
Local Government & Housing Committee

HB 2518

Brief Description: Authorizing health districts to issue civil penalties.

Sponsors: Representatives Edwards, Dunshee, Lovick, Berkey and Kirby.

Brief Summary of Bill

- Amends the Public Health and Safety act to expressly state that health districts have authority to levy civil penalties for violations of health statutes, rules, and regulations.

Hearing Date: 2/4/02

Staff: Amy Wood (786-7127).

Background:

Local boards of health, district boards of health, and health officers are vested with broad authority. These entities derive their power from the Washington Constitution, which enables local officials to pass rules and regulations concerning the public health. Const. art. 11, s. 11. *Spokane County Health Dist. V. Brockett*, 120 Wn.2d 140, 147 (1992). The Washington Supreme Court has said of this Constitutional grant of authority:

"This is a direct delegation of the police power as ample within its limits as that possessed by the legislature itself. It requires no legislative sanction for its exercise so long as the subject matter is local, and the regulation reasonable and consistent with the general laws."

Lenci v. Seattle, 63 Wn.2d 664, 667 (1964).

The Legislature's broad grant of powers to local boards of health, district boards of health, and health officers is evident in RCW 70.05. RCW 70.05.010(3) defines "local board of health" to include both county and district boards of health. *Brockett*, 120 Wn.2d at 148-49. Local health officers are also vested with this broad authority and are required to perform certain duties identified by statute, RCW 70.50.070. *Brockett*, 120 Wn.2d at 149.

Summary of Bill:

The Public Health and Safety act is amended to expressly state that health districts have authority to levy civil penalties for violations of health statutes, rules, and regulations.

Appropriation: None.

Fiscal Note: Not Requested.

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