

E2SSB 5536 - CONF REPT
By Conference Committee

HOUSE ADOPTED 04/23/2023; SENATE NOT CONSIDERED 05/16/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Part I - Prohibiting Knowing Possession of a Controlled Substance,**
4 **Counterfeit Substance, or Legend Drug**

5 **Sec. 1.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to
6 read as follows:

7 (1) Except as authorized by this chapter, it is unlawful for any
8 person to ~~((create, deliver, or possess a counterfeit substance))~~:

9 (a) Create or deliver a counterfeit substance;

10 (b) Knowingly possess a counterfeit substance; or

11 (c) Knowingly possess and use a counterfeit substance in a public
12 place by injection, inhalation, ingestion, or any other means.

13 (2) Any person who violates subsection (1)(a) of this section
14 with respect to:

15 (a) A counterfeit substance classified in Schedule I or II which
16 is a narcotic drug, or flunitrazepam classified in Schedule IV, is
17 guilty of a class B felony and upon conviction may be imprisoned for
18 not more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five~~
19 ~~thousand dollars))~~ \$25,000, or both;

20 (b) A counterfeit substance which is methamphetamine, is guilty
21 of a class B felony and upon conviction may be imprisoned for not
22 more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five~~
23 ~~thousand dollars))~~ \$25,000, or both;

24 (c) Any other counterfeit substance classified in Schedule I, II,
25 or III, is guilty of a class C felony punishable according to chapter
26 9A.20 RCW;

27 (d) A counterfeit substance classified in Schedule IV, except
28 flunitrazepam, is guilty of a class C felony punishable according to
29 chapter 9A.20 RCW;

30 (e) A counterfeit substance classified in Schedule V, is guilty
31 of a class C felony punishable according to chapter 9A.20 RCW.

1 (3) (a) A violation of subsection (1) (b) or (c) of this section is
2 a gross misdemeanor. The prosecutor is encouraged to divert such
3 cases for assessment, treatment, or other services.

4 (b) In lieu of jail booking and referral to the prosecutor, law
5 enforcement is encouraged to offer a referral to assessment and
6 services available under RCW 10.31.110 or other program or entity
7 responsible for receiving referrals in lieu of legal system
8 involvement, which may include, but are not limited to, arrest and
9 jail alternative programs established under RCW 36.28A.450, law
10 enforcement assisted diversion programs established under RCW
11 71.24.589, and the recovery navigator program established under RCW
12 71.24.115.

13 (4) For the purposes of this section, "public place" has the same
14 meaning as defined in RCW 66.04.010, but the exclusions in RCW
15 66.04.011 do not apply.

16 **Sec. 2.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to
17 read as follows:

18 (1) ~~((~~†~~))~~ Except as otherwise authorized by this chapter, it is
19 unlawful for any person to:

20 (a) Knowingly possess a controlled substance unless the substance
21 was obtained directly from, or pursuant to, a valid prescription or
22 order of a practitioner while acting in the course of his or her
23 professional practice~~((, or except as otherwise authorized by this~~
24 ~~chapter)); or~~

25 (b) Knowingly possess and use a controlled substance in a public
26 place by injection, inhalation, ingestion, or any other means, unless
27 the substance was obtained directly from, or pursuant to, a valid
28 prescription or order of a practitioner while acting in the course of
29 his or her professional practice.

30 (2) (a) Except as provided in RCW 69.50.4014 or 69.50.445, ((any
31 person who violates this section is guilty of a class C felony
32 punishable under chapter 9A.20 RCW)) a violation of subsection (1) (a)
33 or (b) of this section is a gross misdemeanor. The prosecutor is
34 encouraged to divert such cases for assessment, treatment, or other
35 services.

36 (b) In lieu of jail booking and referral to the prosecutor, law
37 enforcement is encouraged to offer a referral to assessment and
38 services available under RCW 10.31.110 or other program or entity
39 responsible for receiving referrals in lieu of legal system

1 involvement, which may include, but are not limited to, arrest and
2 jail alternative programs established under RCW 36.28A.450, law
3 enforcement assisted diversion programs established under RCW
4 71.24.589, and the recovery navigator program established under RCW
5 71.24.115.

6 (3) (a) The possession, by a person (~~(twenty-one)~~) 21 years of age
7 or older, of useable cannabis, cannabis concentrates, or cannabis-
8 infused products in amounts that do not exceed those set forth in RCW
9 69.50.360(3) is not a violation of this section, this chapter, or any
10 other provision of Washington state law.

11 (b) The possession of cannabis, useable cannabis, cannabis
12 concentrates, and cannabis-infused products being physically
13 transported or delivered within the state, in amounts not exceeding
14 those that may be established under RCW 69.50.385(3), by a licensed
15 employee of a common carrier when performing the duties authorized in
16 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
17 this section, this chapter, or any other provision of Washington
18 state law.

19 (4) (a) The delivery by a person (~~(twenty-one)~~) 21 years of age or
20 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,
21 during a single (~~(twenty-four)~~) 24 hour period, for noncommercial
22 purposes and not conditioned upon or done in connection with the
23 provision or receipt of financial consideration, of any of the
24 following cannabis products, is not a violation of this section, this
25 chapter, or any other provisions of Washington state law:

26 (i) One-half ounce of useable cannabis;

27 (ii) Eight ounces of cannabis-infused product in solid form;

28 (iii) (~~(Thirty-six)~~) 36 ounces of cannabis-infused product in
29 liquid form; or

30 (iv) Three and one-half grams of cannabis concentrates.

31 (b) The act of delivering cannabis or a cannabis product as
32 authorized under this subsection (4) must meet one of the following
33 requirements:

34 (i) The delivery must be done in a location outside of the view
35 of general public and in a nonpublic place; or

36 (ii) The cannabis or cannabis product must be in the original
37 packaging as purchased from the cannabis retailer.

38 (5) No person under (~~(twenty-one)~~) 21 years of age may
39 (~~(possess,)~~) manufacture, sell, (~~(or)~~) distribute, or knowingly
40 possess cannabis, cannabis-infused products, or cannabis

1 concentrates, regardless of THC concentration. This does not include
2 qualifying patients with a valid authorization.

3 (6) The possession by a qualifying patient or designated provider
4 of cannabis concentrates, useable cannabis, cannabis-infused
5 products, or plants in accordance with chapter 69.51A RCW is not a
6 violation of this section, this chapter, or any other provision of
7 Washington state law.

8 (7) For the purposes of this section, "public place" has the same
9 meaning as defined in RCW 66.04.010, but the exclusions in RCW
10 66.04.011 do not apply.

11 **Sec. 3.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to
12 read as follows:

13 (1) Except as provided in RCW 69.50.401(2)(c) or as otherwise
14 authorized by this chapter, any person found guilty of knowing
15 possession of (~~forty~~) 40 grams or less of cannabis is guilty of a
16 misdemeanor. The prosecutor is encouraged to divert cases under this
17 section for assessment, treatment, or other services.

18 (2) In lieu of jail booking and referral to the prosecutor, law
19 enforcement is encouraged to offer a referral to assessment and
20 services available under RCW 10.31.110 or other program or entity
21 responsible for receiving referrals in lieu of legal system
22 involvement, which may include, but are not limited to, arrest and
23 jail alternative programs established under RCW 36.28A.450, law
24 enforcement assisted diversion programs established under RCW
25 71.24.589, and the recovery navigator program established under RCW
26 71.24.115.

27 **Sec. 4.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to
28 read as follows:

29 (1) It shall be unlawful for any person to sell(~~or~~) or deliver
30 any legend drug, or knowingly possess any legend drug, or knowingly
31 possess and use any legend drug in a public place by injection,
32 inhalation, ingestion, or any other means, except upon the order or
33 prescription of a physician under chapter 18.71 RCW, an osteopathic
34 physician and surgeon under chapter 18.57 RCW, an optometrist
35 licensed under chapter 18.53 RCW who is certified by the optometry
36 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a
37 podiatric physician and surgeon under chapter 18.22 RCW, a
38 veterinarian under chapter 18.92 RCW, a commissioned medical or

1 dental officer in the United States armed forces or public health
2 service in the discharge of his or her official duties, a duly
3 licensed physician or dentist employed by the veterans administration
4 in the discharge of his or her official duties, a registered nurse or
5 advanced registered nurse practitioner under chapter 18.79 RCW when
6 authorized by the nursing care quality assurance commission, a
7 pharmacist licensed under chapter 18.64 RCW to the extent permitted
8 by drug therapy guidelines or protocols established under RCW
9 18.64.011 and authorized by the commission and approved by a
10 practitioner authorized to prescribe drugs, a physician assistant
11 under chapter 18.71A RCW when authorized by the Washington medical
12 commission, or any of the following professionals in any province of
13 Canada that shares a common border with the state of Washington or in
14 any state of the United States: A physician licensed to practice
15 medicine and surgery or a physician licensed to practice osteopathic
16 medicine and surgery, a dentist licensed to practice dentistry, a
17 podiatric physician and surgeon licensed to practice podiatric
18 medicine and surgery, a licensed advanced registered nurse
19 practitioner, a licensed physician assistant, or a veterinarian
20 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the
21 above provisions shall not apply to sale, delivery, or possession by
22 drug wholesalers or drug manufacturers, or their agents or employees,
23 or to any practitioner acting within the scope of his or her license,
24 or to a common or contract carrier or warehouse operator, or any
25 employee thereof, whose possession of any legend drug is in the usual
26 course of business or employment: PROVIDED FURTHER, That nothing in
27 this chapter or chapter 18.64 RCW shall prevent a family planning
28 clinic that is under contract with the health care authority from
29 selling, delivering, possessing, and dispensing commercially
30 prepackaged oral contraceptives prescribed by authorized, licensed
31 health care practitioners: PROVIDED FURTHER, That nothing in this
32 chapter prohibits possession or delivery of legend drugs by an
33 authorized collector or other person participating in the operation
34 of a drug take-back program authorized in chapter 69.48 RCW.

35 (2) (a) A violation of this section involving the sale, delivery,
36 or possession with intent to sell or deliver is a class B felony
37 punishable according to chapter 9A.20 RCW.

38 (b) A violation of this section involving knowing possession is a
39 misdemeanor. The prosecutor is encouraged to divert such cases for
40 assessment, treatment, or other services.

1 (c) A violation of this section involving knowing possession and
2 use in a public place is a misdemeanor. The prosecutor is encouraged
3 to divert such cases for assessment, treatment, or other services.

4 (d) In lieu of jail booking and referral to the prosecutor for a
5 violation of this section involving knowing possession, or knowing
6 possession and use in a public place, law enforcement is encouraged
7 to offer a referral to assessment and services available under RCW
8 10.31.110 or other program or entity responsible for receiving
9 referrals in lieu of legal system involvement, which may include, but
10 are not limited to, arrest and jail alternative programs established
11 under RCW 36.28A.450, law enforcement assisted diversion programs
12 established under RCW 71.24.589, and the recovery navigator program
13 established under RCW 71.24.115.

14 (3) For the purposes of this section, "public place" has the same
15 meaning as defined in RCW 66.04.010, but the exclusions in RCW
16 66.04.011 do not apply.

17 **Sec. 5.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to
18 read as follows:

19 If, upon the sworn complaint of any person, it shall be made to
20 appear to any judge of the superior court, district court, or
21 municipal court that there is probable cause to believe that any
22 controlled substance is being used, manufactured, sold, bartered,
23 exchanged, administered, dispensed, delivered, distributed, produced,
24 knowingly possessed, given away, furnished or otherwise disposed of
25 or kept in violation of the provisions of this chapter, such judge
26 shall, with or without the approval of the prosecuting attorney,
27 issue a warrant directed to any law enforcement officer of the state,
28 commanding him or her to search the premises designated and described
29 in such complaint and warrant, and to seize all controlled substances
30 there found, together with the vessels in which they are contained,
31 and all implements, furniture and fixtures used or kept for the
32 illegal manufacture, sale, barter, exchange, administering,
33 dispensing, delivering, distributing, producing, possessing, giving
34 away, furnishing or otherwise disposing of such controlled
35 substances, and to safely keep the same, and to make a return of said
36 warrant within three days, showing all acts and things done
37 thereunder, with a particular statement of all articles seized and
38 the name of the person or persons in whose possession the same were
39 found, if any, and if no person be found in the possession of said

1 articles, the returns shall so state. The provisions of RCW 10.31.030
2 as now or hereafter amended shall apply to actions taken pursuant to
3 this chapter.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.43
5 RCW to read as follows:

6 Subject to the availability of funds appropriated for this
7 specific purpose, the Washington state patrol bureau of forensic
8 laboratory services shall aim to complete the necessary analysis for
9 any evidence submitted for a suspected violation of RCW 69.50.4011(1)
10 (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) within
11 45 days of receipt of the request for analysis.

12 The Washington state patrol bureau of forensic laboratory
13 services' failure to comply with this section shall not constitute
14 grounds for dismissal of a criminal charge.

15 **Part II - Relating to Drug Paraphernalia**

16 **Sec. 7.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to
17 read as follows:

18 (1) Every person who sells (~~or gives,~~) or permits to be sold
19 (~~or given~~) to any person any drug paraphernalia in any form commits
20 a class I civil infraction under chapter 7.80 RCW. For purposes of
21 this subsection, "drug paraphernalia" means all equipment, products,
22 and materials of any kind which are used, intended for use, or
23 designed for use in planting, propagating, cultivating, growing,
24 harvesting, manufacturing, compounding, converting, producing,
25 processing, preparing, (~~(testing, —analyzing,)~~) packaging,
26 repackaging, storing, containing, concealing, injecting, ingesting,
27 inhaling, or otherwise introducing into the human body a controlled
28 substance other than cannabis. Drug paraphernalia includes, but is
29 not limited to objects used, intended for use, or designed for use in
30 ingesting, inhaling, or otherwise introducing cocaine into the human
31 body, such as:

32 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic
33 pipes with or without screens, permanent screens, hashish heads, or
34 punctured metal bowls;

35 (b) Water pipes;

36 (c) Carburetion tubes and devices;

37 (d) Smoking and carburetion masks;

- 1 (e) Miniature cocaine spoons and cocaine vials;
- 2 (f) Chamber pipes;
- 3 (g) Carburetor pipes;
- 4 (h) Electric pipes;
- 5 (i) Air-driven pipes; and
- 6 (j) Ice pipes or chillers.

7 (2) It shall be no defense to a prosecution for a violation of
8 this section that the person acted, or was believed by the defendant
9 to act, as agent or representative of another.

10 (3) Nothing in subsection (1) of this section prohibits (~~legal~~)
11 distribution (~~of injection~~) or use of public health supplies
12 including, but not limited to, syringe equipment, smoking equipment,
13 or drug testing equipment, through public health (and) programs,
14 community-based HIV prevention programs, outreach, shelter, and
15 housing programs, and pharmacies. Public health and syringe service
16 program staff taking samples of substances and using drug testing
17 equipment for the purpose of analyzing the composition of the
18 substances or detecting the presence of certain substances are acting
19 legally and are exempt from arrest and prosecution under RCW
20 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b)
21 or (c).

22 NEW SECTION. Sec. 8. A new section is added to chapter 69.50
23 RCW to read as follows:

24 (1) The state of Washington hereby fully occupies and preempts
25 the entire field of drug paraphernalia regulation within the
26 boundaries of the state including regulation of the use, selling,
27 giving, delivery, and possession of drug paraphernalia, except as
28 provided in subsection (2) of this section. Cities, towns, and
29 counties or other municipalities may enact only those laws and
30 ordinances relating to drug paraphernalia that are specifically
31 authorized by state law and are consistent with this chapter. Such
32 local ordinances must have the same penalty as provided for by state
33 law. Local laws and ordinances that are inconsistent with, more
34 restrictive than, or exceed the requirements of state law may not be
35 enacted and are preempted and repealed, regardless of the nature of
36 the code, charter, or home rule status of such city, town, county, or
37 municipality.

38 (2) Nothing in this chapter shall be construed to prohibit
39 cities, towns, and counties, or other municipalities, from enacting

1 laws or ordinances relating to public hearing or notice requirements
2 for the establishment of a public health program, community-based HIV
3 prevention program, or outreach, shelter, and housing program
4 facilities or the operation of such program facilities, provided that
5 such laws or ordinances are otherwise consistent with all applicable
6 state law and consistent with or approved by local public health
7 policies.

8 **Part III - Providing Opportunities for Pretrial Diversion Pursuant to**
9 **RCW 71.24.115, 36.28A.450, and 71.24.589 and Vacating Convictions**

10 NEW SECTION. **Sec. 9.** A new section is added to chapter 69.50
11 RCW to read as follows:

12 (1) Nothing in this section prevents the defendant, with the
13 consent of the prosecuting attorney as required by RCW 2.30.030, from
14 seeking to resolve charges under RCW 69.50.4011(1) (b) or (c),
15 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) through available
16 therapeutic courts or other alternatives to prosecution including,
17 but not limited to, a stipulated order of continuance or deferred
18 prosecution. Nothing in this section prevents the defendant or the
19 prosecuting attorney from seeking or agreeing to, or the court from
20 ordering, any other resolution of charges or terms of supervision
21 that suit the circumstances of the defendant's situation and advance
22 stabilization, recovery, crime reduction, and justice.

23 (2) In any jurisdiction with a recovery navigator program
24 established under RCW 71.24.115, an arrest and jail alternative
25 program established under RCW 36.28A.450, or a law enforcement
26 assisted diversion program established under RCW 71.24.589, any
27 defendant charged with a violation of RCW 69.50.4011(1) (b) or (c),
28 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) may make a motion
29 to participate in pretrial diversion and agree to waive his or her
30 right to a speedy trial if the motion is granted, subject to the
31 following:

32 (a) In any case where the defendant is only charged with a
33 violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or
34 69.41.030(2) (b) or (c), and the defendant has not been convicted of
35 any offenses committed after the effective date of this section, the
36 court shall grant the motion, continue the hearing, and refer the
37 defendant to a recovery navigator program established under RCW
38 71.24.115, an arrest and jail alternative program established under

1 RCW 36.28A.450, or a law enforcement assisted diversion program
2 established under RCW 71.24.589.

3 (b) In any case where the defendant does not meet the criteria
4 described in (a) of this subsection, the court may grant the motion,
5 continue the hearing, and refer the defendant to a recovery navigator
6 program established under RCW 71.24.115, an arrest and jail
7 alternative program established under RCW 36.28A.450, or a law
8 enforcement assisted diversion program established under RCW
9 71.24.589.

10 (c) The prosecuting attorney is strongly encouraged to agree to
11 pretrial diversion options in any case where the defendant is only
12 charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013,
13 69.50.4014, or 69.41.030(2) (b) or (c).

14 (3) Prior to granting the defendant's motion to participate in
15 pretrial diversion under this section, the court shall provide the
16 defendant and the defendant's counsel with the following information:

17 (a) A full description of the procedures for pretrial diversion;

18 (b) A general explanation of the roles and authority of the
19 probation department, the prosecuting attorney, the recovery
20 navigator program under RCW 71.24.115, arrest and jail alternative
21 program under RCW 36.28A.450, or law enforcement assisted diversion
22 program under RCW 71.24.589, and the court in the process;

23 (c) A clear statement that the court may grant pretrial diversion
24 with respect to any offense under RCW 69.50.4011(1) (b) or (c),
25 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) that is charged,
26 provided that the defendant pleads not guilty to the charge or
27 charges and waives his or her right to a speedy trial, and that upon
28 the defendant's successful completion of pretrial diversion, as
29 specified in subsection (11) of this section, and motion of the
30 defendant, prosecuting attorney, court, or probation department, the
31 court must dismiss the charge or charges against the defendant;

32 (d) A clear statement that if the defendant has not made
33 substantial progress with treatment or services provided that are
34 appropriate to the defendant's circumstances or, if applicable,
35 community service, the prosecuting attorney may make a motion to
36 terminate pretrial diversion and schedule further proceedings as
37 otherwise provided in this section;

38 (e) An explanation of criminal record retention and disposition
39 resulting from participation in pretrial diversion and the

1 defendant's rights relative to answering questions about his or her
2 arrest and pretrial diversion following successful completion; and

3 (f) A clear statement that under federal law it is unlawful for
4 any person who is an unlawful user of or addicted to any controlled
5 substance to ship or transport in interstate or foreign commerce, or
6 possess in or affecting commerce, any firearm or ammunition, or to
7 receive any firearm or ammunition which has been shipped or
8 transported in interstate or foreign commerce.

9 (4) If the court grants the defendant's motion to participate in
10 pretrial diversion under this section, the recovery navigator program
11 established under RCW 71.24.115, the arrest and jail alternative
12 program established under RCW 36.28A.450, or the law enforcement
13 assisted diversion program established under RCW 71.24.589, shall
14 provide the court written confirmation of completion of the
15 assessment and a statement indicating the defendant's enrollment or
16 referral to any specific service or program. The confirmation and
17 statement of the recovery navigator program established under RCW
18 71.24.115, the arrest and jail alternative program established under
19 RCW 36.28A.450, or the law enforcement assisted diversion program
20 established under RCW 71.24.589 shall be filed under seal with the
21 court, and a copy shall be given to the prosecuting attorney,
22 defendant, and defendant's counsel. The confirmation and statement
23 are confidential and exempt from disclosure under chapter 42.56 RCW.
24 The court shall endeavor to avoid public discussion of the
25 circumstances, history, or diagnoses that could stigmatize the
26 defendant.

27 (5) Subject to the availability of funds appropriated for this
28 specific purpose, the assessment and recommended treatment or
29 services must be provided at no cost for defendants who have been
30 found to be indigent by the court.

31 (6) If the assessment conducted by the recovery navigator program
32 established under RCW 71.24.115, the arrest and jail alternative
33 program established under RCW 36.28A.450, or the law enforcement
34 assisted diversion program established under RCW 71.24.589 includes a
35 referral to any treatment or services, the recovery navigator program
36 established under RCW 71.24.115, the arrest and jail alternative
37 program established under RCW 36.28A.450, the law enforcement
38 assisted diversion program established under RCW 71.24.589, or
39 service provider shall provide the court with regular written status
40 updates on the defendant's progress on a schedule acceptable to the

1 court. The updates must be provided at least monthly and be filed
2 under seal with the court, with copies given to the prosecuting
3 attorney, defendant, and defendant's counsel. The updates and their
4 copies are confidential and exempt from disclosure under chapter
5 42.56 RCW. The court shall endeavor to avoid public discussion of the
6 circumstances, history, or diagnoses that could stigmatize the
7 defendant.

8 (7) If the assessment conducted by the recovery navigator program
9 established under RCW 71.24.115, the arrest and jail alternative
10 program established under RCW 36.28A.450, or the law enforcement
11 assisted diversion program established under RCW 71.24.589 does not
12 recommend any treatment or services, the defendant must instead
13 complete an amount of community service as determined by the court,
14 but not to exceed 120 hours of community service, in order to
15 complete pretrial diversion.

16 (8) Admissions made by the individual in the course of receiving
17 services from the recovery navigator program established under RCW
18 71.24.115, the arrest and jail alternative program established under
19 RCW 36.28A.450, or the law enforcement assisted diversion program
20 established under RCW 71.24.589 may not be used against the
21 individual in the prosecution's case in chief.

22 (9) A defendant's participation in pretrial diversion under this
23 section does not constitute a conviction, a stipulation to facts, or
24 an admission of guilt for any purpose.

25 (10) If it appears to the prosecuting attorney that the defendant
26 is not substantially complying with the recommended treatment or
27 services as reflected by a written status update, the prosecuting
28 attorney may make a motion for termination from pretrial diversion.

29 (a) After notice to the defendant, the court must hold a hearing
30 to determine whether pretrial diversion shall be terminated.

31 (b) Before the hearing, the defendant and the defendant's counsel
32 shall be advised of the nature of the alleged noncompliance and
33 provided discovery of evidence supporting the allegation, including
34 names and contact information of witnesses.

35 (c) At the hearing, the court must consider the following
36 factors:

37 (i) The nature of the alleged noncompliance; and

38 (ii) Any other mitigating circumstances, including, but not
39 limited to, the defendant's efforts and due diligence, the

1 availability of services in the geographic area, and the treatment
2 and services offered to the defendant.

3 (d) If the court finds the defendant is not substantially
4 complying with the recommended treatment or services and thereafter
5 terminates pretrial diversion, it shall state the grounds for its
6 decision succinctly in the record and provide the prosecuting
7 attorney, the defendant, and the defendant's counsel with a written
8 order.

9 (11) If the defendant successfully completes pretrial diversion,
10 including in one of the following ways, the charge or charges under
11 RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2)
12 (b) or (c) must be dismissed:

13 (a) If the assessment prepared by the recovery navigator program,
14 arrest and jail alternative program, or law enforcement assisted
15 diversion program included a recommendation for treatment or
16 services, the defendant successfully completes pretrial diversion
17 either by having 12 months of substantial compliance with the
18 assessment and recommended treatment or services and progress toward
19 recovery goals as reflected by the written status updates or by
20 successfully completing the recommended treatment or services,
21 whichever occurs first; or

22 (b) If the assessment prepared by the recovery navigator program,
23 arrest and jail alternative program, or law enforcement assisted
24 diversion program did not include a recommendation for treatment or
25 services, the defendant successfully completes pretrial diversion by
26 completing the community service described in subsection (7) of this
27 section and submitting proof of completion to the court.

28 (12) Beginning January 1, 2025, the recovery navigator programs
29 established under RCW 71.24.115, arrest and jail alternative programs
30 established under RCW 36.28A.450, and law enforcement assisted
31 diversion programs established under RCW 71.24.589 shall input data
32 and information in the data integration platform under section 22 of
33 this act for each case where the defendant participates in pretrial
34 diversion under this section, including but not limited to the
35 following:

36 (a) Whether the pretrial diversion was terminated or was
37 successfully completed and resulted in a dismissal;

38 (b) The race, ethnicity, gender, gender expression or identity,
39 disability status, and age of the defendant; and

1 (c) Any other appropriate data and information as determined by
2 the health care authority.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 69.50
4 RCW to read as follows:

5 When sentencing an individual for a violation of RCW
6 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b)
7 or (c), the court is encouraged to utilize any other resolution of
8 the charges or terms of supervision that suit the circumstances of
9 the defendant's situation and advance stabilization, recovery, crime
10 reduction, and justice.

11 **Sec. 11.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read
12 as follows:

13 (1) When vacating a conviction under this section, the court
14 effectuates the vacation by: (a)(i) Permitting the applicant to
15 withdraw the applicant's plea of guilty and to enter a plea of not
16 guilty; or (ii) if the applicant has been convicted after a plea of
17 not guilty, the court setting aside the verdict of guilty; and (b)
18 the court dismissing the information, indictment, complaint, or
19 citation against the applicant and vacating the judgment and
20 sentence.

21 (2) Every person convicted of a misdemeanor or gross misdemeanor
22 offense may apply to the sentencing court for a vacation of the
23 applicant's record of conviction for the offense. If the court finds
24 the applicant meets the requirements of this subsection, the court
25 may in its discretion vacate the record of conviction. Except as
26 provided in subsections (3), (4), ~~((and))~~ (5), and (6) of this
27 section, an applicant may not have the record of conviction for a
28 misdemeanor or gross misdemeanor offense vacated if any one of the
29 following is present:

30 (a) The applicant has not completed all of the terms of the
31 sentence for the offense;

32 (b) There are any criminal charges against the applicant pending
33 in any court of this state or another state, or in any federal or
34 tribal court, at the time of application;

35 (c) The offense was a violent offense as defined in RCW 9.94A.030
36 or an attempt to commit a violent offense;

37 (d) The offense was a violation of RCW 46.61.502 (driving while
38 under the influence), 46.61.504 (actual physical control while under

1 the influence), 9.91.020 (operating a railroad, etc. while
2 intoxicated), or the offense is considered a "prior offense" under
3 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug
4 violation within ten years of the date of arrest for the prior
5 offense or less than ten years has elapsed since the date of the
6 arrest for the prior offense;

7 (e) The offense was any misdemeanor or gross misdemeanor
8 violation, including attempt, of chapter 9.68 RCW (obscenity and
9 pornography), chapter 9.68A RCW (sexual exploitation of children), or
10 chapter 9A.44 RCW (sex offenses), except for failure to register as a
11 sex offender under RCW 9A.44.132;

12 (f) The applicant was convicted of a misdemeanor or gross
13 misdemeanor offense as defined in RCW 10.99.020, or the court
14 determines after a review of the court file that the offense was
15 committed by one family or household member against another or by one
16 intimate partner against another, or the court, after considering the
17 damage to person or property that resulted in the conviction, any
18 prior convictions for crimes defined in RCW 10.99.020, or for
19 comparable offenses in another state or in federal court, and the
20 totality of the records under review by the court regarding the
21 conviction being considered for vacation, determines that the offense
22 involved domestic violence, and any one of the following factors
23 exist:

24 (i) The applicant has not provided written notification of the
25 vacation petition to the prosecuting attorney's office that
26 prosecuted the offense for which vacation is sought, or has not
27 provided that notification to the court;

28 (ii) The applicant has two or more domestic violence convictions
29 stemming from different incidents. For purposes of this subsection,
30 however, if the current application is for more than one conviction
31 that arose out of a single incident, none of those convictions counts
32 as a previous conviction;

33 (iii) The applicant has signed an affidavit under penalty of
34 perjury affirming that the applicant has not previously had a
35 conviction for a domestic violence offense, and a criminal history
36 check reveals that the applicant has had such a conviction; or

37 (iv) Less than five years have elapsed since the person completed
38 the terms of the original conditions of the sentence, including any
39 financial obligations and successful completion of any treatment
40 ordered as a condition of sentencing;

1 (g) For any offense other than those described in (f) of this
2 subsection, less than three years have passed since the person
3 completed the terms of the sentence, including any financial
4 obligations;

5 (h) The offender has been convicted of a new crime in this state,
6 another state, or federal or tribal court in the three years prior to
7 the vacation application; or

8 (i) The applicant is currently restrained by a domestic violence
9 protection order, a no-contact order, an antiharassment order, or a
10 civil restraining order which restrains one party from contacting the
11 other party or was previously restrained by such an order and was
12 found to have committed one or more violations of the order in the
13 five years prior to the vacation application.

14 (3) If the applicant is a victim of sex trafficking,
15 prostitution, or commercial sexual abuse of a minor; sexual assault;
16 or domestic violence as defined in RCW 9.94A.030, or the prosecutor
17 applies on behalf of the state, the sentencing court may vacate the
18 record of conviction if the application satisfies the requirements of
19 RCW 9.96.080. When preparing or filing the petition, the prosecutor
20 is not deemed to be providing legal advice or legal assistance on
21 behalf of the victim, but is fulfilling an administrative function on
22 behalf of the state in order to further their responsibility to seek
23 to reform and improve the administration of criminal justice. A
24 record of conviction vacated using the process in RCW 9.96.080 is
25 subject to subsections (~~((6) and~~) (7) and (8) of this section.

26 (4) Every person convicted prior to January 1, 1975, of violating
27 any statute or rule regarding the regulation of fishing activities,
28 including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070,
29 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240
30 who claimed to be exercising a treaty Indian fishing right, may apply
31 to the sentencing court for vacation of the applicant's record of the
32 misdemeanor, gross misdemeanor, or felony conviction for the offense.
33 If the person is deceased, a member of the person's family or an
34 official representative of the tribe of which the person was a member
35 may apply to the court on behalf of the deceased person.
36 Notwithstanding the requirements of RCW 9.94A.640, the court shall
37 vacate the record of conviction if:

38 (a) The applicant is a member of a tribe that may exercise treaty
39 Indian fishing rights at the location where the offense occurred; and

1 (b) The state has been enjoined from taking enforcement action of
2 the statute or rule to the extent that it interferes with a treaty
3 Indian fishing right as determined under *United States v. Washington*,
4 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.
5 899 (D. Oregon 1969), and any posttrial orders of those courts, or
6 any other state supreme court or federal court decision.

7 (5) Every person convicted of a misdemeanor cannabis offense, who
8 was (~~twenty-one~~) 21 years of age or older at the time of the
9 offense, may apply to the sentencing court for a vacation of the
10 applicant's record of conviction for the offense. A misdemeanor
11 cannabis offense includes, but is not limited to: Any offense under
12 RCW 69.50.4014, from July 1, 2004, onward, and its predecessor
13 statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1,
14 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and
15 any offense under an equivalent municipal ordinance. If an applicant
16 qualifies under this subsection, the court shall vacate the record of
17 conviction.

18 (6) If a person convicted of violating RCW 69.50.4011(1) (b) or
19 (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) completes a
20 substance use disorder program and files proof of completion with the
21 court, or obtains an assessment from a recovery navigator program
22 established under RCW 71.24.115, an arrest and jail alternative
23 program established under RCW 36.28A.450, or a law enforcement
24 assisted diversion program established under RCW 71.24.589, and has
25 six months of substantial compliance with recommended treatment or
26 services and progress toward recovery goals as reflected by a written
27 status update, upon verification the court must vacate the conviction
28 or convictions.

29 (7) A person who is a family member of a homicide victim may
30 apply to the sentencing court on the behalf of the victim for
31 vacation of the victim's record of conviction for prostitution under
32 RCW 9A.88.030. If an applicant qualifies under this subsection, the
33 court shall vacate the victim's record of conviction.

34 (~~(7)~~) (8)(a) Except as provided in (c) of this subsection, once
35 the court vacates a record of conviction under this section, the
36 person shall be released from all penalties and disabilities
37 resulting from the offense and the fact that the person has been
38 convicted of the offense shall not be included in the person's
39 criminal history for purposes of determining a sentence in any
40 subsequent conviction. For all purposes, including responding to

1 questions on employment or housing applications, a person whose
2 conviction has been vacated under this section may state that he or
3 she has never been convicted of that crime. However, nothing in this
4 section affects the requirements for restoring a right to possess a
5 firearm under RCW 9.41.040. Except as provided in (b) of this
6 subsection, nothing in this section affects or prevents the use of an
7 offender's prior conviction in a later criminal prosecution.

8 (b) When a court vacates a record of domestic violence as defined
9 in RCW 10.99.020 under this section, the state may not use the
10 vacated conviction in a later criminal prosecution unless the
11 conviction was for: (i) Violating the provisions of a restraining
12 order, no-contact order, or protection order restraining or enjoining
13 the person or restraining the person from going on to the grounds of
14 or entering a residence, workplace, school, or day care, or
15 prohibiting the person from knowingly coming within, or knowingly
16 remaining within, a specified distance of a location, a protected
17 party's person, or a protected party's vehicle (RCW 10.99.040,
18 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070,
19 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and
20 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic
21 violence protection order or vulnerable adult protection order
22 entered under chapter 7.105 RCW. A vacated conviction under this
23 section is not considered a conviction of such an offense for the
24 purposes of 27 C.F.R. 478.11.

25 (c) A conviction vacated on or after July 28, 2019, qualifies as
26 a prior conviction for the purpose of charging a present recidivist
27 offense as defined in RCW 9.94A.030 occurring on or after July 28,
28 2019.

29 ~~((+8))~~ (9) The clerk of the court in which the vacation order is
30 entered shall immediately transmit the order vacating the conviction
31 to the Washington state patrol identification section and to the
32 local police agency, if any, which holds criminal history information
33 for the person who is the subject of the conviction. The Washington
34 state patrol and any such local police agency shall immediately
35 update their records to reflect the vacation of the conviction, and
36 shall transmit the order vacating the conviction to the federal
37 bureau of investigation. A conviction that has been vacated under
38 this section may not be disseminated or disclosed by the state patrol
39 or local law enforcement agency to any person, except other criminal
40 justice enforcement agencies.

1 (~~(9)~~) (10) For the purposes of this section, "cannabis" has the
2 meaning provided in RCW 69.50.101.

3 **Part IV - Opioid Treatment Rural Access and Expansion**

4 **Sec. 12.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to
5 read as follows:

6 (1)(a) The comprehensive plan of each county and city that is
7 planning under RCW 36.70A.040 shall include a process for identifying
8 and siting essential public facilities. Essential public facilities
9 include those facilities that are typically difficult to site, such
10 as airports, state education facilities and state or regional
11 transportation facilities as defined in RCW 47.06.140, regional
12 transit authority facilities as defined in RCW 81.112.020, state and
13 local correctional facilities, solid waste handling facilities,
14 opioid treatment programs including both mobile and fixed-site
15 medication units, recovery residences, harm reduction programs
16 excluding safe injection sites, and inpatient facilities including
17 substance (~~abuse~~) use disorder treatment facilities, mental health
18 facilities, group homes, community facilities as defined in RCW
19 72.05.020, and secure community transition facilities as defined in
20 RCW 71.09.020.

21 (b) Unless a facility is expressly listed in (a) of this
22 subsection, essential public facilities do not include facilities
23 that are operated by a private entity in which persons are detained
24 in custody under process of law pending the outcome of legal
25 proceedings but are not used for punishment, correction, counseling,
26 or rehabilitation following the conviction of a criminal offense.
27 Facilities included under this subsection (1)(b) shall not include
28 facilities detaining persons under RCW 71.09.020 (~~(6) or (15)~~) (7)
29 or (16) or chapter 10.77 or 71.05 RCW.

30 (c) The department of children, youth, and families may not
31 attempt to site new community facilities as defined in RCW 72.05.020
32 east of the crest of the Cascade mountain range unless there is an
33 equal or greater number of sited community facilities as defined in
34 RCW 72.05.020 on the western side of the crest of the Cascade
35 mountain range.

36 (d) For the purpose of this section, "harm reduction programs"
37 means programs that emphasize working directly with people who use
38 drugs to prevent overdose and infectious disease transmission,

1 improve the physical, mental, and social well-being of those served,
2 and offer low threshold options for accessing substance use disorder
3 treatment and other services.

4 (2) Each county and city planning under RCW 36.70A.040 shall, not
5 later than September 1, 2002, establish a process, or amend its
6 existing process, for identifying and siting essential public
7 facilities and adopt or amend its development regulations as
8 necessary to provide for the siting of secure community transition
9 facilities consistent with statutory requirements applicable to these
10 facilities.

11 (3) Any city or county not planning under RCW 36.70A.040 shall,
12 not later than September 1, 2002, establish a process for siting
13 secure community transition facilities and adopt or amend its
14 development regulations as necessary to provide for the siting of
15 such facilities consistent with statutory requirements applicable to
16 these facilities.

17 (4) The office of financial management shall maintain a list of
18 those essential state public facilities that are required or likely
19 to be built within the next six years. The office of financial
20 management may at any time add facilities to the list.

21 (5) No local comprehensive plan or development regulation may
22 preclude the siting of essential public facilities.

23 (6) No person may bring a cause of action for civil damages based
24 on the good faith actions of any county or city to provide for the
25 siting of secure community transition facilities in accordance with
26 this section and with the requirements of chapter 12, Laws of 2001
27 2nd sp. sess. For purposes of this subsection, "person" includes, but
28 is not limited to, any individual, agency as defined in RCW
29 42.17A.005, corporation, partnership, association, and limited
30 liability entity.

31 (7) Counties or cities siting facilities pursuant to subsection
32 (2) or (3) of this section shall comply with RCW 71.09.341.

33 (8) The failure of a county or city to act by the deadlines
34 established in subsections (2) and (3) of this section is not:

35 (a) A condition that would disqualify the county or city for
36 grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

37 (b) A consideration for grants or loans provided under RCW
38 43.17.250(3); or

39 (c) A basis for any petition under RCW 36.70A.280 or for any
40 private cause of action.

1 **Sec. 13.** RCW 71.24.589 and 2019 c 314 s 29 are each amended to
2 read as follows:

3 (1) Subject to funds appropriated by the legislature, the
4 authority shall (~~implement a pilot project~~) administer a grant
5 program for law enforcement assisted diversion which shall adhere to
6 law enforcement assisted diversion core principles recognized by the
7 law enforcement assisted diversion national support bureau, the
8 efficacy of which have been demonstrated in peer-reviewed research
9 studies.

10 (2) (~~Under the pilot project, the~~) The authority must partner
11 with the law enforcement assisted diversion national support bureau
12 to award (~~a contract~~) contracts, subject to appropriation, for
13 (~~two or more geographic areas~~) jurisdictions in the state of
14 Washington for law enforcement assisted diversion. Cities, counties,
15 and tribes (~~may compete for participation in a pilot project~~),
16 subdivisions thereof, public development authorities, and community-
17 based organizations demonstrating support from necessary public
18 partners, may serve as the lead agency applying for funding. Funds
19 may be used to scale existing projects, and to invite additional
20 jurisdictions to launch law enforcement assisted diversion programs.

21 (3) The (~~pilot projects~~) program must provide for securing
22 comprehensive technical assistance from law enforcement assisted
23 diversion implementation experts to develop and implement a law
24 enforcement assisted diversion program (~~in the pilot project's~~
25 ~~geographic areas~~) in a way that ensures fidelity to the research-
26 based law enforcement assisted diversion model. Sufficient funds must
27 be allocated from grant program funds to secure technical assistance
28 for the authority and for the implementing jurisdictions.

29 (4) The key elements of a law enforcement assisted diversion
30 (~~pilot project~~) program must include:

31 (a) Long-term case management for individuals with substance use
32 disorders;

33 (b) Facilitation and coordination with community resources
34 focusing on overdose prevention;

35 (c) Facilitation and coordination with community resources
36 focused on the prevention of infectious disease transmission;

37 (d) Facilitation and coordination with community resources
38 providing physical and behavioral health services;

39 (e) Facilitation and coordination with community resources
40 providing medications for the treatment of substance use disorders;

1 (f) Facilitation and coordination with community resources
2 focusing on housing, employment, and public assistance;

3 (g) (~~Twenty-four~~) 24 hours per day and seven days per week
4 response to law enforcement for arrest diversions; and

5 (h) Prosecutorial support for diversion services.

6 (5) No civil liability may be imposed by any court on the state
7 or its officers or employees, an appointed or elected official,
8 public employee, public agency as defined in RCW 4.24.470,
9 combination of units of government and its employees as provided in
10 RCW 36.28A.010, nonprofit community-based organization, tribal
11 government entity, tribal organization, or urban Indian organization,
12 based on the administration of a law enforcement assisted diversion
13 program or activities carried out within the purview of a grant
14 received under this program except upon proof of bad faith or gross
15 negligence.

16 **Sec. 14.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to
17 read as follows:

18 (1) When making a decision on an application for licensing or
19 certification of ((a)) an opioid treatment program, the department
20 shall:

21 (a) Consult with the county legislative authorities in the area
22 in which an applicant proposes to locate a program and the city
23 legislative authority in any city in which an applicant proposes to
24 locate a program;

25 (b) License or certify only programs that will be sited in
26 accordance with the appropriate county or city land use ordinances.
27 Counties and cities may require conditional use permits with
28 reasonable conditions for the siting of programs only to the extent
29 that such reasonable conditional use requirements applied to opioid
30 treatment programs are similarly applied to other essential public
31 facilities and health care settings. Pursuant to RCW 36.70A.200, no
32 local comprehensive plan or development regulation may preclude the
33 siting of essential public facilities;

34 (c) Not discriminate in its licensing or certification decision
35 on the basis of the corporate structure of the applicant;

36 (d) Consider the size of the population in need of treatment in
37 the area in which the program would be located and license or certify
38 only applicants whose programs meet the necessary treatment needs of
39 that population;

1 (e) Consider the availability of other certified opioid treatment
2 programs near the area in which the applicant proposes to locate the
3 program;

4 (f) Consider the transportation systems that would provide
5 service to the program and whether the systems will provide
6 reasonable opportunities to access the program for persons in need of
7 treatment;

8 (g) Consider whether the applicant has, or has demonstrated in
9 the past, the capability to provide the appropriate services to
10 assist the persons who utilize the program in meeting goals
11 established by the legislature in RCW 71.24.585. The department shall
12 prioritize licensing or certification to applicants who have
13 demonstrated such capability and are able to measure their success in
14 meeting such outcomes ((~~r~~

15 ~~(h) Hold one public hearing in the community in which the~~
16 ~~facility is proposed to be located. The hearing shall be held at a~~
17 ~~time and location that are most likely to permit the largest number~~
18 ~~of interested persons to attend and present testimony. The department~~
19 ~~shall notify all appropriate media outlets of the time, date, and~~
20 ~~location of the hearing at least three weeks in advance of the~~
21 ~~hearing)).~~

22 (2) ((A)) No city or county legislative authority may impose a
23 maximum capacity for ((a)) an opioid treatment program ((~~of not less~~
24 ~~than three hundred fifty participants if necessary to address~~
25 ~~specific local conditions cited by the county)).~~

26 (3) A program applying for licensing or certification from the
27 department and a program applying for a contract from a state agency
28 that has been denied the licensing or certification or contract shall
29 be provided with a written notice specifying the rationale and
30 reasons for the denial.

31 (4) Opioid treatment programs may order, possess, dispense, and
32 administer medications approved by the United States food and drug
33 administration for the treatment of opioid use disorder, alcohol use
34 disorder, tobacco use disorder, and reversal of opioid overdose. For
35 an opioid treatment program to order, possess, and dispense any other
36 legend drug, including controlled substances, the opioid treatment
37 program must obtain additional licensure as required by the
38 department, except for patient-owned medications.

39 (5) Opioid treatment programs may accept, possess, and administer
40 patient-owned medications.

1 (6) Registered nurses and licensed practical nurses may dispense
2 up to a (~~thirty-one~~) 31 day supply of medications approved by the
3 United States food and drug administration for the treatment of
4 opioid use disorder to patients of the opioid treatment program,
5 under an order or prescription and in compliance with 42 C.F.R. Sec.
6 8.12.

7 (7) A mobile or fixed-site medication unit may be established as
8 part of a licensed opioid treatment program.

9 (8) For the purpose of this chapter, "opioid treatment program"
10 means a program that:

11 (a) Engages in the treatment of opioid use disorder with
12 medications approved by the United States food and drug
13 administration for the treatment of opioid use disorder and reversal
14 of opioid overdose, including methadone; and

15 (b) Provides a comprehensive range of medical and rehabilitative
16 services.

17 NEW SECTION. Sec. 15. A new section is added to chapter 43.330
18 RCW to read as follows:

19 (1) Subject to funds appropriated for this specific purpose, a
20 program is established in the department to fund the construction
21 costs necessary to start up substance use disorder treatment and
22 services programs and recovery housing in regions of the state that
23 currently lack access to such programs.

24 (2) This funding must be used to increase the number of substance
25 use disorder treatment and services programs and recovery housing in
26 underserved areas such as central and eastern Washington and rural
27 areas.

28 NEW SECTION. Sec. 16. RCW 10.31.115 (Drug possession—Referral
29 to assessment and services) and 2021 c 311 s 13 are each repealed.

30 **Part V - Funding, Promotion, and Training for Recovery Residences**

31 NEW SECTION. Sec. 17. A new section is added to chapter 71.24
32 RCW to read as follows:

33 Subject to the availability of funds appropriated for this
34 specific purpose, the authority shall:

1 (1) Make sufficient funding available to support establishment of
2 an adequate and equitable stock of recovery residences in each region
3 of the state;

4 (2) Establish a voucher program to allow accredited recovery
5 housing operators to hold bed space for individuals who are waiting
6 for treatment or who have returned to use and need a place to stay
7 while negotiating a return to stable housing;

8 (3) Conduct outreach to underserved and rural areas to support
9 the development of recovery housing, including adequate resources for
10 women, LGBTQIA+ communities, Black, indigenous, and other people of
11 color communities, immigrant communities, and youth; and

12 (4) Develop a training for housing providers by January 1, 2024,
13 to assist them with providing appropriate service to LGBTQIA+
14 communities, Black, indigenous, and other people of color
15 communities, and immigrant communities, including consideration of
16 topics like harassment, communication, antiracism, diversity, and
17 gender affirming behavior, and ensure applicants for grants or loans
18 related to recovery residences receive access to the training.

19 **Sec. 18.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to
20 read as follows:

21 (1) The real and personal property used by a nonprofit
22 organization in providing emergency or transitional housing for low-
23 income homeless persons as defined in RCW 35.21.685 or 36.32.415 or
24 victims of domestic violence who are homeless for personal safety
25 reasons is exempt from taxation if:

26 (a) The charge, if any, for the housing does not exceed the
27 actual cost of operating and maintaining the housing; and

28 (b) (i) The property is owned by the nonprofit organization; or

29 (ii) The property is rented or leased by the nonprofit
30 organization and the benefit of the exemption inures to the nonprofit
31 organization.

32 (2) The real and personal property used by a nonprofit
33 organization in maintaining an approved recovery residence registered
34 under RCW 41.05.760 is exempt from taxation if:

35 (a) The charge for the housing does not exceed the actual cost of
36 operating and maintaining the housing; and

37 (b) (i) The property is owned by the nonprofit organization; or

1 (ii) The property is rented or leased by the nonprofit
2 organization and the benefit of the exemption inures to the nonprofit
3 organization.

4 (3) As used in this section:

5 (a) "Homeless" means persons, including families, who, on one
6 particular day or night, do not have decent and safe shelter nor
7 sufficient funds to purchase or rent a place to stay.

8 (b) "Emergency housing" means a project that provides housing and
9 supportive services to homeless persons or families for up to sixty
10 days.

11 (c) "Transitional housing" means a project that provides housing
12 and supportive services to homeless persons or families for up to two
13 years and that has as its purpose facilitating the movement of
14 homeless persons and families into independent living.

15 ~~((3))~~ (d) "Recovery residence" has the same meaning as under
16 RCW 41.05.760.

17 (4) The exemption in subsection (2) of this section applies to
18 taxes levied for collection in calendar years 2024 through 2033.

19 (5) This exemption is subject to the administrative provisions
20 contained in RCW 84.36.800 through 84.36.865.

21 NEW SECTION. Sec. 19. (1) This section is the tax preference
22 performance statement for the tax preference contained in section 18,
23 chapter . . ., Laws of 2023 (section 18 of this act). This
24 performance statement is only intended to be used for subsequent
25 evaluation of the tax preference. It is not intended to create a
26 private right of action by any party or to be used to determine
27 eligibility for preferential tax treatment.

28 (2) The legislature categorizes this tax preference as one
29 intended to provide tax relief for certain businesses or individuals,
30 as indicated in RCW 82.32.808(2)(e).

31 (3) By exempting property used by nonprofit organizations
32 maintaining approved recovery residences, it is the legislature's
33 specific public policy objective to maximize funding for recovery
34 residences to the extent possible, thereby increasing availability of
35 such residences.

36 (4) To measure the effectiveness of the tax exemption provided in
37 section 18 of this act in achieving the specific public policy
38 objectives described in subsection (3) of this section, the joint
39 legislative audit and review committee must evaluate:

1 (a) Annual changes in the total number of parcels qualifying for
2 the exemption under section 18 of this act;

3 (b) The amount of annual property tax relief resulting from the
4 tax exemption under section 18 of this act;

5 (c) The average annual number of people housed at recovery
6 residences located on property qualifying for the exemption under
7 section 18 of this act;

8 (d) The annualized amount charged for housing at recovery
9 residences located on property qualifying for the exemption under
10 section 18 of this act and the annualized estimated increase in the
11 charge for housing if the properties had not been eligible for the
12 exemption; and

13 (e) The annual amount of expenditures by nonprofits to maintain
14 recovery residences located on property qualifying for the exemption
15 under section 18 of this act.

16 (5) The legislature intends to extend the expiration date of the
17 property tax exemption under section 18 of this act if the review by
18 the joint legislative audit and review committee finds that:

19 (a) The number of properties qualifying for the exemption under
20 section 18 of this act has increased;

21 (b) The number of individuals using recovery housing located on
22 property qualifying for the exemption under section 18 of this act
23 has increased; and

24 (c) The amount charged for recovery housing is reasonably
25 consistent with the actual cost of operating and maintaining the
26 housing.

27 (6) In order to obtain the data necessary to perform the review
28 in subsection (4) of this section, the joint legislative audit and
29 review committee may refer to:

30 (a) Initial applications for the tax exemption under section 18
31 of this act as approved by the department of revenue under RCW
32 84.36.815;

33 (b) Annual financial statements prepared by nonprofit entities
34 claiming the tax exemption under section 18 of this act;

35 (c) Filings with the federal government to maintain federal tax
36 exempt status by nonprofit organizations claiming the tax exemption
37 under section 18 of this act; and

38 (d) Any other data necessary for the evaluation under subsection
39 (4) of this section.

1 **Part VI – Training for Parents of Children with Substance Use Disorder**
2 **and Caseworkers Within the Department of Children, Youth, and**
3 **Families**

4 NEW SECTION. **Sec. 20.** A new section is added to chapter 71.24
5 RCW to read as follows:

6 (1) The authority, in consultation with the department of
7 children, youth, and families, shall develop a training for parents
8 of adolescents and transition age youth with substance use disorders
9 by June 30, 2024, which training must build on and be consistent and
10 compatible with existing training developed by the authority for
11 families impacted by substance use disorder, and addressing the
12 following:

13 (a) Science and education related to substance use disorders and
14 recovery;

15 (b) Adaptive and functional communication strategies for
16 communication with a loved one about their substance use disorder,
17 including positive communication skills and strategies to influence
18 motivation and behavioral change;

19 (c) Self-care and means of obtaining support;

20 (d) Means to obtain opioid overdose reversal medication when
21 appropriate and instruction on proper use; and

22 (e) Suicide prevention.

23 (2) The authority and the department of children, youth, and
24 families shall make this training publicly available, and the
25 department of children, youth, and families must promote the training
26 to licensed foster parents and caregivers, including any tribally
27 licensed foster parents and tribal caregivers.

28 NEW SECTION. **Sec. 21.** A new section is added to chapter 43.216
29 RCW to read as follows:

30 The department shall provide opioid overdose reversal medication
31 and training in the use of such medication to all department staff
32 whose job duties require in-person service or case management for
33 child welfare or juvenile rehabilitation clients.

34 **Part VII – Recovery Navigator Programs**

35 NEW SECTION. **Sec. 22.** A new section is added to chapter 71.24
36 RCW to read as follows:

1 (1) The authority must develop and implement a data integration
2 platform by June 30, 2025, to support recovery navigator programs,
3 law enforcement assisted diversion programs, arrest and jail
4 alternative programs, and similar diversion efforts. The data
5 integration platform shall:

6 (a) Serve as a statewide common database available for tracking
7 diversion efforts across the state;

8 (b) Serve as a data collection and management tool for
9 practitioners, allowing practitioners to input data and information
10 relating to the utilization and outcomes of pretrial diversions,
11 including whether such diversions were terminated, were successfully
12 completed and resulted in dismissal, or are still ongoing;

13 (c) Assist in standardizing definitions and practices; and

14 (d) Track pretrial diversion participants by race, ethnicity,
15 gender, gender expression or identity, disability status, and age.

16 (2) If possible, the authority must leverage and interact with
17 existing platforms already in use in efforts funded by the authority.
18 The authority must establish a quality assurance process for
19 behavioral health administrative services organizations and employ
20 data validation for fields in the data collection workbook. The
21 authority must engage and consult with the law enforcement assisted
22 diversion national support bureau on data integration approaches,
23 platforms, quality assurance protocols, and validation practices.

24 (3) Information submitted to the data integration platform is
25 exempt from public disclosure requirements under chapter 42.56 RCW.

26 **Sec. 23.** RCW 42.56.360 and 2020 c 323 s 2 are each amended to
27 read as follows:

28 (1) The following health care information is exempt from
29 disclosure under this chapter:

30 (a) Information obtained by the pharmacy quality assurance
31 commission as provided in RCW 69.45.090;

32 (b) Information obtained by the pharmacy quality assurance
33 commission or the department of health and its representatives as
34 provided in RCW 69.41.044, 69.41.280, and 18.64.420;

35 (c) Information and documents created specifically for, and
36 collected and maintained by a quality improvement committee under RCW
37 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee
38 under RCW 4.24.250, or by a quality assurance committee pursuant to
39 RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW

1 43.70.056, for reporting of health care-associated infections under
2 RCW 43.70.056, a notification of an incident under RCW 70.56.040(5),
3 and reports regarding adverse events under RCW 70.56.020(2)(b),
4 regardless of which agency is in possession of the information and
5 documents;

6 (d)(i) Proprietary financial and commercial information that the
7 submitting entity, with review by the department of health,
8 specifically identifies at the time it is submitted and that is
9 provided to or obtained by the department of health in connection
10 with an application for, or the supervision of, an antitrust
11 exemption sought by the submitting entity under RCW 43.72.310;

12 (ii) If a request for such information is received, the
13 submitting entity must be notified of the request. Within ten
14 business days of receipt of the notice, the submitting entity shall
15 provide a written statement of the continuing need for
16 confidentiality, which shall be provided to the requester. Upon
17 receipt of such notice, the department of health shall continue to
18 treat information designated under this subsection (1)(d) as exempt
19 from disclosure;

20 (iii) If the requester initiates an action to compel disclosure
21 under this chapter, the submitting entity must be joined as a party
22 to demonstrate the continuing need for confidentiality;

23 (e) Records of the entity obtained in an action under RCW
24 18.71.300 through 18.71.340;

25 (f) Complaints filed under chapter 18.130 RCW after July 27,
26 1997, to the extent provided in RCW 18.130.095(1);

27 (g) Information obtained by the department of health under
28 chapter 70.225 RCW;

29 (h) Information collected by the department of health under
30 chapter 70.245 RCW except as provided in RCW 70.245.150;

31 (i) Cardiac and stroke system performance data submitted to
32 national, state, or local data collection systems under RCW
33 70.168.150(2)(b);

34 (j) All documents, including completed forms, received pursuant
35 to a wellness program under RCW 41.04.362, but not statistical
36 reports that do not identify an individual;

37 (k) Data and information exempt from disclosure under RCW
38 43.371.040; (~~and~~)

39 (l) Medical information contained in files and records of members
40 of retirement plans administered by the department of retirement

1 systems or the law enforcement officers' and firefighters' plan 2
2 retirement board, as provided to the department of retirement systems
3 under RCW 41.04.830; and

4 (m) Data submitted to the data integration platform under section
5 22 of this act.

6 (2) Chapter 70.02 RCW applies to public inspection and copying of
7 health care information of patients.

8 (3)(a) Documents related to infant mortality reviews conducted
9 pursuant to RCW 70.05.170 are exempt from disclosure as provided for
10 in RCW 70.05.170(3).

11 (b)(i) If an agency provides copies of public records to another
12 agency that are exempt from public disclosure under this subsection
13 (3), those records remain exempt to the same extent the records were
14 exempt in the possession of the originating entity.

15 (ii) For notice purposes only, agencies providing exempt records
16 under this subsection (3) to other agencies may mark any exempt
17 records as "exempt" so that the receiving agency is aware of the
18 exemption, however whether or not a record is marked exempt does not
19 affect whether the record is actually exempt from disclosure.

20 (4) Information and documents related to maternal mortality
21 reviews conducted pursuant to RCW 70.54.450 are confidential and
22 exempt from public inspection and copying.

23 NEW SECTION. Sec. 24. A new section is added to chapter 71.24
24 RCW to read as follows:

25 (1) The authority shall contract with the Washington state
26 institute for public policy to conduct a study of the long-term
27 effectiveness of the recovery navigator programs under RCW 71.24.115
28 and law enforcement assisted diversion programs under RCW 71.24.589
29 implemented in Washington state, with reports due by June 30, 2028,
30 June 30, 2033, and June 30, 2038, and an assessment as described
31 under subsection (2) of this section. The Washington state institute
32 for public policy shall collaborate with the authority and the
33 substance use recovery services advisory committee under RCW
34 71.24.546 on the topic of data collection and to determine the
35 parameters of the report, which shall include:

36 (a) Recidivism rates for recovery navigator and law enforcement
37 assisted diversion program participants, including a comparison
38 between individuals who did and did not use the pretrial diversion

1 program under section 9 of this act, and outcomes for these
2 individuals;

3 (b) Trends or disparities in utilization of the recovery
4 navigator and LEAD programs and outcomes based on race, ethnicity,
5 gender, gender expression or identity, disability status, age, and
6 other appropriate characteristics; and

7 (c) Recommendations, if any, for modification and improvement of
8 the recovery navigator program or law enforcement assisted diversion
9 programs.

10 (2)(a) The Washington state institute for public policy shall, in
11 consultation with the authority and other key stakeholders, conduct a
12 descriptive assessment of the current status of statewide recovery
13 navigator programs and the degree to which the implementation of
14 these programs reflects fidelity to the core principles of the law
15 enforcement assisted diversion program as established by the law
16 enforcement assisted diversion national support bureau in its toolkit
17 as it existed on May 1, 2023, which shall include:

18 (i) The results of the law enforcement assisted diversion
19 standards fidelity index analysis, conducted by an independent
20 research scientist with expertise in law enforcement assisted
21 diversion evaluation, including findings with respect to each
22 standard assessed, for each recovery navigator program, in each
23 behavioral health administrative services organization region;

24 (ii) Reports on utilization of technical support from the law
25 enforcement assisted diversion national support bureau by recovery
26 navigator program contractors, the authority, and behavioral health
27 administrative services organizations; and

28 (iii) Barriers to achieving fidelity to core principles.

29 (b) The report shall also describe law enforcement assisted
30 diversion programs in Washington state that are not affiliated with
31 recovery navigator programs.

32 (c) The report may include recommendations for changes to
33 recovery navigator programs reported by recovery navigator program
34 administrators, stakeholders, or participants.

35 (d) The authority, behavioral health administrative services
36 organizations, and other recovery navigator program administrators
37 shall cooperate with the institute in making this assessment.

38 (e) The institute shall submit this assessment to the governor
39 and relevant committees of the legislature by June 30, 2024.

1 (3) The authority shall cooperate with the Washington state
2 institute for public policy to provide data for the assessment and
3 reports under this section.

4 (4) The authority must establish an expedited preapproval process
5 by August 1, 2023, that allows requests for the use of data to be
6 forwarded to the Washington state institutional review board without
7 delay when the request is made by the Washington state institute for
8 public policy for the purpose of completing a study that has been
9 directed by the legislature.

10 **Sec. 25.** RCW 71.24.115 and 2021 c 311 s 2 are each amended to
11 read as follows:

12 (1) Each behavioral health administrative services organization
13 shall establish ((a)) recovery navigator ((program)) programs with
14 the goal of providing law enforcement and other criminal legal system
15 personnel with a credible alternative to further legal system
16 involvement for criminal activity that stems from unmet behavioral
17 health needs or poverty. The programs shall work to improve community
18 health and safety by reducing individuals' involvement with the
19 criminal legal system through the use of specific human services
20 tools and in coordination with community input. Each program must
21 include a dedicated project manager and be governed by a policy
22 coordinating group comprised, in alignment with the core principles,
23 of local executive and legislative officials, public safety agencies,
24 including police and prosecutors, and civil rights, public defense,
25 and human services organizations.

26 (2) The recovery navigator programs shall be organized on a scale
27 that permits meaningful engagement, collaboration, and coordination
28 with local law enforcement and municipal agencies through the policy
29 coordinating groups. The ((program)) programs shall provide
30 community-based outreach, intake, assessment, and connection to
31 services and, as appropriate, long-term intensive case management and
32 recovery coaching services, to youth and adults with substance use
33 disorder, including for persons with co-occurring substance use
34 disorders and mental health conditions, who are referred to the
35 program from diverse sources and shall facilitate and coordinate
36 connections to a broad range of community resources for youth and
37 adults with substance use disorder, including treatment and recovery
38 support services. Recovery navigator programs must serve and
39 prioritize individuals who are actually or potentially exposed to the

1 criminal legal system with respect to unlawful behavior connected to
2 substance use or other behavioral health issues.

3 ~~((2) — The))~~ (3) By June 30, 2024, the authority shall
4 ~~((establish))~~ revise its uniform program standards for behavioral
5 health administrative services organizations to follow in the design
6 of their recovery navigator programs to achieve fidelity with the
7 core principles. The uniform program standards must be modeled upon
8 the components of the law enforcement assisted diversion program and
9 address project management, field engagement, biopsychosocial
10 assessment, intensive case management and care coordination,
11 stabilization housing when available and appropriate, and, as
12 necessary, legal system coordination for participants' legal cases
13 that may precede or follow referral to the program. The uniform
14 program standards must incorporate the law enforcement assisted
15 diversion framework for diversion at multiple points of engagement
16 with the criminal legal system, including prearrest, prebooking,
17 prefiling, and for ongoing case conferencing with law enforcement,
18 prosecutors, community stakeholders, and program case managers. The
19 authority must adopt the uniform program standards from the
20 components of the law enforcement assisted diversion program to
21 accommodate an expanded population of persons with substance use
22 disorders, including persons with co-occurring substance use
23 disorders and mental health conditions, ~~((and allow))~~ provide for
24 referrals from a broad range of sources, and require prioritization
25 of those who are or likely will be exposed to the criminal legal
26 system related to their behavioral health challenges. In addition to
27 accepting referrals from law enforcement and courts of limited
28 jurisdiction, the uniform program standards must provide guidance for
29 accepting referrals on behalf of persons with substance use
30 disorders, including persons with co-occurring substance use
31 disorders and mental health conditions, from various sources
32 including, but not limited to, self-referral, family members of the
33 individual, emergency department personnel, persons engaged with
34 serving homeless persons, including those living unsheltered or in
35 encampments, fire department personnel, emergency medical service
36 personnel, community-based organizations, members of the business
37 community, harm reduction program personnel, faith-based organization
38 staff, and other sources within the criminal legal system, ~~((as~~
39 ~~outlined))~~ so that individuals are engaged as early as possible
40 within the sequential intercept model. In developing response time

1 requirements within the statewide program standards, the authority
2 shall require, subject to the availability of amounts appropriated
3 for this specific purpose, that responses to referrals from law
4 enforcement occur immediately for in-custody referrals and shall
5 strive for rapid response times to other appropriate settings such as
6 emergency departments and courts of limited jurisdiction.

7 ~~((3))~~ (4) Subject to the availability of amounts appropriated
8 for this specific purpose, the authority shall provide funding to
9 each behavioral health administrative services organization for the
10 ~~((development of its))~~ continuation of and, as required by this
11 section, the revisions to and reorganization of the recovery
12 navigator ~~((program))~~ programs they fund. Before receiving funding
13 for implementation and ongoing administration, each behavioral health
14 administrative services organization must submit a program plan that
15 demonstrates the ability to fully comply with statewide program
16 standards. The authority shall establish a schedule for the regular
17 review of recovery navigator programs funded by behavioral health
18 administrative services ~~((organizations' programs))~~ organizations.
19 The authority shall arrange for technical assistance to be provided
20 by the LEAD national support bureau to all behavioral health
21 administrative services organizations, the authority, contracted
22 providers, and independent stakeholders and partners, such as
23 prosecuting attorneys and law enforcement.

24 ~~((4))~~ (5) Each behavioral health administrative services
25 organization must have a substance use disorder regional
26 administrator for its recovery navigator program. The regional
27 administrator shall be responsible for assuring compliance with
28 program standards, including staffing standards. Each recovery
29 navigator program must maintain a sufficient number of appropriately
30 trained personnel for providing intake and referral services,
31 conducting comprehensive biopsychosocial assessments, providing
32 intensive case management services, and making warm handoffs to
33 treatment and recovery support services along the continuum of care.
34 Program staff must include people with lived experience with
35 substance use disorder to the extent possible. The substance use
36 disorder regional administrator must assure that staff who are
37 conducting intake and referral services and field assessments are
38 paid a livable and competitive wage and have appropriate initial
39 training and receive continuing education.

1 ~~((5))~~ (6) Each recovery navigator program must submit quarterly
2 reports to the authority with information identified by the authority
3 and the substance use recovery services advisory committee. The
4 reports must be provided to the substance use recovery services
5 advisory committee for discussion at meetings following the
6 submission of the reports.

7 (7) No civil liability may be imposed by any court on the state
8 or its officers or employees, an appointed or elected official,
9 public employee, public agency as defined in RCW 4.24.470,
10 combination of units of government and its employees as provided in
11 RCW 36.28A.010, nonprofit community-based organization, tribal
12 government entity, tribal organization, or urban Indian organization,
13 based on the administration of a recovery navigator program except
14 upon proof of bad faith or gross negligence.

15 (8) For the purposes of this section, the term "core principles"
16 means the core principles of a law enforcement assisted diversion
17 program, as established by the law enforcement assisted diversion
18 national support bureau in its toolkit, as it existed on May 1, 2023.

19 **Part VIII - Establishing a Pilot Program for Health Engagement Hubs**

20 NEW SECTION. **Sec. 26.** A new section is added to chapter 71.24
21 RCW to read as follows:

22 (1)(a) The authority shall implement a pilot program for health
23 engagement hubs by August 1, 2024. The pilot program will test the
24 functionality and operability of health engagement hubs, including
25 whether and how to incorporate and build on existing medical, harm
26 reduction, treatment, and social services in order to create an all-
27 in-one location where people who use drugs can access such services.

28 (b) Subject to amounts appropriated, the authority shall
29 establish pilot programs on at least two sites, with one site located
30 in an urban area and one located in a rural area.

31 (c) The authority shall report on the pilot program results,
32 including recommendations for expansion, and rules and payment
33 structures, to the legislature no later than August 1, 2026.

34 (2) The authority shall develop payment structures for health
35 engagement hubs by June 30, 2024. Subject to the availability of
36 funds appropriated for this purpose, and to the extent allowed under
37 federal law, the authority shall direct medicaid managed care
38 organizations to adopt a value-based bundled payment methodology in

1 contracts with health engagement hubs and other opioid treatment
2 providers. The authority shall not implement this requirement in
3 managed care contracts unless expressly authorized by the
4 legislature.

5 (3) A health engagement hub is intended to:

6 (a) Serve as an all-in-one location where people who use drugs
7 can access a range of medical, harm reduction, treatment, and social
8 services;

9 (b) Be affiliated with existing syringe service programs,
10 federally qualified health centers, community health centers,
11 overdose prevention sites, safe consumption sites, patient-centered
12 medical homes, tribal behavioral health programs, peer run
13 organizations such as clubhouses, services for unhoused people,
14 supportive housing, and opioid treatment programs including mobile
15 and fixed-site medication units established under an opioid treatment
16 program, or other appropriate entity;

17 (c) Provide referrals or access to methadone and other
18 medications for opioid use disorder;

19 (d) Function as a patient-centered medical home by offering high-
20 quality, cost-effective patient-centered care, including wound care;

21 (e) Provide harm reduction services and supplies;

22 (f) Provide linkage to housing, transportation, and other support
23 services; and

24 (g) Be open to youth as well as adults.

25 **Part IX - Education and Employment Pathways**

26 NEW SECTION. **Sec. 27.** A new section is added to chapter 71.24
27 RCW to read as follows:

28 Subject to funding provided for this specific purpose, the
29 authority shall establish a grant program for providers of
30 employment, education, training, certification, and other supportive
31 programs designed to provide persons recovering from a substance use
32 disorder with employment and education opportunities. The grant
33 program shall employ a low-barrier application and give priority to
34 programs that engage with black, indigenous, persons of color, and
35 other historically underserved communities.

36 **Part X - Providing a Statewide Directory of Recovery Services**

1 NEW SECTION. **Sec. 28.** A new section is added to chapter 71.24
2 RCW to read as follows:

3 Subject to funding provided for this specific purpose, the
4 authority must collaborate with the department and the department of
5 social and health services to expand the Washington recovery helpline
6 and the recovery readiness asset tool to provide a dynamically
7 updated statewide behavioral health treatment and recovery support
8 services mapping tool that includes a robust resource database for
9 those seeking services and a referral system to be incorporated
10 within the locator tool to help facilitate the connection between an
11 individual and a facility that is currently accepting new referrals.
12 The tool must include dual interface capability, one for public
13 access and one for internal use and management.

14 **Part XI - Investing Adequately in Statewide Diversion Services**

15 NEW SECTION. **Sec. 29.** The appropriations in this section are
16 provided to the department of health and are subject to the following
17 conditions and limitations:

18 The following sums, or so much thereof as may be necessary, are
19 each appropriated: \$47,000 from the state general fund-local for the
20 fiscal biennium ending June 30, 2025; and \$13,000 from the health
21 professions account for the fiscal biennium ending June 30, 2025. The
22 amounts in this section are provided solely for the department of
23 health to adopt rules related to mobile medication units and conduct
24 inspections for such units under RCW 71.24.590.

25 NEW SECTION. **Sec. 30.** The appropriations in this section are
26 provided to the department of revenue and are subject to the
27 following conditions and limitations:

28 The following sums, or so much thereof as may be necessary, are
29 each appropriated: \$594,000 from the state general fund for the
30 fiscal year ending June 30, 2024; and \$140,000 from the state general
31 fund for the fiscal year ending June 30, 2025. The amounts in this
32 section are provided solely for the department of revenue to
33 administer the recovery residence tax exemption created in RCW
34 84.36.043.

1 NEW SECTION. **Sec. 31.** The appropriation in this section is
2 provided to the joint legislative audit and review committee and is
3 subject to the following conditions and limitations:

4 The sum of \$23,000, or as much thereof as may be necessary, is
5 appropriated for the fiscal biennium ending June 30, 2025, from the
6 performance audits of government account. The amount in this section
7 is provided solely for the purposes of conducting a tax preference
8 review of the property tax exemption for recovery residences under
9 RCW 84.36.043.

10 NEW SECTION. **Sec. 32.** The appropriation in this section is
11 provided to the Washington state patrol and is subject to the
12 following conditions and limitations:

13 The following sums, or so much thereof as may be necessary, are
14 each appropriated: \$813,000 from the state general fund for the
15 fiscal year ending June 30, 2024; and \$450,000 from the state general
16 fund for the fiscal year ending June 30, 2025. The amounts in this
17 section are provided solely to support the Washington state patrol
18 bureau of forensic laboratory services in completing the necessary
19 analysis for any evidence submitted for a suspected violation of RCW
20 69.50.4011(1)(b), 69.50.4013, or 69.41.030 within 45 days of receipt
21 of the request for analysis.

22 NEW SECTION. **Sec. 33.** The appropriations in this section are
23 provided to the state health care authority and are subject to the
24 following conditions and limitations:

25 (1) The sum of \$3,600,000, or as much thereof as may be
26 necessary, is appropriated for the fiscal biennium ending June 30,
27 2025, from the opioid abatement settlement account. The amount in
28 this subsection is provided solely for the purposes of maintaining a
29 memorandum of understanding with the criminal justice training
30 commission to provide ongoing funding for community grants under RCW
31 36.28A.450.

32 (2) The following sums, or so much thereof as may be necessary,
33 are each appropriated: \$3,783,000 from the opioid abatement
34 settlement account for the fiscal biennium ending June 30, 2025; and
35 \$3,810,000 from the general fund-federal for the fiscal biennium
36 ending June 30, 2025. The amounts in this subsection are provided
37 solely for the administration of this act.

1 (3) The following sums, or so much thereof as may be necessary,
2 are each appropriated: \$1,000,000 from the state general fund for the
3 fiscal year ending June 30, 2024; and \$1,000,000 from the state
4 general fund for the fiscal year ending June 30, 2025. The amounts in
5 this subsection are provided solely for the authority to award grants
6 to crisis services providers to establish and expand 23-hour crisis
7 relief center capacity. It is the intent of the legislature that
8 grants are awarded to an equivalent number of providers to the west
9 and the east of the Cascade mountains. The authority must consider
10 the geographic distribution of proposed grant applicants and the
11 regional need for 23-hour crisis relief centers when awarding grant
12 funds.

13 (4) The sum of \$4,000,000, or as much thereof as may be
14 necessary, is appropriated for the fiscal biennium ending June 30,
15 2025, from the opioid abatement settlement account. The amount in
16 this subsection is provided solely for the authority to establish a
17 health engagement hub pilot program to include both urban and rural
18 locations under section 26 of this act.

19 (5) The sum of \$3,768,000, or as much thereof as may be
20 necessary, is appropriated for the fiscal biennium ending June 30,
21 2025, from the opioid abatement settlement account. The amount in
22 this subsection is provided solely for the authority to increase the
23 number of mobile methadone units operated by existing opioid
24 treatment providers, increase the number of opioid treatment provider
25 fixed medication units operated by existing opioid treatment
26 providers, and to expand opioid treatment programs with a
27 prioritization for rural areas.

28 (6) The sum of \$5,242,000, or as much thereof as may be
29 necessary, is appropriated for the fiscal biennium ending June 30,
30 2025, from the opioid abatement settlement account. The amount in
31 this subsection is provided solely for the authority to provide
32 grants to providers of employment and educational services to
33 individuals with substance use disorder under section 27 of this act.

34 (7) The following sums, or so much thereof as may be necessary,
35 are each appropriated: \$750,000 from the state general fund for the
36 fiscal year ending June 30, 2024; \$750,000 from the state general
37 fund for the fiscal year ending June 30, 2025; and \$500,000 from the
38 opioid abatement settlement account for the fiscal biennium ending
39 June 30, 2025. The amounts in this subsection are provided solely for

1 the authority to provide grants to support substance use disorder
2 family navigator programs.

3 (8) The following sums, or so much thereof as may be necessary,
4 are each appropriated: \$2,500,000 from the state general fund for the
5 fiscal year ending June 30, 2024; and \$2,500,000 from the state
6 general fund for the fiscal year ending June 30, 2025. The amounts in
7 this subsection are provided solely for the authority to provide
8 short-term housing vouchers for individuals with substance use
9 disorders, with a focus on providing such resources to people in the
10 five most populous counties of the state.

11 (9) The following sums, or so much thereof as may be necessary,
12 are each appropriated: \$2,000,000 from the state general fund for the
13 fiscal year ending June 30, 2024; and \$2,000,000 from the state
14 general fund for the fiscal year ending June 30, 2025. The amounts in
15 this subsection are provided solely for the authority to provide
16 grants for the operational costs of new staffed recovery residences
17 which serve individuals with substance use disorders who require more
18 support than a level 1 recovery residence, with a focus on providing
19 grants to recovery residences which serve individuals in the five
20 most populous counties of the state.

21 (10) The following sums, or so much thereof as may be necessary,
22 are each appropriated: \$1,000,000 from the state general fund for the
23 fiscal year ending June 30, 2024; and \$1,000,000 from the state
24 general fund for the fiscal year ending June 30, 2025. The amounts in
25 this subsection are provided solely for the authority to support the
26 provision of behavioral health co-responder services on nonlaw
27 enforcement emergency medical response teams.

28 (11) The following sums, or so much thereof as may be necessary,
29 are each appropriated: \$250,000 from the state general fund for the
30 fiscal year ending June 30, 2024; and \$250,000 from the state general
31 fund for the fiscal year ending June 30, 2025. The amounts in this
32 subsection are provided solely for the authority to continue and
33 increase a contract for services funded in section 215(127), chapter
34 297, Laws of 2022 (ESSB 5693) to provide information and support
35 related to safe housing and support services for youth exiting
36 inpatient mental health and/or substance use disorder facilities to
37 stakeholders, inpatient treatment facilities, young people, and other
38 community providers that serve unaccompanied youth and young adults.

1 NEW SECTION. **Sec. 34.** The appropriations in this section are
2 provided to the department of commerce and are subject to the
3 following conditions and limitations:

4 The following sums, or so much thereof as may be necessary, are
5 each appropriated: \$650,000 from the state general fund for the
6 fiscal year ending June 30, 2024; and \$650,000 from the state general
7 fund for the fiscal year ending June 30, 2025. The amounts in this
8 section are provided solely for the office of homeless youth to
9 administer a competitive grant process to award funding to licensed
10 youth shelters, HOPE centers, and crisis residential centers to
11 provide behavioral health support services, including substance use
12 disorder services, for youth in crisis, and to increase funding for
13 current grantees.

14 **Part XII – Streamlining Substance Use Disorder Treatment Assessments**

15 NEW SECTION. **Sec. 35.** A new section is added to chapter 71.24
16 RCW to read as follows:

17 (1) The authority shall convene a work group to recommend changes
18 to systems, policies, and processes related to intake, screening, and
19 assessment for substance use disorder services, with the goal to
20 broaden the workforce capable of administering substance use disorder
21 assessments and to make the assessment process as brief as possible,
22 including only what is necessary to manage utilization and initiate
23 care. The assessment shall be low barrier, person-centered, and
24 amenable to administration in diverse health care settings and by a
25 range of health care professionals. The assessment shall consider the
26 person's self-identified needs and preferences when evaluating
27 direction of treatment and may include different components based on
28 the setting, context, and past experience with the client.

29 (2) The work group must include care providers, payors, people
30 who use drugs, individuals in recovery from substance use disorder,
31 and other individuals recommended by the authority. The work group
32 shall present its recommendations to the governor and appropriate
33 committees of the legislature by December 1, 2024.

34 **Sec. 36.** RCW 18.64.600 and 2020 c 244 s 2 are each amended to
35 read as follows:

36 (1) The license of location for a pharmacy licensed under this
37 chapter may be extended to a remote dispensing site where technology

1 is used to dispense medications (~~approved by the United States food~~
2 ~~and drug administration~~) used for the treatment of opioid use
3 disorder or its symptoms.

4 (2) In order for a pharmacy to use remote dispensing sites, a
5 pharmacy must register each separate remote dispensing site with the
6 commission.

7 (3) The commission shall adopt rules that establish minimum
8 standards for remote dispensing sites registered under this section.
9 The minimum standards shall address who may retrieve medications for
10 opioid use disorder stored in or at a remote dispensing site pursuant
11 to a valid prescription or chart order. The minimum standards must
12 require the pharmacy be responsible for stocking and maintaining a
13 perpetual inventory of the medications for opioid use disorder stored
14 in or at the registered remote dispensing site. The dispensing
15 technology may be owned by either the pharmacy or the registered
16 remote dispensing site.

17 (4) The secretary may adopt rules to establish a reasonable fee
18 for obtaining and renewing a registration issued under this section.

19 (5) The registration issued under this section will be considered
20 as part of the pharmacy license issued under RCW 18.64.043. If the
21 underlying pharmacy license is not active, then the registration
22 shall be considered inoperable by operation of law.

23 **Part XIII - Health Care Authority Comprehensive Data Reporting**
24 **Requirements**

25 NEW SECTION. **Sec. 37.** A new section is added to chapter 71.24
26 RCW to read as follows:

27 (1) The authority is responsible for providing regular
28 assessments of the prevalence of substance use disorders and
29 interactions of persons with substance use disorder with service
30 providers, nonprofit service providers, first responders, health care
31 facilities, and law enforcement agencies. Beginning in 2026, the
32 annual report required in subsection (3)(a) of this section shall
33 include a comprehensive assessment of the information described in
34 this subsection for the prior calendar year.

35 (2)(a) The authority shall identify the types and sources of data
36 necessary to implement the appropriate means and methods of gathering
37 data to provide the information required in subsection (1) of this
38 section.

1 (b) The authority must provide a preliminary inventory report to
2 the governor and the legislature by December 1, 2023, and a final
3 inventory report by December 1, 2024. The reports must:

4 (i) Identify existing types and sources of data available to the
5 authority to provide the information required in subsection (1) of
6 this section and what data are necessary but currently unavailable to
7 the authority;

8 (ii) Include recommendations for new data connections, new data-
9 sharing authority, and sources of data that are necessary to provide
10 the information required in subsection (1) of this section; and

11 (iii) Include recommendations, including any necessary
12 legislation, regarding the development of reporting mechanisms
13 between the authority and service providers, nonprofit service
14 providers, health care facilities, law enforcement agencies, and
15 other state agencies to gather the information required in subsection
16 (1) of this section.

17 (3) (a) Beginning July 1, 2024, and each July 1st thereafter until
18 July 1, 2028, the authority shall provide an implementation report to
19 the governor and the legislature regarding recovery residences,
20 recovery navigator programs, the health engagement pilot programs,
21 and the law enforcement assisted diversion grants program. The report
22 shall include:

23 (i) The number of contracts awarded to law enforcement assisted
24 diversion programs, including the amount awarded in the contract, and
25 the names and service locations of contract recipients;

26 (ii) The location of recovery residences, recovery navigator
27 programs, health engagement hub pilot programs, and law enforcement
28 assisted diversion programs;

29 (iii) The scope and nature of services provided by recovery
30 navigator programs, health engagement hub pilot programs, and law
31 enforcement assisted diversion programs;

32 (iv) The number of individuals served by recovery residences,
33 recovery navigator programs, health engagement hub pilot programs,
34 and law enforcement assisted diversion programs;

35 (v) If known, demographic data concerning the utilization of
36 these services by overburdened and underrepresented communities; and

37 (vi) The number of grants awarded to providers of employment,
38 education, training, certification, and other supportive programs,
39 including the amount awarded in each grant and the names of provider
40 grant recipients, as provided for in section 27 of this act.

1 (b) The data obtained by the authority under this section shall
2 be integrated with the Washington state institute for public policy
3 report under section 24 of this act.

4 (4) Beginning in the July 1, 2027, report in subsection (3)(a) of
5 this section, the authority shall provide:

6 (a) The results and effectiveness of the authority's
7 collaboration with the department of health and the department of
8 social and health services to expand the Washington recovery helpline
9 and recovery readiness asset tool to provide a dynamically updated
10 statewide behavioral health treatment and recovery support services
11 mapping tool, including the results and effectiveness with respect to
12 overburdened and underrepresented communities, in accordance with
13 section 28 of this act;

14 (b) The results and effectiveness of the authority's development
15 and implementation of a data integration platform to support recovery
16 navigator programs and to serve as a common database available for
17 diversion efforts across the state, including the results and
18 effectiveness with respect to overburdened and underrepresented
19 communities, as provided in section 22 of this act;

20 (c) The effectiveness and outcomes of training developed and
21 provided by the authority in consultation with the department of
22 children, youth, and families, as provided in section 20 of this act;
23 and

24 (d) The effectiveness and outcomes of training developed by the
25 authority for housing providers, as provided in section 17(4) of this
26 act.

27 **Part XIV - Miscellaneous Provisions**

28 NEW SECTION. **Sec. 38.** Section 6 of this act takes effect
29 January 1, 2025.

30 **Sec. 39.** 2021 c 311 s 29 (uncodified) is amended to read as
31 follows:

32 Sections 8 through 10(~~(7)~~) and 12(~~(7, 15, and 16)~~) of this act
33 expire July 1, 2023.

34 NEW SECTION. **Sec. 40.** Sections 1 through 5, 7 through 11, and
35 39 of this act are necessary for the immediate preservation of the

1 public peace, health, or safety, or support of the state government
2 and its existing public institutions, and take effect July 1, 2023.

3 NEW SECTION. **Sec. 41.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected."

7 Correct the title.

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