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HOUSE BILL 1488

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Jenkins, Schmick, Cody, Hinkle, Moeller, and Roberts; by request of Board of Health

Read first time 01/24/11. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to updating the authority of the state board of  
2 health; amending RCW 43.20.050, 59.20.190, 70.01.010, and 70.05.150;  
3 and repealing RCW 43.20.110, 43.20.140, and 43.20.200.

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

5 **Sec. 1.** RCW 43.20.050 and 2009 c 495 s 1 are each amended to read  
6 as follows:

7 (1) The state board of health shall provide a forum for the  
8 development of public health policy in Washington state. It is  
9 authorized to recommend to the secretary means for obtaining  
10 appropriate citizen and professional involvement in all public health  
11 policy formulation and other matters related to the powers and duties  
12 of the department. It is further empowered to hold hearings and  
13 explore ways to improve the health status of the citizenry.

14 ~~((a) At least every five years, the state board shall convene~~  
15 ~~regional forums to gather citizen input on public health issues.~~

16 ~~(b) Every two years, in coordination with the development of the~~  
17 ~~state biennial budget, the state board shall prepare the state public~~  
18 ~~health report that outlines the health priorities of the ensuing~~  
19 ~~biennium. The report shall:~~

1 ~~(i) Consider the citizen input gathered at the forums;~~  
2 ~~(ii) Be developed with the assistance of local health departments;~~  
3 ~~(iii) Be based on the best available information collected and~~  
4 ~~reviewed according to RCW 43.70.050;~~

5 ~~(iv) Be developed with the input of state health care agencies. At~~  
6 ~~least the following directors of state agencies shall provide timely~~  
7 ~~recommendations to the state board on suggested health priorities for~~  
8 ~~the ensuing biennium: The secretary of social and health services, the~~  
9 ~~health care authority administrator, the insurance commissioner, the~~  
10 ~~superintendent of public instruction, the director of labor and~~  
11 ~~industries, the director of ecology, and the director of agriculture;~~

12 ~~(v) Be used by state health care agency administrators in preparing~~  
13 ~~proposed agency budgets and executive request legislation;~~

14 ~~(vi) Be submitted by the state board to the governor by January 1st~~  
15 ~~of each even numbered year for adoption by the governor. The governor,~~  
16 ~~no later than March 1st of that year, shall approve, modify, or~~  
17 ~~disapprove the state public health report.~~

18 ~~(e))~~ In fulfilling its responsibilities under this subsection, the  
19 state board may create ad hoc committees or other such committees of  
20 limited duration as necessary.

21 (2) In order to protect public health, the state board of health  
22 shall:

23 (a) Adopt rules for group A public water systems, as defined in RCW  
24 70.119A.020, necessary to assure safe and reliable public drinking  
25 water and to protect the public health. Such rules shall establish  
26 requirements regarding:

27 (i) The design and construction of public water system facilities,  
28 including proper sizing of pipes and storage for the number and type of  
29 customers;

30 (ii) Drinking water quality standards, monitoring requirements, and  
31 laboratory certification requirements;

32 (iii) Public water system management and reporting requirements;

33 (iv) Public water system planning and emergency response  
34 requirements;

35 (v) Public water system operation and maintenance requirements;

36 (vi) Water quality, reliability, and management of existing but  
37 inadequate public water systems; and

1 (vii) Quality standards for the source or supply, or both source  
2 and supply, of water for bottled water plants;

3 (b) Adopt rules as necessary for group B public water systems, as  
4 defined in RCW 70.119A.020. The rules shall, at a minimum, establish  
5 requirements regarding the initial design and construction of a public  
6 water system. The state board of health rules may waive some or all  
7 requirements for group B public water systems with fewer than five  
8 connections;

9 (c) Adopt rules and standards for prevention, control, and  
10 abatement of health hazards and nuisances related to the disposal of  
11 (~~wastes, solid and liquid, including but not limited to sewage,~~  
12 ~~garbage, refuse, and other environmental contaminants; adopt standards~~  
13 ~~and procedures governing the design, construction, and operation of~~  
14 ~~sewage, garbage, refuse and other solid waste collection, treatment,~~  
15 ~~and disposal facilities)) human and animal excreta and animal remains;~~

16 (d) Adopt rules controlling public health related to environmental  
17 conditions including but not limited to heating, lighting, ventilation,  
18 sanitary facilities, and cleanliness (~~and space~~) in (~~all types of~~)  
19 public facilities including but not limited to food service  
20 establishments, schools, (~~institutions,~~) recreational facilities, and  
21 transient accommodations (~~and in places of work~~);

22 (e) Adopt rules for the imposition and use of isolation and  
23 quarantine;

24 (f) Adopt rules for the prevention and control of infectious and  
25 noninfectious diseases, including food and vector borne illness, and  
26 rules governing the receipt and conveyance of remains of deceased  
27 persons, and such other sanitary matters as (~~admit of and~~) may best  
28 be controlled by universal rule; and

29 (g) Adopt rules for accessing existing databases for the purposes  
30 of performing health related research.

31 (3) The state board shall adopt rules for the design, construction,  
32 installation, operation, and maintenance of those on-site sewage  
33 systems with design flows of less than three thousand five hundred  
34 gallons per day.

35 (4) The state board may delegate any of its rule-adopting authority  
36 to the secretary and rescind such delegated authority.

37 (5) All local boards of health, health authorities and officials,  
38 officers of state institutions, police officers, sheriffs, constables,

1 and all other officers and employees of the state, or any county, city,  
2 or township thereof, shall enforce all rules adopted by the state board  
3 of health. In the event of failure or refusal on the part of any  
4 member of such boards or any other official or person mentioned in this  
5 section to so act, he or she shall be subject to a fine of not less  
6 than fifty dollars, upon first conviction, and not less than one  
7 hundred dollars upon second conviction.

8 (6) The state board may advise the secretary on health policy  
9 issues pertaining to the department of health and the state.

10 **Sec. 2.** RCW 59.20.190 and 1988 c 126 s 1 are each amended to read  
11 as follows:

12 ~~((The state board of health shall adopt rules on or before January~~  
13 ~~1, 1982, setting health and sanitation standards for mobile home parks.~~  
14 ~~Such rules)) All state board of health rules applicable to the health  
15 and sanitation of mobile home parks shall be enforced by the city,  
16 county, city-county, or district health officer of the jurisdiction in  
17 which the mobile home park is located, upon notice of a violation to  
18 such health officer. Failure to remedy the violation after enforcement  
19 efforts are made may result in a fine being imposed on the park owner,  
20 or tenant as may be applicable, by the enforcing governmental body of  
21 up to one hundred dollars per day, depending on the degree of risk of  
22 injury or illness to persons in or around the park.~~

23 **Sec. 3.** RCW 70.01.010 and 1985 c 213 s 14 are each amended to read  
24 as follows:

25 In furtherance of the policy of this state to cooperate with the  
26 federal government in the public health programs, the department of  
27 ~~((social and))~~ health ~~((services))~~ and the state board of health shall  
28 adopt such rules ~~((and regulations))~~ as may become necessary to entitle  
29 this state to participate in federal funds unless ~~((the same be))~~  
30 expressly prohibited by law. Any section or provision of the public  
31 health laws of this state which may be susceptible to more than one  
32 construction shall be interpreted in favor of the construction most  
33 likely to satisfy federal laws entitling this state to receive federal  
34 funds for the various programs of public health.

1           **Sec. 4.** RCW 70.05.150 and 1993 c 492 s 243 are each amended to  
2 read as follows:

3           In addition to powers already granted them, any county, district,  
4 or local health department may contract for either the sale or purchase  
5 of any or all health services from any local health department. ((Such  
6 ~~contract shall require the approval of the state board of health.~~))

7           NEW SECTION. **Sec. 5.** The following acts or parts of acts are each  
8 repealed:

9           (1) RCW 43.20.110 (Federal act on maternal and infancy hygiene  
10 accepted) and 1965 c 8 s 43.20.110;

11           (2) RCW 43.20.140 (Services to crippled children--Rules and  
12 regulations) and 1979 c 141 s 58 & 1965 c 8 s 43.20.140; and

13           (3) RCW 43.20.200 (Grant-in-aid payments for local health  
14 departments) and 1967 ex.s. c 102 s 11.

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