

**E2SSB 5536** - CONF REPT  
By Conference Committee

SENATE NOT CONSIDERED 05/16/2023

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Part I - Prohibiting Knowing Possession of a Controlled Substance,**  
4 **Counterfeit Substance, or Legend Drug**

5 **Sec. 1.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to  
6 read as follows:

7 (1) Except as authorized by this chapter, it is unlawful for any  
8 person to ~~((create, deliver, or possess a counterfeit substance))~~:

9 (a) Create or deliver a counterfeit substance;

10 (b) Knowingly possess a counterfeit substance; or

11 (c) Knowingly possess and use a counterfeit substance in a public  
12 place by injection, inhalation, ingestion, or any other means.

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

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

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

24 (c) Any other counterfeit substance classified in Schedule I, II,  
25 or III, is guilty of a class C felony punishable according to chapter  
26 9A.20 RCW;

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

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

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

4 (b) In lieu of jail booking and referral to the prosecutor, law  
5 enforcement is encouraged to offer a referral to assessment and  
6 services available under RCW 10.31.110 or other program or entity  
7 responsible for receiving referrals in lieu of legal system  
8 involvement, which may include, but are not limited to, arrest and  
9 jail alternative programs established under RCW 36.28A.450, law  
10 enforcement assisted diversion programs established under RCW  
11 71.24.589, and the recovery navigator program established under RCW  
12 71.24.115.

13 (4) For the purposes of this section, "public place" has the same  
14 meaning as defined in RCW 66.04.010, but the exclusions in RCW  
15 66.04.011 do not apply.

16 **Sec. 2.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to  
17 read as follows:

18 (1) ~~((~~††~~))~~ Except as otherwise authorized by this chapter, it is  
19 unlawful for any person to:

20 (a) Knowingly possess a controlled substance unless the substance  
21 was obtained directly from, or pursuant to, a valid prescription or  
22 order of a practitioner while acting in the course of his or her  
23 professional practice~~((, or except as otherwise authorized by this~~  
24 ~~chapter)); or~~

25 (b) Knowingly possess and use a controlled substance in a public  
26 place by injection, inhalation, ingestion, or any other means, unless  
27 the substance was obtained directly from, or pursuant to, a valid  
28 prescription or order of a practitioner while acting in the course of  
29 his or her professional practice.

30 (2) (a) Except as provided in RCW 69.50.4014 or 69.50.445, ((any  
31 person who violates this section is guilty of a class C felony  
32 punishable under chapter 9A.20 RCW)) a violation of subsection (1) (a)  
33 or (b) of this section is a gross misdemeanor. The prosecutor is  
34 encouraged to divert such cases for assessment, treatment, or other  
35 services.

36 (b) In lieu of jail booking and referral to the prosecutor, law  
37 enforcement is encouraged to offer a referral to assessment and  
38 services available under RCW 10.31.110 or other program or entity  
39 responsible for receiving referrals in lieu of legal system

1 involvement, which may include, but are not limited to, arrest and  
2 jail alternative programs established under RCW 36.28A.450, law  
3 enforcement assisted diversion programs established under RCW  
4 71.24.589, and the recovery navigator program established under RCW  
5 71.24.115.

6 (3) (a) The possession, by a person (~~(twenty-one)~~) 21 years of age  
7 or older, of useable cannabis, cannabis concentrates, or cannabis-  
8 infused products in amounts that do not exceed those set forth in RCW  
9 69.50.360(3) is not a violation of this section, this chapter, or any  
10 other provision of Washington state law.

11 (b) The possession of cannabis, useable cannabis, cannabis  
12 concentrates, and cannabis-infused products being physically  
13 transported or delivered within the state, in amounts not exceeding  
14 those that may be established under RCW 69.50.385(3), by a licensed  
15 employee of a common carrier when performing the duties authorized in  
16 accordance with RCW 69.50.382 and 69.50.385, is not a violation of  
17 this section, this chapter, or any other provision of Washington  
18 state law.

19 (4) (a) The delivery by a person (~~(twenty-one)~~) 21 years of age or  
20 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,  
21 during a single (~~(twenty-four)~~) 24 hour period, for noncommercial  
22 purposes and not conditioned upon or done in connection with the  
23 provision or receipt of financial consideration, of any of the  
24 following cannabis products, is not a violation of this section, this  
25 chapter, or any other provisions of Washington state law:

- 26 (i) One-half ounce of useable cannabis;
- 27 (ii) Eight ounces of cannabis-infused product in solid form;
- 28 (iii) (~~(Thirty-six)~~) 36 ounces of cannabis-infused product in  
29 liquid form; or
- 30 (iv) Three and one-half grams of cannabis concentrates.

31 (b) The act of delivering cannabis or a cannabis product as  
32 authorized under this subsection (4) must meet one of the following  
33 requirements:

- 34 (i) The delivery must be done in a location outside of the view  
35 of general public and in a nonpublic place; or
- 36 (ii) The cannabis or cannabis product must be in the original  
37 packaging as purchased from the cannabis retailer.

38 (5) No person under (~~(twenty-one)~~) 21 years of age may  
39 (~~(possess,)~~) manufacture, sell, (~~(or)~~) distribute, or knowingly  
40 possess cannabis, cannabis-infused products, or cannabis

1 concentrates, regardless of THC concentration. This does not include  
2 qualifying patients with a valid authorization.

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

8 (7) For the purposes of this section, "public place" has the same  
9 meaning as defined in RCW 66.04.010, but the exclusions in RCW  
10 66.04.011 do not apply.

11 **Sec. 3.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to  
12 read as follows:

13 (1) Except as provided in RCW 69.50.401(2)(c) or as otherwise  
14 authorized by this chapter, any person found guilty of knowing  
15 possession of (~~forty~~) 40 grams or less of cannabis is guilty of a  
16 misdemeanor. The prosecutor is encouraged to divert cases under this  
17 section for assessment, treatment, or other services.

18 (2) In lieu of jail booking and referral to the prosecutor, law  
19 enforcement is encouraged to offer a referral to assessment and  
20 services available under RCW 10.31.110 or other program or entity  
21 responsible for receiving referrals in lieu of legal system  
22 involvement, which may include, but are not limited to, arrest and  
23 jail alternative programs established under RCW 36.28A.450, law  
24 enforcement assisted diversion programs established under RCW  
25 71.24.589, and the recovery navigator program established under RCW  
26 71.24.115.

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

29 (1) It shall be unlawful for any person to sell(~~or~~) or deliver  
30 any legend drug, or knowingly possess any legend drug, or knowingly  
31 possess and use any legend drug in a public place by injection,  
32 inhalation, ingestion, or any other means, except upon the order or  
33 prescription of a physician under chapter 18.71 RCW, an osteopathic  
34 physician and surgeon under chapter 18.57 RCW, an optometrist  
35 licensed under chapter 18.53 RCW who is certified by the optometry  
36 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a  
37 podiatric physician and surgeon under chapter 18.22 RCW, a  
38 veterinarian under chapter 18.92 RCW, a commissioned medical or

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

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

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

1 (c) A violation of this section involving knowing possession and  
2 use in a public place is a misdemeanor. The prosecutor is encouraged  
3 to divert such cases for assessment, treatment, or other services.

4 (d) In lieu of jail booking and referral to the prosecutor for a  
5 violation of this section involving knowing possession, or knowing  
6 possession and use in a public place, law enforcement is encouraged  
7 to offer a referral to assessment and services available under RCW  
8 10.31.110 or other program or entity responsible for receiving  
9 referrals in lieu of legal system involvement, which may include, but  
10 are not limited to, arrest and jail alternative programs established  
11 under RCW 36.28A.450, law enforcement assisted diversion programs  
12 established under RCW 71.24.589, and the recovery navigator program  
13 established under RCW 71.24.115.

14 (3) For the purposes of this section, "public place" has the same  
15 meaning as defined in RCW 66.04.010, but the exclusions in RCW  
16 66.04.011 do not apply.

17 **Sec. 5.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to  
18 read as follows:

19 If, upon the sworn complaint of any person, it shall be made to  
20 appear to any judge of the superior court, district court, or  
21 municipal court that there is probable cause to believe that any  
22 controlled substance is being used, manufactured, sold, bartered,  
23 exchanged, administered, dispensed, delivered, distributed, produced,  
24 knowingly possessed, given away, furnished or otherwise disposed of  
25 or kept in violation of the provisions of this chapter, such judge  
26 shall, with or without the approval of the prosecuting attorney,  
27 issue a warrant directed to any law enforcement officer of the state,  
28 commanding him or her to search the premises designated and described  
29 in such complaint and warrant, and to seize all controlled substances  
30 there found, together with the vessels in which they are contained,  
31 and all implements, furniture and fixtures used or kept for the  
32 illegal manufacture, sale, barter, exchange, administering,  
33 dispensing, delivering, distributing, producing, possessing, giving  
34 away, furnishing or otherwise disposing of such controlled  
35 substances, and to safely keep the same, and to make a return of said  
36 warrant within three days, showing all acts and things done  
37 thereunder, with a particular statement of all articles seized and  
38 the name of the person or persons in whose possession the same were  
39 found, if any, and if no person be found in the possession of said

1 articles, the returns shall so state. The provisions of RCW 10.31.030  
2 as now or hereafter amended shall apply to actions taken pursuant to  
3 this chapter.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.43  
5 RCW to read as follows:

6 Subject to the availability of funds appropriated for this  
7 specific purpose, the Washington state patrol bureau of forensic  
8 laboratory services shall aim to complete the necessary analysis for  
9 any evidence submitted for a suspected violation of RCW 69.50.4011(1)  
10 (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) within  
11 45 days of receipt of the request for analysis.

12 The Washington state patrol bureau of forensic laboratory  
13 services' failure to comply with this section shall not constitute  
14 grounds for dismissal of a criminal charge.

15 **Part II - Relating to Drug Paraphernalia**

16 **Sec. 7.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to  
17 read as follows:

18 (1) Every person who sells (~~or gives,~~) or permits to be sold  
19 (~~or given~~) to any person any drug paraphernalia in any form commits  
20 a class I civil infraction under chapter 7.80 RCW. For purposes of  
21 this subsection, "drug paraphernalia" means all equipment, products,  
22 and materials of any kind which are used, intended for use, or  
23 designed for use in planting, propagating, cultivating, growing,  
24 harvesting, manufacturing, compounding, converting, producing,  
25 processing, preparing, (~~testing, analyzing,~~) packaging,  
26 repackaging, storing, containing, concealing, injecting, ingesting,  
27 inhaling, or otherwise introducing into the human body a controlled  
28 substance other than cannabis. Drug paraphernalia includes, but is  
29 not limited to objects used, intended for use, or designed for use in  
30 ingesting, inhaling, or otherwise introducing cocaine into the human  
31 body, such as:

32 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic  
33 pipes with or without screens, permanent screens, hashish heads, or  
34 punctured metal bowls;

35 (b) Water pipes;

36 (c) Carburetion tubes and devices;

37 (d) Smoking and carburetion masks;

- 1 (e) Miniature cocaine spoons and cocaine vials;
- 2 (f) Chamber pipes;
- 3 (g) Carburetor pipes;
- 4 (h) Electric pipes;
- 5 (i) Air-driven pipes; and
- 6 (j) Ice pipes or chillers.

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

10 (3) Nothing in subsection (1) of this section prohibits (~~legal~~)  
11 distribution (~~of injection~~) or use of public health supplies  
12 including, but not limited to, syringe equipment, smoking equipment,  
13 or drug testing equipment, through public health (and) programs,  
14 community-based HIV prevention programs, outreach, shelter, and  
15 housing programs, and pharmacies. Public health and syringe service  
16 program staff taking samples of substances and using drug testing  
17 equipment for the purpose of analyzing the composition of the  
18 substances or detecting the presence of certain substances are acting  
19 legally and are exempt from arrest and prosecution under RCW  
20 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b)  
21 or (c).

22 NEW SECTION. Sec. 8. A new section is added to chapter 69.50  
23 RCW to read as follows:

24 (1) The state of Washington hereby fully occupies and preempts  
25 the entire field of drug paraphernalia regulation within the  
26 boundaries of the state including regulation of the use, selling,  
27 giving, delivery, and possession of drug paraphernalia, except as  
28 provided in subsection (2) of this section. Cities, towns, and  
29 counties or other municipalities may enact only those laws and  
30 ordinances relating to drug paraphernalia that are specifically  
31 authorized by state law and are consistent with this chapter. Such  
32 local ordinances must have the same penalty as provided for by state  
33 law. Local laws and ordinances that are inconsistent with, more  
34 restrictive than, or exceed the requirements of state law may not be  
35 enacted and are preempted and repealed, regardless of the nature of  
36 the code, charter, or home rule status of such city, town, county, or  
37 municipality.

38 (2) Nothing in this chapter shall be construed to prohibit  
39 cities, towns, and counties, or other municipalities, from enacting



1 laws or ordinances relating to public hearing or notice requirements  
2 for the establishment of a public health program, community-based HIV  
3 prevention program, or outreach, shelter, and housing program  
4 facilities or the operation of such program facilities, provided that  
5 such laws or ordinances are otherwise consistent with all applicable  
6 state law and consistent with or approved by local public health  
7 policies.

8 **Part III - Providing Opportunities for Pretrial Diversion Pursuant to**  
9 **RCW 71.24.115, 36.28A.450, and 71.24.589 and Vacating Convictions**

10 NEW SECTION. **Sec. 9.** A new section is added to chapter 69.50  
11 RCW to read as follows:

12 (1) Nothing in this section prevents the defendant, with the  
13 consent of the prosecuting attorney as required by RCW 2.30.030, from  
14 seeking to resolve charges under RCW 69.50.4011(1) (b) or (c),  
15 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) through available  
16 therapeutic courts or other alternatives to prosecution including,  
17 but not limited to, a stipulated order of continuance or deferred  
18 prosecution. Nothing in this section prevents the defendant or the  
19 prosecuting attorney from seeking or agreeing to, or the court from  
20 ordering, any other resolution of charges or terms of supervision  
21 that suit the circumstances of the defendant's situation and advance  
22 stabilization, recovery, crime reduction, and justice.

23 (2) In any jurisdiction with a recovery navigator program  
24 established under RCW 71.24.115, an arrest and jail alternative  
25 program established under RCW 36.28A.450, or a law enforcement  
26 assisted diversion program established under RCW 71.24.589, any  
27 defendant charged with a violation of RCW 69.50.4011(1) (b) or (c),  
28 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) may make a motion  
29 to participate in pretrial diversion and agree to waive his or her  
30 right to a speedy trial if the motion is granted, subject to the  
31 following:

32 (a) In any case where the defendant is only charged with a  
33 violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or  
34 69.41.030(2) (b) or (c), and the defendant has not been convicted of  
35 any offenses committed after the effective date of this section, the  
36 court shall grant the motion, continue the hearing, and refer the  
37 defendant to a recovery navigator program established under RCW  
38 71.24.115, an arrest and jail alternative program established under

1 RCW 36.28A.450, or a law enforcement assisted diversion program  
2 established under RCW 71.24.589.

3 (b) In any case where the defendant does not meet the criteria  
4 described in (a) of this subsection, the court may grant the motion,  
5 continue the hearing, and refer the defendant to a recovery navigator  
6 program established under RCW 71.24.115, an arrest and jail  
7 alternative program established under RCW 36.28A.450, or a law  
8 enforcement assisted diversion program established under RCW  
9 71.24.589.

10 (c) The prosecuting attorney is strongly encouraged to agree to  
11 pretrial diversion options in any case where the defendant is only  
12 charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013,  
13 69.50.4014, or 69.41.030(2) (b) or (c).

14 (3) Prior to granting the defendant's motion to participate in  
15 pretrial diversion under this section, the court shall provide the  
16 defendant and the defendant's counsel with the following information:

17 (a) A full description of the procedures for pretrial diversion;

18 (b) A general explanation of the roles and authority of the  
19 probation department, the prosecuting attorney, the recovery  
20 navigator program under RCW 71.24.115, arrest and jail alternative  
21 program under RCW 36.28A.450, or law enforcement assisted diversion  
22 program under RCW 71.24.589, and the court in the process;

23 (c) A clear statement that the court may grant pretrial diversion  
24 with respect to any offense under RCW 69.50.4011(1) (b) or (c),  
25 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) that is charged,  
26 provided that the defendant pleads not guilty to the charge or  
27 charges and waives his or her right to a speedy trial, and that upon  
28 the defendant's successful completion of pretrial diversion, as  
29 specified in subsection (11) of this section, and motion of the  
30 defendant, prosecuting attorney, court, or probation department, the  
31 court must dismiss the charge or charges against the defendant;

32 (d) A clear statement that if the defendant has not made  
33 substantial progress with treatment or services provided that are  
34 appropriate to the defendant's circumstances or, if applicable,  
35 community service, the prosecuting attorney may make a motion to  
36 terminate pretrial diversion and schedule further proceedings as  
37 otherwise provided in this section;

38 (e) An explanation of criminal record retention and disposition  
39 resulting from participation in pretrial diversion and the

1 defendant's rights relative to answering questions about his or her  
2 arrest and pretrial diversion following successful completion; and

3 (f) A clear statement that under federal law it is unlawful for  
4 any person who is an unlawful user of or addicted to any controlled  
5 substance to ship or transport in interstate or foreign commerce, or  
6 possess in or affecting commerce, any firearm or ammunition, or to  
7 receive any firearm or ammunition which has been shipped or  
8 transported in interstate or foreign commerce.

9 (4) If the court grants the defendant's motion to participate in  
10 pretrial diversion under this section, the recovery navigator program  
11 established under RCW 71.24.115, the arrest and jail alternative  
12 program established under RCW 36.28A.450, or the law enforcement  
13 assisted diversion program established under RCW 71.24.589, shall  
14 provide the court written confirmation of completion of the  
15 assessment and a statement indicating the defendant's enrollment or  
16 referral to any specific service or program. The confirmation and  
17 statement of the recovery navigator program established under RCW  
18 71.24.115, the arrest and jail alternative program established under  
19 RCW 36.28A.450, or the law enforcement assisted diversion program  
20 established under RCW 71.24.589 shall be filed under seal with the  
21 court, and a copy shall be given to the prosecuting attorney,  
22 defendant, and defendant's counsel. The confirmation and statement  
23 are confidential and exempt from disclosure under chapter 42.56 RCW.  
24 The court shall endeavor to avoid public discussion of the  
25 circumstances, history, or diagnoses that could stigmatize the  
26 defendant.

27 (5) Subject to the availability of funds appropriated for this  
28 specific purpose, the assessment and recommended treatment or  
29 services must be provided at no cost for defendants who have been  
30 found to be indigent by the court.

31 (6) If the assessment conducted by the recovery navigator program  
32 established under RCW 71.24.115, the arrest and jail alternative  
33 program established under RCW 36.28A.450, or the law enforcement  
34 assisted diversion program established under RCW 71.24.589 includes a  
35 referral to any treatment or services, the recovery navigator program  
36 established under RCW 71.24.115, the arrest and jail alternative  
37 program established under RCW 36.28A.450, the law enforcement  
38 assisted diversion program established under RCW 71.24.589, or  
39 service provider shall provide the court with regular written status  
40 updates on the defendant's progress on a schedule acceptable to the

1 court. The updates must be provided at least monthly and be filed  
2 under seal with the court, with copies given to the prosecuting  
3 attorney, defendant, and defendant's counsel. The updates and their  
4 copies are confidential and exempt from disclosure under chapter  
5 42.56 RCW. The court shall endeavor to avoid public discussion of the  
6 circumstances, history, or diagnoses that could stigmatize the  
7 defendant.

8 (7) If the assessment conducted by the recovery navigator program  
9 established under RCW 71.24.115, the arrest and jail alternative  
10 program established under RCW 36.28A.450, or the law enforcement  
11 assisted diversion program established under RCW 71.24.589 does not  
12 recommend any treatment or services, the defendant must instead  
13 complete an amount of community service as determined by the court,  
14 but not to exceed 120 hours of community service, in order to  
15 complete pretrial diversion.

16 (8) Admissions made by the individual in the course of receiving  
17 services from the recovery navigator program established under RCW  
18 71.24.115, the arrest and jail alternative program established under  
19 RCW 36.28A.450, or the law enforcement assisted diversion program  
20 established under RCW 71.24.589 may not be used against the  
21 individual in the prosecution's case in chief.

22 (9) A defendant's participation in pretrial diversion under this  
23 section does not constitute a conviction, a stipulation to facts, or  
24 an admission of guilt for any purpose.

25 (10) If it appears to the prosecuting attorney that the defendant  
26 is not substantially complying with the recommended treatment or  
27 services as reflected by a written status update, the prosecuting  
28 attorney may make a motion for termination from pretrial diversion.

29 (a) After notice to the defendant, the court must hold a hearing  
30 to determine whether pretrial diversion shall be terminated.

31 (b) Before the hearing, the defendant and the defendant's counsel  
32 shall be advised of the nature of the alleged noncompliance and  
33 provided discovery of evidence supporting the allegation, including  
34 names and contact information of witnesses.

35 (c) At the hearing, the court must consider the following  
36 factors:

37 (i) The nature of the alleged noncompliance; and

38 (ii) Any other mitigating circumstances, including, but not  
39 limited to, the defendant's efforts and due diligence, the

1 availability of services in the geographic area, and the treatment  
2 and services offered to the defendant.

3 (d) If the court finds the defendant is not substantially  
4 complying with the recommended treatment or services and thereafter  
5 terminates pretrial diversion, it shall state the grounds for its  
6 decision succinctly in the record and provide the prosecuting  
7 attorney, the defendant, and the defendant's counsel with a written  
8 order.

9 (11) If the defendant successfully completes pretrial diversion,  
10 including in one of the following ways, the charge or charges under  
11 RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2)  
12 (b) or (c) must be dismissed:

13 (a) If the assessment prepared by the recovery navigator program,  
14 arrest and jail alternative program, or law enforcement assisted  
15 diversion program included a recommendation for treatment or  
16 services, the defendant successfully completes pretrial diversion  
17 either by having 12 months of substantial compliance with the  
18 assessment and recommended treatment or services and progress toward  
19 recovery goals as reflected by the written status updates or by  
20 successfully completing the recommended treatment or services,  
21 whichever occurs first; or

22 (b) If the assessment prepared by the recovery navigator program,  
23 arrest and jail alternative program, or law enforcement assisted  
24 diversion program did not include a recommendation for treatment or  
25 services, the defendant successfully completes pretrial diversion by  
26 completing the community service described in subsection (7) of this  
27 section and submitting proof of completion to the court.

28 (12) Beginning January 1, 2025, the recovery navigator programs  
29 established under RCW 71.24.115, arrest and jail alternative programs  
30 established under RCW 36.28A.450, and law enforcement assisted  
31 diversion programs established under RCW 71.24.589 shall input data  
32 and information in the data integration platform under section 22 of  
33 this act for each case where the defendant participates in pretrial  
34 diversion under this section, including but not limited to the  
35 following:

36 (a) Whether the pretrial diversion was terminated or was  
37 successfully completed and resulted in a dismissal;

38 (b) The race, ethnicity, gender, gender expression or identity,  
39 disability status, and age of the defendant; and

1 (c) Any other appropriate data and information as determined by  
2 the health care authority.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 69.50  
4 RCW to read as follows:

5 When sentencing an individual for a violation of RCW  
6 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b)  
7 or (c), the court is encouraged to utilize any other resolution of  
8 the charges or terms of supervision that suit the circumstances of  
9 the defendant's situation and advance stabilization, recovery, crime  
10 reduction, and justice.

11 **Sec. 11.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read  
12 as follows:

13 (1) When vacating a conviction under this section, the court  
14 effectuates the vacation by: (a)(i) Permitting the applicant to  
15 withdraw the applicant's plea of guilty and to enter a plea of not  
16 guilty; or (ii) if the applicant has been convicted after a plea of  
17 not guilty, the court setting aside the verdict of guilty; and (b)  
18 the court dismissing the information, indictment, complaint, or  
19 citation against the applicant and vacating the judgment and  
20 sentence.

21 (2) Every person convicted of a misdemeanor or gross misdemeanor  
22 offense may apply to the sentencing court for a vacation of the  
23 applicant's record of conviction for the offense. If the court finds  
24 the applicant meets the requirements of this subsection, the court  
25 may in its discretion vacate the record of conviction. Except as  
26 provided in subsections (3), (4), ~~((and))~~ (5), and (6) of this  
27 section, an applicant may not have the record of conviction for a  
28 misdemeanor or gross misdemeanor offense vacated if any one of the  
29 following is present:

30 (a) The applicant has not completed all of the terms of the  
31 sentence for the offense;

32 (b) There are any criminal charges against the applicant pending  
33 in any court of this state or another state, or in any federal or  
34 tribal court, at the time of application;

35 (c) The offense was a violent offense as defined in RCW 9.94A.030  
36 or an attempt to commit a violent offense;

37 (d) The offense was a violation of RCW 46.61.502 (driving while  
38 under the influence), 46.61.504 (actual physical control while under

1 the influence), 9.91.020 (operating a railroad, etc. while  
2 intoxicated), or the offense is considered a "prior offense" under  
3 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug  
4 violation within ten years of the date of arrest for the prior  
5 offense or less than ten years has elapsed since the date of the  
6 arrest for the prior offense;

7 (e) The offense was any misdemeanor or gross misdemeanor  
8 violation, including attempt, of chapter 9.68 RCW (obscenity and  
9 pornography), chapter 9.68A RCW (sexual exploitation of children), or  
10 chapter 9A.44 RCW (sex offenses), except for failure to register as a  
11 sex offender under RCW 9A.44.132;

12 (f) The applicant was convicted of a misdemeanor or gross  
13 misdemeanor offense as defined in RCW 10.99.020, or the court  
14 determines after a review of the court file that the offense was  
15 committed by one family or household member against another or by one  
16 intimate partner against another, or the court, after considering the  
17 damage to person or property that resulted in the conviction, any  
18 prior convictions for crimes defined in RCW 10.99.020, or for  
19 comparable offenses in another state or in federal court, and the  
20 totality of the records under review by the court regarding the  
21 conviction being considered for vacation, determines that the offense  
22 involved domestic violence, and any one of the following factors  
23 exist:

24 (i) The applicant has not provided written notification of the  
25 vacation petition to the prosecuting attorney's office that  
26 prosecuted the offense for which vacation is sought, or has not  
27 provided that notification to the court;

28 (ii) The applicant has two or more domestic violence convictions  
29 stemming from different incidents. For purposes of this subsection,  
30 however, if the current application is for more than one conviction  
31 that arose out of a single incident, none of those convictions counts  
32 as a previous conviction;

33 (iii) The applicant has signed an affidavit under penalty of  
34 perjury affirming that the applicant has not previously had a  
35 conviction for a domestic violence offense, and a criminal history  
36 check reveals that the applicant has had such a conviction; or

37 (iv) Less than five years have elapsed since the person completed  
38 the terms of the original conditions of the sentence, including any  
39 financial obligations and successful completion of any treatment  
40 ordered as a condition of sentencing;

1 (g) For any offense other than those described in (f) of this  
2 subsection, less than three years have passed since the person  
3 completed the terms of the sentence, including any financial  
4 obligations;

5 (h) The offender has been convicted of a new crime in this state,  
6 another state, or federal or tribal court in the three years prior to  
7 the vacation application; or

8 (i) The applicant is currently restrained by a domestic violence  
9 protection order, a no-contact order, an antiharassment order, or a  
10 civil restraining order which restrains one party from contacting the  
11 other party or was previously restrained by such an order and was  
12 found to have committed one or more violations of the order in the  
13 five years prior to the vacation application.

14 (3) If the applicant is a victim of sex trafficking,  
15 prostitution, or commercial sexual abuse of a minor; sexual assault;  
16 or domestic violence as defined in RCW 9.94A.030, or the prosecutor  
17 applies on behalf of the state, the sentencing court may vacate the  
18 record of conviction if the application satisfies the requirements of  
19 RCW 9.96.080. When preparing or filing the petition, the prosecutor  
20 is not deemed to be providing legal advice or legal assistance on  
21 behalf of the victim, but is fulfilling an administrative function on  
22 behalf of the state in order to further their responsibility to seek  
23 to reform and improve the administration of criminal justice. A  
24 record of conviction vacated using the process in RCW 9.96.080 is  
25 subject to subsections (~~((6) and~~) (7) and (8) of this section.

26 (4) Every person convicted prior to January 1, 1975, of violating  
27 any statute or rule regarding the regulation of fishing activities,  
28 including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070,  
29 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240  
30 who claimed to be exercising a treaty Indian fishing right, may apply  
31 to the sentencing court for vacation of the applicant's record of the  
32 misdemeanor, gross misdemeanor, or felony conviction for the offense.  
33 If the person is deceased, a member of the person's family or an  
34 official representative of the tribe of which the person was a member  
35 may apply to the court on behalf of the deceased person.  
36 Notwithstanding the requirements of RCW 9.94A.640, the court shall  
37 vacate the record of conviction if:

38 (a) The applicant is a member of a tribe that may exercise treaty  
39 Indian fishing rights at the location where the offense occurred; and



1 (b) The state has been enjoined from taking enforcement action of  
2 the statute or rule to the extent that it interferes with a treaty  
3 Indian fishing right as determined under *United States v. Washington*,  
4 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.  
5 899 (D. Oregon 1969), and any posttrial orders of those courts, or  
6 any other state supreme court or federal court decision.

7 (5) Every person convicted of a misdemeanor cannabis offense, who  
8 was (~~twenty-one~~) 21 years of age or older at the time of the  
9 offense, may apply to the sentencing court for a vacation of the  
10 applicant's record of conviction for the offense. A misdemeanor  
11 cannabis offense includes, but is not limited to: Any offense under  
12 RCW 69.50.4014, from July 1, 2004, onward, and its predecessor  
13 statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1,  
14 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and  
15 any offense under an equivalent municipal ordinance. If an applicant  
16 qualifies under this subsection, the court shall vacate the record of  
17 conviction.

18 (6) If a person convicted of violating RCW 69.50.4011(1) (b) or  
19 (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) completes a  
20 substance use disorder program and files proof of completion with the  
21 court, or obtains an assessment from a recovery navigator program  
22 established under RCW 71.24.115, an arrest and jail alternative  
23 program established under RCW 36.28A.450, or a law enforcement  
24 assisted diversion program established under RCW 71.24.589, and has  
25 six months of substantial compliance with recommended treatment or  
26 services and progress toward recovery goals as reflected by a written  
27 status update, upon verification the court must vacate the conviction  
28 or convictions.

29 (7) A person who is a family member of a homicide victim may  
30 apply to the sentencing court on the behalf of the victim for  
31 vacation of the victim's record of conviction for prostitution under  
32 RCW 9A.88.030. If an applicant qualifies under this subsection, the  
33 court shall vacate the victim's record of conviction.

34 (~~(7)~~) (8)(a) Except as provided in (c) of this subsection, once  
35 the court vacates a record of conviction under this section, the  
36 person shall be released from all penalties and disabilities  
37 resulting from the offense and the fact that the person has been  
38 convicted of the offense shall not be included in the person's  
39 criminal history for purposes of determining a sentence in any  
40 subsequent conviction. For all purposes, including responding to

1 questions on employment or housing applications, a person whose  
2 conviction has been vacated under this section may state that he or  
3 she has never been convicted of that crime. However, nothing in this  
4 section affects the requirements for restoring a right to possess a  
5 firearm under RCW 9.41.040. Except as provided in (b) of this  
6 subsection, nothing in this section affects or prevents the use of an  
7 offender's prior conviction in a later criminal prosecution.

8 (b) When a court vacates a record of domestic violence as defined  
9 in RCW 10.99.020 under this section, the state may not use the  
10 vacated conviction in a later criminal prosecution unless the  
11 conviction was for: (i) Violating the provisions of a restraining  
12 order, no-contact order, or protection order restraining or enjoining  
13 the person or restraining the person from going on to the grounds of  
14 or entering a residence, workplace, school, or day care, or  
15 prohibiting the person from knowingly coming within, or knowingly  
16 remaining within, a specified distance of a location, a protected  
17 party's person, or a protected party's vehicle (RCW 10.99.040,  
18 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070,  
19 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and  
20 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic  
21 violence protection order or vulnerable adult protection order  
22 entered under chapter 7.105 RCW. A vacated conviction under this  
23 section is not considered a conviction of such an offense for the  
24 purposes of 27 C.F.R. 478.11.

25 (c) A conviction vacated on or after July 28, 2019, qualifies as  
26 a prior conviction for the purpose of charging a present recidivist  
27 offense as defined in RCW 9.94A.030 occurring on or after July 28,  
28 2019.

29 ~~((8))~~ (9) The clerk of the court in which the vacation order is  
30 entered shall immediately transmit the order vacating the conviction  
31 to the Washington state patrol identification section and to the  
32 local police agency, if any, which holds criminal history information  
33 for the person who is the subject of the conviction. The Washington  
34 state patrol and any such local police agency shall immediately  
35 update their records to reflect the vacation of the conviction, and  
36 shall transmit the order vacating the conviction to the federal  
37 bureau of investigation. A conviction that has been vacated under  
38 this section may not be disseminated or disclosed by the state patrol  
39 or local law enforcement agency to any person, except other criminal  
40 justice enforcement agencies.

1       (~~(9)~~) (10) For the purposes of this section, "cannabis" has the  
2 meaning provided in RCW 69.50.101.

3                   **Part IV - Opioid Treatment Rural Access and Expansion**

4       **Sec. 12.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to  
5 read as follows:

6       (1)(a) The comprehensive plan of each county and city that is  
7 planning under RCW 36.70A.040 shall include a process for identifying  
8 and siting essential public facilities. Essential public facilities  
9 include those facilities that are typically difficult to site, such  
10 as airports, state education facilities and state or regional  
11 transportation facilities as defined in RCW 47.06.140, regional  
12 transit authority facilities as defined in RCW 81.112.020, state and  
13 local correctional facilities, solid waste handling facilities,  
14 opioid treatment programs including both mobile and fixed-site  
15 medication units, recovery residences, harm reduction programs  
16 excluding safe injection sites, and inpatient facilities including  
17 substance (~~abuse~~) use disorder treatment facilities, mental health  
18 facilities, group homes, community facilities as defined in RCW  
19 72.05.020, and secure community transition facilities as defined in  
20 RCW 71.09.020.

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

30       (c) The department of children, youth, and families may not  
31 attempt to site new community facilities as defined in RCW 72.05.020  
32 east of the crest of the Cascade mountain range unless there is an  
33 equal or greater number of sited community facilities as defined in  
34 RCW 72.05.020 on the western side of the crest of the Cascade  
35 mountain range.

36       (d) For the purpose of this section, "harm reduction programs"  
37 means programs that emphasize working directly with people who use  
38 drugs to prevent overdose and infectious disease transmission,

1 improve the physical, mental, and social well-being of those served,  
2 and offer low threshold options for accessing substance use disorder  
3 treatment and other services.

4 (2) Each county and city planning under RCW 36.70A.040 shall, not  
5 later than September 1, 2002, establish a process, or amend its  
6 existing process, for identifying and siting essential public  
7 facilities and adopt or amend its development regulations as  
8 necessary to provide for the siting of secure community transition  
9 facilities consistent with statutory requirements applicable to these  
10 facilities.

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

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

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

23 (6) No person may bring a cause of action for civil damages based  
24 on the good faith actions of any county or city to provide for the  
25 siting of secure community transition facilities in accordance with  
26 this section and with the requirements of chapter 12, Laws of 2001  
27 2nd sp. sess. For purposes of this subsection, "person" includes, but  
28 is not limited to, any individual, agency as defined in RCW  
29 42.17A.005, corporation, partnership, association, and limited  
30 liability entity.

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

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

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

37 (b) A consideration for grants or loans provided under RCW  
38 43.17.250(3); or

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

1       **Sec. 13.** RCW 71.24.589 and 2019 c 314 s 29 are each amended to  
2 read as follows:

3       (1) Subject to funds appropriated by the legislature, the  
4 authority shall ~~((implement a pilot project))~~ administer a grant  
5 program for law enforcement assisted diversion which shall adhere to  
6 law enforcement assisted diversion core principles recognized by the  
7 law enforcement assisted diversion national support bureau, the  
8 efficacy of which have been demonstrated in peer-reviewed research  
9 studies.

10       (2) ~~((Under the pilot project, the))~~ The authority must partner  
11 with the law enforcement assisted diversion national support bureau  
12 to award ~~((a contract))~~ contracts, subject to appropriation, for  
13 ~~((two or more geographic areas))~~ jurisdictions in the state of  
14 Washington for law enforcement assisted diversion. Cities, counties,  
15 and tribes ~~((may compete for participation in a pilot project))~~,  
16 subdivisions thereof, public development authorities, and community-  
17 based organizations demonstrating support from necessary public  
18 partners, may serve as the lead agency applying for funding. Funds  
19 may be used to scale existing projects, and to invite additional  
20 jurisdictions to launch law enforcement assisted diversion programs.

21       (3) The ~~((pilot projects))~~ program must provide for securing  
22 comprehensive technical assistance from law enforcement assisted  
23 diversion implementation experts to develop and implement a law  
24 enforcement assisted diversion program ~~((in the pilot project's~~  
25 ~~geographic areas))~~ in a way that ensures fidelity to the research-  
26 based law enforcement assisted diversion model. Sufficient funds must  
27 be allocated from grant program funds to secure technical assistance  
28 for the authority and for the implementing jurisdictions.

29       (4) The key elements of a law enforcement assisted diversion  
30 ~~((pilot project))~~ program must include:

31       (a) Long-term case management for individuals with substance use  
32 disorders;

33       (b) Facilitation and coordination with community resources  
34 focusing on overdose prevention;

35       (c) Facilitation and coordination with community resources  
36 focused on the prevention of infectious disease transmission;

37       (d) Facilitation and coordination with community resources  
38 providing physical and behavioral health services;

39       (e) Facilitation and coordination with community resources  
40 providing medications for the treatment of substance use disorders;

1 (f) Facilitation and coordination with community resources  
2 focusing on housing, employment, and public assistance;

3 (g) (~~Twenty-four~~) 24 hours per day and seven days per week  
4 response to law enforcement for arrest diversions; and

5 (h) Prosecutorial support for diversion services.

6 (5) No civil liability may be imposed by any court on the state  
7 or its officers or employees, an appointed or elected official,  
8 public employee, public agency as defined in RCW 4.24.470,  
9 combination of units of government and its employees as provided in  
10 RCW 36.28A.010, nonprofit community-based organization, tribal  
11 government entity, tribal organization, or urban Indian organization,  
12 based on the administration of a law enforcement assisted diversion  
13 program or activities carried out within the purview of a grant  
14 received under this program except upon proof of bad faith or gross  
15 negligence.

16 **Sec. 14.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to  
17 read as follows:

18 (1) When making a decision on an application for licensing or  
19 certification of ((a)) an opioid treatment program, the department  
20 shall:

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

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

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

36 (d) Consider the size of the population in need of treatment in  
37 the area in which the program would be located and license or certify  
38 only applicants whose programs meet the necessary treatment needs of  
39 that population;

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

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

8 (g) Consider whether the applicant has, or has demonstrated in  
9 the past, the capability to provide the appropriate services to  
10 assist the persons who utilize the program in meeting goals  
11 established by the legislature in RCW 71.24.585. The department shall  
12 prioritize licensing or certification to applicants who have  
13 demonstrated such capability and are able to measure their success in  
14 meeting such outcomes ((~~r~~

15 ~~(h) Hold one public hearing in the community in which the~~  
16 ~~facility is proposed to be located. The hearing shall be held at a~~  
17 ~~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~~  
21 ~~hearing)).~~

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

26 (3) A program applying for licensing or certification from the  
27 department and a program applying for a contract from a state agency  
28 that has been denied the licensing or certification or contract shall  
29 be provided with a written notice specifying the rationale and  
30 reasons for the denial.

31 (4) Opioid treatment programs may order, possess, dispense, and  
32 administer medications approved by the United States food and drug  
33 administration for the treatment of opioid use disorder, alcohol use  
34 disorder, tobacco use disorder, and reversal of opioid overdose. For  
35 an opioid treatment program to order, possess, and dispense any other  
36 legend drug, including controlled substances, the opioid treatment  
37 program must obtain additional licensure as required by the  
38 department, except for patient-owned medications.

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

1 (6) Registered nurses and licensed practical nurses may dispense  
2 up to a (~~thirty-one~~) 31 day supply of medications approved by the  
3 United States food and drug administration for the treatment of  
4 opioid use disorder to patients of the opioid treatment program,  
5 under an order or prescription and in compliance with 42 C.F.R. Sec.  
6 8.12.

7 (7) A mobile or fixed-site medication unit may be established as  
8 part of a licensed opioid treatment program.

9 (8) For the purpose of this chapter, "opioid treatment program"  
10 means a program that:

11 (a) Engages in the treatment of opioid use disorder with  
12 medications approved by the United States food and drug  
13 administration for the treatment of opioid use disorder and reversal  
14 of opioid overdose, including methadone; and

15 (b) Provides a comprehensive range of medical and rehabilitative  
16 services.

17 NEW SECTION. Sec. 15. A new section is added to chapter 43.330  
18 RCW to read as follows:

19 (1) Subject to funds appropriated for this specific purpose, a  
20 program is established in the department to fund the construction  
21 costs necessary to start up substance use disorder treatment and  
22 services programs and recovery housing in regions of the state that  
23 currently lack access to such programs.

24 (2) This funding must be used to increase the number of substance  
25 use disorder treatment and services programs and recovery housing in  
26 underserved areas such as central and eastern Washington and rural  
27 areas.

28 NEW SECTION. Sec. 16. RCW 10.31.115 (Drug possession—Referral  
29 to assessment and services) and 2021 c 311 s 13 are each repealed.

## 30 **Part V - Funding, Promotion, and Training for Recovery Residences**

31 NEW SECTION. Sec. 17. A new section is added to chapter 71.24  
32 RCW to read as follows:

33 Subject to the availability of funds appropriated for this  
34 specific purpose, the authority shall:



1 (1) Make sufficient funding available to support establishment of  
2 an adequate and equitable stock of recovery residences in each region  
3 of the state;

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

8 (3) Conduct outreach to underserved and rural areas to support  
9 the development of recovery housing, including adequate resources for  
10 women, LGBTQIA+ communities, Black, indigenous, and other people of  
11 color communities, immigrant communities, and youth; and

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

19 **Sec. 18.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to  
20 read as follows:

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

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

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

29 (ii) The property is rented or leased by the nonprofit  
30 organization and the benefit of the exemption inures to the nonprofit  
31 organization.

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

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

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

1        (ii) The property is rented or leased by the nonprofit  
2 organization and the benefit of the exemption inures to the nonprofit  
3 organization.

4        (3) As used in this section:

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

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

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

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

17        (4) The exemption in subsection (2) of this section applies to  
18 taxes levied for collection in calendar years 2024 through 2033.

19        (5) This exemption is subject to the administrative provisions  
20 contained in RCW 84.36.800 through 84.36.865.

21        NEW SECTION. Sec. 19. (1) This section is the tax preference  
22 performance statement for the tax preference contained in section 18,  
23 chapter . . ., Laws of 2023 (section 18 of this act). This  
24 performance statement is only intended to be used for subsequent  
25 evaluation of the tax preference. It is not intended to create a  
26 private right of action by any party or to be used to determine  
27 eligibility for preferential tax treatment.

28        (2) The legislature categorizes this tax preference as one  
29 intended to provide tax relief for certain businesses or individuals,  
30 as indicated in RCW 82.32.808(2)(e).

31        (3) By exempting property used by nonprofit organizations  
32 maintaining approved recovery residences, it is the legislature's  
33 specific public policy objective to maximize funding for recovery  
34 residences to the extent possible, thereby increasing availability of  
35 such residences.

36        (4) To measure the effectiveness of the tax exemption provided in  
37 section 18 of this act in achieving the specific public policy  
38 objectives described in subsection (3) of this section, the joint  
39 legislative audit and review committee must evaluate:

1 (a) Annual changes in the total number of parcels qualifying for  
2 the exemption under section 18 of this act;

3 (b) The amount of annual property tax relief resulting from the  
4 tax exemption under section 18 of this act;

5 (c) The average annual number of people housed at recovery  
6 residences located on property qualifying for the exemption under  
7 section 18 of this act;

8 (d) The annualized amount charged for housing at recovery  
9 residences located on property qualifying for the exemption under  
10 section 18 of this act and the annualized estimated increase in the  
11 charge for housing if the properties had not been eligible for the  
12 exemption; and

13 (e) The annual amount of expenditures by nonprofits to maintain  
14 recovery residences located on property qualifying for the exemption  
15 under section 18 of this act.

16 (5) The legislature intends to extend the expiration date of the  
17 property tax exemption under section 18 of this act if the review by  
18 the joint legislative audit and review committee finds that:

19 (a) The number of properties qualifying for the exemption under  
20 section 18 of this act has increased;

21 (b) The number of individuals using recovery housing located on  
22 property qualifying for the exemption under section 18 of this act  
23 has increased; and

24 (c) The amount charged for recovery housing is reasonably  
25 consistent with the actual cost of operating and maintaining the  
26 housing.

27 (6) In order to obtain the data necessary to perform the review  
28 in subsection (4) of this section, the joint legislative audit and  
29 review committee may refer to:

30 (a) Initial applications for the tax exemption under section 18  
31 of this act as approved by the department of revenue under RCW  
32 84.36.815;

33 (b) Annual financial statements prepared by nonprofit entities  
34 claiming the tax exemption under section 18 of this act;

35 (c) Filings with the federal government to maintain federal tax  
36 exempt status by nonprofit organizations claiming the tax exemption  
37 under section 18 of this act; and

38 (d) Any other data necessary for the evaluation under subsection  
39 (4) of this section.

1 **Part VI – Training for Parents of Children with Substance Use Disorder**  
2 **and Caseworkers Within the Department of Children, Youth, and**  
3 **Families**

4 NEW SECTION. **Sec. 20.** A new section is added to chapter 71.24  
5 RCW to read as follows:

6 (1) The authority, in consultation with the department of  
7 children, youth, and families, shall develop a training for parents  
8 of adolescents and transition age youth with substance use disorders  
9 by June 30, 2024, which training must build on and be consistent and  
10 compatible with existing training developed by the authority for  
11 families impacted by substance use disorder, and addressing the  
12 following:

13 (a) Science and education related to substance use disorders and  
14 recovery;

15 (b) Adaptive and functional communication strategies for  
16 communication with a loved one about their substance use disorder,  
17 including positive communication skills and strategies to influence  
18 motivation and behavioral change;

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

20 (d) Means to obtain opioid overdose reversal medication when  
21 appropriate and instruction on proper use; and

22 (e) Suicide prevention.

23 (2) The authority and the department of children, youth, and  
24 families shall make this training publicly available, and the  
25 department of children, youth, and families must promote the training  
26 to licensed foster parents and caregivers, including any tribally  
27 licensed foster parents and tribal caregivers.

28 NEW SECTION. **Sec. 21.** A new section is added to chapter 43.216  
29 RCW to read as follows:

30 The department shall provide opioid overdose reversal medication  
31 and training in the use of such medication to all department staff  
32 whose job duties require in-person service or case management for  
33 child welfare or juvenile rehabilitation clients.

34 **Part VII – Recovery Navigator Programs**

35 NEW SECTION. **Sec. 22.** A new section is added to chapter 71.24  
36 RCW to read as follows:

1 (1) The authority must develop and implement a data integration  
2 platform by June 30, 2025, to support recovery navigator programs,  
3 law enforcement assisted diversion programs, arrest and jail  
4 alternative programs, and similar diversion efforts. The data  
5 integration platform shall:

6 (a) Serve as a statewide common database available for tracking  
7 diversion efforts across the state;

8 (b) Serve as a data collection and management tool for  
9 practitioners, allowing practitioners to input data and information  
10 relating to the utilization and outcomes of pretrial diversions,  
11 including whether such diversions were terminated, were successfully  
12 completed and resulted in dismissal, or are still ongoing;

13 (c) Assist in standardizing definitions and practices; and

14 (d) Track pretrial diversion participants by race, ethnicity,  
15 gender, gender expression or identity, disability status, and age.

16 (2) If possible, the authority must leverage and interact with  
17 existing platforms already in use in efforts funded by the authority.  
18 The authority must establish a quality assurance process for  
19 behavioral health administrative services organizations and employ  
20 data validation for fields in the data collection workbook. The  
21 authority must engage and consult with the law enforcement assisted  
22 diversion national support bureau on data integration approaches,  
23 platforms, quality assurance protocols, and validation practices.

24 (3) Information submitted to the data integration platform is  
25 exempt from public disclosure requirements under chapter 42.56 RCW.

26 **Sec. 23.** RCW 42.56.360 and 2020 c 323 s 2 are each amended to  
27 read as follows:

28 (1) The following health care information is exempt from  
29 disclosure under this chapter:

30 (a) Information obtained by the pharmacy quality assurance  
31 commission as provided in RCW 69.45.090;

32 (b) Information obtained by the pharmacy quality assurance  
33 commission or the department of health and its representatives as  
34 provided in RCW 69.41.044, 69.41.280, and 18.64.420;

35 (c) Information and documents created specifically for, and  
36 collected and maintained by a quality improvement committee under RCW  
37 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee  
38 under RCW 4.24.250, or by a quality assurance committee pursuant to  
39 RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW

1 43.70.056, for reporting of health care-associated infections under  
2 RCW 43.70.056, a notification of an incident under RCW 70.56.040(5),  
3 and reports regarding adverse events under RCW 70.56.020(2)(b),  
4 regardless of which agency is in possession of the information and  
5 documents;

6 (d)(i) Proprietary financial and commercial information that the  
7 submitting entity, with review by the department of health,  
8 specifically identifies at the time it is submitted and that is  
9 provided to or obtained by the department of health in connection  
10 with an application for, or the supervision of, an antitrust  
11 exemption sought by the submitting entity under RCW 43.72.310;

12 (ii) If a request for such information is received, the  
13 submitting entity must be notified of the request. Within ten  
14 business days of receipt of the notice, the submitting entity shall  
15 provide a written statement of the continuing need for  
16 confidentiality, which shall be provided to the requester. Upon  
17 receipt of such notice, the department of health shall continue to  
18 treat information designated under this subsection (1)(d) as exempt  
19 from disclosure;

20 (iii) If the requester initiates an action to compel disclosure  
21 under this chapter, the submitting entity must be joined as a party  
22 to demonstrate the continuing need for confidentiality;

23 (e) Records of the entity obtained in an action under RCW  
24 18.71.300 through 18.71.340;

25 (f) Complaints filed under chapter 18.130 RCW after July 27,  
26 1997, to the extent provided in RCW 18.130.095(1);

27 (g) Information obtained by the department of health under  
28 chapter 70.225 RCW;

29 (h) Information collected by the department of health under  
30 chapter 70.245 RCW except as provided in RCW 70.245.150;

31 (i) Cardiac and stroke system performance data submitted to  
32 national, state, or local data collection systems under RCW  
33 70.168.150(2)(b);

34 (j) All documents, including completed forms, received pursuant  
35 to a wellness program under RCW 41.04.362, but not statistical  
36 reports that do not identify an individual;

37 (k) Data and information exempt from disclosure under RCW  
38 43.371.040; (~~and~~)

39 (l) Medical information contained in files and records of members  
40 of retirement plans administered by the department of retirement

1 systems or the law enforcement officers' and firefighters' plan 2  
2 retirement board, as provided to the department of retirement systems  
3 under RCW 41.04.830; and

4 (m) Data submitted to the data integration platform under section  
5 22 of this act.

6 (2) Chapter 70.02 RCW applies to public inspection and copying of  
7 health care information of patients.

8 (3) (a) Documents related to infant mortality reviews conducted  
9 pursuant to RCW 70.05.170 are exempt from disclosure as provided for  
10 in RCW 70.05.170(3).

11 (b) (i) If an agency provides copies of public records to another  
12 agency that are exempt from public disclosure under this subsection  
13 (3), those records remain exempt to the same extent the records were  
14 exempt in the possession of the originating entity.

15 (ii) For notice purposes only, agencies providing exempt records  
16 under this subsection (3) to other agencies may mark any exempt  
17 records as "exempt" so that the receiving agency is aware of the  
18 exemption, however whether or not a record is marked exempt does not  
19 affect whether the record is actually exempt from disclosure.

20 (4) Information and documents related to maternal mortality  
21 reviews conducted pursuant to RCW 70.54.450 are confidential and  
22 exempt from public inspection and copying.

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

25 (1) The authority shall contract with the Washington state  
26 institute for public policy to conduct a study of the long-term  
27 effectiveness of the recovery navigator programs under RCW 71.24.115  
28 and law enforcement assisted diversion programs under RCW 71.24.589  
29 implemented in Washington state, with reports due by June 30, 2028,  
30 June 30, 2033, and June 30, 2038, and an assessment as described  
31 under subsection (2) of this section. The Washington state institute  
32 for public policy shall collaborate with the authority and the  
33 substance use recovery services advisory committee under RCW  
34 71.24.546 on the topic of data collection and to determine the  
35 parameters of the report, which shall include:

36 (a) Recidivism rates for recovery navigator and law enforcement  
37 assisted diversion program participants, including a comparison  
38 between individuals who did and did not use the pretrial diversion

1 program under section 9 of this act, and outcomes for these  
2 individuals;

3 (b) Trends or disparities in utilization of the recovery  
4 navigator and LEAD programs and outcomes based on race, ethnicity,  
5 gender, gender expression or identity, disability status, age, and  
6 other appropriate characteristics; and

7 (c) Recommendations, if any, for modification and improvement of  
8 the recovery navigator program or law enforcement assisted diversion  
9 programs.

10 (2)(a) The Washington state institute for public policy shall, in  
11 consultation with the authority and other key stakeholders, conduct a  
12 descriptive assessment of the current status of statewide recovery  
13 navigator programs and the degree to which the implementation of  
14 these programs reflects fidelity to the core principles of the law  
15 enforcement assisted diversion program as established by the law  
16 enforcement assisted diversion national support bureau in its toolkit  
17 as it existed on May 1, 2023, which shall include:

18 (i) The results of the law enforcement assisted diversion  
19 standards fidelity index analysis, conducted by an independent  
20 research scientist with expertise in law enforcement assisted  
21 diversion evaluation, including findings with respect to each  
22 standard assessed, for each recovery navigator program, in each  
23 behavioral health administrative services organization region;

24 (ii) Reports on utilization of technical support from the law  
25 enforcement assisted diversion national support bureau by recovery  
26 navigator program contractors, the authority, and behavioral health  
27 administrative services organizations; and

28 (iii) Barriers to achieving fidelity to core principles.

29 (b) The report shall also describe law enforcement assisted  
30 diversion programs in Washington state that are not affiliated with  
31 recovery navigator programs.

32 (c) The report may include recommendations for changes to  
33 recovery navigator programs reported by recovery navigator program  
34 administrators, stakeholders, or participants.

35 (d) The authority, behavioral health administrative services  
36 organizations, and other recovery navigator program administrators  
37 shall cooperate with the institute in making this assessment.

38 (e) The institute shall submit this assessment to the governor  
39 and relevant committees of the legislature by June 30, 2024.



1 (3) The authority shall cooperate with the Washington state  
2 institute for public policy to provide data for the assessment and  
3 reports under this section.

4 (4) The authority must establish an expedited preapproval process  
5 by August 1, 2023, that allows requests for the use of data to be  
6 forwarded to the Washington state institutional review board without  
7 delay when the request is made by the Washington state institute for  
8 public policy for the purpose of completing a study that has been  
9 directed by the legislature.

10 **Sec. 25.** RCW 71.24.115 and 2021 c 311 s 2 are each amended to  
11 read as follows:

12 (1) Each behavioral health administrative services organization  
13 shall establish ((a)) recovery navigator ((program)) programs with  
14 the goal of providing law enforcement and other criminal legal system  
15 personnel with a credible alternative to further legal system  
16 involvement for criminal activity that stems from unmet behavioral  
17 health needs or poverty. The programs shall work to improve community  
18 health and safety by reducing individuals' involvement with the  
19 criminal legal system through the use of specific human services  
20 tools and in coordination with community input. Each program must  
21 include a dedicated project manager and be governed by a policy  
22 coordinating group comprised, in alignment with the core principles,  
23 of local executive and legislative officials, public safety agencies,  
24 including police and prosecutors, and civil rights, public defense,  
25 and human services organizations.

26 (2) The recovery navigator programs shall be organized on a scale  
27 that permits meaningful engagement, collaboration, and coordination  
28 with local law enforcement and municipal agencies through the policy  
29 coordinating groups. The ((program)) programs shall provide  
30 community-based outreach, intake, assessment, and connection to  
31 services and, as appropriate, long-term intensive case management and  
32 recovery coaching services, to youth and adults with substance use  
33 disorder, including for persons with co-occurring substance use  
34 disorders and mental health conditions, who are referred to the  
35 program from diverse sources and shall facilitate and coordinate  
36 connections to a broad range of community resources for youth and  
37 adults with substance use disorder, including treatment and recovery  
38 support services. Recovery navigator programs must serve and  
39 prioritize individuals who are actually or potentially exposed to the

1 criminal legal system with respect to unlawful behavior connected to  
2 substance use or other behavioral health issues.

3 ~~((2) — The))~~ (3) By June 30, 2024, the authority shall  
4 ~~((establish))~~ revise its uniform program standards for behavioral  
5 health administrative services organizations to follow in the design  
6 of their recovery navigator programs to achieve fidelity with the  
7 core principles. The uniform program standards must be modeled upon  
8 the components of the law enforcement assisted diversion program and  
9 address project management, field engagement, biopsychosocial  
10 assessment, intensive case management and care coordination,  
11 stabilization housing when available and appropriate, and, as  
12 necessary, legal system coordination for participants' legal cases  
13 that may precede or follow referral to the program. The uniform  
14 program standards must incorporate the law enforcement assisted  
15 diversion framework for diversion at multiple points of engagement  
16 with the criminal legal system, including prearrest, prebooking,  
17 prefiling, and for ongoing case conferencing with law enforcement,  
18 prosecutors, community stakeholders, and program case managers. The  
19 authority must adopt the uniform program standards from the  
20 components of the law enforcement assisted diversion program to  
21 accommodate an expanded population of persons with substance use  
22 disorders, including persons with co-occurring substance use  
23 disorders and mental health conditions, ~~((and allow))~~ provide for  
24 referrals from a broad range of sources, and require prioritization  
25 of those who are or likely will be exposed to the criminal legal  
26 system related to their behavioral health challenges. In addition to  
27 accepting referrals from law enforcement and courts of limited  
28 jurisdiction, the uniform program standards must provide guidance for  
29 accepting referrals on behalf of persons with substance use  
30 disorders, including persons with co-occurring substance use  
31 disorders and mental health conditions, from various sources  
32 including, but not limited to, self-referral, family members of the  
33 individual, emergency department personnel, persons engaged with  
34 serving homeless persons, including those living unsheltered or in  
35 encampments, fire department personnel, emergency medical service  
36 personnel, community-based organizations, members of the business  
37 community, harm reduction program personnel, faith-based organization  
38 staff, and other sources within the criminal legal system, ~~((as~~  
39 ~~outlined))~~ so that individuals are engaged as early as possible  
40 within the sequential intercept model. In developing response time

1 requirements within the statewide program standards, the authority  
2 shall require, subject to the availability of amounts appropriated  
3 for this specific purpose, that responses to referrals from law  
4 enforcement occur immediately for in-custody referrals and shall  
5 strive for rapid response times to other appropriate settings such as  
6 emergency departments and courts of limited jurisdiction.

7 ~~((3))~~ (4) Subject to the availability of amounts appropriated  
8 for this specific purpose, the authority shall provide funding to  
9 each behavioral health administrative services organization for the  
10 ~~((development of its))~~ continuation of and, as required by this  
11 section, the revisions to and reorganization of the recovery  
12 navigator ~~((program))~~ programs they fund. Before receiving funding  
13 for implementation and ongoing administration, each behavioral health  
14 administrative services organization must submit a program plan that  
15 demonstrates the ability to fully comply with statewide program  
16 standards. The authority shall establish a schedule for the regular  
17 review of recovery navigator programs funded by behavioral health  
18 administrative services ~~((organizations' programs))~~ organizations.  
19 The authority shall arrange for technical assistance to be provided  
20 by the LEAD national support bureau to all behavioral health  
21 administrative services organizations, the authority, contracted  
22 providers, and independent stakeholders and partners, such as  
23 prosecuting attorneys and law enforcement.

24 ~~((4))~~ (5) Each behavioral health administrative services  
25 organization must have a substance use disorder regional  
26 administrator for its recovery navigator program. The regional  
27 administrator shall be responsible for assuring compliance with  
28 program standards, including staffing standards. Each recovery  
29 navigator program must maintain a sufficient number of appropriately  
30 trained personnel for providing intake and referral services,  
31 conducting comprehensive biopsychosocial assessments, providing  
32 intensive case management services, and making warm handoffs to  
33 treatment and recovery support services along the continuum of care.  
34 Program staff must include people with lived experience with  
35 substance use disorder to the extent possible. The substance use  
36 disorder regional administrator must assure that staff who are  
37 conducting intake and referral services and field assessments are  
38 paid a livable and competitive wage and have appropriate initial  
39 training and receive continuing education.

1        ~~((5))~~ (6) Each recovery navigator program must submit quarterly  
2 reports to the authority with information identified by the authority  
3 and the substance use recovery services advisory committee. The  
4 reports must be provided to the substance use recovery services  
5 advisory committee for discussion at meetings following the  
6 submission of the reports.

7        (7) No civil liability may be imposed by any court on the state  
8 or its officers or employees, an appointed or elected official,  
9 public employee, public agency as defined in RCW 4.24.470,  
10 combination of units of government and its employees as provided in  
11 RCW 36.28A.010, nonprofit community-based organization, tribal  
12 government entity, tribal organization, or urban Indian organization,  
13 based on the administration of a recovery navigator program except  
14 upon proof of bad faith or gross negligence.

15        (8) For the purposes of this section, the term "core principles"  
16 means the core principles of a law enforcement assisted diversion  
17 program, as established by the law enforcement assisted diversion  
18 national support bureau in its toolkit, as it existed on May 1, 2023.

19        **Part VIII - Establishing a Pilot Program for Health Engagement Hubs**

20        NEW SECTION.    **Sec. 26.**    A new section is added to chapter 71.24  
21 RCW to read as follows:

22        (1)(a) The authority shall implement a pilot program for health  
23 engagement hubs by August 1, 2024. The pilot program will test the  
24 functionality and operability of health engagement hubs, including  
25 whether and how to incorporate and build on existing medical, harm  
26 reduction, treatment, and social services in order to create an all-  
27 in-one location where people who use drugs can access such services.

28        (b) Subject to amounts appropriated, the authority shall  
29 establish pilot programs on at least two sites, with one site located  
30 in an urban area and one located in a rural area.

31        (c) The authority shall report on the pilot program results,  
32 including recommendations for expansion, and rules and payment  
33 structures, to the legislature no later than August 1, 2026.

34        (2) The authority shall develop payment structures for health  
35 engagement hubs by June 30, 2024. Subject to the availability of  
36 funds appropriated for this purpose, and to the extent allowed under  
37 federal law, the authority shall direct medicaid managed care  
38 organizations to adopt a value-based bundled payment methodology in

1 contracts with health engagement hubs and other opioid treatment  
2 providers. The authority shall not implement this requirement in  
3 managed care contracts unless expressly authorized by the  
4 legislature.

5 (3) A health engagement hub is intended to:

6 (a) Serve as an all-in-one location where people who use drugs  
7 can access a range of medical, harm reduction, treatment, and social  
8 services;

9 (b) Be affiliated with existing syringe service programs,  
10 federally qualified health centers, community health centers,  
11 overdose prevention sites, safe consumption sites, patient-centered  
12 medical homes, tribal behavioral health programs, peer run  
13 organizations such as clubhouses, services for unhoused people,  
14 supportive housing, and opioid treatment programs including mobile  
15 and fixed-site medication units established under an opioid treatment  
16 program, or other appropriate entity;

17 (c) Provide referrals or access to methadone and other  
18 medications for opioid use disorder;

19 (d) Function as a patient-centered medical home by offering high-  
20 quality, cost-effective patient-centered care, including wound care;

21 (e) Provide harm reduction services and supplies;

22 (f) Provide linkage to housing, transportation, and other support  
23 services; and

24 (g) Be open to youth as well as adults.

## 25 **Part IX - Education and Employment Pathways**

26 NEW SECTION. **Sec. 27.** A new section is added to chapter 71.24  
27 RCW to read as follows:

28 Subject to funding provided for this specific purpose, the  
29 authority shall establish a grant program for providers of  
30 employment, education, training, certification, and other supportive  
31 programs designed to provide persons recovering from a substance use  
32 disorder with employment and education opportunities. The grant  
33 program shall employ a low-barrier application and give priority to  
34 programs that engage with black, indigenous, persons of color, and  
35 other historically underserved communities.

## 36 **Part X - Providing a Statewide Directory of Recovery Services**

1        NEW SECTION.    **Sec. 28.**    A new section is added to chapter 71.24  
2    RCW to read as follows:

3        Subject to funding provided for this specific purpose, the  
4    authority must collaborate with the department and the department of  
5    social and health services to expand the Washington recovery helpline  
6    and the recovery readiness asset tool to provide a dynamically  
7    updated statewide behavioral health treatment and recovery support  
8    services mapping tool that includes a robust resource database for  
9    those seeking services and a referral system to be incorporated  
10    within the locator tool to help facilitate the connection between an  
11    individual and a facility that is currently accepting new referrals.  
12    The tool must include dual interface capability, one for public  
13    access and one for internal use and management.

14                    **Part XI - Investing Adequately in Statewide Diversion Services**

15        NEW SECTION.    **Sec. 29.**    The appropriations in this section are  
16    provided to the department of health and are subject to the following  
17    conditions and limitations:

18        The following sums, or so much thereof as may be necessary, are  
19    each appropriated: \$47,000 from the state general fund-local for the  
20    fiscal biennium ending June 30, 2025; and \$13,000 from the health  
21    professions account for the fiscal biennium ending June 30, 2025. The  
22    amounts in this section are provided solely for the department of  
23    health to adopt rules related to mobile medication units and conduct  
24    inspections for such units under RCW 71.24.590.

25        NEW SECTION.    **Sec. 30.**    The appropriations in this section are  
26    provided to the department of revenue and are subject to the  
27    following conditions and limitations:

28        The following sums, or so much thereof as may be necessary, are  
29    each appropriated: \$594,000 from the state general fund for the  
30    fiscal year ending June 30, 2024; and \$140,000 from the state general  
31    fund for the fiscal year ending June 30, 2025. The amounts in this  
32    section are provided solely for the department of revenue to  
33    administer the recovery residence tax exemption created in RCW  
34    84.36.043.

1        NEW SECTION.    **Sec. 31.**    The appropriation in this section is  
2 provided to the joint legislative audit and review committee and is  
3 subject to the following conditions and limitations:

4        The sum of \$23,000, or as much thereof as may be necessary, is  
5 appropriated for the fiscal biennium ending June 30, 2025, from the  
6 performance audits of government account. The amount in this section  
7 is provided solely for the purposes of conducting a tax preference  
8 review of the property tax exemption for recovery residences under  
9 RCW 84.36.043.

10       NEW SECTION.    **Sec. 32.**    The appropriation in this section is  
11 provided to the Washington state patrol and is subject to the  
12 following conditions and limitations:

13        The following sums, or so much thereof as may be necessary, are  
14 each appropriated: \$813,000 from the state general fund for the  
15 fiscal year ending June 30, 2024; and \$450,000 from the state general  
16 fund for the fiscal year ending June 30, 2025. The amounts in this  
17 section are provided solely to support the Washington state patrol  
18 bureau of forensic laboratory services in completing the necessary  
19 analysis for any evidence submitted for a suspected violation of RCW  
20 69.50.4011(1)(b), 69.50.4013, or 69.41.030 within 45 days of receipt  
21 of the request for analysis.

22       NEW SECTION.    **Sec. 33.**    The appropriations in this section are  
23 provided to the state health care authority and are subject to the  
24 following conditions and limitations:

25        (1) The sum of \$3,600,000, or as much thereof as may be  
26 necessary, is appropriated for the fiscal biennium ending June 30,  
27 2025, from the opioid abatement settlement account. The amount in  
28 this subsection is provided solely for the purposes of maintaining a  
29 memorandum of understanding with the criminal justice training  
30 commission to provide ongoing funding for community grants under RCW  
31 36.28A.450.

32        (2) The following sums, or so much thereof as may be necessary,  
33 are each appropriated: \$3,783,000 from the opioid abatement  
34 settlement account for the fiscal biennium ending June 30, 2025; and  
35 \$3,810,000 from the general fund-federal for the fiscal biennium  
36 ending June 30, 2025. The amounts in this subsection are provided  
37 solely for the administration of this act.

1 (3) The following sums, or so much thereof as may be necessary,  
2 are each appropriated: \$1,000,000 from the state general fund for the  
3 fiscal year ending June 30, 2024; and \$1,000,000 from the state  
4 general fund for the fiscal year ending June 30, 2025. The amounts in  
5 this subsection are provided solely for the authority to award grants  
6 to crisis services providers to establish and expand 23-hour crisis  
7 relief center capacity. It is the intent of the legislature that  
8 grants are awarded to an equivalent number of providers to the west  
9 and the east of the Cascade mountains. The authority must consider  
10 the geographic distribution of proposed grant applicants and the  
11 regional need for 23-hour crisis relief centers when awarding grant  
12 funds.

13 (4) The sum of \$4,000,000, or as much thereof as may be  
14 necessary, is appropriated for the fiscal biennium ending June 30,  
15 2025, from the opioid abatement settlement account. The amount in  
16 this subsection is provided solely for the authority to establish a  
17 health engagement hub pilot program to include both urban and rural  
18 locations under section 26 of this act.

19 (5) The sum of \$3,768,000, or as much thereof as may be  
20 necessary, is appropriated for the fiscal biennium ending June 30,  
21 2025, from the opioid abatement settlement account. The amount in  
22 this subsection is provided solely for the authority to increase the  
23 number of mobile methadone units operated by existing opioid  
24 treatment providers, increase the number of opioid treatment provider  
25 fixed medication units operated by existing opioid treatment  
26 providers, and to expand opioid treatment programs with a  
27 prioritization for rural areas.

28 (6) The sum of \$5,242,000, or as much thereof as may be  
29 necessary, is appropriated for the fiscal biennium ending June 30,  
30 2025, from the opioid abatement settlement account. The amount in  
31 this subsection is provided solely for the authority to provide  
32 grants to providers of employment and educational services to  
33 individuals with substance use disorder under section 27 of this act.

34 (7) The following sums, or so much thereof as may be necessary,  
35 are each appropriated: \$750,000 from the state general fund for the  
36 fiscal year ending June 30, 2024; \$750,000 from the state general  
37 fund for the fiscal year ending June 30, 2025; and \$500,000 from the  
38 opioid abatement settlement account for the fiscal biennium ending  
39 June 30, 2025. The amounts in this subsection are provided solely for



1 the authority to provide grants to support substance use disorder  
2 family navigator programs.

3 (8) The following sums, or so much thereof as may be necessary,  
4 are each appropriated: \$2,500,000 from the state general fund for the  
5 fiscal year ending June 30, 2024; and \$2,500,000 from the state  
6 general fund for the fiscal year ending June 30, 2025. The amounts in  
7 this subsection are provided solely for the authority to provide  
8 short-term housing vouchers for individuals with substance use  
9 disorders, with a focus on providing such resources to people in the  
10 five most populous counties of the state.

11 (9) The following sums, or so much thereof as may be necessary,  
12 are each appropriated: \$2,000,000 from the state general fund for the  
13 fiscal year ending June 30, 2024; and \$2,000,000 from the state  
14 general fund for the fiscal year ending June 30, 2025. The amounts in  
15 this subsection are provided solely for the authority to provide  
16 grants for the operational costs of new staffed recovery residences  
17 which serve individuals with substance use disorders who require more  
18 support than a level 1 recovery residence, with a focus on providing  
19 grants to recovery residences which serve individuals in the five  
20 most populous counties of the state.

21 (10) The following sums, or so much thereof as may be necessary,  
22 are each appropriated: \$1,000,000 from the state general fund for the  
23 fiscal year ending June 30, 2024; and \$1,000,000 from the state  
24 general fund for the fiscal year ending June 30, 2025. The amounts in  
25 this subsection are provided solely for the authority to support the  
26 provision of behavioral health co-responder services on nonlaw  
27 enforcement emergency medical response teams.

28 (11) The following sums, or so much thereof as may be necessary,  
29 are each appropriated: \$250,000 from the state general fund for the  
30 fiscal year ending June 30, 2024; and \$250,000 from the state general  
31 fund for the fiscal year ending June 30, 2025. The amounts in this  
32 subsection are provided solely for the authority to continue and  
33 increase a contract for services funded in section 215(127), chapter  
34 297, Laws of 2022 (ESSB 5693) to provide information and support  
35 related to safe housing and support services for youth exiting  
36 inpatient mental health and/or substance use disorder facilities to  
37 stakeholders, inpatient treatment facilities, young people, and other  
38 community providers that serve unaccompanied youth and young adults.

1        NEW SECTION.    **Sec. 34.**    The appropriations in this section are  
2 provided to the department of commerce and are subject to the  
3 following conditions and limitations:

4        The following sums, or so much thereof as may be necessary, are  
5 each appropriated: \$650,000 from the state general fund for the  
6 fiscal year ending June 30, 2024; and \$650,000 from the state general  
7 fund for the fiscal year ending June 30, 2025. The amounts in this  
8 section are provided solely for the office of homeless youth to  
9 administer a competitive grant process to award funding to licensed  
10 youth shelters, HOPE centers, and crisis residential centers to  
11 provide behavioral health support services, including substance use  
12 disorder services, for youth in crisis, and to increase funding for  
13 current grantees.

14        **Part XII – Streamlining Substance Use Disorder Treatment Assessments**

15        NEW SECTION.    **Sec. 35.**    A new section is added to chapter 71.24  
16 RCW to read as follows:

17        (1) The authority shall convene a work group to recommend changes  
18 to systems, policies, and processes related to intake, screening, and  
19 assessment for substance use disorder services, with the goal to  
20 broaden the workforce capable of administering substance use disorder  
21 assessments and to make the assessment process as brief as possible,  
22 including only what is necessary to manage utilization and initiate  
23 care. The assessment shall be low barrier, person-centered, and  
24 amenable to administration in diverse health care settings and by a  
25 range of health care professionals. The assessment shall consider the  
26 person's self-identified needs and preferences when evaluating  
27 direction of treatment and may include different components based on  
28 the setting, context, and past experience with the client.

29        (2) The work group must include care providers, payors, people  
30 who use drugs, individuals in recovery from substance use disorder,  
31 and other individuals recommended by the authority. The work group  
32 shall present its recommendations to the governor and appropriate  
33 committees of the legislature by December 1, 2024.

34        **Sec. 36.**    RCW 18.64.600 and 2020 c 244 s 2 are each amended to  
35 read as follows:

36        (1) The license of location for a pharmacy licensed under this  
37 chapter may be extended to a remote dispensing site where technology

1 is used to dispense medications (~~approved by the United States food~~  
2 ~~and drug administration~~) used for the treatment of opioid use  
3 disorder or its symptoms.

4 (2) In order for a pharmacy to use remote dispensing sites, a  
5 pharmacy must register each separate remote dispensing site with the  
6 commission.

7 (3) The commission shall adopt rules that establish minimum  
8 standards for remote dispensing sites registered under this section.  
9 The minimum standards shall address who may retrieve medications for  
10 opioid use disorder stored in or at a remote dispensing site pursuant  
11 to a valid prescription or chart order. The minimum standards must  
12 require the pharmacy be responsible for stocking and maintaining a  
13 perpetual inventory of the medications for opioid use disorder stored  
14 in or at the registered remote dispensing site. The dispensing  
15 technology may be owned by either the pharmacy or the registered  
16 remote dispensing site.

17 (4) The secretary may adopt rules to establish a reasonable fee  
18 for obtaining and renewing a registration issued under this section.

19 (5) The registration issued under this section will be considered  
20 as part of the pharmacy license issued under RCW 18.64.043. If the  
21 underlying pharmacy license is not active, then the registration  
22 shall be considered inoperable by operation of law.

23 **Part XIII - Health Care Authority Comprehensive Data Reporting**  
24 **Requirements**

25 NEW SECTION. **Sec. 37.** A new section is added to chapter 71.24  
26 RCW to read as follows:

27 (1) The authority is responsible for providing regular  
28 assessments of the prevalence of substance use disorders and  
29 interactions of persons with substance use disorder with service  
30 providers, nonprofit service providers, first responders, health care  
31 facilities, and law enforcement agencies. Beginning in 2026, the  
32 annual report required in subsection (3)(a) of this section shall  
33 include a comprehensive assessment of the information described in  
34 this subsection for the prior calendar year.

35 (2)(a) The authority shall identify the types and sources of data  
36 necessary to implement the appropriate means and methods of gathering  
37 data to provide the information required in subsection (1) of this  
38 section.

1 (b) The authority must provide a preliminary inventory report to  
2 the governor and the legislature by December 1, 2023, and a final  
3 inventory report by December 1, 2024. The reports must:

4 (i) Identify existing types and sources of data available to the  
5 authority to provide the information required in subsection (1) of  
6 this section and what data are necessary but currently unavailable to  
7 the authority;

8 (ii) Include recommendations for new data connections, new data-  
9 sharing authority, and sources of data that are necessary to provide  
10 the information required in subsection (1) of this section; and

11 (iii) Include recommendations, including any necessary  
12 legislation, regarding the development of reporting mechanisms  
13 between the authority and service providers, nonprofit service  
14 providers, health care facilities, law enforcement agencies, and  
15 other state agencies to gather the information required in subsection  
16 (1) of this section.

17 (3) (a) Beginning July 1, 2024, and each July 1st thereafter until  
18 July 1, 2028, the authority shall provide an implementation report to  
19 the governor and the legislature regarding recovery residences,  
20 recovery navigator programs, the health engagement pilot programs,  
21 and the law enforcement assisted diversion grants program. The report  
22 shall include:

23 (i) The number of contracts awarded to law enforcement assisted  
24 diversion programs, including the amount awarded in the contract, and  
25 the names and service locations of contract recipients;

26 (ii) The location of recovery residences, recovery navigator  
27 programs, health engagement hub pilot programs, and law enforcement  
28 assisted diversion programs;

29 (iii) The scope and nature of services provided by recovery  
30 navigator programs, health engagement hub pilot programs, and law  
31 enforcement assisted diversion programs;

32 (iv) The number of individuals served by recovery residences,  
33 recovery navigator programs, health engagement hub pilot programs,  
34 and law enforcement assisted diversion programs;

35 (v) If known, demographic data concerning the utilization of  
36 these services by overburdened and underrepresented communities; and

37 (vi) The number of grants awarded to providers of employment,  
38 education, training, certification, and other supportive programs,  
39 including the amount awarded in each grant and the names of provider  
40 grant recipients, as provided for in section 27 of this act.

1 (b) The data obtained by the authority under this section shall  
2 be integrated with the Washington state institute for public policy  
3 report under section 24 of this act.

4 (4) Beginning in the July 1, 2027, report in subsection (3)(a) of  
5 this section, the authority shall provide:

6 (a) The results and effectiveness of the authority's  
7 collaboration with the department of health and the department of  
8 social and health services to expand the Washington recovery helpline  
9 and recovery readiness asset tool to provide a dynamically updated  
10 statewide behavioral health treatment and recovery support services  
11 mapping tool, including the results and effectiveness with respect to  
12 overburdened and underrepresented communities, in accordance with  
13 section 28 of this act;

14 (b) The results and effectiveness of the authority's development  
15 and implementation of a data integration platform to support recovery  
16 navigator programs and to serve as a common database available for  
17 diversion efforts across the state, including the results and  
18 effectiveness with respect to overburdened and underrepresented  
19 communities, as provided in section 22 of this act;

20 (c) The effectiveness and outcomes of training developed and  
21 provided by the authority in consultation with the department of  
22 children, youth, and families, as provided in section 20 of this act;  
23 and

24 (d) The effectiveness and outcomes of training developed by the  
25 authority for housing providers, as provided in section 17(4) of this  
26 act.

#### 27 **Part XIV - Miscellaneous Provisions**

28 NEW SECTION. **Sec. 38.** Section 6 of this act takes effect  
29 January 1, 2025.

30 **Sec. 39.** 2021 c 311 s 29 (uncodified) is amended to read as  
31 follows:

32 Sections 8 through 10(~~(7)~~) and 12(~~(7, 15, and 16)~~) of this act  
33 expire July 1, 2023.

34 NEW SECTION. **Sec. 40.** Sections 1 through 5, 7 through 11, and  
35 39 of this act are necessary for the immediate preservation of the

1 public peace, health, or safety, or support of the state government  
2 and its existing public institutions, and take effect July 1, 2023.

3 NEW SECTION. **Sec. 41.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected."

7 Correct the title.

--- END ---