

Blake Legislation and the WA State Substance Use Recovery Services Plan

Overview

State v. Blake Decision

On February 25, 2021, the WA State Supreme Court ruled the Controlled Substance Statute unconstitutional, stating RCW 69.50.4013 violates the process clause as it does not protect individuals who unknowingly were in possession of an illegal substance.

ESB 5476

The State v. Blake ruling, and the resulting decriminalization of controlled substance possession, led to the passing of [Engrossed Senate Bill 5476](#) (ESB 5476), which made several investments in community behavioral health to expand treatment and recovery resources for individuals with substance use disorder and divert drug users from criminal/legal entanglement into those community resources for recovery support.

Substance Use Recovery Support Services Advisory Committee (SURSAC)

ESB 5476 also directed HCA to establish the Substance Use Recovery Services Advisory Committee (SURSAC) to develop a plan – in collaboration with HCA – to implement measures to assist people with substance use disorder in accessing outreach, treatment, and recovery support services that are low barrier, person centered, informed by people with lived experience, and culturally and linguistically appropriate. The plan needed to articulate how continual, rapid, and widespread access to a comprehensive continuum of care would be provided to all individuals who use drugs.

Substance Use Recovery Services Plan & 5536

In January 2023, HCA submitted the Substance Use Recovery Services Plan to the Governor's office and the Senate Law & Justice subcommittee. This plan

outlined 18 recommendations from the SURSAC for consideration during the upcoming legislative session.

[Read the subcommittee recommendations](#)

[Read the original SURS plan](#)

To address criminal court system responses to drug use and possession and expand behavioral health outreach, and respond to the recommendations of the SURS plan, [Second Engrossed Second Substitute Senate Bill 5536](#) was passed during a 2023 Special Session on May 16, 2023.

Many of the recommendations in the SURS plan were adopted by the legislature, with varying degrees of fidelity to the original language. For elements of the plan that could be implemented with support from changes in state law and/or state funding, annual reports are submitted (through December, 2026) to the Governor's office and members of certain legislative committees to provide updates to the governor, SURSAC, and the state legislature regarding the progress of the plan.

[Read the 2023 SURS plan progress report](#)

[Read the 2024 SURS plan progress report](#)

Adjacent Work Groups

The SURS plan recommended that HCA address two high priority issues by convening additional work groups to achieve the following:

- (1) Make recommendations on a framework for safe supply to provide a regulated, tested supply of controlled substances to individuals at risk of drug overdose.
- (2) Review current processes and workforce needs related to intake, screening, and assessment for SUD services, and determine how to build an SUD engagement and measurement process focused on what is minimally necessary to determine medical necessity and start care that same day.

The legislature responded by directing HCA to establish the Safe Supply work group (ESB 5187 Section 215, Proviso 124) and the Substance Use Disorder Intake, Screening, and Assessment work group (2E2SSB 5536 Section 36).

Safer Supply work group

The 2023 budget bill allocated \$300,000 to the HCA to convene a work group of members appointed by

the Governor's office to evaluate potential models for safe supply services. The work group was tasked with developing recommendations on inclusion of a safe supply framework in the SURS plan. HCA contracted facilitation of the work group to Health Management Associates, and the work group convened throughout 2024. The final report with recommendations was submitted in December 2024.

[View the Safe Supply work group roster and recommendations \(2024\)](#)

[Read the Safer Supply FAQ](#)

Substance Use Disorder Intake, Screening, and Assessment (SUDISA) Work Group

The goal of the SUDISA work group was to provide specific, actionable, state-level, and evidence-based recommendations to the Washington state Legislature which aim to broaden the workforce capable of administering SUD assessments and make the assessment process as brief, low-barrier, and person-centered as possible—including only what is necessary to manage utilization and initiate care.

[View the Substance Use Disorder Intake, Screening, and Assessment work group roster and recommendations \(2024\)](#)

Budget for SFY 26

The following funds were appropriated for SFY 26 to support the administrative needs (i.e., staffing, contracts, supplies, software) and program costs of programs from Blake legislation and SURS Plan implementation – ESB 5476 and 2E2SSB 5536 – continuing investments in community behavioral health and diversion programs:

- GF-State: \$2,565,000
- Opioid Abatement Settlement: \$1,007,375

Blake Programs

The following programs were funded in response to the State v. Blake decision per ESB 5476 and/or 2E2SSB 5536:

- Recovery Navigator Program (RCW 71.24.115)
- Short Term Housing Vouchers
- MOUD in Jails (RCW 71.24.599)
- Expansion of Clubhouse and Peer-run Organizations
- Homeless outreach stabilization transition (HOST) (RCW 71.24.145)
- Recovery Housing (RCW 71.24.657)
- Health Engagement Hubs (RCW 71.24.112)
- LEAD Statewide Grant Program (71.24.589)
- Passageways to Recovery Employment and Education (PREE) (RCW 71.24.113)
- SUD Family Navigators
- Opioid Treatment Program (OTP) expansion

Partners

The Substance Use Recovery Services Advisory Committee have been partners to HCA in the development and implementation of many of the policies and program support provided via 2E2SSB 5536.

[View the SURSAC roster](#)

For More Information

Contact: HCADBHRInformation@hca.wa.gov

Michelle Martinez, Senior SUD project manager

Website:

[State v. Blake and Behavioral Health Expansion Washington State Health Care Authority](#)

[Substance Use Recovery Services Advisory Committee](#)