

SHB 1759 - S COMM AMD

By Committee on Health & Long-Term Care

1 On page 1, line 1, strike everything after the enacting clause and
2 insert:

3 "**Sec. I.** RCW 69.50.412 and 1981 c 48 s 2 are each amended to read
4 as follows:

5 (1) It is unlawful for any person to use drug paraphernalia to
6 plant, propagate, cultivate, grow, harvest, manufacture, compound,
7 convert, produce, process, prepare, test, analyze, pack, repack, store,
8 contain, conceal, inject, ingest, inhale, or otherwise introduce into
9 the human body a controlled substance. Any person who violates this
10 subsection is guilty of a misdemeanor.

11 (2) It is unlawful for any person to deliver, possess with intent
12 to deliver, or manufacture with intent to deliver drug paraphernalia,
13 knowing, or under circumstances where one reasonably should know, that
14 it will be used to plant, propagate, cultivate, grow, harvest,
15 manufacture, compound, convert, produce, process, prepare, test,
16 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale,
17 or otherwise introduce into the human body a controlled substance. Any
18 person who violates this subsection is guilty of a misdemeanor.

19 (3) Any person eighteen years of age or over who violates
20 subsection (2) of this section by delivering drug paraphernalia to a
21 person under eighteen years of age who is at least three years his
22 junior is guilty of a gross misdemeanor.

23 (4) It is unlawful for any person to place in any newspaper,
24 magazine, handbill, or other publication any advertisement, knowing, or
25 under circumstances where one reasonably should know, that the purpose
26 of the advertisement, in whole or in part, is to promote the sale of
27 objects designed or intended for use as drug paraphernalia. Any person
28 who violates this subsection is guilty of a misdemeanor.

29 (5) It is lawful for any person over the age of eighteen to possess
30 sterile hypodermic syringes and needles for the purpose of reducing
31 bloodborne diseases.

32 **Sec. II.** RCW 69.50.4121 and 1998 c 317 s 1 are each amended to
33 read as follows:

34 (1) Every person who sells or gives, or permits to be sold or given
35 to any person any drug paraphernalia in any form commits a class I
36 civil infraction under chapter 7.80 RCW. For purposes of this
37 subsection, "drug paraphernalia" means all equipment, products, and
38 materials of any kind which are used, intended for use, or designed for
39 use in planting, propagating, cultivating, growing, harvesting,
40 manufacturing, compounding, converting, producing, processing,
41 preparing, testing, analyzing, packaging, repackaging, storing,
42 containing, concealing, injecting, ingesting, inhaling, or otherwise
43 introducing into the human body a controlled substance. Drug
44 paraphernalia includes, but is not limited to objects used, intended
45 for use, or designed for use in ingesting, inhaling, or otherwise

1 introducing marihuana, cocaine, hashish, or hashish oil into the human
2 body, such as:

3 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
4 with or without screens, permanent screens, hashish heads, or punctured
5 metal bowls;

6 (b) Water pipes;

7 (c) Carburetion tubes and devices;

8 (d) Smoking and carburetion masks;

9 (e) Roach clips: Meaning objects used to hold burning material,
10 such as a marihuana cigarette, that has become too small or too short
11 to be held in the hand;

12 (f) Miniature cocaine spoons and cocaine vials;

13 (g) Chamber pipes;

14 (h) Carburetor pipes;

15 (i) Electric pipes;

16 (j) Air-driven pipes;

17 (k) Chillums;

18 (l) Bongs; and

19 (m) Ice pipes or chillers.

20 (2) It shall be no defense to a prosecution for a violation of this
21 section that the person acted, or was believed by the defendant to act,
22 as agent or representative of another.

23 (3) Nothing in subsection (1) of this section prohibits legal
24 distribution of injection syringe equipment through public health and
25 community based HIV prevention programs, and pharmacies.

26 NEW SECTION. Sec. III. A new section is added to chapter 70.115
27 RCW to read as follows:

28 Nothing contained in this act shall be construed to require a
29 retailer to sell hypodermic needles or syringes to any person.

30 Sec. IV. RCW 70.115.050 and 1981 c 147 s 5 are each amended to
31 read as follows:

32 (1) On the sale at retail of any hypodermic syringe, hypodermic
33 needle, or any device adapted for the use of drugs by injection, the
34 retailer shall satisfy himself or herself that the device will be used
35 for the legal use intended.

36 (2) The sale of sterile hypodermic syringes and needles for the
37 purpose of reducing the transmission of bloodborne diseases is a legal
38 use under the provisions of this section.

39 (3) Sales must be limited to individuals over eighteen years of
40 age. Participating retailers shall provide materials relating to drug
41 prevention and treatment and safe disposal techniques at the point of
42 sale. The Washington board of pharmacy shall adopt rules implementing
43 the provisions of this subsection. Nothing in this section shall be
44 construed to limit the ability of persons to purchase or possess
45 hypodermic needles or syringes for other legal purposes, including
46 administering medications, such as insulin.

47 (4) Biomedical waste shall be handled in a manner that protects the
48 health, safety, and welfare of the public, the environment, and the
49 workers who handle the waste. Safe disposal of syringes and needles
50 purchased under this act shall be consistent with the provisions of RCW
51 70.95K.030.

52 Renumber the sections consecutively and correct any internal
53 references accordingly.

1 **SHB 1759** - S COMM AMD
2 By Committee on Health & Long-Term Care

3 On page 1, line 1 of the title, after "syringes;" strike the remainder
4 of the title and insert "and amending RCW 69.50.412, 69.50.4121, and
5 70.115.050; and adding a new section to chapter 70.115 RCW."

« END «

EFFECT: The striker clarifies that the act does not change current practices regarding the sale, possession, or purchase of syringes used for administering medications or other legal purposes. It also removes references to a maximum number of syringes to be sold and removes references to safety syringes.