Tuesday, June 6, 2023
City Council Workshop - Hybrid (In-Person & Electronic)

5:30 P.M.
City Council Workshop - Hybrid (In-Person & Electronic)

In-Person at the College Place Fire Department, 629 S College Avenue, College Place Washington

Workshop may be viewed at: Live Stream on City of College Place, Washington YouTube at https://www.youtube.com/channel/UCbx3qrqzLDL_05NusReSl-g/featured
Zoom Attendee Link: https://us06web.zoom.us/j/81961930967

Or you may call this number to listen: 1-669-900-9128 ID# 819 6193 0967 Phone controls: *6 - toggle mute/un-mute and *9 - raise hand

1. Opening Items.

Subject :	1.01 Call To Order
Meeting :	Jun 6, 2023 - City Council Workshop - Hybrid (In-Person & Electronic)
Category :	1. Opening Items.
Access :	Public
Type :	Procedural

Public Content

Mayor Hernándezwill call the workshop to order.

Subject :	1.02 Roll Call
Meeting :	Jun 6, 2023 - City Council Workshop - Hybrid (In-Person & Electronic)
Category :	1. Opening Items.
Access :	Public
Type :	Procedural

Public Content

Mayor	Norma L. Hernández
Council Members	Paul T. Jessup, Michael Cleveland, Tito Espinoza Jr., Loren Peterson,

	Melodie Williams,
	Heather Schermann,
	Monica Boyle
	Administrator, Mike Rizzitiello;
	City Attorney, Rea Culwell;
	Finance Director, Brian Carleton;
	Public Works Director, Robert McAndrews;
Staff	Police Chief, Troy Tomaras;
	Fire Chief, David Winter;
	Community Development Director, Jon Rickard;
	HR Manager, Shawn Doering;
	City Clerk, Sherri St. Clair

Subject :	1.03 Pledge of Allegiance
Meeting :	Jun 6, 2023 - City Council Workshop - Hybrid (In-Person & Electronic)
Category :	1. Opening Items.
Access :	Public
Type :	Procedural

Public Content

"Ipledge allegianceto the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Subject :	1.04 Public Comment -
Meeting :	Jun 6, 2023 - City Council Workshop - Hybrid (In-Person & Electronic)
Category :	1. Opening Items.
Access :	Public
Type :	Information

Public Content

Council meetings are primarily structured to permit Council Membersto arrive at the decisions necessary to govern the City.

Meeting Protocol for Public Comment:

When submitting public comments, include the following information regardless of the manner you are using: Note that there are deadlines for writtencomments to be included in the meeting documents.

- Your Name
- Your Address

Written Public comments may be provided by submitting comment to Clerk@cpwa.usno later than 4:30PMon the meeting date to be included in the record.(If typewritten, no less than 11 pt font).

Verbal Public Comments may be made during the meeting:

- In-person at the meeting location - provided at the beginning of each agenda.
- Telephone comment - Call1-669-900-9128, entering the meeting ID (provided at beginning of agenda) and raise your hand (*9 to raise hand, *6 to mute/un-mute) when comments are requested.
- Virtual comment -Join using theZoom Attendee link (provided at beginning of agenda) and raise your hand when comments are requested.

Once recognized, you will have five minutes to speak on any subject that is under the control of the Council.

File Attachments

It is SO EASY to participate in public meetings!.png (224 KB)

2. Workshop Topics.

Subject :	2.01 Common Roots Land Trust - Ms. Riggle and Mr. Nowlin
Meeting :	Jun 6, 2023 - City Council Workshop - Hybrid (In-Person & Electronic)
Category :	2. Workshop Topics.
Access :	Public
Type :	Discussion, Information

Public Content

Workshop Only - No Action

File Attachments

CRHT_CollegePlace_Presentation_June2023.pdf (620 KB)

Subject :	2.02 Regulating Bee Hives - Ms. Culwell
Meeting :	Jun 6, 2023 - City Council Workshop - Hybrid (In-Person & Electronic)

Category :	2. Workshop Topics.
Access :	Public
Type :	Discussion, Information

Public Content

Workshop Only - No Action

Historical Perspective:

A dispute between neighbors, one in the City and one in the county has brought how the city regulates bee keeping and staff believes council should provide guideance on whether any changes need to be made.

The City regulates bee hives as follows (a copy of the pertinent sections of CPMC is provided in the material):

1. City permit required ($15)
2. No more than 2 hives per lot allowed
3. adequate space to prevent overcrowding and swarming
4. Requeened with "young hybrid queen" annually or sooner to prevent agressive behavior and swarming
5. Register with WA state Dept. of Agriculture (15.60 RCW)
6. Not locate hives within 25 feet of any property line w/2 exeptions (8 ft or more above agacent property & 6 foot high fence at least 20 ft long
7. Bees in trees, buildings or other space (except in movable frame) = nuisance/abatement

Information for Consideration:

Attached here is the Model Bee Keeping Ordinance recommended to cities.

The state addressing bee keeping, Chapter 15.60 RCW, does not provide for specific regulations such as number of hives, spacing, requeening etc. The state law requires registration with the state with registration fees to fund a commission to promote and assist the bee keeping industry and sets fines for failing to register.

This writer believes the state specifically left to local governments the option to regulate bees. More particularly, the state passed HB 1133 in 2019 (a copy of RCW 15.60. 250 is attached), which limits civil liability of a bee keeper if that keeper is in compliance with local laws. This is particularly helpful to local governments who are faced with a property that has been used for bee keeping prior to development next to the bee keeping property. Washington law protects farmers (and foresters) who have been farming prior to nearby development from local nuisances laws. For example, if the City receives a noise complaint from a nearby neighbor about a cherry farmer who uses cannons to deter birds, if the cherry farm was established before the complaintant's property was developed, the cherry farmer is grandfathered in and the City could not cite the farmer for a nuisance (unreasonable noise).

But, with RCW 15.60.250, a bee keeper has an incentive to comply with a local government's ordinance if it absolves them of civil liability.

File Attachments

CPMC - Bee Hive Regulation.pdf (95 KB)
RCW 15.60.021_ Registration of hives_.pdf (70 KB)
RCW 15.60.250_ Liability for acts or omissions_.pdf (58 KB)
Model Beekeeping Ordinance.pdf (82 KB)

Subject :	2.03 Blake Fix - Ms. Culwell
Meeting :	Jun 6, 2023 - City Council Workshop - Hybrid (In-Person & Electronic)
Category :	2. Workshop Topics.
Access :	Public
Type :	Discussion, Information

Public Content

Workshop Only - No Action

Historical Perspective:

Washington State Supreme Court struck down the state's felony drug possession law in 2021, ruling it unconstitutional.

In response, the City enacted it's own code prohibiting drug possession, making it a gross misdemeanor. Note: the drugs we are regulating are those identified federally as controlled substances - e.g. heroin, methamphetamine and fentanyl; does not include state legal marijuana.

Also in response to the court decision, the state legislature passed its own "Blake Fix" which treated drug possession as a gross misdemeanor and required a suspect to receive three treatment referrals before the individual could be arrested and/or charged with drug possession. This was problematic in that there was/is no way to track referral information.

The state fix has an expiration date of July 1, 2023. The state legislature reconvened and have passed a second "Blake Fix" which will go into effect August 14th making drug possession a gross misdemeanor and made drug use in public illegal. The new law also requires prosecutors to consent to a defendant's participation in diversion drug program. The law also changed the requirement for prosecutors consent to diversion for marijuana or illegal prescriptions; formerly the prosecutor was required to agree with diversion, now the prosecutor is "strongly encouraged to agree to diversion."

Because the City already has the law on the books, we have the authority to charge/arrest a suspect for possession of drugs and CPPD will utilize the City code from July 1 - August 13.

Information for Consideration:

Attached is SB5536. The underlined and strike through language is the modifications made by the 2nd Blake Fix.

File Attachments

CPMC - illegal drug possession.pdf (60 KB)

Special Session Blake Fix.pdf (362 KB)

3. Closing Items.

Subject :	3.01 Good of the Order
Meeting :	Jun 6, 2023 - City Council Workshop - Hybrid (In-Person & Electronic)
Category :	3. Closing Items.
Access :	Public
Type :	Discussion, Information
Subject :	3.02 Conclusion
Meeting :	Jun 6, 2023 - City Council Workshop - Hybrid (In-Person & Electronic)
Category :	3. Closing Items.
Access :	Public
Type :	Procedural

Public Content

Mayor Hernández will conclude the workshop.

COMMON
ROOTS

WHAT LOW to MODERATE INCOME BUYERS CAN AFFORD

$100,000 to $305,000

THE AFFORDABILITY GAP

?

WHAT TODAY'S HOMES COST

To build $250,000-$350,000?

To buy: $300,000-$500,000?

Community Land Trust Basics - Structure

Dual Ownership:

Homeowner owns the house

CLT owns the Land

Community Land Trust Basics - Structure

Ground Lease ties the house & land together

- Lease is 99 years
- Lease is balanced
- Lease is inheritable

Woodward Park Homes

How will Common Roots make and keep homes affordable for working-class people?

Subsidize initial purchase

Household of 4 earning $48,360
(60% AMI)
Affordable monthly payment: $1330
Affordable home price: $162,335

Cost to build home: $285,000
Affordable home price: $162,335
Common Roots will fundraise:
$122,665

Restrict Resale Value

Ensuring that Common Roots homes remain permanently affordable over generations.

COMMON ROOTS

In exchange for buying a house at a below-market price, the seller agrees to limit the price at which they can sell in the future.

On-going Affordability

Family earning $48,360 (60% AMI)
Monthly Payment = $1,330 (PITI + Ground Lease)
Affordable Price in 2022 = $162,335

Resale after 10 years:
Affordable Price = $162,335
$162,335 X (1.5% X 10) = $24,350
Affordable price in 2032 = $186,685

In the last 7 years, home prices have increased 127%.
This Common Roots home will only increase
15% over 10 years.

Community Land Trust Basics - Subsidy

Lower initial price
+ Resale Restriction =

Lower price at resale

Again and again!

Community Land Trust Homes for:

	% AMI	1 person	2 people	3 people	4 people
Low Income	50-80%	$ 28,250- 45,150	$32,250 – 51,600	$36,300 – 58,050	$40,300 – 64,500
Moderate Income	80-100%	$45,150 – 56,500	$51,600 – 64,500	$58,050 – 72,600	$64,500 – 80,600

Affordable price for low- and moderate-income households:
$100,000 - $305,000

Walla Walla County Median Home Price (2022): $422,900

COMMON ROOTS

Community Land Trust Homes

1. Permanently affordable homes for generations of community members.

2. Purchased by qualified applicants. The land will be owned by Common Roots and leased for a modest fee to the residents on a 99-year renewable term through a monthly ground lease.

3. Target households earning low incomes.

4. Monthly house payment will be no more than one-third of the household's monthly income.

5. Homeowners will be able to sell their homes. The resale price will be restricted so that homes remain affordable to the next working-class buyers.

6. Provide financial counseling to support residents' financial well-being.

Thank you!

commonrootshousing.org • info@commonrootshousing.org

Facebook • LinkedIn

CHAPTER 6.42 - DOMESTIC CHICKENS, RABBITS, BEES

6.42.010 - Keeping of domestic chickens and rabbits.

The intent of this chapter is to provide for and establish standards for the keeping of chickens and rabbits in a manner which will not endanger the health, peace and safety of the citizens of the city and which will assure that chickens and rabbits are kept in a clean and sanitary condition and not subjected to suffering, cruelty or abuse.

(Ord. No. 17-010, § 1, 3-28-2017)

6.42.020 - Definitions.

A. "Coop" means a structure generally made from wood and mesh wire for keeping chickens.

B. "Hutch" means a structure made for keeping rabbits.

C. "Run" means an enclosed outdoor area attached to a coop to allow exercise for chickens.

(Ord. No. 17-010, § 1, 3-28-2017)

6.42.030 - Requirements.

A. No more than six chickens are allowed at each single-family dwelling.

B. Roosters are not permitted.

C. No more than three rabbits over the age of two months are allowed at each single-family dwelling.

D. Property owner must obtain a permit for keeping chickens, bees, and rabbits on their property. The permit fee set forth in the annual fee schedule adopted by the city council. The application must include the property description and the location of the coop on the property.

(Ord. No. 17-010, § 1, 3-28-2017)

6.42.040 - Housing standards.

A. Chickens and rabbits shall be housed in an enclosure that is designed to be predator proof, thoroughly ventilated, water-tight, easily accessed and cleaned, and a minimum of a combined ten square feet of coop and run area per chicken.

B. Direct access from the coop to an outdoor enclosure shall be provided with the outdoor enclosure designed to be predator proof.

C. All coops and runs shall be located within a side or rear yard only. Coops shall be at least 25 feet from any neighboring dwelling and five feet from any property line.

D. All coops and runs shall be kept in a neat, sanitary, dust-free condition and must be cleaned at least once a week or more frequently if, in the opinion of the code enforcement officer, it is necessary to prevent an unsanitary condition.

E. Proposed coops and runs will be inspected by the code enforcement officer prior to the license being issued.

(Ord. No. 17-010, § 1, 3-28-2017)

6.42.050 - Chickens and rabbits at large.

It is unlawful for any person, firm or corporation having custody or control of any chicken or rabbit to permit such animal to be present upon any public street, sidewalk, school ground, public park, playground or any public place, or any unenclosed private property not owned or lawfully possessed by such person, or upon any private property without the consent of the owner or lawful possessor thereof.

(Ord. No. 17-010, § 1, 3-28-2017)

6.42.060 - Prohibited.

A. No person shall own, possess, harbor, control or keep on any premises, any chicken or rabbit that continuously or incessantly makes noise for a period of 20 minutes or intermittently for an hour or more as to unreasonably disturb the peace or quiet of any person.

B. It is unlawful for any person to kill or butcher any chicken or rabbit in open public view within the city limits except if determined to be necessary by a police or animal control officer.

(Ord. No. 17-010, § 1, 3-28-2017)

6.42.070 - Violation—Penalty.

Any person or persons violating any provisions of this chapter shall be deemed to have committed a civil infraction and shall be subject to penalty set forth in the annual fee schedule adopted by the city council. If any violation is continuing, each day's violation shall be deemed as a separate violation. A violation may also result in revocation of the license. The continued keeping of chickens or rabbits after nonissuance or revocation of a license may result in the seizure of the animals. The cost of housing shall be set forth in the annual fee schedule adopted by the city council. The animal will be held for 72 hours in order for the animal to become licensed or the conditions causing revocation to be corrected. Animals held past 72 hours may be destroyed or transferred.

(Ord. No. 17-010, § 1, 3-28-2017)

6.42.080 - Honey bee keeping (apiary) requirements.

In addition to the general provisions for small outdoor animals, the following criteria must also be met:

A. No more than two hives per lot are allowed. For the purposes of counting the total number of outdoor animals, each hive shall count as one animal.

B. Colonies shall be maintained in small moveable frame hives.

C. Adequate space shall be maintained in the hives to prevent overcrowding and swarming.

D. Colonies shall be requeened with a young hybrid queen annually, or as often as necessary to prevent swarming or aggressive behavior.

E. All colonies shall be registered with the Washington State Department of Agriculture in accordance with apiary law, Chapter 15.60 RCW. This chapter is intended to be supplemental to the procedures in Chapter 15.60 RCW, and in case of any conflict Chapter 15.60 RCW shall govern.

F. Hives shall not be located within 25 feet of any property line, except under the following conditions when the hive shall remain a minimum of five feet from the property line:

1. When situated eight feet or more above the adjacent ground level;
2. When there is a solid fence at least six feet high separating the hive from the property line, extending at least 20 feet from the hive along the property line in both directions.

G. Bees living in trees, buildings or any other space (except in movable frame hives), abandoned colonies or diseased bees shall constitute a public nuisance and shall be abated, as set forth in this chapter.

(Ord. No. 17-010, § 1, 3-28-2017)

PDF **RCW 15.60.021**

Registration of hives.

(1) Each person owning one or more hives with bees, brokers renting hives, and apiarists resident in other states who operate hives in Washington shall register with the director by April 1st each year.

(2) The registration application shall include:

(a) The name, address, and phone number of the apiarist or broker;

(b) The number of colonies of bees to be owned, brokered, or operated in Washington that year;

(c) A registration fee as prescribed in rule by the director, with the advice of the apiary advisory committee; and

(d) Any other information required by the department by rule.

(3) The director shall issue to each apiarist or broker registered with the department an apiarist identification number.

[**2000 c 100 § 3**; **1994 c 178 § 6**; **1993 c 89 § 11**; **1988 c 4 § 9**; **1977 ex.s. c 362 § 5**; **1961 c 11 § 15.60.050**. Prior: **1933 ex.s. c 59 § 6**; RRS § 3170-6. Formerly RCW **15.60.050**.]

Model Beekeeping Ordinance

Beekeeping

A. Where Permitted.

Beekeeping is allowed as an accessory use on any lot occupied by a single-family residence that is in the X districts zones. Beekeeping for educational or research purposes by an institution such as college, nonprofit, school or agricultural extension office is allowed as a conditional use permit in all zones, subject to the requirements of subsection (B)(1) through (5) below.

B. Definitions

1. Beekeeper – person who keeps honey bees and practices beekeeping
2. Honey Bee Colony – a societal organization of honey bees consisting of a queen, female workers, males drones, eggs, pupae, and larva working together in nest building, food collection, and brood rearing. Written as "Colony" through this standard.
3. Frame – a structural element in the bee hive that holds honey comb or brood comb within the hive.
4. Hive – an enclosed structure in which the beekeeper maintains bees and the colony live, rear brood, and gather and store food while domesticated.
5. Nucleus Colony – small honey bee colony created from a larger colony. Used by the beekeeper for proliferation of the colony. Sometimes referred to as "Nuc".

C. Liability

A person who owns or operates an apiary, is a registered apiarist under RCW 15.60.021, abides y all applicable city, town, or county ordinances regarding beekeeping, and operates the apiary in a reasonable manner and in accordance with generally accepted beekeeping practices, is not liable or any civil damages that occur in connection with the keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, and appliances. The limitation of liability established in this section does not apply to acts or omissions that are reckless.

D. Standards Applicable to Beekeeping. Beekeeping is subject to the following standards:

1. Location, Density and Maintenance of Colonies.

a. The number of colonies is limited to one colony per four thousand three hundred fifty square feet of lot area; and

b. Colonies shall be setback a minimum of ten feet from any property line, except that a colony may be situated within five feet of a side lot line or rear lot line provided the following provisions are met:

i. The bee colonies are isolated from public access; and

ii. The beekeeper establishes and maintains a flyway barrier at least six feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends five feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the colony; or

iii. The colony is situated ten feet or more above the grade of the nearest adjoining property line.

c. There shall be no limit to the number of nucleus colonies (nucs).

2. Colonies shall be maintained in movable-frame hives to permit adequate inspection.

3. Every beekeeper shall maintain an adequate supply of water for bees located close to each colony.

4. Registrations and Training

   a. All colonies shall be registered with the director of the state department of agriculture pursuant to RCW 15.60.021 no later than April 1st of each year.

   b. Beekeepers shall take at minimum a beginning level course accredited by the Washington State Beekeepers Association, or similar course, or gained experience working under a master beekeeper for at least 2 years.

PDF

RCW 15.60.250

Liability for acts or omissions.

A person who owns or operates an apiary, is a registered apiarist under RCW **15.60.021**, and conforms to all applicable city, town, or county ordinances regarding beekeeping, is not liable for any civil damages for acts or omissions in connection with the keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, and appliances, unless such acts or omissions constitute gross negligence or willful misconduct.

[**2019 c 257 § 1**.]

CHAPTER 9.17 - LEGEND DRUGS AND CONTROLLED SUBSTANCES

9.17.010 - Statutes incorporated by reference.

The following statutes as adopted and further amended and/or recodified regarding legend drugs and controlled substances are incorporated by reference:

RCW Chapter 69.41 - Legend drugs - Prescription drugs

RCW Chapter 69.50 - Uniformed Controlled Substance Act, except for RCW 69.50.4013

(Ord. No. 21-007 , § 1, 4-13-2021)

9.17.020 - Possession of controlled substance—Penalty—Knowledge required.

It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by law. A violation of this section is a gross misdemeanor punishable by up to 364 days in jail or $5,000.00 fine or both.

(Ord. No. 21-007 , § 1, 4-13-2021)

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 5536

68th Legislature
2023 1st Special Session

Passed by the Senate May 16, 2023
Yeas 43 Nays 6

President of the Senate

Passed by the House May 16, 2023
Yeas 83 Nays 13

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 5536** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 5536

Passed Legislature - 2023 1st Special Session

State of Washington 68th Legislature 2023 Regular Session

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

READ FIRST TIME 02/24/23.

AN ACT Relating to justice system and behavioral health responses for persons experiencing circumstances that involve controlled substances, counterfeit substances, legend drugs, and drug paraphernalia; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, 69.50.509, 69.50.4121, 9.96.060, 36.70A.200, 71.24.589, 71.24.590, 10.31.110, and 84.36.043; amending 2021 c 311 s 29 (uncodified); adding a new section to chapter 43.43 RCW; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 71.24 RCW; adding new sections to chapter 43.216 RCW; adding a new section to chapter 2.70 RCW; creating new sections; repealing RCW 10.31.115; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency.

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

Part I – Prohibiting Knowing Possession of a Controlled Substance, Counterfeit Substance, or Legend Drug

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

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

(a) Create or deliver a counterfeit substance;

(b) Knowingly possess a counterfeit substance; or

(c) Knowingly use a counterfeit substance in a public place.

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

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

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

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

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

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

(3)(a) A violation of subsection (1)(b) or (c) of this section is a gross misdemeanor punishable by imprisonment of up to 180 days, or by a fine of not more than $1,000, or by both such imprisonment and fine, however, if the defendant has two or more prior convictions under subsection (1)(b) or (c) of this section occurring after the effective date of this section, a violation of subsection (1)(b) or (c) of this section is punishable by imprisonment for up to 364 days, or by a fine of not more than $1,000, or by both such imprisonment and fine. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(b) No person may be charged under both subsection (1)(b) and (c) of this section relating to the same course of conduct.

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

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

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

(5) For the purposes of this section, "use a counterfeit substance" means to introduce the substance into the human body by injection, inhalation, ingestion, or any other means.

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

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

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

(b) Knowingly use a controlled substance in a public place, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice.

(2)(a) Except as provided in RCW 69.50.4014 or 69.50.445, ((~~any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW~~)) a violation of subsection (1)(a) or (b) of this section is a gross misdemeanor punishable by imprisonment of up to 180 days in jail, or by a fine of not more than $1,000, or by both such imprisonment and fine, however, if the defendant has two or more prior convictions under subsection (1)(a) or (b) of this section occurring after the effective date of this section, a violation of subsection (1)(a) or (b) of this section is punishable by imprisonment for up to 364 days, or by a fine of not more than $1,000, or by both such imprisonment and fine. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(b) No person may be charged under both subsection (1)(a) and (b) of this section relating to the same course of conduct.

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

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

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

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

(i) One-half ounce of useable cannabis;

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

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

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

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

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

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

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

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

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

(8) For the purposes of this section, "use a controlled substance" means to introduce the substance into the human body by injection, inhalation, ingestion, or any other means.

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

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

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

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

(1) It shall be unlawful for any person to sell((~~,~~)) or deliver any legend drug, or knowingly possess any legend drug, or knowingly

use any legend drug in a public place, except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an

authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

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

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

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

(d) No person may be charged with both knowing possession and knowing use in a public place under this section relating to the same course of conduct.

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

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

(4) For the purposes of this section, "use any legend drug" means to introduce the drug into the human body by injection, inhalation, ingestion, or any other means.

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

If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, district court, or municipal court that there is probable cause to believe that any controlled substance is being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, knowingly possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such judge

shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any law enforcement officer of the state, commanding him or her to search the premises designated and described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering, distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this chapter.

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

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

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

Part II – Relating to Drug Paraphernalia

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

(1) Every person who sells ((~~or gives,~~)) or permits to be sold ((~~or given~~)) to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing,

harvesting, manufacturing, compounding, converting, producing, processing, preparing, ((~~testing, analyzing,~~)) packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

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

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Miniature cocaine spoons and cocaine vials;

(f) Chamber pipes;

(g) Carburetor pipes;

(h) Electric pipes;

(i) Air-driven pipes; and

(j) Ice pipes or chillers.

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

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

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

(1) The state of Washington hereby fully occupies and preempts the entire field of drug paraphernalia regulation within the

boundaries of the state including regulation of the use, selling, giving, delivery, and possession of drug paraphernalia, except as provided in subsection (2) of this section. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to drug paraphernalia that are specifically authorized by state law and are consistent with this chapter. Such local ordinances must have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

(2) Nothing in this chapter shall be construed to prohibit cities or counties from enacting laws or ordinances relating to the establishment or regulation of harm reduction services concerning drug paraphernalia.

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

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

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

(2) In any jurisdiction with a recovery navigator program established under RCW 71.24.115, an arrest and jail alternative program established under RCW 36.28A.450, or a law enforcement assisted diversion program established under RCW 71.24.589, any defendant charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) may make a motion to participate in pretrial diversion and agree to waive his or her

right to a speedy trial if the motion is granted, subject to the following:

(a) In any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), and the defendant has not been convicted of any offenses committed after the effective date of this section, the court shall grant the motion, continue the hearing, and refer the defendant to a recovery navigator program established under RCW 71.24.115, an arrest and jail alternative program established under RCW 36.28A.450, or a law enforcement assisted diversion program established under RCW 71.24.589.

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

(c) In all cases, the court may not grant the motion unless the prosecuting attorney consents to the defendant's participation in pretrial diversion. The prosecuting attorney is strongly encouraged to agree to diversion in any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c). The prosecuting attorney may divert additional charges related to substance use disorder for nonfelony offenses that are not crimes against persons.

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

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

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

(c) A clear statement that the court may grant pretrial diversion with respect to any offense under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) that is charged, provided that the defendant pleads not guilty to the charge or charges and waives his or her right to a speedy trial, and that upon

the defendant's successful completion of pretrial diversion, as specified in subsection (11) of this section, and motion of the defendant, prosecuting attorney, court, or probation department, the court must dismiss the charge or charges against the defendant;

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

(e) An explanation of criminal record retention and disposition resulting from participation in pretrial diversion and the defendant's rights relative to answering questions about his or her arrest and pretrial diversion following successful completion; and

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

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

(5) Subject to the availability of funds appropriated for this specific purpose, the assessment and recommended treatment or

services must be provided at no cost for defendants who have been found to be indigent by the court.

(6) If the assessment conducted by the recovery navigator program established under RCW 71.24.115, the arrest and jail alternative program established under RCW 36.28A.450, or the law enforcement assisted diversion program established under RCW 71.24.589 includes a referral to any treatment or services, the recovery navigator program established under RCW 71.24.115, the arrest and jail alternative program established under RCW 36.28A.450, the law enforcement assisted diversion program established under RCW 71.24.589, or service provider shall provide the court with regular written status updates on the defendant's progress on a schedule acceptable to the court. The updates must be provided at least monthly and be filed under seal with the court, with copies given to the prosecuting attorney, defendant, and defendant's counsel. The updates and their copies are confidential and exempt from disclosure under chapter 42.56 RCW. The court shall endeavor to avoid public discussion of the circumstances, history, or diagnoses that could stigmatize the defendant.

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

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

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

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

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

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

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

(i) The nature of the alleged noncompliance; and

(ii) Any other mitigating circumstances, including, but not limited to, the defendant's efforts and due diligence, the availability of services in the geographic area, and the treatment and services offered to the defendant.

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

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

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

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

(12) Beginning January 1, 2025, the recovery navigator programs established under RCW 71.24.115, arrest and jail alternative programs

established under RCW 36.28A.450, and law enforcement assisted diversion programs established under RCW 71.24.589 shall input data and information in the data integration platform under section 22 of this act for each case where the defendant participates in pretrial diversion under this section, including but not limited to the following:

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

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

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

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

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

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

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

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), ((~~and~~)) (5), and (6) of this section, an applicant may not have the record of conviction for a

misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

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

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

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

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

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

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

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

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection,

however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

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

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

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

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

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

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

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240

who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

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

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

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

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

(7) A person who is a family member of a homicide victim may apply to the sentencing court on the behalf of the victim for

vacation of the victim's record of conviction for prostitution under RCW 9A.88.030. If an applicant qualifies under this subsection, the court shall vacate the victim's record of conviction.

((~~(7)~~)) (8)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

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

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

((~~(8)~~)) (9) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction

to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

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

Part IV – Opioid Treatment Rural Access and Expansion

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

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

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include

facilities detaining persons under RCW 71.09.020 ((~~(6) or (15)~~)) (7) or (16) or chapter 10.77 or 71.05 RCW.

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

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

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

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

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

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

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW

42.17A.005, corporation, partnership, association, and limited liability entity.

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

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

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

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

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

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

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

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

(3) The ((~~pilot projects~~)) program must provide for securing comprehensive technical assistance from law enforcement assisted diversion implementation experts to develop and implement a law enforcement assisted diversion program ((~~in the pilot project's geographic areas~~)) in a way that ensures fidelity to the research-based law enforcement assisted diversion model. Sufficient funds must

be allocated from grant program funds to secure technical assistance for the authority and for the implementing jurisdictions.

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

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

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

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

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

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

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

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

(h) Prosecutorial support for diversion services.

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

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

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

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

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

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

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

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

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

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

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

(2) ((~~A~~)) No city or county legislative authority may impose a maximum capacity for ((~~a~~)) an opioid treatment program ((~~of not less~~

~~than three hundred fifty participants if necessary to address specific local conditions cited by the county~~)).

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

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

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

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

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

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

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

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

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

(1) Subject to funds appropriated for this specific purpose, a program is established in the department to fund the construction costs necessary to start up substance use disorder treatment and

services programs and recovery housing in regions of the state that currently lack access to such programs.

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

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

Part V – Funding, Promotion, and Training for Recovery Residences

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

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

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

(2) Establish a voucher program to allow accredited recovery housing operators to hold bed space for individuals who are waiting for treatment;

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

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

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

(1) The real and personal property used by a nonprofit organization in providing emergency or transitional housing for low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or

victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

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

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

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

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

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

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

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

(3) As used in this section:

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

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

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

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

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

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

NEW SECTION. **Sec. 19.** (1) This section is the tax preference performance statement for the tax preference contained in section 18, chapter . . ., Laws of 2023 (section 18 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a

private right of action by any party or to be used to determine eligibility for preferential tax treatment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Suicide prevention.

(2) The authority and the department of children, youth, and families shall make this training publicly available, and the department of children, youth, and families must promote the training

to licensed foster parents and caregivers, including any tribally licensed foster parents and tribal caregivers.

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

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

Part VII – Recovery Navigator Programs

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

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

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

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

(c) Assist in standardizing definitions and practices; and

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

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

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

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

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

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

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

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b), regardless of which agency is in possession of the information and documents;

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

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

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

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

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

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

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

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

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

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

(l) Medical information contained in files and records of members of retirement plans administered by the department of retirement systems or the law enforcement officers' and firefighters' plan 2 retirement board, as provided to the department of retirement systems under RCW 41.04.830; and

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

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

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

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

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

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

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

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

(a) Recidivism rates for recovery navigator and law enforcement assisted diversion program participants, including a comparison between individuals who did and did not use the pretrial diversion program under section 9 of this act, and outcomes for these individuals;

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

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

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

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

(ii) Reports on utilization of technical support from the law enforcement assisted diversion national support bureau by recovery

navigator program contractors, the authority, and behavioral health administrative services organizations; and

(iii) Barriers to achieving fidelity to core principles.

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

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

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

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

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

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

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

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

(2) The recovery navigator programs shall be organized on a scale that permits meaningful engagement, collaboration, and coordination with local law enforcement and municipal agencies through the policy coordinating groups. The ((~~program~~)) programs shall provide community-based outreach, intake, assessment, and connection to services and, as appropriate, long-term intensive case management and recovery coaching services, to youth and adults with substance use disorder, including for persons with co-occurring substance use disorders and mental health conditions, who are referred to the program from diverse sources and shall facilitate and coordinate connections to a broad range of community resources for youth and adults with substance use disorder, including treatment and recovery support services. Recovery navigator programs must serve and prioritize individuals who are actually or potentially exposed to the criminal legal system with respect to unlawful behavior connected to substance use or other behavioral health issues.

((~~(2) The~~)) (3) By June 30, 2024, the authority shall ((~~establish~~)) revise its uniform program standards for behavioral health administrative services organizations to follow in the design of their recovery navigator programs to achieve fidelity with the core principles. The uniform program standards must be modeled upon the components of the law enforcement assisted diversion program and address project management, field engagement, biopsychosocial assessment, intensive case management and care coordination, stabilization housing when available and appropriate, and, as necessary, legal system coordination for participants' legal cases that may precede or follow referral to the program. The uniform program standards must incorporate the law enforcement assisted diversion framework for diversion at multiple points of engagement with the criminal legal system, including prearrest, prebooking, prefiling, and for ongoing case conferencing with law enforcement, prosecutors, community stakeholders, and program case managers. The authority must adopt the uniform program standards from the components of the law enforcement assisted diversion program to accommodate an expanded population of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, ((~~and allow~~)) provide for referrals from a broad range of sources, and require prioritization of those who are or likely will be exposed to the criminal legal system related to their behavioral health challenges. In addition to

accepting referrals from law enforcement and courts of limited jurisdiction, the uniform program standards must provide guidance for accepting referrals on behalf of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, from various sources including, but not limited to, self-referral, family members of the individual, emergency department personnel, persons engaged with serving homeless persons, including those living unsheltered or in encampments, fire department personnel, emergency medical service personnel, community-based organizations, members of the business community, harm reduction program personnel, faith-based organization staff, and other sources within the criminal legal system, ((~~as outlined~~)) so that individuals are engaged as early as possible within the sequential intercept model. In developing response time requirements within the statewide program standards, the authority shall require, subject to the availability of amounts appropriated for this specific purpose, that responses to referrals from law enforcement occur immediately for in-custody referrals and shall strive for rapid response times to other appropriate settings such as emergency departments and courts of limited jurisdiction.

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

((~~(4)~~)) (5) Each behavioral health administrative services organization must have a substance use disorder regional administrator for its recovery navigator program. The regional

administrator shall be responsible for assuring compliance with program standards, including staffing standards. Each recovery navigator program must maintain a sufficient number of appropriately trained personnel for providing intake and referral services, conducting comprehensive biopsychosocial assessments, providing intensive case management services, and making warm handoffs to treatment and recovery support services along the continuum of care. Program staff must include people with lived experience with substance use disorder to the extent possible. The substance use disorder regional administrator must assure that staff who are conducting intake and referral services and field assessments are paid a livable and competitive wage and have appropriate initial training and receive continuing education.

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

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

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

Part VIII – Establishing a Pilot Program for Health Engagement Hubs

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

(1)(a) The authority shall implement a pilot program for health engagement hubs by August 1, 2024. The pilot program will test the functionality and operability of health engagement hubs, including

whether and how to incorporate and build on existing medical, harm reduction, treatment, and social services in order to create an all-in-one location where people who use drugs can access such services.

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

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

(2) The authority shall develop payment structures for health engagement hubs by June 30, 2024. Subject to the availability of funds appropriated for this purpose, and to the extent allowed under federal law, the authority shall direct medicaid managed care organizations to adopt a value-based bundled payment methodology in contracts with health engagement hubs and other opioid treatment providers. The authority shall not implement this requirement in managed care contracts unless expressly authorized by the legislature.

(3) A health engagement hub is intended to:

(a) Serve as an all-in-one location where people 18 years of age or older who use drugs can access a range of medical, harm reduction, treatment, and social services;

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

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

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

(e) Provide harm reduction services and supplies; and

(f) Provide linkage to housing, transportation, and other support services.

Part IX - Education and Employment Pathways

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

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

Part X – Providing a Statewide Directory of Recovery Services

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

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

Part XI – Investing Adequately in Statewide Diversion Services

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

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

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

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

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

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

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

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

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

(1) The following sums, or so much thereof as may be necessary, are each appropriated: $3,600,000 from the opioid abatement settlement account for the fiscal biennium ending June 30, 2025;

$700,000 from the state general fund for the fiscal year ending June 30, 2024; and $700,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the purposes of maintaining a memorandum of understanding with the criminal justice training commission to provide ongoing funding for community grants under RCW 36.28A.450.

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

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

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

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

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

(7) The following sums, or so much thereof as may be necessary, are each appropriated: $750,000 from the state general fund for the fiscal year ending June 30, 2024; $750,000 from the state general fund for the fiscal year ending June 30, 2025; and $500,000 from the opioid abatement settlement account for the fiscal biennium ending June 30, 2025. The amounts in this subsection are provided solely for the authority to provide grants to support substance use disorder family navigator programs.

(8) The following sums, or so much thereof as may be necessary, are each appropriated: $3,750,000 from the state general fund for the fiscal year ending June 30, 2024; and $3,750,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the authority to provide short-term housing vouchers for individuals with substance use disorders, with a focus on providing such resources to people in the five most populous counties of the state.

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

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

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

(12) The following sums, or so much thereof as may be necessary, are each appropriated: $2,500,000 from the state general fund for the fiscal year ending June 30, 2024; and $2,500,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the authority to award contracts through the grant program for law enforcement assisted diversion under RCW 71.24.589.

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

The following sums, or so much thereof as may be necessary, are each appropriated: $1,500,000 from the state general fund for the fiscal year ending June 30, 2024; and $1,500,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this section are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services, including substance use disorder services, for youth in crisis, and to increase funding for current grantees.

NEW SECTION. **Sec. 35.** The appropriations in this section are provided to the office of public defense and are subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: $3,000,000 from the state general fund for the fiscal year ending June 30, 2024; and $6,000,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in

this section are provided solely for the purpose of section 39 of this act.

Part XII – Streamlining Substance Use Disorder Treatment Assessments

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

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

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

Sec. 37. RCW 18.64.600 and 2020 c 244 s 2 are each amended to read as follows:

(1) The license of location for a pharmacy licensed under this chapter may be extended to a remote dispensing site where technology is used to dispense medications ((~~approved by the United States food and drug administration~~)) used for the treatment of opioid use disorder or its symptoms.

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

(3) The commission shall adopt rules that establish minimum standards for remote dispensing sites registered under this section. The minimum standards shall address who may retrieve medications for opioid use disorder stored in or at a remote dispensing site pursuant to a valid prescription or chart order. The minimum standards must

require the pharmacy be responsible for stocking and maintaining a perpetual inventory of the medications for opioid use disorder stored in or at the registered remote dispensing site. The dispensing technology may be owned by either the pharmacy or the registered remote dispensing site.

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

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

Part XIII - Health Care Authority Comprehensive Data Reporting Requirements

NEW SECTION. **Sec. 38.** A new section is added to chapter 71.24 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The results and effectiveness of the authority's collaboration with the department of health and the department of social and health services to expand the Washington recovery helpline and recovery readiness asset tool to provide a dynamically updated statewide behavioral health treatment and recovery support services

mapping tool, including the results and effectiveness with respect to overburdened and underrepresented communities, in accordance with section 28 of this act;

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

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

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

Part XIV - Public Defense Consultation and Representation for Indigent Adults

NEW SECTION. **Sec. 39.** A new section is added to chapter 2.70 RCW to read as follows:

(1) Subject to amounts appropriated for this specific purpose, the office of public defense may provide reimbursement of eligible expenses or contract directly with indigent defense providers for consultation and representation services for indigent adults facing pending charges or charged with violations of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), or charged with offenses involving allegations of possession or public use of a controlled substance, counterfeit substance, or legend drug, in courts of limited jurisdiction in counties with a population of 500,000 or less and cities with a population of 200,000 or less. The county or city may enter into an agreement with the office of public defense for reimbursement of eligible expenses or designate the office of public defense to contract directly with indigent defense providers for consultation and representation services in their jurisdiction.

(2) Nothing in this section creates an entitlement to counsel at state expense or a right by counties or cities for the provision of

services by the office of public defense that would exceed the amounts appropriated for this specific purpose.

Part XV - Miscellaneous Provisions

NEW SECTION. **Sec. 40.** Section 6 of this act takes effect January 1, 2025.

Sec. 41. 2021 c 311 s 29 (uncodified) is amended to read as follows:

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

NEW SECTION. **Sec. 42.** Sections 1 through 5, 7 through 11, and 41 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023.

NEW SECTION. **Sec. 43.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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