

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5417**

Chapter 242, Laws of 2001

57th Legislature  
2001 Regular Session

OPIATE SUBSTITUTION TREATMENT PROGRAM

EFFECTIVE DATE: 7/22/01

Passed by the Senate April 16, 2001  
YEAS 47 NAYS 0

BRAD OWEN  
**President of the Senate**

Passed by the House April 5, 2001  
YEAS 91 NAYS 3

FRANK CHOPP  
**Speaker of the  
House of Representatives**

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Approved May 11, 2001

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5417** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK  
**Secretary**

FILED

May 11, 2001 - 9:12 a.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5417**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

**State of Washington                      57th Legislature                      2001 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Patterson, Long, Hargrove, Stevens, Kline and Winsley)

READ FIRST TIME 02/19/01.

1            AN ACT Relating to opiate substitution treatment programs; and  
2 amending RCW 70.96A.400, 70.96A.410, and 70.96A.420.

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

4            **Sec. 1.** RCW 70.96A.400 and 1995 c 321 s 1 are each amended to read  
5 as follows:

6            The state of Washington declares that there is no fundamental right  
7 to opiate substitution treatment. The state of Washington further  
8 declares that while (~~methadone and other like pharmacological~~) opiate  
9 substitution drugs(~~(7)~~) used in the treatment of opiate dependency are  
10 addictive substances, that they nevertheless have several legal,  
11 important, and justified uses and that one of their appropriate and  
12 legal uses is, in conjunction with other required therapeutic  
13 procedures, in the treatment of persons addicted to or habituated to  
14 opioids. Opiate substitution treatment should only be used for  
15 participants who are deemed appropriate to need this level of  
16 intervention and should not be the first treatment intervention for all  
17 opiate addicts.

18            Because (~~methadone and other like pharmacological~~) opiate  
19 substitution drugs, used in the treatment of opiate dependency are

1 addictive and are listed as a schedule II controlled substance in  
2 chapter 69.50 RCW, the state of Washington (~~and authorizing counties~~  
3 ~~on behalf of their citizens have~~) has the legal obligation and right  
4 to regulate the use of opiate substitution treatment. The state of  
5 Washington declares its authority to control and regulate carefully, in  
6 (~~cooperation~~) consultation with (~~the authorizing~~) counties and  
7 cities, all clinical uses of (~~methadone and other pharmacological~~)  
8 opiate substitution drugs used in the treatment of opiate addiction.

9 Further, the state declares that the primary goal of opiate  
10 substitution treatment is total abstinence from chemical dependency for  
11 the individuals who participate in the treatment program. The state  
12 recognizes that a small percentage of persons who participate in opiate  
13 (~~substitute [substitution]~~) substitution treatment programs require  
14 treatment for an extended period of time. Opiate substitution  
15 treatment programs shall provide a comprehensive transition program to  
16 eliminate chemical dependency(~~(?)~~), including opiate and opiate  
17 substitute addiction of program participants.

18 **Sec. 2.** RCW 70.96A.410 and 1995 c 321 s 2 are each amended to read  
19 as follows:

20 (1) (~~A county legislative authority may prohibit opiate~~  
21 ~~substitution treatment in that county. The department shall not~~  
22 ~~certify an opiate substitution treatment program in a county where the~~  
23 ~~county legislative authority has prohibited opiate substitution~~  
24 ~~treatment. If a county legislative authority authorizes opiate~~  
25 ~~substitution treatment programs, it shall limit by ordinance the number~~  
26 ~~of opiate substitution treatment programs operating in that county by~~  
27 ~~limiting the number of licenses granted in that county. If a county~~  
28 ~~has authorized opiate substitution treatment programs in that county,~~  
29 ~~it shall only license opiate substitution treatment programs that~~  
30 ~~comply with the department's operating and treatment standards under~~  
31 ~~this section and RCW 70.96A.420. A county that authorizes opiate~~  
32 ~~substitution treatment may operate the programs directly or through a~~  
33 ~~local health department or health district or it may authorize~~  
34 ~~certified opiate substitution treatment programs that the county~~  
35 ~~licenses to provide the services within the county. Counties shall~~  
36 ~~monitor opiate substitution treatment programs for compliance with the~~  
37 ~~department's operating and treatment regulations under this section and~~  
38 ~~RCW 70.96A.420.~~

1       ~~(2) A county that authorizes opiate substitution treatment programs~~  
2 ~~shall develop and enact by ordinance licensing standards, consistent~~  
3 ~~with this chapter and the operating and treatment standards adopted~~  
4 ~~under this chapter, that govern the application for, issuance of,~~  
5 ~~renewal of, and revocation of the licenses.— Certified programs~~  
6 ~~existing before May 18, 1987, applying for renewal of licensure in~~  
7 ~~subsequent years, that maintain certification and meet all other~~  
8 ~~requirements for licensure, shall be given preference.~~

9       ~~(3) In certifying programs, the department shall not discriminate~~  
10 ~~against an opiate substitution treatment program on the basis of its~~  
11 ~~corporate structure.— In licensing programs, the county shall not~~  
12 ~~discriminate against an opiate substitution treatment program on the~~  
13 ~~basis of its corporate structure.~~

14       ~~(4))~~ For purposes of this section, "area" means the county in  
15 which an applicant proposes to locate a certified program and counties  
16 adjacent, or near to, the county in which the program is proposed to be  
17 located.

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

20       (a) Consult with the county legislative authorities in the area in  
21 which an applicant proposes to locate a program and the city  
22 legislative authority in any city in which an applicant proposes to  
23 locate a program;

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

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

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

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

1 (f) Consider the availability of other certified programs near the  
2 area in which the applicant proposes to locate the program;

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

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

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

21 ~~(2) A program applying for certification from the department and a~~  
22 ~~program applying for a contract from a state agency that has been~~  
23 ~~denied the certification or contract shall be provided with a written~~  
24 ~~notice specifying the rationale and reasons for the denial. ((A~~  
25 ~~program applying for a license or a contract from a county that has~~  
26 ~~been denied the license or contract shall be provided with a written~~  
27 ~~notice specifying the rationale and reasons for the denial.~~

28 ~~(5) A license is effective for one calendar year from the date of~~  
29 ~~issuance. The license shall be renewed in accordance with the~~  
30 ~~provisions of this section for initial approval; the goals for~~  
31 ~~treatment programs under RCW 70.96A.400; the standards set forth in RCW~~  
32 ~~70.96A.420; and the rules adopted by the secretary.~~

33 ~~(6))~~ (3) For the purpose of this chapter, opiate substitution  
34 treatment means:

35 (a) Dispensing an opiate substitution drug approved by the federal  
36 drug administration for the treatment of opiate addiction; and

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

1       **Sec. 3.** RCW 70.96A.420 and 1998 c 245 s 135 are each amended to  
2 read as follows:

3       (1) The department, in consultation with opiate substitution  
4 treatment service providers and counties (~~authorizing opiate~~  
5 ~~substitution treatment programs~~) and cities, shall establish statewide  
6 treatment standards for certified opiate substitution treatment  
7 programs. The department (~~and counties that authorize opiate~~  
8 ~~substitution treatment programs~~) shall enforce these treatment  
9 standards. The treatment standards shall include, but not be limited  
10 to, reasonable provisions for all appropriate and necessary medical  
11 procedures, counseling requirements, urinalysis, and other suitable  
12 tests as needed to ensure compliance with this chapter. (~~A opiate~~  
13 ~~substitution treatment program shall not have a caseload in excess of~~  
14 ~~three hundred fifty persons.~~)

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

28       (3) The department shall establish criteria for evaluating the  
29 compliance of opiate substitution treatment programs with the goals and  
30 standards established under this chapter. As a condition of  
31 certification, opiate substitution programs shall submit an annual  
32 report to the department and county legislative authority, including  
33 data as specified by the department necessary for outcome analysis.  
34 The department shall analyze and evaluate the data submitted by each  
35 treatment program and take corrective action where necessary to ensure  
36 compliance with the goals and standards enumerated under this chapter.

37       (4) Before January 1st of each year, the secretary shall submit a  
38 report to the legislature and governor. The report shall include the  
39 number of persons enrolled in each treatment program during the period

1 covered by the report, the number of persons who leave each treatment  
2 program voluntarily and involuntarily, and an outcome analysis of each  
3 treatment program. For purposes of this subsection, "outcome analysis"  
4 shall include but not be limited to: The number of people who, as a  
5 result of participation in the program, are able to abstain from  
6 opiates; reduction in use of opiates; reduction in criminal conduct;  
7 achievement of economic independence; and reduction in utilization of  
8 health care. The report shall include information on an annual and  
9 cumulative basis beginning on the effective date of this section.

Passed the Senate April 16, 2001.

Passed the House April 5, 2001.

Approved by the Governor May 11, 2001.

Filed in Office of Secretary of State May 11, 2001.