

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6233

Chapter 134, Laws of 2002

57th Legislature
2002 Regular Session

POSSESSION OF EPHEDRINE, PSEUDOEPHEDRINE, AND AMMONIA

EFFECTIVE DATE: 3/26/02

Passed by the Senate March 11, 2002
YEAS 45 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 6, 2002
YEAS 92 NAYS 0

FRANK CHOPP

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6233** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

Secretary

Approved March 26, 2002

FILED

March 26, 2002 - 9:09 a.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6233

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala and McAuliffe)

READ FIRST TIME 01/22/02.

1 AN ACT Relating to possession of ephedrine, pseudoephedrine, and
2 ammonia; amending RCW 69.50.440, 9.94A.605, and 26.44.200; reenacting
3 and amending RCW 9.94A.515; prescribing penalties; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 69.50.440 and 2000 c 225 s 4 are each amended to read
7 as follows:

8 It is unlawful for any person to possess ephedrine or any of its
9 salts or isomers or salts of isomers, pseudoephedrine or any of its
10 salts or isomers or salts of isomers, (~~(or anhydrous)~~) pressurized
11 ammonia gas, or pressurized ammonia gas solution with intent to
12 manufacture methamphetamine. Any person who violates this section is
13 guilty of a crime and may be imprisoned for not more than ten years,
14 fined not more than twenty-five thousand dollars, or both. Three
15 thousand dollars of the fine may not be suspended. As collected, the
16 first three thousand dollars of the fine must be deposited with the law
17 enforcement agency having responsibility for cleanup of laboratories,
18 sites, or substances used in the manufacture of the methamphetamine.

1 The fine moneys deposited with that law enforcement agency must be used
2 for such clean-up cost.

3 **Sec. 2.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
4 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
5 read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

8 XVI	Aggravated Murder 1 (RCW 10.95.020)
9 XV	Homicide by abuse (RCW 9A.32.055)
10	Malicious explosion 1 (RCW 70.74.280(1))
11	Murder 1 (RCW 9A.32.030)
12 XIV	Murder 2 (RCW 9A.32.050)
13 XIII	Malicious explosion 2 (RCW 70.74.280(2))
14	Malicious placement of an explosive 1 (RCW
15	70.74.270(1))
16 XII	Assault 1 (RCW 9A.36.011)
17	Assault of a Child 1 (RCW 9A.36.120)
18	Malicious placement of an imitation device
19	1 (RCW 70.74.272(1)(a))
20	Rape 1 (RCW 9A.44.040)
21	Rape of a Child 1 (RCW 9A.44.073)
22 XI	Manslaughter 1 (RCW 9A.32.060)
23	Rape 2 (RCW 9A.44.050)
24	Rape of a Child 2 (RCW 9A.44.076)
25 X	Child Molestation 1 (RCW 9A.44.083)
26	Indecent Liberties (with forcible
27	compulsion) (RCW 9A.44.100(1)(a))
28	Kidnapping 1 (RCW 9A.40.020)
29	Leading Organized Crime (RCW
30	9A.82.060(1)(a))
31	Malicious explosion 3 (RCW 70.74.280(3))
32	Manufacture of methamphetamine (RCW
33	69.50.401(a)(1)(ii))

1 Over 18 and deliver heroin,
2 methamphetamine, a narcotic from
3 Schedule I or II, or flunitrazepam
4 from Schedule IV to someone under 18
5 (RCW 69.50.406)
6 Sexually Violent Predator Escape (RCW
7 9A.76.115)

8 IX Assault of a Child 2 (RCW 9A.36.130)
9 Controlled Substance Homicide (RCW
10 69.50.415)
11 Explosive devices prohibited (RCW
12 70.74.180)
13 Hit and Run--Death (RCW 46.52.020(4)(a))
14 Homicide by Watercraft, by being under the
15 influence of intoxicating liquor or
16 any drug (RCW 79A.60.050)
17 Inciting Criminal Profiteering (RCW
18 9A.82.060(1)(b))
19 Malicious placement of an explosive 2 (RCW
20 70.74.270(2))
21 Over 18 and deliver narcotic from Schedule
22 III, IV, or V or a nonnarcotic, except
23 flunitrazepam or methamphetamine, from
24 Schedule I-V to someone under 18 and 3
25 years junior (RCW 69.50.406)
26 Robbery 1 (RCW 9A.56.200)
27 Sexual Exploitation (RCW 9.68A.040)
28 Vehicular Homicide, by being under the
29 influence of intoxicating liquor or
30 any drug (RCW 46.61.520)

31 VIII Arson 1 (RCW 9A.48.020)
32 Deliver or possess with intent to deliver
33 methamphetamine (RCW
34 69.50.401(a)(1)(ii))
35 Homicide by Watercraft, by the operation of
36 any vessel in a reckless manner (RCW
37 79A.60.050)
38 Manslaughter 2 (RCW 9A.32.070)

1 Manufacture, deliver, or possess with
2 intent to deliver amphetamine (RCW
3 69.50.401(a)(1)(ii))
4 Manufacture, deliver, or possess with
5 intent to deliver heroin or cocaine
6 (RCW 69.50.401(a)(1)(i))
7 Possession of Ephedrine or any of its Salts
8 or Isomers or Salts of Isomers,
9 Pseudoephedrine or any of its Salts or
10 Isomers or Salts of Isomers, ((or
11 Anhydrous)) Pressurized Ammonia Gas,
12 or Pressurized Ammonia Gas Solution
13 with intent to manufacture
14 methamphetamine (RCW 69.50.440)
15 Promoting Prostitution 1 (RCW 9A.88.070)
16 Selling for profit (controlled or
17 counterfeit) any controlled substance
18 (RCW 69.50.410)
19 Theft of Anhydrous Ammonia (RCW 69.55.010)
20 Vehicular Homicide, by the operation of any
21 vehicle in a reckless manner (RCW
22 46.61.520)

23 VII Burglary 1 (RCW 9A.52.020)
24 Child Molestation 2 (RCW 9A.44.086)
25 Dealing in depictions of minor engaged in
26 sexually explicit conduct (RCW
27 9.68A.050)
28 Drive-by Shooting (RCW 9A.36.045)
29 Homicide by Watercraft, by disregard for
30 the safety of others (RCW 79A.60.050)
31 Indecent Liberties (without forcible
32 compulsion) (RCW 9A.44.100(1) (b) and
33 (c))
34 Introducing Contraband 1 (RCW 9A.76.140)
35 Involving a minor in drug dealing (RCW
36 69.50.401(f))
37 Malicious placement of an explosive 3 (RCW
38 70.74.270(3))

1 Sending, bringing into state depictions of
2 minor engaged in sexually explicit
3 conduct (RCW 9.68A.060)
4 Unlawful Possession of a Firearm in the
5 first degree (RCW 9.41.040(1)(a))
6 Use of a Machine Gun in Commission of a
7 Felony (RCW 9.41.225)
8 Vehicular Homicide, by disregard for the
9 safety of others (RCW 46.61.520)

10 VI Bail Jumping with Murder 1 (RCW
11 9A.76.170(3)(a))
12 Bribery (RCW 9A.68.010)
13 Incest 1 (RCW 9A.64.020(1))
14 Intimidating a Judge (RCW 9A.72.160)
15 Intimidating a Juror/Witness (RCW
16 9A.72.110, 9A.72.130)
17 Malicious placement of an imitation device
18 2 (RCW 70.74.272(1)(b))
19 Manufacture, deliver, or possess with
20 intent to deliver narcotics from
21 Schedule I or II (except heroin or
22 cocaine) or flunitrazepam from
23 Schedule IV (RCW 69.50.401(a)(1)(i))
24 Rape of a Child 3 (RCW 9A.44.079)
25 Theft of a Firearm (RCW 9A.56.300)
26 Unlawful Storage of Anhydrous Ammonia (RCW
27 69.55.020)

28 V Abandonment of dependent person 1 (RCW
29 9A.42.060)
30 Advancing money or property for
31 extortionate extension of credit (RCW
32 9A.82.030)
33 Bail Jumping with class A Felony (RCW
34 9A.76.170(3)(b))
35 Child Molestation 3 (RCW 9A.44.089)
36 Criminal Mistreatment 1 (RCW 9A.42.020)
37 Custodial Sexual Misconduct 1 (RCW
38 9A.44.160)

1 Delivery of imitation controlled substance
2 by person eighteen or over to person
3 under eighteen (RCW 69.52.030(2))
4 Domestic Violence Court Order Violation
5 (RCW 10.99.040, 10.99.050, 26.09.300,
6 26.10.220, 26.26.138, 26.50.110,
7 26.52.070, or 74.34.145)
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit (RCW
10 9A.82.020)
11 Extortionate Means to Collect Extensions of
12 Credit (RCW 9A.82.040)
13 Incest 2 (RCW 9A.64.020(2))
14 Kidnapping 2 (RCW 9A.40.030)
15 Perjury 1 (RCW 9A.72.020)
16 Persistent prison misbehavior (RCW
17 9.94.070)
18 Possession of a Stolen Firearm (RCW
19 9A.56.310)
20 Rape 3 (RCW 9A.44.060)
21 Rendering Criminal Assistance 1 (RCW
22 9A.76.070)
23 Sexual Misconduct with a Minor 1 (RCW
24 9A.44.093)
25 Sexually Violating Human Remains (RCW
26 9A.44.105)
27 Stalking (RCW 9A.46.110)
28 IV Arson 2 (RCW 9A.48.030)
29 Assault 2 (RCW 9A.36.021)
30 Assault by Watercraft (RCW 79A.60.060)
31 Bribing a Witness/Bribe Received by Witness
32 (RCW 9A.72.090, 9A.72.100)
33 Commercial Bribery (RCW 9A.68.060)
34 Counterfeiting (RCW 9.16.035(4))
35 Escape 1 (RCW 9A.76.110)
36 Hit and Run--Injury (RCW 46.52.020(4)(b))
37 Hit and Run with Vessel--Injury Accident
38 (RCW 79A.60.200(3))
39 Identity Theft 1 (RCW 9.35.020(2)(a))

1 Indecent Exposure to Person Under Age
2 Fourteen (subsequent sex offense) (RCW
3 9A.88.010)
4 Influencing Outcome of Sporting Event (RCW
5 9A.82.070)
6 Knowingly Trafficking in Stolen Property
7 (RCW 9A.82.050(2))
8 Malicious Harassment (RCW 9A.36.080)
9 Manufacture, deliver, or possess with
10 intent to deliver narcotics from
11 Schedule III, IV, or V or nonnarcotics
12 from Schedule I-V (except marijuana,
13 amphetamine, methamphetamines, or
14 flunitrazepam) (RCW 69.50.401(a)(1)
15 (iii) through (v))
16 Residential Burglary (RCW 9A.52.025)
17 Robbery 2 (RCW 9A.56.210)
18 Theft of Livestock 1 (RCW 9A.56.080)
19 Threats to Bomb (RCW 9.61.160)
20 Use of Proceeds of Criminal Profiteering
21 (RCW 9A.82.080 (1) and (2))
22 Vehicular Assault, by being under the
23 influence of intoxicating liquor or
24 any drug, or by the operation or
25 driving of a vehicle in a reckless
26 manner (RCW 46.61.522)
27 Willful Failure to Return from Furlough
28 (RCW 72.66.060)
29 III Abandonment of dependent person 2 (RCW
30 9A.42.070)
31 Assault 3 (RCW 9A.36.031)
32 Assault of a Child 3 (RCW 9A.36.140)
33 Bail Jumping with class B or C Felony (RCW
34 9A.76.170(3)(c))
35 Burglary 2 (RCW 9A.52.030)
36 Communication with a Minor for Immoral
37 Purposes (RCW 9.68A.090)
38 Criminal Gang Intimidation (RCW 9A.46.120)
39 Criminal Mistreatment 2 (RCW 9A.42.030)

1 Custodial Assault (RCW 9A.36.100)
2 Delivery of a material in lieu of a
3 controlled substance (RCW
4 69.50.401(c))
5 Escape 2 (RCW 9A.76.120)
6 Extortion 2 (RCW 9A.56.130)
7 Harassment (RCW 9A.46.020)
8 Intimidating a Public Servant (RCW
9 9A.76.180)
10 Introducing Contraband 2 (RCW 9A.76.150)
11 Maintaining a Dwelling or Place for
12 Controlled Substances (RCW
13 69.50.402(a)(6))
14 Malicious Injury to Railroad Property (RCW
15 81.60.070)
16 Manufacture, deliver, or possess with
17 intent to deliver marijuana (RCW
18 69.50.401(a)(1)(iii))
19 Manufacture, distribute, or possess with
20 intent to distribute an imitation
21 controlled substance (RCW
22 69.52.030(1))
23 Patronizing a Juvenile Prostitute (RCW
24 9.68A.100)
25 Perjury 2 (RCW 9A.72.030)
26 Possession of Incendiary Device (RCW
27 9.40.120)
28 Possession of Machine Gun or Short-Barreled
29 Shotgun or Rifle (RCW 9.41.190)
30 Promoting Prostitution 2 (RCW 9A.88.080)
31 Recklessly Trafficking in Stolen Property
32 (RCW 9A.82.050(1))
33 Securities Act violation (RCW 21.20.400)
34 Tampering with a Witness (RCW 9A.72.120)
35 Telephone Harassment (subsequent conviction
36 or threat of death) (RCW 9.61.230)
37 Theft of Livestock 2 (RCW 9A.56.080)
38 Unlawful Imprisonment (RCW 9A.40.040)

1 Unlawful possession of firearm in the
2 second degree (RCW 9.41.040(1)(b))
3 Unlawful Use of Building for Drug Purposes
4 (RCW 69.53.010)
5 Vehicular Assault, by the operation or
6 driving of a vehicle with disregard
7 for the safety of others (RCW
8 46.61.522)
9 Willful Failure to Return from Work Release
10 (RCW 72.65.070)

11 II Computer Trespass 1 (RCW 9A.52.110)
12 Counterfeiting (RCW 9.16.035(3))
13 Create, deliver, or possess a counterfeit
14 controlled substance (RCW
15 69.50.401(b))
16 Escape from Community Custody (RCW
17 72.09.310)
18 Health Care False Claims (RCW 48.80.030)
19 Identity Theft 2 (RCW 9.35.020(2)(b))
20 Improperly Obtaining Financial Information
21 (RCW 9.35.010)
22 Malicious Mischief 1 (RCW 9A.48.070)
23 Possession of controlled substance that is
24 either heroin or narcotics from
25 Schedule I or II or flunitrazepam from
26 Schedule IV (RCW 69.50.401(d))
27 Possession of phencyclidine (PCP) (RCW
28 69.50.401(d))
29 Possession of Stolen Property 1 (RCW
30 9A.56.150)
31 Theft 1 (RCW 9A.56.030)
32 Theft of Rental, Leased, or Lease-purchased
33 Property (valued at one thousand five
34 hundred dollars or more) (RCW
35 9A.56.096(4))
36 Trafficking in Insurance Claims (RCW
37 48.30A.015)
38 Unlawful Practice of Law (RCW 2.48.180)

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))

3 I Attempting to Elude a Pursuing Police
4 Vehicle (RCW 46.61.024)

5 False Verification for Welfare (RCW
6 74.08.055)

7 Forged Prescription (RCW 69.41.020)

8 Forged Prescription for a Controlled
9 Substance (RCW 69.50.403)

10 Forgery (RCW 9A.60.020)

11 Malicious Mischief 2 (RCW 9A.48.080)

12 Possess Controlled Substance that is a
13 Narcotic from Schedule III, IV, or V
14 or Non-narcotic from Schedule I-V
15 (except phencyclidine or
16 flunitrazepam) (RCW 69.50.401(d))

17 Possession of Stolen Property 2 (RCW
18 9A.56.160)

19 Reckless Burning 1 (RCW 9A.48.040)

20 Taking Motor Vehicle Without Permission
21 (RCW 9A.56.070)

22 Theft 2 (RCW 9A.56.040)

23 Theft of Rental, Leased, or Lease-purchased
24 Property (valued at two hundred fifty
25 dollars or more but less than one
26 thousand five hundred dollars) (RCW
27 9A.56.096(4))

28 Unlawful Issuance of Checks or Drafts (RCW
29 9A.56.060)

30 Unlawful Use of Food Stamps (RCW 9.91.140
31 (2) and (3))

32 Vehicle Prowl 1 (RCW 9A.52.095)

33 **Sec. 3.** RCW 9.94A.605 and 2000 c 132 s 1 are each amended to read
34 as follows:

35 In a criminal case where:

36 (1) The defendant has been convicted of (a) manufacture of a
37 controlled substance under RCW 69.50.401(a) relating to manufacture of
38 methamphetamine; or (b) possession of ephedrine or any of its salts or

1 isomers or salts of isomers, pseudoephedrine or any of its salts or
2 isomers or salts of isomers, pressurized ammonia gas, or pressurized
3 ammonia gas solution with intent to manufacture methamphetamine, as
4 defined in RCW 69.50.440; and

5 (2) There has been a special allegation pleaded and proven beyond
6 a reasonable doubt that the defendant committed the crime when a person
7 under the age of eighteen was present in or upon the premises of
8 manufacture;

9 the court shall make a finding of fact of the special allegation, or if
10 a jury trial is had, the jury shall, if it finds the defendant guilty,
11 also find a special verdict as to the special allegation.

12 **Sec. 4.** RCW 26.44.200 and 2001 c 52 s 3 are each amended to read
13 as follows:

14 A law enforcement agency in the course of investigating: (1) An
15 allegation under RCW 69.50.401(a) relating to manufacture of
16 methamphetamine; or (2) an allegation under RCW 69.50.440 relating to
17 possession of ephedrine or any of its salts or isomers or salts of
18 isomers, pseudoephedrine or any of its salts or isomers or salts of
19 isomers, pressurized ammonia gas, or pressurized ammonia gas solution
20 with intent to manufacture methamphetamine, that discovers a child
21 present at the site, shall contact the department immediately.

22 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

Passed the Senate March 11, 2002.

Passed the House March 6, 2002.

Approved by the Governor March 26, 2002.

Filed in Office of Secretary of State March 26, 2002.