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**HOUSE BILL 2090**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Bateman and Doglio

Prefiled 01/03/24.

1 AN ACT Relating to modifying the number of county commissioner  
2 members on local boards of health for nonhome rule charter counties  
3 with five county commissioners; and amending RCW 70.05.030.

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

5 **Sec. 1.** RCW 70.05.030 and 2021 c 205 s 3 are each amended to  
6 read as follows:

7 (1) Except as provided in subsection (2) of this section, for  
8 counties without a home rule charter, the board of county  
9 commissioners and the members selected under (a) and (e) of this  
10 subsection, shall constitute the local board of health, unless the  
11 county is part of a health district pursuant to chapter 70.46 RCW.  
12 For counties without a home rule charter where the board of county  
13 commissioners is comprised of five commissioners, the board of county  
14 commissioners may adopt an ordinance reducing the number of county  
15 commissioners that are members of the local board of health, provided  
16 that the board of health includes at least one county commissioner.  
17 The jurisdiction of the local board of health shall be coextensive  
18 with the boundaries of the county.

19 (a) The remaining board members must be persons who are not  
20 elected officials and must be selected from the following categories

1 consistent with the requirements of this section and the rules  
2 adopted by the state board of health under RCW 43.20.300:

3 (i) Public health, health care facilities, and providers. This  
4 category consists of persons practicing or employed in the county who  
5 are:

6 (A) Medical ethicists;

7 (B) Epidemiologists;

8 (C) Experienced in environmental public health, such as a  
9 registered sanitarian;

10 (D) Community health workers;

11 (E) Holders of master's degrees or higher in public health or the  
12 equivalent;

13 (F) Employees of a hospital located in the county; or

14 (G) Any of the following providers holding an active or retired  
15 license in good standing under Title 18 RCW:

16 (I) Physicians or osteopathic physicians;

17 (II) Advanced registered nurse practitioners;

18 (III) Physician assistants or osteopathic physician assistants;

19 (IV) Registered nurses;

20 (V) Dentists;

21 (VI) Naturopaths; or

22 (VII) Pharmacists;

23 (ii) Consumers of public health. This category consists of county  
24 residents who have self-identified as having faced significant health  
25 inequities or as having lived experiences with public health-related  
26 programs such as: The special supplemental nutrition program for  
27 women, infants, and children; the supplemental nutrition program;  
28 home visiting; or treatment services. It is strongly encouraged that  
29 individuals from historically marginalized and underrepresented  
30 communities are given preference. These individuals may not be  
31 elected officials and may not have any fiduciary obligation to a  
32 health facility or other health agency, and may not have a material  
33 financial interest in the rendering of health services; and

34 (iii) Other community stakeholders. This category consists of  
35 persons representing the following types of organizations located in  
36 the county:

37 (A) Community-based organizations or nonprofits that work with  
38 populations experiencing health inequities in the county;

39 (B) Active, reserve, or retired armed services members;

40 (C) The business community; or

1 (D) The environmental public health regulated community.

2 (b) The board members selected under (a) of this subsection must  
3 be approved by a majority vote of the board of county commissioners.

4 (c) If the number of board members selected under (a) of this  
5 subsection is evenly divisible by three, there must be an equal  
6 number of members selected from each of the three categories. If  
7 there are one or two members over the nearest multiple of three,  
8 those members may be selected from any of the three categories.  
9 However, if the board of health demonstrates that it attempted to  
10 recruit members from all three categories and was unable to do so,  
11 the board may select members only from the other two categories.

12 (d) There may be no more than one member selected under (a) of  
13 this subsection from one type of background or position.

14 (e) If a federally recognized Indian tribe holds reservation,  
15 trust lands, or has usual and accustomed areas within the county, or  
16 if a 501(c)(3) organization registered in Washington that serves  
17 American Indian and Alaska Native people and provides services within  
18 the county, the board of health must include a tribal representative  
19 selected by the American Indian health commission.

20 (f) The board of county commissioners may, at its discretion,  
21 adopt an ordinance expanding the size and composition of the board of  
22 health to include elected officials from cities and towns and persons  
23 other than elected officials as members so long as the city and  
24 county elected officials do not constitute a majority of the total  
25 membership of the board.

26 (g) Except as provided in (a) and (e) of this subsection, an  
27 ordinance adopted under this section shall include provisions for the  
28 appointment, term, and compensation, or reimbursement of expenses.

29 (h) The jurisdiction of the local board of health shall be  
30 coextensive with the boundaries of the county.

31 (i) The local health officer, as described in RCW 70.05.050,  
32 shall be appointed by the official designated under the provisions of  
33 the county charter. The same official designated under the provisions  
34 of the county charter may appoint an administrative officer, as  
35 described in RCW 70.05.045.

36 (j) The number of members selected under (a) and (e) of this  
37 subsection must equal the number of city and county elected officials  
38 on the board of health.

39 (k) At the first meeting of a district board of health the  
40 members shall elect a chair to serve for a period of one year.

1           (1) Any decision by the board of health related to the setting or  
2 modification of permit, licensing, and application fees may only be  
3 determined by the city and county elected officials on the board.

4           (2) A local board of health comprised solely of elected officials  
5 may retain this composition if the local health jurisdiction had a  
6 public health advisory committee or board with its own bylaws  
7 established on January 1, 2021. By January 1, 2022, the public health  
8 advisory committee or board must meet the requirements established in  
9 RCW 70.46.140 for community health advisory boards. Any future  
10 changes to local board of health composition must meet the  
11 requirements of subsection (1) of this section.

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