

SENATE BILL REPORT

SHB 2396

As Passed Senate - Amended, February 29, 2024

Title: An act relating to fentanyl and other synthetic opioids.

Brief Description: Concerning fentanyl and other synthetic opioids.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Mosbrucker, Davis, Couture, Rule, Barkis, Jacobsen and Pollet).

Brief History: Passed House: 2/8/24, 95-0.

Committee Activity: Health & Long Term Care: 2/20/24, 2/20/24 [DP].

Floor Activity: Passed Senate - Amended: 2/29/24, 49-0.

Brief Summary of Bill (As Amended by Senate)

- Provides requirements for the Department of Health (DOH) when conducting a public awareness campaign relating to fentanyl and other synthetic opioids.
- Requires DOH to compile resources related to decontaminating cars from fentanyl and other synthetic opioids.
- Requires jails to provide information about the availability of substance use disorder treatment to persons being released from jail.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Muzzall, Assistant Ranking Member; Conway, Dhingra, Holy, Padden, Randall and Van De Wege.

Staff: Kevin Black (786-7747)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Synthetic opioids are artificially created substances that act on the same neurological processes as natural opioids, which are based on naturally occurring substances derived from the poppy plant. Some synthetic opioids, like methadone and fentanyl, are approved for medical use, but must be prescribed by an authorized health care provider.

Unlawful possession of a controlled substance, including synthetic opioids like fentanyl, is a gross misdemeanor. It is also a gross misdemeanor to knowingly use a controlled substance in public without a valid prescription. When a law enforcement officer has reasonable cause to believe an individual has committed a crime, the officer is authorized and encouraged to refer that individual to specified alternatives to arrest if the individual has a known history or consultation with the behavioral health system. Those alternatives include crisis stabilization, crisis relief, and outpatient treatment.

The Health Care Authority (HCA) is required, through the biennial budget, to conduct various opioid awareness campaigns for various purposes, including harm reduction, overdose prevention, secondary prevention, and youth prevention. HCA is required to consult with the Department of Health (DOH) when conducting these public awareness efforts.

Summary of Amended Bill: DOH, when conducting any public outreach campaign on the dangers of fentanyl and other synthetic opioids, must ensure that campaign materials are:

- culturally appropriate;
- accessible in other languages, as appropriate; and
- accessible to the deaf and blind communities.

DOH must consider the phrase "Not Even Once" when designing public outreach campaigns on the danger of fentanyl.

Subject to appropriations, DOH must compile resources on how to decontaminate motor vehicles of fentanyl residue or other synthetic opioid residue. Beginning January 1, 2025, DOH must make the materials available to law enforcement agencies throughout the state for individuals who recover a stolen vehicle or purchase a vehicle from a law enforcement agency.

A jail that releases an individual from custody must provide the individual with information regarding the availability of substance use disorder treatment programs relating to fentanyl and other synthetic opioids, including alternative to arrest, recovery navigator, and Law Enforcement Assisted Diversion (LEAD) programs.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill honors my son Ivan. He became addicted to opioids after receiving treatment at the hospital. Please understand the devastating effects of fentanyl on our communities. We don't spend enough effort on prevention.

WASPC may not be the best expert on how to decontaminate opioids from a vehicle, but we will take on the work if assigned. Real-time availability of treatment data may be available from recent legislation. We want to assist with successful reentry from jails.

Persons Testifying: PRO: Representative Gina Mosbrucker, Prime Sponsor; James McMahan, Washington Association of Sheriffs & Police Chiefs; Melissa Howtopat.

Persons Signed In To Testify But Not Testifying: No one.