

2SSB 5536 - S AMD TO S AMD (S-2111.2/23) 162  
By Senator Padden

NOT ADOPTED 03/03/2023

1 On page 6, after line 22, insert the following:

2 "NEW SECTION. **Sec. 6.** A new section is added to chapter 69.50  
3 RCW to read as follows:

4 (1) It is unlawful for any person to knowingly possess fentanyl  
5 unless the fentanyl was obtained directly from, or pursuant to, a  
6 valid prescription or order of a practitioner while acting in the  
7 course of his or her professional practice, or except as otherwise  
8 authorized by this chapter.

9 (2) Any person who violates this section is guilty of a class C  
10 felony punishable under chapter 9A.20 RCW.

11 **Sec. 7.** RCW 9.94A.518 and 2022 c 16 s 5 are each amended to read  
12 as follows:

13	TABLE 4
14	DRUG OFFENSES
15	INCLUDED WITHIN EACH
16	SERIOUSNESS LEVEL
17	III Any felony offense under chapter
18	69.50 RCW with a deadly weapon
19	special verdict under RCW
20	9.94A.825
21	Controlled Substance Homicide (RCW
22	69.50.415)
23	Delivery of imitation controlled
24	substance by person eighteen or
25	over to person under eighteen
26	(RCW 69.52.030(2))
27	Involving a minor in drug dealing
28	(RCW 69.50.4015)
29	Manufacture of methamphetamine
30	(RCW 69.50.401(2)(b))

1 Over 18 and deliver heroin,  
2 methamphetamine, a narcotic from  
3 Schedule I or II, or flunitrazepam  
4 from Schedule IV to someone  
5 under 18 (RCW 69.50.406)

6 Over 18 and deliver narcotic from  
7 Schedule III, IV, or V or a  
8 nonnarcotic, except flunitrazepam  
9 or methamphetamine, from  
10 Schedule I-V to someone under 18  
11 and 3 years junior (RCW  
12 69.50.406)

13 Possession of Ephedrine,  
14 Pseudoephedrine, or Anhydrous  
15 Ammonia with intent to  
16 manufacture  
17 methamphetamine (RCW  
18 69.50.440)

19 Selling for profit (controlled or  
20 counterfeit) any controlled  
21 substance (RCW 69.50.410)

22 II Create, deliver, or possess a counterfeit  
23 controlled substance (RCW  
24 69.50.4011)

25 Deliver or possess with intent to  
26 deliver methamphetamine (RCW  
27 69.50.401(2)(b))

28 Delivery of a material in lieu of a  
29 controlled substance (RCW  
30 69.50.4012)

31 Maintaining a Dwelling or Place for  
32 Controlled Substances (RCW  
33 69.50.402(1)(f))

34 Manufacture, deliver, or possess with  
35 intent to deliver amphetamine  
36 (RCW 69.50.401(2)(b))

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule I or II or flunitrazepam  
4 from Schedule IV (RCW  
5 69.50.401(2)(a))

6 Manufacture, deliver, or possess with  
7 intent to deliver narcotics from  
8 Schedule III, IV, or V or  
9 nonnarcotics from Schedule I-V  
10 (except cannabis as defined in  
11 RCW 69.50.101, amphetamine,  
12 methamphetamines, or  
13 flunitrazepam) (RCW  
14 69.50.401(2) (c) through (e))

15 Manufacture, distribute, or possess  
16 with intent to distribute an  
17 imitation controlled substance  
18 (RCW 69.52.030(1))

19 I Forged Prescription (RCW 69.41.020)  
20 Forged Prescription for a Controlled  
21 Substance (RCW 69.50.403)

22 Manufacture, deliver, or possess with  
23 intent to deliver cannabis as  
24 defined in RCW 69.50.101 (RCW  
25 69.50.401(2)(c))

26 Possess Controlled Substance that is a  
27 Narcotic from Schedule III, IV, or  
28 V or Nonnarcotic from Schedule I-  
29 V (RCW 69.50.4013)

30 Possession of Controlled Substance  
31 that is either heroin or narcotics  
32 from Schedule I or II (RCW  
33 69.50.4013)

34 Possession of fentanyl (section 6 of this  
35 act)

36 Unlawful Use of Building for Drug  
37 Purposes (RCW 69.53.010) "

1       Renumber the remaining sections consecutively and correct any  
2 internal references accordingly.

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3       On page 36, line 22, after "69.41.030," insert "9.94A.518,"

EFFECT: Classifies possession of fentanyl as a class C felony.

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