H-2660.1

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**HOUSE BILL 2396**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Mosbrucker, Davis, Couture, Rule, Barkis, Jacobsen, and Pollet

AN ACT Relating to fentanyl and other synthetic opioids; adding new sections to chapter 43.70 RCW; adding a new section to chapter 70.48 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The legislature finds that:

(a) Fentanyl is a synthetic opioid that is up to 50 times stronger than morphine and is a major contributor to fatal and nonfatal overdoses in the United States;

(b) There are two types of fentanyl: Pharmaceutical fentanyl and illegally made fentanyl;

(c) Fentanyl and other synthetic opioids are causing a public health crisis in Washington;

(d) Addiction, overdoses, and deaths caused by fentanyl and other synthetic opioids are on the rise, and health care and treatment systems are becoming overextended;

(e) The true extent of this public health epidemic is not known due to toxicology screenings, that are sensitive to fentanyl and other synthetic opioids, not being broadly used by hospitals;

(f) Increasing outreach programs warning individuals about the negative health effects of fentanyl misuse and abuse is necessary to help curb the public health crisis;

(g) The misuse and abuse of fentanyl and other synthetic opioids is also having negative ancillary health effects on individuals who are not using the substances, including individuals who unknowingly operate, or are passengers in, automobiles contaminated with the residue of fentanyl or other synthetic opioids; and

(h) More should be done to connect individuals who are arrested while intoxicated on fentanyl or other synthetic opioids with needed health care and treatment services.

(2) The legislature therefore intends to address this public health issue by:

(a) Creating a grant program to encourage hospitals to use toxicology screenings capable of detecting fentanyl and other synthetic opioids;

(b) Establishing a "Not Even Once" public outreach campaign to warn Washington citizens of the health dangers of misusing or abusing fentanyl and other synthetic opioids;

(c) Studying the health risks of, and mitigation strategies for, the residue of fentanyl or other synthetic opioids in automobiles; and

(d) Increasing the likelihood that individuals will seek necessary substance abuse disorder treatment by offering to connect them with treatment upon release from custody in jail.

(3) This act may be known and cited as Ivan's law.

NEW SECTION. **Sec.**  A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a grant program to encourage hospitals to use toxicology screenings capable of detecting fentanyl and other synthetic opioids. When awarding grants under this section, the department shall prioritize grants to hospitals not currently using toxicology screenings capable of detecting fentanyl and other synthetic opioids and hospitals designated as critical access hospitals.

(2) The department shall establish an application process and any other procedures necessary to administer the grant program. The department may adopt any rules necessary to implement this section.

(3) Beginning January 1, 2025, the department shall submit annual reports to the appropriate committees of the legislature on any grants awarded under this section in the preceding calendar year.

NEW SECTION. **Sec.**  A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall develop and operate a public outreach campaign to deliver public service announcements that explain and clarify certain risks related to the misuse of fentanyl and other synthetic opioids, including the risk of overdose, addiction, respiratory depression, or oversedation. When appropriate, the campaign must use the phrase "Not Even Once."

(2) The materials produced by the campaign in subsection (1) of this section must be localized and targeted towards identifiable communities as deemed necessary by the department for the purpose of improving the efficacy of communication. Any written materials must be presented in a manner easily understood by the public. The department may use a multimedia approach and create materials across different formats.

(3) The department may coordinate with the health care authority, the department of social and health services' division of behavioral health and recovery, the office of the superintendent of public instruction, and other agencies and departments deemed necessary by the department.

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs must study and report on the presence and associated dangers of fentanyl residue or other synthetic opioid residue in certain vehicles. The report must include a study and recommendations on:

(a) Whether and how often residue from fentanyl or other synthetic opioid use is present in vehicles described in subsection (2) of this section in concentration levels sufficiently high enough to cause harm to the health and well-being of any occupant of the vehicle;

(b) The feasibility of developing and implementing standardized protocols and procedures that would require law enforcement to test for the presence of fentanyl residue or other synthetic opioid residue in a vehicle described in subsection (2) of this section; and

(c) Potential options by which the cost of developing and implementing the protocols and procedures under (b) of this subsection may be defrayed.

(2) This section applies to the following:

(a) Stolen vehicles that have been found and recovered by law enforcement; and

(b) Vehicles seized by law enforcement that will be subject to a police auction.

(3) The Washington association of sheriffs and police chiefs may contract with a consultant to complete the study and report under this section.

(4) The Washington association of sheriffs and police chiefs shall report its findings and recommendations to the governor and the appropriate committees of the legislature by July 1, 2025.

(5) This section expires August 1, 2025.

NEW SECTION. **Sec.**  A new section is added to chapter 70.48 RCW to read as follows:

When a jail releases any individual from custody, it must provide the individual with information regarding the availability of substance use disorder treatment programs relating to addictions to fentanyl and other synthetic opioids, including assessment and services available under RCW 10.31.110 or another program or entity responsible for receiving referrals, such as the recovery navigator program established under RCW 71.24.115.

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