
HOUSE BILL 1004

State of Washington

67th Legislature

2021 Regular Session

By Representatives Klippert, Eslick, Graham, Kirby, Sutherland, and Schmick

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1 AN ACT Relating to legislative oversight of health orders issued
2 in response to a proclaimed state of emergency; amending RCW
3 43.70.130 and 70.05.070; and declaring an emergency.

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

5 **Sec. 1.** RCW 43.70.130 and 1990 c 132 s 2 are each amended to
6 read as follows:

7 (1) The secretary of health shall:

8 ~~((1))~~ (a) Exercise all the powers and perform all the duties
9 prescribed by law with respect to public health and vital statistics;

10 ~~((2))~~ (b) Investigate and study factors relating to the
11 preservation, promotion, and improvement of the health of the people,
12 the causes of morbidity and mortality, and the effects of the
13 environment and other conditions upon the public health, and report
14 the findings to the state board of health for such action as the
15 board determines is necessary;

16 ~~((3))~~ (c) Strictly enforce all laws for the protection of the
17 public health and the improvement of sanitary conditions in the
18 state, and all rules, regulations, and orders of the state board of
19 health;

20 ~~((4))~~ (d) Enforce the public health laws of the state and the
21 rules and regulations promulgated by the department or the board of

1 health in local matters, when in its opinion an emergency exists and
2 the local board of health has failed to act with sufficient
3 promptness or efficiency, or is unable for reasons beyond its control
4 to act, or when no local board has been established, and all expenses
5 so incurred shall be paid upon demand of the secretary of the
6 department of health by the local health department for which such
7 services are rendered, out of moneys accruing to the credit of the
8 municipality or the local health department in the current expense
9 fund of the county;

10 ~~((5))~~ (e) Investigate outbreaks and epidemics of disease that
11 may occur and advise local health officers as to measures to be taken
12 to prevent and control the same;

13 ~~((6))~~ (f) Exercise general supervision over the work of all
14 local health departments and establish uniform reporting systems by
15 local health officers to the state department of health;

16 ~~((7))~~ (g) Have the same authority as local health officers,
17 except that the secretary shall not exercise such authority unless
18 the local health officer fails or is unable to do so, or when in an
19 emergency the safety of the public health demands it, or by agreement
20 with the local health officer or local board of health;

21 ~~((8))~~ (h) Cause to be made from time to time, personal health
22 and sanitation inspections at state owned or contracted institutions
23 and facilities to determine compliance with sanitary and health care
24 standards as adopted by the department, and require the governing
25 authorities thereof to take such action as will conserve the health
26 of all persons connected therewith, and report the findings to the
27 governor;

28 ~~((9))~~ (i) Review and approve plans for public water system
29 design, engineering, operation, maintenance, financing, and emergency
30 response, as required under state board of health rules;

31 ~~((10))~~ (j) Take such measures as the secretary deems necessary
32 in order to promote the public health, to establish or participate in
33 the establishment of health educational or training activities, and
34 to provide funds for and to authorize the attendance and
35 participation in such activities of employees of the state or local
36 health departments and other individuals engaged in programs related
37 to or part of the public health programs of the local health
38 departments or the state department of health. The secretary is also
39 authorized to accept any funds from the federal government or any
40 public or private agency made available for health education training

1 purposes and to conform with such requirements as are necessary in
2 order to receive such funds; and

3 ~~((11))~~ (k) Establish and maintain laboratory facilities and
4 services as are necessary to carry out the responsibilities of the
5 department.

6 (2) (a) Any emergency order issued by the secretary in response to
7 a proclaimed state of emergency must be narrowly tailored to the
8 emergency and use the least restrictive means necessary to accomplish
9 a compelling government interest.

10 (b) An order issued under (a) of this subsection may not continue
11 for longer than thirty days unless extended or modified by the
12 legislature through concurrent resolution. If the legislature is not
13 in session, the order or policy may be extended or modified in
14 writing by the majority and minority leaders of the senate and the
15 speaker and the minority leader of the house of representatives until
16 the legislature can extend the waiver or suspension by concurrent
17 resolution.

18 **Sec. 2.** RCW 70.05.070 and 2020 c 20 s 1066 are each amended to
19 read as follows:

20 (1) The local health officer, acting under the direction of the
21 local board of health or under direction of the administrative
22 officer appointed under RCW 70.05.040 or 70.05.035, if any, shall:

23 ~~((1))~~ (a) Enforce the public health statutes of the state,
24 rules of the state board of health and the secretary of health, and
25 all local health rules, regulations and ordinances within his or her
26 jurisdiction including imposition of penalties authorized under RCW
27 70A.125.030 and 70A.105.120, the confidentiality provisions in RCW
28 70.02.220 and rules adopted to implement those provisions, and filing
29 of actions authorized by RCW 43.70.190;

30 ~~((2))~~ (b) Take such action as is necessary to maintain health
31 and sanitation supervision over the territory within his or her
32 jurisdiction;

33 ~~((3))~~ (c) Control and prevent the spread of any dangerous,
34 contagious or infectious diseases that may occur within his or her
35 jurisdiction;

36 ~~((4))~~ (d) Inform the public as to the causes, nature, and
37 prevention of disease and disability and the preservation, promotion
38 and improvement of health within his or her jurisdiction;

1 ~~((5))~~ (e) Prevent, control or abate nuisances which are
2 detrimental to the public health;

3 ~~((6))~~ (f) Attend all conferences called by the secretary of
4 health or his or her authorized representative;

5 ~~((7))~~ (g) Collect such fees as are established by the state
6 board of health or the local board of health for the issuance or
7 renewal of licenses or permits or such other fees as may be
8 authorized by law or by the rules of the state board of health;

9 ~~((8))~~ (h) Inspect, as necessary, expansion or modification of
10 existing public water systems, and the construction of new public
11 water systems, to assure that the expansion, modification, or
12 construction conforms to system design and plans;

13 ~~((9))~~ (i) Take such measures as he or she deems necessary in
14 order to promote the public health, to participate in the
15 establishment of health educational or training activities, and to
16 authorize the attendance of employees of the local health department
17 or individuals engaged in community health programs related to or
18 part of the programs of the local health department.

19 (2) (a) Any emergency order issued by a local health officer in
20 response to a proclaimed state of emergency must be narrowly tailored
21 to the emergency and use the least restrictive means necessary to
22 accomplish a compelling government interest.

23 (b) An order issued under (a) of this subsection may not continue
24 for longer than thirty days unless extended or modified by the
25 legislature through concurrent resolution. If the legislature is not
26 in session, the order may be extended or modified in writing by the
27 majority and minority leaders of the senate and the speaker and the
28 minority leader of the house of representatives until the legislature
29 can extend the waiver or suspension by concurrent resolution.

30 NEW SECTION. Sec. 3. This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of
32 the state government and its existing public institutions, and takes
33 effect immediately.

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