



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

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March 11, 2009

TO: Washington State Board of Health Members
FROM: Craig McLaughlin, Executive Director
SUBJECT: MID-SESSION UPDATE ON THE 2009 LEGISLATURE

Background and Summary:

From January 12, the first day of session, to March 2, the final day for fiscal committees to report out bills in the house of origin, State Board of Health staff actively tracked 89 bills and reviewed dozens more to see if they should be tracked. Although staff has been discriminating about what it tracks, this marks an increase over the last long session in 2007. This session has set a record for the number of bills introduced, despite the focus on addressing a revenue shortfall that is now at \$8 billion and is expected to grow.

During this time, the Board sent letters to policy committees expressing a position or otherwise commenting on 13 bills, signed in at committee hearings on five bills, and testified on six bills. The level of activity was comparable to 2007. Key issues included repealing scoliosis screening requirements, implementing the school environmental health and safety rule revision, expanding school meal programs, and reducing the academic achievement gap. There were also a variety of proposals related to specific Board rules. The discussion section of this memo summarizes bills on which the Board took action of some kind and was accurate as of March 3.

Fifteen bills on which the Board has taken an active position or that have a direct impact on the Board in some way were alive on March 3. These numbers are down slightly compared to 2007.

All legislative activities were consistent with SBOH Policy 2001-001.

The Board has not received any requests to conduct health impact reviews.

This agenda item will allow members to discuss the legislation that Board staff has been tracking, and if necessary, discuss issues related to the Board's process, clarify Board positions, and provide direction to staff about future activities.

Recommended Board Action:

None.

Discussion

The Board maintains tracking lists of bills. One lists those bills that directly impact the Board's work or authority, or on which the Board has taken a formal position. A second tracks bills that Board staff members monitor for a variety of reasons. Dead bills comprise a third list. The Bill Watch Web page tracks legislation on which the Board has taken a position. Copies are attached.

March 2 was "second cutoff"—the last day for fiscal committees to act on bills in the house of origin. The next cutoff is tomorrow, the last day for bills to pass out of the house of origin.

No session is complete without bills that confuse the Board and the Department of Health. Typically, staff works behind the scenes with legislative staff, bill sponsors and advocates to make technical corrections without having to testify. Examples of such bills this session are:

- SB 5536 would have established a pilot project for allowing dogs in the outside service areas of bars and coffee shops. The bill died.
- SB 5350 addresses the direct sales of turkeys. The original bill incorrectly referenced the food code. A substitute version that is still moving addressed this problem.
- HB 1998 had to do with the state review of public water system and referred to Board rules as Department of Health rules. A substitute would have fixed the problem, but the bill died.

There have been several attempting to eliminate or suspend a variety of boards and commissions to reduce costs. Neither the Board nor the Governor's Interagency Council on Health Disparities are affected by the Governor's proposal. An early House bill that would have suspended both did not move. SSB 5588, a Senate proposal that would eliminate the Council, is still alive.

Several bills would have had an impact on the Board's rule making authority.

- SB 5779, which would restrict implementation of the school health and safety rule revisions, will have been discussed as part of the previous agenda item.
- HB 1322 and SB 5074, both of which were still alive as of second cutoff, would repeal statutes requiring screening for scoliosis in schools. The Board supports these bills.
- HB 1661, which would have made the Board's rule regarding the frequency of inspection for on-site septic systems advisory only, did not get a hearing.
- HB 1662, which would have grandfathered in refrigeration that could not store high-risk foods at 41 degrees or lower, died in committee.
- SSB 5958 adds requirements for vision screening for children who exhibit changes in behavior, discipline, or academic performance. A substitute bill survived cutoff.

The Board weighed in on other policy proposals. It opposed labeling vaccines as hazardous substances (the bill, SB 5756, died), supported surveying schools about recess practices (the bill, SSB 5551 is still alive), and expressed concerns about repealing school physical education requirements (this provision was removed from a substitute bill, SSB 5890, that is still alive). The Board also spoke to policy considerations, without taking a position on the bills, around disposal of unused prescription drugs, eliminating school meal copayments, and addressing the academic achievement gap. The drug disposal and achievement gap bills survived second cutoff. The "feeding hungry children" bill did not, but the policy could be implemented through a budget proviso.