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**SECOND SUBSTITUTE SENATE BILL 5536**

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**State of Washington****68th Legislature****2023 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Lias, Lovelett, Nobles, Randall, Stanford, Wellman, and C. Wilson)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to justice system and behavioral health responses  
2 for persons experiencing circumstances that involve controlled  
3 substances, counterfeit substances, legend drugs, and drug  
4 paraphernalia; amending RCW 69.50.4011, 69.50.4013, 69.50.4014,  
5 69.41.030, 69.50.509, 69.50.4121, 9.96.060, 36.70A.200, 71.24.589,  
6 71.24.590, 10.31.110, and 84.36.043; amending 2021 c 311 s 29  
7 (uncodified); adding a new section to chapter 43.43 RCW; adding new  
8 sections to chapter 69.50 RCW; adding a new section to chapter 43.330  
9 RCW; adding a new section to chapter 26.12 RCW; adding new sections  
10 to chapter 71.24 RCW; adding new sections to chapter 43.216 RCW;  
11 creating new sections; repealing RCW 10.31.115; prescribing  
12 penalties; making appropriations; providing an effective date; and  
13 declaring an emergency.

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

15 NEW SECTION. **Sec. 1.** The legislature finds that substance use  
16 disorders are a public health issue. Solutions must address not only  
17 the criminal legal response, but be data-driven, evidence-based, and  
18 represent best practices, working directly with people who use drugs  
19 to prevent overdose and infectious disease transmission, and improve  
20 the physical, mental, and social well-being of those served. The  
21 state must follow principles of harm reduction, which means practical

1 strategies aimed at reducing negative consequences associated with  
2 drug use. Harm reduction involves safer use of supplies as well as  
3 care settings, staffing, and interactions that are person-centered,  
4 supportive, and welcoming.

5 The legislature finds that the recommendations of the substance  
6 use recovery services advisory committee reflect hours of diligent  
7 work by individuals with a range of professional and personal  
8 experience, who brought that experience to the committee, and whose  
9 expertise is reflected in the recommendations.

10 **Part I - Prohibiting Knowing Possession of a Controlled Substance,**  
11 **Counterfeit Substance, or Legend Drug**

12 **Sec. 2.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to  
13 read as follows:

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

16 (a) Create or deliver a counterfeit substance; or

17 (b) Knowingly possess a counterfeit substance.

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

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

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

29 (c) Any other counterfeit substance classified in Schedule I, II,  
30 or III, is guilty of a class C felony punishable according to chapter  
31 9A.20 RCW;

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

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

1 (3) (a) A violation of subsection (1)(b) of this section is a  
2 gross misdemeanor. The prosecutor is encouraged to divert such cases  
3 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 (c) Upon arraignment for a violation of subsection (1)(b) of this  
14 section, the court shall advise the defendant of the pretrial  
15 diversion program as indicated in section 10(2) of this act.

16 **Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to  
17 read as follows:

18 (1) It is unlawful for any person to knowingly possess a  
19 controlled substance unless the substance was obtained directly from,  
20 or pursuant to, a valid prescription or order of a practitioner while  
21 acting in the course of his or her professional practice, or except  
22 as otherwise authorized by this chapter.

23 (2) (a) Except as provided in RCW 69.50.4014, ((any person who  
24 violates this section is guilty of a class C felony punishable under  
25 chapter 9A.20 RCW)) a violation of this section is a gross  
26 misdemeanor. The prosecutor is encouraged to divert such cases for  
27 assessment, treatment, or other services.

28 (b) In lieu of jail booking and referral to the prosecutor, law  
29 enforcement is encouraged to offer a referral to assessment and  
30 services available under RCW 10.31.110 or other program or entity  
31 responsible for receiving referrals in lieu of legal system  
32 involvement, which may include, but are not limited to, arrest and  
33 jail alternative programs established under RCW 36.28A.450, law  
34 enforcement assisted diversion programs established under RCW  
35 71.24.589, and the recovery navigator program established under RCW  
36 71.24.115.

37 (c) Upon arraignment for a violation of this section, the court  
38 shall advise the defendant of the availability of the pretrial  
39 diversion program as indicated in section 10(2) of this act.

1 (3) (a) The possession, by a person (~~(twenty-one)~~) 21 years of age  
2 or older, of useable cannabis, cannabis concentrates, or cannabis-  
3 infused products in amounts that do not exceed those set forth in RCW  
4 69.50.360(3) is not a violation of this section, this chapter, or any  
5 other provision of Washington state law.

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

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

- 21 (i) One-half ounce of useable cannabis;
- 22 (ii) Eight ounces of cannabis-infused product in solid form;
- 23 (iii) (~~(Thirty-six)~~) 36 ounces of cannabis-infused product in  
24 liquid form; or
- 25 (iv) Three and one-half grams of cannabis concentrates.

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

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

33 (5) No person under (~~(twenty-one)~~) 21 years of age may  
34 (~~(possess,)~~) manufacture, sell, (~~(or)~~) distribute, or knowingly  
35 possess cannabis, cannabis-infused products, or cannabis  
36 concentrates, regardless of THC concentration. This does not include  
37 qualifying patients with a valid authorization.

38 (6) The possession by a qualifying patient or designated provider  
39 of cannabis concentrates, useable cannabis, cannabis-infused  
40 products, or plants in accordance with chapter 69.51A RCW is not a

1 violation of this section, this chapter, or any other provision of  
2 Washington state law.

3 **Sec. 4.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to  
4 read as follows:

5 (1) Except as provided in RCW 69.50.401(2)(c) or as otherwise  
6 authorized by this chapter, any person found guilty of knowing  
7 possession of (~~forty~~) 40 grams or less of cannabis is guilty of a  
8 misdemeanor. The prosecutor is encouraged to divert such cases for  
9 assessment, treatment, or other services.

10 (2) In lieu of jail booking and referral to the prosecutor, law  
11 enforcement is encouraged to offer a referral to assessment and  
12 services available under RCW 10.31.110 or other program or entity  
13 responsible for receiving referrals in lieu of legal system  
14 involvement, which may include, but are not limited to, arrest and  
15 jail alternative programs established under RCW 36.28A.450, law  
16 enforcement assisted diversion programs established under RCW  
17 71.24.589, and the recovery navigator program established under RCW  
18 71.24.115.

19 (3) Upon arraignment for violation of this section, the court  
20 shall advise the defendant of the availability of the pretrial  
21 diversion program as indicated in section 10(2) of this act.

22 **Sec. 5.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to  
23 read as follows:

24 (1) It shall be unlawful for any person to sell(~~(7)~~) or deliver  
25 any legend drug, or knowingly possess any legend drug except upon the  
26 order or prescription of a physician under chapter 18.71 RCW, an  
27 osteopathic physician and surgeon under chapter 18.57 RCW, an  
28 optometrist licensed under chapter 18.53 RCW who is certified by the  
29 optometry board under RCW 18.53.010, a dentist under chapter 18.32  
30 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a  
31 veterinarian under chapter 18.92 RCW, a commissioned medical or  
32 dental officer in the United States armed forces or public health  
33 service in the discharge of his or her official duties, a duly  
34 licensed physician or dentist employed by the veterans administration  
35 in the discharge of his or her official duties, a registered nurse or  
36 advanced registered nurse practitioner under chapter 18.79 RCW when  
37 authorized by the nursing care quality assurance commission, a  
38 pharmacist licensed under chapter 18.64 RCW to the extent permitted

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

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

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

34 (c) In lieu of jail booking and referral to the prosecutor for a  
35 violation of this section involving knowing possession, law  
36 enforcement is encouraged to offer a referral to assessment and  
37 services available under RCW 10.31.110 or other program or entity  
38 responsible for receiving referrals in lieu of legal system  
39 involvement, which may include, but are not limited to, arrest and  
40 jail alternative programs established under RCW 36.28A.450, law

1 enforcement assisted diversion programs established under RCW  
2 71.24.589, and the recovery navigator program established under RCW  
3 71.24.115.

4 (d) Upon arraignment for a violation of this section involving  
5 knowing possession, the court shall advise the defendant of the  
6 availability of the pretrial diversion program as indicated in  
7 section 10(2) of this act.

8 **Sec. 6.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to  
9 read as follows:

10 If, upon the sworn complaint of any person, it shall be made to  
11 appear to any judge of the superior court, district court, or  
12 municipal court that there is probable cause to believe that any  
13 controlled substance is being used, manufactured, sold, bartered,  
14 exchanged, administered, dispensed, delivered, distributed, produced,  
15 knowingly possessed, given away, furnished or otherwise disposed of  
16 or kept in violation of the provisions of this chapter, such judge  
17 shall, with or without the approval of the prosecuting attorney,  
18 issue a warrant directed to any law enforcement officer of the state,  
19 commanding him or her to search the premises designated and described  
20 in such complaint and warrant, and to seize all controlled substances  
21 there found, together with the vessels in which they are contained,  
22 and all implements, furniture and fixtures used or kept for the  
23 illegal manufacture, sale, barter, exchange, administering,  
24 dispensing, delivering, distributing, producing, possessing, giving  
25 away, furnishing or otherwise disposing of such controlled  
26 substances, and to safely keep the same, and to make a return of said  
27 warrant within three days, showing all acts and things done  
28 thereunder, with a particular statement of all articles seized and  
29 the name of the person or persons in whose possession the same were  
30 found, if any, and if no person be found in the possession of said  
31 articles, the returns shall so state. The provisions of RCW 10.31.030  
32 as now or hereafter amended shall apply to actions taken pursuant to  
33 this chapter.

34 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.43  
35 RCW to read as follows:

36 The Washington state patrol bureau of forensic laboratory  
37 services must complete the necessary analysis for any evidence  
38 submitted for a suspected violation of RCW 69.50.4011(1)(b),

1 69.50.4013, or 69.41.030 within 45 days of receipt of the request for  
2 analysis.

3 NEW SECTION. **Sec. 8.** The following sums, or as much thereof as  
4 may be necessary, are each appropriated to the Washington state  
5 patrol: \$780,000 from the state general fund for the fiscal year  
6 ending June 30, 2024; and \$425,000 from the state general fund for  
7 the fiscal year ending June 30, 2025. The amounts in this section are  
8 provided solely to support the Washington state patrol bureau of  
9 forensic laboratory services in completing the necessary analysis for  
10 any evidence submitted for a suspected violation of RCW  
11 69.50.4011(1)(b), 69.50.4013, or 69.41.030 within 45 days of receipt  
12 of the request for analysis.

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

14 **Sec. 9.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to  
15 read as follows:

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

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

33 (b) Water pipes;

34 (c) Carburetion tubes and devices;

35 (d) Smoking and carburetion masks;

36 (e) Miniature cocaine spoons and cocaine vials;

37 (f) Chamber pipes;



- 1 (g) Carburetor pipes;
- 2 (h) Electric pipes;
- 3 (i) Air-driven pipes; and
- 4 (j) Ice pipes or chillers.

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

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

19 **Part III - Creating a Pretrial Diversion Program for Individuals**  
20 **Charged with Possession and Vacating Possession Convictions**

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

23 (1) Nothing in this section prevents the defense, with the  
24 consent of the prosecutor as required by RCW 2.30.030, from seeking  
25 to resolve charges of possession under RCW 69.50.4011(1)(b),  
26 69.50.4013, 69.50.4014, or 69.41.030 through available therapeutic  
27 courts or other alternatives to prosecution.

28 (2) For any charged violation of RCW 69.50.4011(1)(b),  
29 69.50.4013, 69.50.4014, or 69.41.030, the court shall advise the  
30 defendant and his or her attorney of the pretrial diversion program.  
31 This notification must include all of the following:

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

33 (b) A general explanation of the roles and authorities of the  
34 probation department, the prosecuting attorney, the program, and the  
35 court in the process;

36 (c) A clear statement that the court may grant pretrial diversion  
37 with respect to any offense under RCW 69.50.4011(1)(b), 69.50.4013,  
38 69.50.4014, or 69.41.030 that is charged, provided that the defendant

1 pleads not guilty to the charge or charges, waives the right to a  
2 speedy trial and that upon the defendant's successful completion of  
3 the program, as specified in subsection (11)(d) of this section, the  
4 positive recommendation of the program authority and motion of the  
5 defendant, prosecuting attorney, the court, or the probation  
6 department, the court must dismiss the charge or charges against the  
7 defendant;

8 (d) A clear statement that if the defendant has not meaningfully  
9 engaged with services provided that are appropriate to the  
10 defendant's circumstances, the prosecuting attorney may make a motion  
11 to terminate pretrial diversion and schedule further proceedings as  
12 otherwise provided in this section; and

13 (e) An explanation of criminal record retention and disposition  
14 resulting from participation in the pretrial diversion program and  
15 the defendant's rights relative to answering questions about his or  
16 her arrest and pretrial diversion following successful completion of  
17 the program.

18 (3) Upon a motion of the defendant and agreement to waive his or  
19 her right to a speedy trial if granted pretrial diversion, the court  
20 may grant the motion and continue the hearing and refer the defendant  
21 for an assessment by any substance use disorder treatment program as  
22 designated in chapter 71.24 RCW.

23 (4) (a) For defendants who agree to participate in the diversion  
24 program, the court shall assist the defendant in obtaining a  
25 substance use disorder evaluation within seven days of the  
26 defendant's agreement to participate in the diversion program. The  
27 substance use evaluation must be provided at no expense to defendants  
28 who qualify for public defense services or who are found to be  
29 indigent by the court. The evaluation must be provided at a location  
30 that is accessible to the defendant, and the court must provide the  
31 defendant with transportation assistance if such assistance is  
32 necessary to make the evaluation accessible to the defendant. The  
33 court may contract with a third party to provide substance use  
34 disorder assessments and services, which may be collocated at the  
35 court or be provided at alternative locations.

36 (b) The state shall reimburse local courts for costs associated  
37 with the substance use disorder assessments under this subsection.

38 (5) The treatment program must make a written report to the court  
39 stating its findings and recommendations after the examination. The  
40 report shall be filed under seal, and the court shall endeavor to

1 avoid public discussion of circumstances, history, or diagnoses that  
2 could be embarrassing or stigmatizing to the defendant.

3 (6) The report with the treatment or service plan must be filed  
4 with the court and a copy given to the prosecutor, the defendant, and  
5 the defendant's counsel.

6 (7) Subject to the availability of funds appropriated for this  
7 purpose, the assessment and recommended services or treatment must be  
8 provided at no cost for individuals who have been found to be  
9 indigent by the court.

10 (8) No statement, or any information procured therefrom relating  
11 to the charge for which the defendant is receiving treatment or  
12 services, made by the defendant to any treatment or service provider,  
13 that is made during the course of any assessment or services provided  
14 by the treatment program pursuant to subsections (4) through (6) of  
15 this section, and before the reporting of the findings and  
16 recommendations to the court, may be admissible in any action or  
17 proceeding brought subsequent to the investigation.

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

21 (10) At the time that pretrial diversion is granted, any bail  
22 bond on file by or on behalf of the defendant must be exonerated, and  
23 the court must enter an order so directing.

24 (11)(a) If it appears to the prosecuting attorney that the  
25 defendant is not meaningfully engaging in the recommended treatment  
26 or services, that the defendant is convicted of an offense that  
27 reflects the defendant's propensity for violence, or that the  
28 defendant is convicted of a felony, the prosecuting attorney may make  
29 a motion for termination from pretrial diversion.

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

32 (c) If the court finds that the defendant is not meaningfully  
33 engaging in the recommended treatment or services, or the court finds  
34 that the defendant has been convicted of an intervening crime as  
35 indicated in (a) of this subsection, the court must schedule the  
36 matter for further proceedings.

37 (d) If the defendant has successfully completed pretrial  
38 diversion, including meaningful engagement with recommended treatment  
39 or services, at the end of that period, the criminal possession  
40 charge or charges must be dismissed.

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

3        (1)    In courts of limited jurisdiction, an individual who is  
4    convicted of a violation of RCW 69.50.4011(1)(b), 69.50.4013, or  
5    69.41.030(2)(b) shall be sentenced as follows:

6        (a)    For individuals convicted of a violation of RCW  
7    69.50.4011(1)(b) or 69.50.4013, if the sentenced individual agrees as  
8    a condition of probation to submit to a substance use disorder  
9    assessment and comply with recommended treatment, to a term of  
10   confinement of up to 364 days all of which shall be suspended for a  
11   period not to exceed two years. The court shall give the individual  
12   credit for all confinement time served before the sentence if the  
13   confinement was solely in regard to the offense for which the  
14   individual is being sentenced;

15       (b)    For individuals convicted of a violation of RCW  
16   69.41.030(2)(b), if the sentenced individual agrees as a condition of  
17   probation to submit to a substance use disorder assessment and comply  
18   with recommended treatment, to a term of confinement of up to 90 days  
19   all of which shall be suspended for a period not to exceed one year;  
20   and

21       (c)    For individuals convicted of a violation of RCW  
22   69.50.4011(1)(b), 69.50.4013, or 69.41.030(2)(b) where the legend  
23   drug is classified as schedule II substance under RCW 69.50.206, if  
24   the sentenced individual refuses to submit to a substance use  
25   disorder assessment and comply with the recommended treatment as a  
26   condition of probation, to imprisonment for a term of not less than  
27   21 days. The sentencing court shall give the individual credit for  
28   all confinement time served before the sentencing if the confinement  
29   was solely in regard to the offense for which the individual is being  
30   sentenced.

31       (2)    For individuals sentenced under subsection (1)(a) or (b) of  
32   this section, the court shall order as a condition of probation the  
33   individual to submit to a substance use disorder assessment and  
34   comply with the recommended treatment.

35       (a)    The court shall assist the defendant in obtaining a substance  
36   use disorder evaluation within seven days of the defendant's  
37   agreement to participate in the diversion program. The substance use  
38   evaluation shall be provided at no expense to defendants who qualify  
39   for public defense services or who are found to be indigent by the  
40   court. The evaluation shall be provided at a location that is

1 accessible to the defendant, and the court shall provide the  
2 defendant with transportation assistance if such assistance is  
3 necessary to make the evaluation accessible to the defendant. The  
4 court may contract with a third party to provide substance use  
5 disorder assessments and services, which may be collocated at the  
6 court or be provided at alternative locations. The state shall  
7 reimburse local courts for costs associated with the substance use  
8 disorder assessments under this subsection.

9 (b) A diagnostic evaluation and treatment recommendation shall be  
10 prepared under the direction of the court by a substance use disorder  
11 treatment program licensed or certified by the department of health  
12 or a qualified probation department approved by the department of  
13 social and health services. A copy of the report shall be forwarded  
14 to the court. Based on the diagnostic evaluation, the court shall  
15 determine whether the person shall be required to complete a course  
16 in an alcohol and drug information school licensed or certified by  
17 the department of health or more intensive treatment in an approved  
18 treatment program licensed or certified by the department of health.

19 (c) The diagnostic evaluation and treatment recommendation shall  
20 include the following:

- 21 (i) Type of treatment;
- 22 (ii) Nature of treatment;
- 23 (iii) Length of treatment;
- 24 (iv) A treatment time schedule; and
- 25 (v) Approximate cost of the treatment.

26 (3) A person subject to substance use disorder assessment and  
27 treatment shall be required by the court to complete a course in an  
28 alcohol and drug information school certified by the department of  
29 health or to complete more intensive treatment in a treatment program  
30 licensed or certified by the department of health, as determined by  
31 the court.

32 (4) All individuals providing treatment under this section shall  
33 implement the integrated and comprehensive screening and assessment  
34 process for co-occurring substance use and mental health disorders  
35 adopted under RCW 71.24.630.

36 (5) Any agency that provides treatment ordered under this  
37 section, must immediately report to the appropriate probation  
38 department where applicable, otherwise to the court, any  
39 noncompliance by a person with the conditions of the person's ordered  
40 treatment. The court shall notify the department of health of any

1 failure by an agency to report noncompliance. Any agency with  
2 knowledge of noncompliance that fails to report shall be fined \$250  
3 by the department of health. Upon three such failures by an agency  
4 within one year, the department of health shall revoke the agency's  
5 license or certification under this section.

6 (6) Subject to the availability of funds appropriated for this  
7 purpose, the substance use disorder assessment and recommended  
8 treatment as ordered by the court shall be provided at no cost for  
9 sentenced individuals who have been found to be indigent by the  
10 court.

11 (7) As a condition of probation, the sentenced individual must  
12 comply with the treatment recommendations of the substance use  
13 disorder assessment.

14 (8)(a) If it appears to the prosecuting attorney or the court,  
15 that the sentenced individual is performing unsatisfactorily in the  
16 recommended treatment program, the prosecuting attorney, or the court  
17 on its own, shall make a motion for a hearing to consider sanctions.  
18 After notice to the sentenced individual, the court shall hold a  
19 hearing to determine if a sanction or revocation of the individual's  
20 suspended sentence, or any part thereof, is warranted under RCW  
21 3.50.340 or 3.66.069.

22 (b) If the court finds the sentenced individual has made  
23 reasonable efforts to comply with the recommended treatment but  
24 cannot comply either due to a lack of available treatment or, for  
25 sentenced individuals found to be indigent by the court, due to a  
26 lack of funding for treatment, no sanction for a failure to comply  
27 with the recommended treatment may include jail.

28 (9) For individuals sentenced under subsection (1)(a) of this  
29 section, if at any point the court finds by a preponderance of the  
30 evidence that the sentenced individual has willfully abandoned or  
31 demonstrated a consistent failure to comply with the recommended  
32 treatment, the court shall reinstate a portion of the individual's  
33 suspended sentence as follows:

34 (a) For an individual's first instance of being sentenced under  
35 this section, the court shall use its discretion in determining an  
36 appropriate amount of time of the individual's suspended sentence to  
37 reinstate given the facts and circumstances of the particular case;

38 (b) For an individual's second instance of being sentenced under  
39 this section, the court shall reinstate no less than 21 days of the  
40 individual's suspended sentence; and

1 (c) For an individual's third instance of being sentenced under  
2 this section, the court shall reinstate no less than 45 days of the  
3 individual's suspended sentence.

4 (10) For individuals sentenced under subsection (1)(a) of this  
5 section, the court may deem any subsequent charge filed against the  
6 individual for violation of RCW 69.50.4011(1)(b), 69.50.4013, or  
7 69.41.030 a willful abandonment of treatment.

8 (11) If the individual has successfully completed the recommended  
9 treatment program, the individual must file proof of successful  
10 completion with the court at which time the court must terminate  
11 probation and enter an order vacating the individual's conviction  
12 under RCW 9.96.060(6).

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

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

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

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

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

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

1 (d) The offense was a violation of RCW 46.61.502 (driving while  
2 under the influence), 46.61.504 (actual physical control while under  
3 the influence), 9.91.020 (operating a railroad, etc. while  
4 intoxicated), or the offense is considered a "prior offense" under  
5 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug  
6 violation within ten years of the date of arrest for the prior  
7 offense or less than ten years has elapsed since the date of the  
8 arrest for the prior offense;

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

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

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

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

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

39 (iv) Less than five years have elapsed since the person completed  
40 the terms of the original conditions of the sentence, including any



1 financial obligations and successful completion of any treatment  
2 ordered as a condition of sentencing;

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

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

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

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

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

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

3 (b) The state has been enjoined from taking enforcement action of  
4 the statute or rule to the extent that it interferes with a treaty  
5 Indian fishing right as determined under *United States v. Washington*,  
6 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.  
7 899 (D. Oregon 1969), and any posttrial orders of those courts, or  
8 any other state supreme court or federal court decision.

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

20 (6) If an individual who successfully completes a substance use  
21 disorder treatment program as required under section 11 of this act  
22 files proof of completion with the court, upon verification that the  
23 individual successfully completed the substance use disorder  
24 treatment program, the court must vacate the conviction or  
25 convictions.

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

31 (~~(7)~~) (8)(a) Except as provided in (c) of this subsection, once  
32 the court vacates a record of conviction under this section, the  
33 person shall be released from all penalties and disabilities  
34 resulting from the offense and the fact that the person has been  
35 convicted of the offense shall not be included in the person's  
36 criminal history for purposes of determining a sentence in any  
37 subsequent conviction. For all purposes, including responding to  
38 questions on employment or housing applications, a person whose  
39 conviction has been vacated under this section may state that he or  
40 she has never been convicted of that crime. However, nothing in this

1 section affects the requirements for restoring a right to possess a  
2 firearm under RCW 9.41.040. Except as provided in (b) of this  
3 subsection, nothing in this section affects or prevents the use of an  
4 offender's prior conviction in a later criminal prosecution.

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

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

26 ~~((+8))~~ (9) The clerk of the court in which the vacation order is  
27 entered shall immediately transmit the order vacating the conviction  
28 to the Washington state patrol identification section and to the  
29 local police agency, if any, which holds criminal history information  
30 for the person who is the subject of the conviction. The Washington  
31 state patrol and any such local police agency shall immediately  
32 update their records to reflect the vacation of the conviction, and  
33 shall transmit the order vacating the conviction to the federal  
34 bureau of investigation. A conviction that has been vacated under  
35 this section may not be disseminated or disclosed by the state patrol  
36 or local law enforcement agency to any person, except other criminal  
37 justice enforcement agencies.

38 ~~((+9))~~ (10) For the purposes of this section, "cannabis" has the  
39 meaning provided in RCW 69.50.101.

1                   **Part IV – Opioid Treatment Rural Access and Expansion**

2           **Sec. 13.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to  
3 read as follows:

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

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

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

34           (d) For the purpose of this section, "harm reduction programs"  
35 means programs that emphasize working directly with people who use  
36 drugs to prevent overdose and infectious disease transmission,  
37 improve the physical, mental, and social well-being of those served,  
38 and offer low threshold options for accessing substance use disorder  
39 treatment and other health care services.

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

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

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

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

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

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

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

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

34 (b) A consideration for grants or loans provided under RCW  
35 43.17.250(3); or

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

38 **Sec. 14.** RCW 71.24.589 and 2019 c 314 s 29 are each amended to  
39 read as follows:

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

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

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

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

29 (a) Long-term case management for individuals with substance use  
30 disorders;

31 (b) Facilitation and coordination with community resources  
32 focusing on overdose prevention;

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

35 (d) Facilitation and coordination with community resources  
36 providing physical and behavioral health services;

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

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

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

3 (h) Prosecutorial support for diversion services.

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

14 **Sec. 15.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to  
15 read as follows:

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

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

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

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

34 (d) Consider the size of the population in need of treatment in  
35 the area in which the program would be located and license or certify  
36 only applicants whose programs meet the necessary treatment needs of  
37 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) For the purpose of this chapter, "opioid treatment program"  
8 means a program that:

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

13 (b) Provides a comprehensive range of medical and rehabilitative  
14 services.

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

17 NEW SECTION. **Sec. 16.** 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 programs  
22 in regions of the state that currently lack access to such programs.

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

26 **Sec. 17.** RCW 10.31.110 and 2021 c 311 s 6 are each amended to  
27 read as follows:

28 (1) When a police officer has reasonable cause to believe that  
29 the individual has committed acts constituting a crime, and the  
30 individual is known by history or consultation with the behavioral  
31 health administrative services organization, managed care  
32 organization, crisis hotline, local crisis services providers, or  
33 community health providers to have a mental disorder or substance use  
34 disorder, in addition to existing authority under state law or local  
35 policy, as an alternative to arrest, the arresting officer is  
36 authorized and encouraged to:

37 (a) Take the individual to a crisis stabilization unit as defined  
38 in RCW 71.05.020. Individuals delivered to a crisis stabilization

1 unit pursuant to this section may be held by the facility for a  
2 period of up to twelve hours. The individual must be examined by a  
3 mental health professional or substance use disorder professional  
4 within three hours of arrival;

5 (b) Take the individual to a triage facility as defined in RCW  
6 71.05.020. An individual delivered to a triage facility which has  
7 elected to operate as an involuntary facility may be held up to a  
8 period of twelve hours. The individual must be examined by a mental  
9 health professional or substance use disorder professional within  
10 three hours of arrival;

11 (c) Refer the individual to a designated crisis responder for  
12 evaluation for initial detention and proceeding under chapter 71.05  
13 RCW;

14 (d) Release the individual upon agreement to voluntary  
15 participation in outpatient treatment;

16 (e) Refer the individual to youth, adult, or geriatric mobile  
17 crisis response services, as appropriate; or

18 (f) Refer the individual to the regional entity responsible to  
19 receive referrals in lieu of legal system involvement, including the  
20 recovery navigator program described in RCW 71.24.115.

21 (2) If the individual is released to the community from the  
22 facilities in subsection (1)(a) through (c) of this section, the  
23 mental health provider or substance use disorder professional shall  
24 make reasonable efforts to inform the arresting officer of the  
25 planned release prior to release if the arresting officer has  
26 specifically requested notification and provided contact information  
27 to the provider.

28 (3) In deciding whether to refer the individual to treatment  
29 under this section, the police officer must be guided by local law  
30 enforcement diversion guidelines for behavioral health developed and  
31 mutually agreed upon with the prosecuting authority with an  
32 opportunity for consultation and comment by the defense bar and  
33 disability community. These guidelines must address, at a minimum,  
34 the length, seriousness, and recency of the known criminal history of  
35 the individual, the mental health history of the individual, if  
36 available, the substance use disorder history of the individual, if  
37 available, the opinions of a mental health professional, if  
38 available, the opinions of a substance use disorder professional, if  
39 available, and the circumstances surrounding the commission of the  
40 alleged offense. The guidelines must include a process for clearing

1 outstanding warrants or referring the individual for assistance in  
2 clearing outstanding warrants, if any, and issuing a new court date,  
3 if appropriate, without booking or incarcerating the individual or  
4 disqualifying the individual from referral to treatment under this  
5 section, and define the circumstances under which such action is  
6 permissible. Referrals to services, care, and treatment for substance  
7 use disorder must be made in accordance with protocols developed for  
8 the recovery navigator program described in RCW 71.24.115.

9 (4) Any agreement to participate in treatment or services in lieu  
10 of jail booking or referring a case for prosecution shall not require  
11 individuals to stipulate to any of the alleged facts regarding the  
12 criminal activity as a prerequisite to participation in the  
13 alternative response described in this section. Any agreement is  
14 inadmissible in any criminal or civil proceeding. Such agreements do  
15 not create immunity from prosecution for the alleged criminal  
16 activity.

17 (5) If there are required terms of participation in the services  
18 or treatment to which an individual was referred under this section,  
19 and if the individual violates such terms and is therefore no longer  
20 participating in services:

21 (a) The behavioral health or service provider shall inform the  
22 referring law enforcement agency of the violation, if consistent with  
23 ~~((the terms of the program and))~~ applicable law; and

24 (b) The original charges may be filed or referred to the  
25 prosecutor, as appropriate, and the matter may proceed accordingly~~((~~  
26 ~~unless filing or referring the charges is inconsistent with the terms~~  
27 ~~of a local diversion program or a recovery navigator program~~  
28 ~~described in RCW 71.24.115))~~.

29 (6) The police officer is immune from liability for any good  
30 faith conduct under this section.

31 NEW SECTION. **Sec. 18.** RCW 10.31.115 (Drug possession—Referral  
32 to assessment and services) and 2021 c 311 s 13 are each repealed.

33 **Part V - Providing Legal Advocacy for Parents and Families Affected**  
34 **by Substance Use Disorders in Dependency and Child Custody Cases**

35 NEW SECTION. **Sec. 19.** A new section is added to chapter 26.12  
36 RCW to read as follows:

1 (1) In any parenting plan or child custody proceeding in which  
2 the court determines that a child's parent, guardian, or custodian is  
3 affected by substance use disorders, mental health disorders, or  
4 behavioral health concerns such that it leaves the parent, guardian,  
5 or custodian unable to adequately represent his or her own interests  
6 or his or her parental rights may be restricted, either by way of  
7 long-term supervision or limited contact with the child, the parent,  
8 guardian, or custodian may have the right to court-appointed counsel,  
9 who, if appropriate, must have understanding of the Indian child  
10 welfare act and knowledge about tribal child welfare systems. In  
11 determining whether to appoint counsel, the court must consider the  
12 financial ability of the parties, the degree such disorder impacts  
13 the ability of the parent, guardian, or custodian to understand the  
14 proceedings and represent their own interests, and any professional  
15 assessment or evaluation or any other evidence submitted to the court  
16 on the parent, guardian, or custodian's behalf.

17 (2) The court may, in its discretion, appoint counsel for the  
18 child or a guardian ad litem as set forth in RCW 26.09.110 and  
19 26.09.220.

20 **Part VI - Funding, Promotion, and Training for Recovery Residences**

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

23 Subject to the availability of amounts provided for this specific  
24 purpose, the authority shall:

25 (1) Make sufficient funding available to support establishment of  
26 an adequate and equitable stock of recovery residences in each region  
27 of the state, including by expansion of a revolving fund program to  
28 make loans or grants available for recovery residence operators to  
29 use for necessary capital expenses;

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

34 (3) Conduct outreach to underserved and rural areas to support  
35 the development of recovery housing, including adequate resources for  
36 women, LGBTQIA+ communities, and youth; and

37 (4) Develop a training for housing providers by January 1, 2024,  
38 to assist them with providing appropriate service to LGBTQIA+

1 communities, including consideration of topics like harassment,  
2 communication, antiracism, diversity, and gender affirming behavior,  
3 and ensure applicants for grants or loans related to recovery  
4 residences receive access to the training.

5 **Sec. 21.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to  
6 read as follows:

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

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

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

15 (ii) The property is rented or leased by the nonprofit  
16 organization and the benefit of the exemption inures to the nonprofit  
17 organization.

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

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

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

24 (ii) The property is rented or leased by the nonprofit  
25 organization and the benefit of the exemption inures to the nonprofit  
26 organization.

27 (3) As used in this section:

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

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

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

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

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

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

5       NEW SECTION. Sec. 22. (1) This section is the tax preference  
6 performance statement for the tax preference contained in section 21,  
7 chapter . . ., Laws of 2023 (section 21 of this act). This  
8 performance statement is only intended to be used for subsequent  
9 evaluation of the tax preference. It is not intended to create a  
10 private right of action by any party or to be used to determine  
11 eligibility for preferential tax treatment.

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

15       (3) By exempting property used by nonprofit organizations  
16 maintaining approved recovery residences, it is the legislature's  
17 specific public policy objective to maximize funding for recovery  
18 residences to the extent possible, thereby increasing availability of  
19 such residences.

20       (4) To measure the effectiveness of the tax exemption provided in  
21 section 21 of this act in achieving the specific public policy  
22 objectives described in subsection (3) of this section, the joint  
23 legislative audit and review committee must evaluate:

24       (a) Annual changes in the total number of parcels qualifying for  
25 the exemption under section 21 of this act;

26       (b) The amount of annual property tax relief resulting from the  
27 tax exemption under section 21 of this act;

28       (c) The average annual number of people housed at recovery  
29 residences located on property qualifying for the exemption under  
30 section 21 of this act;

31       (d) The annualized amount charged for housing at recovery  
32 residences located on property qualifying for the exemption under  
33 section 21 of this act and the annualized estimated increase in the  
34 charge for housing if the properties had not been eligible for the  
35 exemption; and

36       (e) The annual amount of expenditures by nonprofits to maintain  
37 recovery residences located on property qualifying for the exemption  
38 under section 21 of this act.

1 (5) The legislature intends to extend the expiration date of the  
2 property tax exemption under section 21 of this act if the review by  
3 the joint legislative audit and review committee finds that:

4 (a) The number of properties qualifying for the exemption under  
5 section 21 of this act has increased;

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

9 (c) The amount charged for recovery housing is reasonably  
10 consistent with the actual cost of operating and maintaining the  
11 housing.

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

15 (a) Initial applications for the tax exemption under section 21  
16 of this act as approved by the department of revenue under RCW  
17 84.36.815;

18 (b) Annual financial statements prepared by nonprofit entities  
19 claiming the tax exemption under section 21 of this act;

20 (c) Filings with the federal government to maintain federal tax  
21 exempt status by nonprofit organizations claiming the tax exemption  
22 under section 21 of this act; and

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

25 **Part VII - Training for Parents of Children with Substance Use**  
26 **Disorder and Caseworkers Within the Department of Children, Youth,**  
27 **and Families**  
28

29 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.216  
30 RCW to read as follows:

31 (1) The health care authority in consultation with the department  
32 shall develop a training for parents of children and transition age  
33 youth with substance use disorders by June 30, 2024, addressing the  
34 following:

35 (a) Science and education related to substance use disorders;

36 (b) Adaptive and functional communication strategies for  
37 communication with a loved one about their substance use disorder,

1 including positive communication skills and strategies to influence  
2 motivation and behavioral change;

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

4 (d) Means to obtain opioid overdose reversal medication when  
5 appropriate and instruction on proper use.

6 (2) The health care authority and the department shall make this  
7 training publicly available and the department must promote the  
8 training to licensed foster parents and caregivers, including any  
9 tribally licensed foster parents and tribal caregivers.

10 NEW SECTION. **Sec. 24.** A new section is added to chapter 43.216  
11 RCW to read as follows:

12 The department must make opioid overdose reversal medication  
13 available for use by caseworkers or employees that may come in  
14 contact with individuals experiencing overdose and must make  
15 appropriate training available.

16 **Part VIII - Data Support for Recovery Navigator Programs**

17 NEW SECTION. **Sec. 25.** To support recovery navigator programs,  
18 the health care authority must develop and implement a data  
19 integration platform by June 30, 2024, to serve as a common database  
20 for diversion efforts across the state, to serve as a data collection  
21 and management tool for practitioners, and to assist in standardizing  
22 definitions and practices. If possible, the health care authority  
23 must leverage and interact with existing platforms already in use in  
24 efforts funded by the authority. The health care authority must  
25 establish a quality assurance process for behavioral health  
26 administrative services organizations, and employ data validation for  
27 fields in the data collection workbook.

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

30 (1) The authority shall contract with the Washington state  
31 institute for public policy to conduct a study of the long-term  
32 effectiveness of the recovery navigator program under RCW 71.24.115  
33 with reports due by June 30th in the years 2028, 2033, and 2038. The  
34 Washington state institute for public policy shall collaborate with  
35 the authority and substance use recovery services advisory committee  
36 under RCW 71.24.546 on the topic of data collection and to determine



1 the parameters of the report, which shall include recommendations, if  
2 any, for modification and improvement of the recovery navigator  
3 program. The authority shall cooperate with the Washington state  
4 institute for public policy to provide data for this report.

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

11 **Part IX - Establishing Rules and Payment Structures for Health**  
12 **Engagement Hubs**

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

15 (1) The authority shall develop payment structures for health  
16 engagement hubs by January 1, 2025.

17 (2) A health engagement hub:

18 (a) Serves as an all-in-one location where people who use drugs  
19 can access a range of medical, harm reduction, treatment, and social  
20 services;

21 (b) May be affiliated with existing syringe service programs,  
22 federally qualified health centers, community health centers,  
23 overdose prevention sites, safe consumption sites, patient-centered  
24 medical homes, tribal behavioral health programs, peer run  
25 organizations such as clubhouses, services for unhoused people,  
26 supportive housing, and opioid treatment programs including mobile  
27 and fixed-site medication units established under an opioid treatment  
28 program, or other appropriate entity;

29 (c) Provides referrals or access to methadone and other  
30 medications for opioid addiction;

31 (d) Functions as a patient-centered medical home by offering  
32 high-quality, cost-effective patient-centered care, including wound  
33 care;

34 (e) Provides harm reduction services and supplies;

35 (f) Provides linkage to housing, transportation, and other  
36 support services; and

37 (g) Is open to youth as well as adults.

1 (3) To the extent allowed under federal law, the authority shall  
2 direct medicaid managed care organizations to adopt a value-based  
3 bundled payment methodology in contracts with health engagement hubs  
4 and other opioid treatment providers.

5 (4) The authority shall make sufficient funding available to  
6 ensure that a health engagement hub is available within a two-hour  
7 drive for all communities and that there is at least one health  
8 engagement hub available per 200,000 residents in Washington state.

9 **Part X - Education and Employment Pathways**

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

12 Subject to funding provided for this specific purpose, the  
13 authority shall establish a grant program for providers of  
14 employment, education, training, certification, and other supportive  
15 programs designed to provide persons recovering from a substance use  
16 disorder with employment opportunities. The grant program shall  
17 employ a low-barrier application and give priority to programs that  
18 engage with black, indigenous, persons of color, and other  
19 historically underserved communities.

20 **Part XI - Providing a Statewide Directory of Recovery Services**

21 NEW SECTION. **Sec. 29.** A new section is added to chapter 71.24  
22 RCW to read as follows:

23 Subject to funding provided for this specific purpose, the  
24 authority must collaborate with the department and the department of  
25 social and health services to expand the Washington recovery helpline  
26 and the recovery readiness asset tool to provide a dynamically  
27 updated statewide behavioral health treatment and recovery support  
28 services mapping tool that includes a robust resource database for  
29 those seeking services and a referral system to be incorporated  
30 within the locator tool to help facilitate the connection between an  
31 individual and a facility that is currently accepting new referrals.  
32 The tool must include dual interface capability, one for public  
33 access and one for internal use and management.

34 **Part XII - Investing Adequately in Statewide Diversion Services**

1        NEW SECTION.    **Sec. 30.**    (1) It is the intent of the legislature  
2 to increase investments in the 2023-2025 biennium substantially over  
3 baseline levels established in the 2021-2023 operating and capital  
4 budgets to increase the provision of evidence-based prearrest and  
5 prefiling diversion programs in all regions of the state. Services  
6 which shall be increased and included in every health purchasing  
7 region include crisis stabilization units, 23-hour crisis relief  
8 centers, mobile crisis response services for youth and adults,  
9 recovery navigator programs, and law enforcement assisted diversion.

10        (2) The appropriations in this subsection are provided to the  
11 state health care authority and are subject to the following  
12 conditions and limitations:

13        (a) The following sums, or so much thereof as may be necessary,  
14 are each appropriated: \$18,114,000 from the state general fund for  
15 the fiscal year ending June 30, 2024; and \$16,437,000 from the state  
16 general fund for the fiscal year ending June 30, 2025. The amounts in  
17 this subsection are provided solely for the authority to continue and  
18 expand efforts to provide opioid use disorder medication in city,  
19 county, regional, and tribal jails.

20        (b) The following sums, or so much thereof as may be necessary,  
21 are each appropriated: \$3,500,000 from the state general fund for the  
22 fiscal year ending June 30, 2024; and \$3,500,000 from the state  
23 general fund for the fiscal year ending June 30, 2025. The amounts in  
24 this subsection are provided solely for the authority to provide  
25 support funds to new and established clubhouses throughout the state.

26        (c) The following sums, or so much thereof as may be necessary,  
27 are each appropriated: \$1,583,000 from the state general fund for the  
28 fiscal year ending June 30, 2024; and \$1,583,000 from the state  
29 general fund for the fiscal year ending June 30, 2025. The amounts in  
30 this subsection are provided solely for the authority to award grants  
31 to crisis services providers to establish and expand 23-hour crisis  
32 relief center capacity. It is the intent of the legislature that  
33 grants are awarded to an equivalent number of providers to the west  
34 and the east of the Cascade mountains. The authority must consider  
35 the geographic distribution of proposed grant applicants and the  
36 regional need for 23-hour crisis relief centers when awarding grant  
37 funds.

38        (d) The following sums, or so much thereof as may be necessary,  
39 are each appropriated: \$900,000 from the state general fund for the  
40 fiscal year ending June 30, 2024; \$900,000 from the state general

1 fund for the fiscal year ending June 30, 2025; and \$1,800,000 from  
2 the state general fund—federal for the fiscal biennium ending June  
3 30, 2025. The amounts in this subsection are provided solely for the  
4 authority to maintain a memorandum of understanding with the criminal  
5 justice training commission to provide ongoing funding for community  
6 grants pursuant to RCW 36.28A.450.

7 (e) The following sums, or so much thereof as may be necessary,  
8 are each appropriated: \$1,250,000 from the state general fund for the  
9 fiscal year ending June 30, 2024; \$1,250,000 from the state general  
10 fund for the fiscal year ending June 30, 2025; and \$2,500,000 from  
11 the state general fund—federal for the fiscal biennium ending June  
12 30, 2025. The amounts in this subsection are provided solely for the  
13 authority to provide ongoing grants to law enforcement assistant  
14 diversion programs under RCW 71.24.590.

### 15 **Part XIII - Streamlining Substance Use Disorder Treatment Intakes**

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

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

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

### 34 **Part XIV - Miscellaneous Provisions**

35 **Sec. 32.** 2021 c 311 s 29 (uncodified) is amended to read as  
36 follows:

1        Sections 8 through 10(~~(7)~~) and 12(~~(7, 15, and 16)~~) of this act  
2 expire (~~(July 1, 2023)~~) on the effective date of this section.

3        NEW SECTION.    **Sec. 33.**    Sections 2 through 12 of this act are  
4 necessary for the immediate preservation of the public peace, health,  
5 or safety, or support of the state government and its existing public  
6 institutions, and take effect July 1, 2023.

--- END ---