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**SENATE BILL 5071**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Braun and Dhingra

Prefiled 12/16/24.

1 AN ACT Relating to updating the endangerment with a controlled  
2 substance statute; amending RCW 9A.42.100; and reenacting and  
3 amending RCW 9A.42.010.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.42.010 and 2020 c 18 s 7 are each reenacted and  
6 amended to read as follows:

7 As used in this chapter:

8 (1) "Abandons" means leaving a child or other dependent person  
9 without the means or ability to obtain one or more of the basic  
10 necessities of life.

11 (2) "Basic necessities of life" means food, water, shelter,  
12 clothing, and medically necessary health care, including but not  
13 limited to health-related treatment or activities, hygiene, oxygen,  
14 and medication.

15 (3)(a) "Bodily injury" means physical pain or injury, illness, or  
16 an impairment of physical condition;

17 (b) "Substantial bodily harm" means bodily injury which involves  
18 a temporary but substantial disfigurement, or which causes a  
19 temporary but substantial loss or impairment of the function of any  
20 bodily part or organ, or which causes a fracture of any bodily part;

1 (c) "Great bodily harm" means bodily injury which creates a high  
2 probability of death, or which causes serious permanent  
3 disfigurement, or which causes a permanent or protracted loss or  
4 impairment of the function of any bodily part or organ.

5 (4) "Child" means a person under eighteen years of age.

6 (5) "Controlled substance" has the same meaning as in RCW  
7 69.50.101.

8 (6) "Dependent person" means a person who, because of physical or  
9 mental disability, or because of extreme advanced age, is dependent  
10 upon another person to provide the basic necessities of life. A  
11 resident of a nursing home, as defined in RCW 18.51.010, a resident  
12 of an adult family home, as defined in RCW 70.128.010, and a frail  
13 elder or vulnerable adult, as defined in RCW 74.34.020(~~((+22))~~) (21),  
14 is presumed to be a dependent person for purposes of this chapter.

15 (~~((+6))~~) (7) "Employed" means hired by a dependent person, another  
16 person acting on behalf of a dependent person, or by an organization  
17 or governmental entity, to provide to a dependent person any of the  
18 basic necessities of life. A person may be "employed" regardless of  
19 whether the person is paid for the services or, if paid, regardless  
20 of who pays for the person's services.

21 (~~((+7))~~) (8) "Good samaritan" means any individual or group of  
22 individuals who: (a) Is not related to the dependent person; (b)  
23 voluntarily provides assistance or services of any type to the  
24 dependent person; (c) is not paid, given gifts, or made a beneficiary  
25 of any assets valued at five hundred dollars or more, for any reason,  
26 by the dependent person, the dependent person's family, or the  
27 dependent person's estate; and (d) does not commit or attempt to  
28 commit any other crime against the dependent person or the dependent  
29 person's estate.

30 (~~((+8))~~) (9) "Parent" has its ordinary meaning and also includes a  
31 guardian and the authorized agent of a parent or guardian.

32 **Sec. 2.** RCW 9A.42.100 and 2005 c 218 s 4 are each amended to  
33 read as follows:

34 (1) A person is guilty of the crime of endangerment with a  
35 controlled substance if the person knowingly or (~~(intentionally)~~)  
36 recklessly permits a (~~(dependent)~~) child or dependent adult to (~~(be~~  
37 ~~exposed to,~~) ingest, inhale, absorb, or have contact with  
38 (~~(methamphetamine or ephedrine, pseudoephedrine, or anhydrous~~  
39 ~~ammonia, including their salts, isomers, and salts of isomers, that~~

1 ~~are being used in the manufacture of methamphetamine, including its~~  
2 ~~salts, isomers, and salts of isomers.)~~ a controlled substance other  
3 than cannabis, unless the controlled substance was obtained directly  
4 from, or pursuant to, a valid prescription or order of a practitioner  
5 while acting in the course of his or her professional practice.

6 (2) Administering or providing a controlled substance to a child  
7 or dependent adult in the course of delivering health care services  
8 is not a violation of this section.

9 (3) The department of children, youth, and families and any  
10 employees, interns, volunteers, or contractors of the department  
11 acting in the scope of their role are exempt from any criminal  
12 liability within this section.

13 (4) Endangerment with a controlled substance is a class B felony.

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