



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: September 15, 2025

TIME: 12:29 PM

WSR 25-19-069

Agency: Department of Health

Subject of possible rule making: Private detention facilities for juveniles. The Department of Health (department) is considering establishing new rules in Title 246 to establish operational, health, and safety standards for private detention facilities serving juveniles, pursuant to Engrossed Substitute House Bill 1232 (E2SHB 1232) (chapter 235, Laws of 2025). The department will consider either establishing rules in the same chapter as that being developed for adult private detention facilities (chapter 246-385 WAC) or as a new chapter of rule. Additionally, the department is considering creating a severity matrix for fines related to private detention facility enforcement in order to implement E2SHB 1232.

Statutes authorizing the agency to adopt rules on this subject: Engrossed Second Substitute House Bill 1232 (chapter 235, Laws of 2025) and Chapter 70.395 RCW.

Reasons why rules on this subject may be needed and what they might accomplish: RCW 70.395.040 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. E2SHB 1232 amended RCW 70.395.100 to remove certain exemptions for facilities that provide services for juveniles. The department will consider whether it is best to combine both the adult and juvenile requirements in the same chapter or in separate chapters.

Section 4 of E2SHB 1232 also directs the department to adopt in rule specific fine amounts in relation to the severity of noncompliance by a private detention facility. A civil fine would be assessed if the department determines the private detention facility has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the private detention facility failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.

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 the Department of Children, Youth, and Families. Coordination with these agencies will occur as identified in E2SHB 1232. 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: If you would like to be added to the interested parties list and receive future communication for this rulemaking, please contact privatedetentionfacilities@doh.wa.gov	
Date: 9/15/2025 Name: Kristin Peterson, JD for Dennis E. Worsham Title: Chief of Policy for Secretary of Health	Signature: 