

SENATE BILL REPORT

SB 6510

As Reported By Senate Committee On:
Law & Justice, February 2, 1998

Title: An act relating to selling or giving drug paraphernalia to minors.

Brief Description: Prohibiting selling or giving drug paraphernalia to persons under age eighteen.

Sponsors: Senators Goings, Roach, Fairley, T. Sheldon, Hale, Winsley, Rasmussen, Oke and Haugen.

Brief History:

Committee Activity: Law & Justice: 1/27/98, 2/2/98 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6510 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Kline, Long, Stevens, Thibaudeau and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: All drug paraphernalia, as defined in the Uniform Controlled Substance Act, is subject to seizure and forfeiture and no property right exists in it.

Summary of Substitute Bill: Every person who sells or gives drug paraphernalia, in any form, to a person under 18 years of age is guilty of a class I civil infraction. Permitting the sale or gift is also an infraction. The penalty for a class I civil infraction is \$250 plus statutory assessments. Drug paraphernalia is separately defined. It is not a defense that the purchaser acted, or was believed to act, as an agent or representative.

Legal distribution of injection syringe equipment through public health and community based HIV prevention programs is not prohibited.

Substitute Bill Compared to Original Bill: Legal distribution of injection syringe equipment through public health and community based HIV prevention programs is not prohibited in the substitute bill.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: "Head shops" sometimes locate near schools. Ninety percent of the paraphernalia is confiscated from school age youths. This equipment is clearly distinguishable from items used for nondrug use.

Testimony Against: This appears to make community based needle exchange programs a violation.

Testified: PRO: Senator Goings, prime sponsor; Tim Deccio, Tacoma Police Department; Gary Griffin, WSCPO; Ben Reisz, Sumner Police Department; CON: Steven Johnson, Northwest AIDS Foundation (concerns).