

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1759**

Chapter 213, Laws of 2002

(partial veto)

57th Legislature  
2002 Regular Session

HYPODERMIC SYRINGES

EFFECTIVE DATE: 6/13/02

Passed by the House March 12, 2002  
Yeas 66 Nays 31

FRANK CHOPP  
**Speaker of the House of Representatives**

Passed by the Senate March 7, 2002  
Yeas 32 Nays 16

BRAD OWEN  
**President of the Senate**

Approved March 28, 2002, with the  
exception of section 4, which is  
vetoed.

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1759** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER  
**Chief Clerk**

FILED

March 28, 2002 - 8:46 a.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1759**

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AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

**State of Washington                      57th Legislature                      2001 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Darneille, Schual-Berke, McDermott, Santos, Murray, Tokuda and Wood)

Read first time 02/27/2001. Referred to Committee on .

1            AN ACT Relating to the sale of hypodermic syringes; amending RCW  
2 69.50.412, 69.50.4121, and 70.115.050; and adding a new section to  
3 chapter 70.115 RCW.

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

5            **Sec. 1.** RCW 69.50.412 and 1981 c 48 s 2 are each amended to read  
6 as follows:

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

13            (2) It is unlawful for any person to deliver, possess with intent  
14 to deliver, or manufacture with intent to deliver drug paraphernalia,  
15 knowing, or under circumstances where one reasonably should know, that  
16 it will be used to plant, propagate, cultivate, grow, harvest,  
17 manufacture, compound, convert, produce, process, prepare, test,  
18 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale,

1 or otherwise introduce into the human body a controlled substance. Any  
2 person who violates this subsection is guilty of a misdemeanor.

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

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

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

16 **Sec. 2.** RCW 69.50.4121 and 1998 c 317 s 1 are each amended to read  
17 as follows:

18 (1) Every person who sells or gives, or permits to be sold or given  
19 to any person any drug paraphernalia in any form commits a class I  
20 civil infraction under chapter 7.80 RCW. For purposes of this  
21 subsection, "drug paraphernalia" means all equipment, products, and  
22 materials of any kind which are used, intended for use, or designed for  
23 use in planting, propagating, cultivating, growing, harvesting,  
24 manufacturing, compounding, converting, producing, processing,  
25 preparing, testing, analyzing, packaging, repackaging, storing,  
26 containing, concealing, injecting, ingesting, inhaling, or otherwise  
27 introducing into the human body a controlled substance. Drug  
28 paraphernalia includes, but is not limited to objects used, intended  
29 for use, or designed for use in ingesting, inhaling, or otherwise  
30 introducing marihuana, cocaine, hashish, or hashish oil into the human  
31 body, such as:

32 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes  
33 with or without screens, permanent screens, hashish heads, or punctured  
34 metal bowls;

35 (b) Water pipes;

36 (c) Carburetion tubes and devices;

37 (d) Smoking and carburetion masks;

1 (e) Roach clips: Meaning objects used to hold burning material,  
2 such as a marijuana cigarette, that has become too small or too short  
3 to be held in the hand;

4 (f) Miniature cocaine spoons and cocaine vials;

5 (g) Chamber pipes;

6 (h) Carburetor pipes;

7 (i) Electric pipes;

8 (j) Air-driven pipes;

9 (k) Chillums;

10 (l) Bongs; and

11 (m) Ice pipes or chillers.

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

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

18 NEW SECTION. Sec. 3. A new section is added to chapter 70.115 RCW  
19 to read as follows:

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

22 *\*Sec. 4. RCW 70.115.050 and 1981 c 147 s 5 are each amended to*  
23 *read as follows:*

24 *(1) On the sale at retail of any hypodermic syringe, hypodermic*  
25 *needle, or any device adapted for the use of drugs by injection, the*  
26 *retailer shall satisfy himself or herself that the device will be used*  
27 *for the legal use intended.*

28 *(2) The sale of sterile hypodermic syringes and needles for the*  
29 *purpose of reducing the transmission of bloodborne diseases is a legal*  
30 *use under the provisions of this section.*

31 *(3) Sales must be limited to individuals over eighteen years of age*  
32 *and sales must be limited to the number of used hypodermic syringes and*  
33 *needles returned by the individual at the time of sale. Participating*  
34 *retailers shall provide materials relating to drug prevention and*  
35 *treatment and safe disposal techniques at the point of sale. The*  
36 *Washington board of pharmacy shall adopt rules implementing the*  
37 *provisions of this subsection. Nothing in this section shall be*

1 construed to limit the ability of persons to purchase or possess  
2 hypodermic needles or syringes for other legal purposes, including  
3 administering medications, such as insulin.

4 (4) Biomedical waste shall be handled in a manner that protects the  
5 health, safety, and welfare of the public, the environment, and the  
6 workers who handle the waste. Safe disposal of syringes and needles  
7 purchased under this act shall be consistent with the provisions of RCW  
8 70.95K.030.

9 \*Sec. 4 was vetoed. See message at end of chapter.

Passed the House March 12, 2002.

Passed the Senate March 7, 2002.

Approved by the Governor March 28, 2002, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State March 28, 2002.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 4,  
3 Substitute House Bill No. 1759 entitled:

4 "AN ACT Relating to the sale of hypodermic syringes;"

5 This bill authorizes the sale and possession of hypodermic syringes  
6 and needles to reduce the transmission of bloodborne diseases, such as  
7 HIV/AIDS and hepatitis B and C.

8 Subsection 4(3) of the bill would have limited sales of syringes to  
9 the number of used hypodermic syringes and needles returned by the  
10 individual at the time of the sale. This provision would have the  
11 consequence of requiring *all* legal users of syringes to exchange their  
12 used injection equipment in order to purchase necessary supplies.  
13 Particularly affected by this requirement would be those individuals  
14 who are diabetic and insulin dependent.

15 Section 4 would have effectively made pharmacies universal disposal  
16 sites for used equipment. Pharmacy personnel would have been required  
17 to handle and count used needles, exposing them to risk of infection.  
18 That would be an unacceptable safety risk. Also, in many instances,  
19 pharmacies are not equipped to handle this disposal challenge or  
20 expense.

21 For these reasons, I have vetoed section 4 of Substitute House Bill  
22 No. 1759.

23 With the exception of section 4, Substitute House Bill No. 1759 is  
24 approved."