

# WASHINGTON STATE BOARD OF HEALTH

## Local Board of Health Membership Rulemaking Frequently Asked Questions

### 1. Why is the State Board of Health engaging in this rulemaking?

During the 2021 legislative session, the legislature passed [Engrossed Second Substitute House Bill 1152](#) (E2SHB 1152), Supporting measures to create comprehensive public health districts. This legislation requires the Board to adopt rules regarding the selection/appointment process for non-elected members of local boards of health.

### 2. What did E2SHB 1152 do?

Among other changes, the legislation requires local boards of health to expand their membership to include non-elected persons representing the following groups, as further defined in the new law:

- a. Public health, health care facilities, and providers;
- b. Consumers of public health; and
- c. Other community stakeholders representing certain organizations within the jurisdiction.

Local boards of health must also include a tribal representative selected by the American Indian Health Commission if a federally recognized tribe holds reservation, trust lands, or has usual and accustomed lands within the county or district, or if a non-profit organization serves American Indian and Alaska Native people within the county or district. The legislation allows for local boards of health comprised solely of elected officials to retain their composition in certain circumstances. Future changes to local board of health composition must meet the requirements of the legislation.

### 3. What is the scope of the Board's rulemaking?

The State Board of Health (Board) must adopt rules establishing the selection/appointment process for members of local boards of health who are not elected officials. In accordance with E2SHB 1152, the selection process must be fair and unbiased, and to the extent practicable, ensure the membership of local boards of health include balanced representation of elected and non-elected persons with a diversity of expertise and lived experience.

### 4. Will the Board's rules define who is an elected member and who is a non-elected member of local boards of health?

Yes. The Board's rules will include a definitions section defining these terms. Where applicable, the Board's rules will align with definitions used in the underlying statute.

**5. Will the Board’s rulemaking address tribal representatives?**

E2SHB 1152 gives the Board the authority to adopt rules establishing the selection/appointment process for members of local boards of health who are not elected officials. Board rules may include provisions related to tribal representatives. However, per the legislation, tribal representatives are selected by the American Indian Health Commission.

**6. Will the Board’s rulemaking address voting abilities of non-elected members of local boards of health?**

The Board does not have the authority to address the voting ability of non-elected members. E2SHB 1152 specifies that decisions by a local board of health related to the setting or modification of permit, licensing, and applications fees may only be determined by elected officials on the local board of health.

**7. Will the Board’s rulemaking address how a local board of health should resolve votes resulting in a tie?**

The Board does not have authority to address how local boards of health should resolve votes resulting in a tie.

**8. Are there exceptions to the new membership requirements for local boards of health?**

E2SHB 1152 allows for local boards of health comprised solely of elected officials to retain its composition if the following conditions are met:

- a. For counties with a home rule charter, counties without a home rule charter, health districts consisting of two or more counties, and health districts consisting of one county:
  - i. The local health jurisdiction must have had a public health advisory committee or board with its own bylaws established by January 1, 2021.
  - ii. By January 1, 2022, the public health advisory committee or board must meet requirements established in RCW 70.46.140.
- b. For local boards of health made up of three counties east of the Cascade mountains:
  - i. The local health jurisdiction has a public health advisory committee or board that meets the requirements established in RCW 70.46.140 by July 1, 2022.

**9. Who is required to comply with the Board’s rules?**

E2SHB 1152 revised several statutes related to local health boards, including those boards in: counties without a home rule charter (RCW 70.05.030), counties with a home rule charter (RCW 70.05.035), health districts of two or more counties (RCW 70.46.020), and health districts of one county (RCW 70.46.031). The Board recommends and encourages counties and districts impacted by the legislation to consult with their legal counsel to determine whether and how, they must comply with the Board’s rules.

**10. When will these rules go into effect?**

E2SHB 1152 requires the Board’s rules to be in effect no later than July 25, 2022. Board staff expect to present proposed rules to the Board for their consideration at the April 2022 meeting,

with a potential effective date of July 1, 2022. A more detailed rulemaking timeline can be found on the Board's rulemaking [web page](#). Please note that all dates are estimates.

### 11. How can I receive updates and provide input on the rules?

- a. You can subscribe to the Board's [Local Board of Health Composition email distribution list](#). You will receive rule notices, opportunities for feedback on draft rules, and other updates as we proceed with the rulemaking process.
- b. You may also attend a public meeting and provide your comments. [The Board's meeting schedule is posted on online](#). Every meeting is open to the public and includes a dedicated public comment period.

### 12. Who can I contact for more information?

- a. Email questions to [lbohcomposition@sboh.wa.gov](mailto:lbohcomposition@sboh.wa.gov)
- b. Contact Board of Health policy advisors:
  - i. [Kaitlyn Donahoe](#), 360-584-6737
  - ii. [Samantha Pskowski](#), 360-789-2358

Please note: The Board cannot and does not provide legal advice.

To request this document in an alternate format or a different language, please contact Kelie Kahler, State Board of Health Communication Manager, at 360-236-4102 or by email [kelie.kahler@sboh.wa.gov](mailto:kelie.kahler@sboh.wa.gov)