**5476 AMS PADD S2967.1 - NOT FOR FLOOR USE**

**SB 5476** - S AMD TO S AMD (S-2939.2/21) **868**

By Senator Padden

**WITHDRAWN 04/15/2021**

Beginning on page 1, line 3, strike all material through "**DRUGS**" on page 2, line 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, beginning on line 9, after "(2)" strike all material through "any" on line 10 and insert "Any"

On page 2, beginning on line 28, strike all of subsection (3)

On page 2, beginning on line 36, after "(1)" strike all material through "unless" on line 37 and insert "((~~It is unlawful for any person to possess a controlled substance unless~~)) Unless"

On page 3, line 2, after "chapter" insert ", it is unlawful for any person to knowingly possess a controlled substance"

On page 3, line 3, after "RCW 69.50.4014" strike ", any person" and insert "((~~, any~~)):

(a) Any person over the age of 21"

On page 3, line 4, after "of a" strike "((~~class C felony~~)) gross misdemeanor" and insert "class C felony"

On page 3, line 5, after "RCW" insert ";

(b) Any person under the age of 21 who violates this section is guilty of a gross misdemeanor"

On page 3, beginning on line 6, after "(3)" strike all material through "treatment." on line 10 and insert "(a) A person who is found to be in possession of a controlled substance shall be referred for evaluation and services and enter into a diversion agreement for their first offense.

(b) A person who is found to be in possession of a controlled substance may be referred for evaluation and services and enter into a diversion agreement for their second offense if the prosecuting attorney of the local jurisdiction approves the referral."

Beginning on page 4, line 12, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, beginning on line 18, after "misdemeanor." strike all material through "treatment." on line 22

On page 7, beginning on line 35, after "misdemeanor." strike all material through "treatment." on line 39

Beginning on page 8, line 1, strike all material through "section." on page 36, line 5

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 36, line 7, after "treasury." insert "All receipts from penalties collected under RCW 69.50.445(4)(b) must be deposited into the account."

Beginning on page 36, line 13, strike all material through "resources." on page 40, line 25

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 40, beginning on line 33, after "containing" strike all material through "unauthorized" on line 34 and insert "a counterfeit or controlled substance or consume a counterfeit or"

On page 41, line 5, after "class" strike "2" and insert "1"

On page 41, line 5, after "RCW" insert "and subject to a maximum penalty of $250. Proceeds from this infraction are to be deposited in the *State v. Blake* reimbursement account created in section 16 of this act"

On page 41, beginning on line 6, strike all material through "**PROVISIONS**" on line 7 and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 10.77 RCW to read as follows:

(1) In addition to those services provided under RCW 10.77.074, a forensic navigator may be used as a resource for law enforcement to serve as a care coordinator for substance use disorder resources.

(2) When a forensic navigator receives information alleging that a person was in possession of a counterfeit substance, controlled substance, or legend drug in an amount classified as personal use, the forensic navigator must attempt to contact the individual in order to provide resources for evaluation, treatment, recovery, and support.

(3) Local jurisdictions are not required to use forensic navigators."

On page 41, line 8, after "**Sec. 21.**" strike all material through "expire" and insert "Section 5 of this act expires"

On page 41, line 10, after "**Sec. 22.**" strike all material through "take" and insert "Section 6 of this act takes"

On page 41, beginning on line 12, strike all of section 23

On page 41, beginning on line 29, after "**Sec. 24.**" strike all material through "act are" on line 30 and insert "Except for section 6 of this act, this act is"

On page 41, line 32, after "institutions, and" strike "take" and insert "takes"

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On page 42, beginning on line 2, after "insert" strike all material through "date;" on line 13 and insert "addressing the State v. Blake decision; amending RCW 69.50.4011, 69.50.4013, 69.41.030, 69.41.030, and 69.50.445; adding a new section to chapter 10.77 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date;"

EFFECT: Removes references to "personal use amounts." Makes changes to referral and diversion procedures. Makes local use of navigators optional. Changes infraction to class 1 infraction.