

# SENATE BILL REPORT

## SB 5509

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As of January 12, 2022

**Title:** An act relating to exempting fentanyl testing equipment from the definition of drug paraphernalia.

**Brief Description:** Exempting fentanyl testing equipment from the definition of drug paraphernalia.

**Sponsors:** Senators Honeyford, Mullet, Padden, Randall, Wagoner, Wilson, J. and Wilson, L..

**Brief History:**

**Committee Activity:** Law & Justice: 1/13/22.

**Brief Summary of Bill**

- Excludes fentanyl testing equipment from the definition of drug paraphernalia.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Ryan Giannini (786-7285)

**Background:** Under the Uniform Controlled Substances Act, drug paraphernalia means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in producing, processing, preparing, testing, or analyzing a controlled substance, along with other uses. Testing equipment includes equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.

It is unlawful for any person to use drug paraphernalia to, among other uses, produce, process, or prepare a controlled substance other than marijuana. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it

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will be used, among other uses, to produce, process, or prepare a controlled substance other than marijuana. Any person who violates these prohibitions is guilty of a misdemeanor.

Any person who sells or gives, or permits to be sold or given to any person, any drug paraphernalia in any form commits a class I civil infraction.

Fentanyl is classified as a Schedule II drug under the Uniform Controlled Substances Act. When fentanyl is mixed with other drugs, there is a higher probability of an overdose and death.

**Summary of Bill:** Fentanyl testing equipment is excluded from the definition of drug paraphernalia.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.