



PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

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FILED

DATE: September 10, 2025

TIME: 8:03 AM

WSR 25-19-045

Agency: Washington State Board of Health

Subject of possible rule making: Chapter 246-90 WAC, Clarifying Tribal Representation and Timelines for Modifying Local Board of Health (LBOH) Membership. The Washington State Board of Health (Board) is considering amending its LBOH composition rules to establish timelines for modifying the membership of an LBOH.

This rulemaking aims to adopt rules as required by the legislature in Engrossed Substitute House Bill (ESHB) 1946. This law clarifies the requirements for Tribal representation on LBOHs. It also requires the Board to adopt rules to establish timelines for adjusting LBOH membership to keep a balanced mix of elected and non-elected members when Tribal representatives are added.

Once the law takes effect (in July 2025), the Board will have 12 months to establish these new requirements. The Board must ensure these changes go into effect no later than July 26, 2026.

Statutes authorizing the agency to adopt rules on this subject: RCW 43.20.300

Reasons why rules on this subject may be needed and what they might accomplish: Under RCW 43.20.300, the State Board of Health has the authority to adopt rules for appointing non-elected members to a local boards of health (LBOH). Chapter 246-90 WAC establishes the requirements for this selection and appointment process.

The Board is initiating rulemaking to implement ESHB 1946 (Chapter 260, Laws of 2025), which strengthens Tribal representation on LBOHs. Rulemaking is necessary to align existing rules with the new requirements established in the updated laws, including clarifying Tribal appointment authority and establishing timelines for when an LBOH must modify its membership to maintain a balance of elected and non-elected members.

Previously, the American Indian Health Commission (AIHC) was responsible for selecting Tribal representatives for LBOHs, when applicable. The new law shifts appointment authority from LBOHs to Tribes and Urban Indian Organizations, allowing each to choose its own representative. This change strengthens Tribal representation and affirms Tribal sovereignty and self-determination.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The Board holds the authority to adopt rules governing the appointment of non-elected members to local boards of health (LBOHs) in Washington State. The rules provide local governments with a standard process for recruiting and ultimately appointing non-elected members of local boards of health representing public health/health systems, consumers of public health, and other community members. No other federal and state agencies regulate this specific subject; therefore, coordination with other federal and state agencies is not required.

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 rulemaking approach. The Board will consult Tribes and Tribal organizations, organizations representing county commissioners, and LBOHs in Washington State. The Board will keep interested parties informed of the rulemaking project through email, the Board's listserv, the rule project webpage, community events, and public 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 changes to the rules, and giving 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:

Name: Ashley Bell	(If necessary) Name: Molly Dinardo
Address: PO Box 47990, Olympia, WA 98504-7790	Address: PO Box 47990, Olympia, WA 98504-7790
Phone:	Phone:
Fax: 360-236-4088	Fax: 360-236-4088
TTY: 711	TTY: 711
Email: ashley.bell@sboh.wa.gov	Email: molly.dinardo@sboh.wa.gov
Website: https://sboh.wa.gov/rulemaking/agency-rules-and-activity/lboh-tribal-membership	Website:
Other:	Other:

Additional comments:: To sign up fo updates on this project through an 'interested parties' list, please visit <https://airtable.com/appInSCDg3PQGijEz/pagzK7PWXOq6JRpRM/form>, or by using the contact information above.

Date: 9/8/2025**Name: Michelle A. Davis****Title: Executive Director****Signature:**