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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

Read first time 01/18/22. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to prohibiting the use of involuntary quarantine  
2 and isolation; amending RCW 43.20.050, 43.70.130, 43.70.210,  
3 70.05.050, 70.05.060, 70.05.120, and 70.28.035; and reenacting and  
4 amending RCW 70.28.031.

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

6 **Sec. 1.** RCW 43.20.050 and 2021 c 65 s 37 are each amended to  
7 read as follows:

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

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

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

20 (a) Adopt rules for group A public water systems, as defined in  
21 RCW 70A.125.010, necessary to assure safe and reliable public

1 drinking water and to protect the public health. Such rules shall  
2 establish requirements regarding:

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

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

8 (iii) Public water system management and reporting requirements;

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

11 (v) Public water system operation and maintenance requirements;

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

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

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

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

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

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

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

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

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

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

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

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

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

22       (1) The secretary of health shall:

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

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

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

35       (~~(4)~~) (d) Enforce the public health laws of the state and the  
36 rules and regulations promulgated by the department or the board of  
37 health in local matters, when in its opinion an emergency exists and  
38 the local board of health has failed to act with sufficient  
39 promptness or efficiency, or is unable for reasons beyond its control

1 to act, or when no local board has been established, and all expenses  
2 so incurred shall be paid upon demand of the secretary of the  
3 department of health by the local health department for which such  
4 services are rendered, out of moneys accruing to the credit of the  
5 municipality or the local health department in the current expense  
6 fund of the county;

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

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

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

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

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

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

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

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

10        **Sec. 3.** RCW 43.70.210 and 2009 c 549 s 5145 are each amended to  
11 read as follows:

12        Nothing in chapter 43.20 or 43.70 RCW, or RCW 43.70.120 shall be  
13 construed to abridge the right of any person to rely exclusively on  
14 spiritual means alone through prayer to alleviate human ailments,  
15 sickness or disease, in accordance with the tenets and practice of  
16 the Church of Christ, Scientist(~~(, nor shall anything in chapters~~  
17 ~~43.20, 43.70 RCW, or RCW 43.70.120 be deemed to prohibit a person so~~  
18 ~~relying who is inflicted with a contagious or communicable disease~~  
19 ~~from being isolated or quarantined in a private place of his or her~~  
20 ~~own choice, provided, it is approved by the local health officer, and~~  
21 ~~all laws, rules and regulations governing control, sanitation,~~  
22 ~~isolation and quarantine are complied with)).~~

23        **Sec. 4.** RCW 70.05.050 and 1996 c 178 s 19 are each amended to  
24 read as follows:

25        (1) The local health officer shall be an experienced physician  
26 licensed to practice medicine and surgery or osteopathic medicine and  
27 surgery in this state and who is qualified or provisionally qualified  
28 in accordance with the standards prescribed in RCW 70.05.051 through  
29 70.05.055 to hold the office of local health officer. No term of  
30 office shall be established for the local health officer but the  
31 local health officer shall not be removed until after notice is  
32 given, and an opportunity for a hearing before the board or official  
33 responsible for his or her appointment under this section as to the  
34 reason for his or her removal. The local health officer shall act as  
35 executive secretary to, and administrative officer for the local  
36 board of health and shall also be empowered to employ such technical  
37 and other personnel as approved by the local board of health except  
38 where the local board of health has appointed an administrative

1 officer under RCW 70.05.040. The local health officer shall be paid  
2 such salary and allowed such expenses as shall be determined by the  
3 local board of health. In home rule counties that are part of a  
4 health district under this chapter and chapter 70.46 RCW the local  
5 health officer and administrative officer shall be appointed by the  
6 local board of health.

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

12 **Sec. 5.** RCW 70.05.060 and 1991 c 3 s 308 are each amended to  
13 read as follows:

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

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

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

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

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

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

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

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

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

6       **Sec. 6.** RCW 70.05.120 and 2003 c 53 s 350 are each amended to  
7 read as follows:

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

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

33       (3) Any physician who shall refuse or neglect to report to the  
34 proper health officer or administrative officer within twelve hours  
35 after first attending any case of contagious or infectious disease or  
36 any diseases required by the state board of health to be reported or  
37 any case suspicious of being one of such diseases, is guilty of a  
38 misdemeanor, and upon conviction shall be fined not less than ten

1 dollars nor more than two hundred dollars for each case that is not  
2 reported.

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

18 **Sec. 7.** RCW 70.28.031 and 1996 c 209 s 2 and 1996 c 178 s 21 are  
19 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

1 treatment(~~(, isolation, or quarantine)~~) order, and of such violation  
2 or violations thereof.

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

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

16 **Sec. 8.** RCW 70.28.035 and 1996 c 209 s 5 are each amended to  
17 read as follows:

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

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