

---

**SUBSTITUTE SENATE BILL 5536**

---

**State of Washington****68th Legislature****2023 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Lias, Lovelett, Nobles, Randall, Stanford, Wellman, and C. Wilson)

READ FIRST TIME 02/10/23.

1 AN ACT Relating to justice system and behavioral health responses  
2 for persons experiencing circumstances that involve controlled  
3 substances, counterfeit substances, legend drugs, and drug  
4 paraphernalia; amending RCW 69.50.4011, 69.50.4013, 69.50.4014,  
5 69.41.030, 69.50.509, 69.50.4121, 9.96.060, 36.70A.200, 71.24.590,  
6 and 84.36.043; amending 2021 c 311 s 29 (uncodified); adding new  
7 sections to chapter 69.50 RCW; adding a new section to chapter 43.330  
8 RCW; adding a new section to chapter 26.12 RCW; adding new sections  
9 to chapter 71.24 RCW; adding new sections to chapter 43.216 RCW;  
10 creating new sections; repealing RCW 10.31.115; prescribing  
11 penalties; and making appropriations.

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

13 NEW SECTION. **Sec. 1.** The legislature finds that substance use  
14 disorders are a public health issue. Solutions must address not only  
15 the criminal legal response, but be data-driven, evidence-based, and  
16 represent best practices, working directly with people who use drugs  
17 to prevent overdose and infectious disease transmission, and improve  
18 the physical, mental, and social well-being of those served. The  
19 state must follow principles of harm reduction, which means practical  
20 strategies aimed at reducing negative consequences associated with  
21 drug use. Harm reduction involves safer use of supplies as well as

1 care settings, staffing, and interactions that are person-centered,  
2 supportive, and welcoming.

3 The legislature finds that the recommendations of the substance  
4 use recovery services advisory committee reflect hours of diligent  
5 work by individuals with a range of professional and personal  
6 experience, who brought that experience to the committee, and whose  
7 expertise is reflected in the recommendations.

8 **Part I - Prohibiting Knowing Possession of a Controlled Substance,**  
9 **Counterfeit Substance, or Legend Drug**

10 **Sec. 2.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to  
11 read as follows:

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

14 (a) Create or deliver a counterfeit substance; or

15 (b) Knowingly possess a counterfeit substance.

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

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

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

27 (c) Any other counterfeit substance classified in Schedule I, II,  
28 or III, is guilty of a class C felony punishable according to chapter  
29 9A.20 RCW;

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

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

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

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

10 (c) Upon arraignment for a violation of subsection (1)(b) of this  
11 section, the court shall advise the defendant of the pretrial  
12 diversion program as indicated in section 9(1) of this act.

13 **Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to  
14 read as follows:

15 (1) It is unlawful for any person to knowingly possess a  
16 controlled substance unless the substance was obtained directly from,  
17 or pursuant to, a valid prescription or order of a practitioner while  
18 acting in the course of his or her professional practice, or except  
19 as otherwise authorized by this chapter.

20 (2) (a) Except as provided in RCW 69.50.4014, ((any person who  
21 violates this section is guilty of a class C felony punishable under  
22 chapter 9A.20 RCW)) a violation of this section is a gross  
23 misdemeanor. The prosecutor is encouraged to divert such cases for  
24 assessment, treatment, or other services.

25 (b) In lieu of jail booking and referral to the prosecutor, law  
26 enforcement is encouraged to offer a referral to assessment and  
27 services available under RCW 10.31.110 or other program or entity  
28 responsible for receiving referrals in lieu of legal system  
29 involvement, which may include, but are not limited to, arrest and  
30 jail alternative programs established under RCW 36.28A.450, law  
31 enforcement assisted diversion programs established under RCW  
32 71.24.589, and the recovery navigator program established under RCW  
33 71.24.115.

34 (c) Upon arraignment for a violation of this section, the court  
35 shall advise the defendant of the availability of the pretrial  
36 diversion program as indicated in section 9(1) of this act.

37 (3) (a) The possession, by a person (~~twenty-one~~) 21 years of age  
38 or older, of useable cannabis, cannabis concentrates, or cannabis-  
39 infused products in amounts that do not exceed those set forth in RCW

1 69.50.360(3) is not a violation of this section, this chapter, or any  
2 other provision of Washington state law.

3 (b) The possession of cannabis, useable cannabis, cannabis  
4 concentrates, and cannabis-infused products being physically  
5 transported or delivered within the state, in amounts not exceeding  
6 those that may be established under RCW 69.50.385(3), by a licensed  
7 employee of a common carrier when performing the duties authorized in  
8 accordance with RCW 69.50.382 and 69.50.385, is not a violation of  
9 this section, this chapter, or any other provision of Washington  
10 state law.

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

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

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

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

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

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

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

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

30 (5) No person under (~~(twenty-one)~~) 21 years of age may  
31 (~~(possess,)~~) manufacture, sell, (~~(or)~~) distribute, or knowingly  
32 possess cannabis, cannabis-infused products, or cannabis  
33 concentrates, regardless of THC concentration. This does not include  
34 qualifying patients with a valid authorization.

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

1       **Sec. 4.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to  
2 read as follows:

3       (1) Except as provided in RCW 69.50.401(2)(c) or as otherwise  
4 authorized by this chapter, any person found guilty of knowing  
5 possession of ((~~forty~~)) 40 grams or less of cannabis is guilty of a  
6 misdemeanor. The prosecutor is encouraged to divert such cases for  
7 assessment, treatment, or other services.

8       (2) In lieu of jail booking and referral to the prosecutor, law  
9 enforcement is encouraged to offer a referral to assessment and  
10 services available under RCW 10.31.110 or other program or entity  
11 responsible for receiving referrals in lieu of legal system  
12 involvement, which may include, but are not limited to, arrest and  
13 jail alternative programs established under RCW 36.28A.450, law  
14 enforcement assisted diversion programs established under RCW  
15 71.24.589, and the recovery navigator program established under RCW  
16 71.24.115.

17       (3) Upon arraignment for violation of this section, the court  
18 shall advise the defendant of the availability of the pretrial  
19 diversion program as indicated in section 9(1) of this act.

20       **Sec. 5.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to  
21 read as follows:

22       (1) It shall be unlawful for any person to sell((~~7~~)) or deliver  
23 any legend drug, or knowingly possess any legend drug except upon the  
24 order or prescription of a physician under chapter 18.71 RCW, an  
25 osteopathic physician and surgeon under chapter 18.57 RCW, an  
26 optometrist licensed under chapter 18.53 RCW who is certified by the  
27 optometry board under RCW 18.53.010, a dentist under chapter 18.32  
28 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a  
29 veterinarian under chapter 18.92 RCW, a commissioned medical or  
30 dental officer in the United States armed forces or public health  
31 service in the discharge of his or her official duties, a duly  
32 licensed physician or dentist employed by the veterans administration  
33 in the discharge of his or her official duties, a registered nurse or  
34 advanced registered nurse practitioner under chapter 18.79 RCW when  
35 authorized by the nursing care quality assurance commission, a  
36 pharmacist licensed under chapter 18.64 RCW to the extent permitted  
37 by drug therapy guidelines or protocols established under RCW  
38 18.64.011 and authorized by the commission and approved by a  
39 practitioner authorized to prescribe drugs, a physician assistant

1 under chapter 18.71A RCW when authorized by the Washington medical  
2 commission, or any of the following professionals in any province of  
3 Canada that shares a common border with the state of Washington or in  
4 any state of the United States: A physician licensed to practice  
5 medicine and surgery or a physician licensed to practice osteopathic  
6 medicine and surgery, a dentist licensed to practice dentistry, a  
7 podiatric physician and surgeon licensed to practice podiatric  
8 medicine and surgery, a licensed advanced registered nurse  
9 practitioner, a licensed physician assistant, or a veterinarian  
10 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the  
11 above provisions shall not apply to sale, delivery, or possession by  
12 drug wholesalers or drug manufacturers, or their agents or employees,  
13 or to any practitioner acting within the scope of his or her license,  
14 or to a common or contract carrier or warehouse operator, or any  
15 employee thereof, whose possession of any legend drug is in the usual  
16 course of business or employment: PROVIDED FURTHER, That nothing in  
17 this chapter or chapter 18.64 RCW shall prevent a family planning  
18 clinic that is under contract with the health care authority from  
19 selling, delivering, possessing, and dispensing commercially  
20 prepackaged oral contraceptives prescribed by authorized, licensed  
21 health care practitioners: PROVIDED FURTHER, That nothing in this  
22 chapter prohibits possession or delivery of legend drugs by an  
23 authorized collector or other person participating in the operation  
24 of a drug take-back program authorized in chapter 69.48 RCW.

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

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

31 (c) In lieu of jail booking and referral to the prosecutor for a  
32 violation of this section involving knowing possession, law  
33 enforcement is encouraged to offer a referral to assessment and  
34 services available under RCW 10.31.110 or other program or entity  
35 responsible for receiving referrals in lieu of legal system  
36 involvement, which may include, but are not limited to, arrest and  
37 jail alternative programs established under RCW 36.28A.450, law  
38 enforcement assisted diversion programs established under RCW  
39 71.24.589, and the recovery navigator program established under RCW  
40 71.24.115.

1 (d) Upon arraignment for a violation of this section involving  
2 knowing possession, the court shall advise the defendant of the  
3 availability of the pretrial diversion program as indicated in  
4 section 9(1) of this act.

5 **Sec. 6.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to  
6 read as follows:

7 If, upon the sworn complaint of any person, it shall be made to  
8 appear to any judge of the superior court, district court, or  
9 municipal court that there is probable cause to believe that any  
10 controlled substance is being used, manufactured, sold, bartered,  
11 exchanged, administered, dispensed, delivered, distributed, produced,  
12 knowingly possessed, given away, furnished or otherwise disposed of  
13 or kept in violation of the provisions of this chapter, such judge  
14 shall, with or without the approval of the prosecuting attorney,  
15 issue a warrant directed to any law enforcement officer of the state,  
16 commanding him or her to search the premises designated and described  
17 in such complaint and warrant, and to seize all controlled substances  
18 there found, together with the vessels in which they are contained,  
19 and all implements, furniture and fixtures used or kept for the  
20 illegal manufacture, sale, barter, exchange, administering,  
21 dispensing, delivering, distributing, producing, possessing, giving  
22 away, furnishing or otherwise disposing of such controlled  
23 substances, and to safely keep the same, and to make a return of said  
24 warrant within three days, showing all acts and things done  
25 thereunder, with a particular statement of all articles seized and  
26 the name of the person or persons in whose possession the same were  
27 found, if any, and if no person be found in the possession of said  
28 articles, the returns shall so state. The provisions of RCW 10.31.030  
29 as now or hereafter amended shall apply to actions taken pursuant to  
30 this chapter.

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

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

34 (1) Every person who sells (~~or gives,~~) or permits to be sold  
35 (~~or given~~) to any person any drug paraphernalia in any form commits  
36 a class I civil infraction under chapter 7.80 RCW. For purposes of  
37 this subsection, "drug paraphernalia" means all equipment, products,

1 and materials of any kind which are used, intended for use, or  
2 designed for use in planting, propagating, cultivating, growing,  
3 harvesting, manufacturing, compounding, converting, producing,  
4 processing, preparing, (~~(testing, —analyzing,)~~) packaging,  
5 repackaging, storing, containing, concealing, injecting, ingesting,  
6 inhaling, or otherwise introducing into the human body a controlled  
7 substance other than cannabis. Drug paraphernalia includes, but is  
8 not limited to objects used, intended for use, or designed for use in  
9 ingesting, inhaling, or otherwise introducing cocaine into the human  
10 body, such as:

11 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic  
12 pipes with or without screens, permanent screens, hashish heads, or  
13 punctured metal bowls;

14 (b) Water pipes;

15 (c) Carburetion tubes and devices;

16 (d) Smoking and carburetion masks;

17 (e) Miniature cocaine spoons and cocaine vials;

18 (f) Chamber pipes;

19 (g) Carburetor pipes;

20 (h) Electric pipes;

21 (i) Air-driven pipes; and

22 (j) Ice pipes or chillers.

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

26 (3) Nothing in subsection (1) of this section prohibits (~~(legal)~~)  
27 distribution of public health supplies, including injection syringe  
28 equipment, smoking equipment, or drug testing equipment, through  
29 public health (~~(and)~~) programs, community-based HIV prevention  
30 programs, and pharmacies.

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 69.50  
32 RCW to read as follows:

33 The state of Washington hereby fully occupies and preempts the  
34 entire field of drug paraphernalia regulation within the boundaries  
35 of the state including regulation of the use, selling, giving,  
36 delivery, and possession of drug paraphernalia. Cities, towns, and  
37 counties or other municipalities may enact only those laws and  
38 ordinances relating to drug paraphernalia that are specifically  
39 authorized by state law and are consistent with this chapter. Such



1 local ordinances must have the same penalty as provided for by state  
2 law. Local laws and ordinances that are inconsistent with, more  
3 restrictive than, or exceed the requirements of state law may not be  
4 enacted and are preempted and repealed, regardless of the nature of  
5 the code, charter, or home rule status of such city, town, county, or  
6 municipality.

7 **Part III - Creating a Pretrial Diversion Program for Individuals**  
8 **Charged with Possession and Vacating Possession Convictions**

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

11 (1) For any charged violation of RCW 69.50.4011(1)(b),  
12 69.50.4013, 69.50.4014, or 69.41.030, the court shall advise the  
13 defendant and his or her attorney of the pretrial diversion program.  
14 This notification must include all of the following:

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

16 (b) A general explanation of the roles and authorities of the  
17 probation department, the prosecuting attorney, the program, and the  
18 court in the process;

19 (c) A clear statement that the court may grant pretrial diversion  
20 with respect to any offense under RCW 69.50.4011(1)(b), 69.50.4013,  
21 69.50.4014, or 69.41.030 that is charged, provided that the defendant  
22 pleads not guilty to the charge or charges, waives the right to a  
23 speedy trial and that upon the defendant's successful completion of  
24 the program, as specified in subsection (9)(d) of this section, the  
25 positive recommendation of the program authority and motion of the  
26 defendant, prosecuting attorney, the court, or the probation  
27 department, but no sooner than 12 months and no later than 18 months  
28 from the date of the defendant's referral to the program, the court  
29 must dismiss the charge or charges against the defendant;

30 (d) A clear statement that if the defendant has not meaningfully  
31 engaged with services provided that are appropriate to the  
32 defendant's circumstances, the prosecuting attorney may make a motion  
33 to terminate pretrial diversion and schedule further proceedings as  
34 otherwise provided in this section; and

35 (e) An explanation of criminal record retention and disposition  
36 resulting from participation in the pretrial diversion program and  
37 the defendant's rights relative to answering questions about his or

1 her arrest and pretrial diversion following successful completion of  
2 the program.

3 (2) Upon a motion of the defendant and agreement to waive his or  
4 her right to a speedy trial if granted pretrial diversion, the court  
5 may grant the motion and continue the hearing and refer the defendant  
6 for an assessment by any substance use disorder treatment program as  
7 designated in chapter 71.24 RCW.

8 (3) The treatment program must make a written report to the court  
9 stating its findings and recommendations after the examination. The  
10 report shall be filed under seal, and the court shall endeavor to  
11 avoid public discussion of circumstances, history, or diagnoses that  
12 could be embarrassing or stigmatizing to the defendant.

13 (4) The report with the treatment or service plan must be filed  
14 with the court and a copy given to the prosecutor, the defendant, and  
15 the defendant's counsel.

16 (5) Subject to the availability of funds appropriated for this  
17 purpose, the assessment and recommended services or treatment must be  
18 provided at no cost for individuals who have been found to be  
19 indigent by the court.

20 (6) No statement, or any information procured therefrom relating  
21 to the charge for which the defendant is receiving treatment or  
22 services, made by the defendant to any treatment or service provider,  
23 that is made during the course of any assessment or services provided  
24 by the treatment program pursuant to subsections (2) through (4) of  
25 this section, and before the reporting of the findings and  
26 recommendations to the court, may be admissible in any action or  
27 proceeding brought subsequent to the investigation.

28 (7) A defendant's participation in pretrial diversion under this  
29 section does not constitute a conviction, a stipulation to facts, or  
30 an admission of guilt for any purpose.

31 (8) At the time that pretrial diversion is granted, any bail bond  
32 on file by or on behalf of the defendant must be exonerated, and the  
33 court must enter an order so directing.

34 (9)(a) If it appears to the prosecuting attorney that the  
35 defendant is not meaningfully engaging in the recommended treatment  
36 or services, that the defendant is convicted of an offense that  
37 reflects the defendant's propensity for violence, or that the  
38 defendant is convicted of a felony, the prosecuting attorney may make  
39 a motion for termination from pretrial diversion.

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

3 (c) If the court finds that the defendant is not meaningfully  
4 engaging in the recommended treatment or services, or the court finds  
5 that the defendant has been convicted of an intervening crime as  
6 indicated in (a) of this subsection, the court must schedule the  
7 matter for further proceedings.

8 (d) If the defendant has successfully completed pretrial  
9 diversion, including meaningful engagement with recommended treatment  
10 or services, at the end of that period, the criminal possession  
11 charge or charges must be dismissed.

12 **Sec. 10.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read  
13 as follows:

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

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

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

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

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

38 (d) The offense was a violation of RCW 46.61.502 (driving while  
39 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) An individual who is convicted of a violation of RCW  
19 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030 who  
20 subsequently engages with a substance use disorder treatment program  
21 as designated in chapter 71.24 RCW may file proof of meaningful  
22 engagement with the court. Upon verification that the individual has  
23 meaningfully engaged with the substance use disorder treatment  
24 program, the court must vacate the conviction or convictions.

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

30 (~~(7)~~) (8)(a) Except as provided in (c) of this subsection, once  
31 the court vacates a record of conviction under this section, the  
32 person shall be released from all penalties and disabilities  
33 resulting from the offense and the fact that the person has been  
34 convicted of the offense shall not be included in the person's  
35 criminal history for purposes of determining a sentence in any  
36 subsequent conviction. For all purposes, including responding to  
37 questions on employment or housing applications, a person whose  
38 conviction has been vacated under this section may state that he or  
39 she has never been convicted of that crime. However, nothing in this  
40 section affects the requirements for restoring a right to possess a

1 firearm under RCW 9.41.040. Except as provided in (b) of this  
2 subsection, nothing in this section affects or prevents the use of an  
3 offender's prior conviction in a later criminal prosecution.

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

21 (c) A conviction vacated on or after July 28, 2019, qualifies as  
22 a prior conviction for the purpose of charging a present recidivist  
23 offense as defined in RCW 9.94A.030 occurring on or after July 28,  
24 2019.

25 ~~((8))~~ (9) The clerk of the court in which the vacation order is  
26 entered shall immediately transmit the order vacating the conviction  
27 to the Washington state patrol identification section and to the  
28 local police agency, if any, which holds criminal history information  
29 for the person who is the subject of the conviction. The Washington  
30 state patrol and any such local police agency shall immediately  
31 update their records to reflect the vacation of the conviction, and  
32 shall transmit the order vacating the conviction to the federal  
33 bureau of investigation. A conviction that has been vacated under  
34 this section may not be disseminated or disclosed by the state patrol  
35 or local law enforcement agency to any person, except other criminal  
36 justice enforcement agencies.

37 ~~((9))~~ (10) For the purposes of this section, "cannabis" has the  
38 meaning provided in RCW 69.50.101.

1       **Sec. 11.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to  
2 read as follows:

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

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

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

33       (d) For the purpose of this section, "harm reduction programs"  
34 means programs that emphasize working directly with people who use  
35 drugs to prevent overdose and infectious disease transmission,  
36 improve the physical, mental, and social well-being of those served,  
37 and offer low threshold options for accessing substance use disorder  
38 treatment and other health care services.

39       (2) Each county and city planning under RCW 36.70A.040 shall, not  
40 later than September 1, 2002, establish a process, or amend its



1 existing process, for identifying and siting essential public  
2 facilities and adopt or amend its development regulations as  
3 necessary to provide for the siting of secure community transition  
4 facilities consistent with statutory requirements applicable to these  
5 facilities.

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

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

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

18 (6) No person may bring a cause of action for civil damages based  
19 on the good faith actions of any county or city to provide for the  
20 siting of secure community transition facilities in accordance with  
21 this section and with the requirements of chapter 12, Laws of 2001  
22 2nd sp. sess. For purposes of this subsection, "person" includes, but  
23 is not limited to, any individual, agency as defined in RCW  
24 42.17A.005, corporation, partnership, association, and limited  
25 liability entity.

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

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

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

32 (b) A consideration for grants or loans provided under RCW  
33 43.17.250(3); or

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

36 **Sec. 12.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to  
37 read as follows:

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

4 (a) Consult with the county legislative authorities in the area  
5 in which an applicant proposes to locate a program and the city  
6 legislative authority in any city in which an applicant proposes to  
7 locate a program;

8 (b) License or certify only programs that will be sited in  
9 accordance with the appropriate county or city land use ordinances.  
10 Counties and cities may require conditional use permits with  
11 reasonable conditions for the siting of programs only to the extent  
12 that such reasonable conditional use requirements applied to opioid  
13 treatment programs are similarly applied to other essential public  
14 facilities and health care settings. Pursuant to RCW 36.70A.200, no  
15 local comprehensive plan or development regulation may preclude the  
16 siting of essential public facilities;

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

19 (d) Consider the size of the population in need of treatment in  
20 the area in which the program would be located and license or certify  
21 only applicants whose programs meet the necessary treatment needs of  
22 that population;

23 (e) Consider the availability of other certified opioid treatment  
24 programs near the area in which the applicant proposes to locate the  
25 program;

26 (f) Consider the transportation systems that would provide  
27 service to the program and whether the systems will provide  
28 reasonable opportunities to access the program for persons in need of  
29 treatment;

30 (g) Consider whether the applicant has, or has demonstrated in  
31 the past, the capability to provide the appropriate services to  
32 assist the persons who utilize the program in meeting goals  
33 established by the legislature in RCW 71.24.585. The department shall  
34 prioritize licensing or certification to applicants who have  
35 demonstrated such capability and are able to measure their success in  
36 meeting such outcomes ((f

37 ~~(h) Hold one public hearing in the community in which the~~  
38 ~~facility is proposed to be located. The hearing shall be held at a~~  
39 ~~time and location that are most likely to permit the largest number~~  
40 ~~of interested persons to attend and present testimony. The department~~

1 shall notify all appropriate media outlets of the time, date, and  
2 location of the hearing at least three weeks in advance of the  
3 hearing)).

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

8 (3) A program applying for licensing or certification from the  
9 department and a program applying for a contract from a state agency  
10 that has been denied the licensing or certification or contract shall  
11 be provided with a written notice specifying the rationale and  
12 reasons for the denial.

13 (4) Opioid treatment programs may order, possess, dispense, and  
14 administer medications approved by the United States food and drug  
15 administration for the treatment of opioid use disorder, alcohol use  
16 disorder, tobacco use disorder, and reversal of opioid overdose. For  
17 an opioid treatment program to order, possess, and dispense any other  
18 legend drug, including controlled substances, the opioid treatment  
19 program must obtain additional licensure as required by the  
20 department, except for patient-owned medications.

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

23 (6) Registered nurses and licensed practical nurses may dispense  
24 up to a ((~~thirty-one~~)) 31 day supply of medications approved by the  
25 United States food and drug administration for the treatment of  
26 opioid use disorder to patients of the opioid treatment program,  
27 under an order or prescription and in compliance with 42 C.F.R. Sec.  
28 8.12.

29 (7) For the purpose of this chapter, "opioid treatment program"  
30 means a program that:

31 (a) Engages in the treatment of opioid use disorder with  
32 medications approved by the United States food and drug  
33 administration for the treatment of opioid use disorder and reversal  
34 of opioid overdose; ((and))

35 (b) Is either a mobile or fixed-site medication unit; and

36 (c) Provides a comprehensive range of medical and rehabilitative  
37 services.

38 NEW SECTION. Sec. 13. A new section is added to chapter 43.330  
39 RCW to read as follows:

1 (1) Subject to funds appropriated for this specific purpose, a  
2 program is established in the department to fund the construction  
3 costs necessary to start up substance use disorder treatment programs  
4 in regions of the state that currently lack access to such programs.

5 (2) This funding must be used to increase the number of substance  
6 use disorder treatment programs in underserved areas such as central  
7 and eastern Washington and rural areas.

8 NEW SECTION. **Sec. 14.** RCW 10.31.115 (Drug possession—Referral  
9 to assessment and services) and 2021 c 311 s 13 are each repealed.

10 **Part V - Providing Legal Advocacy for Parents and Families Affected**  
11 **by Substance Use Disorders in Dependency and Child Custody Cases**

12 NEW SECTION. **Sec. 15.** A new section is added to chapter 26.12  
13 RCW to read as follows:

14 (1) In any parenting plan or child custody proceeding in which  
15 the court determines that a child's parent, guardian, or custodian is  
16 affected by substance use disorders, mental health disorders, or  
17 behavioral health concerns such that it leaves the parent, guardian,  
18 or custodian unable to adequately represent his or her own interests  
19 or his or her parental rights may be restricted, either by way of  
20 long-term supervision or limited contact with the child, the parent,  
21 guardian, or custodian may have the right to court-appointed counsel.  
22 In determining whether to appoint counsel, the court must consider  
23 the financial ability of the parties, the degree such disorder  
24 impacts the ability of the parent, guardian, or custodian to  
25 understand the proceedings and represent their own interests, and any  
26 professional assessment or evaluation or any other evidence submitted  
27 to the court on the parent, guardian, or custodian's behalf.

28 (2) The court may, in its discretion, appoint counsel for the  
29 child or a guardian ad litem as set forth in RCW 26.09.110 and  
30 26.09.220.

31 **Part VI - Funding, Promotion, and Training for Recovery Residences**

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

34 Subject to the availability of amounts provided for this specific  
35 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, including by expansion of a revolving fund program to  
4 make loans or grants available for recovery residence operators to  
5 use for necessary capital expenses;

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

10 (3) Conduct outreach to underserved and rural areas to support  
11 the development of recovery housing, including adequate resources for  
12 women, LGBTQIA+ communities, and youth; and

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

19 **Sec. 17.** 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. 18. (1) This section is the tax preference  
22 performance statement for the tax preference contained in section 17,  
23 chapter . . ., Laws of 2023 (section 17 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 17 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 17 of this act;

3 (b) The amount of annual property tax relief resulting from the  
4 tax exemption under section 17 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 17 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 17 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 17 of this act.

16 (5) The legislature intends to extend the expiration date of the  
17 property tax exemption under section 17 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 17 of this act has increased;

21 (b) The number of individuals using recovery housing located on  
22 property qualifying for the exemption under section 17 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 17  
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 17 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 17 of this act; and

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

1           **Part VII – Training for Parents of Children with Substance Use**  
2           **Disorder and Caseworkers Within the Department of Children, Youth,**  
3           **and Families**  
4

5           NEW SECTION.   **Sec. 19.** A new section is added to chapter 43.216  
6 RCW to read as follows:

7           (1) The health care authority in consultation with the department  
8 shall develop a training for parents of children and transition age  
9 youth with substance use disorders by June 30, 2024, addressing the  
10 following:

11           (a) Science and education related to substance use disorders;

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

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

17           (d) Means to obtain opioid overdose reversal medication when  
18 appropriate and instruction on proper use.

19           (2) The health care authority and the department shall make this  
20 training publicly available and the department must promote the  
21 training to licensed foster parents.

22           NEW SECTION.   **Sec. 20.** A new section is added to chapter 43.216  
23 RCW to read as follows:

24           The department must make opioid overdose reversal medication  
25 available for use by caseworkers or employees that may come in  
26 contact with individuals experiencing overdose and must make  
27 appropriate training available.

28           **Part VIII – Data Support for Recovery Navigator Programs**

29           NEW SECTION.   **Sec. 21.** To support recovery navigator programs,  
30 the health care authority must develop and implement a data  
31 integration platform by June 30, 2024, to serve as a common database  
32 for diversion efforts across the state, to serve as a data collection  
33 and management tool for practitioners, and to assist in standardizing  
34 definitions and practices. If possible, the health care authority  
35 must leverage and interact with existing platforms already in use in  
36 efforts funded by the authority. The health care authority must



1 establish a quality assurance process for behavioral health  
2 administrative services organizations, and employ data validation for  
3 fields in the data collection workbook.

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

6 (1) The authority shall contract with the Washington state  
7 institute for public policy to conduct a study of the long-term  
8 effectiveness of the recovery navigator program under RCW 71.24.115  
9 with reports due by June 30th in the years 2028, 2033, and 2038. The  
10 Washington state institute for public policy shall collaborate with  
11 the authority and substance use recovery services advisory committee  
12 under RCW 71.24.546 on the topic of data collection and to determine  
13 the parameters of the report, which shall include recommendations, if  
14 any, for modification and improvement of the recovery navigator  
15 program. The authority shall cooperate with the Washington state  
16 institute for public policy to provide data for this report.

17 (2) The authority shall establish an expedited preapproval  
18 process by August 1, 2023, which allows requests for the use of data  
19 to be forwarded to the Washington state institutional review board  
20 without delay when the request is made by the Washington state  
21 institute for public policy for the purpose of completing a study  
22 that has been directed by the legislature.

23 **Part IX - Establishing Rules and Payment Structures for Health**  
24 **Engagement Hubs**

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

27 (1) The authority shall develop licensure standards and payment  
28 structures for health engagement hubs by January 1, 2024.

29 (2) The department shall include invited stakeholders in the  
30 rule-making process which shall include, but not be limited to,  
31 individuals from geographic regions in Washington with lower  
32 population density, eastern Washington, rural areas, and tribal  
33 nations.

34 (3) A health engagement hub:

35 (a) May be a mobile or fixed-site opioid treatment program  
36 medication unit. Fixed-site medication units may operate at sites  
37 such as hospitals, federally qualified health centers, syringe

1 service programs, community mental health facilities, skilled nursing  
2 facilities, or other settings frequented by people who have not  
3 historically been well-served by the behavioral health treatment  
4 system;

5 (b) Provides access to methadone and other medications for opioid  
6 addiction;

7 (c) Functions as a patient-centered medical home by offering  
8 high-quality, cost-effective patient-centered care, including wound  
9 care;

10 (d) Provides harm reduction services and supplies;

11 (e) Provides linkage to housing, transportation, and other  
12 support services; and

13 (f) Is open to youth as well as adults.

14 (4) To the extent allowed under federal law, the authority shall  
15 direct medicaid managed care organizations to adopt a value-based  
16 bundled payment methodology in contracts with health engagement hubs  
17 and other opioid treatment providers.

18 (5) The authority shall make sufficient funding available to  
19 ensure that a health engagement hub is available within a two-hour  
20 drive for all communities and that there is at least one health  
21 engagement hub available per 200,000 residents in Washington state.

## 22 **Part X - Education and Employment Pathways**

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

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

## 33 **Part XI - Providing a Statewide Directory of Recovery Services**

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

1 Subject to funding provided for this specific purpose, the  
2 department shall provide a statewide tool to map and direct  
3 individuals with behavioral health disorders to treatment and  
4 recovery support services locations. The tool shall be dynamically  
5 updated.

6 **Part XII - Investing Adequately in Statewide Diversion Services**

7 NEW SECTION. **Sec. 26.** (1) It is the intent of the legislature  
8 to increase investments in the 2023-2025 biennium substantially over  
9 baseline levels established in the 2021-2023 operating and capital  
10 budgets to increase the provision of evidence-based prearrest and  
11 prefiling diversion programs in all regions of the state. Services  
12 which shall be increased and included in every health purchasing  
13 region include crisis stabilization units, 23-hour crisis relief  
14 centers, mobile crisis response services for youth and adults,  
15 recovery navigator programs, and law enforcement assisted diversion.

16 (2) The appropriations in this subsection are provided to the  
17 state health care authority and are subject to the following  
18 conditions and limitations:

19 (a) The following sums, or so much thereof as may be necessary,  
20 are each appropriated: \$18,114,000 from the state general fund for  
21 the fiscal year ending June 30, 2024; and \$16,437,000 from the state  
22 general fund for the fiscal year ending June 30, 2025. The amounts in  
23 this subsection are provided solely for the authority to continue and  
24 expand efforts to provide opioid use disorder medication in city,  
25 county, regional, and tribal jails.

26 (b) The following sums, or so much thereof as may be necessary,  
27 are each appropriated: \$3,500,000 from the state general fund for the  
28 fiscal year ending June 30, 2024; and \$3,500,000 from the state  
29 general fund for the fiscal year ending June 30, 2025. The amounts in  
30 this subsection are provided solely for the authority to provide  
31 support funds to new and established clubhouses throughout the state.

32 (c) The following sums, or so much thereof as may be necessary,  
33 are each appropriated: \$1,583,000 from the state general fund for the  
34 fiscal year ending June 30, 2024; and \$1,583,000 from the state  
35 general fund for the fiscal year ending June 30, 2025. The amounts in  
36 this subsection are provided solely for the authority to award grants  
37 to crisis services providers to establish and expand 23-hour crisis  
38 relief center capacity. It is the intent of the legislature that

1 grants are awarded to an equivalent number of providers to the west  
2 and the east of the Cascade mountains. The authority must consider  
3 the geographic distribution of proposed grant applicants and the  
4 regional need for 23-hour crisis relief centers when awarding grant  
5 funds.

6 **Part XIII – Streamlining Substance Use Disorder Treatment Intakes**

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

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

21 (2) The work group must include care providers, payors, people  
22 who use drugs, and other individuals recommended by the authority.  
23 The work group shall present its recommendations to the governor and  
24 appropriate committees of the legislature by December 1, 2024.

25 **Part XIV – Establishing the Safe-Supply Work Group**

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

28 (1) Subject to the availability of funds appropriated for this  
29 specific purpose, the statewide safe supply work group is created.  
30 The purpose of the work group is to evaluate potential models for  
31 safe supply services and make recommendations on inclusion of a safe  
32 supply framework in the Washington state substance use recovery  
33 services plan to provide a regulated, tested supply of controlled  
34 substances to individuals at risk of drug overdose. The work group  
35 membership shall be reflective of the community of individuals living  
36 with substance use disorder, including persons who are black,

1 indigenous, and persons of color, persons with co-occurring substance  
2 use disorders and mental health conditions, as well as persons who  
3 represent the unique needs of rural communities.

4 (2) The work group membership shall consist of, but is not  
5 limited to, members appointed by the governor representing the  
6 following:

7 (a) At least one adult in recovery from substance use disorder;  
8 (b) At least one youth in recovery from substance use disorder;  
9 (c) One expert from the addictions, drug, and alcohol institute  
10 at the University of Washington;

11 (d) One outreach services provider;  
12 (e) One substance use disorder treatment provider;  
13 (f) One peer recovery services provider;  
14 (g) One recovery housing provider;  
15 (h) One expert in serving persons with co-occurring substance use  
16 disorders and mental health conditions;

17 (i) One expert in substance use disorder and the treatment of  
18 chronic pain patients who is a physician;

19 (j) One expert in antiracism and equity in health care delivery  
20 systems;

21 (k) One employee who provides substance use disorder treatment or  
22 services as a member of a labor union representing workers in the  
23 behavioral health field;

24 (l) One representative of the association of Washington health  
25 care plans;

26 (m) One representative of sheriffs and police chiefs;  
27 (n) One representative of a federally recognized tribe; and  
28 (o) One representative of local government.

29 (3) The work group's evaluation shall include, but is not limited  
30 to, the following:

31 (a) Examining the concept of "safe supply," defined as a legal  
32 and regulated supply of mind or body altering substances that  
33 traditionally only have been accessible through illicit markets;

34 (b) Examining whether there is evidence that a proposed "safe  
35 supply" would have an impact on fatal or nonfatal overdose, drug  
36 diversion, or associated health and community impacts;

37 (c) Examining whether there is evidence that a proposed "safe  
38 supply" would be accompanied by increased risks to individuals, the  
39 community, or other entities or jurisdictions;

1 (d) Examining historical evidence regarding the overprescribing  
2 of opioids; and

3 (e) Examining whether there is evidence that a proposed "safe  
4 supply" would be accompanied by any other benefits or consequences.

5 (4) Staffing for the work group shall be provided by the  
6 authority.

7 (5) The work group shall provide a preliminary report and  
8 recommendations to the governor and appropriate committees of the  
9 legislature by December 1, 2023, and shall provide a final report by  
10 December 1, 2024.

11 **Part XV - Miscellaneous Provisions**

12 **Sec. 29.** 2021 c 311 s 29 (uncodified) is amended to read as  
13 follows:

14 Sections 8 through 10(~~(7)~~) and 12(~~(7-15, and 16)~~) of this act  
15 expire (~~(July 1, 2023)~~) on the effective date of this section.

--- END ---