

**ESHB 2489** - S AMD TO S-5789.1 **958**

By Senator Padden

1 On page 4, after line 25 insert: "(10) The state of Washington  
2 fully occupies and preempts the entire field of safe injection site  
3 regulation within the boundaries of the state, including the  
4 registration, licensing, possession, purchase, sale, acquisition,  
5 transfer, use, authorization, or any other element relating to safe  
6 injection sites. Cities, towns, and counties or other municipalities  
7 may only enact laws and ordinances relating to safe injection sites  
8 that are specifically authorized by state law and are consistent  
9 with this chapter. Such local ordinances have the same penalty as  
10 provided for by state law. Local laws and ordinances that are  
11 inconsistent with, more restrictive than, or exceed the requirements  
12 of state law may not be enacted and are preempted and repealed,  
13 regardless of the nature of the code, charter, or home rule status  
14 of the enacting city, town, county, or municipality.

15 (11) Each local health board must provide annual certification to  
16 the legislature and state board of health that no private or public  
17 safe injection sites are operating in its local health department  
18 jurisdiction.

19 (12) Any expenditure made related to safe injection sites voids any  
20 claim made against the general fund and will result in the denial of  
21 all funding claims until the state, health district, or county is  
22 able to certify and report to the state board of health and  
23 legislature that there are no safe injection sites operating within  
24 its jurisdiction.

25 (13) For purposes of this section, "safe injection site" means any  
26 building, structure, site, facility, or program, including but not  
27 limited to safe consumption or safe injection programs, with a

1 function of providing a space or area for either use or consumption,  
2 or both, of federally controlled substances.

3 (14) The secretary of the state shall submit this act to the people  
4 for their adoption and ratification, or rejection, at the next  
5 general election to be held in this state, In accordance with  
6 Article II, Section 1 of the state Constitution and the laws adopted  
7 to facilitate its operation."

8  
9 Renumber remaining sections and correct internal references  
10 accordingly.

11  
12

EFFECT:

- Permits Washington State to preempt the entire field of safe injection site regulation in the state.
- Local governments may only enact laws and ordinances relating to safe injection sites that are specifically authorized by state law. Any local government expenditures relating to safe injection sites void any claim made by it against the state General Fund.
- All funding claims by the local government will be denied until the state, health district, or county is able to certify that there are no safe injection sites operating within its jurisdiction.
- Adds a referendum provision

--- END ---