, in amounts not exceeding
33 those that may be established under RCW 69.50.385(3), by a licensed
34 employee of a common carrier when performing the duties authorized in
35 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
36 this section, this chapter, or any other provision of Washington
37 state law.

38 (~~(4)~~) (5)(a) The delivery by a person (~~twenty-one~~) 21 years
39 of age or older to one or more persons (~~twenty-one~~) 21 years of age

1 or older, during a single (~~twenty-four~~) 24 hour period, for
2 noncommercial purposes and not conditioned upon or done in connection
3 with the provision or receipt of financial consideration, of any of
4 the following cannabis products, is not a violation of this section,
5 this chapter, or any other provisions of Washington state law:

6 (i) One-half ounce of useable cannabis;

7 (ii) Eight ounces of cannabis-infused product in solid form;

8 (iii) Thirty-six ounces of cannabis-infused product in liquid
9 form; or

10 (iv) Three and one-half grams of cannabis concentrates.

11 (b) The act of delivering cannabis or a cannabis product as
12 authorized under this subsection (~~(4)~~) (5) must meet one of the
13 following requirements:

14 (i) The delivery must be done in a location outside of the view
15 of general public and in a nonpublic place; or

16 (ii) The cannabis or cannabis product must be in the original
17 packaging as purchased from the cannabis retailer.

18 (~~(5)~~) (6) No person under (~~twenty-one~~) 21 years of age may
19 possess, manufacture, sell, or distribute cannabis, cannabis-infused
20 products, or cannabis concentrates, regardless of THC concentration.
21 This does not include qualifying patients with a valid authorization.

22 (~~(6)~~) (7) The possession by a qualifying patient or designated
23 provider of cannabis concentrates, useable cannabis, cannabis-infused
24 products, or plants in accordance with chapter 69.51A RCW is not a
25 violation of this section, this chapter, or any other provision of
26 Washington state law.

27 **Sec. 4.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to
28 read as follows:

29 (1) (~~It~~) Except as provided in subsection (2) of this section,
30 it shall be unlawful for (any):

31 (a) Any person to sell, deliver, or knowingly possess more than a
32 personal amount of any legend drug (except); or

33 (b) A person under the age of 21 to knowingly possess a legend
34 drug of any amount.

35 (2) The sale, delivery, or possession of a legend drug does not
36 constitute a violation of this section upon the order or prescription
37 of a physician under chapter 18.71 RCW, an osteopathic physician and
38 surgeon under chapter 18.57 RCW, an optometrist licensed under
39 chapter 18.53 RCW who is certified by the optometry board under RCW

1 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician
2 and surgeon under chapter 18.22 RCW, a veterinarian under chapter
3 18.92 RCW, a commissioned medical or dental officer in the United
4 States armed forces or public health service in the discharge of his
5 or her official duties, a duly licensed physician or dentist employed
6 by the veterans administration in the discharge of his or her
7 official duties, a registered nurse or advanced registered nurse
8 practitioner under chapter 18.79 RCW when authorized by the nursing
9 care quality assurance commission, a pharmacist licensed under
10 chapter 18.64 RCW to the extent permitted by drug therapy guidelines
11 or protocols established under RCW 18.64.011 and authorized by the
12 commission and approved by a practitioner authorized to prescribe
13 drugs, a physician assistant under chapter 18.71A RCW when authorized
14 by the Washington medical commission, or any of the following
15 professionals in any province of Canada that shares a common border
16 with the state of Washington or in any state of the United States: A
17 physician licensed to practice medicine and surgery or a physician
18 licensed to practice osteopathic medicine and surgery, a dentist
19 licensed to practice dentistry, a podiatric physician and surgeon
20 licensed to practice podiatric medicine and surgery, a licensed
21 advanced registered nurse practitioner, a licensed physician
22 assistant, or a veterinarian licensed to practice veterinary
23 medicine: PROVIDED, HOWEVER, That the above provisions shall not
24 apply to sale, delivery, or possession by drug wholesalers or drug
25 manufacturers, or their agents or employees, or to any practitioner
26 acting within the scope of his or her license, or to a common or
27 contract carrier or warehouse operator, or any employee thereof,
28 whose possession of any legend drug is in the usual course of
29 business or employment: PROVIDED FURTHER, That nothing in this
30 chapter or chapter 18.64 RCW shall prevent a family planning clinic
31 that is under contract with the health care authority from selling,
32 delivering, possessing, and dispensing commercially prepackaged oral
33 contraceptives prescribed by authorized, licensed health care
34 practitioners: PROVIDED FURTHER, That nothing in this chapter
35 prohibits possession or delivery of legend drugs by an authorized
36 collector or other person participating in the operation of a drug
37 take-back program authorized in chapter 69.48 RCW.

38 ((+2)) (3)(a) A violation of this section involving the sale,
39 delivery, or possession with intent to sell or deliver is a class B
40 felony punishable according to chapter 9A.20 RCW.

1 (b) A violation of this section involving possession is a
2 misdemeanor. The prosecutor is encouraged to divert such cases for
3 assessment, treatment, or other services.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.50
5 RCW to read as follows:

6 The state of Washington hereby fully occupies and preempts the
7 entire field of drug paraphernalia regulation within the boundaries
8 of the state including regulation of the use, selling, giving,
9 delivery, and possession of drug paraphernalia. Cities, towns, and
10 counties or other municipalities may enact only those laws and
11 ordinances relating to drug paraphernalia that are specifically
12 authorized by state law and are consistent with this chapter. Such
13 local ordinances shall have the same penalty as provided for by state
14 law. Local laws and ordinances that are inconsistent with, more
15 restrictive than, or exceed the requirements of state law shall not
16 be enacted and are preempted and repealed, regardless of the nature
17 of the code, charter, or home rule status of such city, town, county,
18 or municipality.

19 **PART II – Providing Legal Advocacy for Parents and Families Affected**
20 **by Substance Use Disorders in Dependency and Child Custody Cases**

21 **Sec. 6.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are
22 each reenacted and amended to read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Abandoned" means when the child's parent, guardian, or other
26 custodian has expressed, either by statement or conduct, an intent to
27 forego, for an extended period, parental rights or responsibilities
28 despite an ability to exercise such rights and responsibilities. If
29 the court finds that the petitioner has exercised due diligence in
30 attempting to locate the parent, no contact between the child and the
31 child's parent, guardian, or other custodian for a period of three
32 months creates a rebuttable presumption of abandonment, even if there
33 is no expressed intent to abandon.

34 (2) "Child," "juvenile," and "youth" mean:

35 (a) Any individual under the age of (~~eighteen~~) 18 years; or

36 (b) Any individual age (~~eighteen~~) 18 to (~~twenty-one~~) 21 years
37 who is eligible to receive and who elects to receive the extended

1 foster care services authorized under RCW 74.13.031. A youth who
2 remains dependent and who receives extended foster care services
3 under RCW 74.13.031 shall not be considered a "child" under any other
4 statute or for any other purpose.

5 (3) "Current placement episode" means the period of time that
6 begins with the most recent date that the child was removed from the
7 home of the parent, guardian, or legal custodian for purposes of
8 placement in out-of-home care and continues until: (a) The child
9 returns home; (b) an adoption decree, a permanent custody order, or
10 guardianship order is entered; or (c) the dependency is dismissed,
11 whichever occurs first.

12 (4) "Department" means the department of children, youth, and
13 families.

14 (5) "Dependency guardian" means the person, nonprofit
15 corporation, or Indian tribe appointed by the court pursuant to this
16 chapter for the limited purpose of assisting the court in the
17 supervision of the dependency.

18 (6) "Dependent child" means any child who:

19 (a) Has been abandoned;

20 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
21 person legally responsible for the care of the child;

22 (c) Has no parent, guardian, or custodian capable of adequately
23 caring for the child, such that the child is in circumstances which
24 constitute a danger of substantial damage to the child's
25 psychological or physical development; or

26 (d) Is receiving extended foster care services, as authorized by
27 RCW 74.13.031.

28 (7) "Developmental disability" means a disability attributable to
29 intellectual disability, cerebral palsy, epilepsy, autism, or another
30 neurological or other condition of an individual found by the
31 secretary of the department of social and health services to be
32 closely related to an intellectual disability or to require treatment
33 similar to that required for individuals with intellectual
34 disabilities, which disability originates before the individual
35 attains age (~~eighteen~~) 18, which has continued or can be expected
36 to continue indefinitely, and which constitutes a substantial
37 limitation to the individual.

38 (8) "Educational liaison" means a person who has been appointed
39 by the court to fulfill responsibilities outlined in RCW 13.34.046.

1 (9) "Experiencing homelessness" means lacking a fixed, regular,
2 and adequate nighttime residence, including circumstances such as
3 sharing the housing of other persons due to loss of housing, economic
4 hardship, fleeing domestic violence, or a similar reason as described
5 in the federal McKinney-Vento homeless assistance act (Title 42
6 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

7 (10) "Extended foster care services" means residential and other
8 support services the department is authorized to provide under RCW
9 74.13.031. These services may include placement in licensed,
10 relative, or otherwise approved care, or supervised independent
11 living settings; assistance in meeting basic needs; independent
12 living services; medical assistance; and counseling or treatment.

13 (11) "Guardian" means the person or agency that: (a) Has been
14 appointed as the guardian of a child in a legal proceeding, including
15 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
16 legal right to custody of the child pursuant to such appointment. The
17 term "guardian" does not include a "dependency guardian" appointed
18 pursuant to a proceeding under this chapter.

19 (12) "Guardian ad litem" means a person, appointed by the court
20 to represent the best interests of a child in a proceeding under this
21 chapter, or in any matter which may be consolidated with a proceeding
22 under this chapter. A "court-appointed special advocate" appointed by
23 the court to be the guardian ad litem for the child, or to perform
24 substantially the same duties and functions as a guardian ad litem,
25 shall be deemed to be guardian ad litem for all purposes and uses of
26 this chapter.

27 (13) "Guardian ad litem program" means a court-authorized
28 volunteer program, which is or may be established by the superior
29 court of the county in which such proceeding is filed, to manage all
30 aspects of volunteer guardian ad litem representation for children
31 alleged or found to be dependent. Such management shall include but
32 is not limited to: Recruitment, screening, training, supervision,
33 assignment, and discharge of volunteers.

34 (14) "Guardianship" means a guardianship pursuant to chapter
35 13.36 RCW or a limited guardianship of a minor pursuant to RCW
36 11.130.215 or equivalent laws of another state or a federally
37 recognized Indian tribe.

38 (15) "Housing assistance" means appropriate referrals by the
39 department or other agencies to federal, state, local, or private
40 agencies or organizations, assistance with forms, applications, or

1 financial subsidies or other monetary assistance for housing. For
2 purposes of this chapter, "housing assistance" is not a remedial
3 service or family reunification service as described in RCW
4 13.34.025(2).

5 (16) "Indigent" means a person who, at any stage of a court
6 proceeding, is:

7 (a) Receiving one of the following types of public assistance:
8 Temporary assistance for needy families, aged, blind, or disabled
9 assistance benefits, medical care services under RCW 74.09.035,
10 pregnant women assistance benefits, poverty-related veterans'
11 benefits, food stamps or food stamp benefits transferred
12 electronically, refugee resettlement benefits, medicaid, or
13 supplemental security income; or

14 (b) ~~((Involuntarily committed to a public mental health
15 facility))~~ In need of or receiving mental health, substance use, or
16 behavioral health services; or

17 (c) Receiving an annual income, after taxes, of ~~((one hundred
18 twenty-five))~~ 125 percent or less of the federally established
19 poverty level; or

20 (d) Unable to pay the anticipated cost of counsel for the matter
21 before the court because his or her available funds are insufficient
22 to pay any amount for the retention of counsel.

23 (17) "Nonminor dependent" means any individual age ~~((eighteen))~~
24 18 to ~~((twenty-one))~~ 21 years who is participating in extended foster
25 care services authorized under RCW 74.13.031.

26 (18) "Out-of-home care" means placement in a foster family home
27 or group care facility licensed pursuant to chapter 74.15 RCW or
28 placement in a home, other than that of the child's parent, guardian,
29 or legal custodian, not required to be licensed pursuant to chapter
30 74.15 RCW.

31 (19) "Parent" means the biological or adoptive parents of a
32 child, or an individual who has established a parent-child
33 relationship under RCW 26.26A.100, unless the legal rights of that
34 person have been terminated by a judicial proceeding pursuant to this
35 chapter, chapter 26.33 RCW, or the equivalent laws of another state
36 or a federally recognized Indian tribe.

37 (20) "Prevention and family services and programs" means specific
38 mental health prevention and treatment services, substance abuse
39 prevention and treatment services, and in-home parent skill-based
40 programs that qualify for federal funding under the federal family

1 first prevention services act, P.L. 115-123. For purposes of this
2 chapter, prevention and family services and programs are not remedial
3 services or family reunification services as described in RCW
4 13.34.025(2).

5 (21) "Prevention services" means preservation services, as
6 defined in chapter 74.14C RCW, and other reasonably available
7 services, including housing assistance, capable of preventing the
8 need for out-of-home placement while protecting the child. Prevention
9 services include, but are not limited to, prevention and family
10 services and programs as defined in this section.

11 (22) "Qualified residential treatment program" means a program
12 that meets the requirements provided in RCW 13.34.420, qualifies for
13 funding under the family first prevention services act under 42
14 U.S.C. Sec. 672(k), and, if located within Washington state, is
15 licensed as a group care facility under chapter 74.15 RCW.

16 (23) "Relative" includes persons related to a child in the
17 following ways:

18 (a) Any blood relative, including those of half-blood, and
19 including first cousins, second cousins, nephews or nieces, and
20 persons of preceding generations as denoted by prefixes of grand,
21 great, or great-great;

22 (b) Stepfather, stepmother, stepbrother, and stepsister;

23 (c) A person who legally adopts a child or the child's parent as
24 well as the natural and other legally adopted children of such
25 persons, and other relatives of the adoptive parents in accordance
26 with state law;

27 (d) Spouses of any persons named in (a), (b), or (c) of this
28 subsection, even after the marriage is terminated;

29 (e) Relatives, as named in (a), (b), (c), or (d) of this
30 subsection, of any half sibling of the child; or

31 (f) Extended family members, as defined by the law or custom of
32 the Indian child's tribe or, in the absence of such law or custom, a
33 person who has reached the age of eighteen and who is the Indian
34 child's grandparent, aunt or uncle, brother or sister, brother-in-law
35 or sister-in-law, niece or nephew, first or second cousin, or
36 stepparent who provides care in the family abode on a (~~twenty-four~~)
37 24 hour basis to an Indian child as defined in 25 U.S.C. Sec.
38 1903(4).

1 (24) "Shelter care" means temporary physical care in a facility
2 licensed pursuant to RCW 74.15.030 or in a home not required to be
3 licensed pursuant to RCW 74.15.030.

4 (25) "Sibling" means a child's birth brother, birth sister,
5 adoptive brother, adoptive sister, half-brother, or half-sister, or
6 as defined by the law or custom of the Indian child's tribe for an
7 Indian child as defined in RCW 13.38.040.

8 (26) "Social study" means a written evaluation of matters
9 relevant to the disposition of the case that contains the information
10 required by RCW 13.34.430.

11 (27) "Supervised independent living" includes, but is not limited
12 to, apartment living, room and board arrangements, college or
13 university dormitories, and shared roommate settings. Supervised
14 independent living settings must be approved by the department or the
15 court.

16 (28) "Voluntary placement agreement" means, for the purposes of
17 extended foster care services, a written voluntary agreement between
18 a nonminor dependent who agrees to submit to the care and authority
19 of the department for the purposes of participating in the extended
20 foster care program.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 26.12
22 RCW to read as follows:

23 In any parenting plan or child custody proceeding in which the
24 court determines the child's parent, guardian, or custodian is
25 affected by substance use disorders, mental health disorders, or
26 behavioral health concerns, the parent, guardian, or custodian shall
27 have the right to court-appointed counsel. The court may, in its
28 discretion, appoint counsel for the child upon a finding that the
29 appointment is in the best interests of the child.

30 **PART III – Funding, Promotion, and Training for Recovery Residences**

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 71.24
32 RCW to read as follows:

33 Subject to the availability of amounts provided for this specific
34 purpose, the authority shall:

35 (1) Make sufficient funding available to support establishment of
36 an adequate and equitable stock of recovery residences in each region
37 of the state, including by expansion of a revolving fund program to

1 make loans or grants available for recovery residence operators to
2 use for necessary capital expenses;

3 (2) Establish a voucher program to allow accredited recovery
4 housing operators to hold bed space for individuals who are waiting
5 for treatment or who have returned to use and need a place to stay
6 while negotiating a return to stable housing;

7 (3) Conduct outreach to underserved and rural areas to support
8 the development of recovery housing, including adequate resources for
9 women, LGBTQIA+ communities, and youth; and

10 (4) Develop a training for housing providers by January 1, 2024,
11 to assist them with providing appropriate service to LGBTQIA+
12 communities, including consideration of topics like harassment,
13 communication, antiracism, diversity, and gender affirming behavior,
14 and ensure applicants for grants or loans related to recovery
15 residences receive access to the training.

16 **Sec. 9.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to
17 read as follows:

18 (1) The real and personal property used by a nonprofit
19 organization in providing emergency or transitional housing for low-
20 income homeless persons as defined in RCW 35.21.685 or 36.32.415 or
21 victims of domestic violence who are homeless for personal safety
22 reasons is exempt from taxation if:

23 (a) The charge, if any, for the housing does not exceed the
24 actual cost of operating and maintaining the housing; and

25 (b) (i) The property is owned by the nonprofit organization; or

26 (ii) The property is rented or leased by the nonprofit
27 organization and the benefit of the exemption inures to the nonprofit
28 organization.

29 (2) The real and personal property used by a nonprofit
30 organization in maintaining an approved recovery residence registered
31 under RCW 41.05.760 is exempt from taxation if:

32 (a) The charge for the housing does not exceed the actual cost of
33 operating and maintaining the housing; and

34 (b) (i) The property is owned by the nonprofit organization; or

35 (ii) The property is rented or leased by the nonprofit
36 organization and the benefit of the exemption inures to the nonprofit
37 organization.

38 (3) As used in this section:

1 (a) "Homeless" means persons, including families, who, on one
2 particular day or night, do not have decent and safe shelter nor
3 sufficient funds to purchase or rent a place to stay.

4 (b) "Emergency housing" means a project that provides housing and
5 supportive services to homeless persons or families for up to sixty
6 days.

7 (c) "Transitional housing" means a project that provides housing
8 and supportive services to homeless persons or families for up to two
9 years and that has as its purpose facilitating the movement of
10 homeless persons and families into independent living.

11 ~~((3))~~ (d) "Recovery residence" has the same meaning as under
12 RCW 41.05.760.

13 (4) This exemption is subject to the administrative provisions
14 contained in RCW 84.36.800 through 84.36.865.

15 **PART IV – Training for Parents of Children with Substance Use Disorder**
16 **and Caseworkers Within the Department of Children, Youth, and**
17 **Families**
18

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.216
20 RCW to read as follows:

21 (1) The department shall develop a training for parents of
22 children and transition age youth with substance use disorders by
23 June 30, 2024, addressing the following:

24 (a) Science and education related to substance use disorders;

25 (b) Adaptive and functional communication strategies for
26 communication with a loved one about their substance use disorder,
27 including positive communication skills and strategies to influence
28 motivation and behavioral change;

29 (c) Self-care and means of obtaining support; and

30 (d) Means to obtain opioid overdose reversal medication when
31 appropriate and instruction on proper use.

32 (2) The department shall make this training publicly available
33 and promote the training to licensed foster parents.

34 (3) The department shall make opioid overdose reversal medication
35 available for use by caseworkers or employees that may come in
36 contact with individuals experiencing overdose and shall make
37 appropriate training available.

1 **PART V – Removing Language Prohibiting "Giving" or "Permitting to**
2 **Give" Drug Paraphernalia**

3 **Sec. 11.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to
4 read as follows:

5 (1) Every person who sells (~~(or gives,)~~) or permits to be sold
6 (~~(or given)~~) to any person any drug paraphernalia in any form commits
7 a class I civil infraction under chapter 7.80 RCW. For purposes of
8 this subsection, "drug paraphernalia" means all equipment, products,
9 and materials of any kind which are used, intended for use, or
10 designed for use in planting, propagating, cultivating, growing,
11 harvesting, manufacturing, compounding, converting, producing,
12 processing, preparing, testing, analyzing, packaging, repackaging,
13 storing, containing, concealing, injecting, ingesting, inhaling, or
14 otherwise introducing into the human body a controlled substance
15 other than cannabis. Drug paraphernalia includes, but is not limited
16 to objects used, intended for use, or designed for use in ingesting,
17 inhaling, or otherwise introducing cocaine into the human body, such
18 as:

19 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic
20 pipes with or without screens, permanent screens, hashish heads, or
21 punctured metal bowls;

22 (b) Water pipes;

23 (c) Carburetion tubes and devices;

24 (d) Smoking and carburetion masks;

25 (e) Miniature cocaine spoons and cocaine vials;

26 (f) Chamber pipes;

27 (g) Carburetor pipes;

28 (h) Electric pipes;

29 (i) Air-driven pipes; and

30 (j) Ice pipes or chillers.

31 (2) It shall be no defense to a prosecution for a violation of
32 this section that the person acted, or was believed by the defendant
33 to act, as agent or representative of another.

34 (3) Nothing in subsection (1) of this section prohibits legal
35 distribution of injection syringe equipment through public health and
36 community-based HIV prevention programs, and pharmacies.

37 **PART VI – Data Support for Recovery Navigator Programs**

1 NEW SECTION. **Sec. 12.** To support recovery navigator programs,
2 the health care authority shall develop and implement a data
3 integration platform by June 30, 2024, to serve as a common database
4 for diversion efforts across the state, to serve as a data collection
5 and management tool for practitioners, and to assist in standardizing
6 definitions and practices. If possible, the authority shall leverage
7 and interact with existing platforms already in use in efforts funded
8 by the authority. The authority shall establish a quality assurance
9 process for behavioral health administrative services organizations,
10 and employ data validation for fields in the data collection
11 workbook.

12 NEW SECTION. **Sec. 13.** A new section is added to chapter 71.24
13 RCW to read as follows:

14 (1) The authority shall contract with the Washington state
15 institute for public policy to conduct a study of the long-term
16 effectiveness of the recovery navigator program under RCW 71.24.115
17 with reports due by June 30th in the years 2028, 2033, and 2038. The
18 Washington state institute for public policy shall collaborate with
19 the authority and substance use recovery services advisory committee
20 under RCW 71.24.546 on the topic of data collection and to determine
21 the parameters of the report, which shall include recommendations, if
22 any, for modification and improvement of the recovery navigator
23 program. The authority shall cooperate with the Washington state
24 institute for public policy to provide data for this report.

25 (2) The authority shall establish an expedited preapproval
26 process by August 1, 2023, which allows requests for the use of data
27 to be forwarded to the Washington state institutional review board
28 without delay when the request is made by the Washington state
29 institute for public policy for the purpose of completing a study
30 that has been directed by the legislature.

31 **PART VII – Establishing Rules and Payment Structures for Health**
32 **Engagement Hubs**

33 NEW SECTION. **Sec. 14.** A new section is added to chapter 71.24
34 RCW to read as follows:

35 (1) The authority shall develop licensure standards and payment
36 structures for health engagement hubs by January 1, 2024.

1 (2) The department shall include invited stakeholders in the
2 rule-making process which shall include, but not be limited to,
3 individuals from geographic regions in Washington with lower
4 population density, eastern Washington, rural areas, and tribal
5 nations.

6 (3) A health engagement hub:

7 (a) May be a mobile or fixed-site opioid treatment program
8 medication unit. Fixed-site medication units may operate at sites
9 such as hospitals, federally qualified health centers, syringe
10 service programs, community mental health facilities, skilled nursing
11 facilities, or other settings frequented by people who have not
12 historically been well-served by the behavioral health treatment
13 system;

14 (b) Provides access to methadone and other medications for opioid
15 addiction;

16 (c) Functions as a patient-centered medical home by offering
17 high-quality, cost-effective patient-centered care, including wound
18 care;

19 (d) Provides harm reduction services and supplies;

20 (e) Provides linkage to housing, transportation, and other
21 support services; and

22 (f) Is open to youth as well as adults.

23 (4) To the extent allowed under federal law, the authority shall
24 direct medicaid managed care organizations to adopt a value-based
25 bundled payment methodology in contracts with health engagement hubs
26 and other opioid treatment providers.

27 (5) The authority shall make sufficient funding available to
28 ensure that a health engagement hub is available within a two-hour
29 drive for all communities and that there is at least one health
30 engagement hub available per 200,000 residents in Washington state.

31 **PART VIII - Education and Employment Pathways**

32 NEW SECTION. **Sec. 15.** A new section is added to chapter 71.24
33 RCW to read as follows:

34 Subject to funding provided for this specific purpose, the
35 authority shall establish a grant program for providers of
36 employment, education, training, certification, and other supportive
37 programs designed to provide persons recovering from a substance use
38 disorder with employment opportunities. The grant program shall

1 employ a low-barrier application and give priority to programs that
2 engage with black, indigenous, persons of color, and other
3 historically underserved communities.

4 **PART IX - Providing a Statewide Directory of Recovery Services**

5 NEW SECTION. **Sec. 16.** A new section is added to chapter 71.24
6 RCW to read as follows:

7 Subject to funding provided for this specific purpose, the
8 department shall contract with a vendor to provide a statewide tool
9 to map and direct individuals with behavioral health disorders to
10 treatment and recovery support services locations. The tool shall be
11 dynamically updated.

12 **PART X - Investing Adequately in Statewide Diversion Services**

13 NEW SECTION. **Sec. 17.** It is the intent of the legislature to
14 increase investments in the 2023-2025 biennium substantially over
15 baseline levels established in the 2021-2023 operating and capital
16 budgets to increase the provision of evidence-based prearrest and
17 prefiling diversion programs in all regions of the state. Services
18 which shall be increased and included in every health purchasing
19 region include crisis stabilization units, mobile crisis response
20 services for youth and adults, recovery navigator programs, and law
21 enforcement assisted diversion.

22 **PART XI - Streamlining Substance Use Disorder Treatment Intakes**

23 NEW SECTION. **Sec. 18.** A new section is added to chapter 71.24
24 RCW to read as follows:

25 (1) The authority shall convene a work group to recommend changes
26 to systems, policies, and processes related to intake, screening, and
27 assessment for substance use disorder services, with the goal to
28 broaden the workforce capable of processing intakes and to make the
29 intake process as brief as possible, including only what is necessary
30 to manage utilization and initiate care. The intake shall be low
31 barrier, person-centered, and amenable to administration in diverse
32 health care settings and by a range of health care professionals. The
33 intake assessment shall consider the person's self-identified needs
34 and preferences when evaluating direction of treatment and may

1 include different components based on the setting, context, and past
2 experience with the client.

3 (2) The work group must include care providers, payors, people
4 who use drugs, and other individuals recommended by the authority.
5 The work group shall present its recommendations to the governor and
6 appropriate committees of the legislature by December 1, 2024.

7 **PART XII - Establishing the Safe-Supply Work Group**

8 NEW SECTION. **Sec. 19.** A new section is added to chapter 71.24
9 RCW to read as follows:

10 (1) Subject to the availability of funds appropriated for this
11 specific purpose, the statewide safe supply work group is created.
12 The purpose of the work group is to evaluate potential models for
13 safe supply services and make recommendations on inclusion of a safe
14 supply framework in the Washington state substance use recovery
15 services plan to provide a regulated, tested supply of controlled
16 substances to individuals at risk of drug overdose. The work group
17 membership shall be reflective of the community of individuals living
18 with substance use disorder, including persons who are black,
19 indigenous, and persons of color, persons with co-occurring substance
20 use disorders and mental health conditions, as well as persons who
21 represent the unique needs of rural communities.

22 (2) The work group membership shall consist of, but is not
23 limited to, members appointed by the governor representing the
24 following:

- 25 (a) At least one adult in recovery from substance use disorder;
- 26 (b) At least one youth in recovery from substance use disorder;
- 27 (c) One expert from the addictions, drug, and alcohol institute
28 at the University of Washington;
- 29 (d) One outreach services provider;
- 30 (e) One substance use disorder treatment provider;
- 31 (f) One peer recovery services provider;
- 32 (g) One recovery housing provider;
- 33 (h) One expert in serving persons with co-occurring substance use
34 disorders and mental health conditions;
- 35 (i) One expert in antiracism and equity in health care delivery
36 systems;

1 (j) One employee who provides substance use disorder treatment or
2 services as a member of a labor union representing workers in the
3 behavioral health field;

4 (k) One representative of the association of Washington
5 healthcare plans;

6 (l) One representative of sheriffs and police chiefs;

7 (m) One representative of a federally recognized tribe; and

8 (n) One representative of local government.

9 (3) The work group's evaluation shall include, but is not limited
10 to, the following:

11 (a) Examining the concept of "safe supply," defined as a legal
12 and regulated supply of mind or body altering substances that
13 traditionally only have been accessible through illicit markets;

14 (b) Examining whether there is evidence that a proposed "safe
15 supply" would have an impact on fatal or nonfatal overdose, drug
16 diversion, or associated health and community impacts;

17 (c) Examining whether there is evidence that a proposed "safe
18 supply" would be accompanied by increased risks to individuals, the
19 community, or other entities or jurisdictions;

20 (d) Examining historical evidence regarding the overprescribing
21 of opioids; and

22 (e) Examining whether there is evidence that a proposed "safe
23 supply" would be accompanied by any other benefits or consequences.

24 (4) Staffing for the work group shall be provided by the
25 authority.

26 (5) The work group shall provide a preliminary report and
27 recommendations to the governor and appropriate committees of the
28 legislature by December 1, 2023, and shall provide a final report by
29 December 1, 2024.

30 **PART XIII - Opioid Treatment Program Rural Access and Expansion**

31 **Sec. 20.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to
32 read as follows:

33 (1)(a) The comprehensive plan of each county and city that is
34 planning under RCW 36.70A.040 shall include a process for identifying
35 and siting essential public facilities. Essential public facilities
36 include those facilities that are typically difficult to site, such
37 as airports, state education facilities and state or regional
38 transportation facilities as defined in RCW 47.06.140, regional

1 transit authority facilities as defined in RCW 81.112.020, state and
2 local correctional facilities, solid waste handling facilities,
3 opioid treatment programs including both mobile and fixed-site
4 medication units, recovery residences, harm reduction programs
5 including syringe service programs, and inpatient facilities
6 including substance abuse facilities, mental health facilities, group
7 homes, community facilities as defined in RCW 72.05.020, and secure
8 community transition facilities as defined in RCW 71.09.020.

9 (b) Unless a facility is expressly listed in (a) of this
10 subsection, essential public facilities do not include facilities
11 that are operated by a private entity in which persons are detained
12 in custody under process of law pending the outcome of legal
13 proceedings but are not used for punishment, correction, counseling,
14 or rehabilitation following the conviction of a criminal offense.
15 Facilities included under this subsection (1)(b) shall not include
16 facilities detaining persons under RCW 71.09.020 (~~((6))~~) (7) or
17 (~~((15))~~) (16) or chapter 10.77 or 71.05 RCW.

18 (c) The department of children, youth, and families may not
19 attempt to site new community facilities as defined in RCW 72.05.020
20 east of the crest of the Cascade mountain range unless there is an
21 equal or greater number of sited community facilities as defined in
22 RCW 72.05.020 on the western side of the crest of the Cascade
23 mountain range.

24 (2) Each county and city planning under RCW 36.70A.040 shall, not
25 later than September 1, 2002, establish a process, or amend its
26 existing process, for identifying and siting essential public
27 facilities and adopt or amend its development regulations as
28 necessary to provide for the siting of secure community transition
29 facilities consistent with statutory requirements applicable to these
30 facilities.

31 (3) Any city or county not planning under RCW 36.70A.040 shall,
32 not later than September 1, 2002, establish a process for siting
33 secure community transition facilities and adopt or amend its
34 development regulations as necessary to provide for the siting of
35 such facilities consistent with statutory requirements applicable to
36 these facilities.

37 (4) The office of financial management shall maintain a list of
38 those essential state public facilities that are required or likely
39 to be built within the next six years. The office of financial
40 management may at any time add facilities to the list.

1 (5) No local comprehensive plan or development regulation may
2 preclude the siting of essential public facilities.

3 (6) No person may bring a cause of action for civil damages based
4 on the good faith actions of any county or city to provide for the
5 siting of secure community transition facilities in accordance with
6 this section and with the requirements of chapter 12, Laws of 2001
7 2nd sp. sess. For purposes of this subsection, "person" includes, but
8 is not limited to, any individual, agency as defined in RCW
9 42.17A.005, corporation, partnership, association, and limited
10 liability entity.

11 (7) Counties or cities siting facilities pursuant to subsection
12 (2) or (3) of this section shall comply with RCW 71.09.341.

13 (8) The failure of a county or city to act by the deadlines
14 established in subsections (2) and (3) of this section is not:

15 (a) A condition that would disqualify the county or city for
16 grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

17 (b) A consideration for grants or loans provided under RCW
18 43.17.250(3); or

19 (c) A basis for any petition under RCW 36.70A.280 or for any
20 private cause of action.

21 **Sec. 21.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to
22 read as follows:

23 (1) When making a decision on an application for licensing or
24 certification of ((a)) an opioid treatment program, the department
25 shall:

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

30 (b) License or certify only programs that will be sited in
31 accordance with the appropriate county or city land use ordinances.
32 Counties and cities may require conditional use permits with
33 reasonable conditions for the siting of programs only to the extent
34 that such reasonable conditional use requirements applied to opioid
35 treatment programs are similarly applied to other essential public
36 facilities and health care settings. Pursuant to RCW 36.70A.200, no
37 local comprehensive plan or development regulation may preclude the
38 siting of essential public facilities;

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

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

7 (e) Consider the availability of other certified opioid treatment
8 programs near the area in which the applicant proposes to locate the
9 program;

10 (f) Consider the transportation systems that would provide
11 service to the program and whether the systems will provide
12 reasonable opportunities to access the program for persons in need of
13 treatment;

14 (g) Consider whether the applicant has, or has demonstrated in
15 the past, the capability to provide the appropriate services to
16 assist the persons who utilize the program in meeting goals
17 established by the legislature in RCW 71.24.585. The department shall
18 prioritize licensing or certification to applicants who have
19 demonstrated such capability and are able to measure their success in
20 meeting such outcomes((↗

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

28 (2) ((A)) No city or county legislative authority may impose a
29 maximum capacity for ((a)) an opioid treatment program ~~((of not less~~
30 ~~than three hundred fifty participants if necessary to address~~
31 ~~specific local conditions cited by the county))).~~

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

37 (4) Opioid treatment programs may order, possess, dispense, and
38 administer medications approved by the United States food and drug
39 administration for the treatment of opioid use disorder, alcohol use
40 disorder, tobacco use disorder, and reversal of opioid overdose. For

1 an opioid treatment program to order, possess, and dispense any other
2 legend drug, including controlled substances, the opioid treatment
3 program must obtain additional licensure as required by the
4 department, except for patient-owned medications.

5 (5) Opioid treatment programs may accept, possess, and administer
6 patient-owned medications.

7 (6) Registered nurses and licensed practical nurses may dispense
8 up to a thirty-one day supply of medications approved by the United
9 States food and drug administration for the treatment of opioid use
10 disorder to patients of the opioid treatment program, under an order
11 or prescription and in compliance with 42 C.F.R. Sec. 8.12.

12 (7) For the purpose of this chapter, "opioid treatment program"
13 means a program that:

14 (a) Engages in the treatment of opioid use disorder with
15 medications approved by the United States food and drug
16 administration for the treatment of opioid use disorder and reversal
17 of opioid overdose;

18 (b) Is either a mobile or fixed-site medication unit; and

19 ~~((b))~~ (c) Provides a comprehensive range of medical and
20 rehabilitative services.

21 NEW SECTION. **Sec. 22.** A new section is added to chapter 43.330
22 RCW to read as follows:

23 (1) Subject to funds appropriated for this specific purpose, a
24 program is established in the department to fund the construction
25 costs necessary to start up opioid treatment programs in regions of
26 the state which currently lack access to such programs.

27 (2) This funding must be used to increase the number of opioid
28 treatment programs in underserved areas such as central and eastern
29 Washington and rural areas.

--- END ---