
SENATE BILL 5674

State of Washington

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By Senators Erwin, Talmadge, Moyer, L. Smith, Winsley, Deccio, Hargrove, Franklin and Prentice

Read first time 02/08/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to fetal alcohol syndrome; amending RCW
2 28A.170.060, 74.50.010, 74.50.055, 71A.10.020, and 66.08.180; adding
3 new sections to chapter 43.70 RCW; adding a new section to chapter
4 70.05 RCW; adding a new section to chapter 28A.415 RCW; adding a new
5 section to chapter 66.16 RCW; creating a new section; and providing an
6 effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that fetal alcohol
9 syndrome is among the leading causes of mental deficiencies in the
10 children of our state. The legislature recognizes that public and
11 private efforts must be increased to heighten the public's awareness of
12 the problems associated with fetal alcohol syndrome.

13 The legislature further finds that community educational programs
14 and treatment programs, targeted at high-risk women, will have the
15 greatest impact in reducing the incidence of fetal alcohol birth
16 defects. The legislature also finds that there is a great necessity
17 for: Local screening programs which can identify children who have
18 fetal alcohol syndrome; state and local coordination of educational,

1 prevention, treatment, and social service programs; and transitional
2 and adult services for persons with fetal alcohol syndrome.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW
4 to read as follows:

5 The department of health, the department of social and health
6 services, and the office of the superintendent of public instruction
7 shall execute an interagency agreement to ensure the coordination of
8 identification, evaluation, and service delivery programs for children
9 who have fetal alcohol syndrome, and for women who are at high risk of
10 having children with fetal alcohol syndrome.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW
12 to read as follows:

13 The department shall create a screening and assessment program for
14 children who may be affected by fetal alcohol syndrome. The department
15 shall contract with local public health physicians or practitioners to
16 provide the screening and assessment services. The department shall
17 provide the physicians and practitioners with identification training
18 for fetal alcohol syndrome. The training shall be offered through the
19 University of Washington and paid for by the department.

20 The screening and assessment services shall be offered at least
21 once a week in at least six, but not more than twelve, locations
22 throughout the state. The services shall also include written or
23 visual educational materials for the children and their parents, and
24 referrals to relevant public and private educational, prevention,
25 treatment, and social service programs.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.05 RCW
27 to read as follows:

28 Each county shall create a fetal alcohol syndrome task force. Each
29 task force shall include representatives of the local health
30 department, the largest school district in the county, the department
31 of social and health services community services office, and community
32 advocates. The task forces shall assist the state and local agencies
33 in the coordination of fetal alcohol syndrome prevention, treatment,
34 and educational services.

1 **Sec. 5.** RCW 28A.170.060 and 1989 c 271 s 113 are each amended to
2 read as follows:

3 The superintendent of public instruction, through the state
4 clearinghouse for education information, shall collect and disseminate
5 to all school districts and other interested parties information about:
6 (1) Effective substance abuse programs; (2) the alcohol consumption
7 risks for pregnant women including, but not limited to, fetal alcohol
8 syndrome; and (3) the penalties for (a) manufacturing, selling,
9 delivering, or possessing controlled substances on or within one
10 thousand feet of a school or school bus route stop under RCW 69.50.435
11 ((and)), (b) distributing a controlled substance to a person under the
12 age of eighteen under RCW 69.50.406, and (c) alcohol-related driving
13 offenses.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.415
15 RCW to read as follows:

16 The superintendent of public instruction, educational service
17 districts, and local school districts are encouraged to devise programs
18 of in-service training for public school certificated and classified
19 personnel who come into contact with students in grades kindergarten
20 through twelve for the purpose of providing instruction on how to
21 effectively teach children who have fetal alcohol syndrome. The
22 programs shall include information to assist in the understanding of
23 the children's behavioral strengths and deficiencies, different
24 learning styles, and the differences in their judgment skills.

25 **Sec. 7.** RCW 74.50.010 and 1988 c 163 s 1 are each amended to read
26 as follows:

27 The legislature finds:

28 (1) There is a need for reevaluation of state policies and programs
29 regarding indigent alcoholics and drug addicts;

30 (2) The practice of providing a cash grant may be causing rapid
31 caseload growth and attracting transients to the state;

32 (3) Many chronic public inebriates have been recycled through
33 county detoxification centers repeatedly without apparent improvement;

34 (4) The assumption that all individuals will recover through
35 treatment has not been substantiated;

1 (5) The state must modify its policies and programs for alcoholics
2 and drug addicts and redirect its resources in the interests of these
3 individuals, the community, and the taxpayers; ((and))

4 (6) Treatment resources should be focused on persons willing to
5 commit to rehabilitation and on women at high risk of giving birth to
6 children with fetal alcohol syndrome; and

7 (7) It is the intent of the legislature that, to the extent
8 possible, shelter services be developed under this chapter that do not
9 result in the displacement of existing emergency shelter beds. To the
10 extent that shelter operators do not object, it is the intent of the
11 legislature that any vacant shelter beds contracted for under this
12 chapter be made available to provide emergency temporary shelter to
13 homeless individuals.

14 **Sec. 8.** RCW 74.50.055 and 1989 1st ex.s. c 18 s 4 are each amended
15 to read as follows:

16 (1) A person shall not be eligible for treatment services under
17 this chapter unless he or she:

18 (a) Meets the financial eligibility requirements contained in RCW
19 74.04.005; and

20 (b) Is incapacitated from gainful employment, which incapacity will
21 likely continue for a minimum of sixty days.

22 (2) First priority for receipt of treatment services shall be given
23 to pregnant women, women who have given birth to a child with fetal
24 alcohol syndrome, and parents of young children.

25 (3) In order to rationally allocate treatment services, the
26 department may establish by rule caseload ceilings and additional
27 eligibility criteria, including the setting of priorities among classes
28 of persons for the receipt of treatment services. Any such rules shall
29 be consistent with any conditions or limitations contained in any
30 appropriations for treatment services.

31 **Sec. 9.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended to
32 read as follows:

33 As used in this title, the following terms have the meanings
34 indicated unless the context clearly requires otherwise.

35 (1) "Department" means the department of social and health
36 services.

1 (2) "Developmental disability" means a disability attributable to
2 mental retardation, cerebral palsy, epilepsy, autism, fetal alcohol
3 syndrome, or another neurological or other condition of an individual
4 found by the secretary to be closely related to mental retardation or
5 to require treatment similar to that required for individuals with
6 mental retardation, which disability originates before the individual
7 attains age eighteen, which has continued or can be expected to
8 continue indefinitely, and which constitutes a substantial handicap to
9 the individual. (~~By January 1, 1989, the department shall promulgate~~
10 ~~rules which define neurological or other conditions in a way that is~~
11 ~~not limited to intelligence quotient scores as the sole determinate~~
12 ~~{determinant} of these conditions, and notify the legislature of this~~
13 ~~action.~~))

14 (3) "Eligible person" means a person who has been found by the
15 secretary under RCW 71A.16.040 to be eligible for services.

16 (4) "Habilitative services" means those services provided by
17 program personnel to assist persons in acquiring and maintaining life
18 skills and to raise their levels of physical, mental, social, and
19 vocational functioning. Habilitative services include education,
20 training for employment, and therapy.

21 (5) "Legal representative" means a parent of a person who is under
22 eighteen years of age, a person's legal guardian, a person's limited
23 guardian when the subject matter is within the scope of the limited
24 guardianship, a person's attorney at law, a person's attorney in fact,
25 or any other person who is authorized by law to act for another person.

26 (6) "Notice" or "notification" of an action of the secretary means
27 notice in compliance with RCW 71A.10.060.

28 (7) "Residential habilitation center" means a state-operated
29 facility for persons with developmental disabilities governed by
30 chapter 71A.20 RCW.

31 (8) "Secretary" means the secretary of social and health services
32 or the secretary's designee.

33 (9) "Service" or "services" means services provided by state or
34 local government to carry out this title.

35 NEW SECTION. **Sec. 10.** A new section is added to chapter 66.16 RCW
36 to read as follows:

37 The liquor control board shall ensure that each state liquor store
38 prominently displays information regarding the hazards and possible

1 adverse effects of alcohol consumption. The information shall
2 specifically address the alcohol consumption risks for pregnant women
3 including, but not limited to, education materials on fetal alcohol
4 syndrome.

5 **Sec. 11.** RCW 66.08.180 and 1987 c 458 s 10 are each amended to
6 read as follows:

7 Moneys in the liquor revolving fund shall be distributed by the
8 board at least once every three months in accordance with RCW
9 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall
10 reserve from distribution such amount not exceeding five hundred
11 thousand dollars as may be necessary for the proper administration of
12 this title: AND PROVIDED FURTHER, That all license fees, penalties and
13 forfeitures derived under this act from class H licenses or class H
14 licensees shall every three months be disbursed by the board as
15 follows:

16 (1) 5.95 percent to the University of Washington and 3.97 percent
17 to Washington State University for alcoholism and drug abuse research
18 and for the dissemination of such research;

19 (2) 1.75 percent, but in no event less than one hundred fifty
20 thousand dollars per biennium, to the University of Washington to
21 conduct the state toxicological laboratory pursuant to RCW
22 (~~68.08.107~~) 68.50.107;

23 (3) 88.33 percent to the general fund to be used by the department
24 of social and health services solely to carry out the purposes of ((RCW
25 ~~70.96.085, as now or hereafter amended~~) chapter 70.96A RCW;

26 (4) The first fifty-five dollars per license fee provided in RCW
27 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand
28 dollars annually shall be disbursed every three months by the board to
29 the general fund to be used for juvenile alcohol and drug prevention
30 programs for kindergarten through third grade to be administered by the
31 superintendent of public instruction;

32 (5) Twenty percent of the remaining total amount derived from
33 license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340,
34 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the
35 general fund to be used by the department of social and health services
36 solely to carry out the purposes of ((~~RCW 70.96.085~~) chapter 70.96A
37 RCW; and

1 (6) One-fourth cent per liter of the tax imposed by RCW 66.24.210
2 shall every three months be disbursed by the board to Washington State
3 University solely for wine and wine grape research, extension programs
4 related to wine and wine grape research, and resident instruction in
5 both wine grape production and the processing aspects of the wine
6 industry in accordance with RCW 28B.30.068. The director of financial
7 management shall prescribe suitable accounting procedures to ensure
8 that the funds transferred to the general fund to be used by the
9 department of social and health services and appropriated are
10 separately accounted for.

11 NEW SECTION. **Sec. 12.** This act shall take effect January 1, 1994.

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