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**HOUSE BILL 2030**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Walsh, Klippert, Chase, Sutherland, Jacobsen, Eslick, and Young

AN ACT Relating to prohibiting the use of involuntary quarantine and isolation; amending RCW 43.20.050, 43.70.130, 43.70.210, 70.05.050, 70.05.060, 70.05.120, and 70.28.035; and reenacting and amending RCW 70.28.031.

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

**Sec.**  RCW 43.20.050 and 2021 c 65 s 37 are each amended to read as follows:

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

In fulfilling its responsibilities under this subsection, the state board may create ad hoc committees or other such committees of limited duration as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules for group A public water systems, as defined in RCW 70A.125.010, necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants;

(b) Adopt rules as necessary for group B public water systems, as defined in RCW 70A.125.010. The rules shall, at a minimum, establish requirements regarding the initial design and construction of a public water system. The state board of health rules may waive some or all requirements for group B public water systems with fewer than five connections;

(c) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains;

(d) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, and cleanliness in public facilities including but not limited to food service establishments, schools, recreational facilities, and transient accommodations;

(e) ((~~Adopt rules for the imposition and use of isolation and quarantine;~~

~~(f)~~)) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may best be controlled by universal rule. Rules adopted under this section may not authorize the involuntary detention, isolation, or quarantine of a person or group of persons for purposes of controlling or preventing any contagious or infectious disease by any state or local agency or local health officer; and

((~~(g)~~)) (f) Adopt rules for accessing existing databases for the purposes of performing health related research.

(3) The state board shall adopt rules for the design, construction, installation, operation, and maintenance of those on‑site sewage systems with design flows of less than three thousand five hundred gallons per day.

(4) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(5) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he or she shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(6) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

**Sec.**  RCW 43.70.130 and 1990 c 132 s 2 are each amended to read as follows:

(1) The secretary of health shall:

((~~(1)~~)) (a) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

((~~(2)~~)) (b) Investigate and study factors relating to the preservation, promotion, and improvement of the health of the people, the causes of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report the findings to the state board of health for such action as the board determines is necessary;

((~~(3)~~)) (c) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

((~~(4)~~)) (d) Enforce the public health laws of the state and the rules and regulations promulgated by the department or the board of health in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the secretary of the department of health by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county;

((~~(5)~~)) (e) Investigate outbreaks and epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

((~~(6)~~)) (f) Exercise general supervision over the work of all local health departments and establish uniform reporting systems by local health officers to the state department of health;

((~~(7)~~)) (g) Have the same authority as local health officers, except that the secretary shall not exercise such authority unless the local health officer fails or is unable to do so, or when in an emergency the safety of the public health demands it, or by agreement with the local health officer or local board of health;

((~~(8)~~)) (h) Cause to be made from time to time, personal health and sanitation inspections at state owned or contracted institutions and facilities to determine compliance with sanitary and health care standards as adopted by the department, and require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report the findings to the governor;

((~~(9)~~)) (i) Review and approve plans for public water system design, engineering, operation, maintenance, financing, and emergency response, as required under state board of health rules;

((~~(10)~~)) (j) Take such measures as the secretary deems necessary in order to promote the public health, to establish or participate in the establishment of health educational or training activities, and to provide funds for and to authorize the attendance and participation in such activities of employees of the state or local health departments and other individuals engaged in programs related to or part of the public health programs of the local health departments or the state department of health. The secretary is also authorized to accept any funds from the federal government or any public or private agency made available for health education training purposes and to conform with such requirements as are necessary in order to receive such funds; and

((~~(11)~~)) (k) Establish and maintain laboratory facilities and services as are necessary to carry out the responsibilities of the department.

(2) The secretary acting under the authority authorized under this chapter or the authority authorized to a local health officer may not require or seek a superior court order to require a person or group of persons to involuntarily isolate or quarantine or otherwise detain a person or group of persons in any manner for purposes of controlling or preventing any contagious or infectious disease.

**Sec.**  RCW 43.70.210 and 2009 c 549 s 5145 are each amended to read as follows:

Nothing in chapter 43.20 or 43.70 RCW, or RCW 43.70.120 shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to alleviate human ailments, sickness or disease, in accordance with the tenets and practice of the Church of Christ, Scientist((~~, nor shall anything in chapters 43.20, 43.70 RCW, or RCW 43.70.120 be deemed to prohibit a person so relying who is inflicted with a contagious or communicable disease from being isolated or quarantined in a private place of his or her own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with~~)).

**Sec.**  RCW 70.05.050 and 1996 c 178 s 19 are each amended to read as follows:

(1) The local health officer shall be an experienced physician licensed to practice medicine and surgery or osteopathic medicine and surgery in this state and who is qualified or provisionally qualified in accordance with the standards prescribed in RCW 70.05.051 through 70.05.055 to hold the office of local health officer. No term of office shall be established for the local health officer but the local health officer shall not be removed until after notice is given, and an opportunity for a hearing before the board or official responsible for his or her appointment under this section as to the reason for his or her removal. The local health officer shall act as executive secretary to, and administrative officer for the local board of health and shall also be empowered to employ such technical and other personnel as approved by the local board of health except where the local board of health has appointed an administrative officer under RCW 70.05.040. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health. In home rule counties that are part of a health district under this chapter and chapter 70.46 RCW the local health officer and administrative officer shall be appointed by the local board of health.

(2) A local health officer may not require or seek a superior court order to require a person or group of persons to involuntarily isolate or quarantine or otherwise detain a person or group of persons in any manner for purposes of controlling or preventing any contagious or infectious disease.

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

(1) Each local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction and shall:

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

((~~(2)~~)) (b) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction;

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

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

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

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

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

(2) A local board of health may not require or seek a superior court order to require a person or group of persons to involuntarily isolate or quarantine or otherwise detain a person or group of persons in any manner for purposes of controlling or preventing any contagious or infectious disease.

**Sec.**  RCW 70.05.120 and 2003 c 53 s 350 are each amended to read as follows:

(1) Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05, 70.24, and 70.46 RCW or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RCW, and the rules and regulations of the state board of health adopted thereunder.

(2) Any member of a local board of health who shall violate any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, is guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars.

(3) Any physician who shall refuse or neglect to report to the proper health officer or administrative officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state board of health to be reported or any case suspicious of being one of such diseases, is guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

(4) Any person violating any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or administrative officer or state board of health, ((~~or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease,~~)) is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

**Sec.**  RCW 70.28.031 and 1996 c 209 s 2 and 1996 c 178 s 21 are each reenacted and amended to read as follows:

Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or suspected cases of tuberculosis in the infectious stages within his or her jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of inspection, examination, or treatment((~~, and quarantine or isolation~~)) of all persons known to be infected with tuberculosis in an infectious stage or persons who have been previously diagnosed as having tuberculosis and who are under medical orders for treatment or periodic follow-up examinations and is hereby directed:

((~~(a)~~)) (1) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to ((~~isolate and treat or isolate,~~)) treat((~~, and quarantine~~)) such persons, whenever deemed necessary for the protection of the public health.

((~~(b)~~)) (2) To make such examinations as deemed necessary of persons who have been previously diagnosed as having tuberculosis and who are under medical orders for periodic follow-up examinations.

((~~(c)~~)) (3) Follow local rules and regulations regarding examinations((~~,~~)) or treatment((~~, quarantine, or isolation~~)), and all rules, regulations, and orders of the state board and of the department in carrying out such examination((~~,~~)) or treatment((~~, quarantine, or isolation~~)).

((~~(d)~~)) (4) Whenever the health officer shall determine on reasonable grounds that an examination or treatment of any person is necessary for the preservation and protection of the public health, he or she shall make an examination order in writing, setting forth the name of the person to be examined, the time and place of the examination, the treatment, and such other terms and conditions as may be necessary to protect the public health. Nothing contained in this subdivision shall be construed to prevent any person whom the health officer determines should have an examination or treatment for infectious tuberculosis from having such an examination or treatment made by a physician of his or her own choice who is licensed to practice osteopathic medicine and surgery under chapter 18.57 RCW or medicine and surgery under chapter 18.71 RCW under such terms and conditions as the health officer shall determine on reasonable grounds to be necessary to protect the public health.

((~~(e)~~)) (5) Whenever the health officer shall determine that ((~~quarantine,~~)) treatment((~~, or isolation~~)) in a particular case is necessary for the preservation and protection of the public health, he or she shall make an order to that effect in writing, setting forth the name of the person, the period of time during which the order shall remain effective, the place of treatment((~~, isolation, or quarantine~~)), and such other terms and conditions as may be necessary to protect the public health.

((~~(f)~~)) (6) Upon the making of an examination((~~,~~)) or treatment((~~, isolation, or quarantine~~)) order as provided in this section, a copy of such order shall be served upon the person named in such order.

((~~(g)~~)) (7) Upon the receipt of information that any examination((~~,~~)) or treatment((~~, quarantine, or isolation~~)) order, made and served as herein provided, has been violated, the health officer shall advise the prosecuting attorney of the county in which such violation has occurred, in writing, and shall submit to such prosecuting attorney the information in his or her possession relating to the subject matter of such examination((~~,~~)) or treatment((~~, isolation, or quarantine~~)) order, and of such violation or violations thereof.

((~~(h)~~)) (8) Any and all orders authorized under this section shall be made by the health officer or his or her tuberculosis control officer.

((~~(i)~~)) (9) Nothing in this chapter shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to treat tuberculosis in accordance with the tenets and practice of any well-recognized church or religious denomination((~~, nor shall anything in this chapter be deemed to prohibit a person who is inflicted with tuberculosis from being isolated or quarantined in a private place of his own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation, and quarantine are complied with~~)).

**Sec.**  RCW 70.28.035 and 1996 c 209 s 5 are each amended to read as follows:

In addition to the proceedings set forth in RCW 70.28.031, where a local health officer has reasonable cause to believe that an individual has tuberculosis as defined in the rules and regulations of the state board of health, and the individual refuses to obey the order of the local health officer to appear for an initial examination or a follow-up examination or an order for treatment((~~, isolation, or quarantine~~)), the health officer may apply to the superior court for an order requiring the individual to comply with the order of the local health officer.

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