
SUBSTITUTE SENATE BILL 6585

State of Washington

66th Legislature

2020 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Zeiger, Walsh, Darneille, O'Ban, Conway, Nguyen, and Wilson, C.)

1 AN ACT Relating to requiring county jails to use medication-
2 assisted treatment; reenacting and amending RCW 71.24.580; adding a
3 new section to chapter 70.48 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.48
6 RCW to read as follows:

7 (1) To the extent that funds are specifically appropriated by the
8 legislature for this purpose, a county jail shall provide medication-
9 assisted treatment therapies for persons in custody experiencing
10 opioid use disorders.

11 (2) Upon request from a county jail, the health care authority
12 shall consult with and provide technical assistance to a county jail
13 regarding the use of appropriate medication-assisted treatments
14 approved by the federal food and drug administration for the
15 treatment of opioid use disorders as deemed medically appropriate by
16 a medical professional during the custody period.

17 **Sec. 2.** RCW 71.24.580 and 2019 c 415 s 980, 2019 c 325 s 1040,
18 and 2019 c 314 s 27 are each reenacted and amended to read as
19 follows:

1 (1) The criminal justice treatment account is created in the
2 state treasury. Moneys in the account may be expended solely for: (a)
3 Substance use disorder treatment and treatment support services for
4 offenders with a substance use disorder that, if not treated, would
5 result in addiction, against whom charges are filed by a prosecuting
6 attorney in Washington state; (b) the provision of substance use
7 disorder treatment services and treatment support services for
8 nonviolent offenders within a drug court program; and (c) the
9 administrative and overhead costs associated with the operation of a
10 drug court. Amounts provided in this subsection must be used for
11 treatment and recovery support services for criminally involved
12 offenders and authorization of these services shall not be subject to
13 determinations of medical necessity. (~~During the 2017-2019 fiscal~~
14 ~~biennium, the legislature may direct the state treasurer to make~~
15 ~~transfers of moneys in the criminal justice treatment account to the~~
16 ~~state general fund. During the 2019-2021 fiscal biennium, the~~
17 ~~legislature may direct the state treasurer to make transfers of~~
18 ~~moneys in the criminal justice treatment account to the home security~~
19 ~~fund account created in RCW 43.185C.060. It is the intent of the~~
20 ~~legislature to continue the policy of transferring moneys from the~~
21 ~~criminal justice treatment account to the home security fund account~~
22 ~~in subsequent biennia.)) Moneys in the account may be spent only
23 after appropriation.~~

24 (2) For purposes of this section:

25 (a) "Treatment" means services that are critical to a
26 participant's successful completion of his or her substance use
27 disorder treatment program, including but not limited to the recovery
28 support and other programmatic elements outlined in RCW 2.30.030
29 authorizing therapeutic courts; and

30 (b) "Treatment support" includes transportation to or from
31 inpatient or outpatient treatment services when no viable alternative
32 exists, and child care services that are necessary to ensure a
33 participant's ability to attend outpatient treatment sessions.

34 (3) Revenues to the criminal justice treatment account consist
35 of: (a) Funds transferred to the account pursuant to this section;
36 and (b) any other revenues appropriated to or deposited in the
37 account.

38 (4) (a) For the fiscal year beginning July 1, 2005, and each
39 subsequent fiscal year, the state treasurer shall transfer eight
40 million two hundred fifty thousand dollars from the general fund to

1 the criminal justice treatment account, divided into four equal
2 quarterly payments. For the fiscal year beginning July 1, 2006, and
3 each subsequent fiscal year, the amount transferred shall be
4 increased on an annual basis by the implicit price deflator as
5 published by the federal bureau of labor statistics.

6 (b) In each odd-numbered year, the legislature shall appropriate
7 the amount transferred to the criminal justice treatment account in
8 (a) of this subsection to the department for the purposes of
9 subsection (5) of this section.

10 (5) Moneys appropriated to the authority from the criminal
11 justice treatment account shall be distributed as specified in this
12 subsection. The authority may retain up to three percent of the
13 amount appropriated under subsection (4)(b) of this section for its
14 administrative costs.

15 (a) Seventy percent of amounts appropriated to the authority from
16 the account shall be distributed to counties pursuant to the
17 distribution formula adopted under this section. The authority, in
18 consultation with the department of corrections, the Washington state
19 association of counties, the Washington state association of drug
20 court professionals, the superior court judges' association, the
21 Washington association of prosecuting attorneys, representatives of
22 the criminal defense bar, representatives of substance use disorder
23 treatment providers, and any other person deemed by the authority to
24 be necessary, shall establish a fair and reasonable methodology for
25 distribution to counties of moneys in the criminal justice treatment
26 account. County or regional plans submitted for the expenditure of
27 formula funds must be approved by the panel established in (b) of
28 this subsection.

29 (b) Thirty percent of the amounts appropriated to the authority
30 from the account shall be distributed as grants for purposes of
31 treating offenders against whom charges are filed by a county
32 prosecuting attorney. The authority shall appoint a panel of
33 representatives from the Washington association of prosecuting
34 attorneys, the Washington association of sheriffs and police chiefs,
35 the superior court judges' association, the Washington state
36 association of counties, the Washington defender's association or the
37 Washington association of criminal defense lawyers, the department of
38 corrections, the Washington state association of drug court
39 professionals, and substance use disorder treatment providers. The
40 panel shall review county or regional plans for funding under (a) of

1 this subsection and grants approved under this subsection. The panel
2 shall attempt to ensure that treatment as funded by the grants is
3 available to offenders statewide.

4 (6) The county alcohol and drug coordinator, county prosecutor,
5 county sheriff, county superior court, a substance abuse treatment
6 provider appointed by the county legislative authority, a member of
7 the criminal defense bar appointed by the county legislative
8 authority, and, in counties with a drug court, a representative of
9 the drug court shall jointly submit a plan, approved by the county
10 legislative authority or authorities, to the panel established in
11 subsection (5)(b) of this section, for disposition of all the funds
12 provided from the criminal justice treatment account within that
13 county. The submitted plan should incorporate current evidence-based
14 practices in substance use disorder treatment. The funds shall be
15 used solely to provide approved alcohol and substance use disorder
16 treatment pursuant to RCW 71.24.560 and treatment support services.
17 No more than ten percent of the total moneys received under
18 subsections (4) and (5) of this section by a county or group of
19 counties participating in a regional agreement shall be spent for
20 treatment support services.

21 (7) Counties are encouraged to consider regional agreements and
22 submit regional plans for the efficient delivery of treatment under
23 this section.

24 (8) Moneys allocated under this section shall be used to
25 supplement, not supplant, other federal, state, and local funds used
26 for substance abuse treatment.

27 (9) If a region or county uses criminal justice treatment account
28 funds to support a therapeutic court, the therapeutic court must
29 allow the use of all medications approved by the federal food and
30 drug administration for the treatment of opioid use disorder as
31 deemed medically appropriate for a participant by a medical
32 professional. If appropriate medication-assisted treatment resources
33 are not available or accessible within the jurisdiction, the health
34 care authority's designee for assistance must assist the court with
35 acquiring the resource.

36 (10) Counties must meet the criteria established in RCW
37 2.30.030(3).

38 (11) The authority shall annually review and monitor the
39 expenditures made by any county or group of counties that receives
40 appropriated funds distributed under this section. Counties shall

1 repay any funds that are not spent in accordance with the
2 requirements of its contract with the authority.

3 NEW SECTION. **Sec. 3.** If specific funding for the purposes of
4 section 1 of this act, referencing section 1 of this act by bill or
5 chapter number and section number, is not provided by June 30, 2020,
6 in the omnibus appropriations act, section 1 of this act is null and
7 void.

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