

the board release the convicted person during the first three years of confinement as a result of any type of good time calculation; nor shall the department of corrections permit the convicted person to participate in any work release program or furlough program during the first three years of confinement. This section applies only to offenses committed prior to July 1, 1984.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 9, 1982.

Passed the Senate March 4, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.

CHAPTER 193

[House Bill No. 410]

COUNTIES—ALCOHOLISM AND DRUG ABUSE PROGRAMS

AN ACT Relating to social and health services; amending section 2, chapter 155, Laws of 1973 1st ex. sess. and RCW 70.96.160; amending section 1, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.010; amending section 2, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.020; amending section 4, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.040; amending section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.050; amending section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.060; amending section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.070; amending section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.080; amending section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090; adding new sections to chapter 69.54 RCW; and adding new sections to chapter 70.96 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 155, Laws of 1973 1st ex. sess. and RCW 70.96.160 are each amended to read as follows:

(1) Any county or combination of counties acting jointly by agreement, hereinafter referred to as "county", may create an alcoholism administrative board. The alcoholism administrative board may also be designated as a board for other related programs.

(2) Such board shall be composed of not less than seven nor more than fifteen members, who shall be representative of the community, shall include at least two recovered alcoholics, and shall include consumer and minority group representation. No more than four elected or appointed city or county officials may serve on such board at the same time. Members of the board shall serve three year terms and until their successors are appointed and qualified. They shall not be compensated for the performance of their duties as members of the board, but may be (~~paid subsistence rates and~~

~~mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended)) reimbursed for travel expenses.~~

~~((The alcoholism administrative board, the county and the department of social and health services shall, in the area of alcoholism prevention, treatment and education, and the administration, planning and funding thereof, have the same duties, responsibilities, powers, liabilities and authorities as are provided by chapter 71.24 RCW with respect to the mental health administrative board, the county and the department of social and health services:~~

~~An executive director of the board may be appointed by the county commissioners subject to the approval of the board. Applicants for such position need not be residents of the county, city or state, and may be employed on a full or part time basis:))~~

~~(3) The alcoholism administrative board shall:~~

~~(a) Nominate individuals to the county legislative authority for the position of county alcoholism coordinator;~~

~~(b) Conduct public hearings and other investigations to determine the needs and priorities of county citizens;~~

~~(c) Review and recommend to the county legislative authority for approval plans, budgets, and applications by the county to the department;~~

~~(d) Evaluate the performance of the alcoholism program at least annually;~~

~~(e) Advise the county legislative authority and county coordinator on matters relating to the alcoholism program;~~

~~(f) Such other duties as the department may prescribe by rule.~~

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Alcoholism program" means expenditures and activities designed and conducted to prevent or treat alcoholism, including reasonable administration and overhead.

(2) "Department" means the department of social and health services.

(3) "Secretary" means the secretary of social and health services.

NEW SECTION. Sec. 3. (1) The chief executive officer of the county alcoholism program shall be the county alcoholism coordinator. The coordinator shall:

(a) Provide general supervision over the alcoholism program;

(b) Prepare plans and applications for funds to support the alcoholism program;

(c) Monitor the delivery of services to assure conformance with plans and contracts; and

(d) Provide staff support to the county alcoholism administrative board.

(2) The county alcoholism coordinator shall be appointed by the county legislative authority from nominations by the alcoholism administrative board. The nominees shall meet the minimum qualifications established by

rule of the department. Nominees need not be a resident of the county, city, or state. The coordinator may serve on either a full-time or part-time basis. The coordinator may be an employee of a private agency under contract to provide alcoholism services only with the prior approval of the secretary.

NEW SECTION. Sec. 4. (1) A county legislative authority, or two or more counties acting jointly, may establish an alcoholism program. If two or more counties jointly establish an alcoholism program, one county shall be designated to provide administrative and financial services.

(2) To be eligible for funds from the department for the support of the county alcoholism program, the county legislative authority must establish a county alcoholism administrative board and appoint a county alcoholism coordinator.

(3) The county legislative authority may apply to the department for financial support for the county alcoholism program. To receive such financial support, the county legislative authority shall submit a plan which meets the following conditions:

- (a) It shall describe the services and activities to be provided;
- (b) It shall include anticipated expenditures and revenues;
- (c) It shall be reviewed by the county alcoholism administrative board and adopted by the county legislative authority;
- (d) It shall reflect maximum effective use of existing services and facilities; and
- (e) Such other conditions as the secretary may require.

(4) The county is authorized to accept and expend gifts, grants, and fees, from public and private sources, to implement its alcoholism program.

NEW SECTION. Sec. 5. The secretary may adopt rules pursuant to chapter 34.04 RCW to carry out the provisions and purposes of this chapter and chapter 70.96A RCW.

NEW SECTION. Sec. 6. To continue to be eligible for financial support from the department for the county alcoholism program, any increase in state financial support shall not be used to supplant local funds from any source which was used to support the county alcoholism program prior to the effective date of the increase.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act are each added to chapter 70.96 RCW.

NEW SECTION. Sec. 8. (1) A county legislative authority, or two or more counties acting jointly, may establish a drug abuse program. If two or more counties jointly establish a drug abuse program, one county shall be designated to provide administrative and financial services.

(2) To be eligible for funds from the department for the support of the county drug abuse program, the county legislative authority must establish a county drug abuse administrative board and appoint a county drug abuse coordinator.

(3) The county legislative authority may apply to the department for financial support for the county drug abuse program. To receive the financial support, the county legislative authority shall submit a plan which meets the following conditions:

- (a) It shall describe the services and activities to be provided;
- (b) It shall include anticipated expenditures and revenues;
- (c) It shall be reviewed by the county drug abuse administrative board and adopted by the county legislative authority;
- (d) It shall reflect maximum effective use of existing services and facilities; and
- (e) Such other conditions as the secretary may require.

(4) The county is authorized to accept and expend gifts, grants, and fees, from public and private sources, to implement its drug abuse program.

NEW SECTION. Sec. 9. (1) The county legislative authority shall appoint a county drug abuse administrative board. Such a board may also be designated as the board for other related programs.

(2) The county drug abuse administrative board shall consist of not less than seven nor more than fifteen members. Board members shall serve three-year terms and until their successors are appointed and qualified, except that initially appointed members may serve shorter terms so that an equal number of vacancies occur each year. Members of the board shall be representative of the community and shall include, where possible, former clients, relatives of clients, and members of minority groups and other special groups of local significance. Employees of agencies providing services under RCW 69.54.040 and persons with a financial interest in such agencies shall not be appointed to the board. No more than four elected or appointed city or county officials may serve on the board at the same time. Members shall not be compensated for their duties as members of the board, but may be reimbursed for travel expenses.

(3) The county drug abuse administrative board shall:

- (a) Nominate individuals for the position of county drug abuse coordinator;
- (b) Conduct public hearings and other investigations to determine the needs and priorities of county citizens;
- (c) Review and recommend to the county legislative authority for approval plans, budgets, and applications by the county to the department;
- (d) Evaluate the performance of the drug abuse program at least annually;
- (e) Advise the county legislative authority and the county coordinator on matters relating to the drug abuse programs; and
- (f) Such other duties as the department may prescribe by rule.

NEW SECTION. Sec. 10. (1) The chief executive officer of the county drug abuse program shall be the county drug abuse coordinator. The coordinator shall:

- (a) Provide general supervision over the drug abuse program;
- (b) Prepare plans or applications for funds to support the drug abuse program;
- (c) Monitor the delivery of services to assure conformance with plans and contracts; and
- (d) Provide staff support to the county drug abuse administrative board.

(2) The county drug abuse coordinator shall be appointed by the county legislative authority from nominations submitted by the drug abuse administrative board. The nominees shall meet the minimum qualifications established by rule of the department. Nominees need not be a resident of the county, city, or state. The coordinator may serve on either a full-time or part-time basis. The coordinator may be an employee of a private agency under contract to provide services pursuant to RCW 69.54.040 only with the prior approval of the secretary.

NEW SECTION. Sec. 11. To be eligible for financial support from the department for the county drug abuse program:

(1) Any increase in state financial support shall not be used to supplant local funds from any source which was used to support the drug abuse program prior to the effective date of the increase; and

(2) At least ten percent of the cost of the drug abuse program shall be provided from local public or private sources. When deemed necessary to maintain proper standards of care, the secretary may by rule require that up to fifty percent of the cost of the drug abuse program shall be provided through fees, gifts, contributions, volunteer services, or appropriated local funds.

NEW SECTION. Sec. 12. Sections 8 through 11 of this act are each added to chapter 69.54 RCW.

Sec. 13. Section 1, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.010 are each amended to read as follows:

It is the purpose of this chapter (~~and RCW 71.24.020 and 71.24.030~~) to provide the financial assistance necessary to enable the department of social and health services to offer a meaningful program of rehabilitation for those persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol and to develop a community educational program as to those problems for the benefit of the state's population generally. Such programs can develop in the people of this state a knowledge of the problems caused by alcohol and drug abuse, an acceptance of responsibility for alcohol and drug related problems, an understanding of the causes and consequences of the use and abuse of alcohol and drugs, and thus may prevent many problems from occurring.

It is the further purpose of this chapter (~~and RCW 71.24.020 and 71.24.030~~) to provide for qualified drug treatment centers approved by the department of social and health services.

Sec. 14. Section 2, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.020 are each amended to read as follows:

The following words and phrases shall have the following meaning when used in this chapter (~~and RCW 71.24.020 and 71.24.030~~):

(1) "Secretary" shall mean the secretary of the department of social and health services.

(2) "Department" shall mean the department of social and health services.

(3) "Drug and alcohol rehabilitation program" shall mean the program developed by the department of social and health services to aid persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol.

(4) "Drug and alcohol educational program" shall mean the program developed by the department of social and health services outside of the kindergarten through twelve programs in the schools to educate the people of this state relative to the use and abuse of narcotic drugs, dangerous drugs and alcohol, and the prevention and consequences thereof.

(5) "Drug treatment center" shall mean any organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of persons using narcotic drugs or dangerous drugs.

Sec. 15. Section 4, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.040 are each amended to read as follows:

The secretary shall establish within the department a program designed to aid and rehabilitate persons suffering from problems relating to narcotic drugs, dangerous drugs, and alcohol. Without duplicating, and in coordination with the programs established by the state superintendent of public instruction, the secretary shall establish community educational programs outside of the kindergarten through twelve programs in the schools relating to alcohol and drug use and abuse. The secretary is authorized to promulgate rules and regulations pursuant to chapter 34.04 RCW to carry out the provisions and purposes of this chapter (~~and RCW 71.24.020 and 71.24.030~~) and is authorized to contract, cooperate and coordinate with other public or private agencies or individuals for such purposes.

Sec. 16. Section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.050 are each amended to read as follows:

Fursuant to the provisions of the Interlocal Cooperation Act, chapter 39.34 RCW, the department may enter into agreements as provided therein to accomplish the purposes of this chapter (~~and RCW 71.24.020 and 71.24.030~~).

Sec. 17. Section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.060 are each amended to read as follows:

Any person fourteen years of age or older may give consent for himself to the furnishing of counseling, care, treatment or rehabilitation by an approved drug treatment center, an approved alcoholism treatment facility, or

a person licensed or certified by the state related to conditions and problems caused by drug or alcohol abuse. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age shall not be necessary to authorize such care, except that such person shall not become a resident of such treatment center without parental permission. The parent, parents or legal guardian of a person less than eighteen years of age shall not be liable for payment of care for such persons pursuant to this chapter ((and ~~RCW 71.24.020 and 71.24.030~~)), unless they have joined in the consent to such counseling, care, treatment or rehabilitation.

Sec. 18. Section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.070 are each amended to read as follows:

When an individual submits himself for care, treatment, counseling, or rehabilitation to any organization, institution or corporation, public or private, approved pursuant to this chapter ((and ~~RCW 71.24.020 and 71.24.030~~)), or any person licensed or certified by the state whose principal function is the care, treatment, counseling or rehabilitation of alcohol abusers or users of narcotic or dangerous drugs, or the providing of medical, psychological or social counseling or treatment, notwithstanding any other provision of law, such individual is hereby guaranteed confidentiality. No such person, organization, institution or corporation or their agents acting in the scope and course of their duties, providing such care, treatment, counseling or rehabilitation shall divulge nor shall they be required to provide any specific information concerning individuals being cared for, treated, counseled or rehabilitated, nor shall pharmacists or their agents provide such information when or if they become aware of or receive such information when requested to or for the purpose of providing products or performing services relevant to said care, treatment, counseling or rehabilitation. Should any person, organization, institution or corporation, or their agents, breach confidentiality as provided for in this section, such information and any product thereof shall not be admissible as evidence or be considered in any criminal proceeding. The fact of an individual of authorized age being cared for, treated, counseled or rehabilitated pursuant to this chapter ((and ~~RCW 71.24.020 and 71.24.030~~)) shall likewise be held confidential and shall not be admissible as evidence or be considered in any criminal proceeding.

Any confidentiality provided for by this section may be waived by the individual, provided such waiver is freely and voluntarily made, and with full prior information as to the consequences thereof.

Sec. 19. Section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.080 are each amended to read as follows:

Nothing contained in this chapter ((and ~~RCW 71.24.020 and 71.24.030~~)) shall prohibit or be construed to prohibit the divulging or providing of statistical or other substantive information pertaining to care, treatment, counseling or rehabilitation, pursuant to this chapter ((and ~~RCW 71.24.020~~

and ~~71.24.030~~)), so long as no individual is identified or reasonably identifiable, and individual privacy and confidentiality ((is)) are retained.

Sec. 20. Section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.090 are each amended to read as follows:

Nothing contained in this chapter (~~and RCW 71.24.020 and 71.24-.030~~) shall relieve any person or firm from the requirements under federal and state drug laws and regulations for the keeping of records and the responsibility for the accountability of drugs received and dispensed. Such records, insofar as they contain confidential information under this chapter (~~and RCW 71.24.020 and 71.24.030~~), shall only be available to state and federal drug inspectors who shall not divulge such information as is contained in these records, including the identification of individuals, except (1) upon subpoena in a court or administrative proceeding to which the person to whom such prescription, orders or other records relate is a party, or (2) when the information reasonably leads to the conclusion that there has been a violation of (~~RCW 69.33.380 or 69.40.090~~) chapter 69.50 RCW, then the information may be referred to other law enforcement officers.

Passed the House February 12, 1982.

Passed the Senate March 11, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.

CHAPTER 194

[Substitute House Bill No. 4438]

COMMISSION MERCHANTS—AGRICULTURAL PRODUCTS—HORSE RACING EXEMPTION—AGENT BONDS

AN ACT Relating to commission merchants; amending section 1, chapter 139, Laws of 1959 as last amended by section 30, chapter 296, Laws of 1981 and RCW 20.01.010; amending section 3, chapter 139, Laws of 1959 as last amended by section 31, chapter 296, Laws of 1981 and RCW 20.01.030; amending section 5, chapter 232, Laws of 1963 as last amended by section 6, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.210; and amending section 22, chapter 139, Laws of 1959 and RCW 20.01.220.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 139, Laws of 1959 as last amended by section 30, chapter 296, Laws of 1981 and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.