
SUBSTITUTE SENATE BILL 5536

State of Washington**68th Legislature****2023 Regular Session**

By Senate Law & Justice (originally sponsored by Senators Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Lias, Lovelett, Nobles, Randall, Stanford, Wellman, and C. Wilson)

1 AN ACT Relating to justice system and behavioral health responses
2 for persons experiencing circumstances that involve controlled
3 substances, counterfeit substances, legend drugs, and drug
4 paraphernalia; amending RCW 69.50.4011, 69.50.4013, 69.50.4014,
5 69.41.030, 69.50.509, 69.50.4121, 9.96.060, 36.70A.200, 71.24.590,
6 and 84.36.043; amending 2021 c 311 s 29 (uncodified); adding new
7 sections to chapter 69.50 RCW; adding a new section to chapter 43.330
8 RCW; adding a new section to chapter 26.12 RCW; adding new sections
9 to chapter 71.24 RCW; adding new sections to chapter 43.216 RCW;
10 creating new sections; repealing RCW 10.31.115; prescribing
11 penalties; and making appropriations.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

13 NEW SECTION. **Sec. 1.** The legislature finds that substance use
14 disorders are a public health issue. Solutions must address not only
15 the criminal legal response, but be data-driven, evidence-based, and
16 represent best practices, working directly with people who use drugs
17 to prevent overdose and infectious disease transmission, and improve
18 the physical, mental, and social well-being of those served. The
19 state must follow principles of harm reduction, which means practical
20 strategies aimed at reducing negative consequences associated with
21 drug use. Harm reduction involves safer use of supplies as well as

1 care settings, staffing, and interactions that are person-centered,
2 supportive, and welcoming.

3 The legislature finds that the recommendations of the substance
4 use recovery services advisory committee reflect hours of diligent
5 work by individuals with a range of professional and personal
6 experience, who brought that experience to the committee, and whose
7 expertise is reflected in the recommendations.

8 **Part I - Prohibiting Knowing Possession of a Controlled Substance,**
9 **Counterfeit Substance, or Legend Drug**

10 **Sec. 2.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to
11 read as follows:

12 (1) Except as authorized by this chapter, it is unlawful for any
13 person to ~~((create, deliver, or possess a counterfeit substance))~~:

14 (a) Create or deliver a counterfeit substance; or

15 (b) Knowingly possess a counterfeit substance.

16 (2) Any person who violates subsection (1)(a) of this section
17 with respect to:

18 (a) A counterfeit substance classified in Schedule I or II which
19 is a narcotic drug, or flunitrazepam classified in Schedule IV, is
20 guilty of a class B felony and upon conviction may be imprisoned for
21 not more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five~~
22 ~~thousand dollars))~~ \$25,000, or both;

23 (b) A counterfeit substance which is methamphetamine, is guilty
24 of a class B felony and upon conviction may be imprisoned for not
25 more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five~~
26 ~~thousand dollars))~~ \$25,000, or both;

27 (c) Any other counterfeit substance classified in Schedule I, II,
28 or III, is guilty of a class C felony punishable according to chapter
29 9A.20 RCW;

30 (d) A counterfeit substance classified in Schedule IV, except
31 flunitrazepam, is guilty of a class C felony punishable according to
32 chapter 9A.20 RCW;

33 (e) A counterfeit substance classified in Schedule V, is guilty
34 of a class C felony punishable according to chapter 9A.20 RCW.

35 (3)(a) A violation of subsection (1)(b) of this section is a
36 gross misdemeanor. The prosecutor is encouraged to divert such cases
37 for assessment, treatment, or other services.

1 (b) In lieu of jail booking and referral to the prosecutor, law
2 enforcement is encouraged to offer a referral to assessment and
3 services available under RCW 10.31.110 or other program or entity
4 responsible for receiving referrals in lieu of legal system
5 involvement, which may include, but are not limited to, arrest and
6 jail alternative programs established under RCW 36.28A.450, law
7 enforcement assisted diversion programs established under RCW
8 71.24.589, and the recovery navigator program established under RCW
9 71.24.115.

10 (c) Upon arraignment for a violation of subsection (1)(b) of this
11 section, the court shall advise the defendant of the pretrial
12 diversion program as indicated in section 9(1) of this act.

13 **Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to
14 read as follows:

15 (1) It is unlawful for any person to knowingly possess a
16 controlled substance unless the substance was obtained directly from,
17 or pursuant to, a valid prescription or order of a practitioner while
18 acting in the course of his or her professional practice, or except
19 as otherwise authorized by this chapter.

20 (2) (a) Except as provided in RCW 69.50.4014, ((any person who
21 violates this section is guilty of a class C felony punishable under
22 chapter 9A.20 RCW)) a violation of this section is a gross
23 misdemeanor. The prosecutor is encouraged to divert such cases for
24 assessment, treatment, or other services.

25 (b) In lieu of jail booking and referral to the prosecutor, law
26 enforcement is encouraged to offer a referral to assessment and
27 services available under RCW 10.31.110 or other program or entity
28 responsible for receiving referrals in lieu of legal system
29 involvement, which may include, but are not limited to, arrest and
30 jail alternative programs established under RCW 36.28A.450, law
31 enforcement assisted diversion programs established under RCW
32 71.24.589, and the recovery navigator program established under RCW
33 71.24.115.

34 (c) Upon arraignment for a violation of this section, the court
35 shall advise the defendant of the availability of the pretrial
36 diversion program as indicated in section 9(1) of this act.

37 (3) (a) The possession, by a person (~~twenty-one~~) 21 years of age
38 or older, of useable cannabis, cannabis concentrates, or cannabis-
39 infused products in amounts that do not exceed those set forth in RCW

1 69.50.360(3) is not a violation of this section, this chapter, or any
2 other provision of Washington state law.

3 (b) The possession of cannabis, useable cannabis, cannabis
4 concentrates, and cannabis-infused products being physically
5 transported or delivered within the state, in amounts not exceeding
6 those that may be established under RCW 69.50.385(3), by a licensed
7 employee of a common carrier when performing the duties authorized in
8 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
9 this section, this chapter, or any other provision of Washington
10 state law.

11 (4)(a) The delivery by a person (~~(twenty-one)~~) 21 years of age or
12 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,
13 during a single (~~(twenty-four)~~) 24 hour period, for noncommercial
14 purposes and not conditioned upon or done in connection with the
15 provision or receipt of financial consideration, of any of the
16 following cannabis products, is not a violation of this section, this
17 chapter, or any other provisions of Washington state law:

18 (i) One-half ounce of useable cannabis;

19 (ii) Eight ounces of cannabis-infused product in solid form;

20 (iii) (~~(Thirty-six)~~) 36 ounces of cannabis-infused product in
21 liquid form; or

22 (iv) Three and one-half grams of cannabis concentrates.

23 (b) The act of delivering cannabis or a cannabis product as
24 authorized under this subsection (4) must meet one of the following
25 requirements:

26 (i) The delivery must be done in a location outside of the view
27 of general public and in a nonpublic place; or

28 (ii) The cannabis or cannabis product must be in the original
29 packaging as purchased from the cannabis retailer.

30 (5) No person under (~~(twenty-one)~~) 21 years of age may
31 (~~(possess,)~~) manufacture, sell, (~~(or)~~) distribute, or knowingly
32 possess cannabis, cannabis-infused products, or cannabis
33 concentrates, regardless of THC concentration. This does not include
34 qualifying patients with a valid authorization.

35 (6) The possession by a qualifying patient or designated provider
36 of cannabis concentrates, useable cannabis, cannabis-infused
37 products, or plants in accordance with chapter 69.51A RCW is not a
38 violation of this section, this chapter, or any other provision of
39 Washington state law.

1 **Sec. 4.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to
2 read as follows:

3 (1) Except as provided in RCW 69.50.401(2)(c) or as otherwise
4 authorized by this chapter, any person found guilty of knowing
5 possession of ((~~forty~~)) 40 grams or less of cannabis is guilty of a
6 misdemeanor. The prosecutor is encouraged to divert such cases for
7 assessment, treatment, or other services.

8 (2) In lieu of jail booking and referral to the prosecutor, law
9 enforcement is encouraged to offer a referral to assessment and
10 services available under RCW 10.31.110 or other program or entity
11 responsible for receiving referrals in lieu of legal system
12 involvement, which may include, but are not limited to, arrest and
13 jail alternative programs established under RCW 36.28A.450, law
14 enforcement assisted diversion programs established under RCW
15 71.24.589, and the recovery navigator program established under RCW
16 71.24.115.

17 (3) Upon arraignment for violation of this section, the court
18 shall advise the defendant of the availability of the pretrial
19 diversion program as indicated in section 9(1) of this act.

20 **Sec. 5.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to
21 read as follows:

22 (1) It shall be unlawful for any person to sell(~~(7)~~) or deliver
23 any legend drug, or knowingly possess any legend drug except upon the
24 order or prescription of a physician under chapter 18.71 RCW, an
25 osteopathic physician and surgeon under chapter 18.57 RCW, an
26 optometrist licensed under chapter 18.53 RCW who is certified by the
27 optometry board under RCW 18.53.010, a dentist under chapter 18.32
28 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a
29 veterinarian under chapter 18.92 RCW, a commissioned medical or
30 dental officer in the United States armed forces or public health
31 service in the discharge of his or her official duties, a duly
32 licensed physician or dentist employed by the veterans administration
33 in the discharge of his or her official duties, a registered nurse or
34 advanced registered nurse practitioner under chapter 18.79 RCW when
35 authorized by the nursing care quality assurance commission, a
36 pharmacist licensed under chapter 18.64 RCW to the extent permitted
37 by drug therapy guidelines or protocols established under RCW
38 18.64.011 and authorized by the commission and approved by a
39 practitioner authorized to prescribe drugs, a physician assistant

1 under chapter 18.71A RCW when authorized by the Washington medical
2 commission, or any of the following professionals in any province of
3 Canada that shares a common border with the state of Washington or in
4 any state of the United States: A physician licensed to practice
5 medicine and surgery or a physician licensed to practice osteopathic
6 medicine and surgery, a dentist licensed to practice dentistry, a
7 podiatric physician and surgeon licensed to practice podiatric
8 medicine and surgery, a licensed advanced registered nurse
9 practitioner, a licensed physician assistant, or a veterinarian
10 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the
11 above provisions shall not apply to sale, delivery, or possession by
12 drug wholesalers or drug manufacturers, or their agents or employees,
13 or to any practitioner acting within the scope of his or her license,
14 or to a common or contract carrier or warehouse operator, or any
15 employee thereof, whose possession of any legend drug is in the usual
16 course of business or employment: PROVIDED FURTHER, That nothing in
17 this chapter or chapter 18.64 RCW shall prevent a family planning
18 clinic that is under contract with the health care authority from
19 selling, delivering, possessing, and dispensing commercially
20 prepackaged oral contraceptives prescribed by authorized, licensed
21 health care practitioners: PROVIDED FURTHER, That nothing in this
22 chapter prohibits possession or delivery of legend drugs by an
23 authorized collector or other person participating in the operation
24 of a drug take-back program authorized in chapter 69.48 RCW.

25 (2) (a) A violation of this section involving the sale, delivery,
26 or possession with intent to sell or deliver is a class B felony
27 punishable according to chapter 9A.20 RCW.

28 (b) A violation of this section involving knowing possession is a
29 misdemeanor. The prosecutor is encouraged to divert such cases for
30 assessment, treatment, or other services.

31 (c) In lieu of jail booking and referral to the prosecutor for a
32 violation of this section involving knowing possession, law
33 enforcement is encouraged to offer a referral to assessment and
34 services available under RCW 10.31.110 or other program or entity
35 responsible for receiving referrals in lieu of legal system
36 involvement, which may include, but are not limited to, arrest and
37 jail alternative programs established under RCW 36.28A.450, law
38 enforcement assisted diversion programs established under RCW
39 71.24.589, and the recovery navigator program established under RCW
40 71.24.115.

1 (d) Upon arraignment for a violation of this section involving
2 knowing possession, the court shall advise the defendant of the
3 availability of the pretrial diversion program as indicated in
4 section 9(1) of this act.

5 **Sec. 6.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to
6 read as follows:

7 If, upon the sworn complaint of any person, it shall be made to
8 appear to any judge of the superior court, district court, or
9 municipal court that there is probable cause to believe that any
10 controlled substance is being used, manufactured, sold, bartered,
11 exchanged, administered, dispensed, delivered, distributed, produced,
12 knowingly possessed, given away, furnished or otherwise disposed of
13 or kept in violation of the provisions of this chapter, such judge
14 shall, with or without the approval of the prosecuting attorney,
15 issue a warrant directed to any law enforcement officer of the state,
16 commanding him or her to search the premises designated and described
17 in such complaint and warrant, and to seize all controlled substances
18 there found, together with the vessels in which they are contained,
19 and all implements, furniture and fixtures used or kept for the
20 illegal manufacture, sale, barter, exchange, administering,
21 dispensing, delivering, distributing, producing, possessing, giving
22 away, furnishing or otherwise disposing of such controlled
23 substances, and to safely keep the same, and to make a return of said
24 warrant within three days, showing all acts and things done
25 thereunder, with a particular statement of all articles seized and
26 the name of the person or persons in whose possession the same were
27 found, if any, and if no person be found in the possession of said
28 articles, the returns shall so state. The provisions of RCW 10.31.030
29 as now or hereafter amended shall apply to actions taken pursuant to
30 this chapter.

31 **Part II - Relating to Drug Paraphernalia**

32 **Sec. 7.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to
33 read as follows:

34 (1) Every person who sells (~~or gives,~~) or permits to be sold
35 (~~or given~~) to any person any drug paraphernalia in any form commits
36 a class I civil infraction under chapter 7.80 RCW. For purposes of
37 this subsection, "drug paraphernalia" means all equipment, products,

1 and materials of any kind which are used, intended for use, or
2 designed for use in planting, propagating, cultivating, growing,
3 harvesting, manufacturing, compounding, converting, producing,
4 processing, preparing, (~~(testing, —analyzing,)~~) packaging,
5 repackaging, storing, containing, concealing, injecting, ingesting,
6 inhaling, or otherwise introducing into the human body a controlled
7 substance other than cannabis. Drug paraphernalia includes, but is
8 not limited to objects used, intended for use, or designed for use in
9 ingesting, inhaling, or otherwise introducing cocaine into the human
10 body, such as:

11 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic
12 pipes with or without screens, permanent screens, hashish heads, or
13 punctured metal bowls;

14 (b) Water pipes;

15 (c) Carburetion tubes and devices;

16 (d) Smoking and carburetion masks;

17 (e) Miniature cocaine spoons and cocaine vials;

18 (f) Chamber pipes;

19 (g) Carburetor pipes;

20 (h) Electric pipes;

21 (i) Air-driven pipes; and

22 (j) Ice pipes or chillers.

23 (2) It shall be no defense to a prosecution for a violation of
24 this section that the person acted, or was believed by the defendant
25 to act, as agent or representative of another.

26 (3) Nothing in subsection (1) of this section prohibits (~~(legal)~~)
27 distribution of public health supplies, including injection syringe
28 equipment, smoking equipment, or drug testing equipment, through
29 public health (~~(and)~~) programs, community-based HIV prevention
30 programs, and pharmacies.

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 69.50
32 RCW to read as follows:

33 The state of Washington hereby fully occupies and preempts the
34 entire field of drug paraphernalia regulation within the boundaries
35 of the state including regulation of the use, selling, giving,
36 delivery, and possession of drug paraphernalia. Cities, towns, and
37 counties or other municipalities may enact only those laws and
38 ordinances relating to drug paraphernalia that are specifically
39 authorized by state law and are consistent with this chapter. Such

1 local ordinances must have the same penalty as provided for by state
2 law. Local laws and ordinances that are inconsistent with, more
3 restrictive than, or exceed the requirements of state law may not be
4 enacted and are preempted and repealed, regardless of the nature of
5 the code, charter, or home rule status of such city, town, county, or
6 municipality.

7 **Part III - Creating a Pretrial Diversion Program for Individuals**
8 **Charged with Possession and Vacating Possession Convictions**

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 69.50
10 RCW to read as follows:

11 (1) For any charged violation of RCW 69.50.4011(1)(b),
12 69.50.4013, 69.50.4014, or 69.41.030, the court shall advise the
13 defendant and his or her attorney of the pretrial diversion program.
14 This notification must include all of the following:

15 (a) A full description of the procedures for pretrial diversion;

16 (b) A general explanation of the roles and authorities of the
17 probation department, the prosecuting attorney, the program, and the
18 court in the process;

19 (c) A clear statement that the court may grant pretrial diversion
20 with respect to any offense under RCW 69.50.4011(1)(b), 69.50.4013,
21 69.50.4014, or 69.41.030 that is charged, provided that the defendant
22 pleads not guilty to the charge or charges, waives the right to a
23 speedy trial and that upon the defendant's successful completion of
24 the program, as specified in subsection (9)(d) of this section, the
25 positive recommendation of the program authority and motion of the
26 defendant, prosecuting attorney, the court, or the probation
27 department, but no sooner than 12 months and no later than 18 months
28 from the date of the defendant's referral to the program, the court
29 must dismiss the charge or charges against the defendant;

30 (d) A clear statement that if the defendant has not meaningfully
31 engaged with services provided that are appropriate to the
32 defendant's circumstances, the prosecuting attorney may make a motion
33 to terminate pretrial diversion and schedule further proceedings as
34 otherwise provided in this section; and

35 (e) An explanation of criminal record retention and disposition
36 resulting from participation in the pretrial diversion program and
37 the defendant's rights relative to answering questions about his or

1 her arrest and pretrial diversion following successful completion of
2 the program.

3 (2) Upon a motion of the defendant and agreement to waive his or
4 her right to a speedy trial if granted pretrial diversion, the court
5 may grant the motion and continue the hearing and refer the defendant
6 for an assessment by any substance use disorder treatment program as
7 designated in chapter 71.24 RCW.

8 (3) The treatment program must make a written report to the court
9 stating its findings and recommendations after the examination. The
10 report shall be filed under seal, and the court shall endeavor to
11 avoid public discussion of circumstances, history, or diagnoses that
12 could be embarrassing or stigmatizing to the defendant.

13 (4) The report with the treatment or service plan must be filed
14 with the court and a copy given to the prosecutor, the defendant, and
15 the defendant's counsel.

16 (5) Subject to the availability of funds appropriated for this
17 purpose, the assessment and recommended services or treatment must be
18 provided at no cost for individuals who have been found to be
19 indigent by the court.

20 (6) No statement, or any information procured therefrom relating
21 to the charge for which the defendant is receiving treatment or
22 services, made by the defendant to any treatment or service provider,
23 that is made during the course of any assessment or services provided
24 by the treatment program pursuant to subsections (2) through (4) of
25 this section, and before the reporting of the findings and
26 recommendations to the court, may be admissible in any action or
27 proceeding brought subsequent to the investigation.

28 (7) A defendant's participation in pretrial diversion under this
29 section does not constitute a conviction, a stipulation to facts, or
30 an admission of guilt for any purpose.

31 (8) At the time that pretrial diversion is granted, any bail bond
32 on file by or on behalf of the defendant must be exonerated, and the
33 court must enter an order so directing.

34 (9)(a) If it appears to the prosecuting attorney that the
35 defendant is not meaningfully engaging in the recommended treatment
36 or services, that the defendant is convicted of an offense that
37 reflects the defendant's propensity for violence, or that the
38 defendant is convicted of a felony, the prosecuting attorney may make
39 a motion for termination from pretrial diversion.

1 (b) After notice to the defendant, the court must hold a hearing
2 to determine whether pretrial diversion shall be terminated.

3 (c) If the court finds that the defendant is not meaningfully
4 engaging in the recommended treatment or services, or the court finds
5 that the defendant has been convicted of an intervening crime as
6 indicated in (a) of this subsection, the court must schedule the
7 matter for further proceedings.

8 (d) If the defendant has successfully completed pretrial
9 diversion, including meaningful engagement with recommended treatment
10 or services, at the end of that period, the criminal possession
11 charge or charges must be dismissed.

12 **Sec. 10.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read
13 as follows:

14 (1) When vacating a conviction under this section, the court
15 effectuates the vacation by: (a)(i) Permitting the applicant to
16 withdraw the applicant's plea of guilty and to enter a plea of not
17 guilty; or (ii) if the applicant has been convicted after a plea of
18 not guilty, the court setting aside the verdict of guilty; and (b)
19 the court dismissing the information, indictment, complaint, or
20 citation against the applicant and vacating the judgment and
21 sentence.

22 (2) Every person convicted of a misdemeanor or gross misdemeanor
23 offense may apply to the sentencing court for a vacation of the
24 applicant's record of conviction for the offense. If the court finds
25 the applicant meets the requirements of this subsection, the court
26 may in its discretion vacate the record of conviction. Except as
27 provided in subsections (3), (4), ~~((and))~~ (5), and (6) of this
28 section, an applicant may not have the record of conviction for a
29 misdemeanor or gross misdemeanor offense vacated if any one of the
30 following is present:

31 (a) The applicant has not completed all of the terms of the
32 sentence for the offense;

33 (b) There are any criminal charges against the applicant pending
34 in any court of this state or another state, or in any federal or
35 tribal court, at the time of application;

36 (c) The offense was a violent offense as defined in RCW 9.94A.030
37 or an attempt to commit a violent offense;

38 (d) The offense was a violation of RCW 46.61.502 (driving while
39 under the influence), 46.61.504 (actual physical control while under

1 the influence), 9.91.020 (operating a railroad, etc. while
2 intoxicated), or the offense is considered a "prior offense" under
3 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug
4 violation within ten years of the date of arrest for the prior
5 offense or less than ten years has elapsed since the date of the
6 arrest for the prior offense;

7 (e) The offense was any misdemeanor or gross misdemeanor
8 violation, including attempt, of chapter 9.68 RCW (obscenity and
9 pornography), chapter 9.68A RCW (sexual exploitation of children), or
10 chapter 9A.44 RCW (sex offenses), except for failure to register as a
11 sex offender under RCW 9A.44.132;

12 (f) The applicant was convicted of a misdemeanor or gross
13 misdemeanor offense as defined in RCW 10.99.020, or the court
14 determines after a review of the court file that the offense was
15 committed by one family or household member against another or by one
16 intimate partner against another, or the court, after considering the
17 damage to person or property that resulted in the conviction, any
18 prior convictions for crimes defined in RCW 10.99.020, or for
19 comparable offenses in another state or in federal court, and the
20 totality of the records under review by the court regarding the
21 conviction being considered for vacation, determines that the offense
22 involved domestic violence, and any one of the following factors
23 exist:

24 (i) The applicant has not provided written notification of the
25 vacation petition to the prosecuting attorney's office that
26 prosecuted the offense for which vacation is sought, or has not
27 provided that notification to the court;

28 (ii) The applicant has two or more domestic violence convictions
29 stemming from different incidents. For purposes of this subsection,
30 however, if the current application is for more than one conviction
31 that arose out of a single incident, none of those convictions counts
32 as a previous conviction;

33 (iii) The applicant has signed an affidavit under penalty of
34 perjury affirming that the applicant has not previously had a
35 conviction for a domestic violence offense, and a criminal history
36 check reveals that the applicant has had such a conviction; or

37 (iv) Less than five years have elapsed since the person completed
38 the terms of the original conditions of the sentence, including any
39 financial obligations and successful completion of any treatment
40 ordered as a condition of sentencing;

1 (g) For any offense other than those described in (f) of this
2 subsection, less than three years have passed since the person
3 completed the terms of the sentence, including any financial
4 obligations;

5 (h) The offender has been convicted of a new crime in this state,
6 another state, or federal or tribal court in the three years prior to
7 the vacation application; or

8 (i) The applicant is currently restrained by a domestic violence
9 protection order, a no-contact order, an antiharassment order, or a
10 civil restraining order which restrains one party from contacting the
11 other party or was previously restrained by such an order and was
12 found to have committed one or more violations of the order in the
13 five years prior to the vacation application.

14 (3) If the applicant is a victim of sex trafficking,
15 prostitution, or commercial sexual abuse of a minor; sexual assault;
16 or domestic violence as defined in RCW 9.94A.030, or the prosecutor
17 applies on behalf of the state, the sentencing court may vacate the
18 record of conviction if the application satisfies the requirements of
19 RCW 9.96.080. When preparing or filing the petition, the prosecutor
20 is not deemed to be providing legal advice or legal assistance on
21 behalf of the victim, but is fulfilling an administrative function on
22 behalf of the state in order to further their responsibility to seek
23 to reform and improve the administration of criminal justice. A
24 record of conviction vacated using the process in RCW 9.96.080 is
25 subject to subsections (~~((6) and~~) (7) and (8) of this section.

26 (4) Every person convicted prior to January 1, 1975, of violating
27 any statute or rule regarding the regulation of fishing activities,
28 including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070,
29 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240
30 who claimed to be exercising a treaty Indian fishing right, may apply
31 to the sentencing court for vacation of the applicant's record of the
32 misdemeanor, gross misdemeanor, or felony conviction for the offense.
33 If the person is deceased, a member of the person's family or an
34 official representative of the tribe of which the person was a member
35 may apply to the court on behalf of the deceased person.
36 Notwithstanding the requirements of RCW 9.94A.640, the court shall
37 vacate the record of conviction if:

38 (a) The applicant is a member of a tribe that may exercise treaty
39 Indian fishing rights at the location where the offense occurred; and

1 (b) The state has been enjoined from taking enforcement action of
2 the statute or rule to the extent that it interferes with a treaty
3 Indian fishing right as determined under *United States v. Washington*,
4 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.
5 899 (D. Oregon 1969), and any posttrial orders of those courts, or
6 any other state supreme court or federal court decision.

7 (5) Every person convicted of a misdemeanor cannabis offense, who
8 was (~~twenty-one~~) 21 years of age or older at the time of the
9 offense, may apply to the sentencing court for a vacation of the
10 applicant's record of conviction for the offense. A misdemeanor
11 cannabis offense includes, but is not limited to: Any offense under
12 RCW 69.50.4014, from July 1, 2004, onward, and its predecessor
13 statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1,
14 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and
15 any offense under an equivalent municipal ordinance. If an applicant
16 qualifies under this subsection, the court shall vacate the record of
17 conviction.

18 (6) An individual who is convicted of a violation of RCW
19 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030 who
20 subsequently engages with a substance use disorder treatment program
21 as designated in chapter 71.24 RCW may file proof of meaningful
22 engagement with the court. Upon verification that the individual has
23 meaningfully engaged with the substance use disorder treatment
24 program, the court must vacate the conviction or convictions.

25 (7) A person who is a family member of a homicide victim may
26 apply to the sentencing court on the behalf of the victim for
27 vacation of the victim's record of conviction for prostitution under
28 RCW 9A.88.030. If an applicant qualifies under this subsection, the
29 court shall vacate the victim's record of conviction.

30 (~~(7)~~) (8)(a) Except as provided in (c) of this subsection, once
31 the court vacates a record of conviction under this section, the
32 person shall be released from all penalties and disabilities
33 resulting from the offense and the fact that the person has been
34 convicted of the offense shall not be included in the person's
35 criminal history for purposes of determining a sentence in any
36 subsequent conviction. For all purposes, including responding to
37 questions on employment or housing applications, a person whose
38 conviction has been vacated under this section may state that he or
39 she has never been convicted of that crime. However, nothing in this
40 section affects the requirements for restoring a right to possess a

1 firearm under RCW 9.41.040. Except as provided in (b) of this
2 subsection, nothing in this section affects or prevents the use of an
3 offender's prior conviction in a later criminal prosecution.

4 (b) When a court vacates a record of domestic violence as defined
5 in RCW 10.99.020 under this section, the state may not use the
6 vacated conviction in a later criminal prosecution unless the
7 conviction was for: (i) Violating the provisions of a restraining
8 order, no-contact order, or protection order restraining or enjoining
9 the person or restraining the person from going on to the grounds of
10 or entering a residence, workplace, school, or day care, or
11 prohibiting the person from knowingly coming within, or knowingly
12 remaining within, a specified distance of a location, a protected
13 party's person, or a protected party's vehicle (RCW 10.99.040,
14 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070,
15 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and
16 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic
17 violence protection order or vulnerable adult protection order
18 entered under chapter 7.105 RCW. A vacated conviction under this
19 section is not considered a conviction of such an offense for the
20 purposes of 27 C.F.R. 478.11.

21 (c) A conviction vacated on or after July 28, 2019, qualifies as
22 a prior conviction for the purpose of charging a present recidivist
23 offense as defined in RCW 9.94A.030 occurring on or after July 28,
24 2019.

25 (~~(8)~~) (9) The clerk of the court in which the vacation order is
26 entered shall immediately transmit the order vacating the conviction
27 to the Washington state patrol identification section and to the
28 local police agency, if any, which holds criminal history information
29 for the person who is the subject of the conviction. The Washington
30 state patrol and any such local police agency shall immediately
31 update their records to reflect the vacation of the conviction, and
32 shall transmit the order vacating the conviction to the federal
33 bureau of investigation. A conviction that has been vacated under
34 this section may not be disseminated or disclosed by the state patrol
35 or local law enforcement agency to any person, except other criminal
36 justice enforcement agencies.

37 (~~(9)~~) (10) For the purposes of this section, "cannabis" has the
38 meaning provided in RCW 69.50.101.

1 **Sec. 11.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to
2 read as follows:

3 (1)(a) The comprehensive plan of each county and city that is
4 planning under RCW 36.70A.040 shall include a process for identifying
5 and siting essential public facilities. Essential public facilities
6 include those facilities that are typically difficult to site, such
7 as airports, state education facilities and state or regional
8 transportation facilities as defined in RCW 47.06.140, regional
9 transit authority facilities as defined in RCW 81.112.020, state and
10 local correctional facilities, solid waste handling facilities,
11 opioid treatment programs including both mobile and fixed-site
12 medication units, recovery residences, harm reduction programs
13 excluding safe injection sites, and inpatient facilities including
14 substance ((abuse)) use disorder treatment facilities, mental health
15 facilities, group homes, community facilities as defined in RCW
16 72.05.020, and secure community transition facilities as defined in
17 RCW 71.09.020.

18 (b) Unless a facility is expressly listed in (a) of this
19 subsection, essential public facilities do not include facilities
20 that are operated by a private entity in which persons are detained
21 in custody under process of law pending the outcome of legal
22 proceedings but are not used for punishment, correction, counseling,
23 or rehabilitation following the conviction of a criminal offense.
24 Facilities included under this subsection (1)(b) shall not include
25 facilities detaining persons under RCW 71.09.020 ((~~(6) or (15)~~)) (7)
26 or (16) or chapter 10.77 or 71.05 RCW.

27 (c) The department of children, youth, and families may not
28 attempt to site new community facilities as defined in RCW 72.05.020
29 east of the crest of the Cascade mountain range unless there is an
30 equal or greater number of sited community facilities as defined in
31 RCW 72.05.020 on the western side of the crest of the Cascade
32 mountain range.

33 (d) For the purpose of this section, "harm reduction programs"
34 means programs that emphasize working directly with people who use
35 drugs to prevent overdose and infectious disease transmission,
36 improve the physical, mental, and social well-being of those served,
37 and offer low threshold options for accessing substance use disorder
38 treatment and other health care services.

39 (2) Each county and city planning under RCW 36.70A.040 shall, not
40 later than September 1, 2002, establish a process, or amend its

1 existing process, for identifying and siting essential public
2 facilities and adopt or amend its development regulations as
3 necessary to provide for the siting of secure community transition
4 facilities consistent with statutory requirements applicable to these
5 facilities.

6 (3) Any city or county not planning under RCW 36.70A.040 shall,
7 not later than September 1, 2002, establish a process for siting
8 secure community transition facilities and adopt or amend its
9 development regulations as necessary to provide for the siting of
10 such facilities consistent with statutory requirements applicable to
11 these facilities.

12 (4) The office of financial management shall maintain a list of
13 those essential state public facilities that are required or likely
14 to be built within the next six years. The office of financial
15 management may at any time add facilities to the list.

16 (5) No local comprehensive plan or development regulation may
17 preclude the siting of essential public facilities.

18 (6) No person may bring a cause of action for civil damages based
19 on the good faith actions of any county or city to provide for the
20 siting of secure community transition facilities in accordance with
21 this section and with the requirements of chapter 12, Laws of 2001
22 2nd sp. sess. For purposes of this subsection, "person" includes, but
23 is not limited to, any individual, agency as defined in RCW
24 42.17A.005, corporation, partnership, association, and limited
25 liability entity.

26 (7) Counties or cities siting facilities pursuant to subsection
27 (2) or (3) of this section shall comply with RCW 71.09.341.

28 (8) The failure of a county or city to act by the deadlines
29 established in subsections (2) and (3) of this section is not:

30 (a) A condition that would disqualify the county or city for
31 grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

32 (b) A consideration for grants or loans provided under RCW
33 43.17.250(3); or

34 (c) A basis for any petition under RCW 36.70A.280 or for any
35 private cause of action.

36 **Sec. 12.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to
37 read as follows:

1 (1) When making a decision on an application for licensing or
2 certification of ((a)) an opioid treatment program, the department
3 shall:

4 (a) Consult with the county legislative authorities in the area
5 in which an applicant proposes to locate a program and the city
6 legislative authority in any city in which an applicant proposes to
7 locate a program;

8 (b) License or certify only programs that will be sited in
9 accordance with the appropriate county or city land use ordinances.
10 Counties and cities may require conditional use permits with
11 reasonable conditions for the siting of programs only to the extent
12 that such reasonable conditional use requirements applied to opioid
13 treatment programs are similarly applied to other essential public
14 facilities and health care settings. Pursuant to RCW 36.70A.200, no
15 local comprehensive plan or development regulation may preclude the
16 siting of essential public facilities;

17 (c) Not discriminate in its licensing or certification decision
18 on the basis of the corporate structure of the applicant;

19 (d) Consider the size of the population in need of treatment in
20 the area in which the program would be located and license or certify
21 only applicants whose programs meet the necessary treatment needs of
22 that population;

23 (e) Consider the availability of other certified opioid treatment
24 programs near the area in which the applicant proposes to locate the
25 program;

26 (f) Consider the transportation systems that would provide
27 service to the program and whether the systems will provide
28 reasonable opportunities to access the program for persons in need of
29 treatment;

30 (g) Consider whether the applicant has, or has demonstrated in
31 the past, the capability to provide the appropriate services to
32 assist the persons who utilize the program in meeting goals
33 established by the legislature in RCW 71.24.585. The department shall
34 prioritize licensing or certification to applicants who have
35 demonstrated such capability and are able to measure their success in
36 meeting such outcomes((↗

37 ~~(h) Hold one public hearing in the community in which the~~
38 ~~facility is proposed to be located. The hearing shall be held at a~~
39 ~~time and location that are most likely to permit the largest number~~
40 ~~of interested persons to attend and present testimony. The department~~

1 shall notify all appropriate media outlets of the time, date, and
2 location of the hearing at least three weeks in advance of the
3 hearing)).

4 (2) ((A)) No city or county legislative authority may impose a
5 maximum capacity for ((a)) an opioid treatment program ((of not less
6 than three hundred fifty participants if necessary to address
7 specific local conditions cited by the county)).

8 (3) A program applying for licensing or certification from the
9 department and a program applying for a contract from a state agency
10 that has been denied the licensing or certification or contract shall
11 be provided with a written notice specifying the rationale and
12 reasons for the denial.

13 (4) Opioid treatment programs may order, possess, dispense, and
14 administer medications approved by the United States food and drug
15 administration for the treatment of opioid use disorder, alcohol use
16 disorder, tobacco use disorder, and reversal of opioid overdose. For
17 an opioid treatment program to order, possess, and dispense any other
18 legend drug, including controlled substances, the opioid treatment
19 program must obtain additional licensure as required by the
20 department, except for patient-owned medications.

21 (5) Opioid treatment programs may accept, possess, and administer
22 patient-owned medications.

23 (6) Registered nurses and licensed practical nurses may dispense
24 up to a ((thirty-one)) 31 day supply of medications approved by the
25 United States food and drug administration for the treatment of
26 opioid use disorder to patients of the opioid treatment program,
27 under an order or prescription and in compliance with 42 C.F.R. Sec.
28 8.12.

29 (7) For the purpose of this chapter, "opioid treatment program"
30 means a program that:

31 (a) Engages in the treatment of opioid use disorder with
32 medications approved by the United States food and drug
33 administration for the treatment of opioid use disorder and reversal
34 of opioid overdose; ((and))

35 (b) Is either a mobile or fixed-site medication unit; and

36 (c) Provides a comprehensive range of medical and rehabilitative
37 services.

38 NEW SECTION. Sec. 13. A new section is added to chapter 43.330
39 RCW to read as follows:

1 (1) Subject to funds appropriated for this specific purpose, a
2 program is established in the department to fund the construction
3 costs necessary to start up substance use disorder treatment programs
4 in regions of the state that currently lack access to such programs.

5 (2) This funding must be used to increase the number of substance
6 use disorder treatment programs in underserved areas such as central
7 and eastern Washington and rural areas.

8 NEW SECTION. **Sec. 14.** RCW 10.31.115 (Drug possession—Referral
9 to assessment and services) and 2021 c 311 s 13 are each repealed.

10 **Part V - Providing Legal Advocacy for Parents and Families Affected**
11 **by Substance Use Disorders in Dependency and Child Custody Cases**

12 NEW SECTION. **Sec. 15.** A new section is added to chapter 26.12
13 RCW to read as follows:

14 (1) In any parenting plan or child custody proceeding in which
15 the court determines that a child's parent, guardian, or custodian is
16 affected by substance use disorders, mental health disorders, or
17 behavioral health concerns such that it leaves the parent, guardian,
18 or custodian unable to adequately represent his or her own interests
19 or his or her parental rights may be restricted, either by way of
20 long-term supervision or limited contact with the child, the parent,
21 guardian, or custodian may have the right to court-appointed counsel.
22 In determining whether to appoint counsel, the court must consider
23 the financial ability of the parties, the degree such disorder
24 impacts the ability of the parent, guardian, or custodian to
25 understand the proceedings and represent their own interests, and any
26 professional assessment or evaluation or any other evidence submitted
27 to the court on the parent, guardian, or custodian's behalf.

28 (2) The court may, in its discretion, appoint counsel for the
29 child or a guardian ad litem as set forth in RCW 26.09.110 and
30 26.09.220.

31 **Part VI - Funding, Promotion, and Training for Recovery Residences**

32 NEW SECTION. **Sec. 16.** A new section is added to chapter 71.24
33 RCW to read as follows:

34 Subject to the availability of amounts provided for this specific
35 purpose, the authority shall:

1 (1) Make sufficient funding available to support establishment of
2 an adequate and equitable stock of recovery residences in each region
3 of the state, including by expansion of a revolving fund program to
4 make loans or grants available for recovery residence operators to
5 use for necessary capital expenses;

6 (2) Establish a voucher program to allow accredited recovery
7 housing operators to hold bed space for individuals who are waiting
8 for treatment or who have returned to use and need a place to stay
9 while negotiating a return to stable housing;

10 (3) Conduct outreach to underserved and rural areas to support
11 the development of recovery housing, including adequate resources for
12 women, LGBTQIA+ communities, and youth; and

13 (4) Develop a training for housing providers by January 1, 2024,
14 to assist them with providing appropriate service to LGBTQIA+
15 communities, including consideration of topics like harassment,
16 communication, antiracism, diversity, and gender affirming behavior,
17 and ensure applicants for grants or loans related to recovery
18 residences receive access to the training.

19 **Sec. 17.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to
20 read as follows:

21 (1) The real and personal property used by a nonprofit
22 organization in providing emergency or transitional housing for low-
23 income homeless persons as defined in RCW 35.21.685 or 36.32.415 or
24 victims of domestic violence who are homeless for personal safety
25 reasons is exempt from taxation if:

26 (a) The charge, if any, for the housing does not exceed the
27 actual cost of operating and maintaining the housing; and

28 (b) (i) The property is owned by the nonprofit organization; or

29 (ii) The property is rented or leased by the nonprofit
30 organization and the benefit of the exemption inures to the nonprofit
31 organization.

32 (2) The real and personal property used by a nonprofit
33 organization in maintaining an approved recovery residence registered
34 under RCW 41.05.760 is exempt from taxation if:

35 (a) The charge for the housing does not exceed the actual cost of
36 operating and maintaining the housing; and

37 (b) (i) The property is owned by the nonprofit organization; or

1 (ii) The property is rented or leased by the nonprofit
2 organization and the benefit of the exemption inures to the nonprofit
3 organization.

4 (3) As used in this section:

5 (a) "Homeless" means persons, including families, who, on one
6 particular day or night, do not have decent and safe shelter nor
7 sufficient funds to purchase or rent a place to stay.

8 (b) "Emergency housing" means a project that provides housing and
9 supportive services to homeless persons or families for up to sixty
10 days.

11 (c) "Transitional housing" means a project that provides housing
12 and supportive services to homeless persons or families for up to two
13 years and that has as its purpose facilitating the movement of
14 homeless persons and families into independent living.

15 ~~((3))~~ (d) "Recovery residence" has the same meaning as under
16 RCW 41.05.760.

17 (4) The exemption in subsection (2) of this section applies to
18 taxes levied for collection in calendar years 2024 through 2033.

19 (5) This exemption is subject to the administrative provisions
20 contained in RCW 84.36.800 through 84.36.865.

21 NEW SECTION. Sec. 18. (1) This section is the tax preference
22 performance statement for the tax preference contained in section 17,
23 chapter . . ., Laws of 2023 (section 17 of this act). This
24 performance statement is only intended to be used for subsequent
25 evaluation of the tax preference. It is not intended to create a
26 private right of action by any party or to be used to determine
27 eligibility for preferential tax treatment.

28 (2) The legislature categorizes this tax preference as one
29 intended to provide tax relief for certain businesses or individuals,
30 as indicated in RCW 82.32.808(2)(e).

31 (3) By exempting property used by nonprofit organizations
32 maintaining approved recovery residences, it is the legislature's
33 specific public policy objective to maximize funding for recovery
34 residences to the extent possible, thereby increasing availability of
35 such residences.

36 (4) To measure the effectiveness of the tax exemption provided in
37 section 17 of this act in achieving the specific public policy
38 objectives described in subsection (3) of this section, the joint
39 legislative audit and review committee must evaluate:

1 (a) Annual changes in the total number of parcels qualifying for
2 the exemption under section 17 of this act;

3 (b) The amount of annual property tax relief resulting from the
4 tax exemption under section 17 of this act;

5 (c) The average annual number of people housed at recovery
6 residences located on property qualifying for the exemption under
7 section 17 of this act;

8 (d) The annualized amount charged for housing at recovery
9 residences located on property qualifying for the exemption under
10 section 17 of this act and the annualized estimated increase in the
11 charge for housing if the properties had not been eligible for the
12 exemption; and

13 (e) The annual amount of expenditures by nonprofits to maintain
14 recovery residences located on property qualifying for the exemption
15 under section 17 of this act.

16 (5) The legislature intends to extend the expiration date of the
17 property tax exemption under section 17 of this act if the review by
18 the joint legislative audit and review committee finds that:

19 (a) The number of properties qualifying for the exemption under
20 section 17 of this act has increased;

21 (b) The number of individuals using recovery housing located on
22 property qualifying for the exemption under section 17 of this act
23 has increased; and

24 (c) The amount charged for recovery housing is reasonably
25 consistent with the actual cost of operating and maintaining the
26 housing.

27 (6) In order to obtain the data necessary to perform the review
28 in subsection (4) of this section, the joint legislative audit and
29 review committee may refer to:

30 (a) Initial applications for the tax exemption under section 17
31 of this act as approved by the department of revenue under RCW
32 84.36.815;

33 (b) Annual financial statements prepared by nonprofit entities
34 claiming the tax exemption under section 17 of this act;

35 (c) Filings with the federal government to maintain federal tax
36 exempt status by nonprofit organizations claiming the tax exemption
37 under section 17 of this act; and

38 (d) Any other data necessary for the evaluation under subsection
39 (4) of this section.

1 **Part VII – Training for Parents of Children with Substance Use**
2 **Disorder and Caseworkers Within the Department of Children, Youth,**
3 **and Families**
4

5 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.216
6 RCW to read as follows:

7 (1) The health care authority in consultation with the department
8 shall develop a training for parents of children and transition age
9 youth with substance use disorders by June 30, 2024, addressing the
10 following:

11 (a) Science and education related to substance use disorders;

12 (b) Adaptive and functional communication strategies for
13 communication with a loved one about their substance use disorder,
14 including positive communication skills and strategies to influence
15 motivation and behavioral change;

16 (c) Self-care and means of obtaining support; and

17 (d) Means to obtain opioid overdose reversal medication when
18 appropriate and instruction on proper use.

19 (2) The health care authority and the department shall make this
20 training publicly available and the department must promote the
21 training to licensed foster parents.

22 NEW SECTION. **Sec. 20.** A new section is added to chapter 43.216
23 RCW to read as follows:

24 The department must make opioid overdose reversal medication
25 available for use by caseworkers or employees that may come in
26 contact with individuals experiencing overdose and must make
27 appropriate training available.

28 **Part VIII – Data Support for Recovery Navigator Programs**

29 NEW SECTION. **Sec. 21.** To support recovery navigator programs,
30 the health care authority must develop and implement a data
31 integration platform by June 30, 2024, to serve as a common database
32 for diversion efforts across the state, to serve as a data collection
33 and management tool for practitioners, and to assist in standardizing
34 definitions and practices. If possible, the health care authority
35 must leverage and interact with existing platforms already in use in
36 efforts funded by the authority. The health care authority must

1 establish a quality assurance process for behavioral health
2 administrative services organizations, and employ data validation for
3 fields in the data collection workbook.

4 NEW SECTION. **Sec. 22.** A new section is added to chapter 71.24
5 RCW to read as follows:

6 (1) The authority shall contract with the Washington state
7 institute for public policy to conduct a study of the long-term
8 effectiveness of the recovery navigator program under RCW 71.24.115
9 with reports due by June 30th in the years 2028, 2033, and 2038. The
10 Washington state institute for public policy shall collaborate with
11 the authority and substance use recovery services advisory committee
12 under RCW 71.24.546 on the topic of data collection and to determine
13 the parameters of the report, which shall include recommendations, if
14 any, for modification and improvement of the recovery navigator
15 program. The authority shall cooperate with the Washington state
16 institute for public policy to provide data for this report.

17 (2) The authority shall establish an expedited preapproval
18 process by August 1, 2023, which allows requests for the use of data
19 to be forwarded to the Washington state institutional review board
20 without delay when the request is made by the Washington state
21 institute for public policy for the purpose of completing a study
22 that has been directed by the legislature.

23 **Part IX - Establishing Rules and Payment Structures for Health**
24 **Engagement Hubs**

25 NEW SECTION. **Sec. 23.** A new section is added to chapter 71.24
26 RCW to read as follows:

27 (1) The authority shall develop licensure standards and payment
28 structures for health engagement hubs by January 1, 2024.

29 (2) The department shall include invited stakeholders in the
30 rule-making process which shall include, but not be limited to,
31 individuals from geographic regions in Washington with lower
32 population density, eastern Washington, rural areas, and tribal
33 nations.

34 (3) A health engagement hub:

35 (a) May be a mobile or fixed-site opioid treatment program
36 medication unit. Fixed-site medication units may operate at sites
37 such as hospitals, federally qualified health centers, syringe

1 service programs, community mental health facilities, skilled nursing
2 facilities, or other settings frequented by people who have not
3 historically been well-served by the behavioral health treatment
4 system;

5 (b) Provides access to methadone and other medications for opioid
6 addiction;

7 (c) Functions as a patient-centered medical home by offering
8 high-quality, cost-effective patient-centered care, including wound
9 care;

10 (d) Provides harm reduction services and supplies;

11 (e) Provides linkage to housing, transportation, and other
12 support services; and

13 (f) Is open to youth as well as adults.

14 (4) To the extent allowed under federal law, the authority shall
15 direct medicaid managed care organizations to adopt a value-based
16 bundled payment methodology in contracts with health engagement hubs
17 and other opioid treatment providers.

18 (5) The authority shall make sufficient funding available to
19 ensure that a health engagement hub is available within a two-hour
20 drive for all communities and that there is at least one health
21 engagement hub available per 200,000 residents in Washington state.

22 **Part X - Education and Employment Pathways**

23 NEW SECTION. **Sec. 24.** A new section is added to chapter 71.24
24 RCW to read as follows:

25 Subject to funding provided for this specific purpose, the
26 authority shall establish a grant program for providers of
27 employment, education, training, certification, and other supportive
28 programs designed to provide persons recovering from a substance use
29 disorder with employment opportunities. The grant program shall
30 employ a low-barrier application and give priority to programs that
31 engage with black, indigenous, persons of color, and other
32 historically underserved communities.

33 **Part XI - Providing a Statewide Directory of Recovery Services**

34 NEW SECTION. **Sec. 25.** A new section is added to chapter 71.24
35 RCW to read as follows:

1 Subject to funding provided for this specific purpose, the
2 department shall provide a statewide tool to map and direct
3 individuals with behavioral health disorders to treatment and
4 recovery support services locations. The tool shall be dynamically
5 updated.

6 **Part XII - Investing Adequately in Statewide Diversion Services**

7 NEW SECTION. **Sec. 26.** (1) It is the intent of the legislature
8 to increase investments in the 2023-2025 biennium substantially over
9 baseline levels established in the 2021-2023 operating and capital
10 budgets to increase the provision of evidence-based prearrest and
11 prefiling diversion programs in all regions of the state. Services
12 which shall be increased and included in every health purchasing
13 region include crisis stabilization units, 23-hour crisis relief
14 centers, mobile crisis response services for youth and adults,
15 recovery navigator programs, and law enforcement assisted diversion.

16 (2) The appropriations in this subsection are provided to the
17 state health care authority and are subject to the following
18 conditions and limitations:

19 (a) The following sums, or so much thereof as may be necessary,
20 are each appropriated: \$18,114,000 from the state general fund for
21 the fiscal year ending June 30, 2024; and \$16,437,000 from the state
22 general fund for the fiscal year ending June 30, 2025. The amounts in
23 this subsection are provided solely for the authority to continue and
24 expand efforts to provide opioid use disorder medication in city,
25 county, regional, and tribal jails.

26 (b) The following sums, or so much thereof as may be necessary,
27 are each appropriated: \$3,500,000 from the state general fund for the
28 fiscal year ending June 30, 2024; and \$3,500,000 from the state
29 general fund for the fiscal year ending June 30, 2025. The amounts in
30 this subsection are provided solely for the authority to provide
31 support funds to new and established clubhouses throughout the state.

32 (c) The following sums, or so much thereof as may be necessary,
33 are each appropriated: \$1,583,000 from the state general fund for the
34 fiscal year ending June 30, 2024; and \$1,583,000 from the state
35 general fund for the fiscal year ending June 30, 2025. The amounts in
36 this subsection are provided solely for the authority to award grants
37 to crisis services providers to establish and expand 23-hour crisis
38 relief center capacity. It is the intent of the legislature that

1 grants are awarded to an equivalent number of providers to the west
2 and the east of the Cascade mountains. The authority must consider
3 the geographic distribution of proposed grant applicants and the
4 regional need for 23-hour crisis relief centers when awarding grant
5 funds.

6 **Part XIII – Streamlining Substance Use Disorder Treatment Intakes**

7 NEW SECTION. **Sec. 27.** A new section is added to chapter 71.24
8 RCW to read as follows:

9 (1) The authority shall convene a work group to recommend changes
10 to systems, policies, and processes related to intake, screening, and
11 assessment for substance use disorder services, with the goal to
12 broaden the workforce capable of processing intakes and to make the
13 intake process as brief as possible, including only what is necessary
14 to manage utilization and initiate care. The intake shall be low
15 barrier, person-centered, and amenable to administration in diverse
16 health care settings and by a range of health care professionals. The
17 intake assessment shall consider the person's self-identified needs
18 and preferences when evaluating direction of treatment and may
19 include different components based on the setting, context, and past
20 experience with the client.

21 (2) The work group must include care providers, payors, people
22 who use drugs, and other individuals recommended by the authority.
23 The work group shall present its recommendations to the governor and
24 appropriate committees of the legislature by December 1, 2024.

25 **Part XIV – Establishing the Safe-Supply Work Group**

26 NEW SECTION. **Sec. 28.** A new section is added to chapter 71.24
27 RCW to read as follows:

28 (1) Subject to the availability of funds appropriated for this
29 specific purpose, the statewide safe supply work group is created.
30 The purpose of the work group is to evaluate potential models for
31 safe supply services and make recommendations on inclusion of a safe
32 supply framework in the Washington state substance use recovery
33 services plan to provide a regulated, tested supply of controlled
34 substances to individuals at risk of drug overdose. The work group
35 membership shall be reflective of the community of individuals living
36 with substance use disorder, including persons who are black,

1 indigenous, and persons of color, persons with co-occurring substance
2 use disorders and mental health conditions, as well as persons who
3 represent the unique needs of rural communities.

4 (2) The work group membership shall consist of, but is not
5 limited to, members appointed by the governor representing the
6 following:

7 (a) At least one adult in recovery from substance use disorder;
8 (b) At least one youth in recovery from substance use disorder;
9 (c) One expert from the addictions, drug, and alcohol institute
10 at the University of Washington;

11 (d) One outreach services provider;
12 (e) One substance use disorder treatment provider;
13 (f) One peer recovery services provider;
14 (g) One recovery housing provider;
15 (h) One expert in serving persons with co-occurring substance use
16 disorders and mental health conditions;

17 (i) One expert in substance use disorder and the treatment of
18 chronic pain patients who is a physician;

19 (j) One expert in antiracism and equity in health care delivery
20 systems;

21 (k) One employee who provides substance use disorder treatment or
22 services as a member of a labor union representing workers in the
23 behavioral health field;

24 (l) One representative of the association of Washington health
25 care plans;

26 (m) One representative of sheriffs and police chiefs;
27 (n) One representative of a federally recognized tribe; and
28 (o) One representative of local government.

29 (3) The work group's evaluation shall include, but is not limited
30 to, the following:

31 (a) Examining the concept of "safe supply," defined as a legal
32 and regulated supply of mind or body altering substances that
33 traditionally only have been accessible through illicit markets;

34 (b) Examining whether there is evidence that a proposed "safe
35 supply" would have an impact on fatal or nonfatal overdose, drug
36 diversion, or associated health and community impacts;

37 (c) Examining whether there is evidence that a proposed "safe
38 supply" would be accompanied by increased risks to individuals, the
39 community, or other entities or jurisdictions;

1 (d) Examining historical evidence regarding the overprescribing
2 of opioids; and

3 (e) Examining whether there is evidence that a proposed "safe
4 supply" would be accompanied by any other benefits or consequences.

5 (4) Staffing for the work group shall be provided by the
6 authority.

7 (5) The work group shall provide a preliminary report and
8 recommendations to the governor and appropriate committees of the
9 legislature by December 1, 2023, and shall provide a final report by
10 December 1, 2024.

11 **Part XV - Miscellaneous Provisions**

12 **Sec. 29.** 2021 c 311 s 29 (uncodified) is amended to read as
13 follows:

14 Sections 8 through 10(~~(7)~~) and 12(~~(7-15, and 16)~~) of this act
15 expire (~~(July 1, 2023)~~) on the effective date of this section.

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