

SHB 2685 - H AMD 1575

By Representative Lekanoff

NOT CONSIDERED 03/12/2026

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.71B
4 RCW to read as follows:

5 (1) State agencies that are members of the governor's Indian
6 health advisory council under RCW 43.71B.020(1)(b)(i) shall, no later
7 than July 31, 2029, develop tribal data policies that are consistent
8 with the following tribal data sovereignty principles adopted by the
9 advisory council:

10 (a) Tribes must have the same or enhanced access to state data as
11 other public health jurisdictions and nongovernmental entities to
12 effectively carry out their governmental duties including preventing
13 and controlling infectious and noninfectious conditions, providing
14 health care services, and improving the health status of their
15 community members;

16 (b) Tribes must possess the inherent sovereign authority to
17 manage the collection, ownership, application, and interpretation of
18 their own data; and

19 (c) When a tribe's data is located in a state dataset, the state
20 agency has a government-to-government responsibility to consult and
21 engage with the tribes in accordance with chapter 43.376 RCW on how
22 the agency shares, analyzes, reports, or interprets tribal data.

23 (2) State agencies that are members of the governor's Indian
24 health advisory council under RCW 43.71B.020(1)(b)(i) shall:

25 (a) When developing data sharing agreements, include tribal data
26 sovereignty principles provided in this section;

27 (b) Refer to the governor's Indian health advisory council tribal
28 data sharing agreement checklist in the development of tribal data
29 sharing agreements; and

30 (c) Seek input and guidance from the governor's Indian health
31 advisory council tribal data sovereignty committee for implementation
32 of this section and on any other issues related to tribal data.

1 (3) Nothing in this chapter requires an agency to derive tribal
2 membership, tribal affiliation, identification of a tribe, or a
3 tribe's jurisdiction where such information is not collected or is
4 not reasonably known.

5 **Sec. 2.** RCW 43.71B.010 and 2020 c 256 s 102 are each reenacted
6 and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Advisory council" means the governor's Indian health
10 advisory council established in RCW 43.71B.020.

11 (2) "Advisory plan" means the plan described in RCW 43.71B.030.

12 (3) "American Indian" or "Alaska Native" means any individual who
13 is: (a) A member of a federally recognized tribe; or (b) eligible for
14 the Indian health service.

15 (4) "Authority" means the health care authority.

16 (5) "Board" means the northwest Portland area Indian health
17 board, an Oregon nonprofit corporation wholly controlled by the
18 tribes in the states of Idaho, Oregon, and Washington.

19 (6) "Commission" means the American Indian health commission for
20 Washington state, a Washington nonprofit corporation wholly
21 controlled by the tribes and urban Indian organizations in the state.

22 (7) "Community health aide" means a tribal community health
23 provider certified by a community health aide program of the Indian
24 health service or one or more tribes or tribal organizations
25 consistent with the provisions of 25 U.S.C. Sec. 16161, who can
26 perform a wide range of duties within the provider's scope of
27 certified practice in health programs of a tribe, tribal
28 organization, Indian health service facility, or urban Indian
29 organization to improve access to culturally appropriate, quality
30 care for American Indians and Alaska Natives and their families and
31 communities, including but not limited to community health aides,
32 community health practitioners, behavioral health aides, behavioral
33 health practitioners, dental health aides, and dental health aide
34 therapists.

35 (8) "Community health aide program" means a community health aide
36 certification board for the state consistent with 25 U.S.C. Sec.
37 16161 and the training programs and certification requirements
38 established thereunder.

1 (9) "Fee-for-service" means the state's medicaid program for
2 which payments are made under the state plan, without a managed care
3 entity, in accordance with the fee-for-service payment methodology.

4 (10) "Historical trauma" means situations where a community
5 experienced traumatic events, the events generated high levels of
6 collective distress, and the events were perpetuated by outsiders
7 with a destructive or genocidal intent.

8 (11) "Indian health care provider" means a health care program
9 operated by the Indian health service or by a tribe, tribal
10 organization, or urban Indian organization as those terms are defined
11 in 25 U.S.C. Sec. 1603.

12 (12) "Indian health service" means the federal agency within the
13 United States department of health and human services.

14 (13) "New state savings" means the savings to the state general
15 fund that are achieved as a result of the centers for medicare and
16 medicaid services state health official letter 16-002 and related
17 guidance, calculated as the difference between (a) medicaid payments
18 received from the centers for medicare and medicaid services based on
19 the one hundred percent federal medical assistance percentage; and
20 (b) medicaid payments received from the centers for medicare and
21 medicaid services based on the federal medical assistance percentage
22 that would apply in the absence of state health official letter
23 16-002 and related guidance.

24 (14) "Reinvestment account" means the Indian health improvement
25 reinvestment account created in RCW 43.71B.040.

26 (15) "Reinvestment committee" means the Indian health improvement
27 reinvestment committee established in RCW 43.71B.020(4).

28 (16) "Tribal data" means data or information that is specific to
29 an individual tribe and includes public or private data or
30 information on or about a tribe or its people subject to tribal
31 rights of ownership and control. Tribal data also includes, but is
32 not limited to, tribal membership, tribal affiliation, events and
33 conditions within the tribe's jurisdiction and lands, information
34 about tribal members and any persons living within the tribe's
35 jurisdiction, tribal census tract, tribal land, and identification of
36 tribal facilities, entities, and enterprises and any individuals they
37 serve.

38 (17) "Tribal data sovereignty" means the inherent sovereign
39 authority of tribes to manage the collection, ownership, application,
40 and interpretation of its own data.

1 ~~(18)~~ (18) "Tribal organization" has the meaning set forth in 25 U.S.C.
2 Sec. 5304.

3 ~~((17))~~ (19) "Tribally operated facility" means a health care
4 facility operated by one or more tribes or tribal organizations to
5 provide specialty services, including but not limited to evaluation
6 and treatment services, secure detox services, inpatient psychiatric
7 services, nursing home services, and residential substance use
8 disorder services.

9 ~~((18))~~ (20) "Tribe" means any Indian tribe, band, nation, or
10 other organized group or community, including any Alaska Native
11 village or group or regional or village corporation as defined in or
12 established pursuant to the Alaska Native claims settlement act (43
13 U.S.C. Sec. 1601 et seq.) which is recognized as eligible for the
14 special programs and services provided by the United States to
15 Indians because of their status as Indians.

16 ~~((19))~~ (21) "Urban Indian" means any individual who resides in
17 an urban center and is: (a) A member of a tribe terminated since 1940
18 and those tribes recognized now or in the future by the state in
19 which they reside, or who is a descendant, in the first or second
20 degree, of any such member; (b) an Eskimo or Aleut or other Alaska
21 Native; (c) considered by the secretary of the interior to be an
22 Indian for any purpose; or (d) considered by the United States
23 secretary of health and human services to be an Indian for purposes
24 of eligibility for Indian health services, including as a California
25 Indian, Eskimo, Aleut, or other Alaska Native.

26 ~~((20))~~ (22) "Urban Indian organization" means an urban Indian
27 organization, as defined by 25 U.S.C. Sec. 1603.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20
29 RCW to read as follows:

30 (1) The state board shall, no later than July 31, 2028, and in
31 accordance with RCW 43.20.050(2)(f), amend rules for the prevention
32 and control of infectious and noninfectious diseases, including food
33 borne and vector-borne illnesses to require the department of health
34 or local health jurisdictions to report notifiable conditions to the
35 tribal health jurisdiction in Washington state where the patient
36 resides, or in the event the patient's residence cannot be
37 determined, the tribal health department in which the patient
38 received treatment in accordance with 45 C.F.R. Sec. 164.512(b)(1)(i)
39 and 45 C.F.R. Sec. 164.501.

1 (2) Nothing in this section may be read as an assertion of state
2 jurisdiction or regulatory authority over a tribe.

3 **Sec. 4.** RCW 43.20.025 and 2019 c 185 s 1 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) "Commissary" means an approved food establishment where food
8 is stored, prepared, portioned, or packaged for service elsewhere.

9 (2) "Commissions" means the Washington state commission on
10 African American affairs established in chapter 43.113 RCW, the
11 Washington state commission on Asian Pacific American affairs
12 established in chapter 43.117 RCW, the Washington state commission on
13 Hispanic affairs established in chapter 43.115 RCW, and the
14 governor's office of Indian affairs.

15 (3) "Consumer representative" means any person who is not an
16 elected official, who has no fiduciary obligation to a health
17 facility or other health agency, and who has no material financial
18 interest in the rendering of health services.

19 (4) "Council" means the governor's interagency coordinating
20 council on health disparities, convened according to this chapter.

21 (5) "Department" means the department of health.

22 (6) "Health disparities" means the difference in incidence,
23 prevalence, mortality, or burden of disease and other adverse health
24 conditions, including lack of access to proven health care services
25 that exists between specific population groups in Washington state.

26 (7) "Health impact review" means a review of a legislative or
27 budgetary proposal completed according to the terms of this chapter
28 that determines the extent to which the proposal improves or
29 exacerbates health disparities.

30 (8) "Local health board" means a health board created pursuant to
31 chapter 70.05, 70.08, or 70.46 RCW.

32 (9) "Local health officer" means the legally qualified physician
33 appointed as a health officer pursuant to chapter 70.05, 70.08, or
34 70.46 RCW.

35 (10) "Mobile food unit" means a readily movable food
36 establishment.

37 (11) "Regulatory authority" means the local, state, or federal
38 enforcement body or authorized representative having jurisdiction
39 over the food establishment. The local board of health, acting

1 through the local health officer, is the regulatory authority for the
2 activity of a food establishment, except as otherwise provided by
3 law.

4 (12) "Secretary" means the secretary of health, or the
5 secretary's designee.

6 (13) "Servicing area" means an operating base location to which a
7 mobile food unit or transportation vehicle returns regularly for such
8 things as vehicle and equipment cleaning, discharging liquid or solid
9 wastes, refilling water tanks and ice bins, and boarding food.

10 (14) "Social determinants of health" means those elements of
11 social structure most closely shown to affect health and illness,
12 including at a minimum, early learning, education, socioeconomic
13 standing, safe housing, gender, incidence of violence, convenient and
14 affordable access to safe opportunities for physical activity,
15 healthy diet, and appropriate health care services.

16 (15) "State board" means the state board of health created under
17 this chapter.

18 (16) "Tribal health jurisdiction" means a tribe as defined under
19 RCW 43.71B.010 or a tribal entity or program operated by a tribe that
20 provides public health services.

21 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
22 this act, referencing this act by bill or chapter number, is not
23 provided by June 30, 2026, in the omnibus appropriations act, this
24 act is null and void."

25 Correct the title.

EFFECT: • Removes the requirement that state agencies that are members of the Governor's Indian Health Advisory Council (GIHAC) use and share tribal data in a manner consistent with specified principles.

• Requires state agencies that are members of GIHAC to develop tribal data policies, by July 31, 2029, that are consistent with the following principles developed by GIHAC: (1) Tribes must have the same or enhanced access to state data as other public health jurisdictions and nongovernmental entities; (2) tribes must possess sovereign authority to manage their data; and (3) when a tribe's data is located in a state dataset, the agency has a government-to-government responsibility to consult and engage with tribes on how the agency uses the data.

• Specifies that an agency is not required to derive tribal membership, tribal affiliation, identification of a tribe, or a tribe's jurisdiction where such information is not collected or reasonably known.

• Removes the public records act exemption.

- Modifies the deadline for the State Board of Health to adopt rules for notifiable condition reporting to tribal health jurisdictions from July 31, 2027, to July 31, 2028.

- Requires the Department of Health or local health jurisdictions to report notifiable conditions to tribal health jurisdictions, rather than requiring health care providers, health care facilities, and laboratories to report to tribal health jurisdictions.

- Modifies the definition of "tribal data sovereignty" to mean "the inherent sovereign authority of a tribe to manage the collection, ownership, application, and interpretation of its own data," rather than listing more detailed principles.

- Defines "tribal health jurisdiction" to mean "a tribe as defined under RCW 43.71B.010 or a tribal entity or program operated by a tribe as defined in RCW 43.71B.010 that provides public health services."

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