

SENATE BILL REPORT

EHB 1574

As of February 20, 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: Passed House: 2/11/26, 55-42.

Committee Activity: Law & Justice: 3/24/25, 4/01/25 [DPA, DNP, w/oRec]; 2/20/26.

Brief Summary of Bill

- Expands criminal legal system protections for people seeking medical assistance for individuals experiencing drug-related overdoses.
- Expands criminal legal system protections for individuals experiencing drug overdoses and needing medical assistance.
- Adds health care facilities to the list of entities not prohibited from distributing or using public health supplies, including syringe equipment, smoking equipment, and drug testing equipment.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Lovick, Salomon and Valdez.

Minority Report: Do not pass.

Signed by Senators Fortunato and Torres.

Minority Report: That it be referred without recommendation.

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.

Signed by Senator Wagoner.

Staff: Maya Itah (786-7087)

Background: Controlled Substances. Certain substances are tightly controlled by governments due to their potential for abuse. The control applies to the way the substances are made, used, handled, stored, and distributed.

In Washington, controlled substances are regulated by the Uniform Controlled Substances Act and federal law.

Possession of a Controlled Substance. Unless the substance was obtained through a valid prescription or order of a practitioner, a person commits possession of a controlled substance if they:

- knowingly possess a controlled substance; or
- knowingly use a controlled substance in a public place.

Possession of a controlled substance is a gross misdemeanor punishable by up to 180 days in jail and a \$1,000 fine. If the defendant has two or more prior convictions for this crime, the maximum punishment is 364 days in jail and a \$1,000 fine.

Possession of 40 Grams or Less of Cannabis. Unless possession is authorized by the Uniform Controlled Substances Act, knowing possession of 40 grams or fewer of cannabis is a misdemeanor.

Selling Drug Paraphernalia. Selling or permitting drug paraphernalia to be sold is a civil infraction.

Drug paraphernalia means all equipment, products, and materials that 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.

This prohibition does not apply to distribution or use of public health supplies, including but not limited to, syringe equipment, smoking equipment, or drug testing equipment, through public health programs, community-based HIV prevention programs, outreach, shelter, and housing programs, and pharmacies.

Exemption from Prosecution. A person may not be charged or prosecuted for possession of a controlled substance or possession of 40 grams or less of cannabis if the evidence for the charge was obtained because that person:

- sought medical assistance in good faith for someone experiencing a drug-related overdose; or

- experienced a drug-related overdose and needed medical assistance.

The protections from prosecution for possession of a controlled substance do not constitute grounds for suppression of evidence in other criminal charges.

Detention and Arrest. A law enforcement officer may briefly detain and question a person without grounds for arrest if the officer reasonably suspects that the person is engaged in criminal activity.

To arrest a person, a law enforcement officer must have probable cause. The officer must be aware of facts or circumstances, based on reasonably trustworthy information, that are sufficient to cause a reasonable officer to believe a crime has been committed.

Mandatory Arrest. A law enforcement officer must arrest and take into custody a person 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 member, household member, or intimate partner in the preceding four hours, and the arresting officer believes the assault was a felony, the assault resulted in bodily injury, or a physical action occurred that was intended to cause another person to reasonably fear imminent serious bodily injury or death.

Criminal Justice Training Commission. The Criminal Justice Training Commission establishes and administers standards and processes for certification, suspension, and decertification of peace officers and corrections officers.

Summary of Bill: Exemption from Prosecution. A person may not be arrested, charged, prosecuted, or convicted for possession of a controlled substance or possession of 40 grams or less of cannabis if the evidence for the charge was obtained because that person:

- sought medical assistance in good faith for someone experiencing a drug-related overdose; or
- experienced a drug-related overdose and needed medical assistance.

A person may not have their property subject to civil forfeiture, except for items in plain sight.

A person may not be penalized for:

- violating a restraining order, no contact order, or protection order, despite law that would otherwise mandate arrest;
- violating probation or parole; or
- failing to appear in court for an existing nonviolent, nonsexual charge.

A peace officer may still detain a person without making an arrest.

The protections from prosecution for possession of a controlled substance do not constitute grounds for suppression of evidence in other criminal charges, except that the person may not be penalized for violating a restraining order, no contact order, or protection order, for violating probation or parole, or for failing to appear in court on a nonviolent, nonsexual charge.

Liability. Peace officers, as defined for purposes of the Criminal Justice Training Commission, 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 a peace officer's action or inaction is taken in bad faith, with deliberate indifference, or with gross negligence.

Health Care Facilities. Health care facilities, including hospitals, are added to the list of entities that do not commit the civil infraction of selling drug paraphernalia when they distribute or use public health supplies including, but not limited to, syringe equipment, smoking equipment, and drug testing equipment.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Engrossed House Bill (Regular Session 2025):

The committee recommended a different version of the bill than what was heard. PRO: This bill provides some important steps forward in addressing issues related to drug overdoses. Medical providers want to provide these kinds of health supplies to their patients, and this bill allows them to do so. Overdoses are a leading cause of accidental death, and most can be prevented with quick intervention. This bill will help people feel safe in contacting help in a medical emergency.

CON: The civil forfeiture aspect of this bill should be limited only to items related to possession charges. The sections of the bill related to protection orders should be stricken because in domestic violence relationships the use or threat of physical harm is used as a means to control the victim. The protections in the bill related to probation and warrants should likewise be limited to applying only to probation or warrants related to possession charges. Without being able to arrest, under this bill officers would be required to make a decision of whether a person sought medical attention right there in the field. The immunity language in the bill is in no way linked to the newly listed crimes for which the immunity

applies nor is it linked to time when those crimes were committed.

OTHER: This bill should be reverted to its original language, so we do not end up with a patchwork of laws. The language allowing police to detain individuals who seek medical help should also be removed. Most people experiencing an overdose do not call for help because they are afraid of who will respond. Permitting officers to handcuff and detain individuals seeking medical assistance would fly in the face of the work this Legislature has done towards de-escalation and gaining understanding of the impacts of trauma.

Persons Testifying (Law & Justice): PRO: Caleb Banta-Green, University of Washington, School of Medicine, Addictions, Drug & Alcohol Institute (Professor).

CON: James McMahan, WA Assoc Sheriffs & Police Chiefs; Russell Brown, WA Association of Prosecuting Attorneys.

OTHER: Malika Lamont, VOCAL-WA.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony (Law & Justice) (Regular Session 2026): PRO: For many people, hospitals are the only point of access to the healthcare system, and it is often a time when people are experiencing serious health problems that put them at risk of future harm. The goal of the bill is to keep people alive and to make sure people feel safe asking for help when their lives or others' lives are at risk.

CON: This bill is overly broad and it should tie protections more narrowly to possession or use crimes. Officers should have the ability to take someone into custody if they're on probation for something other than simple possession, and the same should apply for warrants. The civil forfeiture provision is too broad. The section restricting officers' ability to act on protection order violations seems to be overly broad, and that section should be removed. This bill prohibits an officer from arresting a person absconding from community custody or even escaping from prison as long as they call 911 for someone seeking medical assistance. Many times, arrest scenes are chaotic, and officers don't always know who called 911 or whether they did so in good faith. This bill subjects officers to more liability. It is not appropriate or helpful for hospitals or healthcare providers to provide equipment that facilitates drug use.

OTHER: State preemption for harm reduction services should be reinstated. People who bring in substances for testing should be protected. The bill should not add police powers for detention and civil asset forfeiture. Stronger good Samaritan laws save lives, and we need good Samaritan laws that are truly protective without codifying additional police powers. Many people don't call 911 because they fear consequences from law enforcement. The more we can encourage people to check drugs, the more lives we will save.

Persons Testifying (Law & Justice): PRO: Representative Nicole Macri, Prime Sponsor;

Caleb Banta-Green, University of Washington, School of Medicine.

CON: James McMahan, WA Assoc Sheriffs & Police Chiefs; Russell Brown, WA Association of Prosecuting Attorneys.

OTHER: Tristan Seikel, VOCAL WA.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.