



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

**NOTICE OF ADOPTION
INTERPRETIVE STATEMENT**

Title of Interpretive Statement: Methamphetamine Use in Transient Accommodations | EHS-01-2024

Issuing Entity: Department of Health

Subject Matter: Advises local health officers how the Department of Health interprets [chapter 64.44 RCW](#) to apply when personal use of methamphetamine is suspected in transient accommodations.

Effective Date: June 1, 2024

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Interpretive Statement

<i>Title:</i>	Methamphetamine Use in Transient Accommodations	<i>Number:</i> EHS-01-2024
<i>References:</i>	Chapter 64.44 RCW, Chapter 246-205 WAC	
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This Interpretive Statement advises local health officers how the Department of Health interprets [chapter 64.44 RCW](#) to apply when personal use of methamphetamine is suspected in transient accommodations.

The focus of this interpretive statement is on transient accommodations as defined in [chapter 246-360 WAC](#).

It applies only when personal use of methamphetamine took place in a transient accommodation regulated by the Department of Health as defined in RCW 64.44.010(4)(a).

The definition of “hazardous substances” in chapter 64.44 RCW does not apply to illicit use of fentanyl, unless the illicit use of fentanyl can be associated with the manufacture of controlled substances as defined in RCW 64.44.010(4)(b).

“Personal use” means persons using, but not manufacturing, methamphetamine.

“Inspect the property” means either the site is visited or evidence about the site is reviewed. If testing has not been completed, the local health officer may or may not request testing depending upon severity of the situation.

For purposes of [RCW 64.44.010\(2\)](#), a property is considered “contaminated” when the property meets certain requirements, as determined by the local health officer:

- The local health officer makes a finding that methamphetamine is present in excess of the decontamination standard; **and**
- The local health officer determines the property to be unfit for human habitation or use.

Both requirements must be met for a local health officer to determine a property is “contaminated”.

The local health officer must find the presence of methamphetamine in excess of the contamination standard that causes the property to be unfit for human habitation or use.

Mere presence of methamphetamine in an amount exceeding the decontamination standard does not necessarily mean a property is unfit for human habitation or use.

Similarly, individual use of methamphetamine does not necessarily mean a property is unfit for human habitation or use. Instead, a local health officer must make a case-by-case analysis to determine whether the presence of methamphetamine causes a property to be unfit for human habitation or use.

Whether or not a property is unfit for human habitation or use due to the presence of methamphetamine depends on the facts of any given situation.

When a local health officer learns about the potential presence of methamphetamine in a transient accommodation, the local health officer should inspect the property and consider the following screening questions:

- Is methamphetamine present or might methamphetamine be present in excess of the decontamination standard?
- Is the property unfit for human habitation or use? When considering this question, the local health officer should consider whether the presence of methamphetamine in the amount present could substantially endanger or impair the health or safety of the current or future tenant or guest.

If the local health officer answers ‘Yes’ to **both** screening questions, the property meets the definition of “contaminated” under chapter 64.44 RCW. The requirements in chapter 64.44 RCW and [chapter 246-205 WAC](#) apply. The local health officer decides appropriate next steps regarding decontamination, condemnation, or demolition.

If the local health officer answers ‘No’ to either of the screening questions, the property does not meet the definition of “contaminated” under chapter 64.44 RCW. The requirements in chapter 64.44 RCW and chapter 246-205 WAC do not apply. The local health officer decides appropriate next steps regarding the situation.

RCW [43.70.130\(6\)](#) gives the Secretary of Health general authority to supervise the work of local health departments.

[RCW 70.05.070\(1\)](#) gives a local health officer powers and duties to enforce the public health statutes of the state.

[RCW 70.05.070\(2\)](#) authorizes a local health officer to take such action as is necessary to maintain health and sanitation supervision over the territory within their jurisdiction.

[RCW 64.44.010\(2\)](#), as applied to property, defines contamination to mean “polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the State Board of Health is not “contaminated.””

The term “so that” means “in order to”; “so that” is used as a conjunction to introduce reason and explanation or the purpose for which something is done.

[RCW 59.18.115](#), as applied to properties under a landlord-tenant agreement, determines a property is unfit for human habitation when it substantially endangers or impairs the health or safety of the tenant. This is not here to imply that the residential landlord-tenant law is applicable to all or any transient accommodations, but it provides the local health officer with additional information to assess the situation.

[RCW 64.44.010\(4\)\(a\)](#) defines “hazardous chemicals” to include methamphetamine in amounts exceeding the decontamination standard set by the department when found in transient accommodations such as hotels, motels, bed and breakfasts, resorts, inns, crisis shelters, hostels, and retreats that are regulated by the department. For purposes of RCW 64.44.010(4)(a), the hazardous chemicals meet the definition only “when found” in transient accommodations.

For the purposes of this Interpretive Statement:

- “Hazardous chemicals” means the same as [RCW 64.44.010\(4\)](#).
- “Local health officer” means the same as [WAC 246-205-010](#).
- “Property” means the same as [RCW 64.44.010\(6\)](#).
- “Purpose and authority” refer to [WAC 246-205-001](#).
- “Transient Accommodation” means the same as [WAC 246-360-010](#).
- “Decontamination standards” means the same as [WAC 246-205-541](#).

Note: Tribes are the local health jurisdiction on their tribal land. Tribes may, but are not required, to implement this policy.