

FILED
SUPREME COURT
STATE OF WASHINGTON
9/14/2018 11:54 AM
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No. 95134-9

SUPREME COURT OF THE STATE OF WASHINGTON

PROTECT PUBLIC HEALTH,

Respondent,

v.

JOSHUA FREED, IMPACTION,

Petitioners,

And

CITIZENS FOR A SAFE KING COUNTY,
KING COUNTY, and JULIE WISE in her official capacity,

Defendants.

SECOND STATEMENT OF ADDITIONAL AUTHORITY

Knoll Lowney, WSBA #23457
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Attorney for Respondent
Protect Public Health

Respondent Protect Public Health cites the following additional authorities:

Centers for Disease Control and Prevention, *Provisional Drug Overdose Counts*, September 12, 2018, available at <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm> (provisional CDC data indicates that in the 12 months ending February, 2018, drug overdose deaths increased 5.1% nationally and 6.8% in Washington State as compared to the previous year).

Lindsay v. Tacoma-Pierce County Health Dept., 8 F.Supp.2d 1213 (W.D. Wash. 1997) (following *Snohomish County Health Dist. v. Brockett*, 120 Wn.2d 140, 839 P.2d 324 (1992), in holding that the Public Health Act, chapter 70.05 RCW, authorized the board of health to enact tobacco advertising regulations, and rejecting attempts to distinguish *Brockett* based upon the specific type of health crisis at issue, e.g., HIV/AIDS as opposed to health impacts of tobacco use.)

State v. Hampton, 100 Wn. App. 152, 996 P.2d 1094 (2000) (Following *Brockett*, holding “[u]nder RCW 70.05.060, the Lewis County Board of Health established rules and regulations governing the construction and installation of sewage disposal systems. These regulations have the force of law.”)

Snohomish County Builders Assn. v. Snohomish Health Dist., 8 Wn. App. 589, 508 P.2d 617 (1973) (Upholding a health district’s right to regulate private sewage systems under RCW 70.05.060 because “[i]t is settled that laws and ordinances creating boards of health and granting wide powers for the effective and effectual carrying out of the legislative plan for protecting health, must be liberally construed.”) (internal citations omitted).

DATED this 14th day of September, 2018.

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Transmittal Information

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