

**WSR 24-12-010**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 24-78—Filed May 23, 2024, 1:12 p.m., effective May 24, 2024]

Effective Date of Rule: May 24, 2024.

Purpose: The purpose of this emergency rule is to open additional salmon seasons in Columbia and Deep rivers.

Citation of Rules Affected by this Order: Repealing WAC 220-312-03000P and 220-312-06000J; and amending WAC 220-312-030 and 220-312-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Recreational fishery has sufficient Endangered Species Act (ESA) impact allocation available for this area to accommodate additional fishing time. This rule extends the 2024 spring recreational salmon and steelhead season in the mainstem Columbia River from the Rocky Point/Tongue Point line upstream to Bonneville Dam. Additionally, this rule aligns the Deep River salmon and steelhead daily bag limit with the mainstem lower Columbia River when the mainstem is open. ESA impacts for wild fish are available to recreational fisheries in order to access hatchery fish. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. This regulation is consistent with compact/joint state actions of February 21, April 4, April 9, May 15, and May 23, 2024. The general public welfare is protected with the immediate and limited duration opening of recreational salmon fishing. This limited harvest allows for public use of the resource as well as the maintenance of a sustainable fish population.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under ESA. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under ESA. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, ESA, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 23, 2024.

Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-312-03000R Freshwater exceptions to statewide rules—Southwest.** Effective May 24 through May 27, and June 12 through June 15, 2024, the provisions of WAC 220-312-030 regarding Deep River salmon and steelhead seasons shall be modified as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

**Deep River (Wahkiakum Co.):**

Salmon and steelhead: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook.

#### NEW SECTION

**WAC 220-312-06000K Freshwater exceptions to statewide rules—Columbia.** Effective May 24 through May 27 and June 12 through June 15, 2024, the provisions of WAC 220-312-060 regarding Columbia River salmon and steelhead seasons from the Rocky Point/Tongue Point line upstream to Bonneville Dam, shall be modified as described below, except in areas closed to fishing for salmon and steelhead year-round in WAC 220-312-060. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

**(1) From a projected line from Rocky Point on the Washington bank through red buoy 44 to the red navigation marker 2 at Tongue Point on**

**the Oregon Bank upstream to a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse One) in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock.**

Salmon and steelhead: Effective May 24 through May 27, and June 12 through June 15, 2024: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook.

**(2) From a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse One) in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock upstream to Bonneville Dam:**

Salmon and steelhead: Effective May 24 through May 27, and June 12 through June 15, 2024: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook. Closed to angling from a floating device or by any method except hand-cast lines from shore.

#### REPEALER

The following sections of the Washington Administrative Code are repealed, effective May 24, 2024:

WAC 220-312-03000P Freshwater exceptions to statewide rules—Southwest. (24-76)

WAC 220-312-06000J Freshwater exceptions to statewide rules—Columbia. (24-76)

**WSR 24-12-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 24-77—Filed May 23, 2024, 4:39 p.m., effective May 25, 2024]

Effective Date of Rule: May 25, 2024.

Purpose: The purpose of this emergency rule is to modify salmon seasons for Cowlitz River and all species rules, and salmon and steelhead seasons for Lewis River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-03000J; and amending WAC 220-312-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule is necessary to adjust salmon seasons for Cowlitz River and all species rules, salmon, and steelhead seasons for Lewis River.

Earlier this year, salmon retention on the Cowlitz River was restricted to adult Chinook with an adipose and a ventral fin clip to help ensure the spring Chinook broodstock collection goal was achieved. Adult broodstock collection is currently on track and goals are expected to be met. Additionally, upstream transport of hatchery adults in excess of weekly broodstock collections targets is occurring for reintroduction purposes. Therefore, a reopening for retention of one adult hatchery Chinook is warranted.

Spring Chinook salmon returns to the Lewis Hatchery are projected to meet broodstock collection goals for the Lewis Hatchery programs. Modifying fisheries will provide additional fishing opportunities while still meeting program and reintroduction goals.

Drano Lake, Kalama River, Klickitat River, and Wind River rules remain in place from WSR 24-06-039.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 23, 2024.

Kelly Susewind  
Director

NEW SECTION

**WAC 220-312-03000Q Freshwater exceptions to statewide rules—Southwest.** Effective May 25, 2024, until further notice, the provisions of WAC 220-312-030 regarding Cowlitz River, Drano Lake, Kalama River, Klickitat River, Wind River salmon and steelhead seasons, and Lewis River salmon and steelhead seasons and all species rules. seasons shall be modified during times and as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

**(1) Cowlitz River (Cowlitz/Lewis Co.):** From boundary markers at the mouth to the fishing boundary markers below Barrier Dam: Effective immediately, until further notice: Salmon: Daily limit 6 including no more than 1 adult. Release all salmon other than hatchery Chinook and hatchery coho.

**(2) Drano Lake (Skamania Co.):** Waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Hwy. 14 bridge: Effective immediately, until further notice: Salmon and steelhead: Daily limit 2 including no more than 1 adult salmon. Release all salmon other than hatchery Chinook. Release all wild steelhead.

**(3) Kalama River (Cowlitz Co.):** From mouth to 1,000' downstream of fishway at Kalama Falls Hatchery: Effective immediately, until further notice: Salmon: Daily limit 6 including no more than 1 adult. Release all salmon other than hatchery Chinook and hatchery coho.

**(4) Klickitat River (Klickitat Co.):**

(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge: Effective immediately, until further notice: Salmon: Closed

(b) From 400 feet upstream from #5 fishway to boundary markers below Klickitat Salmon hatchery: Effective May 25, 2024, until further notice: Salmon: Closed.

**(5) Lewis River (Clark/Cowlitz Co.):**

(a) From mouth to Johnson Creek: Effective May 25 through July 31, 2024: Salmon: Daily limit 6 including no more than 1 adult. Release all salmon other than hatchery Chinook.

(b) From Johnson Creek to Colvin Creek:

(i) Effective May 25 through May 31, 2024:

(A) All species: Bank angling only. No fishing from a floating device. Anti-snagging rule and Night closure in effect.

(B) Steelhead: Daily limit 3. Release wild steelhead.

(C) Salmon: Daily limit 6 including no more than 1 adult. Release all salmon other than hatchery Chinook.

(ii) Effective June 1 through July 31, 2024: Salmon: Daily limit 6 including no more than 1 adult. Release all salmon other than hatchery Chinook.

**(6) Wind River (Skamania Co.):** From the mouth (line of buoy markers south of the Hwy. 14 bridge) to 800 yards downstream of Carson National Fish Hatchery: Effective immediately, until further notice: Salmon and steelhead: Daily limit 6. Up to 1 adult salmon and 1 hatchery steelhead, or up to 2 hatchery steelhead may be retained. Release all salmon other than hatchery Chinook and hatchery coho. Release wild steelhead.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of Washington Administrative Code is repealed, effective May 25, 2024:

WAC 220-312-03000J Freshwater exceptions to statewide rules—Southwest. (24-31)

**WSR 24-12-014**  
**EMERGENCY RULES**  
**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed May 24, 2024, 9:19 a.m., effective June 1, 2024]

Effective Date of Rule: June 1, 2024.

Purpose: The department of social and health services (department) is creating chapter 388-487 WAC, SUN Bucks; and adopting WAC 388-487-0010 What is the sun bucks program?, 388-487-0020 Is my child eligible for sun bucks?, and 388-487-0030 General information about sun bucks benefits.

Adoption of these rules will support implementation of the new summer EBT program, known as "SUN Bucks," beginning after the 2023-24 school session in accordance with a federally approved state plan.

Citation of Rules Affected by this Order: New WAC 388-487-0010, 388-487-0020, and 388-487-0030.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Other Authority: H.R. 2617.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Emergency adoption of these rules supports implementation of the summer EBT program, known as SUN bucks. SUN bucks was authorized under the Consolidated Appropriations Act, 2023 (H.R. 2617) and provides additional food benefits to certain eligible children for a designated summer period following the 2023-24 school year. The department is concurrently proceeding with the permanent rule-making process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 3, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 0, Repealed 0.

Date Adopted: May 22, 2024.

Katherine I. Vasquez  
Rules Coordinator

**SHS-5033.2**

NEW SECTION

**WAC 388-487-0010 What is the sun bucks program?** The sun bucks program is the summer electronic benefits transfer (summer EBT) program that provides a one-time food benefit to eligible children during designated summer periods following the academic school year. Sun bucks is administered by the department of social and health services (department) and is not bound by the same state or federal rules, regulations, or procedures governing basic food as described in WAC 388-400-0040.

The following definitions apply to this program:

(1) "Benefit amount" means the amount of sun bucks each eligible child will receive; this amount is \$120 for the summer of 2024 and will be adjusted annually for inflation.

(2) "Compulsory age" means the age children are required by law to attend school; in Washington this is between the ages of eight and 18.

(3) "Direct certification" means a determination that a child is eligible for free or reduced-priced school meals without further application to the national school lunch program due to:

(a) Receiving a benefit from a federal means tested assistance program, including supplemental nutrition assistance program (SNAP), temporary assistance for needy families (TANF), food distribution program on Indian reservations (FDPIR), some medicaid programs; or

(b) Other source eligible categories, including children in foster care, children experiencing homelessness, students enrolled in the migrant education program, and children enrolled in head start or the early childhood education and assistance program (ECEAP).

(4) "Expungement" means removal of benefits due to nonuse after 122 days from the date sun bucks benefits were deposited into the EBT account.

(5) "Free or reduced-price meals" means meals provided to students qualified as eligible by the Richard B. Russell National School Lunch Act.

(6) "Income eligibility guidelines" means income limits to determine eligibility for free and reduced-price meals adjusted annually by the US department of agriculture (USDA) food and nutrition service (FNS) as required by the national school lunch act (NSLA).

(7) "Sun bucks application" means an application available to households with potentially eligible children who did not automatically meet streamline certification criteria.

(8) "Sun bucks card" means the unique electronic benefit transfer (EBT) card that accesses sun bucks food benefits issued to individual eligible children.

(9) "Streamline certified" means a child automatically approved for sun bucks because they meet the following criteria:

(a) A child, regardless of age, who would have access to free or reduced-price school meals through the national school lunch program (NSLP) and school breakfast program (SBP) during the school year, who:

(i) Is determined by the school to be eligible for free or reduced-priced school meals; or

(ii) A child who attends a school that operates the community eligibility provision or the provision 2 lunch and breakfast program and identified as eligible for free or reduced-price school meals using direct certification or a free or reduced-price school meals application.



(b) A child who meets compulsory age requirements (eight - 18 years old) and resides in a household receiving one of the following public assistance benefits:

(i) Temporary assistance for needy families (TANF) as described in WAC 388-400-0005;

(ii) State funded assistance (SFA) as described in WAC 388-400-0010;

(iii) Basic food as described in WAC 388-400-0040; or

(iv) The state funded food assistance program (FAP) as described in WAC 388-400-0050.

(10) "Summer period" means the period between the end of the current school year and the start of the next school year, as determined by the state.

#### NEW SECTION

**WAC 388-487-0020 Is my child eligible for sun bucks?** To be eligible for sun bucks benefits, a child must:

(1) Attend a school that participates in the national school lunch program (NSLP) or school breakfast program (SBP); and

(a) Is determined by the school to be eligible for free or reduced-price school meals; or

(b) Who attends a school that operates the community eligibility provision or provision 2 lunch and breakfast program and identified as eligible for free or reduced-price meals using direct certification or a free or reduced-price school meals application.

(2) Meet compulsory age requirements (eight-18 years old) and reside in a household receiving one of the following public assistance benefits:

(a) Temporary assistance for needy families (TANF) as described in WAC 388-400-0005;

(b) State funded assistance (SFA) as described in WAC 388-400-0010;

(c) Basic food as described in WAC 388-400-0040; or

(d) The state funded food assistance program (FAP) as described in WAC 388-400-0050.

(3) Children who are not streamline certified must submit a sun bucks application during the summer operational period and must meet the following criteria:

(a) Attend a school that participates in the national school lunch program (NSLP) or school breakfast program (SBP); and

(b) Meet income eligibility guidelines for free or reduced-price school meals.

(i) Guidelines change annually on July 1.

(ii) The guidelines in effect on the date of application are used to determine eligibility.

(4) If information on an application is questionable, verification may be requested and must be provided within 30 days of the date of application.

(5) Children approved for sun bucks will receive a notice of approval describing their eligibility and other information related to the program.

NEW SECTION**WAC 388-487-0030 General information about sun bucks benefits.**

- (1) Sun bucks benefits will be deposited into an account accessible with a designated sun bucks card. Each sun bucks card will be:
- (a) Linked to a sun bucks account for each eligible child; and
  - (b) Mailed to the last known address as reported by the parent or caregiver to either:
    - (i) The child's school if directly certified for free or reduced-price meals; or
    - (ii) The department for the eligible child's cash or food assistance household.
  - (c) It is the parent's or caregiver's responsibility to accurately and timely report any address changes to the child's school and to the department. The department or school is not responsible for the expungement of benefits due to unreceived sun bucks notices or cards sent through the mail.
- (2) To use a sun bucks account:
- (a) The sun bucks EBT card can be used by the eligible child or responsible household member, such as a parent or caregiver on behalf of the eligible child, to purchase eligible food items.
  - (b) A personal identification number (PIN) must be created to use the sun bucks card.
  - (c) Sun bucks benefits are only accessed from the sun bucks card and cannot be transferred to a bank account or issued as a check.
  - (d) Sun bucks benefits not used within 122 days from the date of deposit into each eligible child's account will be expunged.
  - (e) Sun bucks benefits cannot be replaced once redeemed, expunged, lost, or stolen due to fraudulent activity or use.
  - (f) Families are responsible for keeping the sun bucks card and PIN of an eligible child in a safe and secure place.
- (3) The purpose of sun bucks benefits is to help low-income families have a more nutritious diet by providing food benefits to eligible children during the summer months between academic school years.
- (a) Sun bucks benefits are used to buy food items for an eligible child (or youth) from a food retailer authorized to accept supplemental nutrition assistance program (SNAP) benefits.
  - (b) Intentional misuse of sun bucks benefits may be subject to fines or legal action including criminal prosecution.
- (4) The household must request a hearing within 90 days of the end of the summer operational period when disagreeing with a decision explained in the notice.
- (5) Children cannot receive sun bucks from more than one state at a time for the same summer operational period.

## WSR 24-12-022

## EMERGENCY RULES

## HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Admin #2024-03.02—Filed May 24, 2024, 12:06 p.m., effective May 24, 2024, 12:06 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The health care authority (HCA) is refiling new WAC 182-12-5100 What options for health plan enrollment are available to a retired employee of an employer group that previously ended participation in public employees benefits board (PEBB) insurance coverage, as authorized in SHB 1804, section 3, chapter 312, Laws of 2023.

Citation of Rules Affected by this Order: New WAC 182-12-5100.

Statutory Authority for Adoption: RCW 41.05.951; SHB 1804, section 3, chapter 312, Laws of 2023, 68th legislature, 2023 regular session.

Other Authority: RCW 41.05.021 and 41.05.160.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule making is necessary to preserve public peace, health, or safety, or support of the state government and its existing public institutions by establishing enrollment rules for eligible retired or disabled employees of employer groups whose participation in insurance plans or contracts under RCW 41.05.080(1) ended due to the termination of the contractual agreement between HCA and an employer group on or before January 1, 2023. This emergency rule making is necessary to implement SHB 1804, section 3, chapter 312, Laws of 2023, while HCA conducts the permanent rule-making process.

This filing continues the emergency rules filed under WSR 24-04-012, filed on January 26, 2024. HCA is finalizing the revisions of the PEBB chapters and is preparing to file CR-102 under permanent rule making shortly.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: May 24, 2024.

Wendy Barcus  
Rules Coordinator

OTS-4617.2

NEW SECTION

**WAC 182-12-5100 What options for health plan enrollment are available to a retired employee of an employer group that previously ended participation in public employees benefits board (PEBB) insurance coverage?** (1) A retired employee of an employer group as defined in WAC 182-12-109, whose participation in public employees benefits board (PEBB) retiree insurance coverage ended due to the employer group ending participation in PEBB insurance coverage on or before January 1, 2023, must be allowed to enroll in PEBB health plan coverage if the requirements as described in subsection (4) of this section are met.

(2) For this section only, "subscriber" means the retired employee as described in subsection (1) of this section who is requesting enrollment in PEBB health plan coverage.

(3) The subscriber may elect to enroll in PEBB medical, dental, or both by self-paying the premium and applicable premium surcharges set by the health care authority (HCA). The subscriber enrolled under this section is not eligible for any subsidy provided under RCW 41.05.085.

(4) The subscriber must submit the required forms to the PEBB program, and they must be received by December 31, 2023:

(a) The subscriber may enroll eligible dependents as described in WAC 182-12-260 and must include the dependent's enrollment information on the required forms;

(b) If the subscriber elects to enroll a dependent in PEBB health plan coverage, the dependent will be enrolled in the same PEBB medical and PEBB dental plans as the subscriber;

**Exception:** If the subscriber selects a medicare supplement plan or medicare advantage prescription-drug (MA-PD) plan, nonmedicare enrollees will be enrolled in the UMP Classic. If the subscriber selects any other medicare plan, they must also select a nonmedicare plan with the same contracted vendor available to nonmedicare enrollees.

(c) The subscriber's account may incur a premium surcharge in addition to their monthly medical premium and the subscriber must attest as described in WAC 182-08-185 (1) and (2). A premium surcharge will be applied to a subscriber who does not attest. If the subscriber's attestation results in a premium surcharge, it will take effect the same date as PEBB medical begins;

(d) The subscriber's first premium payment and applicable premium surcharges are due to HCA no later than 45 days after the effective date of coverage as described in subsection (5) of this section. Following the first premium payment, premiums and applicable premium surcharges must be paid as premiums become due. If the subscriber's monthly premium and applicable premium surcharges remain unpaid for 60 days from the original due date, the subscriber's PEBB insurance coverage will be terminated retroactive to the last day of the month for which the monthly premium and applicable premium surcharges were paid as described in WAC 182-08-180 (1) (c).

**Exception:** For a subscriber enrolled in a medicare advantage (MA) or a MA-PD plan a notice will be sent to them notifying them that they are delinquent on their monthly premiums and that the enrollment will be terminated prospectively to the end of the month after the notice is sent.

(5) The effective date of enrollment in PEBB health plan coverage will be the first day of the month following the date the required form is received. If that day is the first of the month, then enroll-

ment begins on that day except for a MA or MA-PD plan which will begin the first day of the month following the signature date on the form.

(6) PEBB health plan coverage may continue unless the subscriber requests to terminate enrollment as described in subsection (8) of this section, or premiums and applicable premium surcharges are no longer paid as described in subsection (4)(d) of this section. If PEBB health plan coverage is terminated for these reasons, the subscriber and their enrolled dependents will not be eligible to reenroll.

(7) The subscriber enrolled under this section may make enrollment changes on the same terms and conditions as retirees who are eligible for Consolidated Omnibus Budget Reconciliation Act (COBRA) as described in WAC 182-08-185, 182-08-196, 182-08-198, and 182-12-262.

(8) The subscriber enrolled under this section who requests to voluntarily terminate their PEBB health plan coverage must do so in writing. PEBB health plan coverage will end on the last day of the month in which the PEBB program receives the termination request or on the last day of the month specified in the subscriber's termination request, whichever is later. If the termination request is received on the first day of the month, PEBB health plan coverage will end on the last day of the previous month.

**Exception:** When a subscriber or their dependent is enrolled in a MA or MA-PD plan, then enrollment in PEBB health plan coverage will terminate on the last day of the month when the MA plan disenrollment form is received.

**WSR 24-12-030**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 24-79—Filed May 28, 2024, 3:49 p.m., effective May 30, 2024]

Effective Date of Rule: May 30, 2024.

Purpose: The purpose of this rule is to open additional recreational shrimp seasons in Puget Sound.

Citation of Rules Affected by this Order: Repealing WAC 220-330-07000W; and amending WAC 220-330-070.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and meet conservation objectives. Harvestable amounts of spot shrimp are available, but recreational shares will only support a limited number of open days in the marine areas listed in this section. In addition to recreational seasons previously scheduled in WSR 24-09-024 (filed April 9, 2024), this emergency rule opens all-species seasons in Marine Area 6 Discovery Bay Shrimp District, Marine Area 7 East, Marine Area 9, and Marine Area 10. This rule also opens nonspot shrimp seasons beginning June 1 in Marine areas 11 and 13 with maximum depth restrictions. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 28, 2024.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-330-07000X Shrimp—Areas and seasons.** Notwithstanding the provisions of WAC 220-330-070, effective May 30, 2024, until further notice, it is unlawful to fish for or possess shrimp taken for

personal use in all waters of Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, 13 and the Discovery Bay Shrimp District, except as provided for in this section:

(1) Marine Areas 4 (east of the Bonilla-Tatoosh line) and 5: Open daily, from 1 hour before official sunrise to 1 hour after official sunset, until further notice for all shrimp species.

(2) Marine Area 6 (excluding the Discovery Bay Shrimp District): Open from 1 hour before official sunrise to 1 hour after official sunset on May 30 through June 1, June 13 through 16, June 28 through June 30, and July 12 through July 15 for all shrimp species.

(3) Discovery Bay Shrimp District: Open May 30 from 9:00 a.m. through 1:00 p.m. for all shrimp species.

(4) Marine Area 7 South: Only that portion of Marine Area 7 South that is west of a line projected due south from Point Colville on Lopez Island and east of a line projected due south from Cattle Point on San Juan Island will open from 1 hour before official sunrise to 1 hour after official sunset on May 30 through June 1 for all shrimp species. The remaining portion of 7 South will stay closed.

(5) Marine Area 7 East: Open from 1 hour before official sunrise to 1 hour after official sunset on May 30 through June 1 for all shrimp species.

(6) Marine Area 7 West: Open from 1 hour before official sunrise to 1 hour after official sunset on May 30 through June 1, June 13 through 15, June 28 through 30, and July 12 through 14 for all shrimp species.

(7) Marine Areas 8-1 and 8-2:

(a) Open May 30 from 9:00 a.m. through 1:00 p.m. for all shrimp species.

(b) Divers may take shrimp by hand or hand-held device from 7:00 p.m. until midnight on May 30 in Marine Area 8-2.

(8) Marine Area 9: Open June 13 from 9:00 a.m. through 1:00 p.m. for all shrimp species.

(9) Marine Area 10 (inside Elliott Bay): Open June 13 from 9:00 a.m. through 1:00 p.m. for all shrimp species.

(10) Marine Area 10 (outside Elliott Bay): Open June 13 from 9:00 a.m. through 1:00 p.m. for all shrimp species.

(11) Marine Area 11: Open daily from June 1 through October 15 for shrimp species other than spot shrimp with a 175-foot maximum fishing depth restriction. During this time it is unlawful to set or pull shrimp gear in waters greater than 175 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.

(12) Marine Area 12: Open May 30, and June 15 from 9:00 a.m. through 1:00 p.m. for all shrimp species.

(13) Marine Area 13: Open daily from June 1 through October 15 for shrimp species other than spot shrimp with a 200-foot maximum fishing depth restriction. During this time it is unlawful to set or pull shrimp gear in waters greater than 200 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.

#### REPEALER

The following section of Washington Administrative Code is repealed, effective May 30, 2024:

WAC 220-330-07000W Shrimp—Areas and seasons. (24-52)



## WSR 24-12-033

## EMERGENCY RULES

## PUBLIC DISCLOSURE COMMISSION

[Filed May 29, 2024, 3:32 p.m., effective June 5, 2024]

Effective Date of Rule: June 5, 2024.

Purpose: The rule sets forth how HB 2032 (2024), which requires sponsor identification on previously exempted political yard signs, will be implemented upon the effective date and throughout the 2024 election cycle.

Citation of Rules Affected by this Order: Amending WAC 390-18-030.

Statutory Authority for Adoption: RCW 42.17A.110; chapter 148, Laws of 2024.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Formal rule making could not be completed before the effective date for the new law, June 6, 2024, or before the June 30th deadline for implementing any new rule for the upcoming election cycle, see RCW 42.17A.110. This rule is necessary to implement the new law (HB 2032) by addressing the campaigns that will have ordered and placed yard signs prior to the effective date. Without clarification, the status of such signs would remain uncertain.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 29, 2024.

Sean Flynn  
General Counsel

### OTS-5468.1

AMENDATORY SECTION (Amending WSR 20-02-062, filed 12/24/19, effective 1/24/20)

**WAC 390-18-030 Advertising—Exemptions from sponsor identification and alternatives for online advertising.** (1) RCW 42.17A.320 re-

quires that political advertising must identify certain information. The commission is authorized to exempt advertising where the sponsor identification disclosures required by RCW 42.17A.320 (1) and (2) are impractical. In addition, other political advertising is exempt from providing certain disclosures.

(2) The following forms of advertising need not include the sponsor's name and address, the "no candidate authorized this ad" sponsor identification, the "top five contributors," "top three donors to PAC contributors," or the identification of the individual, corporation, union, association, or other entity that established, maintains, or controls the sponsoring political committee as otherwise required by RCW 42.17A.320 (1) and (2) and 42.17A.350:

(a) Campaign paraphernalia, including novelty or sundry items intended for individual distribution and use, with a printing surface area smaller than 4" x 15" square inches, including expandable surface area such as a balloon when expanded, or where such identification is otherwise impractical to provide a readable text;

(b) Newspaper ads of one column inch or less (excluding online ads);

(c) Reader boards where a message is affixed in movable letters, or skywriting; and

(d) State or local voter's pamphlets published pursuant to law (~~and~~

~~(e) Yard signs — size 4' x 8' or smaller~~)).

(3) Online political advertising must provide the same disclosures that apply to non-online advertising to the extent practical. As an alternative, small online advertising may provide the required disclosures by using an automatic display with the advertising that takes the reader directly to the required disclosures.

(a) These automatic displays must be clear and conspicuous, unavoidable, immediately visible, remain visible for at least four seconds, and display a color contrast as to be legible. Online advertising that includes only audio must include the disclosures in a manner that is clearly spoken.

(b) Examples include nonblockable pop-ups, roll-overs, a separate text box or link that automatically appears with or in the advertising that automatically takes the reader directly to the required disclosures upon being clicked once, or other similar mechanisms that disclose the information required in RCW 42.17A.320 in a manner that is compatible with the device and technology used to display the advertising.

(4) Political advertising created and distributed by an individual using their own modest resources is not required to provide the disclosures in RCW 42.17A.320, when all of the following criteria are satisfied:

(a) The individual spends in the aggregate less than (~~one hundred dollars~~) \$100 to produce and distribute the advertising or less than (~~fifty dollars~~) \$50 to produce and distribute online advertising;

(b) The individual acts independently and not as an agent of a candidate, authorized committee, political committee, corporation, union, business association, or other organization or entity;

(c) The advertising is not a contribution under RCW 42.17A.005 (16) (a) (ii) or (iii) or WAC 390-05-210;

(d) The individual does not receive donations, contributions, or payments from others for the advertising, and is not compensated for producing or distributing the advertising; and

(e) The advertising is either:

(i) A letter, flier, handbill, text, email or other digital communications from the individual that does not appear in a newspaper or other similar mass publication (except for letters to the editor and similar communications addressed in WAC 390-05-490(4)); or

(ii) Disseminated on the individual's social media site, personal website, or an individual's similar online forum where information is produced and disseminated only by the individual.

(5) Political advertising that is internal political communications to members is not required to separately include the disclosures in RCW 42.17A.320 where the sponsor's name is otherwise apparent on the face of the communication.

(6) Any political yard sign 4' x 8' (square feet) or smaller that was printed on or after June 6, 2024, must include sponsor identification, but remains exempt from the top five contributor and top three PAC contributor requirements.

**WSR 24-12-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 24-81—Filed May 29, 2024, 4:32 p.m., effective June 1, 2024]

Effective Date of Rule: June 1, 2024.

Purpose: The purpose of this emergency rule is to open additional salmon seasons in Columbia and Deep rivers.

Citation of Rules Affected by this Order: Repealing WAC 220-312-03000R and 220-312-06000K; and amending WAC 220-312-030 and 220-312-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Recreational fishery has sufficient Endangered Species Act (ESA) impact allocation available for this area to accommodate additional fishing time. This rule extends the 2024 spring recreational salmon and steelhead season in the mainstem Columbia River from the Rocky Point/Tongue Point line upstream to Bonneville Dam. Additionally, this rule aligns the Deep River salmon and steelhead daily bag limit with the mainstem lower Columbia River when the mainstem is open. ESA impacts for wild fish are available to recreational fisheries in order to access hatchery fish. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. This regulation is consistent with compact/joint state actions of February 21, April 4, April 9, May 15, May 23, and May 29, 2024. The general public welfare is protected with the immediate and limited duration opening of recreational salmon fishing. This limited harvest allows for public use of the resource as well as the maintenance of a sustainable fish population.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under ESA. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under ESA. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, ESA, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 29, 2024.

Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-312-03000S Freshwater exceptions to statewide rules—Southwest.** Effective June 1 through June 15, 2024, the provisions of WAC 220-312-030 regarding Deep River salmon and steelhead seasons shall be modified as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

**Deep River (Wahkiakum Co.):**

Salmon and steelhead: Effective June 1 through June 15, 2024: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook.

#### NEW SECTION

**WAC 220-312-06000L Freshwater exceptions to statewide rules—Columbia.** Effective June 1 through June 15, 2024, the provisions of WAC 220-312-060 regarding Columbia River salmon and steelhead seasons from the Rocky Point/Tongue Point line upstream to Bonneville Dam, shall be modified as described below, except in areas closed to fishing for salmon and steelhead year-round in WAC 220-312-060. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

**(1) From a projected line from Rocky Point on the Washington bank through red buoy 44 to the red navigation marker 2 at Tongue Point on the Oregon Bank upstream to a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse One) in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock.**

Salmon and steelhead: Effective June 1 through June 15, 2024: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook.

**(2) From a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse One) in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock upstream to Bonneville Dam:**

Salmon and steelhead: Effective June 1 through June 15, 2024: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook. Closed to angling from a floating device or by any method except hand-cast lines from shore.

#### REPEALER

The following sections of the Washington Administrative Code are repealed, effective immediately:

- WAC 220-312-03000R Freshwater exceptions to statewide rules—Southwest. (24-78)
- WAC 220-312-06000K Freshwater exceptions to statewide rules—Columbia. (24-78)

**WSR 24-12-051**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 24-80—Filed May 31, 2024, 10:33 a.m., effective June 1, 2024]

Effective Date of Rule: June 1, 2024.

Purpose: (1) Allow the department of fish and wildlife (department) to continue to use contracted crop damage claim adjusters. To do so, we must establish updated certification and experience standards for department-contracted crop adjusters.

(2) Follow 2024 legislative SSB [2SSB] 5784, changing the value limits of an appeal.

Citation of Rules Affected by this Order: Amending WAC 220-440-150 and 220-440-180.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.36.170, and 77.36.180.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule is necessary:

(1) Because of a change in the availability of federal crop insurance continuing education training for crop adjusters has resulted in the department being unable to comply with existing rule. This has rendered the department unable to assess crop damage claims by current department-contracted adjusters. This change will allow for substitution of experience for the federal license and allow claims to continue to be processed with only a state license.

(2) To comply with recently enacted state statutes resulting from SSB [2SSB] 5784.

The department is preparing to develop permanent rules to address the foregoing issues.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 31, 2024.

Kelly Susewind  
Director

NEW SECTION

**WAC 220-440-15000A Application for cash compensation for commercial crop damage—Procedure.** Notwithstanding the provisions of WAC 220-440-150, effective immediately, until further notice, WAC 220-440-150 subsection (7) (a) shall be modified as described below. All other provisions of WAC 220-440-150 not addressed herein remain in effect unless otherwise amended by emergency rule:

The claimant must submit a damage claim assessment prepared by a crop insurance adjustor licensed by the state of Washington and certified by the federal crop insurance service, or by a crop adjuster who is under contract with the department that has a current State of Washington insurance adjuster license and a minimum of 10 years of verifiable deer and elk caused crop damage investigation experience which may substitute for the additional federal crop insurance certification.

NEW SECTION

**WAC 220-440-18000A Application for cash compensation for livestock damage or domestic animal—Procedure.** Notwithstanding the provisions of WAC 220-440-180, effective immediately, until further notice, subsections (8) and (12) of WAC 220-440-180 shall be modified as described below. All other provisions of WAC 220-440-180 not addressed herein remain in effect unless otherwise amended by emergency rule:

(8) Subject to funds appropriated to pay for livestock or guard dog losses, undisputed claims will be paid up to the limits in RCW 77.36.130.

(12) Upon completion of an evaluation, the department will notify the claimant of its decision to either deny the claim or make a settlement offer (order). The claimant has sixty days from the date that the offer is received to accept, sign, and mail to the department the original offer for settlement of the claim. If the claimant wishes to appeal the offer, the claimant must request an informal resolution or adjudicative proceeding as described in WAC 220-440-230 up to the limit set forth in RCW 77.36.130.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.



## WSR 24-12-053

## EMERGENCY RULES

## BUILDING CODE COUNCIL

[Filed June 2, 2024, 10:13 a.m., effective June 2, 2024, 10:13 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To delay the effective date for the National Institute for Certification in Engineering Technologies (NICET) licensing requirements in the 2021 International Fire Code, section 904 and WAC 51-54A-0904. Editorial corrections are also made to clarify code language.

Citation of Rules Affected by this Order: Amending WAC 51-54A-0904.

Statutory Authority for Adoption: RCW 19.27.031.

Other Authority: RCW 19.27.074.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The requirement for NICET licensing will leave the Washington workforce without enough personnel to complete required work on existing automatic fire extinguishing systems. The delay will allow for additional personnel to attain licensure, it will also allow for the state building code council to develop rules that meet the need for qualified persons conducting work under appropriate licenses.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 24, 2024.

Daimon Doyle  
Council Chair

**OTS-5455.2**

AMENDATORY SECTION (Amending WSR 23-23-106, filed 11/15/23, effective 3/16/24)

**WAC 51-54A-0904 Alternative automatic fire-extinguishing systems.**

**904.1.1 Certification of service personnel for fire-extinguishing equipment.** Service personnel performing system design, installation, or conducting system maintenance or testing on automatic fire-extinguishing systems, other than automatic sprinkler systems, shall possess the appropriate ICC/NAFED certification.

**904.1.1.1 Preengineered kitchen fire-extinguishing systems.** A current ICC/NAFED certification for preengineered kitchen fire-extinguishing systems is required when performing design, installation, inspection/testing or maintenance on kitchen suppression systems.

**904.1.1.2 Engineered fire suppression systems.** A current ICC/NAFED certification for engineered fire suppression systems is required when performing design, installation, inspection/testing or maintenance (~~on kitchen suppression systems~~).

**904.1.1.3 Preengineered industrial fire-extinguishing system.** A current ICC/NAFED certification for preengineered industrial fire-extinguishing system is required when performing design, installation, inspection/testing or maintenance (~~on kitchen suppression systems~~).

**904.1.1 (Effective (~~July 1, 2024~~) January 1, 2025) Certification of personnel for alternative fire-extinguishing equipment.** Personnel performing system design, installation, maintenance, programming or testing on automatic fire-extinguishing systems, other than automatic sprinkler systems, shall possess the appropriate National Institute for Certification in Engineering Technologies (NICET) *Special Hazards Suppression Systems* certification.

EXCEPTION: A current ICC/NAFED certification for preengineered kitchen fire extinguishing system technician is allowed in lieu of NICET Level II or higher in *Special Hazards Suppression Systems* for the design, installation, inspection/testing or maintenance on preengineered kitchen suppression systems.

**904.1.1.1 (Effective (~~July 1, 2024~~) January 1, 2025) Design.** All construction documents shall be reviewed by a NICET Level III in special hazard suppression systems or a licensed professional engineer (PE) in the state of Washington prior to being submitted for permitting. The reviewing professional shall submit a stamped, signed, and dated letter; or a verification method approved by the *fire code official* indicating the system has been reviewed and meets or exceeds the design requirements of the state of Washington and the local jurisdiction.

**904.1.1.2 (Effective (~~July 1, 2024~~) January 1, 2025) Installation.** Installation not defined as "electrical construction trade" by chapter 19.28 RCW or "Fire Protection Sprinkler Fitting" by chapter 18.270 RCW, shall be completed by or directly supervised by a NICET Level II or higher in *special hazards suppression systems*. Supervision shall consist of a person being on the same job site and under the control of a NICET Level II or higher in *special hazards suppression systems*.

**904.1.1.3 (Effective (~~July 1, 2024~~) January 1, 2025) Testing/maintenance.** Inspection, testing, commissioning, maintenance, and programming not defined as "electrical construction trade" by chapter 19.28 RCW or "Fire Protection Sprinkler Fitting" by chapter 18.270 RCW, shall be completed by a NICET Level II or higher in *special hazards suppression systems*.

**904.13 Commercial cooking systems.** The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of

the type and arrangement protected. Preengineered automatic dry- and wet-chemical extinguishing systems shall be tested in accordance with UL 300 and *listed* and *labeled* for the intended application. Other types of automatic fire-extinguishing systems shall be *listed* and *labeled* for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, NFPA 96, its listing and the manufacturer's installation instructions. Additional protection is not required for ductwork beyond 75 feet (22,860 mm) when hood suppression system complies with UL 300. Signage shall be provided on the exhaust hood or system cabinet, indicating the type and arrangement of cooking appliances protected by the automatic fire-extinguishing system. Signage shall indicate appliances from left to right, be durable, and the size, color, and lettering shall be approved. Automatic fire-extinguishing systems of the following types shall be installed in accordance with the referenced standard indicated, as follows:

1. Carbon dioxide extinguishing systems, NFPA 12.
2. *Automatic sprinkler systems*, NFPA 13.
3. Automatic water mist systems, NFPA 750.
4. Foam-water sprinkler system or foam-water spray systems, NFPA 16.
5. Dry-chemical extinguishing systems, NFPA 17.
6. Wet-chemical extinguishing systems, NFPA 17A.

## EXCEPTIONS:

1. Factory-built commercial cooking recirculating systems that are tested in accordance with UL 710B and listed, labeled and installed in accordance with Section 304.1 of the *International Mechanical Code*.
2. Protection of duct systems beyond 75 feet (22,860 mm) when the commercial kitchen exhaust hood is protected by a system listed in accordance with UL 300.

## WSR 24-12-061

## EMERGENCY RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed June 3, 2024, 11:44 a.m., effective June 7, 2024]

Effective Date of Rule: June 7, 2024.

Purpose: The developmental disabilities administration (DDA) is enacting these changes on an emergency basis to ensure that when a client requires a medication for which there is a prescription but no pharmacist-prepared label, the medication is labeled in a way that promotes safety.

Citation of Rules Affected by this Order: Amending WAC 388-101D-0295 and 388-101D-0330.

Statutory Authority for Adoption: RCW 34.05.350.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These amendments would allow a provider to support a client who requires a medication for which there is no pharmacist-prepared label available. These changes are necessary to reduce the possibility of medication error and provider citation, which can impact client services, and to promote client choice. This is the second emergency filing on these sections and is necessary to keep them in effect until DDA can complete the permanent rule-making process. DDA is proceeding through the permanent process and the proposed rules are scheduled for public hearing on June 4, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: May 21, 2024.

Katherine I. Vasquez  
Rules Coordinator

**SHS-5020.2**

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

**WAC 388-101D-0295 Medication services—General.** (1) If the service provider (~~is involved in assisting any~~) supports a client with medications, as identified in the client's (~~individual support~~) person-centered service plan, the service provider must do all of the following:

(a) Have systems in place to ensure that medications are given as ordered and in a manner that safeguards the client's health and safety(~~).~~).

(b) Ensure that each client receives their medication as prescribed, except as provided for in the medication refusal section or in the medication assistance section regarding altering medication( ~~and~~).

(c) (~~Have a legible prescription label completed by a licensed pharmacy~~) Before providing medication assistance or medication administration to a client (~~for prescribed medications~~), have a legible:

(i) Pharmacist-prepared label; or

(ii) Manufacturer label with the name of the client for whom the medication is prescribed added to the container.

(2) Group homes licensed as an assisted living facility or adult family home must meet the medication management requirements of chapter 388-78A or 388-76 WAC. For any difference in requirements the assisted living facility or adult family home medication rules take precedence over the medication rules of this chapter.

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

**WAC 388-101D-0330 Storage of medications.** (1) The service provider must keep a client's medications so they are not readily available to other clients.

(2) The service provider must store medications:

(a) Under proper conditions for sanitation, temperature, moisture, and ventilation, and separate from food or toxic chemicals; and

(b) In the original medication (~~containers~~) container with a pharmacist-prepared label, a (~~or~~) manufacturer's label in accordance with WAC 388-101D-0295, or in a medication (~~organizers which are~~) organizer clearly labeled with the:

(i) Name of the client for whom the medication is prescribed;

(ii) Name of (~~the medications~~) each medication; (~~and~~)

(iii) (~~Dosage and~~) Medication dose and frequency( ~~to be given; and~~)

(iv) Route each medication is to be administered.

(3) Group homes must:

(a) Keep all medications in locked storage; and

(b) Use medication organizers only when filled by a pharmacist.

**WSR 24-12-062**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 24-82—Filed June 3, 2024, 12:15 p.m., effective June 16, 2024]

Effective Date of Rule: June 16, 2024.

Purpose: This rule is necessary to set summer salmon and steelhead seasons for the Columbia River from the Megler-Astoria Bridge to Priest Rapids Dam, June 16 through July 31, 2024.

Citation of Rules Affected by this Order: Amending WAC 220-312-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This action applies summer fishery regulations developed through the 2024 North of Falcon season setting process and is consistent with comanager agreements. The Endangered Species Act (ESA) impacts and allowable harvest allocations are available to recreational fisheries in order to access salmon and steelhead. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. The general public welfare is protected with the immediate opening of recreational salmon fishing. This limited harvest allows for public use of the resource as well as the maintenance of a sustainable fish population.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under ESA. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under ESA. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, ESA, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering

proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 3, 2024.

Amy H. Windrope  
for Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-312-06000M Freshwater exceptions to statewide rules—Columbia River.** Effective June 16 through July 31, 2024, the provisions of WAC 220-312-060 regarding recreational salmon and steelhead seasons from the Megler-Astoria Bridge to Priest Rapids Dam, shall be modified as described below, except in areas closed to fishing for salmon and steelhead year-round in WAC 220-312-060. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

**(1) From the Megler-Astoria Bridge to Bonneville Dam:** Salmon and steelhead:

(a) Effective June 16 through June 19, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook, sockeye, and hatchery steelhead.

(b) Effective June 20 through July 31, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye, and hatchery steelhead.

**(2) From Bonneville Dam upstream to The Dalles Dam:** Salmon and steelhead:

(a) Effective June 16 through June 30, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook, sockeye, and hatchery steelhead.

(b) Effective July 1 through July 31, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye, and hatchery steelhead.

**(3) From The Dalles Dam upstream to a line starting from a fishing boundary sign on the Washington north shore located approximately**

1300' upstream of The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington southern shore located approximately 200' above the fish ladder exit: Salmon and steelhead:

Effective June 16, 2024, until further notice: Closed to fishing for and retention of salmon and steelhead.

**(4) From a line starting from a fishing boundary sign on the Washington north shore located approximately 1300' upstream of The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington south shore located approximately 200' above the fish ladder exit upstream to Hwy. 395 Bridge at Pasco:** Salmon and steelhead:

(a) Effective June 16 through June 30, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook, sockeye, and hatchery steelhead.

(b) Effective July 1 through July 31, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye, and hatchery steelhead.

**(5) From Columbia Point (approximately 1/3 mile downstream of I-182 Bridge) upstream to I-182 Bridge:** Salmon:

(a) Effective June 16 through June 30, 2024: Closed to angling from a floating device or by any method except hand-cast lines from the west shore (Richland side of the river).

(b) Effective June 16 through June 30, 2024: Daily limit 6, up to 4 adult salmon including no more than 1 Chinook may be retained. Release all salmon and steelhead other than hatchery Chinook and sockeye.

**(6) From I-182 Bridge upstream to Priest Rapids Dam:** Salmon:

Effective June 16 through June 30, 2024: Daily limit 6, up to 4 adult salmon including no more than 1 Chinook may be retained. Release all salmon and steelhead other than hatchery adult Chinook, jack Chinook and sockeye.



WSR 24-12-065  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 24-83—Filed June 3, 2024, 4:31 p.m., effective June 3, 2024, 4:31 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule is necessary to close commercial razor clam seasons.

Citation of Rules Affected by this Order: Repealing WAC 220-340-12000L.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An emergency closure due to increasing marine toxins is needed to protect human health. The Washington department of health has confirmed biotoxin levels are increasing rapidly and will soon exceed the regulatory threshold. This emergency rule is needed to close the commercial razor clam season in Razor Clam Area 2. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 3, 2024.

Amy H. Windrope  
for Kelly Susewind  
Director

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-340-12000L Commercial razor clams. (24-48)

## WSR 24-12-078

## EMERGENCY RULES

## DEPARTMENT OF HEALTH

[Filed June 4, 2024, 2:50 p.m., effective June 4, 2024, 2:50 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Substance use disorder professionals and trainees; reducing barriers to joining the workforce and to streamline the credentialing process.

The department of health (department) is amending the following substance use disorder professionals and substance use disorder professionals trainees rules in WAC 246-811-010, 246-811-025, 246-811-030, 246-811-035, 246-811-045, 246-811-046, 246-811-048, 246-811-049, 246-811-060, 246-811-070, 246-811-220, 246-811-240, 246-811-260 and 246-811-990; and creating WAC 246-811-310.

The department is adopting these emergency rules to reduce barriers to entering and remaining in the behavioral health workforce, to streamline the substance use disorder provider (SUDP) and trainee credentialing process, and to implement recent legislation. Legislation being implemented includes 2SHB 1724 (chapter 425, Laws of 2023), E2SHB 2247 (chapter 371, Laws of 2024), and 2SSB 6228 (chapter 366, Laws of 2024).

These emergency rules will streamline the credentialing process by: (1) Allowing certain educational programs to meet the coursework requirements of WAC 246-811-030 without further department review; (2) removing the limit on trainee credential renewals; (3) removing the requirement for trainees to work in behavioral health agencies; (4) removing the seven-year cap on earned trainee experience; (5) lowering the experience requirements for approved supervisors; (6) removing the requirement that supervisors be on site with trainees after the first 50 hours of supervised experience; (7) reducing the minimum continuing education requirements for SUDPs; (8) implementing out-of-state substantial equivalency applicant criteria to align with RCW 18.130.077; and (9) reducing certification and renewal fees to \$100 per year.

These emergency rules will be continued while permanent rule making is in progress under WSR 24-10-011, filed April 18, 2024.

Citation of Rules Affected by this Order: New WAC 246-811-310; and amending WAC 246-811-010, 246-811-025, 246-811-030, 246-811-035, 246-811-045, 246-811-046, 246-811-048, 246-811-049, 246-811-060, 246-811-070, 246-811-220, 246-811-240, 246-811-260, and 246-811-990.

Statutory Authority for Adoption: RCW 18.130.077, 18.130.800, and 18.205.060.

Other Authority: 2SHB 1724 (chapter 425, Laws of 2023), 2SSB 6228 (chapter 366, Laws of 2024), and E2SHB 2247 (chapter 371, Laws of 2024).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: 2SHB 1724 specifically requires the department to adopt emergency rules reducing barriers to the workforce by July 1, 2024. Additionally, E2SHB 2247 and 2SSB 6228 include provisions that must be implemented promptly.

2SHB 1724 required the department to remove barriers to obtaining credentials and requires the adoption of emergency rules by July 1,

2024, while permanent rules are in progress. As a result, the department is adopting amendments based on feedback from SUDPs, trainees, and other members of the behavioral health workforce about the barriers they face.

E2SHB 2247 removed the requirement that trainees may work only in licensed behavioral health agencies and removed the limitations on trainee renewals. Because these changes were made based on the department's recommendations under 2SHB 1724, the department is implementing amendments promptly, consistent with the required timeline for 2SHB 1724 when possible.

2SSB 6228 caps certification and renewal fees for SUDPs and trainees at \$100, effective starting July 1, 2024. To avoid a conflict between statute and the fee schedule in WAC 246-811-990, the department is amending the rule section through emergency rule.

Without emergency rules, the department would be unable to meet the implementation deadlines required by legislation. Additionally, many barriers for SUDPs would persist. For example, some SUDP trainees would be unable to obtain a full credential due to (1) a lack of available renewals for their trainee credential; (2) having obtained experience more than seven years in the past, with no ability to earn recent hours due to a lack of available renewals; or (3) difficulty finding an approved supervisor. Additionally, mobile clinics with substance use disorder professionals would be unable to meet requirements for on site supervision, limiting capacity to provide services during an ongoing opioid crisis.

Through emergency rule making, credentialing processes will be streamlined by removing requirements that the department conduct coursework reviews for individuals who complete degree programs in substance use disorder counseling; reducing the number of continuing education requirements which must be reviewed; and lowering the amount of time an out-of-state applicant must be credentialed before meeting the experience, education, and examination requirements listed under current rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 14, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 14, Repealed 0.

Date Adopted: June 4, 2024.

Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**OTS-5423.2**

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

**WAC 246-811-010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly states otherwise.

(1) "Agency" means a community behavioral health agency or facility operated, licensed, or certified by the state of Washington, a federally recognized Indian tribe located with the state, a county, a federally qualified health center, or a hospital.

(2) "Apprentice" means an individual enrolled in an approved and registered apprenticeship program.

(3) "Approved and registered apprenticeship program" means a substance use disorder apprenticeship program approved by the secretary under chapter 18.205 RCW and registered by the department of labor and industries under chapter 49.04 RCW.

(4) "Approved school" means any college or university accredited by a state, national, or regional accrediting body, at the time the applicant completed the required education or other educational programs approved by the secretary.

(5) "Competent instructor" has the same meaning as provided in WAC 296-05-003.

(6) "Counseling" means employing any therapeutic techniques including, but not limited to, social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee, that offer, assist, or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential.

(7) "Core competencies of substance use disorder counseling" means competencies oriented to assist individuals with substance use disorder in their recovery. Core competencies include the following nationally recognized areas:

(a) Knowledge;

(b) Skills;

(c) Attitudes of professional practice, including assessment and diagnosis of substance use disorder;

(d) Substance use disorder treatment planning and referral;

(e) Patient and family education in substance use disorder;

(f) Individual and group counseling;

(g) Relapse prevention counseling; and

(h) Case management.

(8) "Department" means the department of health.

(9) "Direct (~~supervision~~) observation" means the supervisor is on the premises and (~~available for immediate consultation~~) within sight and hearing of the trainee.

(10) "Enrolled" means participating in an approved school or approved and registered apprenticeship program, whether a substance use disorder professional trainee is engaged in or has completed course work as described in WAC 246-811-030 (3)(a) through (w).

(11) "Individual formal meetings" means a meeting with an approved supervisor, involving one approved supervisor and no more than four supervisees.

(12) "Official transcript" means the transcript from an approved college or school, in an envelope readily identified as having been sealed by the school.

(13) "Out-of-state" means any state or territory of the United States.

(14) "Probationary license" means a temporary license issued to out-of-state applicants qualifying for licensure reciprocity in Washington state under the restrictions and conditions of RCW 18.205.140 and this chapter.

(15) "Reciprocity" means licensure of out-of-state licensed counselors based on substantial equivalence between Washington state scope of practice and the scope of practice of the other state or territory, subject to a probationary licensure period to complete outstanding Washington state licensure requirements as determined necessary by the secretary to gain full licensure.

(16) "Recovery" means a process of change through which individuals improve their health and wellness, live self-directed lives, and strive to reach their full potential. Recovery often involves achieving remission from active substance use disorder.

(17) "Related field" means health education, behavioral science, sociology, psychology, marriage and family therapy, mental health counseling, social work, psychiatry, nursing, divinity, criminal justice, and counseling education.

(18) "Related/supplemental instruction" or "RSI" has the same meaning as provided in WAC 296-05-003.

(19) "Substance use disorder counseling" means employing the core competencies of substance use disorder counseling to assist or attempt to assist individuals with substance use disorder in their recovery.

(20) "Substance use disorder professional" or "SUDP" means an individual certified in substance use disorder counseling under chapter 18.205 RCW and this chapter.

(21) "Substance use disorder professional trainee" or "SUDPT" means an individual credentialed as an SUDPT and working toward the education and experience requirements for certification as a substance use disorder professional under chapter 18.205 RCW and this chapter.

(22) "Substantially equivalent licensing standards" means out-of-state licensing standards evaluated by the department to be consistent with the education, experience, and exam requirements for substance use disorder professional certification under chapter 18.205 RCW and this chapter.

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

**WAC 246-811-025 Certification of a substance use disorder professional.** (1) An applicant for a substance use disorder professional certificate shall submit to the department:

- (a) An application on forms provided by the department;
- (b) Official transcripts or apprenticeship certificate of completion to verify meeting educational requirements under WAC 246-811-030;
- (c) Verification of meeting supervised experience hour requirements under WAC 246-811-046 or 246-811-050 on forms provided by the department;
- (d) Official verification of meeting examination requirements under WAC 246-811-060; and
- (e) The fee required under WAC 246-811-990.

(2) An applicant for a substance use disorder professional certificate under the alternative training path shall submit to the department:

- (a) An application on forms provided by the department;
- (b) Verification of meeting eligibility requirements for the alternative training path under WAC 246-811-076;
- (c) Official verification of meeting educational requirements under WAC 246-811-077;
- (d) Verification of obtaining the 1,000 supervised experience hours required under WAC 246-811-046 on forms provided by the department;
- (e) Official verification of meeting examination requirements under WAC 246-811-060; and
- (f) The fee required under WAC 246-811-990.

(3) Out-of-state applicants meeting the requirements of WAC 246-811-310 shall submit to the department:

- (a) An application on forms provided by the department;
- (b) Verification of out-of-state credential; and
- (c) The fee required under WAC 246-811-990.

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

**WAC 246-811-030 Educational requirements.** Except as provided for in WAC 246-811-077 and 246-811-078, to be eligible for certification as a substance use disorder professional an applicant shall meet the education requirements in this section.

(1) The minimum education requirements for a substance use disorder professional credential are:

- (a) An associate's degree in human services or related field from an approved school;
- (b) Successful completion of 90 quarter or 60 semester college credits in courses from an approved school; or
- (c) Successful completion of an approved and registered apprenticeship program.

(2) The minimum amount of instruction required in topics related to the substance use disorder profession is at least:

- (a) Forty-five quarter college credits;
- (b) Thirty semester college credits; or
- (c) Four hundred fifty hours of related/supplemental instruction provided by a competent instructor in an approved and registered apprenticeship program.

(3) Education and apprenticeship program course work that does not result in an addiction studies or substance use disorder counseling degree must include the following topics specific to individuals with substance use disorder in their recovery:

- (a) Understanding addiction;
- (b) Pharmacological actions of alcohol and other drugs;
- (c) Substance abuse and addiction treatment methods;
- (d) Understanding addiction placement, continuing care, and discharge criteria, including American Society of Addiction Medicine (ASAM) criteria;
- (e) Cultural diversity including people with disabilities and its implication for treatment;

- (f) Substance use disorder clinical evaluation (screening and referral to include comorbidity);
- (g) HIV/AIDS brief risk intervention for individuals with a substance use disorder;
- (h) Substance use disorder treatment planning;
- (i) Referral and use of community resources;
- (j) Service coordination (implementing the treatment plan, consulting, continuing assessment and treatment planning);
- (k) Individual counseling;
- (l) Group counseling;
- (m) Substance use disorder counseling for families, couples and significant others;
- (n) Client, family and community education;
- (o) Developmental psychology;
- (p) Psychopathology/abnormal psychology;
- (q) Documentation, to include, screening, intake, assessment, treatment plan, clinical reports, clinical progress notes, discharge summaries, and other client related data;
- (r) Substance use disorder confidentiality;
- (s) Professional and ethical responsibilities;
- (t) Relapse prevention;
- (u) Adolescent substance use disorder assessment and treatment;
- (v) Substance use disorder case management; and
- (w) Substance use disorder rules and regulations.

(4) The department considers an associate degree or higher in addiction studies or substance use disorder counseling to meet the coursework requirements in subsection (3) of this section.

(5) An applicant who has been credentialed as a substance use or addiction counselor in another state with substantially equivalent standards under WAC 246-811-310 is considered to meet the education requirements of this section.

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

**WAC 246-811-035 Certification of a substance use disorder professional trainee.** (1) To apply for a substance use disorder professional trainee certificate an applicant shall:

(a) Submit an application on forms provided by the department, including any written documentation needed to provide proof of meeting the eligibility requirements as indicated on the application;

(b) Declare that they are enrolled in an approved school or approved and registered apprenticeship program and gaining the experience required to receive a substance use disorder professional credential; and

(c) Pay applicable fees in WAC 246-811-990.

(2) To apply for annual renewal, a substance use disorder professional trainee must submit to the department applicable fees in WAC 246-811-990 and a signed declaration with their annual renewal that states they:

(a) Are currently enrolled in an approved educational program or approved and registered apprenticeship program; or

(b) Have completed the educational requirements in WAC 246-811-030 and are obtaining the experience requirements for a sub-

stance use disorder professional credential in WAC 246-811-046 or 246-811-050.

~~((3) A substance use disorder professional trainee certificate can only be renewed four times, except as provided in RCW 18.205.095.))~~

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

**WAC 246-811-045 Accumulation of experience.** (1) ~~((The department will consider experience in the field of substance use disorder counseling up to seven years prior to the date of application.~~

~~(2))~~ Accumulation of ~~((the))~~ experience hours is not required to be consecutive.

~~((3))~~ (2) Experience that will count toward certification must meet the requirements outlined in WAC 246-811-046 through 246-811-049.

~~((4))~~ (3) Supervised experience is the practice as referred to in RCW 18.205.090 (1) (c) and is the experience received under an approved supervisor.

~~((5))~~ (4) A practicum or internship taken while acquiring the degree or semester/quarter hours is applicable.

~~((6))~~ (5) Applicants who have held an active substance use disorder credential for ~~((the past five consecutive years or more))~~ at least one year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements of this chapter for Washington state licensure.

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

**WAC 246-811-046 Number of experience hours required for certification as a substance use disorder professional.** Except as provided in WAC 246-811-050 and 246-811-070(1), an applicant for substance use disorder professional certification shall complete the following experience requirements based on their level of formal education:

(1) Two thousand five hundred hours of substance use disorder counseling, for individuals who have an associate degree or qualifying coursework;

(2) Two thousand hours of substance use disorder counseling for individuals who have a baccalaureate degree in human services or a related field from an approved school;

(3) One thousand five hundred hours of substance use disorder counseling for individuals who possess a master or doctoral degree in human services or a related field from an approved school; or

(4) One thousand hours of substance use disorder counseling for individuals who are credentialed according to WAC 246-811-076. The experience must be supervised by an approved supervisor meeting the requirements under WAC 246-811-049(8).



AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

**WAC 246-811-048 Supervision requirements.** (1) All of the experience required for substance use disorder professional certification must be under the direct supervision of an approved supervisor as defined in WAC 246-811-049.

(2) A substance use disorder professional or an individual credentialed according to WAC 246-811-076 may provide substance use disorder assessment, counseling, and case management to patients consistent with his or her education, training, and experience as documented by the approved supervisor.

(a) The first (~~(fifty)~~) 50 hours of any face-to-face patient contact must be under direct (~~(supervision and)~~) observation within sight and hearing of an approved supervisor or a substance use disorder professional designated by the approved supervisor.

(b) An approved supervisor or the approved supervisor's designated certified substance use disorder professional must provide (~~(direct)~~) supervision when a supervisee is providing clinical services to patients (~~(until the approved supervisor documents in the employee file that the supervisee has obtained the necessary education, training, and experience)~~) and be available for consultation.

(3) Approved supervisors must attest to the department that the supervisee has demonstrated competency in the areas listed in WAC 246-811-047(2) on forms provided by the department.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

**WAC 246-811-049 Approved supervisors.** (1) An approved supervisor is a certified substance use disorder professional (~~(or)~~) who meets the requirements of this section. Out-of-state experience must be earned under the supervision of a person who meets or exceeds the requirements of a certified substance use disorder professional in the state of Washington, and who would be eligible to take the examination required for certification.

(2) An approved supervisor must have at least (~~(three thousand hours of experience in a state approved substance use disorder treatment agency in addition to the supervised experience hours required to become a substance use disorder professional.~~

~~(3) An approved supervisor may substitute twenty-eight clock hours of recognized supervisory training for one thousand hours of experience.~~

~~(4) An approved supervisor may substitute five hundred hours of experience with thirty-six hours of education specific to:~~

- ~~(a) Counselor development;~~
- ~~(b) Professional and ethical standards;~~
- ~~(c) Program development and quality assurance;~~
- ~~(d) Performance evaluation;~~
- ~~(e) Administration;~~
- ~~(f) Treatment knowledge; and~~

~~(g) Washington state law regarding substance use disorder treatment)) one year of experience as a certified substance use disorder professional, not including time as a trainee. The substance use dis-~~

order certification shall not be subject to ongoing disciplinary action or restrictions.

~~((5))~~ (3) An approved supervisor is not a blood or legal relative, significant other, cohabitant of the supervisee, or someone who has acted as the supervisee's primary counselor.

~~((6))~~ (4) A substance use disorder professional trainee (SUDPT) must receive documentation of his or her approved supervisor's qualifications before training begins.

~~((7))~~ (5) An approved supervisor or other certified substance use disorder professional must review and sign all substance use disorder professional trainee clinical documentation.

~~((8))~~ (6) An approved supervisor is responsible for all patients assigned to the substance use disorder professional trainee they supervise.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

**WAC 246-811-060 Examination requirements for a substance use disorder professional certification.** (1) An applicant must take and pass the National Association of Alcoholism and Drug Abuse Counselor (NAADAC) National Certification Examination for Addiction Counselors or International Certification and Reciprocity Consortium (ICRC) Certified Addiction Counselor Level II or higher examination.

(2) The department will accept the passing score set by the testing company.

(3) An applicant who has been credentialed as a substance use or addiction counselor in another state with substantially equivalent standards under WAC 246-811-310 is considered to meet the examination requirements of this section.

AMENDATORY SECTION (Amending WSR 24-03-139, filed 1/23/24, effective 2/23/24)

**WAC 246-811-070 National certification.** (1) A person who is certified through the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) or the International Certification and Reciprocity Consortium (ICRC) as an alcohol and drug counselor (ADC) or advanced alcohol and drug counselor (AADC), is considered to meet the experience requirements of WAC 246-811-046.

(2) A person who is certified through NAADAC or ICRC as an ADC or AADC is considered to have met the education requirements of WAC 246-811-030 ~~((2))~~.

(3) Verification of certification must be sent directly to the department from NAADAC or ICRC.

AMENDATORY SECTION (Amending WSR 23-23-034, filed 11/3/23, effective 1/1/24)

**WAC 246-811-220 Continuing competency program requirements.** A substance use disorder professional, regardless of method of certification, must complete:

- (1) An enhancement plan as described in WAC 246-811-200(7);
- (2) ~~((Twenty-eight))~~ Twelve hours of continuing education as described in WAC 246-811-240; and
- (3) ~~((Twelve))~~ Up to four hours of other professional development activities as described in WAC 246-811-200(7) and 246-811-260.

AMENDATORY SECTION (Amending WSR 23-23-034, filed 11/3/23, effective 1/1/24)

**WAC 246-811-240 Number of continuing education hours required.**

- (1) A certified substance use disorder professional must complete ~~((28))~~ 12 hours of continuing education (CE) every two years.
  - (a) At least ~~((14))~~ eight hours must be completed in one or more of the topic areas as described in WAC 246-811-030 (3)(a) through (w).
  - (b) At least four hours must be in professional ethics and law.
  - (c) ~~((The additional 10 hours shall be in areas relating to the various phases of their professional career.~~
  - ~~((d))~~ The training in suicide assessment listed in subsection (2) of this section shall count towards meeting the CE requirements.
  - ~~((e))~~ (d) The health equity training listed in WAC 246-811-290 shall count towards meeting the CE requirements.
- (2) Once every six years a certified substance use disorder professional must complete at least three hours of training in suicide assessment, including screening and referral, as specified in WAC 246-811-280.
  - (a) Except as provided in (b) of this subsection, the first training must be completed during the first full CE reporting period after initial certification.
  - (b) An individual applying for initial certification as a substance use disorder professional may delay completion of the first required training for six years after initial certification if they can demonstrate completion of a three-hour training in suicide assessment, including screening and referral that:
    - (i) Was completed no more than six years prior to the application for initial certification; and
    - (ii) Meets the qualifications listed in WAC 246-811-280(1).
- (3) After January 1, 2024, substance use disorder professionals are required to complete two hours of health equity training every four years as specified in WAC 246-811-290.
- (4) Nothing in this section is intended to expand or limit the existing scope of practice of a certified substance use disorder professional or certified substance use disorder professional trainee credentialed under chapter 18.205 RCW.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

**WAC 246-811-260 ((Completion of the twelve hours of other)) Acceptable professional development activities.** (1) A substance use disorder professional (SUDP) may obtain up to four hours per continuing education cycle through the following:

- (a) Practicum;
  - (b) Peer-review including serving on a formal peer review panel or committee, or individual review of a sole provider, where the purpose of the review is to determine whether appropriate treatment was rendered;
  - (c) Public presentation including preparing and presenting lectures or education that contribute to the professional competence of a substance use disorder professional. The substance use disorder professional may accumulate the same number of hours obtained for continuing education purposes by attendees as required in WAC 246-12-220. The hours for presenting a specific topic lecture or education may only be used for continuing education credit once during each reporting period;
  - (d) Publication of writings;
  - (e) Other activities as determined by the substance use disorder professional's supervisor;
  - (f) Continuing education; these continuing education hours are in addition to the ((twenty-eight)) 28 hours of continuing education as listed in WAC 246-811-240.
- (2) All documentation must include the dates the continuing competency activity that took place, and if appropriate, the title of the course, the location of the course, and the name of the instructor.

NEW SECTION

**WAC 246-811-310 Out-of-state substantial equivalency.** (1) An applicant who has been credentialed as a substance use or addiction counselor in another state with substantially equivalent licensing standards, as determined by the department under RCW 18.130.077, is considered to meet:

- (a) The education requirements of WAC 246-811-030;
  - (b) The examination requirements of WAC 246-811-060; and
  - (c) The experience requirements of WAC 246-811-045 through 246-811-047.
- (2) An applicant for substance use disorder professional under subsection (1) of this section is eligible for out-of-state substantial equivalency if they:
- (a) Have held their credential in another state for at least two years immediately preceding their application, with no interruption in licensure lasting longer than 90 days;
  - (b) Have not been subject to disciplinary action for unprofessional conduct or impairment in any state, federal, or foreign jurisdiction;
  - (c) Are not subject to denial of license; and
  - (d) Are not under investigation or subject to charges in any state, federal, or foreign jurisdiction during the pendency of their application.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

**WAC 246-811-990 Substance use disorder professional and substance use disorder professional trainee—Fees and renewal cycle.** (1) A substance use disorder professional (SUDP) certificate must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) A substance use disorder professional trainee certificate must be renewed every year to correspond with issuance date.

(3) Except as provided for under subsection (6) of this section, the following nonrefundable fees will be charged for a certified substance use disorder professional:

<b>Title of Fee</b>	<b>Fee</b>
Application	\$260.00
Initial certification	295.00
Active renewal	300.00
Active late renewal penalty	150.00
Retired active renewal	115.00
Retired active late renewal penalty	60.00
Expired certification reissuance	115.00
Duplicate certification	10.00
Verification of certificate	25.00

(4) Except as provided for under subsection (6) of this section, the following nonrefundable fees will be charged for a certified substance use disorder professional trainee:

<b>Title of Fee</b>	<b>Fee</b>
Application and initial certification	\$110.00
Renewal	90.00
Late renewal penalty	50.00
Expired certification reissuance	50.00
Duplicate certification	10.00
Verification of certificate	25.00

(5) Probationary licensure. Except as provided for under subsection (6) of this section, to receive an initial or renewal of a probationary license as described in WAC 246-811-300 (3) and (4), the following nonrefundable fees will be charged:

<b>Title of Fee</b>	<b>Fee</b>
Application and initial certification	\$555.00
Active renewal	300.00
Active late renewal penalty	150.00
Expired certification reissuance	115.00
Duplicate certification	10.00
Verification of certificate	25.00

(6) Subject to appropriations under RCW 43.70.250, application and renewal fees for all substance use disorder professionals and trainees shall not exceed \$100 between July 1, 2024, and June 30, 2029. If funds are not appropriated for this purpose, fees shall be charged under subsections (3) through (5) of this section.