
SUBSTITUTE SENATE BILL 5674

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Health & Human Services (originally sponsored by Senators Erwin, Talmadge, Moyer, L. Smith, Winsley, Deccio, Hargrove, Franklin and Prentice)

Read first time 03/03/93.

1 AN ACT Relating to fetal alcohol syndrome; amending RCW
2 28A.170.060, 74.50.010, 74.50.055, 71A.10.020, and 66.08.180; adding a
3 new section to chapter 66.08 RCW; adding new sections to chapter 43.70
4 RCW; adding a new section to chapter 70.05 RCW; adding a new section to
5 chapter 28A.415 RCW; adding a new section to chapter 66.16 RCW;
6 creating a new section; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that fetal alcohol
9 syndrome is among the leading causes of mental deficiencies in the
10 children of our state. The legislature recognizes that public and
11 private efforts must be increased to heighten the public's awareness of
12 the problems associated with fetal alcohol syndrome.

13 The legislature further finds that community educational programs
14 and treatment programs, targeted at high-risk women, will have the
15 greatest impact in reducing the incidence of fetal alcohol birth
16 defects. The legislature also finds that there is a great necessity
17 for: Local screening programs which can identify children who have
18 fetal alcohol syndrome; state and local coordination of educational,

1 prevention, treatment, and social service programs; and transitional
2 and adult services for persons with fetal alcohol syndrome.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 66.08 RCW
4 to read as follows:

5 The United States surgeon general warns that women should not drink
6 alcoholic beverages during pregnancy because of the risk of birth
7 defects. The legislature finds that these defects include fetal
8 alcohol syndrome, a birth defect that causes permanent antisocial
9 behavior in the sufferer, disrupts the functions of his or her family,
10 and, at an alarmingly increasing rate, extracts a safety and fiscal
11 toll on society.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW
13 to read as follows:

14 The department of health, the department of social and health
15 services, and the office of the superintendent of public instruction
16 shall execute an interagency agreement to ensure the coordination of
17 identification, evaluation, and service delivery programs for children
18 who have fetal alcohol syndrome, and for women who are at high risk of
19 having children with fetal alcohol syndrome.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70 RCW
21 to read as follows:

22 The department shall create a screening and assessment pilot
23 project, in one county as determined by the department, for children
24 who may be affected by fetal alcohol syndrome. The department shall
25 contract with local public health physicians or practitioners to
26 provide the screening and assessment services. The department shall
27 provide the physicians and practitioners with identification training
28 for fetal alcohol syndrome. The training shall be offered through the
29 University of Washington and paid for by the department. The services
30 shall include written or visual educational materials for the children
31 and their parents, and referrals to relevant public and private
32 educational, prevention, treatment, and social service programs.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.05 RCW
34 to read as follows:

1 Each county shall create a fetal alcohol syndrome task force. Each
2 task force shall include representatives of the local health
3 department, the largest school district in the county, the department
4 of social and health services community services office, and community
5 advocates. The task forces shall assist the state and local agencies
6 in the coordination of fetal alcohol syndrome prevention, treatment,
7 and educational services.

8 **Sec. 6.** RCW 28A.170.060 and 1989 c 271 s 113 are each amended to
9 read as follows:

10 The superintendent of public instruction, through the state
11 clearinghouse for education information, shall collect and disseminate
12 to all school districts and other interested parties information about:
13 (1) Effective substance abuse programs; (2) the alcohol consumption
14 risks for pregnant women including, but not limited to, fetal alcohol
15 syndrome; and (3) the penalties for (a) manufacturing, selling,
16 delivering, or possessing controlled substances on or within one
17 thousand feet of a school or school bus route stop under RCW 69.50.435
18 ((and)), (b) distributing a controlled substance to a person under the
19 age of eighteen under RCW 69.50.406, and (c) alcohol-related driving
20 offenses.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.415
22 RCW to read as follows:

23 The superintendent of public instruction, educational service
24 districts, and local school districts are encouraged to devise programs
25 of in-service training for public school certificated and classified
26 personnel who come into contact with students in grades kindergarten
27 through twelve for the purpose of providing instruction on how to
28 effectively teach children who have fetal alcohol syndrome. The
29 programs shall include information to assist in the understanding of
30 the children's behavioral strengths and deficiencies, different
31 learning styles, and the differences in their judgment skills.

32 **Sec. 8.** RCW 74.50.010 and 1988 c 163 s 1 are each amended to read
33 as follows:

34 The legislature finds:

35 (1) There is a need for reevaluation of state policies and programs
36 regarding indigent alcoholics and drug addicts;

1 (2) The practice of providing a cash grant may be causing rapid
2 caseload growth and attracting transients to the state;

3 (3) Many chronic public inebriates have been recycled through
4 county detoxification centers repeatedly without apparent improvement;

5 (4) The assumption that all individuals will recover through
6 treatment has not been substantiated;

7 (5) The state must modify its policies and programs for alcoholics
8 and drug addicts and redirect its resources in the interests of these
9 individuals, the community, and the taxpayers; ((and))

10 (6) Treatment resources should be focused on persons willing to
11 commit to rehabilitation and on women at high risk of giving birth to
12 children with fetal alcohol syndrome; and

13 (7) It is the intent of the legislature that, to the extent
14 possible, shelter services be developed under this chapter that do not
15 result in the displacement of existing emergency shelter beds. To the
16 extent that shelter operators do not object, it is the intent of the
17 legislature that any vacant shelter beds contracted for under this
18 chapter be made available to provide emergency temporary shelter to
19 homeless individuals.

20 **Sec. 9.** RCW 74.50.055 and 1989 1st ex.s. c 18 s 4 are each amended
21 to read as follows:

22 (1) A person shall not be eligible for treatment services under
23 this chapter unless he or she:

24 (a) Meets the financial eligibility requirements contained in RCW
25 74.04.005; and

26 (b) Is incapacitated from gainful employment, which incapacity will
27 likely continue for a minimum of sixty days.

28 (2) First priority for receipt of treatment services shall be given
29 to pregnant women, women who have given birth to a child with fetal
30 alcohol syndrome, and parents of young children.

31 (3) In order to rationally allocate treatment services, the
32 department may establish by rule caseload ceilings and additional
33 eligibility criteria, including the setting of priorities among classes
34 of persons for the receipt of treatment services. Any such rules shall
35 be consistent with any conditions or limitations contained in any
36 appropriations for treatment services.

1 **Sec. 10.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended to
2 read as follows:

3 As used in this title, the following terms have the meanings
4 indicated unless the context clearly requires otherwise.

5 (1) "Department" means the department of social and health
6 services.

7 (2) "Developmental disability" means a disability attributable to
8 mental retardation, cerebral palsy, epilepsy, autism, fetal alcohol
9 syndrome, or another neurological or other condition of an individual
10 found by the secretary to be closely related to mental retardation or
11 to require treatment similar to that required for individuals with
12 mental retardation, which disability originates before the individual
13 attains age eighteen, which has continued or can be expected to
14 continue indefinitely, and which constitutes a substantial handicap to
15 the individual. (~~By January 1, 1989, the department shall promulgate~~
16 ~~rules which define neurological or other conditions in a way that is~~
17 ~~not limited to intelligence quotient scores as the sole determinate~~
18 ~~{determinant} of these conditions, and notify the legislature of this~~
19 ~~action.~~)

20 (3) "Eligible person" means a person who has been found by the
21 secretary under RCW 71A.16.040 to be eligible for services.

22 (4) "Habilitative services" means those services provided by
23 program personnel to assist persons in acquiring and maintaining life
24 skills and to raise their levels of physical, mental, social, and
25 vocational functioning. Habilitative services include education,
26 training for employment, and therapy.

27 (5) "Legal representative" means a parent of a person who is under
28 eighteen years of age, a person's legal guardian, a person's limited
29 guardian when the subject matter is within the scope of the limited
30 guardianship, a person's attorney at law, a person's attorney in fact,
31 or any other person who is authorized by law to act for another person.

32 (6) "Notice" or "notification" of an action of the secretary means
33 notice in compliance with RCW 71A.10.060.

34 (7) "Residential habilitation center" means a state-operated
35 facility for persons with developmental disabilities governed by
36 chapter 71A.20 RCW.

37 (8) "Secretary" means the secretary of social and health services
38 or the secretary's designee.

1 (9) "Service" or "services" means services provided by state or
2 local government to carry out this title.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 66.16 RCW
4 to read as follows:

5 The liquor control board shall ensure that each state liquor store
6 prominently displays information regarding the hazards and possible
7 adverse effects of alcohol consumption. The information shall
8 specifically address the alcohol consumption risks for pregnant women
9 including, but not limited to, education materials on fetal alcohol
10 syndrome.

11 The board shall cause to be posted in a conspicuous place within
12 each state liquor store a notice in one-inch type to the following
13 effect: "Women should not drink alcoholic beverages during pregnancy
14 because of the risk of birth defects, including fetal alcohol syndrome
15 and fetal alcohol effects."

16 **Sec. 12.** RCW 66.08.180 and 1987 c 458 s 10 are each amended to
17 read as follows:

18 Moneys in the liquor revolving fund shall be distributed by the
19 board at least once every three months in accordance with RCW
20 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall
21 reserve from distribution such amount not exceeding five hundred
22 thousand dollars as may be necessary for the proper administration of
23 this title: AND PROVIDED FURTHER, That all license fees, penalties and
24 forfeitures derived under this act from class H licenses or class H
25 licensees shall every three months be disbursed by the board as
26 follows:

27 (1) 5.95 percent to the University of Washington and 3.97 percent
28 to Washington State University for alcoholism and drug abuse research
29 and for the dissemination of such research;

30 (2) 1.75 percent, but in no event less than one hundred fifty
31 thousand dollars per biennium, to the University of Washington to
32 conduct the state toxicological laboratory pursuant to RCW
33 (~~68.08.107~~) 68.50.107;

34 (3) 88.33 percent to the general fund to be used by the department
35 of social and health services solely to carry out the purposes of ((RCW
36 ~~70.96.085, as now or hereafter amended~~) chapter 70.96A RCW;

1 (4) The first fifty-five dollars per license fee provided in RCW
2 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand
3 dollars annually shall be disbursed every three months by the board to
4 the general fund to be used for juvenile alcohol and drug prevention
5 programs for kindergarten through third grade to be administered by the
6 superintendent of public instruction;

7 (5) Twenty percent of the remaining total amount derived from
8 license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340,
9 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the
10 general fund to be used by the department of social and health services
11 solely to carry out the purposes of ((RCW 70.96.085)) chapter 70.96A
12 RCW; and

13 (6) One-fourth cent per liter of the tax imposed by RCW 66.24.210
14 shall every three months be disbursed by the board to Washington State
15 University solely for wine and wine grape research, extension programs
16 related to wine and wine grape research, and resident instruction in
17 both wine grape production and the processing aspects of the wine
18 industry in accordance with RCW 28B.30.068. The director of financial
19 management shall prescribe suitable accounting procedures to ensure
20 that the funds transferred to the general fund to be used by the
21 department of social and health services and appropriated are
22 separately accounted for.

23 NEW SECTION. **Sec. 13.** This act shall take effect January 1, 1994.

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