WASHINGTON STATE BOARD OF HEALTH

LOCAL BOARDS OF HEALTH - TRIBAL MEMBERSHIP (ESHB 1946)

Frequently Asked Questions

What does the bill do?

Engrossed Substitute House Bill (ESHB) 1946, effective July 27, 2025, updates the law regarding tribal representation on local boards of health. The updates enable tribal governments and Urban Indian organizations to now appoint their own representatives, instead of the American Indian Health Commission. The bill also requires the State Board of Health (Board) to adopt rules establishing timelines for modifying membership of local boards of health (LBOH). LBOHs must modify membership within 60 days of receiving notice of selection of a tribal representative in order to maintain a balance between elected and non-elected members, as required by law. The 60-day time frame applies at least until the Board adopts the new rules. The Board must update timelines and membership rules in its Local Board of Health Membership rules, Chapter 246-90 WAC, by July 27, 2026.

Why is the State Board of Health (Board) updating its rules on local board of health (LBOH) membership?

Engrossed Substitute House Bill (ESHB) 1946 requires the Board to establish timelines for modifying the membership of a local board of health as described in the answer above. LBOHs must maintain a balance between elected and non-elected members. The purpose of this rulemaking project is to establish a timeline for adding Tribal representation and maintaining a balance of elected and non-elected members on a LBOH.

What changes are outside the scope of this rulemaking?

The following are outside the scope of ESHB 1946 and the State Board of Health's current rulemaking directive:

- Tribal government outreach processes
- Identifying Indian Reservations, Tribal trust lands, or Urban Indian Health organizations within each county
- Changing or maintaining the size of a LBOH
- Filling vacancies
- Quorum issues
- Modifying the selection process for other non-elected members
- LBOH statutory exemptions
- LBOH voting authorities and structures for alternate members

What is the Board's timeline for this rulemaking project?

The law (ESHB 1946) takes effect on July 27, 2025. It requires the Board to update its rules and set timelines by July 27, 2026. The 60-day requirement may change based on the Board's rulemaking process.

LOCAL BOARDS OF HEALTH - TRIBAL MEMBERSHIP (ESHB 1946)

How long does a LBOH have to add a Tribal representative to their LBOH?

Starting July 27, 2025, LBOHs must add a Tribal representative within 60 days of receiving notice of selection of a representative from a Tribe or Urban Indian health organization. The LBOH then must notify AIHC when the Tribal representatives are added. The legislature gave the Board one year to update its rules regarding local board of health membership. As part of the Board's rulemaking process, this 60-day board modification timeframe may change.

Is there a process for adding a Tribal representative to a LBOH and notifying AIHC?

The county defines the process for adding a Tribal representative and notifying AIHC via email to info@aihc-wa.com.

How do I know if my local board of health is exempt?

The Board recommends connecting with your legal representation if you have questions about LBOH specifics. Exemption rule language can be found here.

Who will the Board collaborate with during the development of this rule?

The Board will be working with Tribes, Urban Indian organizations, local boards of health, and other interested parties to gather feedback for the writing of these rules. Local boards of health should use the same processes for onboarding their elected and non-elected members.

What if there are multiple Tribes or trust lands in a health jurisdiction?

State law allows a Tribe to appoint representatives to any local board of health in a county where a Tribe has reservation or trust lands. If a Tribe has a reservation or trust lands in multiple counties, the Tribe could appoint a representative to each local board of health. The law doesn't limit the number of representatives from Tribes or 501(c)3 Tribal Organizations serving on a specific LBOH.

Can federally recognized Tribes without a Washington State recognition be appointed to a WA local board of health?

Yes. The law refers to federally recognized Tribes. The Bureau of Indian Affairs has a Tribal Leaders Directory.

Does the Tribe or qualified Tribal organization need to identify a Tribal representative immediately?

No.Tribes and qualified Tribal organizations can identify a Tribal representative for a local board of health at any time.

LOCAL BOARDS OF HEALTH - TRIBAL MEMBERSHIP (ESHB 1946)

Will the Board address Tribal fee lands in the updated rules?

No. State law allows a Tribe to appoint representatives to any local board of health in a county where a Tribe has reservation or trust lands. It does not specifically address fee lands.

When or how often should LBOHs 'open' the seats to tribes? Or how often should they invite?

The county defines this process. Local boards of health are encouraged to develop relationships with Tribes in their jurisdiction. Not all Tribes may have the capacity to appoint a Tribal representative and may appoint one at a later time.

Is there guidance for how to keep quorum and a balanced composition while increasing or decreasing board size?

The county defines this process. The Board will not provide guidance for keeping quorum and balancing the local boards of health composition. The Board recommends connecting with your legal counsel if you have questions about LBOH specifics.

Where can I receive additional information on this rulemaking project?

Visit the Board's rulemaking webpage to view ESHB 1946 resources that have been developed.

How can I receive updates on this rulemaking project?

You can subscribe to the Board's Local Board of Health Composition email distribution list.Information will be updated on the Board's rulemaking webpage as the Board conducts rulemaking, including opportunities to provide informal and formal public comment. You may also sign up to receive news releases, rule updates, and public meeting notices on the Board's general distribution list.

How can you communicate with the Board about this rulemaking project?

Contact the Board's Tribal liaison Ashley Bell at ashley.bell@sboh.wa.gov.

You can also email the Board at lbohcomposition@sboh.wa.gov.

Scan the QR code or visit the rulemaking page.