



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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DATE: June 09, 2021

TIME: 10:16 AM

WSR 21-13-024

**Agency:** State Board of Health

**Subject of possible rule making:** Chapter 246-90 WAC, Local Board of Health Membership. The State Board of Health (Board) is considering adding a new chapter of rule to implement new requirements made by Engrossed Second Substitute House Bill (E2SHB) 1152 (Chapter 205, Laws of 2021) as it relates to the appointment of non-elected members of local boards of health.

**Statutes authorizing the agency to adopt rules on this subject:** E2SHB 1152 (Chapter 205, Laws of 2021) including: Section 8, RCW 70.05.030(1)(a), RCW 70.05.035(1)(a), RCW 70.46.020(1)(a), and RCW 70.46.031(1)(a).

**Reasons why rules on this subject may be needed and what they might accomplish:** During the 2021 Legislative Session, the Legislature passed E2SHB 1152. Among other changes, this bill made changes to the required composition of local boards of health by requiring an equal number of members who are non-elected officials. The statute specifies groups of individuals that must be represented on the local board of health. The legislation also requires the Board to establish rules for the appointment process of these non-elected members of local boards of health in a manner that is fair and unbiased, and ensure to the extent possible a balanced representation of elected and non-elected persons with diversity of expertise and experience.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

The Board will use a collaborative rule-making approach. The Board will consult organizations representing county commissioners, local boards of health, and American Indian and Alaskan Natives, as well as interested groups and communities eligible for appointment to local boards of health. The Board will keep interested parties informed of the rulemaking through email, the Board's listserv and rule-making website, and notices in the Washington State Register. Interested parties will have opportunities to provide comments throughout the rule-making process, including informal review of the draft rules, formal review and comment on the proposed rules, and providing testimony at the Board's public hearing.


**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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(If necessary)

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Additional comments: If you would like to be added to the listserv for this rulemaking, please e-mail lbohcomposition@sboh.wa.gov with the subject line "Local Board of Health Composition - Subscribe". For more information, please visit the Board's rulemaking webpage at <https://sboh.wa.gov/Rulemaking/CurrentRulesandActivity/LocalBoardofHealthComposition>.

<b>Date:</b> 06/09/2021	<b>Signature:</b> 
<b>Name:</b> Michelle A. Davis	
<b>Title:</b> Executive Director, Washington State Board of Health	