
HOUSE BILL 2112

State of Washington

66th Legislature

2019 Regular Session

By Representatives Chambers, Stokesbary, Walsh, Graham, Irwin, Sutherland, Gildon, Vick, Mosbrucker, MacEwen, Kraft, Klippert, Corry, and Shea

Read first time 02/22/19. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to prohibiting safe injection sites; amending RCW
2 70.05.010, 70.05.060, and 70.05.070; and adding a new section to
3 chapter 70.05 RCW.

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

5 **Sec. 1.** RCW 70.05.010 and 1993 c 492 s 234 are each amended to
6 read as follows:

7 For the purposes of chapters 70.05 and 70.46 RCW and unless the
8 context thereof clearly indicates to the contrary:

9 (1) "Local health departments" means the county or district which
10 provides public health services to persons within the area.

11 (2) "Local health officer" means the legally qualified physician
12 who has been appointed as the health officer for the county or
13 district public health department.

14 (3) "Local board of health" means the county or district board of
15 health.

16 (4) "Health district" means all the territory consisting of one
17 or more counties organized pursuant to the provisions of chapters
18 70.05 and 70.46 RCW.

19 (5) "Department" means the department of health.

20 (6) "Safe injection site" means any building, structure, site,
21 facility, or program including, but not limited to, safe consumption,

1 safe injection, or needle exchange programs, with a function of
2 providing a space or area for either use or consumption, or both, of
3 federally controlled substances.

4 **Sec. 2.** RCW 70.05.060 and 1991 c 3 s 308 are each amended to
5 read as follows:

6 Except as provided in section 4 of this act, each local board of
7 health shall have supervision over all matters pertaining to the
8 preservation of the life and health of the people within its
9 jurisdiction and shall:

10 (1) Enforce through the local health officer or the
11 administrative officer appointed under RCW 70.05.040, if any, the
12 public health statutes of the state and rules promulgated by the
13 state board of health and the secretary of health;

14 (2) Supervise the maintenance of all health and sanitary measures
15 for the protection of the public health within its jurisdiction;

16 (3) Enact such local rules and regulations as are necessary in
17 order to preserve, promote and improve the public health and provide
18 for the enforcement thereof;

19 (4) Provide for the control and prevention of any dangerous,
20 contagious or infectious disease within the jurisdiction of the local
21 health department;

22 (5) Provide for the prevention, control and abatement of
23 nuisances detrimental to the public health;

24 (6) Make such reports to the state board of health through the
25 local health officer or the administrative officer as the state board
26 of health may require; and

27 (7) Establish fee schedules for issuing or renewing licenses or
28 permits or for such other services as are authorized by the law and
29 the rules of the state board of health: PROVIDED, That such fees for
30 services shall not exceed the actual cost of providing any such
31 services.

32 **Sec. 3.** RCW 70.05.070 and 2013 c 200 s 26 are each amended to
33 read as follows:

34 Except as provided in section 4 of this act, the local health
35 officer, acting under the direction of the local board of health or
36 under direction of the administrative officer appointed under RCW
37 70.05.040 or 70.05.035, if any, shall:

1 (1) Enforce the public health statutes of the state, rules of the
2 state board of health and the secretary of health, and all local
3 health rules, regulations and ordinances within his or her
4 jurisdiction including imposition of penalties authorized under RCW
5 70.119A.030 and 70.118.130, the confidentiality provisions in RCW
6 70.02.220 and rules adopted to implement those provisions, and filing
7 of actions authorized by RCW 43.70.190;

8 (2) Take such action as is necessary to maintain health and
9 sanitation supervision over the territory within his or her
10 jurisdiction;

11 (3) Control and prevent the spread of any dangerous, contagious
12 or infectious diseases that may occur within his or her jurisdiction;

13 (4) Inform the public as to the causes, nature, and prevention of
14 disease and disability and the preservation, promotion and
15 improvement of health within his or her jurisdiction;

16 (5) Prevent, control or abate nuisances which are detrimental to
17 the public health;

18 (6) Attend all conferences called by the secretary of health or
19 his or her authorized representative;

20 (7) Collect such fees as are established by the state board of
21 health or the local board of health for the issuance or renewal of
22 licenses or permits or such other fees as may be authorized by law or
23 by the rules of the state board of health;

24 (8) Inspect, as necessary, expansion or modification of existing
25 public water systems, and the construction of new public water
26 systems, to assure that the expansion, modification, or construction
27 conforms to system design and plans;

28 (9) Take such measures as he or she deems necessary in order to
29 promote the public health, to participate in the establishment of
30 health educational or training activities, and to authorize the
31 attendance of employees of the local health department or individuals
32 engaged in community health programs related to or part of the
33 programs of the local health department.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.05
35 RCW to read as follows:

36 (1) A person may not establish, operate, or maintain a safe
37 injection site.

38 (2) The state of Washington fully occupies and preempts the
39 entire field of safe injection site regulation within the boundaries

1 of the state, including the registration, licensing, possession,
2 purchase, sale, acquisition, transfer, use, authorization, funding,
3 or any other element relating to safe injection sites.

4 (3) For the purposes of this section, "person" means any
5 individual, firm, association, organization, partnership,
6 corporation, or any other entity, whether public or private and
7 whether for-profit or not-for-profit.

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