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## 2009 Bill Watch

### Bill Number

### Bill Title

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Education system flexibility

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Vision screening for public school students

Above items in gray are dead.


It is the policy of the Washington State Board of Health (  [Policy 01-001](#) [32 KB] ) to monitor and comment on issues before the Legislature that fall into at least one of the following four categories.


- **Category 1:** Impacts the Board's statutory authority
- **Category 2:** Runs counter to a policy direction the Board has established in rule
- **Category 3:** Is directly related to one of the Priority Topics established by the Board each biennium, as supported by a Board-approved work plan, interim document, or final report
- **Category 4:** Is directly related to a policy issue addressed in a policy statement adopted by the Board prior to each session

In addition, the Board thought it prudent to discuss some major issues likely to appear on the



Legislature's agenda and to reach agreement on the sense of the Board prior to session. The

 [Statement of Policy on Possible 2009 Legislative Issues](#) [42 KB] represents the sense of the Board on a limited number of significant issues that the Board discussed as a whole prior to session, and is intended to guide Board staff and individual Board members in their communications.



<b>Bill Number:</b>	<b>HB 1157</b>
<b>Short Title:</b>	<b>Emergency information delivery</b>
<b>Prime Sponsor:</b>	Anderson
<b>Status:</b>	Technically dead.
<b>Digest:</b>	The bill would establish a workgroup to study how to improve the delivery of emergency information to the public and deliver a report with recommendations to the Legislature and Governor by December 1, 2009.
<b>Full Text:</b>	View <a href="#">text</a> on-line
<b>Reason for Interest:</b>	<b>Category 3:</b> The Board's strategic plan includes a goal to reduce health disparities and calls for support of the Governor's Interagency Council on Health Disparities, which has a grant to increase communications capacity with communities of color, including during emergencies.
<b>Explanation:</b>	The bill does not consider outreach to vulnerable and hard-to-reach populations such as those with limited English proficiency. The Board recommends that the workgroup review the impact of emergency alert system delivery mechanisms on hard-to-reach populations and include in its final report recommendations on how to improve the emergency information system to promote safety for all of Washington's diverse communities. In addition, the bill does not include a representative from the Department of Health on the adjutant general's workgroup. The Board believes public health representation is critical since public health plays a vital role in responding to emergencies.
<b>Recommendation:</b>	Recommend amendments
<b>Board Action:</b>	 <a href="#">Letter</a> [50 KB] with suggested amendments sent to House Committee on Public Safety & Emergency Preparedness regarding HB 1157
<b>Staff Assigned:</b>	<a href="#">Christy Curwick Hoff</a>

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<b>Bill Number:</b>	<b>2SHB 1165   SB 5279</b>
<b>Short Title:</b>	<b>Unwanted drug disposal</b>
<b>Prime Sponsor:</b>	Morrell   Kline
<b>Status:</b>	Technically dead.
<b>Digest:</b>	View <a href="#">digest</a> on-line
<b>Full Text:</b>	View <a href="#">text</a> on-line
<b>Reason for Interest:</b>	<b>Category 4:</b> The Board's policy statement supports pharmaceutical take back programs
<b>Explanation:</b>	This bill would require pharmaceutical manufacturers to participate in a product stewardship program for unwanted drugs held by consumers. The programs could be run by individual producers or cooperatively through stewardship organizations. The SBOH would like to see development of

sustainable programs to take back unused pharmaceuticals to prevent inappropriate or accidental use. The Board is particularly concerned about opioid misuse and abuse. The substitute bill includes controlled substances (narcotics). Unfortunately, inclusion of controlled substances might be held invalid because federal rules restrict pharmaceutical take back programs from including them.

**Recommendation:** Support concept with concern. Send Letter.

**Board Action:** See letters on  [HB1165](#) [50 KB] and  [SB 5279](#) [52 KB]

**Staff Assigned:** [Ned Therien](#) and [Tara Wolff](#)

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**Bill Number:** **HB 1322 | SB 5074 (not companion bills)**

**Short Title:** **School scoliosis screening**

**Prime Sponsor:** Green | Marr

**Status:** HB 1322 passed both House and the Governor signed it on April 9. The law will take effect on July 26, 2009. SB 5074 is technically dead.

**Digest:** Repeals the program for scoliosis screening in schools.

**Full Text:** View text on line of [HB 1322](#) | [SB 5074](#)

**Reason for Interest:** **Category 1:** This bill would rescind the Board's statutory authority to adopt rules for scoliosis screening.

**Explanation:** These bills are not true companions but identical except HB 1322 has an intent section and SB 5074 does not. The Board believes screening asymptomatic adolescents for scoliosis in a school setting is not evidence-based. It passed a motion in January 2008 supporting the concept of rescinding mandatory school-based scoliosis screening.

**Recommendation:** Support

**Board Action:** Craig McLaughlin signed in support for both bills in their houses of origination. Tara Wolff signed in support for both bills when they moved to the other side of the house.

**Staff Assigned:** [Tara Wolff](#)

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**Bill Number:** **HB 1365**

**Short Title:** **Food service rules**

**Prime Sponsor:** Ericksen

**Status:** Technically dead.

**Digest:** View [digest](#) on-line

**Full Text:** View [text](#) on-line

**Reason for Interest:** **Category 1:** The Board currently has authority to consider the most current version of the FDA Food Code when adopting rules for food service establishments.

**Category 2:** The Board has adopted 2001 FDA Food Code national standards for food establishments in Chapter 246-215 WAC.

**Explanation:** The SBOH adopted the 2001 FDA Food Code by reference in 2004 largely without change. The rules include a requirement that refrigeration for potentially hazardous foods be at 41° F or below, except up to 45° F is allowed for existing equipment until May 2010 if it was purchased before May 2005. The rules provide local health officers with authority to give variances on a case-by-case basis. This bill would indefinitely extend the exemption for refrigeration equipment purchased before May 2005.

The 2001 FDA Food Code contained the provision for exempting refrigeration equipment from the 41° F requirement for 5 years. The 2007 Supplement to the FDA Food Code does not include a phase-in period to meet the 41° F requirement. This is based on best available science increasingly identifying the need for the lower food storage temperature to prevent multiplication of Listeria, a potentially deadly type of bacteria.

**Recommendation:** Oppose

**Board Action:** Executive Director testified as opposed at Feb 10 hearing

**Staff Assigned:** [Ned Therien](#)

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**Bill Number:** **SHB 1416 | SB 5361**

**Short Title:** **Feeding hungry children**

**Prime Sponsor:** Sullivan | McDermott

**Status:** Technically dead.

**Digest:** View digest on-line for [SHB 1416](#) and [SB 5361](#)

**Full Text:** View text on-line for [SHB 1416](#) and [SSB 5361](#)

**Reason for Interest:** **Category 4:** The Board's policy statement supports using science and public health best practice to improve nutrition in schools. This includes improving the quality and availability of school meal programs.

**Explanation:** In times of rising unemployment, more families are likely to experience food insecurity or hunger. Feeding low-income children is critical on many fronts including children's ability to perform well academically. Washington state Healthy Youth Survey data indicates an association between not eating breakfast and academic risk. Studies of school breakfast programs show improved nutrition and academic achievement. Necessary funding of roughly \$4 million per biennium is not in Governor's budget.

**Recommendation:** Support concept. Send letter.

**Board Action:** See letters on  [HB 1416](#) [52 KB] and  [HB 5361](#) [52 KB]

**Staff Assigned:** [Tara Wolff](#)

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**Bill Number:** **HB 1632**

**Short Title:** **Annual school performance reporting**

**Prime Sponsor:** Seaquist

**Status:** Technically dead.


**Digest:** View [digest](#) on-line.

**Full Text:** View [text](#) on-line.

**Reason for Interest:** **Category 2:** Related to school environmental health and safety rule.

**Explanation:** Board removed report requirements in drafts of school rules because of questions about limits on its authority. Staff and parents strongly advocated for public reporting. This bill would achieve reporting through existing channels, keeping the administrative burden on schools to a minimum.

**Recommendation:** Support provisions related to school health and safety. Send letter.

**Board Action:** See letter on  [HB 1632](#) [50 KB]

**Staff Assigned:** [Ned Therien](#)

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**Bill Number:** **ESHB 1703 | SB 5707**

**Short Title:** **Child immunization exemptions**

**Prime Sponsor:** Cody | Keiser

**Status:** Technically dead.

**Digest:** Requires certain documents for child immunization exemptions (SB 5707). Requires a certificate of exemption for child immunization exemptions (SHB 1703).


**Full Text:** View text on-line for [ESHB 1703](#) | [SB 5707](#)

**Reason for Interest:** **Category 2&4 for SB 5707:** The Board policy statement endorses well-considered efforts to discourage overuse of exemptions. Board rules allow medical doctors, osteopaths, naturopaths, physician assistants, or nurse practitioners to authorize medical exemptions. SB 5707 only allows licensed physicians to issue a medical exemption. Board rules allow parents (defined as (a) the mother, father, legal guardian, or any adult in loco parentis of a child 17 years of age or older, (b) a person 18 years of age or older, or (c) an emancipated minor) to claim a philosophical or personal exemption by signing a Certificate of Exemption. SB 5707 would require two notarized documents to obtain such an exemption. One of the documents would come from a licensed physician, physician assistant, or nurse indicating that the parent, legal guardian, or person acting in loco parentis has received information about the benefits and risks of immunization. The other document would be signed by the parent, legal guardian, or person acting in loco parentis.

SHB 1703 has addressed these concerns (above).

**Explanation:** The Board supports the goals of both bills. But the Board has concerns about SB 5707 which incorporates provisions that are not clearly public health-related. The Board supports the concept of providing parents with vaccine information that is scientifically based, and information on the implications of their decision in the event of an outbreak. However, the Board would be cautious about an approach that requires notarized documentation. The immunization rule on medical exemptions is out of synch with SB 5707. The Board would like subsection (2) in section 1 of the bill to say "or other health care providers as allowed by Board rule" or specify a broader list of providers in RCW.

**Recommendation:** Support concept. Recommend amendment. Testify

**Board Action:** See  [written testimony](#) [44 KB]. Craig McLaughlin signed in support of SHB 1703 and was available for questions.

**Staff Assigned:** [Tara Wolff](#)

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**Bill Number:** **2SHB 1985**

**Short Title:** **Public health financing**

**Prime Sponsor:** Moeller

**Status:** Technically dead.

**Digest:** View [digest](#) on line.

**Full Text:** View [text](#) on line.

**Reason for Interest:** **Category 3:** The Board's strategic plan includes an objective of strengthening the organizational capacity of the public health system.

**Explanation:** This bill is intended to help provide local public health jurisdictions with more stable dedicated funding. It would provide continuing funding assistance for local health and would require the secretary of DOH to establish a review process to evaluate local health compliance with minimum standards in the Public Health Improvement Plan every two years in order to continue to get this state funding. It would repeal requirements that prohibit state funds being used to supplant existing local funding during the current biennium.

**Recommendation:** Support concept

**Board Action:** The Executive Director signed in at February 10 hearing on original bill in support of concept.

**Staff Assigned:** [Ned Therien](#)

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**Bill Number:** **HB 2070 | SSB 5779**

**Short Title:** **School health and safety rules**

**Prime Sponsor:** Sullivan | McAuliffe

**Status:** Technically dead..

**Digest:** Recognizes that the legislature cannot practically implement the state board of health's proposed school environmental health and safety rules without an extended phase-in period in light of other budget constraints.

**Full Text:** View text on line of [HB 2070](#) | [SSB 5779](#)

**Reason for Interest:** **Category 1:** These bills would revise the Board's statutory authority regarding school environmental health and safety rules.

**Explanation:** These bills would require the Board to present its school environmental health and safety rules and a final cost estimate to the Legislature before the rules could be implemented. The legislature must then approve the rules before they could be implemented. This may take a phased-in approach. The substitute senate bill establishes a

time period between January 1, 2009 and January 1, 2005 when this would be required; encourages school districts to voluntarily comply with the rule during this period; and adds an emergency clause.

The bills are not clear about the Board's authority to adopt the rules--they restrict implementation of the rules. They are not clear regarding applicability to existing rules versus proposed revisions. They are not clear what additional presentation and cost estimates are needed beyond those already provided or required for rule making by the Administrative Procedures Act. They are not clear whether approval for implementation would be required for each budget cycle. The Board seeks to work with legislators to clarify bill language and explore methods for implementation of basic environmental health and safety protections for students in schools, such as through phased-in funding.

**Recommendation:** Concerns, recommend amendments.

**Board Action:** The Executive Director testified at legislative policy committee hearings for both bills.

**Staff Assigned:** [Ned Therien](#)

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**Bill Number:** SHB 2147 | **E2SSB 5973** | HB 2149

**Short Title:** **Achievement gap**

**Prime Sponsor:** Liias | Kauffman | McCoy

**Status:** E2SSB 5973 has passed and been sent to Governor. SHB 2147 and HB 2149 are technically dead.

**Digest:** [SHB 2147](#) | [SSSB 5973](#) | [HB 2149](#)



**Full Text:** [SHB 2147](#) | [SSSB 5973](#) | [HB 2149](#)

**Reason for Interest:** **Category 3:** The Board's strategic plan includes a goal to reduce health disparities and calls for support of the Governor's Interagency Council on Health Disparities, which has selected education as one of its priorities for the first version of its action plan.

**Explanation:** The Board has long supported efforts to reduce the academic achievement gap, as education is a clear social determinant of health and the promotion of health equity and the reduction of health disparities is a longstanding goal of the Board. These bills attempt to implement recommendations from five studies on academic achievement gaps. The Board supports keeping the recommendations on the state's public policy agenda. 2SSB 5973 would create an oversight and accountability committee staffed by the Center for the Improvement of Student Learning to recommend policies and strategies to address the achievement gap, would require the Professional Educator Standards Board to recommend model standards for cultural competency and to provide assistance to school districts to advance cultural competence skills in the workforce, directs the Office of Superintendent of Public Instruction to disaggregate student data in reports for specific racial/ethnic and other subgroups and to secure federal funds to support enhanced data collection and other model programs and innovations. HB 2149 would have awarded a planning grant to create an implementation plan for millennium schools, if funds were appropriated. SHB 2147

would have established an oversight and accountability committee to provide guidance and recommendations on measures and strategies to close the achievement gap. It also would have directed OSPI to create an implementation plan for up to three Innovation Academies.

**Recommendation:** Support concept

**Board Action:** Letter sent on  [HB 2147 and HB 2149](#) [52 KB]. Letter sent on  [SB 5973](#) [52 KB].

**Staff Assigned:** [Christy Curwick Hoff](#)

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**Bill Number:** 2SHB 2167 | **ESSB 5889**

**Short Title:** **Providing flexibility in the education system**

**Prime Sponsor:** Maxwell | Hobbs

**Status:** Engrossed substitute SB 5889 passed and has been delivered to the Governor.




**Digest:** Provides flexibility in the education system to reduce costs.

**Full Text:** View text on line for [2SHB 2167](#) and [ESSB 5889](#)

**Reason for Interest:** **Category 2 & 4:** HB 2167 and SB 5889 would suspend compliance with a Board rule requiring schools to provide visual and auditory screening to students. Policy statement endorses policies that increase capacity to pursue full immunization of children and both bills could jeopardize federal immunization funding.

**Explanation:** The Board had concerns with sections 6, 7 and 10 of the original companion bills. Section 10 would suspend a reporting requirement concerning the immunization status of school children. This would prevent the Department of Health from complying with the requirement of a federal immunization grant that provided \$180.3 million to the state this biennium. Sections 6 and 7 would suspend visual and auditory screening in schools. Allowing vision and auditory problems to go undetected even for two years could lead to academic setbacks for students. Both substitutes restored the immunizations reporting requirement. SHB 2167 restored visual and auditory screening, but SSB 5889 restored screening only for special education children and children eligible for free or reduced lunch. A 5889 striker restored visual and auditory screening for all children, and allowed visual screening in schools to be performed by ophthalmologists, optometrists, or opticians who donate their professional services.


**Recommendation:** Send letter or sign in with concerns.

**Board Action:** See letter for  [HB 2167](#) [51 KB]. Craig McLaughlin signed in with concerns at hearing for HB 5889. See letter for  [ESSB 5889](#) [50 KB]. See letter for  [2SHB 2167](#) [50 KB]

**Staff Assigned:** [Tara Wolff](#)

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**Bill Number:** **ESHB 2261**

<b>Short Title:</b>	State's Education System
<b>Prime Sponsor:</b>	House Education Appropriations (formerly Sullivan)
<b>Status:</b>	ESHB 2261 has passed and been sent to Governor.
<b>Digest:</b>	
<b>Full Text:</b>	View <a href="#">text</a> on-line
<b>Reason for Interest:</b>	Category 3: The Board's strategic plan includes a goal to reduce health disparities and calls for support of the Governor's Interagency Council on Health Disparities, which has selected education as one of its priorities to eliminate health disparities.
<b>Explanation:</b>	The Board has long supported efforts to reduce the academic achievement gap, as education is a clear social determinant of health and the promotion of health equity and the reduction of health disparities is a longstanding goal of the Board. An amendment was adopted for this basic education bill, which would establish an oversight and accountability committee to synthesize the recommendations from the five achievement gap studies into a single implementation plan. The amendment was not included in the final bill as passed the Legislature. Pieces related to the academic achievement gap in the final bill included authorizing the quality education council to include in its recommendations goals and priorities to eliminate the achievement gap and reduce dropout rates and authorizing the State Board of Education to develop an accountability index to identify schools/districts in need of additional support so those schools/districts may undergo additional analysis to assess gaps and community support issues. The Board supports keeping the achievement gap recommendations on the state's public policy agenda and also supported in concept SHB 2147 and 2SSB 5973
<b>Recommendation:</b>	Support concept
<b>Board Action:</b>	See  <a href="#">letter</a> for ESHB 2261 [50 KB].
<b>Staff Assigned:</b>	<a href="#">Christy Curwick Hoff</a>
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<b>Bill Number:</b>	<b>SB 5336</b>
<b>Short Title:</b>	<b>Dogs in bars and coffee shops</b>
<b>Prime Sponsor:</b>	Jacobsen
<b>Status:</b>	Technically dead.
<b>Digest:</b>	View <a href="#">digest</a> on-line
<b>Full Text:</b>	View <a href="#">text</a> on-line
<b>Reason for Interest:</b>	<b>Category 1:</b> The Board currently has authority to adopt rules for food service establishments. <b>Category 2:</b> The Board has adopted 2001 FDA Food Code standards, which include prohibiting pets in food establishments. An outdoor eating area of a food establishment is considered part of the establishment.
<b>Explanation:</b>	SBOH food service rules have prohibited pets in food establishments for decades, based on national standards from FDA and the US Public Health Service. The Board adopted the FDA Food Code by reference in 2004 largely

without change. Local health officers implement the rules in retail establishments. The rules provide local health officers with authority to give variances on a case-by-case basis.

This bill would set up a pilot program to allow dogs in outdoor eating areas of certain food service establishments. The bill sets conditions to mitigate potential health hazards. It gives discretion to the local regulatory authority to adopt an ordinance to allow an exemption from the Food Code requirements. The Board recommends amendments to mesh this process with existing authority of local boards of health and correct references to the Board, rather than Department of Health.

**Recommendation:** Recommend amendments

**Board Action:** Suggested amendments sent to legislative staff. Executive Director signed in at Feb 9 hearing as available for questions.

**Staff Assigned:** [Ned Therien](#)

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**Bill Number:** **SSB 5551**

**Short Title:** **Regarding recess periods for elementary school students**

**Prime Sponsor:** Franklin

**Status:** SSB 5551 has passed and sent to Governor.


**Digest:** Requires the office of the superintendent of public instruction to collaborate with the statewide parent-teacher organization to conduct and report the results of a survey of Washington elementary schools to determine the current availability of recess for elementary students and the perceptions of the importance of recess in Washington elementary schools.

**Full Text:** View [full text](#) on-line

**Reason for Interest:** **Category 4:** The Board's policy statement supports using science and public health best practice to improve physical activity in schools. This includes requiring that adequate time be set aside for recess and physical activity during the school day.

**Explanation:** The Board recommends that in addition to considering the benefits of recess on children's health, the benefits of fitness on academic achievement should also be taken into account in the intent section of the bill.

**Recommendation:** Support

**Board Action:** Craig McLaughlin testified in support in the house of origination.  See [written testimony](#). [38 KB]. Tara Wolff signed in support of SSB 5551 when it moved to the other side of the house.

**Staff Assigned:** [Tara Wolff](#)

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**Bill Number:** **SSB 5588**

**Short Title:** Boards and commissions

**Prime Sponsor:** Pridemore

**Status:** Technically dead.


**Digest:** View [digest](#) on-line

**Full Text:** View substitute [text](#) on-line

**Reason for Interest:** **Category 1:** Suspends section of Board's authorizing statute creating the Governor's Interagency Council on Health Disparities.

**Explanation:** The Board's strategic plan calls for reducing health disparities and one of the objectives is to support the success of the health disparities council. This bill, which impacts 158 entities, would suspend the council until July 1, 2011. Governor would need to complete a report by July 1, 2010 with recommendations on future of boards, commissions, committees and councils. State would lose federal state partnership grant because it would no longer have a qualifying state office of minority health.

**Recommendation:** Send letter with concerns.

**Board Action:** See letter on  [SB 5588](#) [51 KB]

**Staff Assigned:** [Craig McLaughlin](#)

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**Bill Number:** **SB 5756**

**Short Title:** **Concerning hazardous substance information**

**Prime Sponsor:** Oemig

**Status:** Technically dead.


**Digest:** View [text](#) on-line

**Full Text:** View [text](#) on-line

**Reason for Interest:** **Category 4:** The Board supports efforts to correct misinformation about vaccine safety and to educate the public about the importance of immunizations.

**Explanation:** Unless amended to exclude approved uses of licensed medical products, this bill would require health care providers to give their patients medically and scientifically inaccurate information about vaccines based on standards for a federal data system to track industrial and municipal waste that have no relationship to safe levels of human exposure. The administration of any vaccines containing thimerosal, even trace amounts, would need to be accompanied by a warning that the vaccine contains mercury at a level that would qualify the vaccine itself as hazardous material. Such a warning would likely discourage immunization.

**Recommendation:** Send letter. Oppose unless amended.

**Board Action:** See letter on  [SB 5756](#) [51 KB]

**Staff Assigned:** [Ned Therien](#)

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**Bill Number:** **ESSB 5890**

**Short Title:** **Education system flexibility**

**Prime Sponsor:** McDermott

**Status:** Technically dead.

**Digest:** Provides flexibility in the education system to reduce costs.

**Full Text:** View [text](#) on-line

**Reason for Interest:** Category 3 & 4: Both strategic plan and policy statement support efforts to increase children's physical activity.

**Explanation:** Original bill would have repealed RCW 28A.230.040 and .050, which establish physical education requirements for schools. Physical education contributes not only to better health and potentially lower rates of obesity and overweight, but it has been repeatedly linked to better academic performance. The substitute addressed the Board's concerns since it would not repeal RCW 28A.230.040 and .050.

**Recommendation:** Express concerns about physical education provisions.

**Board Action:** Craig McLaughlin signed in with concerns at Feb. 18 hearing.

**Staff Assigned:** [Tara Wolff](#)

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**Bill Number:** **SSB 5958**

**Short Title:** **Vision screening for public school students**

**Prime Sponsor:** Oemig

**Status:** Technically dead.

**Digest:** Authorizes additional visual screening for public school students who exhibit a striking behavior or discipline change, or a sudden drop in academic performance to determine whether the change in behavior, discipline, or grades is due to visual impairment.

**Full Text:** View [text](#) on-line

**Reason for Interest:** **Category 2:** Differs somewhat from Board rule which requires school personnel who observe a child with signs of eye problems that negatively influence the child's performance to refer the child to his or her parents (or guardians) for professional care. This bill would have "personnel" (including professional volunteers) perform additional tests.

**Explanation:** Board was part of a workgroup that produced a report to the Legislature on vision screening in 2008. The original bill specified functional vision screening which is generally not recommended for K-12 age range unless they have special needs.

**Recommendation:** Neutral. Provide informational testimony.

**Board Action:** Craig McLaughlin testified on February 18.

**Staff Assigned:** [Tara Wolff](#)

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