
**Community Safety, Justice, & Reentry
Committee**

ESSB 5010

Brief Description: Updating the endangerment with a controlled substance statute to include fentanyl or synthetic opioids.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Wilson, L., Holy, Wilson, J., Braun, Schoesler, King, Short, Fortunato, Padden, Torres, Dozier, Gildon, Rolfes, Wagoner and Warnick).

Brief Summary of Engrossed Substitute Bill

- Expands the crime of Endangerment with a Controlled Substance to include knowing or intentional exposure of a dependent child or dependent adult to fentanyl, synthetic opioids, or the smoke created from a substance containing fentanyl or synthetic opioids.
- Creates an exception to the crime of Endangerment with a Controlled Substance for circumstances in which fentanyl or synthetic opioids are provided while delivering health care services or pursuant to a prescription.
- Exempts the Department of Children, Youth, and Families and its employees, interns, volunteers, or contractors, while acting in the scope of their roles, from criminal liability for the crime of Endangerment with a Controlled Substance.

Hearing Date: 3/14/23

Staff: Lena Langer (786-7192).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

A person is guilty of the crime of Endangerment with a Controlled Substance if the person knowingly or intentionally permits a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia, including their salts, isomers, and salts of isomers, that are being used to manufacture methamphetamine. A dependent person is a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life.

Endangerment with a Controlled Substance is a class B felony, ranked as a seriousness level IV offense on the sentencing grid. It carries a standard range sentence of three to nine months of incarceration for a first offense.

Opioids are a class of drugs that include the illegal drug heroin, synthetic opioids such as fentanyl, and pain relievers available by prescription, such as oxycodone, hydrocodone, codeine, morphine, and others. Fentanyl is a powerful synthetic opioid that is similar to morphine, but is 50 to 100 times more potent.

The Department of Children, Youth, and Families (DCYF) is the lead agency for certain state-funded services that support children and families. The DCYF oversees several services and programs such as Child Protective Services' investigations, Family Assessment Response, licensed foster care, adoption support, Working Connections Child Care, Home Visiting, and juvenile rehabilitation.

Summary of Bill:

The crime of Endangerment with a Controlled Substance is expanded to include knowingly or intentionally permitting a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with fentanyl or synthetic opioids, or the smoke of a substance that the person knows, or reasonably should know, contains or is contaminated with fentanyl or synthetic opioids. Endangerment with a Controlled Substance involving fentanyl or synthetic opioids does not apply to medications administered or provided during the delivery of health care services or pursuant to a valid prescription.

The DCYF and any of its employees, interns, volunteers, or contractors who are acting in the scope of their role, are exempt from criminal liability for Endangerment with a Controlled Substance.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.