

government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 26, 1987.

Passed the House April 26, 1987.

Approved by the Governor May 18, 1987.

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CHAPTER 410

[Substitute House Bill No. 876]

METHADONE TREATMENT

AN ACT Relating to methadone treatment; amending RCW 69.54.010, 69.54.030, and 69.54.035; adding a new section to chapter 69.54 RCW; and declaring an emergency.

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

Sec. 1. Section 1, chapter 304, Laws of 1971 ex. sess. as amended by section 13, chapter 193, Laws of 1982 and RCW 69.54.010 are each amended to read as follows:

It is the purpose of this chapter 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))~~ to educate the citizens of the state about these 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 to provide for qualified drug treatment centers approved by the department of social and health services.

The state of Washington declares that there is no fundamental right to methadone treatment. The state of Washington further declares that methadone is an addictive substance, that it nevertheless has several legal, important, and justified uses and that one of its appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the drug treatment of persons addicted to or habituated to opioids.

Because methadone is addictive and listed as a schedule II controlled substance in chapter 69.50 RCW, the state of Washington and authorizing counties on behalf of their citizens have the legal obligation and right to regulate the use of methadone. The state of Washington hereby declares its authority to control and regulate carefully, in cooperation with the authorizing counties, all clinical uses of methadone in the treatment of opioid addiction. Further, the state declares that the goal of methadone treatment is

drug-free living for the individuals who participate in the drug treatment program.

Sec. 2. Section 3, chapter 304, Laws of 1971 ex. sess. as amended by section 2, chapter 53, Laws of 1986 and RCW 69.54.030 are each amended to read as follows:

Every drug treatment center in this state shall apply to the secretary of social and health services for certification as an approved drug treatment center: PROVIDED, That after March 12, 1986, no certifications shall be made until the standards developed by the department shall have been established, pursuant to RCW 69.54.035, or until December 1, 1986, whichever is soonest.

The secretary of social and health services shall issue application forms which shall require the following, where applicable:

- (1) The name and address of the applicant drug treatment center;
- (2) The name of the director or head of such drug treatment center;
- (3) The names of the members of the board of directors or sponsors of such drug treatment center;
- (4) The names and addresses of all physicians affiliated with such drug treatment center;
- (5) A short description of the nature of treatment and/or rehabilitation used by such drug treatment center to comply with the treatment and operating standards and rules under this chapter; and the qualifications of staff to employ such treatment and/or rehabilitation methods;
- (6) The source of funds used to finance the activities of such drug treatment center;
- (7) Any other information required by rule or regulation of the secretary of social and health services pertaining to the qualifications of such drug treatment center.

The secretary of social and health services may either grant or deny approval or revoke or suspend approval previously granted after investigation to ascertain whether or not such center is adequate to the care, treatment, and rehabilitation of such persons who have voluntarily submitted themselves to the care of such center; such grant, denial or revocation of approval shall be in accordance with standards as set forth in rules and regulations promulgated by the secretary.

~~((No program may be certified by the department in any county, where the county legislative authority has prohibited methadone treatment. Counties may license methadone treatment programs based on compliance with the department's treatment regulations under this section and RCW 69.54.035. Counties shall be authorized to monitor methadone treatment programs for compliance with the department's treatment regulations under this section and RCW 69.54.035. Any county legislative authority may limit the number of licenses granted in that county where such number is based on methadone programs per population provided that such number shall not~~

~~be less than the number of clinics certified in such county as of March 12, 1986.~~

~~In certifying programs or awarding contracts, neither the department nor any county may discriminate against any methadone program on the basis of its corporate structure.~~

~~Any program applying for certification from the department and any program applying for a contract from any state agency or any county legislative authority, which has been denied such certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.~~

~~Such approval shall be effective for one calendar year from the date of such approval. Renewal of approval shall be made in accordance with the provisions of this section for initial approval and in accordance with the standards set forth in rules and regulations promulgated by the secretary.)~~

NEW SECTION. Sec. 3. A new section is added to chapter 69.54 RCW to read as follows:

(1) A county legislative authority may prohibit methadone treatment in that county. A program shall not be certified by the department in any county if the county legislative authority has prohibited methadone treatment. If a county legislative authority authorizes methadone treatment programs, it shall limit by ordinance the number of methadone treatment programs operating in that county by limiting the number of licenses granted in that county. If a county has authorized methadone treatment programs in that county, it shall only license methadone treatment programs that comply with the department's operating and treatment regulations under this section and RCW 69.54.035: PROVIDED, That a county which authorizes methadone treatment may operate such programs directly or through a local health department or health district or it may authorize certified methadone treatment programs which the county licenses to provide such services within the county. Counties shall monitor methadone treatment programs for compliance with the department's operating and treatment regulations under RCW 69.54.030 and 69.54.035.

(2) A county that authorizes methadone treatment programs shall develop and enact by ordinance licensing standards, consistent with this chapter and the operating and treatment standards adopted pursuant to this chapter, that govern the application for, issuance of, renewal of, and revocation of such licenses. Counties shall give preference for licensure to certified programs operating in the county prior to the effective date of this act, to fulfill any numerical limits on the number of licensed methadone treatment programs, before opening up licensure applications to new programs: PROVIDED, That certified programs existing prior to the effective date of this act, applying for initial licensure or renewal of licensure in subsequent

years, that maintain certification and meet all other requirements for licensure, shall be given preference for both the initial issuance and the renewal of licenses.

(3) Counties that authorize methadone treatment programs shall begin issuing licenses on the effective date of this section based upon the treatment standards currently in effect. Upon adoption of the operating standards by the department, counties that authorize methadone treatment programs shall review all such programs with licenses already granted and any such programs with license applications pending, if any, for compliance with the new operating standards adopted in accordance with section 4 of this act. All certified and licensed methadone treatment programs shall be given ninety days after the date the operating standards take effect or ninety days after August 1, 1987, whichever is earlier, to comply with these operating standards or their certification and licensing shall be revoked. Any programs seeking initial certification or licensure after adoption of the operating standards shall comply with both treatment and operating standards from the first day of their operation.

(4) In certifying programs, the department shall not discriminate against any methadone program on the basis of its corporate structure. In licensing programs, the county shall not discriminate against any methadone program on the basis of its corporate structure.

(5) Any program applying for certification from the department and any program applying for a contract from any state agency that has been denied such certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial. Any program applying for licensure from a county and any program applying for a contract from a county that has been denied such license or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(6) Certification and licensure shall each be effective for one calendar year from the date of issuance of the certificate. Renewal of certification and licensure shall each be made in accordance with the provisions of this section for initial approval and in accordance with the standards set forth in rules and regulations promulgated by the secretary.

Sec. 4. Section 1, chapter 53, Laws of 1986 and RCW 69.54.035 are each amended to read as follows:

(1) The department, in consultation with treatment service providers, shall establish state-wide treatment standards for methadone treatment centers no later than December 1, 1986, and shall submit such treatment standards to the legislature in a report for review and consideration prior to the regular session of the legislature in 1987. The department and counties that authorize methadone treatment programs shall enforce these treatment standards. The treatment standards shall include but not be limited to reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to

ensure compliance with this chapter and the treatment standard authorized by this chapter. A methadone treatment center shall not have a caseload in excess of three hundred fifty persons. The caseload limit shall not be enforced so as to terminate involuntarily any person participating in a methadone program as of the effective date of this act. Any methadone program exceeding the caseload limit on the effective date of this act shall be allowed to continue to serve existing clients but not take on new clients until the program caseload has been decreased, through attrition, to three hundred fifty persons.

(2) The department, in consultation with treatment service providers, shall establish state-wide operating standards for methadone treatment centers no later than August 1, 1987, and shall submit such operating standards to the legislature in a report for review and consideration prior to the regular session of the legislature in 1988. The department and counties that authorize methadone treatment programs shall enforce these operating standards. The operating standards shall include, but not be limited to reasonable provisions necessary to enable the department and authorizing counties to monitor certified and licensed methadone treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the treatment programs upon the business and residential neighborhoods in which the program is located.

NEW SECTION. Sec. 5. 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.

NEW SECTION. Sec. 6. 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 April 21, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 18, 1987.

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CHAPTER 411

[Engrossed Substitute House Bill No. 931]

DRUG SAMPLES

AN ACT Relating to regulating the possession and distribution of legend drug samples; reenacting and amending RCW 42.17.310; adding a new chapter to Title 69 RCW; and prescribing penalties.

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