

HOUSE BILL REPORT

EHB 1574

As Passed House:

February 11, 2026

Title: An act relating to protecting access to life-saving care and substance use services.

Brief Description: Protecting access to life-saving care and substance use services.

Sponsors: Representatives Macri, Davis, Parshley, Mena, Goodman, Simmons, Ormsby, Scott, Doglio, Pollet, Salahuddin, Reed, Nance and Kloba.

Brief History:

Committee Activity:

Community Safety: 2/13/25, 2/20/25 [DP].

Floor Activity:

Passed House: 3/12/25, 56-41.

Floor Activity:

Passed House: 2/11/26, 55-42.

Brief Summary of Engrossed Bill

- Expands protections for a person seeking medical assistance for someone experiencing a drug-related overdose or who experiences a drug-related overdose and needs medical assistance.
- Adds health care facilities to the list of entities that are not prohibited from distributing or using public health supplies, including syringe equipment, smoking equipment, or drug testing equipment.

HOUSE COMMITTEE ON COMMUNITY SAFETY

Majority Report: Do pass. Signed by 6 members: Representatives Goodman, Chair; Simmons, Vice Chair; Davis, Farivar, Fosse and Obras.

Minority Report: Do not pass. Signed by 3 members: Representatives Graham, Ranking

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

Minority Member; Griffey, Assistant Ranking Minority Member; Burnett.

Staff: Lena Langer (786-7192).

Background:

Controlled Substances.

It is unlawful for a person to knowingly possess a controlled substance, or to knowingly use a controlled substance in a public place. Possession of a Controlled Substance and Use of a Controlled Substance in a Public Place are classified as gross misdemeanors, punishable by up to 180 days in jail, a \$1,000 fine, or both. However, if a person is convicted of either offense, and has two or more prior convictions for such offenses occurring after July 1, 2023, the person is subject to imprisonment for up to 364 days, a fine of up to \$1,000, or both. It is a misdemeanor to knowingly possess 40 grams or less of cannabis; other provisions of law provide permitted quantities of various cannabis products for persons age 21 or older.

Individuals charged with these offenses may be able to seek a pretrial diversion of the charges, in either superior court or courts of limited jurisdiction, by making a motion to the court and substantially complying with any treatment and services recommended by the following relevant referral source: the Recovery Navigator Program, the Arrest and Jail Alternative Program, or the Law Enforcement Assisted Diversion Program.

Exemption from Prosecution.

A person will not be charged or prosecuted for Possession of a Controlled Substance, or penalized for Possession of 40 Grams or Less of Cannabis, if the evidence for the charge is obtained because that person:

- acting in good faith, seeks medical assistance for someone experiencing a drug-related overdose; or
- experiences a drug-related overdose and needs medical assistance.

This protection is not grounds for suppression of evidence in other criminal charges.

Mandatory Arrest.

A police officer must arrest and take into custody a person without a warrant when the officer has probable cause to believe that the person:

- has violated a domestic violence protection order, sexual assault protection order, stalking protection order, vulnerable adult protection order, restraining order, no contact order, extreme risk protection order, foreign protection order, or Canadian domestic violence protection order; or
- is 18 years or older and assaulted a family or household member or intimate partner in the preceding four hours if the alleged assault is a felony, causes bodily injury, or was a physical action intended to cause a person to reasonably fear imminent serious bodily injury or death.

Drug Paraphernalia.

Drug paraphernalia is all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis.

Selling or permitting drug paraphernalia to be sold is a class I civil infraction. The prohibitions related to drug paraphernalia do not prohibit distribution or use of public health supplies, including syringe equipment, smoking equipment, or drug testing equipment, through public health programs; community-based HIV prevention programs; outreach, shelter, and housing programs; and pharmacies. Public health and syringe service program staff are exempt from arrest and prosecution for taking samples of substances and using drug testing equipment to analyze or detect substances.

Summary of Engrossed Bill:

A person acting in good faith who seeks medical assistance for someone experiencing a drug-related overdose, or who experiences a drug-related overdose and needs medical assistance, may not:

- be arrested, charged, prosecuted, or convicted for Possession or Use of a Controlled Substance or penalized for Possession of 40 Grams or Less of Cannabis;
- have their property subject to civil forfeiture, except for items in plain sight; or
- be penalized for:
 - violating a restraining order, no-contact order, or protection order;
 - violating probation or parole; or
 - failing to appear on a nonviolent, nonsexual charge.

Such protections only apply if the property that would be subject to civil forfeiture or the evidence for the possible charge of such a violation was obtained as a result of the overdose and the need for medical assistance.

The protections from arrest are exceptions to mandatory arrest for specified assault that involves domestic violence and violation of restraining orders, no contact orders, or protection orders. The provided protections do not prohibit a peace officer from lawfully detaining a person without making an arrest.

Peace officers and their employing agencies are immune from liability, including from revocation of certification, for any conduct taken or policy adopted in compliance with the specified protections, unless such action or inaction is taken in bad faith or with deliberate indifference or gross negligence.

Health care facilities, including hospitals, are added to the list of entities that are not

prohibited under provisions of law relating to drug paraphernalia from distributing or using public health supplies, including syringe equipment, smoking equipment, or drug testing equipment.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There were extensive negotiations on this bill to find the right balance of accountability, public safety, and reducing harm for people with substance use disorders. The intent is to ensure that people get the care they need while maintaining public safety. The Good Samaritan law has helped thousands of people stay alive. The bill seeks to change the law to acknowledge that, while people are protected from arrest for Possession of a Controlled Substance when there is a medical emergency, people are still scared to call for medical assistance when they have warrants out for their arrest. The number one concern that stops people from calling 911 for assistance with drug overdoses is a fear of arrest. Protections should be expanded so people can get the care they need to stay alive. There has been a dramatic increase in drug-related overdose deaths in the last five years. Drug-related overdoses have a deep effect on the community.

The bill seeks to narrowly increase the protections in the Good Samaritan law, add clarification, and modestly expand the list of entities that can provide harm reduction services to people. There are protections for service providers who are testing substances, but these protections should be extended to clients of these services so they may also test the substances. The bill extends the drug-checking protections that staff have at services to include clients doing the same. The bill also clarifies that health care facilities, specifically hospitals, may provide supplies to reduce the harms from drugs. There is support for removing the carveout that permits cities and towns to pass laws about harm reduction services. Lewis county passed a county-wide ban on mobile syringe programs. The ban has interfered with services that aim to provide harm-reducing and life-saving care to people. The bill ensures that cities and towns only pass ordinances that are consistent with state law around regulating drug paraphernalia. There is support for the state preemption of laws related to drug paraphernalia regulation. There should not be a patchwork of local laws.

(Opposed) There is a concern that restricting the ability of law enforcement to detain or arrest individuals who have called 911 for an overdose puts the lives of the officers at risk. There is also a concern that prohibiting the arrest of persons who have violated certain protection orders or no-contact orders could be used in an abusive manner by stalkers or

someone who perpetuates abuse. In many cases of abuse, people will call 911 and threaten self harm. The bill provides immunity for that type of coercive control. Additionally, there are concerns that the language that allows clients who have access to services to have immunity from prosecution is too broad. This seems like a decriminalization for anyone who has access to these services. Reasonable people can disagree about the underlying policy of the bill.

Persons Testifying: (In support) Representative Nicole Macri, prime sponsor; Caleb Banta-Green, University of Washington, School of Medicine, Addictions, Drug and Alcohol Institute (Professor); Malika Lamont, VOCAL-WA (Director); Cole Meckle, Gather Church (Pastor); Everett Maroon, Blue Mountain Heart to Heart (Executive director); Everett Maroon, Blue Mountain Heart to Heart; Logan Lee, Lake Washington High School; Gil Perkins, Lake Washington High School; Fabian Pekez, Lake Washington High School; Thea Oliphant-Wells, Public Health - Seattle and King County; Arthur West; and Nichole Alexander, Purpose Dignity Action (PDA).

(Opposed) James McMahan, WA Assoc Sheriffs and Police Chiefs; and Russell Brown, WA Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: TaraLyn Fray.