

2SHB 1232 - H AMD 168

By Representative Ortiz-Self

ADOPTED 03/07/2025

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

3 **"Sec. 1.** RCW 70.395.020 and 2023 c 419 s 9 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) (~~"Basic personal hygiene items" means items used to promote~~
8 ~~or preserve a detained person's health and contribute to the~~
9 ~~prevention of disease or infection, including soap, toothbrush and~~
10 ~~toothpaste, shampoo and conditioner, lotion, nail clippers, comb,~~
11 ~~towels, and menstrual products.~~

12 (2) ~~"Culturally competent" includes: Knowledge of a detained~~
13 ~~person's cultural histories and contexts, as well as family norms and~~
14 ~~values in different cultures; knowledge and skills in accessing~~
15 ~~community resources and community outreach; and skills in adapting~~
16 ~~services and treatment to a detained person's experiences and~~
17 ~~identifying cultural contexts for individuals.~~

18 (3)) "Abuse" means an act by any individual which injures,
19 exploits, or in any way jeopardizes a detained person's health,
20 welfare, or safety, including, but not limited to:

21 (a) Physically damaging or potentially damaging nonaccidental
22 acts;

23 (b) Emotionally damaging verbal behavior and harassment or other
24 actions which may result in emotional or behavioral problems; and

25 (c) Sexual abuse, exploitation, and mistreatment through
26 inappropriate touching, inappropriate remarks, or encouraging
27 participation in pornography or prostitution.

28 (2) "Detained person" means a person confined in a private
29 detention facility.

30 ((4)) (3) "Detention facility" means any facility in which
31 persons are incarcerated or otherwise involuntarily confined for
32 purposes including prior to trial or sentencing, fulfilling the terms

1 of a sentence imposed by a court, or for other judicial or
2 administrative processes or proceedings.

3 ~~((5) "Fresh fruits and vegetables" means any unprocessed fruits
4 or vegetables, not including any processed, canned, frozen, or
5 dehydrated fruits or vegetables, or any fruits or vegetables infected
6 or infested with insects or other contaminants.~~

7 ~~(6) (a) "Personal protective equipment" means equipment worn to
8 minimize exposure to hazards that cause serious injuries and illness,
9 which may result from contact with chemical, radiological, physical,
10 electrical, mechanical, or other hazards.~~

11 ~~(b) Personal protective equipment may include items such as
12 gloves, safety glasses and shoes, earplugs or muffs, hard hats,
13 respirators, or coveralls, vests, and full body suits.~~

14 ~~(7)) (4) "Dietitian" means an individual certified under chapter
15 18.138 RCW.~~

16 (5) "Neglect" means conduct which results in deprivation of care
17 necessary to maintain a detained person's minimum physical and mental
18 health including, but not limited to:

19 (a) Physical and material deprivation;

20 (b) Lack of medical care;

21 (c) Inadequate food, clothing or cleanliness;

22 (d) Refusal to acknowledge, hear, or consider a detained person's
23 concerns;

24 (e) Lack of social interaction and physical activity;

25 (f) Lack of personal care; and

26 (g) Lack of supervision appropriate for the detained person's
27 level of functioning.

28 (6) "Private detention facility" means a detention facility that
29 is operated by a private, nongovernmental (~~for-profit~~) entity and
30 operating pursuant to a contract or agreement with a federal, state,
31 or local governmental entity.

32 ~~((8) "Solitary confinement" means the confinement of a detained
33 person alone in a cell or similarly confined holding or living space
34 for 20 hours or more per day under circumstances other than a partial
35 or facility wide lockdown.~~

36 ~~(9) "Telecommunications services" means phone calls or other
37 voice communication services, video communications, and email
38 services.)~~

1 **Sec. 2.** RCW 70.395.040 and 2023 c 419 s 2 are each amended to
2 read as follows:

3 (1) The department of health shall adopt rules as may be
4 necessary to effectuate the intent and purposes of this section in
5 order to ensure private detention facilities comply with measurable
6 standards providing sanitary, hygienic, and safe conditions for
7 detained persons. The department of health rules shall include that:

8 (a) A detained person should have a safe, clean, and comfortable
9 environment that allows a detained person to use the person's
10 personal belongings to the extent possible;

11 (b) Living areas, including areas used for sleeping, recreation,
12 dining, telecommunications, visitation, and bathrooms, must be
13 cleaned and sanitized regularly;

14 (c) A private detention facility must provide laundry facilities,
15 equipment, handling, and processes for linen and laundered items that
16 are clean and in good repair, adequate to meet the needs of detained
17 persons, and maintained according to the manufacturer's instructions.
18 Laundry and linen must be handled, cleaned, and stored according to
19 acceptable methods of infection control including preventing
20 contamination from other sources. Separate areas for handling clean
21 laundry and soiled laundry must be provided and laundry rooms and
22 areas must be ventilated to the exterior;

23 (d) Basic personal hygiene items must be provided to a detained
24 person regularly at no cost;

25 (e) A private detention facility shall provide a nutritious and
26 balanced diet, including fresh fruits and vegetables, and shall
27 recognize a detained person's need for a special diet. A private
28 detention facility must follow proper food handling and hygiene
29 practices. A private detention facility must provide at least three
30 meals per day, at no cost, and at reasonable hours;

31 (f) Safe indoor air quality must be maintained;

32 (g) The private detention facility must have both heating and air
33 conditioning equipment that can be adjusted by room or area. Rooms
34 used by a detained person must be able to maintain interior
35 temperatures between 65 degrees Fahrenheit and 78 degrees Fahrenheit
36 year-round. Excessive odors and moisture must be prevented in the
37 building; ~~((and))~~

38 (h) A private detention facility must implement and maintain an
39 infection control program that prevents the transmission of

1 infections and communicable disease among detained persons, staff,
2 and visitors((-)); and

3 (i) A private detention facility must provide:

4 (i) Ready access and equipment to accommodate detained persons
5 with physical and mental disabilities;

6 (ii) Adequate lighting in all areas;

7 (iii) An adequate supply of hot and cold running water under
8 pressure meeting the standards in chapters 246-290 and 246-291 WAC,
9 with devices to prevent backflow into the potable water supply
10 system, and water temperature not exceeding 120 degrees Fahrenheit
11 automatically regulated at all plumbing fixtures used by detained
12 persons;

13 (iv) Written policies, procedures, and schedules for maintenance
14 and housekeeping functions;

15 (v) Housekeeping and service facilities on each floor, including:

16 (A) One or more service sinks, designed for filling and emptying
17 mop buckets;

18 (B) Housekeeping closets that are equipped with shelving,
19 ventilated to the out-of-doors, and kept locked; and

20 (C) A utility service area designed and equipped for washing,
21 disinfecting, storing, and housing medical and nursing supplies and
22 equipment; and

23 (vi) Equipment and facilities to collect and dispose of all
24 sewage, garbage, refuse, and liquid waste in a safe and sanitary
25 manner.

26 (2) The office of the attorney general may enforce violations of
27 this section on its own initiative or in response to complaints or
28 violations.

29 **Sec. 3.** RCW 70.395.050 and 2023 c 419 s 3 are each amended to
30 read as follows:

31 (1) The department of health may at any time inspect a private
32 detention facility to determine whether it has failed or refused to
33 comply with the requirements of this chapter, the standards or rules
34 adopted under this chapter, or other applicable state or federal
35 statutes or rules regulating such facilities.

36 (2) The department of health shall:

37 (a) Conduct routine, unannounced inspections of private detention
38 facilities including, but not limited to, inspection of food service

1 and food handling, sanitation and hygiene, and nutrition as provided
2 in (c) of this subsection;

3 (b) Conduct investigations of complaints received relating to any
4 private detention facility located within the state;

5 (c) Regularly review the list of food items provided to detained
6 persons to ensure the specific nutrition and calorie needs of each
7 detained person are met, including any needs related to medical
8 requirements, food allergies, or religious dietary restrictions;

9 (d) Test water used for drinking and bathing and air quality
10 every six months at private detention facilities both inside and
11 outside of the facility; and

12 (e) Post inspection results on its website and in a conspicuous
13 place viewable by detained persons and visitors to private detention
14 facilities. Results should be posted in English and in languages
15 spoken by detainees, to the extent practicable.

16 ~~((+2))~~ (3) The department of health may delegate food safety
17 inspections to the local health jurisdiction, where the local health
18 jurisdiction is in the county where the private detention facility is
19 located, to conduct inspections pursuant to regulations.

20 ~~((+3))~~ (4) The department of health shall adopt rules as may be
21 necessary to effectuate the intent and purposes of this section in
22 order to ensure private detention facilities allow regular
23 inspections and comply with measurable standards providing sanitary,
24 hygienic, and safe conditions for detained persons.

25 ~~((+4))~~ (5) The department of labor and industries shall conduct
26 routine, unannounced inspections of workplace conditions at private
27 detention facilities, including work undertaken by detained persons.

28 ~~((+5))~~ (6) The office of the attorney general may enforce
29 violations of this section on its own initiative or in response to
30 complaints or violations.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.395
32 RCW to read as follows:

33 In any case in which the department of health conducts an
34 inspection of a private detention facility and finds that the private
35 detention facility has failed or refused to comply with applicable
36 state statutes or regulations, the department of health may take one
37 or more of the following actions:

38 (1) When the department of health determines the private
39 detention facility has previously been subject to an enforcement

1 action for the same or similar type of violation of the same statute
2 or rule, or has been given any previous statement of deficiency that
3 included the same or similar type of violation of the same or similar
4 statute or rule, or has failed to correct noncompliance with a
5 statute or rule by a date established or agreed to by the department
6 of health, the department of health may impose reasonable conditions
7 on the private detention facility, which may include correction
8 within a specified amount of time, training, or hiring a consultant
9 approved by the department of health if the private detention
10 facility cannot demonstrate that it has access to sufficient internal
11 expertise.

12 (2) (a) In accordance with the authority under RCW 43.70.095, the
13 department of health may assess a civil fine of up to \$10,000 per
14 violation, not to exceed a total fine of \$1,000,000, on a private
15 detention facility if the private detention facility has previously
16 been subject to an enforcement action for the same or similar type of
17 violation of the same statute or rule, or has been given any previous
18 statement of deficiency that included the same or similar type of
19 violation of the same or similar statute or rule, or has failed to
20 correct noncompliance with a statute or rule by a date established or
21 agreed to by the department of health.

22 (b) Proceeds from these fines may only be used by the department
23 of health to provide training or technical assistance to private
24 detention facilities.

25 (c) The department of health shall adopt in rules specific fine
26 amounts in relation to the severity of the noncompliance.

27 (d) If a private detention facility is aggrieved by the
28 department of health's action of assessing civil fines, the private
29 detention facility has the right to appeal under RCW 43.70.095.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.395
31 RCW to read as follows:

32 As resources allow, the department of health shall make private
33 detention facility inspection statements of deficiencies, plans of
34 correction, notice of acceptance of plans of correction, enforcement
35 actions, and notices of resolution available to the public on the
36 internet.

37 **Sec. 6.** RCW 70.395.060 and 2023 c 419 s 4 are each amended to
38 read as follows:

1 (1) This section does not apply to private detention facilities
2 operating pursuant to a valid contract that was in effect prior to
3 January 1, 2023, for the duration of that contract, not to include
4 any extensions or modifications made to, or authorized by, that
5 contract.

6 (2) A private detention facility operating pursuant to a contract
7 or agreement with a federal, state, or local government shall comply
8 with the following:

9 ~~(a) ((A detained person, upon admission to a private detention~~
10 ~~facility, must be issued new clothing and new footwear for both~~
11 ~~indoor and outdoor use and for protection against cold and heat.~~
12 ~~Clothing issued must be regularly laundered and replaced at no cost~~
13 ~~once no longer hygienic or serviceable;~~

14 ~~(b) Any food items in the commissary must be available at~~
15 ~~reasonable prices taking into account the income and financial~~
16 ~~circumstances of detained persons;~~

17 ~~(c) Telecommunications services must be provided free of charge~~
18 ~~to detained persons and any communication, whether initiated or~~
19 ~~received through such a service, must be free of charge to the~~
20 ~~detained person initiating or receiving the communication. Each~~
21 ~~detained person must be eligible to use these telecommunications~~
22 ~~services for at least 60 minutes on each day of the person's~~
23 ~~detainment. Private detention facilities must not use the provision~~
24 ~~of telecommunications services or any other communication service to~~
25 ~~supplant in-person contact visits any detained person may be eligible~~
26 ~~to receive;~~

27 ~~(d) In-person visitation must be available daily. Visitation~~
28 ~~rooms must allow for the presence of children and personal contact~~
29 ~~between visiting persons and detained persons may not be restricted.~~
30 ~~A detained person may receive reading and writing materials during~~
31 ~~visitation;~~

32 ~~(e) Solitary confinement is prohibited;~~

33 ~~(f) Televisions must be available and accessible to a detained~~
34 ~~person at no cost. The private detention facility shall make every~~
35 ~~effort to make television programming available in the language of~~
36 ~~the detained person;~~

37 ~~(g) Handheld radios must be provided to a detained person at no~~
38 ~~cost;~~

1 ~~(h) A detained person may invite persons to the private detention~~
2 ~~facility to provide legal education, know your rights presentations,~~
3 ~~and other similar programming;~~

4 ~~(i) Computer and internet access must be available and accessible~~
5 ~~to a detained person at no cost;~~

6 ~~(j) A law library must be available and accessible;~~

7 ~~(k) Communication from the private detention facility to a~~
8 ~~detained person, either in writing or verbally, must be delivered in~~
9 ~~the primary language of the detained person;~~

10 ~~(l) Sexual violence and harassment grievances must be responded~~
11 ~~to immediately by culturally competent professionals on-site and~~
12 ~~reported to local law enforcement in the county where the private~~
13 ~~detention facility is located;~~

14 ~~(m) Mental health evaluations should occur at intake and~~
15 ~~periodically, at least once a week. Culturally competent mental~~
16 ~~health therapy must be available and free;~~

17 ~~(n) Requested medical care and attention must be provided without~~
18 ~~delay, including the provision of requested medical accommodations;~~

19 ~~(o) Rooms used by a detained person for sleeping must have access~~
20 ~~to windows, natural light, and natural air circulation. Subject to~~
21 ~~safety limitations, sleeping rooms must include adjustable curtains,~~
22 ~~shades, blinds, or the equivalent installed at the windows for visual~~
23 ~~privacy and that are shatterproof, screened, or of the security type~~
24 ~~as determined by the private detention facility needs; and~~

25 ~~(p) A private detention facility must be equipped to respond to~~
26 ~~natural and human-made emergencies, including earthquakes, lahar~~
27 ~~threats, tsunami, and industrial accidents. A private detention~~
28 ~~facility must be earthquake resistant. A private detention facility~~
29 ~~shall develop emergency operation and continuity of operations plans~~
30 ~~and provide those plans to the local emergency management department.~~
31 ~~A private detention facility must stock all necessary personal~~
32 ~~protective equipment in case of disease outbreaks consistent with~~
33 ~~large numbers of people detained in close contact to one another.))~~

34 The private detention facility shall:

35 (i) Comply with food service rules under chapters 246-215 and
36 246-217 WAC;

37 (ii) Designate an individual responsible for managing and
38 supervising food services 24 hours per day, including:

39 (A) Incorporating ongoing recommendations of a dietitian;

1 (B) Serving at least three meals a day at regular intervals with
2 15 or fewer hours between the evening meal and breakfast, unless the
3 facility provides a nutritious snack between the evening meal and
4 breakfast;

5 (C) Providing well-balanced meals and nourishments that meet the
6 current recommendations published in recommended dietary allowances
7 by the national research council, 10th edition, 1989, adjusted for
8 the detained person's age, sex, and activities unless
9 contraindicated;

10 (D) Making nourishing snacks available as needed for detained
11 persons, and posted as part of the menu;

12 (E) Preparing and serving therapeutic diets according to written
13 medical orders;

14 (F) Preparing and serving meals under the supervision of food
15 service staff;

16 (G) Maintaining a current diet manual, approved in writing by the
17 dietitian and medical staff, for use in planning and preparing
18 therapeutic diets; and

19 (H) Ensuring all menus: Are written at least one week in advance;
20 indicate the date, day of week, month, and year; include all foods
21 and snacks served that contribute to nutritional requirements;
22 provide a variety of foods; are approved in writing by the dietitian;
23 are posted in a location easily accessible to detained persons at the
24 facility; and are retained for one year;

25 (iii) Substitute foods, when necessary, of comparable nutrient
26 value and record changes on the menu;

27 (iv) Allow sufficient time for detained persons to consume meals;

28 (v) Ensure staff from dietary and food services are present in
29 the facility during all meal times; and

30 (vi) Keep policies and procedures pertaining to food storage,
31 preparation, and cleaning food service equipment and work areas in
32 the food service area for easy reference by dietary staff at all
33 times;

34 (b) The private detention facility shall provide a readily
35 available telephone for detained persons to make and receive
36 confidential calls, and make a nonpay telephone or equivalent
37 communication device readily accessible on each floor occupied by a
38 detained person for emergency use;

39 (c) The private detention facility shall provide a visiting area
40 allowing privacy for detained persons and visitors;

1 (d) The private detention facility shall develop and implement
2 the written policies and procedures consistent with assuring the
3 rights of detained persons, protecting against abuse and neglect, and
4 reporting suspected incidents, and post those policies and procedures
5 in a prominent place for detained persons at the facility to read;

6 (e) The private detention facility shall employ sufficient,
7 qualified staff to:

8 (i) Provide adequate services to detained persons;

9 (ii) Maintain the facility free of safety hazards; and

10 (iii) Implement fire and disaster plans;

11 (f) The private detention facility shall provide and document
12 orientation and appropriate training for all staff, including:

13 (i) Organization of the facility;

14 (ii) Physical layout of facility, including buildings,
15 departments, exits, and services;

16 (iii) Fire and disaster plans, including monthly drills;

17 (iv) Infection control;

18 (v) Specific duties and responsibilities;

19 (vi) Policies, procedures, and equipment necessary to perform
20 duties;

21 (vii) Policies related to the rights of detained persons and
22 protecting against abuse and neglect;

23 (viii) Managing the behavior of detained persons; and

24 (ix) Appropriate training for expected duties; and

25 (g) The private detention facility shall establish and implement
26 an effective facility-wide infection control program including, at a
27 minimum, the following:

28 (i) Written policies and procedures describing:

29 (A) Types of surveillance used to monitor rates of infections
30 originating at the facility;

31 (B) Systems to collect and analyze data; and

32 (C) Activities to prevent and control infections;

33 (ii) A review process to determine if staff and detained person
34 infections originated at the facility;

35 (iii) A procedure for reviewing and approving infection control
36 aspects of policies and procedures used in each area of the facility;

37 (iv) A procedure to monitor the physical environment of the
38 facility for situations which may contribute to the spread of
39 infectious diseases; and

40 (v) Provisions for:

1 (A) Providing consultation regarding care practices, equipment,
2 and supplies which may influence the risk of infection;

3 (B) Providing consultation regarding appropriate procedures and
4 products for cleaning, disinfecting, and sterilizing;

5 (C) Providing infection control information for orientation and
6 in-service education for staff providing direct care;

7 (D) Making recommendations, consistent with federal, state, and
8 local laws and rules, for methods of safe and sanitary disposal of
9 sewage, solid and liquid wastes, and infectious wastes, including
10 safe management of sharps;

11 (E) Identifying specific precautions to prevent transmission of
12 infections; and

13 (F) Coordinating employee activities to control exposure and
14 transmission of infections to or from employees and others performing
15 services.

16 (3) The office of the attorney general may enforce violations of
17 this section on its own initiative or in response to complaints or
18 violations.

19 **Sec. 7.** RCW 70.395.100 and 2023 c 419 s 10 are each amended to
20 read as follows:

21 RCW 70.395.040 through 70.395.080 and sections 4 and 5 of this
22 act do not apply to a private detention facility that is:

23 (1) Providing (~~rehabilitative,~~) counseling, treatment, mental
24 health, educational, or medical services to juveniles (~~who are~~
25 ~~subject to Title 13 RCW, or similarly applicable federal law~~) under
26 chapter 74.15 RCW;

27 (2) Providing evaluation and treatment or forensic services to a
28 person who has been civilly detained or is subject to an order of
29 commitment by a court pursuant to chapter 10.77, 71.05, 71.09, or
30 71.34 RCW, or similarly applicable federal law, including facilities
31 regulated under chapters 70.41, 71.12, and 71.24 RCW;

32 (3) Used for the quarantine or isolation of persons for public
33 health reasons pursuant to RCW 43.20.050, or similarly applicable
34 federal law;

35 (4) Used for work release under chapter 72.65 RCW, or similarly
36 applicable federal law;

37 (5) Used for extraordinary medical placement;

38 (6) Used for residential substance use disorder treatment; or

1 (7) Owned and operated by federally recognized tribes and
2 contracting with a government.

3 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of
5 the state government and its existing public institutions, and takes
6 effect immediately.

7 NEW SECTION. **Sec. 9.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 10.** This act shall be construed liberally to
12 effectuate its purposes.

13 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
14 this act, referencing this act by bill or chapter number, is not
15 provided by June 30, 2025, in the omnibus appropriations act, this
16 act is null and void."

17 Correct the title.

EFFECT: Restores current law provisions that require the Department of Health (DOH) to adopt rules on specified topics related to ensuring sanitary, hygienic, and safe conditions in private detention facilities. Eliminates amendatory provisions that require the DOH to adopt rules related to specified standards for the environment, ventilation, and heating in private detention facilities.

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