
HOUSE BILL 1209

State of Washington

68th Legislature

2023 Regular Session

By Representatives Leavitt, Griffey, Fey, Bronoske, and Davis

Read first time 01/10/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to restricting the possession, purchase,
2 delivery, and sale of certain equipment used to illegally process
3 controlled substances; amending RCW 9.94A.518; adding a new section
4 to chapter 69.50 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50
7 RCW to read as follows:

8 (1) It is unlawful for any person to possess, purchase, deliver,
9 sell, or possess with intent to sell a tableting machine or
10 encapsulating machine knowing, or under circumstances where one
11 reasonably should know, that it will be used to manufacture,
12 compound, convert, produce, process, prepare, or otherwise introduce
13 into the human body a controlled substance, other than cannabis, in
14 violation of this chapter.

15 (2) Any person who violates this section is guilty of a class C
16 felony.

17 (3) For the purposes of this section:

18 (a) "Encapsulating machine" means manual, semiautomatic, or fully
19 automatic equipment that can be used to fill shells or capsules with
20 powdered or granular solids or semisolid material to produce coherent
21 solid contents.

1 (b) "Tableting machine" means manual, semiautomatic, or fully
2 automatic equipment that can be used to compact, compress, or mold
3 powdered or granular solids or semisolid material to produce fused
4 coherent solid tablets.

5 **Sec. 2.** RCW 9.94A.518 and 2022 c 16 s 5 are each amended to read
6 as follows:

7 TABLE 4

8 DRUG OFFENSES
9 INCLUDED WITHIN EACH
10 SERIOUSNESS LEVEL

- 11 III Any felony offense under chapter
12 69.50 RCW with a deadly weapon
13 special verdict under RCW
14 9.94A.825
- 15 Controlled Substance Homicide (RCW
16 69.50.415)
- 17 Delivery of imitation controlled
18 substance by person eighteen or
19 over to person under eighteen
20 (RCW 69.52.030(2))
- 21 Involving a minor in drug dealing
22 (RCW 69.50.4015)
- 23 Manufacture of methamphetamine
24 (RCW 69.50.401(2)(b))
- 25 Over 18 and deliver heroin,
26 methamphetamine, a narcotic from
27 Schedule I or II, or flunitrazepam
28 from Schedule IV to someone
29 under 18 (RCW 69.50.406)
- 30 Over 18 and deliver narcotic from
31 Schedule III, IV, or V or a
32 nonnarcotic, except flunitrazepam
33 or methamphetamine, from
34 Schedule I-V to someone under 18
35 and 3 years junior (RCW
36 69.50.406)

1 Possession of Ephedrine,
2 Pseudoephedrine, or Anhydrous
3 Ammonia with intent to
4 manufacture
5 methamphetamine (RCW
6 69.50.440)

7 Selling for profit (controlled or
8 counterfeit) any controlled
9 substance (RCW 69.50.410)

10 II Create, deliver, or possess a counterfeit
11 controlled substance (RCW
12 69.50.4011)

13 Deliver or possess with intent to
14 deliver methamphetamine (RCW
15 69.50.401(2)(b))

16 Delivery of a material in lieu of a
17 controlled substance (RCW
18 69.50.4012)

19 Maintaining a Dwelling or Place for
20 Controlled Substances (RCW
21 69.50.402(1)(f))

22 Manufacture, deliver, or possess with
23 intent to deliver amphetamine
24 (RCW 69.50.401(2)(b))

25 Manufacture, deliver, or possess with
26 intent to deliver narcotics from
27 Schedule I or II or flunitrazepam
28 from Schedule IV (RCW
29 69.50.401(2)(a))

30 Manufacture, deliver, or possess with
31 intent to deliver narcotics from
32 Schedule III, IV, or V or
33 nonnarcotics from Schedule I-V
34 (except cannabis as defined in
35 RCW 69.50.101, amphetamine,
36 methamphetamines, or
37 flunitrazepam) (RCW
38 69.50.401(2) (c) through (e))

1 Manufacture, distribute, or possess
2 with intent to distribute an
3 imitation controlled substance
4 (RCW 69.52.030(1))
5 Possess, purchase, deliver, sell, or
6 possess with intent to sell a
7 tableting machine or encapsulating
8 machine (section 1 of this act)
9 I Forged Prescription (RCW 69.41.020)
10 Forged Prescription for a Controlled
11 Substance (RCW 69.50.403)
12 Manufacture, deliver, or possess with
13 intent to deliver cannabis as
14 defined in RCW 69.50.101 (RCW
15 69.50.401(2)(c))
16 Possess Controlled Substance that is a
17 Narcotic from Schedule III, IV, or
18 V or Nonnarcotic from Schedule I-
19 V (RCW 69.50.4013)
20 Possession of Controlled Substance
21 that is either heroin or narcotics
22 from Schedule I or II (RCW
23 69.50.4013)
24 Unlawful Use of Building for Drug
25 Purposes (RCW 69.53.010)

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