

1 (a) "Administer" (~~((means the direct application of a controlled~~
2 ~~substance, whether by injection, inhalation, ingestion, or any other~~
3 ~~means, to the body of a patient or research subject by:~~

4 ~~(1) a practitioner, or)) unless the context otherwise requires,~~

5 means to apply a controlled substance, whether by injection,
6 inhalation, ingestion, or any other means, directly to the body of a
7 patient or research subject by:

8 (1) a practitioner (or, by the practitioner's authorized agent); or

9 (2) the patient or research subject at the direction and in the
10 presence of the practitioner.

11 (b) "Agent" means an authorized person who acts on behalf of or at
12 the direction of a manufacturer, distributor, or dispenser. It does
13 not include a common or contract carrier, public warehouseman, or
14 employee of the carrier or warehouseman.

15 (c) "Board" means the state board of pharmacy.

16 (d) "Controlled substance" means a drug, substance, or immediate
17 precursor included in Schedules I through V of Article II.

18 (e)(1) "Controlled substance analog" means a substance the chemical
19 structure of which is substantially similar to the chemical structure
20 of a controlled substance in Schedule I or II and:

21 (i) which has a stimulant, depressant, or hallucinogenic effect on
22 the central nervous system substantially similar to the stimulant,
23 depressant, or hallucinogenic effect on the central nervous system of
24 a controlled substance included in Schedule I or II; or

25 (ii) with respect to a particular individual, which the individual
26 represents or intends to have a stimulant, depressant, or
27 hallucinogenic effect on the central nervous system substantially
28 similar to the stimulant, depressant, or hallucinogenic effect on the
29 central nervous system of a controlled substance included in Schedule
30 I or II.

1 (2) The term does not include:

2 (i) a controlled substance;

3 (ii) a substance for which there is an approved new drug
4 application;

5 (iii) a substance with respect to which an exemption is in effect
6 for investigational use by a particular person under Section 505 of the
7 federal Food, Drug and Cosmetic Act 21 U.S.C. Sec. 355 to the extent
8 conduct with respect to the substance is pursuant to the exemption; or

9 (iv) any substance to the extent not intended for human consumption
10 before an exemption takes effect with respect to the substance.

11 (f) "Deliver" or "delivery," unless the context otherwise requires,
12 means the actual or constructive transfer from one person to another of
13 a substance, whether or not there is an agency relationship.

14 (g) "Department" means the department of health.

15 (h) "Dispense" means to deliver a controlled substance to an
16 ultimate user or research subject by or pursuant to the lawful order of
17 a practitioner, including the prescribing, administering, packaging,
18 labeling, or compounding necessary to prepare the substance for that
19 delivery.

20 (i) "Dispenser" means a practitioner who dispenses.

21 (j) "Distribute" means to deliver other than by administering or
22 dispensing a controlled substance.

23 (k) "Distributor" means a person who distributes.

24 (l) "Drug" means (1) substances recognized as drugs in the official
25 United States Pharmacopoeia, National Formulary, or the official
26 Homeopathic Pharmacopoeia of the United States, or any supplement to
27 any of them; (2) substances intended for use in the diagnosis, cure,
28 mitigation, treatment, or prevention of disease in individuals or
29 animals; (3) substances (other than food) intended to affect the
30 structure or any function of the body of individuals or animals; and

1 (4) substances intended for use as a component of any article specified
2 in (1), (2), or (3) of this subsection. The term does not include
3 devices or their components, parts, or accessories.

4 ~~(m) "Drug enforcement administration" means the ((federal)) drug~~
5 ~~enforcement administration in the United States Department of Justice,~~
6 ~~or its successor agency.~~

7 ~~((d) "Controlled substance" means a drug, substance, or immediate~~
8 ~~precursor in Schedules I through V of Article II.~~

9 ~~(e) "Counterfeit substance" means a controlled substance which, or~~
10 ~~the container or labeling of which, without authorization, bears the~~
11 ~~trademark, trade name, or other identifying mark, imprint, number or~~
12 ~~device, or any likeness thereof, of a manufacturer, distributor, or~~
13 ~~dispenser other than the person who in fact manufactured, distributed,~~
14 ~~or dispensed the substance.~~

15 ~~(f) "Deliver" or "delivery" means the actual, constructive, or~~
16 ~~attempted transfer from one person to another of a controlled~~
17 ~~substance, whether or not there is an agency relationship.~~

18 ~~(g) "Department" means the department of health.~~

19 ~~(h) "Dispense" means the interpretation of a prescription or order~~
20 ~~for a controlled substance and, pursuant to that prescription or order,~~
21 ~~the proper selection, measuring, compounding, labeling, or packaging~~
22 ~~necessary to prepare that prescription or order for delivery.~~

23 ~~(i) "Dispenser" means a practitioner who dispenses.~~

24 ~~(j) "Distribute" means to deliver other than by administering or~~
25 ~~dispensing a controlled substance.~~

26 ~~(k) "Distributor" means a person who distributes.~~

27 ~~(l) "Receipt" means to receive a controlled substance either with~~
28 ~~or without consideration.~~

29 ~~(m) "Drug" means (1) substances recognized as drugs in the official~~
30 ~~United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the~~

1 United States, or Official National Formulary, or any supplement to any
2 of them; ~~(2) substances intended for use in the diagnosis, cure,~~
3 ~~mitigation, treatment, or prevention of disease in man or animals; (3)~~
4 ~~substances (other than food) intended to affect the structure or any~~
5 ~~function of the body of man or animals; and (4) substances intended for~~
6 ~~use as a component of any article specified in clause (1), (2), or (3)~~
7 ~~of this subsection. It does not include devices or their components,~~
8 ~~parts, or accessories.)~~)

9 (n) "Immediate precursor" means a substance (~~(which)~~):

10 (1) that the state board of pharmacy has found to be and by rule
11 designates as being the principal compound commonly used, or produced
12 primarily for use, (~~and which~~) in the manufacture of a controlled
13 substance;

14 (2) that is an immediate chemical intermediary used or likely to be
15 used in the manufacture of a controlled substance(~~(7)~~); and

16 (3) the control of which is necessary to prevent, curtail, or limit
17 the manufacture of the controlled substance.

18 (o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5),
19 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any
20 geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c)
21 the term includes any positional isomer; and in RCW 69.50.204(a)(35),
22 69.50.204(c), and 69.50.208(a) the term includes any positional or
23 geometric isomer.

24 (~~(e)~~) (p) "Manufacture" means the production, preparation,
25 propagation, compounding, conversion, or processing of a controlled
26 substance, either directly or indirectly or by extraction from
27 substances of natural origin, or independently by means of chemical
28 synthesis, or by a combination of extraction and chemical synthesis,
29 and includes any packaging or repackaging of the substance or labeling
30 or relabeling of its container(~~(7-except that this)~~). The term does

1 not include the preparation ~~((or))~~, compounding, packaging,
2 repackaging, labeling, or relabeling of a controlled substance ~~((by an~~
3 ~~individual for his or her own use or the preparation, compounding,~~
4 ~~packaging, or labeling of a controlled substance))~~):

5 (1) by a practitioner as an incident to the practitioner's
6 administering or dispensing of a controlled substance in the course of
7 ~~((his or her))~~ the practitioner's professional practice~~((r))~~; or

8 (2) by a practitioner, or by ~~((an))~~ the practitioner's authorized
9 agent under the practitioner's supervision, for the purpose of, or as
10 an incident to, research, teaching, or chemical analysis and not for
11 sale.

12 ~~((p))~~ (q) "Marijuana" ~~((or "marihuana"))~~ means all parts of the
13 plant ~~((of the genus))~~ Cannabis ~~((L.))~~, whether growing or not; the
14 seeds thereof; the resin extracted from any part of the plant; and
15 every compound, manufacture, salt, derivative, mixture, or preparation
16 of the plant, its seeds or resin. ~~((It))~~ The term does not include the
17 mature stalks of the plant, fiber produced from the stalks, oil or cake
18 made from the seeds of the plant, any other compound, manufacture,
19 salt, derivative, mixture, or preparation of the mature stalks (except
20 the resin extracted therefrom), fiber, oil, or cake, or the sterilized
21 seed of the plant which is incapable of germination.

22 ~~((q))~~ (r) "Narcotic drug" means any of the following, whether
23 produced directly or indirectly by extraction from substances of
24 vegetable origin, or independently by means of chemical synthesis, or
25 by a combination of extraction and chemical synthesis:

26 ~~((1) Opium and opiate, and any salt, compound, derivative, or~~
27 ~~preparation of opium or opiate.~~

28 ~~(2) Any salt, compound, isomer, derivative, or preparation thereof~~
29 ~~which is chemically equivalent or identical with any of the substances~~

1 referred to in clause 1, but not including the isoquinoline alkaloids
2 of opium.

3 ~~(3) Opium poppy and poppy straw.~~

4 ~~(4) Coca leaves and any salt, compound, derivative, or preparation~~
5 ~~of coca leaves, and any salt, compound, isomer, derivative, or~~
6 ~~preparation thereof which is chemically equivalent or identical with~~
7 ~~any of these substances, but not including decocainized coca leaves or~~
8 ~~extractions of coca leaves which do not contain cocaine or ecgonine.)~~

9 (1) Opium, opium derivative, and any derivative of opium or opium
10 derivative, including their salts, isomers, and salts of isomers,
11 whenever the existence of the salts, isomers, and salts of isomers is
12 possible within the specific chemical designation. The term does not
13 include the isoquinoline alkaloids of opium.

14 (2) Synthetic opiate and any derivative of synthetic opiate,
15 including their isomers, esters, ethers, salts, and salts of isomers,
16 esters, and ethers, whenever the existence of the isomers, esters,
17 ethers, and salts is possible within the specific chemical designation.

18 (3) Poppy straw and concentrate of poppy straw.

19 (4) Coca leaves, except coca leaves and extracts of coca leaves
20 from which cocaine, ecgonine, and derivatives or ecgonine or their
21 salts have been removed.

22 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

23 (6) Cocaine base.

24 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
25 thereof.

26 (8) Any compound, mixture, or preparation containing any quantity
27 of any substance referred to in subparagraphs (1) through (7).

28 ~~((r))~~ (s) "Opiate" means any substance having an addiction-
29 forming or addiction-sustaining liability similar to morphine or being
30 capable of conversion into a drug having addiction-forming or

1 addiction-sustaining liability. ~~((It))~~ The term includes opium,
2 substances derived from opium (opium derivatives), and synthetic
3 opiates. The term does not include, unless specifically designated as
4 controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-
5 n-methylmorphinan and its salts (dextromethorphan). ~~((It does))~~ The
6 term includes ~~((its))~~ the racemic and levorotatory forms of
7 dextromethorphan.

8 ~~((s))~~ (t) "Opium poppy" means the plant of the ~~((genus))~~ species
9 Papaver somniferum L., except its seeds~~((, capable of producing an~~
10 opiate)).

11 ~~((t))~~ (u) "Person" means individual, corporation, ~~((government or~~
12 ~~governmental subdivision or agency,))~~ business trust, estate, trust,
13 partnership ~~((or))~~, association, joint venture, government or
14 governmental subdivision or agency, or any other legal or commercial
15 entity.

16 ~~((u))~~ (v) "Poppy straw" means all parts, except the seeds, of the
17 opium poppy, after mowing.

18 ~~((v))~~ (w) "Practitioner" means:

19 (1) A physician under chapter 18.71 RCW, a physician assistant
20 under chapter 18.71A RCW, an osteopathic physician or an osteopathic
21 physician and surgeon under chapter 18.57 RCW, a dentist under chapter
22 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under
23 chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a
24 licensed practical nurse under chapter 18.78 RCW, a pharmacist under
25 chapter 18.64 RCW or a scientific investigator under this chapter,
26 licensed, registered or otherwise permitted insofar as is consistent
27 with those licensing laws to distribute, dispense, conduct research
28 with respect to or administer a controlled substance in the course of
29 their professional practice or research in this state.

1 (2) A pharmacy, hospital or other institution licensed, registered,
2 or otherwise permitted to distribute, dispense, conduct research with
3 respect to or to administer a controlled substance in the course of
4 professional practice or research in this state.

5 (3) A physician licensed to practice medicine and surgery, a
6 physician licensed to practice osteopathy and surgery, a dentist
7 licensed to practice dentistry, a ~~((podiatrist))~~ podiatric physician
8 and surgeon licensed to practice ~~((podiatry))~~ podiatric medicine and
9 surgery, or a veterinarian licensed to practice veterinary medicine in
10 any state of the United States.

11 ~~((w))~~ (x) "Production," unless the context otherwise requires,
12 includes the ((manufacture)) manufacturing, planting, ((cultivation))
13 cultivating, growing, or harvesting of a controlled substance.

14 ~~((x) "Secretary" means the secretary of health or the secretary's~~
15 ~~designee.~~

16 ~~(y) "State", when applied to a part of the United States, includes~~
17 ~~any state, district, commonwealth, territory, insular possession~~
18 ~~thereof, and any area subject to the legal authority of the United~~
19 ~~States of America.~~

20 ~~(z))~~ (y) "State," unless the context otherwise requires, means a
21 state of the United States, the District of Columbia, the Commonwealth
22 of Puerto Rico, or a territory or insular possession subject to the
23 jurisdiction of the United States.

24 (z) "Ultimate user" means ((a person)) an individual who lawfully
25 possesses a controlled substance for ((his or her)) the individual's
26 own use or for the use of a member of ((his or her)) the individual's
27 household or for administering to an animal owned by ((him or her)) the
28 individual or by a member of ((his or her)) the individual's household.

29 ~~((aa) "Board" means the state board of pharmacy.)~~

ARTICLE II--STANDARDS AND SCHEDULES

Sec. 2. RCW 69.50.201 and 1989 1st ex.s. c 9 s 430 are each amended to read as follows:

AUTHORITY TO CONTROL. (a) The state board of pharmacy shall enforce this chapter and may add substances to or delete or reschedule ~~((all))~~ substances ~~((enumerated in the schedules))~~ listed in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the ~~((rule-making))~~ procedures of chapter 34.05 RCW.

(1) In making a determination regarding a substance, the board shall consider the following:

~~((1))~~ (i) the actual or relative potential for abuse;

~~((2))~~ (ii) the scientific evidence of its pharmacological effect, if known;

~~((3))~~ (iii) the state of current scientific knowledge regarding the substance;

~~((4))~~ (iv) the history and current pattern of abuse;

~~((5))~~ (v) the scope, duration, and significance of abuse;

~~((6))~~ (vi) the risk to the public health;

~~((7))~~ (vii) the potential of the substance to produce psychic or physiological dependence liability; and

~~((8))~~ (viii) whether the substance is an immediate precursor of a ~~((substance already))~~ controlled ~~((under this Article))~~ substance.

~~((b) After considering the factors enumerated in subsection (a) the board may issue a rule controlling the substance if it finds the substance has a potential for abuse.~~

~~(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.~~

1 ~~(d) If any substance is designated, rescheduled, or deleted as a~~
2 ~~controlled substance under federal law and notice thereof is given to~~
3 ~~the board, the substance shall be similarly controlled under this~~
4 ~~chapter after the expiration of thirty days from publication in the~~
5 ~~Federal Register of a final order designating a substance as a~~
6 ~~controlled substance or rescheduling or deleting a substance, unless~~
7 ~~within that thirty day period, the board objects to inclusion,~~
8 ~~rescheduling, or deletion. In that case, the board shall proceed~~
9 ~~pursuant to the rule-making procedures of chapter 34.05 RCW.~~

10 ~~(e) Authority to control under this section does not extend to~~
11 ~~distilled spirits, wine, malt beverages, or tobacco as those terms are~~
12 ~~defined or used in Title 66 RCW and Title 26 RCW.~~

13 ~~(f) The board shall exclude any nonnarcotic substances from a~~
14 ~~schedule if such substances may, under the Federal Food, Drug and~~
15 ~~Cosmetic Act, and under regulations of the drug enforcement~~
16 ~~administration, and the laws of this state including RCW 18.64.250, be~~
17 ~~lawfully sold over the counter.))~~

18 (2) The board may consider findings of the federal Food and Drug
19 Administration or the Drug Enforcement Administration as prima facie
20 evidence relating to one or more of the determinative factors.

21 ~~((g))~~ (b) On or before December 1 of each year, the board shall
22 inform the committees of reference of the legislature of the controlled
23 substances added, deleted, or changed on the schedules specified in
24 this chapter and which includes an explanation of these actions.

25 (c) After considering the factors enumerated in subsection (a) of
26 this section, the board shall make findings with respect thereto and
27 adopt and cause to be published a rule controlling the substance upon
28 finding the substance has a potential for abuse.

29 (d) The board, without regard to the findings required by
30 subsection (a) of this section or RCW 69.50.203, 69.50.205, 69.50.207,

1 69.50.209, and 69.50.211 or the procedures prescribed by subsections
2 (a) and (c) of this section, may place an immediate precursor in the
3 same schedule in which the controlled substance of which it is an
4 immediate precursor is placed or in any other schedule. If the board
5 designates a substance as an immediate precursor, substances that are
6 precursors of the controlled precursor are not subject to control
7 solely because they are precursors of the controlled precursor.

8 (e) If a substance is designated, rescheduled, or deleted as a
9 controlled substance under federal law, the board shall similarly
10 control the substance under this chapter after the expiration of thirty
11 days from the date of publication in the federal register of a final
12 order designating the substance as a controlled substance or
13 rescheduling or deleting the substance or from the date of issuance of
14 an order of temporary scheduling under Section 508 of the federal
15 Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. Sec. 811(h),
16 unless within that thirty-day period, the board or an interested party
17 objects to inclusion, rescheduling, temporary scheduling, or deletion.
18 If no objection is made, the board shall adopt and cause to be
19 published, without the necessity of making determinations or findings
20 as required by subsection (a) of this section or RCW 69.50.203,
21 69.50.205, 69.50.207, 69.50.209, and 69.50.211, a final rule, for which
22 notice of proposed rulemaking is omitted, designating, rescheduling,
23 temporarily scheduling, or deleting the substance. If an objection is
24 made, the board shall make a determination with respect to the
25 designation, rescheduling, or deletion of the substance as provided by
26 subsection (a) of this section. Upon receipt of an objection to
27 inclusion, rescheduling, or deletion under this chapter by the board,
28 the board shall publish notice of the receipt of the objection, and
29 control under this chapter is stayed until the board adopts a rule as
30 provided by subsection (a) of this section.

1 (f) The board, by rule and without regard to the requirements of
2 subsection (a) of this section, may schedule a substance in Schedule I
3 regardless of whether the substance is substantially similar to a
4 controlled substance in Schedule I or II if the board finds that
5 scheduling of the substance on an emergency basis is necessary to avoid
6 an imminent hazard to the public safety and the substance is not
7 included in any other schedule or no exemption or approval is in effect
8 for the substance under Section 505 of the federal Food, Drug, and
9 Cosmetic Act, 21 U.S.C. Sec. 355. Upon receipt of notice under RCW
10 69.50.--- (section 14 of this act), the board shall initiate scheduling
11 of the controlled substance analog on an emergency basis pursuant to
12 this subsection. The scheduling of a substance under this subsection
13 expires one year after the adoption of the scheduling rule. With
14 respect to the finding of an imminent hazard to the public safety, the
15 board shall consider whether the substance has been scheduled on a
16 temporary basis under federal law or factors set forth in subsection
17 (a)(1) (iv), (v), and (vi) of this section, and may also consider
18 clandestine importation, manufacture, or distribution, and, if
19 available, information concerning the other factors set forth in
20 subsection (a)(1) of this section. A rule may not be adopted under
21 this subsection until the board initiates a rule-making proceeding
22 under subsection (a) of this section with respect to the substance. A
23 rule adopted under this subsection must be vacated upon the conclusion
24 of the rule-making proceeding initiated under subsection (a) of this
25 section with respect to the substance.

26 (g) Authority to control under this section does not extend to
27 distilled spirits, wine, malt beverages, or tobacco as those terms are
28 defined or used in Titles 66 and 26 RCW.

1 **Sec. 3.** RCW 69.50.203 and 1971 ex.s. c 308 s 69.50.203 are each
2 amended to read as follows:

3 SCHEDULE I TESTS. (a) The state board of pharmacy shall place a
4 substance in Schedule I ~~((if it finds))~~ upon finding that the
5 substance:

6 (1) has high potential for abuse; ~~((and))~~

7 (2) has no currently accepted medical use in treatment in the
8 United States ~~((or))~~; and

9 (3) lacks accepted safety for use in treatment under medical
10 supervision.

11 (b) The board may place a substance in Schedule I without making
12 the findings required by subsection (a) of this section if the
13 substance is controlled under Schedule I of the federal Controlled
14 Substances Act by a federal agency as the result of an international
15 treaty, convention, or protocol.

16 **Sec. 4.** RCW 69.50.204 and 1986 c 124 s 3 are each amended to read
17 as follows:

18 SCHEDULE I. ~~((a) The controlled substances listed in this~~
19 ~~section, by whatever official name, common or usual name, chemical~~
20 ~~name, or brand name, are included in Schedule I.~~

21 ~~(b) Opiates. Unless specifically excepted or unless listed in~~
22 ~~another schedule, any))~~ Unless specifically excepted by state or
23 federal law or regulation or more specifically included in another
24 schedule, the following controlled substances are listed in Schedule I:

25 (a) Any of the following opiates, including their isomers, esters,
26 ethers, salts, and salts of isomers, esters, and ethers((~~7~~)) whenever
27 the existence of these isomers, esters, ethers, and salts is possible
28 within the specific chemical designation:

1 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
2 piperidinyl]-N-phenylacetamide);
3 (2) Acetylmethadol;
4 (~~(2)~~) ~~Alfentanil;~~)
5 (3) Allylprodine;
6 (4) Alphacetylmethadol;
7 (5) Alphameprodine;
8 (6) Alphamethadol;
9 (7) Alpha-methylfentanyl (N-[1-alpha-methyl-beta-phenyl) ethyl-4-
10 piperidyl] (~~(propionanilide)~~) propionanilide; 1-(1-methyl-2-
11 phenylethyl)-4-(N-propanilido) piperidine);
12 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
13 piperidinyl]-N-phenylpropanamide);
14 (9) Benzethidine;
15 (~~(9)~~) (10) Betacetylmethadol;
16 (~~(10)~~) (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
17 piperidinyl]-N-phenylpropanamide);
18 (12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-
19 phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
20 (13) Betameprodine;
21 (~~(11)~~) (14) Betamethadol;
22 (~~(12)~~) (15) Betaprodine;
23 (~~(13)~~) (16) Clonitazene;
24 (~~(14)~~) (17) Dextromoramide;
25 (~~(15)~~) (18) Diampromide;
26 (~~(16)~~) (19) Diethylthiambutene;
27 (~~(17)~~) (20) Difenoxin;
28 (~~(18)~~) (21) Dimenoxadol;
29 (~~(19)~~) (22) Dimepheptanol;
30 (~~(20)~~) (23) Dimethylthiambutene;

1 ~~((+21))~~ (24) Dioxaphetyl butyrate;
2 ~~((+22))~~ (25) Dipipanone;
3 ~~((+23))~~ (26) Ethylmethylthiambutene;
4 ~~((+24))~~ (27) Etonitazene;
5 ~~((+25))~~ (28) Etoxeridine;
6 ~~((+26))~~ (29) Furethidine;
7 ~~((+27))~~ (30) Hydroxypethidine;
8 ~~((+28))~~ (31) Ketobemidone;
9 ~~((+29))~~ (32) Levomoramide;
10 ~~((+30))~~ (33) Levophenacymorphan;
11 ~~((+31))~~ (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
12 piperidyl]-N-phenylpropanamide);
13 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-
14 piperidinyl]-N-phenylpropanamide);
15 (36) Morpheridine;
16 ~~((+32))~~ (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
17 (38) Noracymethadol;
18 ~~((+33))~~ (39) Norlevorphanol;
19 ~~((+34))~~ (40) Normethadone;
20 ~~((+35))~~ (41) Norpipanone;
21 ~~((+36))~~ (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
22 phenethyl)-4-piperidinyl]-propanamide);
23 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
24 (44) Phenadoxone;
25 ~~((+37))~~ (45) Phenampromide;
26 ~~((+38))~~ (46) Phenomorphan;
27 ~~((+39))~~ (47) Phenoperidine;
28 ~~((+40))~~ (48) Piritramide;
29 ~~((+41))~~ (49) Propheptazine;
30 ~~((+42))~~ (50) Properidine;

1 ~~((43))~~ (51) Propiram;

2 ~~((44))~~ (52) Racemoramide;

3 ~~((45))~~ (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
4 piperidinyl]-propanamide);

5 (54) Tilidine;

6 ~~((46))~~ (55) Trimeperidine.

7 ~~((c) Opium derivatives. Unless specifically excepted or unless~~
8 ~~listed in another schedule,~~) (b) Any of the following opium
9 derivatives, including their salts, isomers, and salts of isomers(~~(7)~~)
10 whenever the existence of (~~these~~) those salts, isomers, and salts of
11 isomers is possible within the specific chemical designation:

12 (1) Acetorphine;

13 (2) Acetyldihydrocodeine;

14 (3) Benzylmorphine;

15 (4) Codeine methylbromide;

16 (5) Codeine-N-Oxide;

17 (6) Cyprenorphine;

18 (7) Desomorphine;

19 (8) Dihydromorphine;

20 (9) Drotebanol;

21 (10) Etorphine(~~(+)~~)₁ except hydrochloride salt(~~(+)~~);

22 (11) Heroin;

23 (12) Hydromorphenol;

24 (13) Methyldesorphine;

25 (14) Methyldihydromorphine;

26 (15) Morphine methylbromide;

27 (16) Morphine methylsulfonate;

28 (17) Morphine-N-Oxide;

29 (18) Myrophine;

30 (19) Nicocodeine;

1 (20) Nicomorphine;

2 (21) Normorphine;

3 (22) Pholcodine;

4 (23) Thebacon.

5 ~~((d) Hallucinogenic substances. Unless specifically excepted or~~
6 ~~unless listed in another schedule,)) (c) Any material, compound,~~
7 ~~mixture, or preparation which contains any quantity of the following~~
8 ~~hallucinogenic substances, ((or which contains any of its)) including~~
9 ~~their salts, isomers, and salts of isomers((,)) whenever the existence~~
10 ~~of ((such)) those salts, isomers, and salts of isomers is possible~~
11 ~~within the specific chemical designation ((For purposes of paragraph~~
12 ~~(d) of this section, only, the term "isomer" includes the optical,~~
13 ~~position, and geometric isomers.)):~~

14 (1) ~~3,4-methylenedioxy amphetamine;~~

15 (2) ~~5-methoxy-3,4-methylenedioxy amphetamine;~~

16 (3) ~~3,4,5-trimethoxy amphetamine;~~

17 (4) ~~4-bromo-2,5-dimethoxy amphetamine: Some trade or other names:~~
18 ~~4-bromo-2,5-dimethoxy alpha-methylphenethylamine; 4-bromo-2,5-DMA;~~

19 (5) ~~2,5-dimethoxyamphetamine: Some trade or other names: 2,5-~~
20 ~~dimethoxy alpha-methylphenethylamine; 2,5-DMA;~~

21 (6) ~~4-methoxyamphetamine: Some trade or other names: 4-methoxy-~~
22 ~~alpha-methylphenethylamine; paramethoxyamphetamine; PMA;~~

23 (7) ~~4-methyl-2,5-dimethoxyamphetamine: Some trade or other names:~~
24 ~~4-methyl-2,5-dimethoxy alpha-methylphenethylamine; "DOM"; "STP";~~

25 (8) ~~Bufotenine: Some trade or other names:~~
26 ~~3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-~~
27 ~~indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;~~
28 ~~mappine;~~

29 (9) ~~Diethyltryptamine: Some trade or other names:~~
30 ~~N,N-Diethyltryptamine; DET;~~

1 ~~(10) Dimethyltryptamine: Some trade or other names: DMT;~~
2 ~~(11) Ibogaine: Some trade or other names: 7-Ethyl-6,6~~
3 ~~beta,7,8,9,10,12,13, octahydro-2-methoxy-6,9methano-5H-pyrido-(1',2'1,2)~~
4 ~~azepino-(5,4-b) indole; Tabernanthe iboga;~~
5 ~~(12) Lysergic acid diethylamide;~~
6 ~~(13) Marijuana;~~
7 ~~(14) Mescaline;~~
8 ~~(15) Parahexyl-7374; some trade or other names: 3-Hexyl-1-hydroxy-~~
9 ~~7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran;~~
10 ~~synhexyl;~~
11 ~~(16) Peyote, meaning all parts of the plant presently classified~~
12 ~~botanically as Lophophora Williamsii Lemaire, whether growing or not,~~
13 ~~the seeds thereof, any extract from any part of such plant, and every~~
14 ~~compound, manufacture, salts, derivative, mixture, or preparation of~~
15 ~~such plant, its seeds, or extracts (interprets 21 U.S.C. Sec. 812(c),~~
16 ~~Schedule I(c)(12));~~
17 ~~(17) N-ethyl-3-piperidyl benzilate;~~
18 ~~(18) N-methyl-3-piperidyl benzilate;~~
19 ~~(19) Psilocybin;~~
20 ~~(20) Psilocyn;~~
21 ~~(21) Tetrahydrocannabinols, synthetic equivalents of the substances~~
22 ~~contained in the plant, or in the resinous extractives of Cannabis,~~
23 ~~specifically, and/or synthetic substances, derivatives, and their~~
24 ~~isomers with similar chemical structure and pharmacological activity~~
25 ~~such as the following:~~
26 ~~(i) Delta 1 — cis — or trans~~
27 ~~tetrahydrocannabinol, and their optical isomers;~~
28 ~~(ii) Delta 6 — cis — or trans~~
29 ~~tetrahydrocannabinol, and their optical isomers;~~
30 ~~(iii) Delta 3.4 — cis — or trans~~

1 tetrahydrocannabinol, and its optical isomers;
2 (Since nomenclature of these substances is not internationally
3 standardized, compounds of these structures, regardless of numerical
4 designation of atomic positions covered, are all included.)

5 (22) Ethylamine analog of phencyclidine: Some trade or other
6 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine;
7 N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

8 (23) Pyrrolidine analog of phencyclidine: Some trade or other
9 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

10 (24) Thiophene analog of phencyclidine: Some trade or other names:
11 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
12 phencyclidine; TPCP; TCP.)

13 (1) 4-bromo-2,5-dimethoxy-amphetamine (Some trade or other names:
14 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.)

15 (2) 2,5-dimethoxyamphetamine (Some trade or other names: 2,5-
16 dimethoxy-alpha-methylphenethylamine; 2,5-DMA)

17 (3) 4-methoxyamphetamine (Some trade or other names: 4-methoxy-
18 alpha-methylphenethylamine; paramethoxyamphetamine, PMA.)

19 (4) 5-methoxy-3,4-methylenedioxy amphetamine;

20 (5) 4-methyl-2,5-dimethoxy-amphetamine (Some trade and other names:
21 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; DOM; and STP.)

22 (6) 3,4-methylenedioxy amphetamine;

23 (7) 3,4-methylenedioxymethamphetamine (MDMA);

24 (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-
25 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE,
26 MDEA)

27 (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-
28 hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy
29 MDA)

30 (10) 3,4,5-trimethoxy amphetamine;

- 1 (11) Bufotenine (Some trade and other names: 3-(beta-
2 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
3 indololol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
4 mappine.);
- 5 (12) Diethyltryptamine (Some trade or other names: N,N-
6 Diethyltryptamine; DET.);
- 7 (13) Dimethyltryptamine (Some trade or other names: DMT.);
- 8 (14) Ibogaine (Some trade and other names: 7-Ethyl-
9 6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',
10 2':1,2] azepine [5,4-b] indole; Tabernanthe iboga.);
- 11 (15) Lysergic acid diethylamide;
- 12 (16) Marijuana;
- 13 (17) Mescaline;
- 14 (18) Parahexyl (Some trade or other names: 3-Hexyl-1-hydroxy-
15 7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.);
- 16 (19) Peyote (Meaning all parts of the plant presently classified
17 botanically as Lophophora williamsii Lemaire, whether growing or not,
18 the seeds thereof, any extract from any part of the plant, and every
19 compound, manufacture, salts, derivative, mixture, or preparation of
20 the plant, its seeds or extracts.);
- 21 (20) N-ethyl-3-piperidyl benzilate;
- 22 (21) N-methyl-3-piperidyl benzilate;
- 23 (22) Psilocybin;
- 24 (23) Psilocyn;
- 25 (24) Tetrahydrocannabinols (Synthetic equivalent of the substances
26 contained in the plant, or in the resinous extractives of Cannabis, sp.
27 and/or synthetic substances, derivatives, and their isomers with
28 similar chemical structure and pharmacological activity such as the
29 following: Delta 1 cls or trans tetrahydrocannabinol, and their
30 optical isomers; Delta 6 cls or trans tetrahydrocannabinol, and their

1 optical isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its
2 optical isomers. [Since nomenclature of these substances is not
3 internationally standardized, compounds of these structures, regardless
4 of numerical designation of atomic positions covered.]);

5 (25) Ethylamine analog of phenecyclidine (Some trade or other
6 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
7 ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE.);

8 (26) Pyrrolidine analog of phencyclidine (Some trade or other
9 names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.);

10 (27) Thiophene analog of phencyclidine (Some trade or other names:
11 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of
12 phencyclidine, TPCP, TCP.);

13 (28) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (Some other names:
14 TCPy.);

15 ~~((e) Depressants. Unless specifically excepted or unless listed~~
16 ~~in another schedule,)) (d) Any material, compound, mixture, or~~
17 ~~preparation ((which contains)) containing any quantity of~~
18 ~~((mecloqualone)) the following substances having a depressant effect on~~
19 ~~the central nervous system, including ((its)) their salts, isomers, and~~
20 ~~salts of isomers whenever the existence of ((such)) those salts,~~
21 ~~isomers, and salts of isomers is possible within the specific chemical~~
22 ~~designation((-));~~

23 (1) Mecloqualone;

24 (2) Methaqualone.

25 ~~((f) Stimulants. Unless specifically excepted or unless listed in~~
26 ~~another schedule,)) (e) Any material, compound, mixture, or preparation~~
27 ~~((which contains)) containing any quantity of the following substances~~
28 ~~having a stimulant effect on the central nervous system, including~~
29 ~~((its)) their salts, isomers, and salts of isomers:~~

30 (1) ((Fenethyline)) Fenethylamine;

1 (2) (+/-)CIS-4-methylaminorex ((+/-)CIS-4,5-dihydro-4-methyl-5-
2 phenyl-2-oxazolamine);

3 (3) N-ethylamphetamine;

4 (~~((3) 3-methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-~~
5 ~~N-phenylpropanamide), its optical and geometric isomers, salts and~~
6 ~~salts of isomers;~~

7 (4) ~~3,4-methylenedioxymethamphetamine (MDMA), its optical,~~
8 ~~positional and geometric isomers, salts and salts of isomers;~~

9 (5) ~~1-methyl-4-phenyl-4-propionoxy-piperidine (MPPP), its optical~~
10 ~~isomers, salts, and salts of isomers;~~

11 (6) ~~1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its~~
12 ~~optical isomers, salts and salts of isomers))~~

13 (4) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-
14 benzeneethanamine; N,N-alpha-tri-mehtylphenethylamine).

15 The controlled substances in this section may be rescheduled or
16 deleted as provided for in RCW 69.50.201.

17 **Sec. 5.** RCW 69.50.205 and 1971 ex.s. c 308 s 69.50.205 are each
18 amended to read as follows:

19 SCHEDULE II TESTS. (a) The state board of pharmacy shall place a
20 substance in Schedule II ((if it finds)) upon finding that:

21 (1) the substance has high potential for abuse;

22 (2) the substance has currently accepted medical use in treatment
23 in the United States, or currently accepted medical use with severe
24 restrictions; and

25 (3) the abuse of the substance may lead to severe ((psycie))
26 psychological or physical dependence.

27 (b) The state board of pharmacy may place a substance in Schedule
28 II without making the findings required by subsection (a) of this
29 section if the substance is controlled under Schedule II of the federal

1 Controlled Substances Act by a federal agency as the result of an
2 international treaty, convention, or protocol.

3 **Sec. 6.** RCW 69.50.206 and 1986 c 124 s 4 are each amended to read
4 as follows:

5 SCHEDULE II. (~~((a) The drugs and other substances listed in this~~
6 ~~section, by whatever official name, common or usual name, chemical~~
7 ~~name, or brand name designated, are included in Schedule II.~~

8 (b) ~~Substances. (Vegetable origin or chemical synthesis.) Unless~~
9 ~~specifically excepted, any of the following substances, except those~~
10 ~~listed in other schedules,))~~ Unless specifically excepted by state or
11 federal law or regulation or more specifically included in another
12 schedule, the following controlled substances are listed in Schedule
13 II:

14 (a) Any of the following substances whether produced directly or
15 indirectly by extraction from substances of vegetable origin, or
16 independently by means of chemical synthesis, or by combination of
17 extraction and chemical synthesis:

18 (1) Opium and (~~(opiate))~~ opium derivative, and any salt, compound,
19 derivative, or preparation of opium or (~~(opiate))~~ opium derivative,
20 excluding apomorphine, dextrorphan, nalbuphine, butorphanol, nalmefene,
21 naloxone, and naltrexone, (~~(and their respective salts,))~~ but including
22 (~~(the following))~~):

- 23 (i) Raw opium;
- 24 (ii) Opium extracts;
- 25 (iii) Opium fluid (~~(extracts)~~);
- 26 (iv) Powdered opium;
- 27 (v) Granulated opium;
- 28 (vi) Tincture of opium;
- 29 (vii) Codeine;

- 1 (viii) Ethylmorphine;
- 2 (ix) Etorphine hydrochloride;
- 3 (x) Hydrocodone;
- 4 (xi) Hydromorphone;
- 5 (xii) Metopon;
- 6 (xiii) Morphine;
- 7 (xiv) Oxycodone;
- 8 (xv) Oxymorphone; ((and))
- 9 (xvi) Thebaine.

10 (2) Any salt, compound, ((isomer₇)) derivative, or preparation
11 thereof ((which)) that is chemically equivalent or identical with any
12 of the substances referred to in ((paragraph (b))) subsection (a)(1) of
13 this section, but not including the isoquinoline alkaloids of opium.

14 (3) Opium poppy and poppy straw.

15 (4) Coca leaves and any salt, compound, derivative, or preparation
16 of coca leaves, including cocaine and ecgonine and their salts of
17 isomers, derivatives, and salts of isomers and derivatives, and any
18 salt, compound, derivative, or preparation thereof which is chemically
19 equivalent or identical with any of these substances, but not including
20 decocainized coca leaves or extractions of coca leaves which do not
21 contain cocaine or ecgonine.

22 (5) ((Methylbenzoyl~~ecgonine (cocaine — its salts, optical isomers,~~
23 ~~and salts of optical isomers)~~).

24 (6)) Concentrate of poppy straw (the crude extract of poppy straw
25 in either liquid, solid, or powder form which contains the
26 ((phenanthrine)) phenanthrene alkaloids of the opium poppy((-)).

27 ((c) Opiates. Unless specifically excepted or unless in another
28 ~~schedule₇~~) (b) Any of the following synthetic opiates, including
29 ((its)) their isomers, esters, ethers, salts, and salts of isomers,
30 esters, and ethers((-)) whenever the existence of ((such)) those

1 isomers, esters, ethers, and salts is possible within the specific
2 chemical designation(~~(, dextrorphan and levopropoxyphene excepted)~~):

- 3 (1) Alfentanil;
- 4 (2) Alphaprodine;
- 5 ~~((2))~~ (3) Anileridine;
- 6 ~~((3))~~ (4) Bezitramide;
- 7 ~~((4))~~ (5) Bulk dextropropoxyphene (nondosage forms);
- 8 (6) Carfentanil;
- 9 ~~((5))~~ (7) Dihydrocodeine;
- 10 ~~((6))~~ (8) Diphenoxylate;
- 11 ~~((7))~~ (9) Fentanyl;
- 12 ~~((8))~~ (10) Isomethadone;
- 13 ~~((9))~~ (11) Levomethorphan;
- 14 ~~((10))~~ (12) Levorphanol;
- 15 ~~((11))~~ (13) Metazocine;
- 16 ~~((12))~~ (14) Methadone;
- 17 ~~((13))~~ (15) Methadone--Intermediate, 4-cyano-2-dimethylamino-4,
18 4-diphenyl butane;
- 19 ~~((14))~~ (16) Moramide--Intermediate, 2-methyl-3-morpholino-1, 1-
20 diphenylpropane-carboxylic acid;
- 21 ~~((15))~~ (17) Pethidine ((~~mepidene~~) mepidene);
- 22 ~~((16))~~ (18) Pethidine--Intermediate((-))-A, 4-cyano-1-methyl-4-
23 phenylpiperidine;
- 24 ~~((17))~~ (19) Pethidine--Intermediate((-))-B, ethyl-4-
25 phenylpiperidine-4-carboxylate;
- 26 ~~((18))~~ (20) Pethidine--Intermediate((-))-C, 1-methyl-4-
27 phenylpiperidine-4-carboxylic acid;
- 28 ~~((19))~~ (21) Phenazocine;
- 29 ~~((20))~~ (22) Piminodine;
- 30 ~~((21))~~ (23) Racemethorphan;

1 ~~((22))~~ (24) Racemorphan;

2 ~~((23))~~ (25) Sufentanil.

3 ~~((d) Stimulants. Unless specifically excepted or unless listed in~~
4 ~~another schedule,))~~ (c) Any material, compound, mixture, or preparation
5 ~~((which contains))~~ containing any quantity of the following substances,
6 their salts, isomers, or salts of isomers, having a stimulant effect on
7 the central nervous system:

8 (1) Amphetamine(~~(, its salts, optical isomers, and salts of its~~
9 ~~optical isomers))~~);

10 (2) Methamphetamine(~~(, its salts, isomers, and salts of its~~
11 ~~isomers))~~);

12 (3) Phenmetrazine ~~((and its salts))~~);

13 (4) Methylphenidate.

14 ~~((e) Depressants. Unless specifically excepted or unless listed~~
15 ~~in another schedule,))~~ (d) Any material, compound, mixture, or
16 preparation ~~((which contains))~~ containing any quantity of the following
17 substances having a depressant effect on the central nervous system,
18 including ~~((its))~~ their salts, isomers, and salts of isomers whenever
19 the existence of ~~((such))~~ those salts, isomers, and salts of isomers is
20 possible within the specific chemical designation:

21 (1) Amobarbital;

22 (2) Glutethimide;

23 (3) Pentobarbital;

24 ~~((3))~~ (4) Phencyclidine;

25 ~~((4))~~ (5) Secobarbital.

26 (e)(1) Dronabinol (synthetic) in sesame oil and encapsulated in a
27 soft gelatin capsule in a federal Food and Drug Administration approved
28 drug product [some other names for dronabinol: (6aR-trans)-6a,7,8,10a-
29 tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran-1-ol, or (-)-
30 Delta-9-(trans)-tetrahydrocannabinol].

1 (2) Nabilone [Another name for nabilone: (+/-) trans-3-(1,1-
2 dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-
3 9Hdibenzo [b,d] pyran-9-one].

4 (~~((f) Immediate precursors. Unless specifically excepted or unless~~
5 ~~listed in another schedule,~~) (f) Any material, compound, mixture, or
6 preparation (~~(which contains)~~) containing any quantity of the following
7 substances:

8 (1) Immediate precursor to amphetamine and methamphetamine:
9 (~~((+2))~~) phenylacetone(~~((+))~~) (Some trade or other names: phenyl-2-
10 propanone(~~((+))~~); P2P(~~((+))~~); benzyl methyl ketone(~~((+))~~); methyl benzyl
11 ketone.)i

12 (~~((+3))~~) (2) Immediate precursors to phencyclidine (~~((PCP))~~):

13 (i) 1-phenylcyclohexylamine;

14 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

15 The controlled substances listed in this section may be rescheduled
16 or deleted as provided for in RCW 69.50.201.

17 **Sec. 7.** RCW 69.50.207 and 1971 ex.s. c 308 s 69.50.207 are each
18 amended to read as follows:

19 SCHEDULE III TESTS. (a) The state board of pharmacy shall place a
20 substance in Schedule III (~~((if it finds))~~) upon finding that:

21 (1) the substance has a potential for abuse less than the
22 substances (~~((listed))~~) included in Schedules I and II;

23 (2) the substance has currently accepted medical use in treatment
24 in the United States; and

25 (3) abuse of the substance may lead to moderate or low physical
26 dependence or high psychological dependence.

27 (b) The state board of pharmacy may place a substance in Schedule
28 III without making the findings required by subsection (a) of this
29 section if the substance is controlled under Schedule III of the

1 federal Controlled Substances Act by a federal agency as the result of
2 an international treaty, convention, or protocol.

3 **Sec. 8.** RCW 69.50.208 and 1986 c 124 s 5 are each amended to read
4 as follows:

5 SCHEDULE III. ~~((a) The drugs and other substances listed in this~~
6 ~~section, by whatever official name, common or usual name, chemical~~
7 ~~name, or brand name designated, are included in Schedule III.~~

8 ~~(b) Stimulants. Unless specifically excepted or unless listed in~~
9 ~~another schedule,)) Unless specifically excepted by state or federal~~
10 law or regulation or more specifically included in another schedule,
11 the following controlled substances are listed in Schedule III:

12 (a) Any material, compound, mixture, or preparation ((which
13 contains)) containing any quantity of the following substances having
14 a stimulant effect on the central nervous system, including ((its))
15 their salts, isomers ((whether optical, position, or geometric)), and
16 salts of ((such)) isomers whenever the existence of ((such)) those
17 salts, isomers, and salts of isomers is possible within the specific
18 chemical designation:

19 (1) ((Those compounds, mixtures, or preparations in dosage unit
20 form containing any stimulant substances listed in Schedule II which
21 compounds, mixtures, or preparations are referred to as excepted
22 compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of
23 April 1, 1985,)) Any compound, mixture, or preparation in dosage unit
24 form containing any stimulant substance included in Schedule II and
25 which was listed as an excepted compound on August 25, 1971, pursuant
26 to the federal Controlled Substances Act, and any other drug of the
27 quantitative composition shown in that list for those drugs or which is
28 the same except ((that it contains)) for containing a lesser quantity
29 of controlled substances;

1 (2) Benzphetamine;

2 (3) Chlorphentermine;

3 (4) Clortermine;

4 (5) Phendimetrazine.

5 (~~((c) Depressants. Unless specifically excepted or unless listed~~
6 ~~in another schedule,~~) (b) Any material, compound, mixture, or
7 preparation (~~(which contains)~~) containing any quantity of the following
8 substances having a depressant effect on the central nervous system:

9 (1) Any compound, mixture, or preparation containing any of the
10 following drugs or their salts and one or more other active medicinal
11 ingredients not included in any schedule:

12 (i) Amobarbital;

13 (ii) Secobarbital;

14 (iii) Pentobarbital;

15 (~~(or any salt thereof and one or more other active medicinal~~
16 ~~ingredients which are not listed in any schedule;~~

17 ~~(2) Any suppository dosage form containing))~~

18 (2) Any of the following drugs, or their salts, in suppository
19 dosage form, approved by the federal Food and Drug Administration for
20 marketing only as a suppository:

21 (i) Amobarbital;

22 (ii) Secobarbital;

23 (iii) Pentobarbital;

24 (~~(or any salt of any of these drugs and approved by the Food and Drug~~
25 ~~Administration for marketing only as a suppository;))~~

26 (3) Any substance (~~(which contains)~~) containing any quantity of a
27 derivative of barbituric acid, or any salt of a derivative of
28 barbituric acid;

29 (4) Chlorhexadol;

30 (5) (~~Glutethimide;~~

1 ~~(6))~~ Lysergic acid;

2 ~~((7))~~ (6) Lysergic acid amide;

3 ~~((8))~~ (7) Methyprylon;

4 ~~((9))~~ (8) Sulfondiethylmethane;

5 ~~((10))~~ (9) Sulfonethylmethane;

6 ~~((11))~~ (10) Sulfonmethane;

7 (11) Tiletamine and zolazepam or any of their salts (Some trade or
8 other names for a tiletamine-zolazepam combination product: Telazol.
9 Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-
10 thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-
11 (2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-
12 diazepin-7(1H)-one. flupyrazapon.).

13 ~~((d))~~ (c) Nalorphine.

14 ~~((e) Narcotic drugs. Unless specifically excepted or unless~~
15 ~~listed in another schedule,))~~ (d) Any material, compound, mixture, or
16 preparation containing limited quantities of any of the following
17 narcotic drugs, or any salts thereof calculated as the free anhydrous
18 base or alkaloid, in limited quantities as set forth in ~~((paragraph (e)~~
19 ~~of this section))~~ this subsection:

20 (1) Not more than 1.8 grams of codeine per 100 milliliters or not
21 more than 90 milligrams per dosage unit, with an equal or greater
22 quantity of an isoquinoline alkaloid of opium;

23 (2) Not more than 1.8 grams of codeine per 100 milliliters or not
24 more than 90 milligrams per dosage unit, with one or more active,
25 nonnarcotic ingredients in recognized therapeutic amounts;

26 (3) Not more than 300 milligrams of dihydrocodeinone per 100
27 milliliters or not more than 15 milligrams per dosage unit, with a
28 fourfold or greater quantity of an isoquinoline alkaloid of opium;

1 (4) Not more than 300 milligrams of dihydrocodeinone per 100
2 milliliters or not more than 15 milligrams per dosage unit, with one or
3 more active, nonnarcotic ingredients in recognized therapeutic amounts;

4 (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters
5 or not more than 90 milligrams per dosage unit, with one or more
6 active, nonnarcotic ingredients in recognized therapeutic amounts;

7 (6) Not more than 300 milligrams of ethylmorphine per 100
8 milliliters or not more than 15 milligrams per dosage unit, with one or
9 more active, nonnarcotic ingredients in recognized therapeutic amounts;

10 (7) Not more than 500 milligrams of opium per 100 milliliters or
11 per 100 grams, or not more than 25 milligrams per dosage unit, with one
12 or more active, nonnarcotic ingredients in recognized therapeutic
13 amounts;

14 (8) Not more than 50 milligrams of morphine per 100 milliliters or
15 per 100 grams with one or more active, nonnarcotic ingredients in
16 recognized therapeutic amounts.

17 The state board of pharmacy may except by rule any compound,
18 mixture, or preparation containing any stimulant or depressant
19 substance listed in subsections (a)(1) and (a)(2) of this section from
20 the application of all or any part of this chapter if the compound,
21 mixture, or preparation contains one or more active medicinal
22 ingredients not having a stimulant or depressant effect on the central
23 nervous system, and if the admixtures are in combinations, quantity,
24 proportion, or concentration that vitiate the potential for abuse of
25 the substances having a stimulant or depressant effect on the central
26 nervous system.

27 The controlled substances listed in this section may be rescheduled
28 or deleted as provided for in RCW 69.50.201.

1 **Sec. 9.** RCW 69.50.209 and 1971 ex.s. c 308 s 69.50.209 are each
2 amended to read as follows:

3 SCHEDULE IV TESTS. (a) The state board of pharmacy shall place a
4 substance in Schedule IV ((if it finds)) upon finding that:

5 (1) the substance has a low potential for abuse relative to
6 substances in Schedule III;

7 (2) the substance has currently accepted medical use in treatment
8 in the United States; and

9 (3) abuse of the substance may lead to limited physical dependence
10 or psychological dependence relative to the substances included in
11 Schedule III.

12 (b) The state board of pharmacy may place a substance in Schedule
13 IV without making the findings required by subsection (a) of this
14 section if the substance is controlled under Schedule IV of the federal
15 Controlled Substances Act by a federal agency as the result of an
16 international treaty, convention, or protocol.

17 **Sec. 10.** RCW 69.50.210 and 1986 c 124 s 6 are each amended to read
18 as follows:

19 ~~SCHEDULE IV. ((a) The drugs and other substances listed in this~~
20 ~~section, by whatever official name, common or usual name, chemical~~
21 ~~name, or brand name designated, are included in Schedule IV.~~

22 ~~(b) Narcotic drugs. Unless specifically excepted or unless listed~~
23 ~~in another schedule,)) Unless specifically excepted by state or federal~~
24 ~~law or regulation or more specifically included in another schedule,~~
25 ~~the following controlled substances are listed in Schedule IV:~~

26 (a) Any material, compound, mixture, or preparation containing any
27 of the following narcotic drugs, or their salts calculated as the free
28 anhydrous base or alkaloid, in limited quantities as set forth below:

1 (1) Not more than 1 milligram of difenoxin and not less than 25
2 micrograms of atropine sulfate per dosage unit.

3 (2) Dextropropoxyphene (alpha-(+)-((e))4-dimethylamino-1,2-
4 diphenyl-3-methyl-2-propionoxybutane).

5 ~~((c) Depressants.—Unless specifically excepted or unless listed~~
6 ~~in another schedule,))~~ (b) Any material, compound, mixture, or
7 preparation ~~((which contains))~~ containing any quantity of the following
8 substances having a depressant effect on the central nervous system,
9 including ~~((its))~~ their salts, isomers, and salts of isomers whenever
10 the existence of ~~((such))~~ those salts, isomers, and salts of isomers is
11 possible within the specific chemical designation:

12 ~~((1) Alprazolam;~~

13 ~~(2) Barbital;~~

14 ~~(3) Chloral betaine;~~

15 ~~(4) Chloral hydrate;~~

16 ~~(5) Chlordiazepoxide;~~

17 ~~(6) Clonazepam;~~

18 ~~(7) Clorazepate;~~

19 ~~(8) Diazepam;~~

20 ~~(9) Ethchlorvynol;~~

21 ~~(10) Ethinamate;~~

22 ~~(11) Flurazepam;~~

23 ~~(12) Halazepam;~~

24 ~~(13) Lorazepam;~~

25 ~~(14) Mebutamate;~~

26 ~~(15) Meprobamate;~~

27 ~~(16) Methohexital;~~

28 ~~(17) Methylphenobarbital (mephobarbital);~~

29 ~~(18) Oxazepam;~~

30 ~~(19) Paraldehyde;~~

- 1 ~~(20) Petrichloral;~~
- 2 ~~(21) Phenobarbital;~~
- 3 ~~(22) Prazepam;~~
- 4 ~~(23) Temazepam;~~
- 5 ~~(24) Triazolam.~~
- 6 ~~(d) Fenfluramine.)~~
- 7 (1) Alprazolam;
- 8 (2) Barbital;
- 9 (3) Bromazepam;
- 10 (4) Camazepam;
- 11 (5) Chloral betaine;
- 12 (6) Chloral hydrate;
- 13 (7) Chlordiazepoxide;
- 14 (8) Clobazam;
- 15 (9) Clonazepam;
- 16 (10) Clorazepate;
- 17 (11) Clotiazepam;
- 18 (12) Cloxazolam;
- 19 (13) Delorazepam;
- 20 (14) Diazepam;
- 21 (15) Estazolam;
- 22 (16) Ethchlorvynol;
- 23 (17) Ethinamate;
- 24 (18) Ethyl loflazepate;
- 25 (19) Fludiazepam;
- 26 (20) Flunitrazepam;
- 27 (21) Flurazepam;
- 28 (22) Halazepam;
- 29 (23) Haloxazolam;
- 30 (24) Ketazolam;

- 1 (25) Loprazolam;
- 2 (26) Lorazepam;
- 3 (27) Lormetazepam;
- 4 (28) Mebutamate;
- 5 (29) Medazepam;
- 6 (30) Meprobamate;
- 7 (31) Methohexital;
- 8 (32) Methylphenobarbital (mephobarbital);
- 9 (33) Midazolam;
- 10 (34) Nimetazepam;
- 11 (35) Nitrazepam;
- 12 (36) Nordiazepam;
- 13 (37) Oxazepam;
- 14 (38) Oxazolam;
- 15 (39) Paraldehyde;
- 16 (40) Petrichloral;
- 17 (41) Phenobarbital;
- 18 (42) Pinazepam;
- 19 (43) Prazepam;
- 20 (44) Quazepam;
- 21 (45) Temazepam;
- 22 (46) Tetrazepam;
- 23 (47) Triazolam.

24 (c) Any material, compound, mixture, or preparation ((~~which~~
25 ~~contains~~)) containing any quantity of the following substance((~~s~~)),
26 including its salts, isomers ((~~whether optical, position, or~~
27 ~~geometric~~)), and salts of such isomers, whenever the existence of such
28 salts, isomers, and salts of isomers is possible((-
29 ~~1~~)): Fenfluramine.

1 ~~((e) Stimulants. Unless specifically excepted or unless listed in~~
2 ~~another schedule,))~~ (d) Any material, compound, mixture, or preparation
3 ~~((which contains))~~ containing any quantity of the following substances
4 having a stimulant effect on the central nervous system, including
5 ~~((its))~~ their salts, isomers ~~((whether optical, position, or~~
6 ~~geometric))~~, and salts of ~~((such))~~ isomers ~~((whenever the existence of~~
7 ~~such salts, isomers, and salts of isomers is possible within the~~
8 ~~specific chemical designation))~~:

9 (1) Cathine ((+) Norpseudoephedrine);

10 (2) Diethylpropion;

11 ~~((+2))~~ (3) Fencamfamin;

12 (4) Fenproporex;

13 (5) Mazindol;

14 ~~((+3))~~ (6) Mefenorex;

15 (7) Pemoline (including organometallic complexes and chelates
16 thereof);

17 ~~((+4))~~ (8) Phentermine;

18 ~~((+5))~~ (9) Pipradrol;

19 ~~((+6))~~ (10) SPA ((-)-1-dimethylamino-1, 2-dephenylethane).

20 ~~((f) Other substances. Unless specifically excepted or unless~~
21 ~~listed in another schedule,))~~ (e) Any material, compound, mixture, or
22 preparation ~~((which contains))~~ containing any quantity of the following
23 substance~~((s))~~, including its salts: ~~((+1))~~ Pentazocine.

24 The state board of pharmacy may except by rule any compound,
25 mixture, or preparation containing any depressant substance listed in
26 subsection (b) of this section from the application of all or any part
27 of this chapter if the compound, mixture, or preparation contains one
28 or more active medicinal ingredients not having a depressant effect on
29 the central nervous system, and if the admixtures are in combinations,
30 quantity, proportion, or concentration that vitiate the potential for

1 abuse of the substances having a depressant effect on the central
2 nervous system.

3 The controlled substances listed in this section may be rescheduled
4 or deleted as provided for in RCW 69.50.201.

5 **Sec. 11.** RCW 69.50.211 and 1971 ex.s. c 308 s 69.50.211 are each
6 amended to read as follows:

7 SCHEDULE V TESTS. (a) The state board of pharmacy shall place a
8 substance in Schedule V ((if it finds)) upon finding that:

9 (1) the substance has low potential for abuse relative to the
10 controlled substances ~~((listed))~~ included in Schedule IV;

11 (2) the substance has currently accepted medical use in treatment
12 in the United States; and

13 (3) abuse of the substance ((has)) may lead to limited physical
14 dependence or psychological dependence ((liability)) relative to the
15 ((controlled)) substances ((listed)) included in Schedule IV.

16 (b) The state board of pharmacy may place a substance in Schedule
17 V without being required to make the findings required by subsection
18 (a) of this section if the substance is controlled under Schedule V of
19 the federal Controlled Substances Act by a federal agency as the result
20 of an international treaty, convention, or protocol.

21 **Sec. 12.** RCW 69.50.212 and 1986 c 124 s 7 are each amended to read
22 as follows:

23 SCHEDULE V. ~~((a) The drugs and other substances listed in this~~
24 ~~section, by whatever official name, common or usual name, chemical~~
25 ~~name, or brand name designated, are included in Schedule V.~~

26 ~~(b) Narcotic drugs containing nonnarcotic active medicinal~~
27 ~~ingredients.)) Unless specifically excepted by state or federal law or~~

1 regulation or more specifically included in another schedule, the
2 following controlled substances are listed in Schedule V:

3 (a) Any material, compound, mixture, or preparation containing any
4 of the following narcotic drug and its salts: Buprenorphine.

5 (b) Any compound, mixture, or preparation containing any of the
6 following narcotic drugs, or their salts calculated as the free
7 anhydrous base or alkaloid, in limited quantities as set forth in this
8 ((section)) subsection, which ((shall include)) also contains one or
9 more nonnarcotic active medicinal ingredients in sufficient proportion
10 to confer upon the compound, mixture, or preparation, valuable
11 medicinal qualities other than those possessed by the narcotic drug
12 alone:

13 (1) Not more than 200 milligrams of codeine per 100 milliliters or
14 per 100 grams;

15 (2) Not more than 100 milligrams of dihydrocodeine per 100
16 milliliters or per 100 grams;

17 (3) Not more than 100 milligrams of ethylmorphine per 100
18 milliliters or per 100 grams;

19 (4) Not more than 2.5 milligrams of diphenoxylate and not less than
20 25 micrograms of atropine sulfate per dosage unit;

21 (5) Not more than 100 milligrams of opium per 100 milliliters or
22 per 100 grams;

23 (6) Not more than 0.5 milligrams of difenoxin and not less than 25
24 micrograms of atropine sulfate per dosage unit(

25 ~~(c) Buprenorphine~~)).

26 (c) Any material, compound, mixture, or preparation containing any
27 quantity of the following substances having a stimulant effect on the
28 central nervous system, including their salts, isomers, and salts of
29 isomers:

30 (1) Propylhexedrine;

1 **Sec. 15.** RCW 69.50.301 and 1989 1st ex.s. c 9 s 431 are each
2 amended to read as follows:

3 RULES. The ~~((state))~~ board ~~((of pharmacy))~~ may ~~((promulgate))~~
4 adopt rules and ~~((the secretary may set fees of not less than ten~~
5 ~~dollars or more than fifty dollars))~~ the department may charge
6 reasonable fees, relating to the registration and control of the
7 manufacture, distribution, and dispensing of controlled substances
8 within this state.

9 **Sec. 16.** RCW 69.50.302 and 1989 1st ex.s. c 9 s 432 are each
10 amended to read as follows:

11 REGISTRATION REQUIREMENTS. (a) Every person who manufactures,
12 distributes, or dispenses any controlled substance within this state or
13 who proposes to engage in the manufacture, distribution, or dispensing
14 of any controlled substance within this state, ~~((must))~~ shall obtain
15 annually a registration issued by the department in accordance with the
16 board's rules.

17 (b) A person~~((s))~~ registered by the department under this chapter
18 to manufacture, distribute, dispense, or conduct research with
19 controlled substances may possess, manufacture, distribute, dispense,
20 or conduct research with those substances to the extent authorized by
21 ~~((their))~~ the registration and in conformity with ~~((the other~~
22 ~~provisions of))~~ this Article.

23 (c) The following persons need not register and may lawfully
24 possess controlled substances under this chapter:

25 (1) an agent or employee of any registered manufacturer,
26 distributor, or dispenser of any controlled substance if ~~((he))~~ the
27 agent or employee is acting in the usual course of ~~((his))~~ business or
28 employment. This exemption shall not include any agent or employee

1 distributing sample controlled substances to practitioners without an
2 order;

3 (2) a common or contract carrier or warehouseman, or an employee
4 thereof, whose possession of any controlled substance is in the usual
5 course of business or employment;

6 (3) an ultimate user or a person in possession of any controlled
7 substance pursuant to a lawful order of a practitioner or in lawful
8 possession of a substance included in Schedule V (~~(substance)~~).

9 (d) The board may waive by rule the requirement for registration of
10 certain manufacturers, distributors, or dispensers (~~(if it finds)~~) upon
11 finding it consistent with the public health and safety. (~~(Personal~~
12 ~~practitioners licensed or registered in the state of Washington under~~
13 ~~the respective professional licensing acts shall not be required to be~~
14 ~~registered under this chapter unless the specific exemption is denied~~
15 ~~pursuant to RCW 69.50.305 for violation of any provisions of this~~
16 ~~chapter.)~~)

17 (e) A separate registration is required at each principal place of
18 business or professional practice where the applicant manufactures,
19 distributes, or dispenses controlled substances.

20 (f) The department may inspect the establishment of a registrant or
21 applicant for registration in accordance with rules adopted by the
22 (~~(board's rule)~~) board.

23 **Sec. 17.** RCW 69.50.303 and 1989 1st ex.s. c 9 s 433 are each
24 amended to read as follows:

25 REGISTRATION. (a) The department shall register an applicant to
26 manufacture or distribute controlled substances included in RCW
27 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless the
28 board determines that the issuance of that registration would be

1 inconsistent with the public interest. In determining the public
2 interest, the board shall consider the following factors:

3 (1) maintenance of effective controls against diversion of
4 controlled substances into other than legitimate medical, scientific,
5 research, or industrial channels;

6 (2) compliance with applicable state and local law;

7 (3) promotion of technical advances in the art of manufacturing
8 controlled substances and the development of new substances;

9 (4) any convictions of the applicant under any laws of another
10 country or federal ((and)) or state laws relating to any controlled
11 substance;

12 ~~((4))~~ (5) past experience in the manufacture or distribution of
13 controlled substances, and the existence in the applicant's
14 establishment of effective controls against diversion of controlled
15 substances into other than legitimate medical, scientific, research, or
16 industrial channels;

17 ~~((5))~~ (6) furnishing by the applicant of false or fraudulent
18 material in any application filed under this chapter;

19 ~~((6))~~ (7) suspension or revocation of the applicant's federal
20 registration to manufacture, distribute, or dispense controlled
21 substances as authorized by federal law; and

22 ~~((7))~~ (8) any other factors relevant to and consistent with the
23 public health and safety.

24 (b) Registration under subsection (a) of this section does not
25 entitle a registrant to manufacture ~~((and))~~ or distribute controlled
26 substances included in Schedule I or II other than those specified in
27 the registration.

28 (c) Practitioners must be registered ~~((, or exempted under RCW~~
29 ~~69.50.302(d),))~~ to dispense any controlled substances or to conduct
30 research with controlled substances included in Schedules II through V

1 if they are authorized to dispense or conduct research under the law of
2 this state. The board need not require separate registration under
3 this Article for practitioners engaging in research with nonnarcotic
4 (~~controlled~~) substances included in Schedules II through V where the
5 registrant is already registered under this Article in another
6 capacity. Practitioners registered under federal law to conduct
7 research with substances included in Schedule I (~~substances~~) may
8 conduct research with substances included in Schedule I (~~substances~~)
9 within this state upon furnishing the board evidence of that federal
10 registration.

11 (d) (~~Compliance by manufacturers and distributors with the~~
12 ~~provisions of the federal law respecting registration entitles them to~~
13 ~~be registered under this chapter upon application and payment of the~~
14 ~~required fee~~) A manufacturer or distributor registered under the
15 federal Controlled Substances Act 21 U.S.C. Sec. 801 et seq. may submit
16 a copy of the federal application as an application for registration as
17 a manufacturer or distributor under this section. The board may
18 require a manufacturer or distributor to submit information in addition
19 to the application for registration under the federal act.

20 **Sec. 18.** RCW 69.50.304 and 1989 1st ex.s. c 9 s 434 are each
21 amended to read as follows:

22 REVOCATION AND SUSPENSION OF REGISTRATION. (a) A registration(~~(~~
23 ~~or exemption from registration,~~) under RCW 69.50.303 to manufacture,
24 distribute, or dispense a controlled substance may be suspended or
25 revoked by the state board of pharmacy upon ((a)) finding that the
26 registrant has:

27 (1) (~~has~~) furnished false or fraudulent material information in
28 any application filed under this chapter;

1 (2) ~~((has))~~ been ~~((found guilty))~~ convicted of a felony under any
2 state or federal law relating to any controlled substance;

3 (3) ~~((has))~~ had ~~((his))~~ the registrant's federal registration
4 suspended or revoked and is no longer authorized by federal law to
5 manufacture, distribute, or dispense controlled substances; or

6 (4) ~~((has violated any state or federal rule or regulation~~
7 ~~regarding controlled substances))~~ committed acts that would render
8 registration under RCW 69.50.303 inconsistent with the public interest
9 as determined under that section.

10 (b) The board may limit revocation or suspension of a registration
11 to the particular controlled substance ~~((or schedule of controlled~~
12 ~~substances,))~~ with respect to which grounds for revocation or
13 suspension exist.

14 (c) If the board suspends or revokes a registration, all controlled
15 substances owned or possessed by the registrant at the time of
16 suspension or the effective date of the revocation order may be placed
17 under seal. No disposition may be made of substances under seal until
18 the time for taking an appeal has elapsed or until all appeals have
19 been concluded unless a court, upon application ~~((therefor))~~, orders
20 the sale of perishable substances and the deposit of the proceeds of
21 the sale with the court. Upon a revocation order becoming final, all
22 controlled substances may be forfeited to the state.

23 (d) The department may seize or place under seal any controlled
24 substance owned or possessed by a registrant whose registration has
25 expired or who has ceased to practice or do business in the manner
26 contemplated by the registration. The controlled substance must be
27 held for the benefit of the registrant or the registrant's successor in
28 interest. The department shall notify a registrant, or the
29 registrant's successor in interest, who has any controlled substance
30 seized or placed under seal, of the procedures to be followed to secure

1 the return of the controlled substance and the conditions under which
2 it will be returned. The department may not dispose of any controlled
3 substance seized or placed under seal under this subsection until the
4 expiration of one hundred eighty days after the controlled substance
5 was seized or placed under seal. The costs incurred by the department
6 in seizing, placing under seal, maintaining custody, and disposing of
7 any controlled substance under this subsection may be recovered from
8 the registrant, any proceeds obtained from the disposition of the
9 controlled substance, or from both. Any balance remaining after the
10 costs have been recovered from the proceeds of any disposition must be
11 delivered to the registrant or the registrant's successor in interest.

12 (e) The department shall promptly notify the drug enforcement
13 administration of all orders restricting, suspending, or revoking
14 registration and all forfeitures of controlled substances.

15 **Sec. 19.** RCW 69.50.306 and 1971 ex.s. c 308 s 69.50.306 are each
16 amended to read as follows:

17 RECORDS OF REGISTRANTS. Persons registered(~~(, or exempted from~~
18 ~~registration under RCW 69.50.302(d),~~) to manufacture, distribute, or
19 dispense(~~(, or administer)~~) controlled substances under this chapter
20 shall keep records and maintain inventories in conformance with the
21 record-keeping and inventory requirements of federal law and with any
22 additional rules adopted by the ((state)) board ((of pharmacy issues)).

23 **Sec. 20.** RCW 69.50.307 and 1971 ex.s. c 308 s 69.50.307 are each
24 amended to read as follows:

25 ORDER FORMS. ~~((Controlled))~~ A substance(~~((s))~~) included in Schedule
26 I ~~((and))~~ or II ~~((shall))~~ may be distributed by a registrant ~~((or~~
27 ~~person exempt from registration under RCW 69.50.302(d))~~) to another
28 registrant(~~(, or person exempt from registration under RCW~~

1 69.50.302(d),)) only pursuant to an order form. Compliance with the
2 provisions of federal law respecting order forms (~~shall be deemed~~)
3 constitutes compliance with this section.

4 **Sec. 21.** RCW 69.50.308 and 1971 ex.s. c 308 s 69.50.308 are each
5 amended to read as follows:

6 PRESCRIPTIONS. (a) A controlled substance may be dispensed only as
7 provided in this section.

8 (b) Except when dispensed directly by a practitioner (~~authorized~~
9 ~~to prescribe or administer a controlled substance~~), other than a
10 pharmacy, to an ultimate user, (~~no controlled~~) a substance included
11 in Schedule II may not be dispensed without the written prescription of
12 a practitioner.

13 (~~(b)~~) (c) In emergency situations, as defined by rule of the
14 state board of pharmacy, a substance included in Schedule II (~~drugs~~)
15 may be dispensed upon oral prescription of a practitioner, reduced
16 promptly to writing and filed by the pharmacy. Prescriptions shall be
17 retained in conformity with the requirements of RCW 69.50.306. (~~No~~)
18 A prescription for a substance included in Schedule II (~~substance~~)
19 may not be refilled.

20 (~~(c)~~) (d) Except when dispensed directly by a practitioner
21 (~~authorized to prescribe or administer a controlled substance~~), other
22 than a pharmacy, to an ultimate user, a (~~controlled~~) substance
23 included in Schedule III or IV, which is a prescription drug as
24 determined under RCW 69.04.560, (~~shall~~) may not be dispensed without
25 a written or oral prescription of a practitioner. Any oral
26 prescription must be promptly reduced to writing. The prescription
27 shall not be filled or refilled more than six months after the date
28 thereof or be refilled more than five times, unless renewed by the
29 practitioner.

1 ~~((d))~~ (e) A valid prescription or lawful order of a practitioner,
2 in order to be effective in legalizing the possession of controlled
3 substances, must be issued in good faith for a legitimate medical
4 purpose by one authorized to prescribe the use of such controlled
5 substance. An order purporting to be a prescription not in the course
6 of professional treatment is not a valid prescription or lawful order
7 of a practitioner within the meaning and intent of this chapter; and
8 the person who knows or should know that ~~((he))~~ the person is filling
9 such an order, as well as the person issuing it, can be charged with a
10 violation of this chapter.

11 ~~((e) A controlled substance included in Schedule V shall not be
12 distributed or dispensed other than for a medical purpose.))~~

13 (f) A substance included in Schedule V must be distributed or
14 dispensed only for a medical purpose.

15 (g) A practitioner may dispense or deliver a controlled substance
16 to or for an individual or animal only for medical treatment or
17 authorized research in the ordinary course of that practitioner's
18 profession. Medical treatment includes dispensing or administering a
19 narcotic drug for pain, including intractable pain.

20 (h) No civil or criminal liability or administrative sanction may
21 be imposed on a pharmacist for action taken in reliance on a reasonable
22 belief that an order purporting to be a prescription was issued by a
23 practitioner in the usual course of professional treatment or in
24 authorized research.

25 (i) An individual practitioner may not dispense a substance
26 included in Schedule II, III, or IV for that individual practitioner's
27 personal use.

28 NEW SECTION. Sec. 22. A new section is added to chapter 69.50 RCW
29 to read as follows:

1 PROHIBITED ACTS: C--PENALTIES. (a) It is unlawful for any person
2 knowingly or intentionally:

3 (1) To distribute as a registrant a controlled substance classified
4 in Schedules I or II, except pursuant to an order form as required by
5 RCW 69.50.307;

6 (2) To use in the course of the manufacture ~~((or))~~, distribution,
7 or dispensing of a controlled substance, or to use for the purpose of
8 acquiring or obtaining a controlled substance, a registration number
9 which is fictitious, revoked, suspended, or issued to another person;

10 (3) To obtain or attempt to obtain a controlled substance, or
11 procure or attempt to procure the administration of a controlled
12 substance, (i) by fraud, deceit, misrepresentation, or subterfuge; or
13 (ii) by forgery or alteration of a prescription or any written order;
14 or (iii) by the concealment of material fact; or (iv) by the use of a
15 false name or the giving of a false address.

16 (4) To falsely assume the title of, or represent himself to be, a
17 manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian,
18 or other authorized person for the purpose of obtaining a controlled
19 substance.

20 (5) To make or utter any false or forged prescription or false or
21 forged written order.

22 (6) To affix any false or forged label to a package or receptacle
23 containing controlled substances.

24 (7) To furnish false or fraudulent material information in, or omit
25 any material information from, any application, report, or other
26 document required to be kept or filed under this chapter, or any record
27 required to be kept by this chapter; or

28 ~~((To make, distribute, or possess any punch, die, plate, stone,~~
29 ~~or other thing designed to print, imprint, or reproduce the trademark,~~
30 ~~trade name, or other identifying mark, imprint, or device of another or~~

1 ~~any likeness of any of the foregoing upon any drug or container or~~
2 ~~labeling thereof so as to render the drug a counterfeit substance.))~~
3 To possess a false or fraudulent prescription with intent to obtain a
4 controlled substance.

5 (b) Information communicated to a practitioner in an effort
6 unlawfully to procure a controlled substance or unlawfully to procure
7 the administration of such substance, shall not be deemed a privileged
8 communication.

9 (c) ~~((Any))~~ A person who violates this section is guilty of a crime
10 and upon conviction may be imprisoned for not more than two years, or
11 fined not more than two thousand dollars, or both.

12 NEW SECTION. Sec. 24. A new section is added to chapter 69.50 RCW
13 to read as follows:

14 COUNTERFEIT SUBSTANCES PROHIBITED--PENALTY. (a) It is unlawful for
15 any person knowingly or intentionally to manufacture, deliver, or
16 possess with intent to manufacture or deliver, a controlled substance
17 which, or the container or labeling of which, without authorization,
18 bears the trademark, trade name, or other identifying mark, imprint,
19 number, or device, or any likeness thereof, of a manufacturer,
20 distributor, or dispenser, other than the person who in fact
21 manufactured, distributed, or dispensed the substance.

22 (b) It is unlawful for any person knowingly or intentionally to
23 make, distribute, or possess a punch, die, plate, stone, or other thing
24 designed to print, imprint, or reproduce the trademark, trade name, or
25 other identifying mark, imprint, or device of another or any likeness
26 of any of the foregoing upon any drug or container or labeling thereof.

27 (c) A person who violates this section is guilty of a crime and
28 upon conviction may be imprisoned for not more than two years, fined
29 not more than two thousand dollars, or both.

1 **Sec. 25.** RCW 69.50.435 and 1990 c 244 s 1 and 1990 c 33 s 588 are
2 each reenacted and amended to read as follows:

3 (a) Any person who violates RCW 69.50.401(a) by manufacturing,
4 selling, delivering, or possessing with the intent to manufacture,
5 sell, or deliver a controlled substance listed under that subsection or
6 who violates RCW 69.50.410 by selling for profit any controlled
7 substance or counterfeit substance classified in schedule I, RCW
8 69.50.204, except leaves and flowering tops of marihuana to a person in
9 a school or on a school bus or within one thousand feet of a school bus
10 route stop designated by the school district or within one thousand
11 feet of the perimeter of the school grounds, in a public park or on a
12 public transit vehicle, or in a public transit stop shelter may be
13 punished by a fine of up to twice the fine otherwise authorized by this
14 chapter, but not including twice the fine authorized by RCW 69.50.406,
15 or by imprisonment of up to twice the imprisonment otherwise authorized
16 by this chapter, but not including twice the imprisonment authorized by
17 RCW 69.50.406, or by both such fine and imprisonment. The provisions
18 of this section shall not operate to more than double the fine or
19 imprisonment otherwise authorized by this chapter for an offense.

20 (b) It is not a defense to a prosecution for a violation of this
21 section that the person was unaware that the prohibited conduct took
22 place while in a school or school bus or within one thousand feet of
23 the school or school bus route stop, in a public park, on a public
24 transit vehicle, or in a public transit stop shelter.

25 (c) It is not a defense to a prosecution for a violation of this
26 section or any other prosecution under this chapter that persons under
27 the age of eighteen were not present in the school, the school bus, the
28 public park, or the public transit vehicle, or at the school bus route
29 stop or the public transit vehicle stop shelter at the time of the
30 offense or that school was not in session.

1 (d) It is an affirmative defense to a prosecution for a violation
2 of this section that the prohibited conduct took place entirely within
3 a private residence, that no person under eighteen years of age or
4 younger was present in such private residence at any time during the
5 commission of the offense, and that the prohibited conduct did not
6 involve delivering, manufacturing, selling, or possessing with the
7 intent to manufacture, sell, or deliver any controlled substance in RCW
8 69.50.401(a) for profit. The affirmative defense established in this
9 section shall be proved by the defendant by a preponderance of the
10 evidence. This section shall not be construed to establish an
11 affirmative defense with respect to a prosecution for an offense
12 defined in any other section of this chapter.

13 (e) In a prosecution under this section, a map produced or
14 reproduced by any municipal, school district, county, or transit
15 authority engineer for the purpose of depicting the location and
16 boundaries of the area on or within one thousand feet of any property
17 used for a school, school bus route stop, public park, or public
18 transit vehicle stop shelter, or a true copy of such a map, shall under
19 proper authentication, be admissible and shall constitute prima facie
20 evidence of the location and boundaries of those areas if the governing
21 body of the municipality, school district, county, or transit authority
22 has adopted a resolution or ordinance approving the map as the official
23 location and record of the location and boundaries of the area on or
24 within one thousand feet of the school, school bus route stop, public
25 park, or public transit vehicle stop shelter. Any map approved under
26 this section or a true copy of the map shall be filed with the clerk of
27 the municipality or county, and shall be maintained as an official
28 record of the municipality or county. This section shall not be
29 construed as precluding the prosecution from introducing or relying
30 upon any other evidence or testimony to establish any element of the

1 offense. This section shall not be construed as precluding the use or
2 admissibility of any map or diagram other than the one which has been
3 approved by the governing body of a municipality, school district,
4 county, or transit authority if the map or diagram is otherwise
5 admissible under court rule.

6 (f) As used in this section the following terms have the meanings
7 indicated unless the context clearly requires otherwise:

8 (1) "School" has the meaning under RCW 28A.150.010 or 28A.150.020.
9 The term "school" also includes a private school approved under RCW
10 28A.195.010;

11 (2) "School bus" means a school bus as defined by the
12 superintendent of public instruction by rule which is owned and
13 operated by any school district and all school buses which are
14 privately owned and operated under contract or otherwise with any
15 school district in the state for the transportation of students. The
16 term does not include buses operated by common carriers in the urban
17 transportation of students such as transportation of students through
18 a municipal transportation system;

19 (3) "School bus route stop" means a school bus stop as designated
20 on maps submitted by school districts to the office of the
21 superintendent of public instruction;

22 (4) "Public park" means land, including any facilities or
23 improvements on the land, that is operated as a park by the state or a
24 local government;

25 (5) "Public transit vehicle" means any motor vehicle, street car,
26 train, trolley vehicle, or any other device, vessel, or vehicle which
27 is owned or operated by a transit authority and which is used for the
28 purpose of carrying passengers on a regular schedule;

29 (6) "Transit authority" means a city, county, or state
30 transportation system, transportation authority, public transportation

1 benefit area, public transit authority, or metropolitan municipal
2 corporation within the state that operates public transit vehicles;
3 (7) "Stop shelter" means a passenger shelter designated by a
4 transit authority.

5 MISCELLANEOUS PROVISIONS

6 NEW SECTION. **Sec. 26.** (1) RCW 69.50.309 and 69.50.310 may be
7 recodified as necessary by the code reviser to preserve the arrangement
8 of the uniform controlled substances act of the national conference of
9 commissioners on uniform state laws.

10 (2) The code reviser shall correct all references in the Revised
11 Code of Washington to the sections of the code that may be recodified
12 by this section.

13 **Sec. 27.** RCW 9.94A.030 and 1990 c 3 s 602 are each amended to read
14 as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Collect," or any derivative thereof, "collect and remit," or
18 "collect and deliver," when used with reference to the department of
19 corrections, means that the department is responsible for monitoring
20 and enforcing the offender's sentence with regard to the legal
21 financial obligation, receiving payment thereof from the offender, and,
22 consistent with current law, delivering daily the entire payment to the
23 superior court clerk without depositing it in a departmental account.

24 (2) "Commission" means the sentencing guidelines commission.

25 (3) "Community corrections officer" means an employee of the
26 department who is responsible for carrying out specific duties in

1 supervision of sentenced offenders and monitoring of sentence
2 conditions.

3 (4) "Community custody" means that portion of an inmate's sentence
4 of confinement in lieu of earned early release time served in the
5 community subject to controls placed on the inmate's movement and
6 activities by the department of corrections.

7 (5) "Community placement" means that period during which the
8 offender is subject to the conditions of community custody and/or
9 postrelease supervision, which begins either upon completion of the
10 term of confinement (postrelease supervision) or at such time as the
11 offender is transferred to community custody in lieu of earned early
12 release. Community placement may consist of entirely community
13 custody, entirely postrelease supervision, or a combination of the two.

14 (6) "Community service" means compulsory service, without
15 compensation, performed for the benefit of the community by the
16 offender.

17 (7) "Community supervision" means a period of time during which a
18 convicted offender is subject to crime-related prohibitions and other
19 sentence conditions imposed pursuant to this chapter by a court. For
20 first-time offenders, the supervision may include crime-related
21 prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).
22 For purposes of the interstate compact for out-of-state supervision of
23 parolees and probationers, RCW 9.95.270, community supervision is the
24 functional equivalent of probation and should be considered the same as
25 probation by other states.

26 (8) "Confinement" means total or partial confinement as defined in
27 this section.

28 (9) "Conviction" means an adjudication of guilt pursuant to Titles
29 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
30 acceptance of a plea of guilty.

1 (10) "Court-ordered legal financial obligation" means a sum of
2 money that is ordered by a superior court of the state of Washington
3 for legal financial obligations which may include restitution to the
4 victim, statutorily imposed crime victims' compensation fees as
5 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
6 drug funds, court-appointed attorneys' fees, and costs of defense,
7 fines, and any other financial obligation that is assessed to the
8 offender as a result of a felony conviction.

9 (11) "Crime-related prohibition" means an order of a court
10 prohibiting conduct that directly relates to the circumstances of the
11 crime for which the offender has been convicted, and shall not be
12 construed to mean orders directing an offender affirmatively to
13 participate in rehabilitative programs or to otherwise perform
14 affirmative conduct.

15 (12)(a) "Criminal history" means the list of a defendant's prior
16 convictions, whether in this state, in federal court, or elsewhere.
17 The history shall include, where known, for each conviction (i) whether
18 the defendant has been placed on probation and the length and terms
19 thereof; and (ii) whether the defendant has been incarcerated and the
20 length of incarceration.

21 (b) "Criminal history" shall always include juvenile convictions
22 for sex offenses and shall also include a defendant's other prior
23 convictions in juvenile court if: (i) The conviction was for an
24 offense which is a felony or a serious traffic offense and is criminal
25 history as defined in RCW 13.40.020(6)(a); (ii) the defendant was
26 fifteen years of age or older at the time the offense was committed;
27 and (iii) with respect to prior juvenile class B and C felonies or
28 serious traffic offenses, the defendant was less than twenty-three
29 years of age at the time the offense for which he or she is being
30 sentenced was committed.

1 (13) "Department" means the department of corrections.

2 (14) "Determinate sentence" means a sentence that states with
3 exactitude the number of actual years, months, or days of total
4 confinement, of partial confinement, of community supervision, the
5 number of actual hours or days of community service work, or dollars or
6 terms of a legal financial obligation. The fact that an offender
7 through "earned early release" can reduce the actual period of
8 confinement shall not affect the classification of the sentence as a
9 determinate sentence.

10 (15) "Disposable earnings" means that part of the earnings of an
11 individual remaining after the deduction from those earnings of any
12 amount required by law to be withheld. For the purposes of this
13 definition, "earnings" means compensation paid or payable for personal
14 services, whether denominated as wages, salary, commission, bonuses, or
15 otherwise, and, notwithstanding any other provision of law making the
16 payments exempt from garnishment, attachment, or other process to
17 satisfy a court-ordered legal financial obligation, specifically
18 includes periodic payments pursuant to pension or retirement programs,
19 or insurance policies of any type, but does not include payments made
20 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
21 or Title 74 RCW.

22 (16) "Drug offense" means:

23 (a) Any felony violation of chapter 69.50 RCW except possession of
24 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
25 controlled substance (RCW 69.50.403);

26 (b) Any offense defined as a felony under federal law that relates
27 to the possession, manufacture, distribution, or transportation of a
28 controlled substance; or

1 (c) Any out-of-state conviction for an offense that under the laws
2 of this state would be a felony classified as a drug offense under (a)
3 of this subsection.

4 (17) "Escape" means:

5 (a) Escape in the first degree (RCW 9A.76.110), escape in the
6 second degree (RCW 9A.76.120), willful failure to return from furlough
7 (RCW 72.66.060), willful failure to return from work release (RCW
8 72.65.070), or willful failure to comply with any limitations on the
9 inmate's movements while in community custody (RCW 72.09.310); or

10 (b) Any federal or out-of-state conviction for an offense that
11 under the laws of this state would be a felony classified as an escape
12 under (a) of this subsection.

13 (18) "Felony traffic offense" means:

14 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
15 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
16 and-run injury-accident (RCW 46.52.020(4)); or

17 (b) Any federal or out-of-state conviction for an offense that
18 under the laws of this state would be a felony classified as a felony
19 traffic offense under (a) of this subsection.

20 (19) "Fines" means the requirement that the offender pay a specific
21 sum of money over a specific period of time to the court.

22 (20)(a) "First-time offender" means any person who is convicted of
23 a felony (i) not classified as a violent offense or a sex offense under
24 this chapter, or (ii) that is not the manufacture, delivery, or
25 possession with intent to manufacture or deliver a controlled substance
26 classified in schedule I or II that is a narcotic drug or the selling
27 for profit any controlled substance or counterfeit substance classified
28 in schedule I, RCW 69.50.204, except leaves and flowering tops of
29 marihuana, and except as provided in (b) of this subsection, who
30 previously has never been convicted of a felony in this state, federal

1 court, or another state, and who has never participated in a program of
2 deferred prosecution for a felony offense.

3 (b) For purposes of (a) of this subsection, a juvenile adjudication
4 for an offense committed before the age of fifteen years is not a
5 previous felony conviction except for adjudications of sex offenses.

6 (21) "Nonviolent offense" means an offense which is not a violent
7 offense.

8 (22) "Offender" means a person who has committed a felony
9 established by state law and is eighteen years of age or older or is
10 less than eighteen years of age but whose case has been transferred by
11 the appropriate juvenile court to a criminal court pursuant to RCW
12 13.40.110. Throughout this chapter, the terms "offender" and
13 "defendant" are used interchangeably.

14 (23) "Partial confinement" means confinement for no more than one
15 year in a facility or institution operated or utilized under contract
16 by the state or any other unit of government, or, if home detention has
17 been ordered by the court, in the residence of either the defendant or
18 a member of the defendant's immediate family, for a substantial
19 portion of each day with the balance of the day spent in the community.
20 Partial confinement includes work release and home detention as defined
21 in this section.

22 (24) "Postrelease supervision" is that portion of an offender's
23 community placement that is not community custody.

24 (25) "Restitution" means the requirement that the offender pay a
25 specific sum of money over a specific period of time to the court as
26 payment of damages. The sum may include both public and private costs.
27 The imposition of a restitution order does not preclude civil redress.

28 (26) "Serious traffic offense" means:

1 (a) Driving while intoxicated (RCW 46.61.502), actual physical
2 control while intoxicated (RCW 46.61.504), reckless driving (RCW
3 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

4 (b) Any federal, out-of-state, county, or municipal conviction for
5 an offense that under the laws of this state would be classified as a
6 serious traffic offense under (a) of this subsection.

7 (27) "Serious violent offense" is a subcategory of violent offense
8 and means:

9 (a) Murder in the first degree, homicide by abuse, murder in the
10 second degree, assault in the first degree, kidnapping in the first
11 degree, or rape in the first degree, or an attempt, criminal
12 solicitation, or criminal conspiracy to commit one of these felonies;
13 or

14 (b) Any federal or out-of-state conviction for an offense that
15 under the laws of this state would be a felony classified as a serious
16 violent offense under (a) of this subsection.

17 (28) "Sentence range" means the sentencing court's discretionary
18 range in imposing a nonappealable sentence.

19 (29) "Sex offense" means:

20 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
21 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
22 attempt, criminal solicitation, or criminal conspiracy to commit such
23 crimes;

24 (b) A felony with a finding of sexual motivation under RCW
25 9.94A.127; or

26 (c) Any federal or out-of-state conviction for an offense that
27 under the laws of this state would be a felony classified as a sex
28 offense under (a) of this subsection.

1 (30) "Sexual motivation" means that one of the purposes for which
2 the defendant committed the crime was for the purpose of his or her
3 sexual gratification.

4 (31) "Total confinement" means confinement inside the physical
5 boundaries of a facility or institution operated or utilized under
6 contract by the state or any other unit of government for twenty-four
7 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

8 (32) "Victim" means any person who has sustained emotional,
9 psychological, physical, or financial injury to person or property as
10 a direct result of the crime charged.

11 (33) "Violent offense" means:

12 (a) Any of the following felonies, as now existing or hereafter
13 amended: Any felony defined under any law as a class A felony or an
14 attempt to commit a class A felony, criminal solicitation of or
15 criminal conspiracy to commit a class A felony, manslaughter in the
16 first degree, manslaughter in the second degree, indecent liberties if
17 committed by forcible compulsion, kidnapping in the second degree,
18 arson in the second degree, assault in the second degree, extortion in
19 the first degree, robbery in the second degree, vehicular assault, and
20 vehicular homicide, when proximately caused by the driving of any
21 vehicle by any person while under the influence of intoxicating liquor
22 or any drug as defined by RCW 46.61.502, or by the operation of any
23 vehicle in a reckless manner;

24 (b) Any conviction for a felony offense in effect at any time prior
25 to July 1, 1976, that is comparable to a felony classified as a violent
26 offense in (a) of this subsection; and

27 (c) Any federal or out-of-state conviction for an offense that
28 under the laws of this state would be a felony classified as a violent
29 offense under (a) or (b) of this subsection.

1 (34) "Work release" means a program of partial confinement
2 available to offenders who are employed or engaged as a student in a
3 regular course of study at school. Participation in work release shall
4 be conditioned upon the offender attending work or school at regularly
5 defined hours and abiding by the rules of the work release facility.

6 (35) "Home detention" means a program of partial confinement
7 available to offenders wherein the offender is confined in a private
8 residence subject to electronic surveillance. Home detention may not
9 be imposed for offenders convicted of a violent offense, any sex
10 offense, any drug offense, reckless burning in the first or second
11 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third
12 degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in
13 RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home
14 detention may be imposed for offenders convicted of possession of a
15 controlled substance (RCW 69.50.401(d)) or forged prescription for a
16 controlled substance (RCW 69.50.403) if the offender fulfills the
17 participation conditions set forth in this subsection and is monitored
18 for drug use by treatment alternatives to street crime (TASC) or a
19 comparable court or agency-referred program. Home detention may be
20 imposed for offenders convicted of burglary in the second degree as
21 defined in RCW 9A.52.030 or residential burglary conditioned upon the
22 offender: (a) Successfully completing twenty-one days in a work
23 release program, (b) having no convictions for burglary in the second
24 degree or residential burglary during the preceding two years and not
25 more than two prior convictions for burglary or residential burglary,
26 (c) having no convictions for a violent felony offense during the
27 preceding two years and not more than two prior convictions for a
28 violent felony offense, (d) having no prior charges of escape, and (e)
29 fulfilling the other conditions of the home detention program.
30 Participation in a home detention program shall be conditioned upon:

1 ((+a)) (i) The offender obtaining or maintaining current employment or
 2 attending a regular course of school study at regularly defined hours,
 3 or the offender performing parental duties to offspring or minors
 4 normally in the custody of the offender, ((+b)) (ii) abiding by the
 5 rules of the home detention program, and ((+c)) (iii) compliance with
 6 court-ordered legal financial obligations. The home detention program
 7 may also be made available to offenders whose charges and convictions
 8 do not otherwise disqualify them if medical or health-related
 9 conditions, concerns or treatment would be better addressed under the
 10 home detention program, or where the health and welfare of the
 11 offender, other inmates, or staff would be jeopardized by the
 12 offender's incarceration. Participation in the home detention program
 13 for medical or health-related reasons is conditioned on the offender
 14 abiding by the rules of the home detention program and complying with
 15 court-ordered restitution.

16 **Sec. 28.** RCW 9.94A.310 and 1990 c 3 s 701 are each amended to read
 17 as follows:

18 (1) TABLE 1
 19 Sentencing Grid

20 SERIOUSNESS	21 SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
24 XV Life Sentence without Parole/Death Penalty										
26 XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y	240-	250-	261-	271-	281 -	291-	312-	338-	370-	411-

1		320	333	347	361	374	388	416	450	493	5	4	8
2		<hr/>											
3	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y		
4		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-		
5		164	178	192	205	219	233	260	288	342	3	9	7
6		<hr/>											
7	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m		
8		93-	102-	111-	120-	129-	138-	162 -	178-	209-	240-		
9		123	136	147	160	171	184	216	236	277	318		
10		<hr/>											
11	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m		
12		78-	86-	95-	102-	111-	120-	146-	159-	185-	210 -		
13		102	114	125	136	147	158	194	211	245	280		
14		<hr/>											
15	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m		
16		51-	57-	62-	67-	72-	77-	98-	108-	129 -	149-		
17		68	75	82	89	96	102	130	144	171	198		
18		<hr/>											
19	IX!	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m		
20		31-	36-	41-	46-	51-	57-	77-	87-	108 -	129-		
21		41	48	54	61	68	75	102	116	144	171		
22		<hr/>											
23	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m		
24		21-	26-	31-	36-	41-	46-	67-	77-	87 -	108-		
25		27	34	41	48	54	61	89	102	116	144		
26		<hr/>											
27	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m		
28		15-	21-	26-	31-	36-	41-	57-	67-	77 -	87-		
29		20	27	34	41	48	54	75	89	102	116		
30		<hr/>											

1	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
2		12+-	15-	21-	26-	31-	36-	46-	57-	67 -	77-
3		14	20	27	34	41	48	61	75	89	102
4											
5	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
6		6-	12+-	13-	15-	22-	33-	41-	51-	62 -	72-
7		12	14	17	20	29	43	54	68	82	96
8	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
9		3-	6-	12+-	13-	15-	22-	33-	43-	53 -	63-
10		9	12	14	17	20	29	43	57	70	84
11											
12	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
13		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51 -
14		3	8	12	12	16	22	29	43	57	68
15											
16	II	4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m	
17		0-90	2-	3-	4-	12+-	14-	17-	22-	33 -	43-
18		Days	6	9	12	14	18	22	29	43	57
19											
20	I	3m	4m	5m	8m	13m	16m	20m	2y2m		
21		0-60	0-90	2-	2-	3-	4-	12+-	14-	17 -	22-
22		Days	Days	5	6	8	12	14	18	22	29
23											

24 NOTE: Numbers in the first horizontal row of each seriousness category
25 represent sentencing midpoints in years(y) and months(m). Numbers in
26 the second and third rows represent presumptive sentencing ranges in
27 months, or in days if so designated. 12+ equals one year and one day.

28 (2) For persons convicted of the anticipatory offenses of
29 criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW,
30 the presumptive sentence is determined by locating the sentencing grid

1 sentence range defined by the appropriate offender score and the
2 seriousness level of the completed crime, and multiplying the range by
3 75 percent.

4 (3) The following additional times shall be added to the
5 presumptive sentence if the offender or an accomplice was armed with a
6 deadly weapon as defined in this chapter and the offender is being
7 sentenced for one of the crimes listed in this subsection. If the
8 offender or an accomplice was armed with a deadly weapon and the
9 offender is being sentenced for an anticipatory offense under chapter
10 9A.28 RCW to commit one of the crimes listed in this subsection, the
11 following times shall be added to the presumptive range determined
12 under subsection (2) of this section:

13 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW
14 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)

15 (b) 18 months for Burglary 1 (RCW 9A.52.020)

16 (c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape
17 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of
18 a building other than a dwelling (RCW 9A.52.030), Theft of
19 Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

20 (4) The following additional times shall be added to the
21 presumptive sentence if the offender or an accomplice committed the
22 offense while in a county jail or state correctional facility as that
23 term is defined in this chapter and the offender is being sentenced for
24 one of the crimes listed in this subsection. If the offender or an
25 accomplice committed one of the crimes listed in this subsection while
26 in a county jail or state correctional facility as that term is defined
27 in this chapter, and the offender is being sentenced for an
28 anticipatory offense under chapter 9A.28 RCW to commit one of the
29 crimes listed in this subsection, the following times shall be added to

1 the presumptive sentence range determined under subsection (2) of this
2 section:

3 (a) Eighteen months for offenses committed under RCW
4 69.50.401(a)(1)(i) or 69.50.410;

5 (b) Fifteen months for offenses committed under RCW
6 69.50.401(a)(1)(ii), (iii), and (iv);

7 (c) Twelve months for offenses committed under RCW 69.50.401(d).

8 For the purposes of this subsection, all of the real property of
9 a state correctional facility or county jail shall be deemed to be part
10 of that facility or county jail.

11 (5) An additional twenty-four months shall be added to the
12 presumptive sentence for any ranked offense involving a violation of
13 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

14 **Sec. 29.** RCW 9.94A.320 and 1990 c 3 s 702 are each amended to
15 read as follows:

16 TABLE 2

17 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

18 XV Aggravated Murder 1 (RCW 10.95.020)

19 XIV Murder 1 (RCW 9A.32.030)

20 Homicide by abuse (RCW 9A.32.055)

21 XIII Murder 2 (RCW 9A.32.050)

22 XII Assault 1 (RCW 9A.36.011)

23 XI Rape 1 (RCW 9A.44.040)

24 Rape of a Child 1 (RCW 9A.44.073)

25 X Kidnapping 1 (RCW 9A.40.020)

26 Rape 2 (RCW 9A.44.050)

27 Rape of a Child 2 (RCW 9A.44.076)

28 Child Molestation 1 (RCW 9A.44.083)

1 Damaging building, etc., by explosion with threat to
2 human being (RCW 70.74.280(1))
3 Over 18 and deliver heroin or narcotic from Schedule I
4 or II to someone under 18 (RCW 69.50.406)
5 Leading Organized Crime (RCW 9A.82.060(1)(a))
6 IX Robbery 1 (RCW 9A.56.200)
7 Manslaughter 1 (RCW 9A.32.060)
8 Explosive devices prohibited (RCW 70.74.180)
9 Indecent Liberties (with forcible compulsion)
10 (RCW 9A.44.100(1)(a))
11 Endangering life and property by explosives with threat to
12 human being (RCW 70.74.270)
13 Over 18 and deliver narcotic from Schedule III, IV, or V
14 or a nonnarcotic from Schedule I-V to someone under
15 18 and 3 years junior (RCW 69.50.406)
16 Controlled Substance Homicide (RCW 69.50.415)
17 Sexual Exploitation (RCW 9.68A.040)
18 Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
19 VIII Arson 1 (RCW 9A.48.020)
20 Promoting Prostitution 1 (RCW 9A.88.070)
21 Selling ((heroin)) for profit (controlled or counterfeit)
22 any controlled substance (RCW 69.50.410)
23 Manufacture, deliver, or possess with intent to deliver
24 heroin or cocaine (RCW 69.50.401(a)(1)(i))
25 Manufacture, deliver, or possess with intent to deliver
26 methamphetamine (RCW 69.50.401(a)(1)(ii))
27 Vehicular Homicide, by being under the influence of
28 intoxicating liquor or any drug or by the operation of
29 any vehicle in a reckless manner (RCW 46.61.520)
30 VII Burglary 1 (RCW 9A.52.020)

1 Vehicular Homicide, by disregard for the safety of others
2 (RCW 46.61.520)
3 Introducing Contraband 1 (RCW 9A.76.140)
4 Indecent Liberties (without forcible compulsion)
5 (RCW 9A.44.100(1) (b) and (c))
6 Child Molestation 2 (RCW 9A.44.086)
7 Dealing in depictions of minor engaged in sexually explicit
8 conduct (RCW 9.68A.050)
9 Sending, bringing into state depictions of minor engaged
10 in sexually explicit conduct (RCW 9.68A.060)
11 Involving a minor in drug dealing (RCW 69.50.401(f))
12 VI Bribery (RCW 9A.68.010)
13 Manslaughter 2 (RCW 9A.32.070)
14 Rape of a Child 3 (RCW 9A.44.079)
15 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
16 Damaging building, etc., by explosion with no threat to
17 human being (RCW 70.74.280(2))
18 Endangering life and property by explosives with no threat
19 to human being (RCW 70.74.270)
20 Incest 1 (RCW 9A.64.020(1))
21 ~~((Selling for profit (controlled or counterfeit) any~~
22 ~~controlled substance (except heroin) (RCW 69.50.410))~~
23 Manufacture, deliver, or possess with intent to deliver
24 narcotics from Schedule I or II (except heroin or
25 cocaine) (RCW 69.50.401(a)(1)(i))
26 Intimidating a Judge (RCW 9A.72.160)
27 Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
28 V Criminal Mistreatment 1 (RCW 9A.42.020)
29 Rape 3 (RCW 9A.44.060)
30 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

1 Child Molestation 3 (RCW 9A.44.089)
2 Kidnapping 2 (RCW 9A.40.030)
3 Extortion 1 (RCW 9A.56.120)
4 Incest 2 (RCW 9A.64.020(2))
5 Perjury 1 (RCW 9A.72.020)
6 Extortionate Extension of Credit (RCW 9A.82.020)
7 Advancing money or property for extortionate extension of
8 credit (RCW 9A.82.030)
9 Extortionate Means to Collect Extensions of Credit
10 (RCW 9A.82.040)
11 Rendering Criminal Assistance 1 (RCW 9A.76.070)
12 Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
13 Delivery of imitation controlled substance by person
14 eighteen or over to person under eighteen
15 (RCW 69.52.030(2))
16 IV Residential Burglary (RCW 9A.52.025)
17 Theft of Livestock 1 (RCW 9A.56.080)
18 Robbery 2 (RCW 9A.56.210)
19 Assault 2 (RCW 9A.36.021)
20 Escape 1 (RCW 9A.76.110)
21 Arson 2 (RCW 9A.48.030)
22 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090,
23 9A.72.100)
24 Malicious Harassment (RCW 9A.36.080)
25 Threats to Bomb (RCW 9.61.160)
26 Willful Failure to Return from Furlough (RCW 72.66.060)
27 Hit and Run -- Injury Accident (RCW 46.52.020(4))
28 Vehicular Assault (RCW 46.61.522)
29 Manufacture, deliver, or possess with intent to deliver
30 narcotics from Schedule III, IV, or V or nonnarcotics

1 from Schedule I-V (except marijuana or
2 methamphetamines) (RCW 69.50.401(a)(1)(ii)
3 through (iv))
4 Influencing Outcome of Sporting Event (RCW 9A.82.070)
5 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080
6 (1) and (2))
7 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
8 III Criminal mistreatment 2 (RCW 9A.42.030)
9 Extortion 2 (RCW 9A.56.130)
10 Unlawful Imprisonment (RCW 9A.40.040)
11 Assault 3 (RCW 9A.36.031)
12 Custodial Assault (RCW 9A.36.100)
13 Unlawful possession of firearm or pistol by felon
14 (RCW 9.41.040)
15 Harassment (RCW 9A.46.020)
16 Promoting Prostitution 2 (RCW 9A.88.080)
17 Willful Failure to Return from Work Release (RCW 72.65.070)
18 Burglary 2 (RCW 9A.52.030)
19 Introducing Contraband 2 (RCW 9A.76.150)
20 Communication with a Minor for Immoral Purposes
21 (RCW 9.68A.090)
22 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
23 Escape 2 (RCW 9A.76.120)
24 Perjury 2 (RCW 9A.72.030)
25 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
26 Intimidating a Public Servant (RCW 9A.76.180)
27 Tampering with a Witness (RCW 9A.72.120)
28 Manufacture, deliver, or possess with intent to deliver
29 marijuana (RCW 69.50.401(a)(1)(ii))

1 Delivery of a material in lieu of a controlled substance
2 (RCW 69.50.401(c))
3 Manufacture, distribute, or possess with intent to
4 distribute an imitation controlled substance
5 (RCW 69.52.030(1))
6 Recklessly Trafficking in Stolen Property
7 (RCW 9A.82.050(1))
8 Theft of livestock 2 (RCW 9A.56.080)
9 Securities Act violation (RCW 21.20.400)
10 II Malicious Mischief 1(RCW 9A.48.070)
11 Possession of Stolen Property 1 (RCW 9A.56.150)
12 Theft 1 (RCW 9A.56.030)
13 Possession of controlled substance that is either heroin
14 or narcotics from Schedule I or II (RCW 69.50.401(d))
15 Possession of phencyclidine (PCP) (RCW 69.50.401(d))
16 Create, deliver, or possess a counterfeit controlled
17 substance (RCW 69.50.401(b))
18 Computer Trespass 1 (RCW 9A.52.110)
19 Reckless Endangerment 1 (RCW 9A.36.045)
20 I Theft 2 (RCW 9A.56.040)
21 Possession of Stolen Property 2 (RCW 9A.56.160)
22 Forgery (RCW 9A.60.020)
23 Taking Motor Vehicle Without Permission (RCW 9A.56.070)
24 Vehicle Prowl 1 (RCW 9A.52.095)
25 Attempting to Elude a Pursuing Police Vehicle
26 (RCW 46.61.024)
27 Malicious Mischief 2 (RCW 9A.48.080)
28 Reckless Burning 1 (RCW 9A.48.040)
29 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
30 Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

1 False Verification for Welfare (RCW 74.08.055)
2 Forged Prescription (RCW 69.41.020)
3 Forged Prescription for a Controlled Substance
4 (RCW 69.50.403)
5 Possess Controlled Substance that is a Narcotic from
6 Schedule III, IV, or V or Non-narcotic from Schedule
7 I-V (except phencyclidine) (RCW 69.50.401(d))

8 NEW SECTION. **Sec. 30.** Section captions and headings as used
9 in this act constitute no part of the law.