
ENGROSSED SUBSTITUTE HOUSE BILL 1298

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Cooke, Tokuda and Patterson; by request of Department of Social and Health Services)

Read first time 03/01/95.

1 AN ACT Relating to methadone treatment; and amending RCW
2 70.96A.400, 70.96A.410, and 70.96A.420.

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

4 **Sec. 1.** RCW 70.96A.400 and 1989 c 270 s 20 are each amended to
5 read as follows:

6 The state of Washington declares that there is no fundamental right
7 to ~~((methadone))~~ opiate substitution treatment. The state of
8 Washington further declares that while methadone ~~((is an))~~ and other
9 like pharmacological drugs, used in the treatment of opiate dependency
10 are addictive substances, that ~~((it))~~ they nevertheless ~~((has))~~ have
11 several legal, important, and justified uses and that one of ~~((its))~~
12 their appropriate and legal uses is, in conjunction with other required
13 therapeutic procedures, in the treatment of persons addicted to or
14 habituated to opioids.

15 Because methadone ~~((is))~~ and other like pharmacological drugs, used
16 in the treatment of opiate dependency are addictive and ~~((is))~~ are
17 listed as a schedule II controlled substance in chapter 69.50 RCW, the
18 state of Washington and authorizing counties on behalf of their
19 citizens have the legal obligation and right to regulate the use of

1 ((methadone)) opiate substitution treatment. The state of Washington
2 declares its authority to control and regulate carefully, in
3 cooperation with the authorizing counties, all clinical uses of
4 methadone and other pharmacological drugs used in the treatment of
5 ((opium)) opiate addiction. Further, the state declares that the goal
6 of ((methadone)) opiate substitution treatment is drug-free living for
7 the individuals who participate in the treatment program.

8 **Sec. 2.** RCW 70.96A.410 and 1989 c 270 s 21 are each amended to
9 read as follows:

10 (1) A county legislative authority may prohibit ((methadone))
11 opiate substitution treatment in that county. The department shall not
12 certify ((a methadone)) an opiate substitution treatment program in a
13 county where the county legislative authority has prohibited
14 ((methadone)) opiate substitution treatment. If a county legislative
15 authority authorizes ((methadone)) opiate substitution treatment
16 programs, it shall limit by ordinance the number of ((methadone))
17 opiate substitution treatment programs operating in that county by
18 limiting the number of licenses granted in that county. If a county
19 has authorized ((methadone)) opiate substitution treatment programs in
20 that county, it shall only license ((methadone)) opiate substitution
21 treatment programs that comply with the department's operating and
22 treatment standards under this section and RCW 70.96A.420. A county
23 that authorizes ((methadone)) opiate substitution treatment may operate
24 the programs directly or through a local health department or health
25 district or it may authorize certified ((methadone)) opiate
26 substitution treatment programs that the county licenses to provide the
27 services within the county. Counties shall monitor ((methadone))
28 opiate substitution treatment programs for compliance with the
29 department's operating and treatment regulations under this section and
30 RCW 70.96A.420.

31 (2) A county that authorizes ((methadone)) opiate substitution
32 treatment programs shall develop and enact by ordinance licensing
33 standards, consistent with this chapter and the operating and treatment
34 standards adopted under this chapter, that govern the application for,
35 issuance of, renewal of, and revocation of the licenses. Certified
36 programs existing before May 18, 1987, applying for renewal of
37 licensure in subsequent years, that maintain certification and meet all
38 other requirements for licensure, shall be given preference.

1 (3) In certifying programs, the department shall not discriminate
2 against ~~((a methadone))~~ an opiate substitution treatment program on the
3 basis of its corporate structure. In licensing programs, the county
4 shall not discriminate against ~~((a methadone))~~ an opiate substitution
5 treatment program on the basis of its corporate structure.

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

13 (5) A license is effective for one calendar year from the date of
14 issuance. The license shall be renewed in accordance with the
15 provisions of this section for initial approval and in accordance with
16 the standards set forth in rules adopted by the secretary.

17 **Sec. 3.** RCW 70.96A.420 and 1989 c 270 s 22 are each amended to
18 read as follows:

19 (1) The department, in consultation with ~~((methadone))~~ opiate
20 substitution treatment service providers and counties authorizing
21 ~~((methadone))~~ opiate substitution treatment programs, shall establish
22 state-wide treatment standards for ~~((methadone))~~ opiate substitution
23 treatment programs. The department and counties that authorize
24 ~~((methadone))~~ opiate substitution treatment programs shall enforce
25 these treatment standards. The treatment standards shall include, but
26 not be limited to, reasonable provisions for all appropriate and
27 necessary medical procedures, counseling requirements, urinalysis, and
28 other suitable tests as needed to ensure compliance with this chapter
29 and the treatment standard authorized by this chapter. ~~((A methadone))~~
30 An opiate substitution treatment program shall not have a caseload in
31 excess of three hundred fifty persons.

32 (2) The department, in consultation with ~~((methadone))~~ opiate
33 substitution treatment programs and counties authorizing ~~((methadone))~~
34 opiate substitution treatment programs, shall establish state-wide
35 operating standards for ~~((methadone))~~ opiate substitution treatment
36 programs. The department and counties that authorize ~~((methadone))~~
37 opiate substitution treatment programs shall enforce these operating
38 standards. The operating standards shall include, but not be limited

1 to, reasonable provisions necessary to enable the department and
2 authorizing counties to monitor certified and licensed ((methadone))
3 opiate substitution treatment programs for compliance with this chapter
4 and the treatment standards authorized by this chapter and to minimize
5 the impact of the ((methadone)) opiate substitution treatment programs
6 upon the business and residential neighborhoods in which the program is
7 located.

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