



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: November 13, 2023

TIME: 10:44 AM

WSR 23-23-079

Agency: Department of Health

Subject of possible rule making: Private detention facilities. The Department of Health (department) is considering establishing chapter 246-385 WAC as a new chapter of rules to set inspection and operational standards for private detention facilities, health and safety standards for detained persons, and issuance of civil penalties pursuant to Second Substitute House Bill 1470 (2SHB 1470), chapter 419, Laws of 2023.

Statutes authorizing the agency to adopt rules on this subject: Second Substitute House Bill 1470 (chapter 419, Laws of 2023) and Chapter 70.395 RCW

Reasons why rules on this subject may be needed and what they might accomplish: 2SHB 1470 requires the department to adopt rules for operational, health, and safety standards to ensure persons detained in private detention facilities are provided sanitary, hygienic, and safe living conditions.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Washington State Department of Labor and Industries, the Office of the Attorney General, and U.S. Immigration and Customs Enforcement. Coordination with these agencies will occur as identified in 2SHB 1470. The department will convene a broad-based work group and invite state and federal agencies and interested parties to participate.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The department will use a collaborative rule making approach. The department will keep interested parties informed of the rule development through email and posting information on the department's rule making and program websites. Interested parties will have the opportunity to provide comments throughout the rule making process, during the formal comment period, and at the 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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Additional comments:

Date: 11/13/2023
Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH
Title: Chief of Policy for Secretary of Health

Signature:
