

# HOUSE BILL REPORT

## SHB 2396

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### As Passed Legislature

**Title:** An act relating to fentanyl and other synthetic opioids.

**Brief Description:** Concerning fentanyl and other synthetic opioids.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Mosbrucker, Davis, Couture, Rule, Barkis, Jacobsen and Pollet).

### Brief History:

#### Committee Activity:

Health Care & Wellness: 1/26/24, 1/31/24 [DPS].

#### Floor Activity:

Passed House: 2/8/24, 95-0.

Senate Amended.

Passed Senate: 2/29/24, 49-0.

House Concurred.

Passed House: 3/5/24, 96-0.

Passed Legislature.

### Brief Summary of Substitute Bill

- Imposes minimum standards on public outreach campaigns on the dangers of fentanyl and other synthetic opioids.
- Requires the Department of Health to compile resources on decontaminating motor vehicles.
- Requires jails to provide individuals with information on substance use disorder treatment programs upon release.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Signed by 17 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Bronoske, Caldier, Davis, Graham, Harris, Macri, Maycumber, Mosbrucker, Orwall, Simmons, Stonier, Thai and Tharinger.

**Staff:** Jim Morishima (786-7191).

**Background:**

Synthetic opioids are artificially created substances that act on the same neurological processes as natural opioids, which are based on naturally occurring substances derived from the poppy plant. Some synthetic opioids, like methadone and fentanyl, are approved for medical use, but must be prescribed by an authorized health care provider.

Unlawful possession of a controlled substance, including synthetic opioids like fentanyl, is a gross misdemeanor. It is also a gross misdemeanor to knowingly use a controlled substance in public without a valid prescription. When a law enforcement officer has reasonable cause to believe an individual has committed a crime, the officer is authorized and encouraged to refer that individual to specified alternatives to arrest if the individual has a known history or consultation with the behavioral health system. Those alternatives include crisis stabilization, crisis relief, and outpatient treatment.

The Health Care Authority (HCA) is required, through the biennial budget, to conduct various opioid awareness campaigns for various purposes, including harm reduction, overdose prevention, secondary prevention, and youth prevention. The HCA is required to consult with the Department of Health when conducting these public awareness efforts.

**Summary of Substitute Bill:**

Public Awareness Campaigns.

When conducting a public outreach campaign on the dangers of fentanyl and other synthetic opioids the Department of Health (DOH) must, if appropriate and practicable, ensure that campaign materials are culturally appropriate, accessible in other languages, and accessible to the deaf and blind communities. When designing a public outreach campaign, the DOH must consider using the phrase "Not Even Once" where appropriate.

Decontaminating Motor Vehicles.

Subject to appropriated funds, the DOH, in consultation with the Washington Poison Center, must compile resources on how to decontaminate motor vehicles of fentanyl residue or the residue of other synthetic opioids. By January 1, 2025, the DOH must make the materials available to law enforcement agencies for the purpose of providing them to individuals who recover a stolen vehicle or purchase a vehicle seized by a law enforcement agency.

Providing Information to Individuals in Custody.

When a jail releases any individual from custody, it must provide the individual with information on the availability of substance use disorder treatment programs relating to addictions to fentanyl and other synthetic opioids, including the services that law enforcement officers are encouraged to offer individuals suspected of committing crimes.

Short Title.

The act may be known and cited as "Ivan's Law."

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) According to the Centers for Disease Control and Prevention, fentanyl is significantly stronger than morphine. The drug can be helpful in health care settings, but illegal fentanyl on the streets is a problem. There is a major pandemic of opioids and fentanyl. Almost everyone knows of someone with a heartbreaking story around this drug. People who are addicted to fentanyl are not bad people. Addiction is a choice until the drugs take away that choice. People who are addicted to opioids are begging for help, but sometimes are unable to get it. Funding is needed to connect people to the first steps toward wellness. People addicted to opioids need to be connected to treatment as quickly as possible. Kids are dying and an entire generation is being lost.

It is hard to measure the size of this problem without precise numbers. One of the barriers to getting better numbers is financial, which is why this bill sets up a grant program. Fentanyl tests can be helpful, but the ordering providers need expertise and training.

Regarding motor vehicles, it is not uncommon for car thieves to smoke fentanyl in cars. People are getting accidentally exposed to these drugs in cars and buses. The Washington Poison Center has expertise in this area.

People do not realize that if they do fentanyl once, they can get hooked. The drug takes over and people lose control. Outreach is important.

People do not make good decisions when they are high. When people are released from jail, they are sober and can be more receptive to treatment. People incarcerated in jails are at high risk of overdose upon release because their tolerance has decreased. They should be offered a treatment bed instead of heading back to a dealer.

(Opposed) None.

**Persons Testifying:** Representative Gina Mosbrucker, prime sponsor; Melissa Howtopat; Jeremy Takala, Yakama Nation; Scott Phillips, Washington Poison Center; Katie Kolan, Washington State Hospital Association; James McMahan, Washington Association of Sheriffs and Police Chiefs; and Jordan Foley.

**Persons Signed In To Testify But Not Testifying:** None.