
ENGROSSED SUBSTITUTE HOUSE BILL 2028

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Appelwick and Paris).

Read first time February 28, 1991.

1 AN ACT Relating to controlled substances; amending RCW 69.50.201,
2 69.50.203, 69.50.204, 69.50.205, 69.50.206, 69.50.207, 69.50.208,
3 69.50.209, 69.50.210, 69.50.211, 69.50.212, 69.50.213, 69.50.301,
4 69.50.302, 69.50.303, 69.50.304, 69.50.306, 69.50.307, 69.50.308, and
5 69.50.403; reenacting and amending RCW 69.50.101 and 9.94A.030; adding
6 new sections to chapter 69.50 RCW; creating new sections; and
7 prescribing penalties.

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

9 ARTICLE I--DEFINITIONS

10 **Sec. 1.** RCW 69.50.101 and 1990 c 248 s 1, 1990 c 219 s 3, and 1990
11 c 196 s 8 are each reenacted and amended to read as follows:

12 DEFINITIONS. As used in this chapter:

1 (a) "Administer" (~~((means the direct application of a controlled~~
2 ~~substance, whether by injection, inhalation, ingestion, or any other~~
3 ~~means, to the body of a patient or research subject by:~~

4 ~~(1) a practitioner, or)) unless the context otherwise requires,~~

5 means to apply a controlled substance, whether by injection,
6 inhalation, ingestion, or any other means, directly to the body of a
7 patient or research subject by:

8 (1) a practitioner (or, by the practitioner's authorized agent); or

9 (2) the patient or research subject at the direction and in the
10 presence of the practitioner.

11 (b) "Agent" means an authorized person who acts on behalf of or at
12 the direction of a manufacturer, distributor, or dispenser. It does
13 not include a common or contract carrier, public warehouseman, or
14 employee of the carrier or warehouseman.

15 (c) "Board" means the state board of pharmacy.

16 (d) "Controlled substance" means a drug, substance, or immediate
17 precursor included in Schedules I through V of Article II.

18 (e)(1) "Controlled substance analog" means a substance the chemical
19 structure of which is substantially similar to the chemical structure
20 of a controlled substance in Schedule I or II and:

21 (i) which has a stimulant, depressant, or hallucinogenic effect on
22 the central nervous system substantially similar to the stimulant,
23 depressant, or hallucinogenic effect on the central nervous system of
24 a controlled substance included in Schedule I or II; or

25 (ii) with respect to a particular individual, which the individual
26 represents or intends to have a stimulant, depressant, or
27 hallucinogenic effect on the central nervous system substantially
28 similar to the stimulant, depressant, or hallucinogenic effect on the
29 central nervous system of a controlled substance included in Schedule
30 I or II.

1 (2) The term does not include:

2 (i) a controlled substance;

3 (ii) a substance for which there is an approved new drug
4 application;

5 (iii) a substance with respect to which an exemption is in effect
6 for investigational use by a particular person under Section 505 of the
7 federal Food, Drug and Cosmetic Act 21 U.S.C. Sec. 355 to the extent
8 conduct with respect to the substance is pursuant to the exemption; or

9 (iv) any substance to the extent not intended for human consumption
10 before an exemption takes effect with respect to the substance.

11 (f) "Deliver" or "delivery," unless the context otherwise requires,
12 means the actual or constructive transfer from one person to another of
13 a substance, whether or not there is an agency relationship.

14 (g) "Department" means the department of health.

15 (h) "Dispense" means to deliver a controlled substance to an
16 ultimate user or research subject by or pursuant to the lawful order of
17 a practitioner, including the prescribing, administering, packaging,
18 labeling, or compounding necessary to prepare the substance for that
19 delivery.

20 (i) "Dispenser" means a practitioner who dispenses.

21 (j) "Distribute" means to deliver other than by administering or
22 dispensing a controlled substance.

23 (k) "Distributor" means a person who distributes.

24 (l) "Drug" means (1) substances recognized as drugs in the official
25 United States Pharmacopoeia, National Formulary, or the official
26 Homeopathic Pharmacopoeia of the United States, or any supplement to
27 any of them; (2) substances intended for use in the diagnosis, cure,
28 mitigation, treatment, or prevention of disease in individuals or
29 animals; (3) substances (other than food) intended to affect the
30 structure or any function of the body of individuals or animals; and

1 (4) substances intended for use as a component of any article specified
2 in (1), (2), or (3) of this subsection. The term does not include
3 devices or their components, parts, or accessories.

4 ~~(m) "Drug enforcement administration" means the ((federal)) drug~~
5 ~~enforcement administration in the United States Department of Justice,~~
6 ~~or its successor agency.~~

7 ~~((d) "Controlled substance" means a drug, substance, or immediate~~
8 ~~precursor in Schedules I through V of Article II.~~

9 ~~(e) "Counterfeit substance" means a controlled substance which, or~~
10 ~~the container or labeling of which, without authorization, bears the~~
11 ~~trademark, trade name, or other identifying mark, imprint, number or~~
12 ~~device, or any likeness thereof, of a manufacturer, distributor, or~~
13 ~~dispenser other than the person who in fact manufactured, distributed,~~
14 ~~or dispensed the substance.~~

15 ~~(f) "Deliver" or "delivery" means the actual, constructive, or~~
16 ~~attempted transfer from one person to another of a controlled~~
17 ~~substance, whether or not there is an agency relationship.~~

18 ~~(g) "Department" means the department of health.~~

19 ~~(h) "Dispense" means the interpretation of a prescription or order~~
20 ~~for a controlled substance and, pursuant to that prescription or order,~~
21 ~~the proper selection, measuring, compounding, labeling, or packaging~~
22 ~~necessary to prepare that prescription or order for delivery.~~

23 ~~(i) "Dispenser" means a practitioner who dispenses.~~

24 ~~(j) "Distribute" means to deliver other than by administering or~~
25 ~~dispensing a controlled substance.~~

26 ~~(k) "Distributor" means a person who distributes.~~

27 ~~(l) "Receipt" means to receive a controlled substance either with~~
28 ~~or without consideration.~~

29 ~~(m) "Drug" means (1) substances recognized as drugs in the official~~
30 ~~United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the~~

1 United States, or Official National Formulary, or any supplement to any
2 of them; ~~(2) substances intended for use in the diagnosis, cure,~~
3 ~~mitigation, treatment, or prevention of disease in man or animals; (3)~~
4 ~~substances (other than food) intended to affect the structure or any~~
5 ~~function of the body of man or animals; and (4) substances intended for~~
6 ~~use as a component of any article specified in clause (1), (2), or (3)~~
7 ~~of this subsection. It does not include devices or their components,~~
8 ~~parts, or accessories.)~~)

9 (n) "Immediate precursor" means a substance (~~(which)~~):

10 (1) that the state board of pharmacy has found to be and by rule
11 designates as being the principal compound commonly used, or produced
12 primarily for use, (~~and which~~) in the manufacture of a controlled
13 substance;

14 (2) that is an immediate chemical intermediary used or likely to be
15 used in the manufacture of a controlled substance(~~(7)~~); and

16 (3) the control of which is necessary to prevent, curtail, or limit
17 the manufacture of the controlled substance.

18 (o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5),
19 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any
20 geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c)
21 the term includes any positional isomer; and in RCW 69.50.204(a)(35),
22 69.50.204(c), and 69.50.208(a) the term includes any positional or
23 geometric isomer.

24 (~~(e)~~) (p) "Manufacture" means the production, preparation,
25 propagation, compounding, conversion, or processing of a controlled
26 substance, either directly or indirectly or by extraction from
27 substances of natural origin, or independently by means of chemical
28 synthesis, or by a combination of extraction and chemical synthesis,
29 and includes any packaging or repackaging of the substance or labeling
30 or relabeling of its container(~~(7-except that this)~~). The term does

1 not include the preparation ~~((or))~~, compounding, packaging,
2 repackaging, labeling, or relabeling of a controlled substance ~~((by an~~
3 ~~individual for his or her own use or the preparation, compounding,~~
4 ~~packaging, or labeling of a controlled substance))~~):

5 (1) by a practitioner as an incident to the practitioner's
6 administering or dispensing of a controlled substance in the course of
7 ~~((his or her))~~ the practitioner's professional practice~~((r))~~; or

8 (2) by a practitioner, or by ~~((an))~~ the practitioner's authorized
9 agent under the practitioner's supervision, for the purpose of, or as
10 an incident to, research, teaching, or chemical analysis and not for
11 sale.

12 ~~((p))~~ (q) "Marijuana" ~~((or "marihuana"))~~ means all parts of the
13 plant ~~((of the genus))~~ Cannabis ~~((L.))~~, whether growing or not; the
14 seeds thereof; the resin extracted from any part of the plant; and
15 every compound, manufacture, salt, derivative, mixture, or preparation
16 of the plant, its seeds or resin. ~~((It))~~ The term does not include the
17 mature stalks of the plant, fiber produced from the stalks, oil or cake
18 made from the seeds of the plant, any other compound, manufacture,
19 salt, derivative, mixture, or preparation of the mature stalks (except
20 the resin extracted therefrom), fiber, oil, or cake, or the sterilized
21 seed of the plant which is incapable of germination.

22 ~~((q))~~ (r) "Narcotic drug" means any of the following, whether
23 produced directly or indirectly by extraction from substances of
24 vegetable origin, or independently by means of chemical synthesis, or
25 by a combination of extraction and chemical synthesis:

26 ~~((1) Opium and opiate, and any salt, compound, derivative, or~~
27 ~~preparation of opium or opiate.~~

28 ~~(2) Any salt, compound, isomer, derivative, or preparation thereof~~
29 ~~which is chemically equivalent or identical with any of the substances~~

1 referred to in clause 1, but not including the isoquinoline alkaloids
2 of opium.

3 ~~(3) Opium poppy and poppy straw.~~

4 ~~(4) Coca leaves and any salt, compound, derivative, or preparation~~
5 ~~of coca leaves, and any salt, compound, isomer, derivative, or~~
6 ~~preparation thereof which is chemically equivalent or identical with~~
7 ~~any of these substances, but not including decocainized coca leaves or~~
8 ~~extractions of coca leaves which do not contain cocaine or ecgonine.)~~

9 (1) Opium, opium derivative, and any derivative of opium or opium
10 derivative, including their salts, isomers, and salts of isomers,
11 whenever the existence of the salts, isomers, and salts of isomers is
12 possible within the specific chemical designation. The term does not
13 include the isoquinoline alkaloids of opium.

14 (2) Synthetic opiate and any derivative of synthetic opiate,
15 including their isomers, esters, ethers, salts, and salts of isomers,
16 esters, and ethers, whenever the existence of the isomers, esters,
17 ethers, and salts is possible within the specific chemical designation.

18 (3) Poppy straw and concentrate of poppy straw.

19 (4) Coca leaves, except coca leaves and extracts of coca leaves
20 from which cocaine, ecgonine, and derivatives or ecgonine or their
21 salts have been removed.

22 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

23 (6) Cocaine base.

24 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
25 thereof.

26 (8) Any compound, mixture, or preparation containing any quantity
27 of any substance referred to in subparagraphs (1) through (7).

28 ~~((r))~~ (s) "Opiate" means any substance having an addiction-
29 forming or addiction-sustaining liability similar to morphine or being
30 capable of conversion into a drug having addiction-forming or

1 addiction-sustaining liability. ~~((It))~~ The term includes opium,
2 substances derived from opium (opium derivatives), and synthetic
3 opiates. The term does not include, unless specifically designated as
4 controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-
5 n-methylmorphinan and its salts (dextromethorphan). ~~((It does))~~ The
6 term includes ~~((its))~~ the racemic and levorotatory forms of
7 dextromethorphan.

8 ~~((s))~~ (t) "Opium poppy" means the plant of the ~~((genus))~~ species
9 Papaver somniferum L., except its seeds~~((, capable of producing an~~
10 opiate)).

11 ~~((t))~~ (u) "Person" means individual, corporation, ~~((government or~~
12 ~~governmental subdivision or agency,))~~ business trust, estate, trust,
13 partnership ~~((or))~~, association, joint venture, government or
14 governmental subdivision or agency, or any other legal or commercial
15 entity.

16 ~~((u))~~ (v) "Poppy straw" means all parts, except the seeds, of the
17 opium poppy, after mowing.

18 ~~((v))~~ (w) "Practitioner" means:

19 (1) A physician under chapter 18.71 RCW, a physician assistant
20 under chapter 18.71A RCW, an osteopathic physician or an osteopathic
21 physician and surgeon under chapter 18.57 RCW, a dentist under chapter
22 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under
23 chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a
24 licensed practical nurse under chapter 18.78 RCW, a pharmacist under
25 chapter 18.64 RCW or a scientific investigator under this chapter,
26 licensed, registered or otherwise permitted insofar as is consistent
27 with those licensing laws to distribute, dispense, conduct research
28 with respect to or administer a controlled substance in the course of
29 their professional practice or research in this state.

1 (2) A pharmacy, hospital or other institution licensed, registered,
2 or otherwise permitted to distribute, dispense, conduct research with
3 respect to or to administer a controlled substance in the course of
4 professional practice or research in this state.

5 (3) A physician licensed to practice medicine and surgery, a
6 physician licensed to practice osteopathy and surgery, a dentist
7 licensed to practice dentistry, a ~~((podiatrist))~~ podiatric physician
8 and surgeon licensed to practice ~~((podiatry))~~ podiatric medicine and
9 surgery, or a veterinarian licensed to practice veterinary medicine in
10 any state of the United States.

11 ~~((w))~~ (x) "Production," unless the context otherwise requires,
12 includes the ~~((manufacture))~~ manufacturing, planting, ~~((cultivation))~~
13 cultivating, growing, or harvesting of a controlled substance.

14 ~~((x) "Secretary" means the secretary of health or the secretary's~~
15 designee.

16 ~~(y) "State", when applied to a part of the United States, includes~~
17 ~~any state, district, commonwealth, territory, insular possession~~
18 ~~thereof, and any area subject to the legal authority of the United~~
19 ~~States of America.~~

20 ~~(z))~~ (y) "State," unless the contest otherwise requires, means a
21 state of the United States, the District of Columbia, the Commonwealth
22 of Puerto Rico, or a territory or insular possession subject to the
23 jurisdiction of the United States.

24 (z) "Ultimate user" means ~~((a person))~~ an individual who lawfully
25 possesses a controlled substance for ~~((his or her))~~ the individual's
26 own use or for the use of a member of ~~((his or her))~~ the individual's
27 household or for administering to an animal owned by ~~((him or her))~~ the
28 individual or by a member of ~~((his or her))~~ the individual's household.

29 ~~((aa) "Board" means the state board of pharmacy.)~~

ARTICLE II--STANDARDS AND SCHEDULES

Sec. 2. RCW 69.50.201 and 1989 1st ex.s. c 9 s 430 are each amended to read as follows:

AUTHORITY TO CONTROL. (a) The state board of pharmacy shall enforce this chapter and may add substances to or delete or reschedule ~~((all))~~ substances ~~((enumerated in the schedules))~~ listed in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the ~~((rule-making))~~ procedures of chapter 34.05 RCW.

(1) In making a determination regarding a substance, the board shall consider the following:

~~((1))~~ (i) the actual or relative potential for abuse;

~~((2))~~ (ii) the scientific evidence of its pharmacological effect, if known;

~~((3))~~ (iii) the state of current scientific knowledge regarding the substance;

~~((4))~~ (iv) the history and current pattern of abuse;

~~((5))~~ (v) the scope, duration, and significance of abuse;

~~((6))~~ (vi) the risk to the public health;

~~((7))~~ (vii) the potential of the substance to produce psychic or physiological dependence liability; and

~~((8))~~ (viii) whether the substance is an immediate precursor of a ~~((substance already))~~ controlled ~~((under this Article))~~ substance.

~~((b) After considering the factors enumerated in subsection (a) the board may issue a rule controlling the substance if it finds the substance has a potential for abuse.~~

~~(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.~~

1 ~~(d) If any substance is designated, rescheduled, or deleted as a~~
2 ~~controlled substance under federal law and notice thereof is given to~~
3 ~~the board, the substance shall be similarly controlled under this~~
4 ~~chapter after the expiration of thirty days from publication in the~~
5 ~~Federal Register of a final order designating a substance as a~~
6 ~~controlled substance or rescheduling or deleting a substance, unless~~
7 ~~within that thirty day period, the board objects to inclusion,~~
8 ~~rescheduling, or deletion. In that case, the board shall proceed~~
9 ~~pursuant to the rule-making procedures of chapter 34.05 RCW.~~

10 ~~(e) Authority to control under this section does not extend to~~
11 ~~distilled spirits, wine, malt beverages, or tobacco as those terms are~~
12 ~~defined or used in Title 66 RCW and Title 26 RCW.~~

13 ~~(f) The board shall exclude any nonnarcotic substances from a~~
14 ~~schedule if such substances may, under the Federal Food, Drug and~~
15 ~~Cosmetic Act, and under regulations of the drug enforcement~~
16 ~~administration, and the laws of this state including RCW 18.64.250, be~~
17 ~~lawfully sold over the counter.))~~

18 (2) The board may consider findings of the federal Food and Drug
19 Administration or the Drug Enforcement Administration as prima facie
20 evidence relating to one or more of the determinative factors.

21 ~~((g))~~ (b) On or before December 1 of each year, the board shall
22 inform the committees of reference of the legislature of the controlled
23 substances added, deleted, or changed on the schedules specified in
24 this chapter and which includes an explanation of these actions.

25 (c) After considering the factors enumerated in subsection (a) of
26 this section, the board shall make findings with respect thereto and
27 adopt and cause to be published a rule controlling the substance upon
28 finding the substance has a potential for abuse.

29 (d) The board, without regard to the findings required by
30 subsection (a) of this section or RCW 69.50.203, 69.50.205, 69.50.207,

1 69.50.209, and 69.50.211 or the procedures prescribed by subsections
2 (a) and (c) of this section, may place an immediate precursor in the
3 same schedule in which the controlled substance of which it is an
4 immediate precursor is placed or in any other schedule. If the board
5 designates a substance as an immediate precursor, substances that are
6 precursors of the controlled precursor are not subject to control
7 solely because they are precursors of the controlled precursor.

8 (e) If a substance is designated, rescheduled, or deleted as a
9 controlled substance under federal law, the board shall similarly
10 control the substance under this chapter after the expiration of thirty
11 days from the date of publication in the federal register of a final
12 order designating the substance as a controlled substance or
13 rescheduling or deleting the substance or from the date of issuance of
14 an order of temporary scheduling under Section 508 of the federal
15 Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. Sec. 811(h),
16 unless within that thirty-day period, the board or an interested party
17 objects to inclusion, rescheduling, temporary scheduling, or deletion.
18 If no objection is made, the board shall adopt and cause to be
19 published, without the necessity of making determinations or findings
20 as required by subsection (a) of this section or RCW 69.50.203,
21 69.50.205, 69.50.207, 69.50.209, and 69.50.211, a final rule, for which
22 notice of proposed rulemaking is omitted, designating, rescheduling,
23 temporarily scheduling, or deleting the substance. If an objection is
24 made, the board shall make a determination with respect to the
25 designation, rescheduling, or deletion of the substance as provided by
26 subsection (a) of this section. Upon receipt of an objection to
27 inclusion, rescheduling, or deletion under this chapter by the board,
28 the board shall publish notice of the receipt of the objection, and
29 control under this chapter is stayed until the board adopts a rule as
30 provided by subsection (a) of this section.

1 (f) The board, by rule and without regard to the requirements of
2 subsection (a) of this section, may schedule a substance in Schedule I
3 regardless of whether the substance is substantially similar to a
4 controlled substance in Schedule I or II if the board finds that
5 scheduling of the substance on an emergency basis is necessary to avoid
6 an imminent hazard to the public safety and the substance is not
7 included in any other schedule or no exemption or approval is in effect
8 for the substance under Section 505 of the federal Food, Drug, and
9 Cosmetic Act, 21 U.S.C. Sec. 355. Upon receipt of notice under RCW
10 69.50.--- (section 14 of this act), the board shall initiate scheduling
11 of the controlled substance analog on an emergency basis pursuant to
12 this subsection. The scheduling of a substance under this subsection
13 expires one year after the adoption of the scheduling rule. With
14 respect to the finding of an imminent hazard to the public safety, the
15 board shall consider whether the substance has been scheduled on a
16 temporary basis under federal law or factors set forth in subsection
17 (a)(1) (iv), (v), and (vi) of this section, and may also consider
18 clandestine importation, manufacture, or distribution, and, if
19 available, information concerning the other factors set forth in
20 subsection (a)(1) of this section. A rule may not be adopted under
21 this subsection until the board initiates a rule-making proceeding
22 under subsection (a) of this section with respect to the substance. A
23 rule adopted under this subsection must be vacated upon the conclusion
24 of the rule-making proceeding initiated under subsection (a) of this
25 section with respect to the substance.

26 (g) Authority to control under this section does not extend to
27 distilled spirits, wine, malt beverages, or tobacco as those terms are
28 defined or used in Titles 66 and 26 RCW.

1 **Sec. 3.** RCW 69.50.203 and 1971 ex.s. c 308 s 69.50.203 are each
2 amended to read as follows:

3 SCHEDULE I TESTS. (a) The state board of pharmacy shall place a
4 substance in Schedule I ((if it finds)) upon finding that the
5 substance:

6 (1) has high potential for abuse; ((and))

7 (2) has no currently accepted medical use in treatment in the
8 United States ((or)); and

9 (3) lacks accepted safety for use in treatment under medical
10 supervision.

11 (b) The board may place a substance in Schedule I without making
12 the findings required by subsection (a) of this section if the
13 substance is controlled under Schedule I of the federal Controlled
14 Substances Act by a federal agency as the result of an international
15 treaty, convention, or protocol.

16 **Sec. 4.** RCW 69.50.204 and 1986 c 124 s 3 are each amended to read
17 as follows:

18 SCHEDULE I. ~~((a) The controlled substances listed in this~~
19 ~~section, by whatever official name, common or usual name, chemical~~
20 ~~name, or brand name, are included in Schedule I.~~

21 **(b) Opiates.** ~~Unless specifically excepted or unless listed in~~
22 ~~another schedule, any)) Unless specifically excepted by state or~~
23 ~~federal law or regulation or more specifically included in another~~
24 ~~schedule, the following controlled substances are listed in Schedule I:~~

25 (a) Any of the following opiates, including their isomers, esters,
26 ethers, salts, and salts of isomers, esters, and ethers((~~7~~)) whenever
27 the existence of these isomers, esters, ethers, and salts is possible
28 within the specific chemical designation:

1 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
2 piperidinyl]-N-phenylacetamide);
3 (2) Acetylmethadol;
4 (~~(2)~~) ~~Alfentanil;~~)
5 (3) Allylprodine;
6 (4) Alphacetylmethadol;
7 (5) Alphameprodine;
8 (6) Alphamethadol;
9 (7) Alpha-methylfentanyl (N-[1-alpha-methyl-beta-phenyl) ethyl-4-
10 piperidyl] (~~(propionanilide)~~) propionanilide; 1-(1-methyl-2-
11 phenylethyl)-4-(N-propanilido) piperidine);
12 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
13 piperidinyl]-N-phenylpropanamide);
14 (9) Benzethidine;
15 (~~(9)~~) (10) Betacetylmethadol;
16 (~~(10)~~) (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
17 piperidinyl]-N-phenylpropanamide);
18 (12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-
19 phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
20 (13) Betameprodine;
21 (~~(11)~~) (14) Betamethadol;
22 (~~(12)~~) (15) Betaprodine;
23 (~~(13)~~) (16) Clonitazene;
24 (~~(14)~~) (17) Dextromoramide;
25 (~~(15)~~) (18) Diampromide;
26 (~~(16)~~) (19) Diethylthiambutene;
27 (~~(17)~~) (20) Difenoxin;
28 (~~(18)~~) (21) Dimenoxadol;
29 (~~(19)~~) (22) Dimepheptanol;
30 (~~(20)~~) (23) Dimethylthiambutene;

1 ~~((+21))~~ (24) Dioxaphetyl butyrate;
2 ~~((+22))~~ (25) Dipipanone;
3 ~~((+23))~~ (26) Ethylmethylthiambutene;
4 ~~((+24))~~ (27) Etonitazene;
5 ~~((+25))~~ (28) Etoxeridine;
6 ~~((+26))~~ (29) Furethidine;
7 ~~((+27))~~ (30) Hydroxypethidine;
8 ~~((+28))~~ (31) Ketobemidone;
9 ~~((+29))~~ (32) Levomoramide;
10 ~~((+30))~~ (33) Levophenacymorphan;
11 ~~((+31))~~ (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
12 piperidyl]-N-phenylpropanamide);
13 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-
14 piperidinyl]-N-phenylpropanamide);
15 (36) Morpheridine;
16 ~~((+32))~~ (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
17 (38) Noracymethadol;
18 ~~((+33))~~ (39) Norlevorphanol;
19 ~~((+34))~~ (40) Normethadone;
20 ~~((+35))~~ (41) Norpipanone;
21 ~~((+36))~~ (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
22 phenethyl)-4-piperidinyl]-propanamide);
23 (43) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
24 (44) Phenadoxone;
25 ~~((+37))~~ (45) Phenampromide;
26 ~~((+38))~~ (46) Phenomorphan;
27 ~~((+39))~~ (47) Phenoperidine;
28 ~~((+40))~~ (48) Piritramide;
29 ~~((+41))~~ (49) Propheptazine;
30 ~~((+42))~~ (50) Properidine;

1 (~~(43)~~) (51) Propiram;

2 (~~(44)~~) (52) Racemoramide;

3 (~~(45)~~) (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-

4 piperidinyl]-propanamide);

5 (54) Tilidine;

6 (~~(46)~~) (55) Trimeperidine.

7 (~~(c) Opium derivatives. Unless specifically excepted or unless~~

8 ~~listed in another schedule,~~) (b) Any of the following opium

9 derivatives, including their salts, isomers, and salts of isomers(~~(7)~~)

10 whenever the existence of (~~these~~) those salts, isomers, and salts of

11 isomers is possible within the specific chemical designation:

12 (1) Acetorphine;

13 (2) Acetyldihydrocodeine;

14 (3) Benzylmorphine;

15 (4) Codeine methylbromide;

16 (5) Codeine-N-Oxide;

17 (6) Cyprenorphine;

18 (7) Desomorphine;

19 (8) Dihydromorphine;

20 (9) Drotebanol;

21 (10) Etorphine(~~(+)~~)₁ except hydrochloride salt(~~(+)~~);

22 (11) Heroin;

23 (12) Hydromorphenol;

24 (13) Methyldesorphine;

25 (14) Methyldihydromorphine;

26 (15) Morphine methylbromide;

27 (16) Morphine methylsulfonate;

28 (17) Morphine-N-Oxide;

29 (18) Myrophine;

30 (19) Nicocodeine;

1 (20) Nicomorphine;

2 (21) Normorphine;

3 (22) Pholcodine;

4 (23) Thebacon.

5 (~~((d) Hallucinogenic substances. Unless specifically excepted or~~
6 ~~unless listed in another schedule,~~) (c) Any material, compound,
7 mixture, or preparation which contains any quantity of the following
8 hallucinogenic substances, ((or which contains any of its)) including
9 their salts, isomers, and salts of isomers((,)) whenever the existence
10 of ((such)) those salts, isomers, and salts of isomers is possible
11 within the specific chemical designation ((For purposes of paragraph
12 ~~(d) of this section, only, the term "isomer" includes the optical,~~
13 ~~position, and geometric isomers.)):~~

14 (1) ~~3,4-methylenedioxy amphetamine;~~

15 (2) ~~5-methoxy-3,4-methylenedioxy amphetamine;~~

16 (3) ~~3,4,5-trimethoxy amphetamine;~~

17 (4) ~~4-bromo-2,5-dimethoxy amphetamine: Some trade or other names:~~
18 ~~4-bromo-2,5-dimethoxy alpha-methylphenethylamine; 4-bromo-2,5-DMA;~~

19 (5) ~~2,5-dimethoxyamphetamine: Some trade or other names: 2,5-~~
20 ~~dimethoxy alpha-methylphenethylamine; 2,5-DMA;~~

21 (6) ~~4-methoxyamphetamine: Some trade or other names: 4-methoxy-~~
22 ~~alpha-methylphenethylamine; paramethoxyamphetamine; PMA;~~

23 (7) ~~4-methyl-2,5-dimethoxyamphetamine: Some trade or other names:~~
24 ~~4-methyl-2,5-dimethoxy alpha-methylphenethylamine; "DOM"; "STP";~~

25 (8) ~~Bufotenine: Some trade or other names:~~
26 ~~3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-~~
27 ~~indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;~~
28 ~~mappine;~~

29 (9) ~~Diethyltryptamine: Some trade or other names:~~
30 ~~N,N-Diethyltryptamine; DET;~~

1 ~~(10) Dimethyltryptamine: Some trade or other names: DMT;~~
2 ~~(11) Ibogaine: Some trade or other names: 7-Ethyl-6,6~~
3 ~~beta,7,8,9,10,12,13, octahydro-2-methoxy-6,9methano-5H-pyrido-(1',2'1,2)~~
4 ~~azepino-(5,4-b) indole; Tabernanthe iboga;~~
5 ~~(12) Lysergic acid diethylamide;~~
6 ~~(13) Marijuana;~~
7 ~~(14) Mescaline;~~
8 ~~(15) Parahexyl-7374; some trade or other names: 3-Hexyl-1-hydroxy-~~
9 ~~7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran;~~
10 ~~synhexyl;~~
11 ~~(16) Peyote, meaning all parts of the plant presently classified~~
12 ~~botanically as Lophophora Williamsii Lemaire, whether growing or not,~~
13 ~~the seeds thereof, any extract from any part of such plant, and every~~
14 ~~compound, manufacture, salts, derivative, mixture, or preparation of~~
15 ~~such plant, its seeds, or extracts (interprets 21 U.S.C. Sec. 812(c),~~
16 ~~Schedule I(c)(12));~~
17 ~~(17) N-ethyl-3-piperidyl benzilate;~~
18 ~~(18) N-methyl-3-piperidyl benzilate;~~
19 ~~(19) Psilocybin;~~
20 ~~(20) Psilocyn;~~
21 ~~(21) Tetrahydrocannabinols, synthetic equivalents of the substances~~
22 ~~contained in the plant, or in the resinous extractives of Cannabis,~~
23 ~~specifically, and/or synthetic substances, derivatives, and their~~
24 ~~isomers with similar chemical structure and pharmacological activity~~
25 ~~such as the following:~~
26 ~~(i) Delta 1 — cis — or trans~~
27 ~~tetrahydrocannabinol, and their optical isomers;~~
28 ~~(ii) Delta 6 — cis — or trans~~
29 ~~tetrahydrocannabinol, and their optical isomers;~~
30 ~~(iii) Delta 3.4 — cis — or trans~~

1 tetrahydrocannabinol, and its optical isomers;
2 (Since nomenclature of these substances is not internationally
3 standardized, compounds of these structures, regardless of numerical
4 designation of atomic positions covered, are all included.)

5 (22) Ethylamine analog of phencyclidine: Some trade or other
6 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine;
7 N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

8 (23) Pyrrolidine analog of phencyclidine: Some trade or other
9 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

10 (24) Thiophene analog of phencyclidine: Some trade or other names:
11 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
12 phencyclidine; TPCP; TCP.)

13 (1) 4-bromo-2,5-dimethoxy-amphetamine (Some trade or other names:
14 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.)

15 (2) 2,5-dimethoxyamphetamine (Some trade or other names: 2,5-
16 dimethoxy-alpha-methylphenethylamine; 2,5-DMA)

17 (3) 4-methoxyamphetamine (Some trade or other names: 4-methoxy-
18 alpha-methylphenethylamine; paramethoxyamphetamine, PMA.)

19 (4) 5-methoxy-3,4-methylenedioxy amphetamine;

20 (5) 4-methyl-2,5-dimethoxy-amphetamine (Some trade and other names:
21 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; DOM; and STP.)

22 (6) 3,4-methylenedioxy amphetamine;

23 (7) 3,4-methylenedioxymethamphetamine (MDMA);

24 (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-
25 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE,
26 MDEA);

27 (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-
28 hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy
29 MDA);

30 (10) 3,4,5-trimethoxy amphetamine;

- 1 (11) Bufotenine (Some trade and other names: 3-(beta-
2 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
3 indololol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
4 mappine.);
- 5 (12) Diethyltryptamine (Some trade or other names: N,N-
6 Diethyltryptamine; DET.);
- 7 (13) Dimethyltryptamine (Some trade or other names: DMT.);
- 8 (14) Ibogaine (Some trade and other names: 7-Ethyl-
9 6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',
10 2':1,2] azepine [5,4-b] indole; Tabernanthe iboga.);
- 11 (15) Lysergic acid diethylamide;
- 12 (16) Marijuana;
- 13 (17) Mescaline;
- 14 (18) Parahexyl (Some trade or other names: 3-Hexyl-1-hydroxy-
15 7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.);
- 16 (19) Peyote (Meaning all parts of the plant presently classified
17 botanically as Lophophora williamsii Lemaire, whether growing or not,
18 the seeds thereof, any extract from any part of the plant, and every
19 compound, manufacture, salts, derivative, mixture, or preparation of
20 the plant, its seeds or extracts.);
- 21 (20) N-ethyl-3-piperidyl benzilate;
- 22 (21) N-methyl-3-piperidyl benzilate;
- 23 (22) Psilocybin;
- 24 (23) Psilocyn;
- 25 (24) Tetrahydrocannabinols (Synthetic equivalent of the substances
26 contained in the plant, or in the resinous extractives of Cannabis, sp.
27 and/or synthetic substances, derivatives, and their isomers with
28 similar chemical structure and pharmacological activity such as the
29 following: Delta 1 cls or trans tetrahydrocannabinol, and their
30 optical isomers; Delta 6 cls or trans tetrahydrocannabinol, and their

1 optical isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its
2 optical isomers. [Since nomenclature of these substances is not
3 internationally standardized, compounds of these structures, regardless
4 of numerical designation of atomic positions covered.]];

5 (25) Ethylamine analog of phenecyclidine (Some trade or other
6 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
7 ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE.);

8 (26) Pyrrolidine analog of phencyclidine (Some trade or other
9 names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.);

10 (27) Thiophene analog of phencyclidine (Some trade or other names:
11 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of
12 phencyclidine, TPCP, TCP.);

13 (28) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (Some other names:
14 TCPy.);

15 ~~((e) Depressants. Unless specifically excepted or unless listed~~
16 ~~in another schedule,)) (d) Any material, compound, mixture, or~~
17 ~~preparation ((which contains)) containing any quantity of~~
18 ~~((mecloqualone)) the following substances having a depressant effect on~~
19 ~~the central nervous system, including ((its)) their salts, isomers, and~~
20 ~~salts of isomers whenever the existence of ((such)) those salts,~~
21 ~~isomers, and salts of isomers is possible within the specific chemical~~
22 ~~designation((-)):~~

23 (1) Mecloqualone;

24 (2) Methaqualone.

25 ~~((f) Stimulants. Unless specifically excepted or unless listed in~~
26 ~~another schedule,)) (e) Any material, compound, mixture, or preparation~~
27 ~~((which contains)) containing any quantity of the following substances~~
28 ~~having a stimulant effect on the central nervous system, including~~
29 ~~((its)) their salts, isomers, and salts of isomers:~~

30 (1) ((Fenethyline)) Fenethylamine;

1 (2) (+/-)CIS-4-methylaminorex ((+/-)CIS-4,5-dihydro-4-methyl-5-
2 phenyl-2-oxazolamine);

3 (3) N-ethylamphetamine;

4 (~~(3) 3-methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-~~
5 ~~N-phenylpropanamide), its optical and geometric isomers, salts and~~
6 ~~salts of isomers;~~

7 (4) ~~3,4-methylenedioxymethamphetamine (MDMA), its optical,~~
8 ~~positional and geometric isomers, salts and salts of isomers;~~

9 (5) ~~1-methyl-4-phenyl-4-propionoxy-piperidine (MPPP), its optical~~
10 ~~isomers, salts, and salts of isomers;~~

11 (6) ~~1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its~~
12 ~~optical isomers, salts and salts of isomers))~~

13 (4) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-
14 benzeneethanamine; N,N-alpha-tri-mehtylphenethylamine).

15 The controlled substances in this section may be rescheduled or
16 deleted as provided for in RCW 69.50.201.

17 **Sec. 5.** RCW 69.50.205 and 1971 ex.s. c 308 s 69.50.205 are each
18 amended to read as follows:

19 SCHEDULE II TESTS. (a) The state board of pharmacy shall place a
20 substance in Schedule II ((if it finds)) upon finding that:

21 (1) the substance has high potential for abuse;

22 (2) the substance has currently accepted medical use in treatment
23 in the United States, or currently accepted medical use with severe
24 restrictions; and

25 (3) the abuse of the substance may lead to severe ((psyhic))
26 psychological or physical dependence.

27 (b) The state board of pharmacy may place a substance in Schedule
28 II without making the findings required by subsection (a) of this
29 section if the substance is controlled under Schedule II of the federal

1 Controlled Substances Act by a federal agency as the result of an
2 international treaty, convention, or protocol.

3 **Sec. 6.** RCW 69.50.206 and 1986 c 124 s 4 are each amended to read
4 as follows:

5 SCHEDULE II. (~~((a) The drugs and other substances listed in this~~
6 ~~section, by whatever official name, common or usual name, chemical~~
7 ~~name, or brand name designated, are included in Schedule II.~~

8 (b) ~~Substances. (Vegetable origin or chemical synthesis.) Unless~~
9 ~~specifically excepted, any of the following substances, except those~~
10 ~~listed in other schedules,)) Unless specifically excepted by state or
11 federal law or regulation or more specifically included in another
12 schedule, the following controlled substances are listed in Schedule
13 II:~~

14 (a) Any of the following substances whether produced directly or
15 indirectly by extraction from substances of vegetable origin, or
16 independently by means of chemical synthesis, or by combination of
17 extraction and chemical synthesis:

18 (1) Opium and (~~(opiate))~~ opium derivative, and any salt, compound,
19 derivative, or preparation of opium or (~~(opiate))~~ opium derivative,
20 excluding apomorphine, dextrophan, nalbuphine, butorphanol, nalmefene,
21 naloxone, and naltrexone, ((and their respective salts,)) but including
22 (~~(the following))~~):

- 23 (i) Raw opium;
- 24 (ii) Opium extracts;
- 25 (iii) Opium fluid (~~(extracts)~~);
- 26 (iv) Powdered opium;
- 27 (v) Granulated opium;
- 28 (vi) Tincture of opium;
- 29 (vii) Codeine;

1 (viii) Ethylmorphine;
2 (ix) Etorphine hydrochloride;
3 (x) Hydrocodone;
4 (xi) Hydromorphone;
5 (xii) Metopon;
6 (xiii) Morphine;
7 (xiv) Oxycodone;
8 (xv) Oxymorphone; ((and))
9 (xvi) Thebaine.
10 (2) Any salt, compound, ((isomer,)) derivative, or preparation
11 thereof ((which)) that is chemically equivalent or identical with any
12 of the substances referred to in ((paragraph (b))) subsection (a)(1) of
13 this section, but not including the isoquinoline alkaloids of opium.
14 (3) Opium poppy and poppy straw.
15 (4) Coca leaves and any salt, compound, derivative, or preparation
16 of coca leaves, including cocaine and ecgonine and their salts of
17 isomers, derivatives, and salts of isomers and derivatives, and any
18 salt, compound, derivative, or preparation thereof which is chemically
19 equivalent or identical with any of these substances, but not including
20 decocainized coca leaves or extractions of coca leaves which do not
21 contain cocaine or ecgonine.
22 (5) ((Methylbenzoyllecgonine (cocaine — its salts, optical isomers,
23 and salts of optical isomers)).
24 (6)) Concentrate of poppy straw (the crude extract of poppy straw
25 in either liquid, solid, or powder form which contains the
26 ((phenanthrine)) phenanthrene alkaloids of the opium poppy((-)).
27 ((c) Opiates. Unless specifically excepted or unless in another
28 schedule,) (b) Any of the following synthetic opiates, including
29 ((its)) their isomers, esters, ethers, salts, and salts of isomers,
30 esters, and ethers((-)) whenever the existence of ((such)) those

1 isomers, esters, ethers, and salts is possible within the specific
2 chemical designation(~~(, dextrorphan and levopropoxyphene excepted)~~):

3 (1) Alfentanil;

4 (2) Alphaprodine;

5 ~~((2))~~ (3) Anileridine;

6 ~~((3))~~ (4) Bezitramide;

7 ~~((4))~~ (5) Bulk dextropropoxyphene (nondosage forms);

8 (6) Carfentanil;

9 ~~((5))~~ (7) Dihydrocodeine;

10 ~~((6))~~ (8) Diphenoxylate;

11 ~~((7))~~ (9) Fentanyl;

12 ~~((8))~~ (10) Isomethadone;

13 ~~((9))~~ (11) Levomethorphan;

14 ~~((10))~~ (12) Levorphanol;

15 ~~((11))~~ (13) Metazocine;

16 ~~((12))~~ (14) Methadone;

17 ~~((13))~~ (15) Methadone--Intermediate, 4-cyano-2-dimethylamino-4,
18 4-diphenyl butane;

19 ~~((14))~~ (16) Moramide--Intermediate, 2-methyl-3-morpholino-1, 1-
20 diphenylpropane-carboxylic acid;

21 ~~((15))~~ (17) Pethidine (~~((meperidene))~~ meperidine);

22 ~~((16))~~ (18) Pethidine--Intermediate((-))-A, 4-cyano-1-methyl-4-
23 phenylpiperidine;

24 ~~((17))~~ (19) Pethidine--Intermediate((-))-B, ethyl-4-
25 phenylpiperidine-4-carboxylate;

26 ~~((18))~~ (20) Pethidine--Intermediate((-))-C, 1-methyl-4-
27 phenylpiperidine-4-carboxylic acid;

28 ~~((19))~~ (21) Phenazocine;

29 ~~((20))~~ (22) Piminodine;

30 ~~((21))~~ (23) Racemethorphan;

1 ~~((22))~~ (24) Racemorphan;

2 ~~((23))~~ (25) Sufentanil.

3 ~~((d) Stimulants. Unless specifically excepted or unless listed in~~
4 ~~another schedule,))~~ (c) Any material, compound, mixture, or preparation
5 ~~((which contains))~~ containing any quantity of the following substances,
6 their salts, isomers, or salts of isomers, having a stimulant effect on
7 the central nervous system:

8 (1) Amphetamine(~~(, its salts, optical isomers, and salts of its~~
9 ~~optical isomers))~~);

10 (2) Methamphetamine(~~(, its salts, isomers, and salts of its~~
11 ~~isomers))~~);

12 (3) Phenmetrazine ~~((and its salts))~~);

13 (4) Methylphenidate.

14 ~~((e) Depressants. Unless specifically excepted or unless listed~~
15 ~~in another schedule,))~~ (d) Any material, compound, mixture, or
16 preparation ~~((which contains))~~ containing any quantity of the following
17 substances having a depressant effect on the central nervous system,
18 including ~~((its))~~ their salts, isomers, and salts of isomers whenever
19 the existence of ~~((such))~~ those salts, isomers, and salts of isomers is
20 possible within the specific chemical designation:

21 (1) Amobarbital;

22 (2) Glutethimide;

23 (3) Pentobarbital;

24 ~~((3))~~ (4) Phencyclidine;

25 ~~((4))~~ (5) Secobarbital.

26 (e)(1) Dronabinol (synthetic) in sesame oil and encapsulated in a
27 soft gelatin capsule in a federal Food and Drug Administration approved
28 drug product [some other names for dronabinol: (6aR-trans)-6a,7,8,10a-
29 tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran-1-ol, or (-)-
30 Delta-9-(trans)-tetrahydrocannabinol].

1 (2) Nabilone [Another name for nabilone: (+/-) trans-3-(1,1-
2 dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-
3 9Hdibenzo [b,d] pyran-9-one].

4 (~~((f) Immediate precursors. Unless specifically excepted or unless~~
5 ~~listed in another schedule,~~) (f) Any material, compound, mixture, or
6 preparation (~~(which contains)~~) containing any quantity of the following
7 substances:

8 (1) Immediate precursor to amphetamine and methamphetamine:
9 (~~((+2))~~) phenylacetone(~~((+))~~) (Some trade or other names: phenyl-2-
10 propanone(~~((+))~~); P2P(~~((+))~~); benzyl methyl ketone(~~((+))~~); methyl benzyl
11 ketone.)i

12 (~~((+3))~~) (2) Immediate precursors to phencyclidine (~~((PCP))~~):

13 (i) 1-phenylcyclohexylamine;

14 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

15 The controlled substances listed in this section may be rescheduled
16 or deleted as provided for in RCW 69.50.201.

17 **Sec. 7.** RCW 69.50.207 and 1971 ex.s. c 308 s 69.50.207 are each
18 amended to read as follows:

19 SCHEDULE III TESTS. (a) The state board of pharmacy shall place a
20 substance in Schedule III (~~((if it finds))~~) upon finding that:

21 (1) the substance has a potential for abuse less than the
22 substances (~~((listed))~~) included in Schedules I and II;

23 (2) the substance has currently accepted medical use in treatment
24 in the United States; and

25 (3) abuse of the substance may lead to moderate or low physical
26 dependence or high psychological dependence.

27 (b) The state board of pharmacy may place a substance in Schedule
28 III without making the findings required by subsection (a) of this
29 section if the substance is controlled under Schedule III of the

1 federal Controlled Substances Act by a federal agency as the result of
2 an international treaty, convention, or protocol.

3 **Sec. 8.** RCW 69.50.208 and 1986 c 124 s 5 are each amended to read
4 as follows:

5 SCHEDULE III. ~~((a) The drugs and other substances listed in this~~
6 ~~section, by whatever official name, common or usual name, chemical~~
7 ~~name, or brand name designated, are included in Schedule III.~~

8 ~~(b) Stimulants. Unless specifically excepted or unless listed in~~
9 ~~another schedule,)) Unless specifically excepted by state or federal~~
10 law or regulation or more specifically included in another schedule,
11 the following controlled substances are listed in Schedule III:

12 (a) Any material, compound, mixture, or preparation ((which
13 contains)) containing any quantity of the following substances having
14 a stimulant effect on the central nervous system, including ((its))
15 their salts, isomers ((whether optical, position, or geometric)), and
16 salts of ((such)) isomers whenever the existence of ((such)) those
17 salts, isomers, and salts of isomers is possible within the specific
18 chemical designation:

19 (1) ((Those compounds, mixtures, or preparations in dosage unit
20 form containing any stimulant substances listed in Schedule II which
21 compounds, mixtures, or preparations are referred to as excepted
22 compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of
23 April 1, 1985,)) Any compound, mixture, or preparation in dosage unit
24 form containing any stimulant substance included in Schedule II and
25 which was listed as an excepted compound on August 25, 1971, pursuant
26 to the federal Controlled Substances Act, and any other drug of the
27 quantitative composition shown in that list for those drugs or which is
28 the same except ((that it contains)) for containing a lesser quantity
29 of controlled substances;

1 (2) Benzphetamine;

2 (3) Chlorphentermine;

3 (4) Clortermine;

4 (5) Phendimetrazine.

5 (~~(c) Depressants. Unless specifically excepted or unless listed~~
6 ~~in another schedule,~~) (b) Any material, compound, mixture, or
7 preparation (~~(which contains)~~) containing any quantity of the following
8 substances having a depressant effect on the central nervous system:

9 (1) Any compound, mixture, or preparation containing any of the
10 following drugs or their salts and one or more other active medicinal
11 ingredients not included in any schedule:

12 (i) Amobarbital;

13 (ii) Secobarbital;

14 (iii) Pentobarbital;

15 (~~or any salt thereof and one or more other active medicinal~~
16 ~~ingredients which are not listed in any schedule;~~

17 ~~(2) Any suppository dosage form containing))~~

18 (2) Any of the following drugs, or their salts, in suppository
19 dosage form, approved by the federal Food and Drug Administration for
20 marketing only as a suppository:

21 (i) Amobarbital;

22 (ii) Secobarbital;

23 (iii) Pentobarbital;

24 (~~or any salt of any of these drugs and approved by the Food and Drug~~
25 ~~Administration for marketing only as a suppository;))~~

26 (3) Any substance (~~(which contains)~~) containing any quantity of a
27 derivative of barbituric acid, or any salt of a derivative of
28 barbituric acid;

29 (4) Chlorhexadol;

30 (5) (~~Glutethimide;~~

1 ~~(6)~~) Lysergic acid;

2 ~~((7))~~ (6) Lysergic acid amide;

3 ~~((8))~~ (7) Methyprylon;

4 ~~((9))~~ (8) Sulfondiethylmethane;

5 ~~((10))~~ (9) Sulfonethylmethane;

6 ~~((11))~~ (10) Sulfonmethane;

7 (11) Tiletamine and zolazepam or any of their salts (Some trade or
8 other names for a tiletamine-zolazepam combination product: Telazol.
9 Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-
10 thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-
11 (2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-
12 diazepin-7(1H)-one. flupyrazapon.).

13 ~~((d))~~ (c) Nalorphine.

14 ~~((e) Narcotic drugs. Unless specifically excepted or unless~~
15 ~~listed in another schedule,)~~ (d) Any material, compound, mixture, or
16 preparation containing limited quantities of any of the following
17 narcotic drugs, or any salts thereof calculated as the free anhydrous
18 base or alkaloid, in limited quantities as set forth in ~~((paragraph (e)~~
19 ~~of this section))~~ this subsection:

20 (1) Not more than 1.8 grams of codeine per 100 milliliters or not
21 more than 90 milligrams per dosage unit, with an equal or greater
22 quantity of an isoquinoline alkaloid of opium;

23 (2) Not more than 1.8 grams of codeine per 100 milliliters or not
24 more than 90 milligrams per dosage unit, with one or more active,
25 nonnarcotic ingredients in recognized therapeutic amounts;

26 (3) Not more than 300 milligrams of dihydrocodeinone per 100
27 milliliters or not more than 15 milligrams per dosage unit, with a
28 fourfold or greater quantity of an isoquinoline alkaloid of opium;

1 (4) Not more than 300 milligrams of dihydrocodeinone per 100
2 milliliters or not more than 15 milligrams per dosage unit, with one or
3 more active, nonnarcotic ingredients in recognized therapeutic amounts;

4 (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters
5 or not more than 90 milligrams per dosage unit, with one or more
6 active, nonnarcotic ingredients in recognized therapeutic amounts;

7 (6) Not more than 300 milligrams of ethylmorphine per 100
8 milliliters or not more than 15 milligrams per dosage unit, with one or
9 more active, nonnarcotic ingredients in recognized therapeutic amounts;

10 (7) Not more than 500 milligrams of opium per 100 milliliters or
11 per 100 grams, or not more than 25 milligrams per dosage unit, with one
12 or more active, nonnarcotic ingredients in recognized therapeutic
13 amounts;

14 (8) Not more than 50 milligrams of morphine per 100 milliliters or
15 per 100 grams with one or more active, nonnarcotic ingredients in
16 recognized therapeutic amounts.

17 The state board of pharmacy may except by rule any compound,
18 mixture, or preparation containing any stimulant or depressant
19 substance listed in subsections (a)(1) and (a)(2) of this section from
20 the application of all or any part of this chapter if the compound,
21 mixture, or preparation contains one or more active medicinal
22 ingredients not having a stimulant or depressant effect on the central
23 nervous system, and if the admixtures are in combinations, quantity,
24 proportion, or concentration that vitiate the potential for abuse of
25 the substances having a stimulant or depressant effect on the central
26 nervous system.

27 The controlled substances listed in this section may be rescheduled
28 or deleted as provided for in RCW 69.50.201.

1 **Sec. 9.** RCW 69.50.209 and 1971 ex.s. c 308 s 69.50.209 are each
2 amended to read as follows:

3 SCHEDULE IV TESTS. (a) The state board of pharmacy shall place a
4 substance in Schedule IV ((if it finds)) upon finding that:

5 (1) the substance has a low potential for abuse relative to
6 substances in Schedule III;

7 (2) the substance has currently accepted medical use in treatment
8 in the United States; and

9 (3) abuse of the substance may lead to limited physical dependence
10 or psychological dependence relative to the substances included in
11 Schedule III.

12 (b) The state board of pharmacy may place a substance in Schedule
13 IV without making the findings required by subsection (a) of this
14 section if the substance is controlled under Schedule IV of the federal
15 Controlled Substances Act by a federal agency as the result of an
16 international treaty, convention, or protocol.

17 **Sec. 10.** RCW 69.50.210 and 1986 c 124 s 6 are each amended to read
18 as follows:

19 SCHEDULE IV. ~~((a) The drugs and other substances listed in this~~
20 ~~section, by whatever official name, common or usual name, chemical~~
21 ~~name, or brand name designated, are included in Schedule IV.~~

22 ~~(b) Narcotic drugs. Unless specifically excepted or unless listed~~
23 ~~in another schedule,)) Unless specifically excepted by state or federal~~
24 ~~law or regulation or more specifically included in another schedule,~~
25 the following controlled substances are listed in Schedule IV:

26 (a) Any material, compound, mixture, or preparation containing any
27 of the following narcotic drugs, or their salts calculated as the free
28 anhydrous base or alkaloid, in limited quantities as set forth below:

1 (1) Not more than 1 milligram of difenoxin and not less than 25
2 micrograms of atropine sulfate per dosage unit.

3 (2) Dextropropoxyphene (alpha-(+)-((e))4-dimethylamino-1,2-
4 diphenyl-3-methyl-2-propionoxybutane).

5 (~~((c) Depressants.—Unless specifically excepted or unless listed~~
6 ~~in another schedule,~~) (b) Any material, compound, mixture, or
7 preparation (~~(which contains)~~) containing any quantity of the following
8 substances having a depressant effect on the central nervous system,
9 including (~~(its)~~) their salts, isomers, and salts of isomers whenever
10 the existence of (~~(such)~~) those salts, isomers, and salts of isomers is
11 possible within the specific chemical designation:

12 (~~(1) Alprazolam;~~

13 ~~(2) Barbital;~~

14 ~~(3) Chloral betaine;~~

15 ~~(4) Chloral hydrate;~~

16 ~~(5) Chlordiazepoxide;~~

17 ~~(6) Clonazepam;~~

18 ~~(7) Clorazepate;~~

19 ~~(8) Diazepam;~~

20 ~~(9) Ethchlorvynol;~~

21 ~~(10) Ethinamate;~~

22 ~~(11) Flurazepam;~~

23 ~~(12) Halazepam;~~

24 ~~(13) Lorazepam;~~

25 ~~(14) Mebutamate;~~

26 ~~(15) Meprobamate;~~

27 ~~(16) Methohexital;~~

28 ~~(17) Methylphenobarbital (mephobarbital);~~

29 ~~(18) Oxazepam;~~

30 ~~(19) Paraldehyde;~~

- 1 ~~(20) Petrichloral;~~
- 2 ~~(21) Phenobarbital;~~
- 3 ~~(22) Prazepam;~~
- 4 ~~(23) Temazepam;~~
- 5 ~~(24) Triazolam.~~
- 6 ~~(d) Fenfluramine.)~~
- 7 (1) Alprazolam;
- 8 (2) Barbital;
- 9 (3) Bromazepam;
- 10 (4) Camazepam;
- 11 (5) Chloral betaine;
- 12 (6) Chloral hydrate;
- 13 (7) Chlordiazepoxide;
- 14 (8) Clobazam;
- 15 (9) Clonazepam;
- 16 (10) Clorazepate;
- 17 (11) Clotiazepam;
- 18 (12) Cloxazolam;
- 19 (13) Delorazepam;
- 20 (14) Diazepam;
- 21 (15) Estazolam;
- 22 (16) Ethchlorvynol;
- 23 (17) Ethinamate;
- 24 (18) Ethyl loflazepate;
- 25 (19) Fludiazepam;
- 26 (20) Flunitrazepam;
- 27 (21) Flurazepam;
- 28 (22) Halazepam;
- 29 (23) Haloxazolam;
- 30 (24) Ketazolam;

- 1 (25) Loprazolam;
- 2 (26) Lorazepam;
- 3 (27) Lormetazepam;
- 4 (28) Mebutamate;
- 5 (29) Medazepam;
- 6 (30) Meprobamate;
- 7 (31) Methohexital;
- 8 (32) Methylphenobarbital (mephobarbital);
- 9 (33) Midazolam;
- 10 (34) Nimetazepam;
- 11 (35) Nitrazepam;
- 12 (36) Nordiazepam;
- 13 (37) Oxazepam;
- 14 (38) Oxazolam;
- 15 (39) Paraldehyde;
- 16 (40) Petrichloral;
- 17 (41) Phenobarbital;
- 18 (42) Pinazepam;
- 19 (43) Prazepam;
- 20 (44) Quazepam;
- 21 (45) Temazepam;
- 22 (46) Tetrazepam;
- 23 (47) Triazolam.

24 (c) Any material, compound, mixture, or preparation ((~~which~~
25 ~~contains~~)) containing any quantity of the following substance(~~s~~),
26 including its salts, isomers ((~~whether optical, position, or~~
27 ~~geometric~~)), and salts of such isomers, whenever the existence of such
28 salts, isomers, and salts of isomers is possible(~~-~~
29 ~~(1)~~)): Fenfluramine.

1 ~~((e) Stimulants. Unless specifically excepted or unless listed in~~
2 ~~another schedule,))~~ (d) Any material, compound, mixture, or preparation
3 ~~((which contains))~~ containing any quantity of the following substances
4 having a stimulant effect on the central nervous system, including
5 ~~((its))~~ their salts, isomers ~~((whether optical, position, or~~
6 ~~geometric))~~, and salts of ~~((such))~~ isomers ~~((whenever the existence of~~
7 ~~such salts, isomers, and salts of isomers is possible within the~~
8 ~~specific chemical designation))~~:

9 (1) Cathine ((+) Norpseudoephedrine);

10 (2) Diethylpropion;

11 ~~((+2))~~ (3) Fencamfamin;

12 (4) Fenproporex;

13 (5) Mazindol;

14 ~~((+3))~~ (6) Mefenorex;

15 (7) Pemoline (including organometallic complexes and chelates
16 thereof);

17 ~~((+4))~~ (8) Phentermine;

18 ~~((+5))~~ (9) Pipradrol;

19 ~~((+6))~~ (10) SPA ((-)-1-dimethylamino-1, 2-dephenylethane).

20 ~~((f) Other substances. Unless specifically excepted or unless~~
21 ~~listed in another schedule,))~~ (e) Any material, compound, mixture, or
22 preparation ~~((which contains))~~ containing any quantity of the following
23 substance~~((s))~~, including its salts: ~~((+1))~~ Pentazocine.

24 The state board of pharmacy may except by rule any compound,
25 mixture, or preparation containing any depressant substance listed in
26 subsection (b) of this section from the application of all or any part
27 of this chapter if the compound, mixture, or preparation contains one
28 or more active medicinal ingredients not having a depressant effect on
29 the central nervous system, and if the admixtures are in combinations,
30 quantity, proportion, or concentration that vitiate the potential for

1 abuse of the substances having a depressant effect on the central
2 nervous system.

3 The controlled substances listed in this section may be rescheduled
4 or deleted as provided for in RCW 69.50.201.

5 **Sec. 11.** RCW 69.50.211 and 1971 ex.s. c 308 s 69.50.211 are each
6 amended to read as follows:

7 SCHEDULE V TESTS. (a) The state board of pharmacy shall place a
8 substance in Schedule V (~~((if it finds))~~) upon finding that:

9 (1) the substance has low potential for abuse relative to the
10 controlled substances (~~((listed))~~) included in Schedule IV;

11 (2) the substance has currently accepted medical use in treatment
12 in the United States; and

13 (3) abuse of the substance (~~((has))~~) may lead to limited physical
14 dependence or psychological dependence (~~((liability))~~) relative to the
15 (~~((controlled))~~) substances (~~((listed))~~) included in Schedule IV.

16 (b) The state board of pharmacy may place a substance in Schedule
17 V without being required to make the findings required by subsection
18 (a) of this section if the substance is controlled under Schedule V of
19 the federal Controlled Substances Act by a federal agency as the result
20 of an international treaty, convention, or protocol.

21 **Sec. 12.** RCW 69.50.212 and 1986 c 124 s 7 are each amended to read
22 as follows:

23 SCHEDULE V. (~~((a) The drugs and other substances listed in this~~
24 ~~section, by whatever official name, common or usual name, chemical~~
25 ~~name, or brand name designated, are included in Schedule V.~~

26 (b) ~~Narcotic drugs containing nonnarcotic active medicinal~~
27 ~~ingredients.)) Unless specifically excepted by state or federal law or~~

1 regulation or more specifically included in another schedule, the
2 following controlled substances are listed in Schedule V:

3 (a) Any material, compound, mixture, or preparation containing any
4 of the following narcotic drug and its salts: Buprenorphine.

5 (b) Any compound, mixture, or preparation containing any of the
6 following narcotic drugs, or their salts calculated as the free
7 anhydrous base or alkaloid, in limited quantities as set forth in this
8 ((section)) subsection, which ((shall include)) also contains one or
9 more nonnarcotic active medicinal ingredients in sufficient proportion
10 to confer upon the compound, mixture, or preparation, valuable
11 medicinal qualities other than those possessed by the narcotic drug
12 alone:

13 (1) Not more than 200 milligrams of codeine per 100 milliliters or
14 per 100 grams;

15 (2) Not more than 100 milligrams of dihydrocodeine per 100
16 milliliters or per 100 grams;

17 (3) Not more than 100 milligrams of ethylmorphine per 100
18 milliliters or per 100 grams;

19 (4) Not more than 2.5 milligrams of diphenoxylate and not less than
20 25 micrograms of atropine sulfate per dosage unit;

21 (5) Not more than 100 milligrams of opium per 100 milliliters or
22 per 100 grams;

23 (6) Not more than 0.5 milligrams of difenoxin and not less than 25
24 micrograms of atropine sulfate per dosage unit((+)

25 ~~(c) Buprenorphine)).~~

26 (c) Any material, compound, mixture, or preparation containing any
27 quantity of the following substances having a stimulant effect on the
28 central nervous system, including their salts, isomers, and salts of
29 isomers:

30 (1) Propylhexedrine;

1 (2) Pyrovalerone.

2 The controlled substances listed in this section may be rescheduled
3 or deleted as provided for in RCW 69.50.201.

4 **Sec. 13.** RCW 69.50.213 and 1971 ex.s. c 308 s 69.50.213 are each
5 amended to read as follows:

6 REPUBLISHING OF SCHEDULES. The state board of pharmacy shall ((at
7 least semiannually for two years from May 21, 1971 and thereafter
8 annually consider the revision of the schedules published pursuant to
9 chapter 34.05 RCW)) publish updated schedules annually. Failure to
10 publish updated schedules is not a defense in any administrative or
11 judicial proceeding under this chapter.

12 NEW SECTION. **Sec. 14.** A new section is added to chapter 69.50 RCW
13 to read as follows:

14 CONTROLLED SUBSTANCE ANALOG TREATED AS SCHEDULE I SUBSTANCE. A
15 controlled substance analog, to the extent intended for human
16 consumption, shall be treated, for the purposes of this chapter, as a
17 substance included in Schedule I. Within thirty days after the
18 initiation of prosecution with respect to a controlled substance analog
19 by indictment or information, the prosecuting attorney shall notify the
20 state board of pharmacy of information relevant to emergency scheduling
21 as provided for in RCW 69.50.201(f). After final determination that
22 the controlled substance analog should not be scheduled, no prosecution
23 relating to that substance as a controlled substance analog may
24 continue or take place.

25 ARTICLE III

26 REGULATION OF MANUFACTURE, DISTRIBUTION, AND

27 DISPENSING OF CONTROLLED SUBSTANCES

1 **Sec. 15.** RCW 69.50.301 and 1991 c 229 s 9 are each amended to read
2 as follows:

3 The ~~((state))~~ board ~~((of pharmacy))~~ may ~~((promulgate))~~ adopt rules
4 and ~~((the secretary may set fees in accordance with RCW 43.70.250))~~ the
5 department may charge reasonable fees, relating to the registration and
6 control of the manufacture, distribution, and dispensing of controlled
7 substances within this state.

8 **Sec. 16.** RCW 69.50.302 and 1989 1st ex.s. c 9 s 432 are each
9 amended to read as follows:

10 REGISTRATION REQUIREMENTS. (a) Every person who manufactures,
11 distributes, or dispenses any controlled substance within this state or
12 who proposes to engage in the manufacture, distribution, or dispensing
13 of any controlled substance within this state, ~~((must))~~ shall obtain
14 annually a registration issued by the department in accordance with the
15 board's rules.

16 (b) A person~~((s))~~ registered by the department under this chapter
17 to manufacture, distribute, dispense, or conduct research with
18 controlled substances may possess, manufacture, distribute, dispense,
19 or conduct research with those substances to the extent authorized by
20 ~~((their))~~ the registration and in conformity with ~~((the—other~~
21 ~~provisions—of))~~ this Article.

22 (c) The following persons need not register and may lawfully
23 possess controlled substances under this chapter:

24 (1) an agent or employee of any registered manufacturer,
25 distributor, or dispenser of any controlled substance if ~~((he))~~ the
26 agent or employee is acting in the usual course of ~~((his))~~ business or
27 employment. This exemption shall not include any agent or employee
28 distributing sample controlled substances to practitioners without an
29 order;

1 (2) a common or contract carrier or warehouseman, or an employee
2 thereof, whose possession of any controlled substance is in the usual
3 course of business or employment;

4 (3) an ultimate user or a person in possession of any controlled
5 substance pursuant to a lawful order of a practitioner or in lawful
6 possession of a substance included in Schedule V (~~((substance))~~).

7 (d) The board may waive by rule the requirement for registration of
8 certain manufacturers, distributors, or dispensers (~~((if it finds))~~) upon
9 finding it consistent with the public health and safety. (~~((Personal~~
10 ~~practitioners licensed or registered in the state of Washington under~~
11 ~~the respective professional licensing acts shall not be required to be~~
12 ~~registered under this chapter unless the specific exemption is denied~~
13 ~~pursuant to RCW 69.50.305 for violation of any provisions of this~~
14 ~~chapter.))~~)

15 (e) A separate registration is required at each principal place of
16 business or professional practice where the applicant manufactures,
17 distributes, or dispenses controlled substances.

18 (f) The department may inspect the establishment of a registrant or
19 applicant for registration in accordance with rules adopted by the
20 (~~((board's rule))~~) board.

21 **Sec. 17.** RCW 69.50.303 and 1989 1st ex.s. c 9 s 433 are each
22 amended to read as follows:

23 REGISTRATION. (a) The department shall register an applicant to
24 manufacture or distribute controlled substances included in RCW
25 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless the
26 board determines that the issuance of that registration would be
27 inconsistent with the public interest. In determining the public
28 interest, the board shall consider the following factors:

1 (1) maintenance of effective controls against diversion of
2 controlled substances into other than legitimate medical, scientific,
3 research, or industrial channels;

4 (2) compliance with applicable state and local law;

5 (3) promotion of technical advances in the art of manufacturing
6 controlled substances and the development of new substances;

7 (4) any convictions of the applicant under any laws of another
8 country or federal ((and)) or state laws relating to any controlled
9 substance;

10 ((+4)) (5) past experience in the manufacture or distribution of
11 controlled substances, and the existence in the applicant's
12 establishment of effective controls against diversion of controlled
13 substances into other than legitimate medical, scientific, research, or
14 industrial channels;

15 ((+5)) (6) furnishing by the applicant of false or fraudulent
16 material in any application filed under this chapter;

17 ((+6)) (7) suspension or revocation of the applicant's federal
18 registration to manufacture, distribute, or dispense controlled
19 substances as authorized by federal law; and

20 ((+7)) (8) any other factors relevant to and consistent with the
21 public health and safety.

22 (b) Registration under subsection (a) of this section does not
23 entitle a registrant to manufacture ((and)) or distribute controlled
24 substances included in Schedule I or II other than those specified in
25 the registration.

26 (c) Practitioners must be registered(~~(, or exempted under RCW~~
27 ~~69.50.302(d),)~~) to dispense any controlled substances or to conduct
28 research with controlled substances included in Schedules II through V
29 if they are authorized to dispense or conduct research under the law of
30 this state. The board need not require separate registration under

1 this Article for practitioners engaging in research with nonnarcotic
2 (~~controlled~~) substances included in Schedules II through V where the
3 registrant is already registered under this Article in another
4 capacity. Practitioners registered under federal law to conduct
5 research with substances included in Schedule I (~~substances~~) may
6 conduct research with substances included in Schedule I (~~substances~~)
7 within this state upon furnishing the board evidence of that federal
8 registration.

9 (d) (~~Compliance by manufacturers and distributors with the~~
10 ~~provisions of the federal law respecting registration entitles them to~~
11 ~~be registered under this chapter upon application and payment of the~~
12 ~~required fee~~) A manufacturer or distributor registered under the
13 federal Controlled Substances Act 21 U.S.C. Sec. 801 et seq. may submit
14 a copy of the federal application as an application for registration as
15 a manufacturer or distributor under this section. The board may
16 require a manufacturer or distributor to submit information in addition
17 to the application for registration under the federal act.

18 **Sec. 18.** RCW 69.50.304 and 1989 1st ex.s. c 9 s 434 are each
19 amended to read as follows:

20 REVOCATION AND SUSPENSION OF REGISTRATION. (a) A registration(~~(~~
21 ~~or exemption from registration,~~) under RCW 69.50.303 to manufacture,
22 distribute, or dispense a controlled substance may be suspended or
23 revoked by the state board of pharmacy upon ((a)) finding that the
24 registrant has:

25 (1) (~~has~~) furnished false or fraudulent material information in
26 any application filed under this chapter;

27 (2) (~~has~~) been (~~found guilty~~) convicted of a felony under any
28 state or federal law relating to any controlled substance;

1 (3) ~~((has))~~ had ~~((his))~~ the registrant's federal registration
2 suspended or revoked and is no longer authorized by federal law to
3 manufacture, distribute, or dispense controlled substances; or

4 (4) ~~((has violated any state or federal rule or regulation~~
5 ~~regarding controlled substances))~~ committed acts that would render
6 registration under RCW 69.50.303 inconsistent with the public interest
7 as determined under that section.

8 (b) The board may limit revocation or suspension of a registration
9 to the particular controlled substance ~~((or schedule of controlled~~
10 ~~substances,))~~ with respect to which grounds for revocation or
11 suspension exist.

12 (c) If the board suspends or revokes a registration, all controlled
13 substances owned or possessed by the registrant at the time of
14 suspension or the effective date of the revocation order may be placed
15 under seal. No disposition may be made of substances under seal until
16 the time for taking an appeal has elapsed or until all appeals have
17 been concluded unless a court, upon application ~~((therefor))~~, orders
18 the sale of perishable substances and the deposit of the proceeds of
19 the sale with the court. Upon a revocation order becoming final, all
20 controlled substances may be forfeited to the state.

21 (d) The department may seize or place under seal any controlled
22 substance owned or possessed by a registrant whose registration has
23 expired or who has ceased to practice or do business in the manner
24 contemplated by the registration. The controlled substance must be
25 held for the benefit of the registrant or the registrant's successor in
26 interest. The department shall notify a registrant, or the
27 registrant's successor in interest, who has any controlled substance
28 seized or placed under seal, of the procedures to be followed to secure
29 the return of the controlled substance and the conditions under which
30 it will be returned. The department may not dispose of any controlled

1 substance seized or placed under seal under this subsection until the
2 expiration of one hundred eighty days after the controlled substance
3 was seized or placed under seal. The costs incurred by the department
4 in seizing, placing under seal, maintaining custody, and disposing of
5 any controlled substance under this subsection may be recovered from
6 the registrant, any proceeds obtained from the disposition of the
7 controlled substance, or from both. Any balance remaining after the
8 costs have been recovered from the proceeds of any disposition must be
9 delivered to the registrant or the registrant's successor in interest.

10 (e) The department shall promptly notify the drug enforcement
11 administration of all orders restricting, suspending, or revoking
12 registration and all forfeitures of controlled substances.

13 **Sec. 19.** RCW 69.50.306 and 1971 ex.s. c 308 s 69.50.306 are each
14 amended to read as follows:

15 RECORDS OF REGISTRANTS. Persons registered(~~(, or exempted from~~
16 ~~registration under RCW 69.50.302(d),)~~) to manufacture, distribute, or
17 dispense(~~(, or administer)~~) controlled substances under this chapter
18 shall keep records and maintain inventories in conformance with the
19 record-keeping and inventory requirements of federal law and with any
20 additional rules adopted by the ((state)) board ((of pharmacy issues)).

21 **Sec. 20.** RCW 69.50.307 and 1971 ex.s. c 308 s 69.50.307 are each
22 amended to read as follows:

23 ORDER FORMS. ~~((Controlled))~~ A substance(~~((s))~~) included in Schedule
24 I ~~((and))~~ or II ~~((shall))~~ may be distributed by a registrant ~~((or~~
25 ~~person exempt from registration under RCW 69.50.302(d))~~) to another
26 registrant(~~(, or person exempt from registration under RCW~~
27 ~~69.50.302(d),)~~) only pursuant to an order form. Compliance with the

1 provisions of federal law respecting order forms (~~shall be deemed~~)
2 constitutes compliance with this section.

3 **Sec. 21.** RCW 69.50.308 and 1971 ex.s. c 308 s 69.50.308 are each
4 amended to read as follows:

5 PRESCRIPTIONS. (a) A controlled substance may be dispensed only as
6 provided in this section.

7 (b) Except when dispensed directly by a practitioner (~~authorized~~
8 ~~to prescribe or administer a controlled substance~~), other than a
9 pharmacy, to an ultimate user, (~~no controlled~~) a substance included
10 in Schedule II may not be dispensed without the written prescription of
11 a practitioner.

12 (~~(b)~~) (c) In emergency situations, as defined by rule of the
13 state board of pharmacy, a substance included in Schedule II (~~drugs~~)
14 may be dispensed upon oral prescription of a practitioner, reduced
15 promptly to writing and filed by the pharmacy. Prescriptions shall be
16 retained in conformity with the requirements of RCW 69.50.306. (~~No~~)
17 A prescription for a substance included in Schedule II (~~substance~~)
18 may not be refilled.

19 (~~(e)~~) (d) Except when dispensed directly by a practitioner
20 (~~authorized to prescribe or administer a controlled substance~~), other
21 than a pharmacy, to an ultimate user, a (~~controlled~~) substance
22 included in Schedule III or IV, which is a prescription drug as
23 determined under RCW 69.04.560, (~~shall~~) may not be dispensed without
24 a written or oral prescription of a practitioner. Any oral
25 prescription must be promptly reduced to writing. The prescription
26 shall not be filled or refilled more than six months after the date
27 thereof or be refilled more than five times, unless renewed by the
28 practitioner.

1 ~~((d))~~ (e) A valid prescription or lawful order of a practitioner,
2 in order to be effective in legalizing the possession of controlled
3 substances, must be issued in good faith for a legitimate medical
4 purpose by one authorized to prescribe the use of such controlled
5 substance. An order purporting to be a prescription not in the course
6 of professional treatment is not a valid prescription or lawful order
7 of a practitioner within the meaning and intent of this chapter; and
8 the person who knows or should know that ~~((he))~~ the person is filling
9 such an order, as well as the person issuing it, can be charged with a
10 violation of this chapter.

11 ~~((e) A controlled substance included in Schedule V shall not be
12 distributed or dispensed other than for a medical purpose.))~~

13 (f) A substance included in Schedule V must be distributed or
14 dispensed only for a medical purpose.

15 (g) A practitioner may dispense or deliver a controlled substance
16 to or for an individual or animal only for medical treatment or
17 authorized research in the ordinary course of that practitioner's
18 profession. Medical treatment includes dispensing or administering a
19 narcotic drug for pain, including intractable pain.

20 (h) No administrative sanction, or civil or criminal liability,
21 authorized or created by this chapter may be imposed on a pharmacist
22 for action taken in reliance on a reasonable belief that an order
23 purporting to be a prescription was issued by a practitioner in the
24 usual course of professional treatment or in authorized research.

25 (i) An individual practitioner may not dispense a substance
26 included in Schedule II, III, or IV for that individual practitioner's
27 personal use.

28 NEW SECTION. Sec. 22. A new section is added to chapter 69.50 RCW
29 to read as follows:

1 PROHIBITED ACTS: C--PENALTIES. (a) It is unlawful for any person
2 knowingly or intentionally:

3 (1) To distribute as a registrant a controlled substance classified
4 in Schedules I or II, except pursuant to an order form as required by
5 RCW 69.50.307;

6 (2) To use in the course of the manufacture ~~((or))~~, distribution,
7 or dispensing of a controlled substance, or to use for the purpose of
8 acquiring or obtaining a controlled substance, a registration number
9 which is fictitious, revoked, suspended, or issued to another person;

10 (3) To obtain or attempt to obtain a controlled substance, or
11 procure or attempt to procure the administration of a controlled
12 substance, (i) by fraud, deceit, misrepresentation, or subterfuge; or
13 (ii) by forgery or alteration of a prescription or any written order;
14 or (iii) by the concealment of material fact; or (iv) by the use of a
15 false name or the giving of a false address.

16 (4) To falsely assume the title of, or represent himself to be, a
17 manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian,
18 or other authorized person for the purpose of obtaining a controlled
19 substance.

20 (5) To make or utter any false or forged prescription or false or
21 forged written order.

22 (6) To affix any false or forged label to a package or receptacle
23 containing controlled substances.

24 (7) To furnish false or fraudulent material information in, or omit
25 any material information from, any application, report, or other
26 document required to be kept or filed under this chapter, or any record
27 required to be kept by this chapter; or

28 ~~((To make, distribute, or possess any punch, die, plate, stone,~~
29 ~~or other thing designed to print, imprint, or reproduce the trademark,~~
30 ~~trade name, or other identifying mark, imprint, or device of another or~~

1 ~~any likeness of any of the foregoing upon any drug or container or~~
2 ~~labeling thereof so as to render the drug a counterfeit substance.))~~
3 To possess a false or fraudulent prescription with intent to obtain a
4 controlled substance.

5 (b) Information communicated to a practitioner in an effort
6 unlawfully to procure a controlled substance or unlawfully to procure
7 the administration of such substance, shall not be deemed a privileged
8 communication.

9 (c) ~~((Any))~~ A person who violates this section is guilty of a crime
10 and upon conviction may be imprisoned for not more than two years, or
11 fined not more than two thousand dollars, or both.

12 NEW SECTION. Sec. 24. A new section is added to chapter 69.50 RCW
13 to read as follows:

14 COUNTERFEIT SUBSTANCES PROHIBITED--PENALTY. (a) It is unlawful for
15 any person knowingly or intentionally to manufacture, deliver, or
16 possess with intent to manufacture or deliver, a controlled substance
17 which, or the container or labeling of which, without authorization,
18 bears the trademark, trade name, or other identifying mark, imprint,
19 number, or device, or any likeness thereof, of a manufacturer,
20 distributor, or dispenser, other than the person who in fact
21 manufactured, distributed, or dispensed the substance.

22 (b) It is unlawful for any person knowingly or intentionally to
23 make, distribute, or possess a punch, die, plate, stone, or other thing
24 designed to print, imprint, or reproduce the trademark, trade name, or
25 other identifying mark, imprint, or device of another or any likeness
26 of any of the foregoing upon any drug or container or labeling thereof.

27 (c) A person who violates this section is guilty of a crime and
28 upon conviction may be imprisoned for not more than two years, fined
29 not more than two thousand dollars, or both.

"MISCELLANEOUS PROVISIONS"

1

2 NEW SECTION. **Sec. 25.** (1) RCW 69.50.309 and 69.50.310 may be
3 recodified as necessary by the code reviser to preserve the arrangement
4 of the uniform controlled substances act of the national conference of
5 commissioners on uniform state laws.

6 (2) The code reviser shall correct all references in the Revised
7 Code of Washington to the sections of the code that may be recodified
8 by this section.

9 **Sec. 26.** RCW 9.94A.030 and 1991 c 348 s 4, 1991 c 290 s 3, and
10 1991 c 181 s 1 are each reenacted and amended to read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Collect," or any derivative thereof, "collect and remit," or
14 "collect and deliver," when used with reference to the department of
15 corrections, means that the department is responsible for monitoring
16 and enforcing the offender's sentence with regard to the legal
17 financial obligation, receiving payment thereof from the offender, and,
18 consistent with current law, delivering daily the entire payment to the
19 superior court clerk without depositing it in a departmental account.

20 (2) "Commission" means the sentencing guidelines commission.

21 (3) "Community corrections officer" means an employee of the
22 department who is responsible for carrying out specific duties in
23 supervision of sentenced offenders and monitoring of sentence
24 conditions.

25 (4) "Community custody" means that portion of an inmate's sentence
26 of confinement in lieu of earned early release time served in the
27 community subject to controls placed on the inmate's movement and
28 activities by the department of corrections.

1 (5) "Community placement" means that period during which the
2 offender is subject to the conditions of community custody and/or
3 postrelease supervision, which begins either upon completion of the
4 term of confinement (postrelease supervision) or at such time as the
5 offender is transferred to community custody in lieu of earned early
6 release. Community placement may consist of entirely community
7 custody, entirely postrelease supervision, or a combination of the two.

8 (6) "Community service" means compulsory service, without
9 compensation, performed for the benefit of the community by the
10 offender.

11 (7) "Community supervision" means a period of time during which a
12 convicted offender is subject to crime-related prohibitions and other
13 sentence conditions imposed by a court pursuant to this chapter or RCW
14 46.61.524. For first-time offenders, the supervision may include
15 crime-related prohibitions and other conditions imposed pursuant to RCW
16 9.94A.120(5). For purposes of the interstate compact for out-of-state
17 supervision of parolees and probationers, RCW 9.95.270, community
18 supervision is the functional equivalent of probation and should be
19 considered the same as probation by other states.

20 (8) "Confinement" means total or partial confinement as defined in
21 this section.

22 (9) "Conviction" means an adjudication of guilt pursuant to Titles
23 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
24 acceptance of a plea of guilty.

25 (10) "Court-ordered legal financial obligation" means a sum of
26 money that is ordered by a superior court of the state of Washington
27 for legal financial obligations which may include restitution to the
28 victim, statutorily imposed crime victims' compensation fees as
29 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
30 drug funds, court-appointed attorneys' fees, and costs of defense,

1 fines, and any other financial obligation that is assessed to the
2 offender as a result of a felony conviction.

3 (11) "Crime-related prohibition" means an order of a court
4 prohibiting conduct that directly relates to the circumstances of the
5 crime for which the offender has been convicted, and shall not be
6 construed to mean orders directing an offender affirmatively to
7 participate in rehabilitative programs or to otherwise perform
8 affirmative conduct.

9 (12)(a) "Criminal history" means the list of a defendant's prior
10 convictions, whether in this state, in federal court, or elsewhere.
11 The history shall include, where known, for each conviction (i) whether
12 the defendant has been placed on probation and the length and terms
13 thereof; and (ii) whether the defendant has been incarcerated and the
14 length of incarceration.

15 (b) "Criminal history" shall always include juvenile convictions
16 for sex offenses and shall also include a defendant's other prior
17 convictions in juvenile court if: (i) The conviction was for an
18 offense which is a felony or a serious traffic offense and is criminal
19 history as defined in RCW 13.40.020(6)(a); (ii) the defendant was
20 fifteen years of age or older at the time the offense was committed;
21 and (iii) with respect to prior juvenile class B and C felonies or
22 serious traffic offenses, the defendant was less than twenty-three
23 years of age at the time the offense for which he or she is being
24 sentenced was committed.

25 (13) "Department" means the department of corrections.

26 (14) "Determinate sentence" means a sentence that states with
27 exactitude the number of actual years, months, or days of total
28 confinement, of partial confinement, of community supervision, the
29 number of actual hours or days of community service work, or dollars or
30 terms of a legal financial obligation. The fact that an offender

1 through "earned early release" can reduce the actual period of
2 confinement shall not affect the classification of the sentence as a
3 determinate sentence.

4 (15) "Disposable earnings" means that part of the earnings of an
5 individual remaining after the deduction from those earnings of any
6 amount required by law to be withheld. For the purposes of this
7 definition, "earnings" means compensation paid or payable for personal
8 services, whether denominated as wages, salary, commission, bonuses, or
9 otherwise, and, notwithstanding any other provision of law making the
10 payments exempt from garnishment, attachment, or other process to
11 satisfy a court-ordered legal financial obligation, specifically
12 includes periodic payments pursuant to pension or retirement programs,
13 or insurance policies of any type, but does not include payments made
14 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
15 or Title 74 RCW.

16 (16) "Drug offense" means:

17 (a) Any felony violation of chapter 69.50 RCW except possession of
18 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
19 controlled substance (RCW 69.50.403);

20 (b) Any offense defined as a felony under federal law that relates
21 to the possession, manufacture, distribution, or transportation of a
22 controlled substance; or

23 (c) Any out-of-state conviction for an offense that under the laws
24 of this state would be a felony classified as a drug offense under (a)
25 of this subsection.

26 (17) "Escape" means:

27 (a) Escape in the first degree (RCW 9A.76.110), escape in the
28 second degree (RCW 9A.76.120), willful failure to return from furlough
29 (RCW 72.66.060), willful failure to return from work release (RCW

1 72.65.070), or willful failure to comply with any limitations on the
2 inmate's movements while in community custody (RCW 72.09.310); or

3 (b) Any federal or out-of-state conviction for an offense that
4 under the laws of this state would be a felony classified as an escape
5 under (a) of this subsection.

6 (18) "Felony traffic offense" means:

7 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
8 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
9 and-run injury-accident (RCW 46.52.020(4)); or

10 (b) Any federal or out-of-state conviction for an offense that
11 under the laws of this state would be a felony classified as a felony
12 traffic offense under (a) of this subsection.

13 (19) "Fines" means the requirement that the offender pay a specific
14 sum of money over a specific period of time to the court.

15 (20)(a) "First-time offender" means any person who is convicted of
16 a felony (i) not classified as a violent offense or a sex offense under
17 this chapter, or (ii) that is not the manufacture, delivery, or
18 possession with intent to manufacture or deliver a controlled substance
19 classified in schedule I or II that is a narcotic drug or the selling
20 for profit (({œf})) any controlled substance or counterfeit substance
21 classified in schedule I, RCW 69.50.204, except leaves and flowering
22 tops of marihuana, and except as provided in (b) of this subsection,
23 who previously has never been convicted of a felony in this state,
24 federal court, or another state, and who has never participated in a
25 program of deferred prosecution for a felony offense.

26 (b) For purposes of (a) of this subsection, a juvenile adjudication
27 for an offense committed before the age of fifteen years is not a
28 previous felony conviction except for adjudications of sex offenses.

29 (21) "Nonviolent offense" means an offense which is not a violent
30 offense.

1 (22) "Offender" means a person who has committed a felony
2 established by state law and is eighteen years of age or older or is
3 less than eighteen years of age but whose case has been transferred by
4 the appropriate juvenile court to a criminal court pursuant to RCW
5 13.40.110. Throughout this chapter, the terms "offender" and
6 "defendant" are used interchangeably.

7 (23) "Partial confinement" means confinement for no more than one
8 year in a facility or institution operated or utilized under contract
9 by the state or any other unit of government, or, if home detention or
10 work crew has been ordered by the court, in an approved residence, for
11 a substantial portion of each day with the balance of the day spent in
12 the community. Partial confinement includes work release, home
13 detention, work crew, and a combination of work crew and home detention
14 as defined in this section.

15 (24) "Postrelease supervision" is that portion of an offender's
16 community placement that is not community custody.

17 (25) "Restitution" means the requirement that the offender pay a
18 specific sum of money over a specific period of time to the court as
19 payment of damages. The sum may include both public and private costs.
20 The imposition of a restitution order does not preclude civil redress.

21 (26) "Serious traffic offense" means:

22 (a) Driving while under the influence of intoxicating liquor or any
23 drug (RCW 46.61.502), actual physical control while under the influence
24 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
25 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
26 or

27 (b) Any federal, out-of-state, county, or municipal conviction for
28 an offense that under the laws of this state would be classified as a
29 serious traffic offense under (a) of this subsection.

1 (27) "Serious violent offense" is a subcategory of violent offense
2 and means:

3 (a) Murder in the first degree, homicide by abuse, murder in the
4 second degree, assault in the first degree, kidnapping in the first
5 degree, or rape in the first degree, or an attempt, criminal
6 solicitation, or criminal conspiracy to commit one of these felonies;
7 or

8 (b) Any federal or out-of-state conviction for an offense that
9 under the laws of this state would be a felony classified as a serious
10 violent offense under (a) of this subsection.

11 (28) "Sentence range" means the sentencing court's discretionary
12 range in imposing a nonappealable sentence.

13 (29) "Sex offense" means:

14 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
15 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
16 attempt, criminal solicitation, or criminal conspiracy to commit such
17 crimes;

18 (b) A felony with a finding of sexual motivation under RCW
19 9.94A.127; or

20 (c) Any federal or out-of-state conviction for an offense that
21 under the laws of this state would be a felony classified as a sex
22 offense under (a) of this subsection.

23 (30) "Sexual motivation" means that one of the purposes for which
24 the defendant committed the crime was for the purpose of his or her
25 sexual gratification.

26 (31) "Total confinement" means confinement inside the physical
27 boundaries of a facility or institution operated or utilized under
28 contract by the state or any other unit of government for twenty-four
29 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

1 (32) "Victim" means any person who has sustained emotional,
2 psychological, physical, or financial injury to person or property as
3 a direct result of the crime charged.

4 (33) "Violent offense" means:

5 (a) Any of the following felonies, as now existing or hereafter
6 amended: Any felony defined under any law as a class A felony or an
7 attempt to commit a class A felony, criminal solicitation of or
8 criminal conspiracy to commit a class A felony, manslaughter in the
9 first degree, manslaughter in the second degree, indecent liberties if
10 committed by forcible compulsion, kidnapping in the second degree,
11 arson in the second degree, assault in the second degree, extortion in
12 the first degree, robbery in the second degree, vehicular assault, and
13 vehicular homicide, when proximately caused by the driving of any
14 vehicle by any person while under the influence of intoxicating liquor
15 or any drug as defined by RCW 46.61.502, or by the operation of any
16 vehicle in a reckless manner;

17 (b) Any conviction for a felony offense in effect at any time prior
18 to July 1, 1976, that is comparable to a felony classified as a violent
19 offense in (a) of this subsection; and

20 (c) Any federal or out-of-state conviction for an offense that
21 under the laws of this state would be a felony classified as a violent
22 offense under (a) or (b) of this subsection.

23 (34) "Work crew" means a program of partial confinement consisting
24 of civic improvement tasks for the benefit of the community of not less
25 than thirty-five hours per week that complies with RCW 9.94A.135. The
26 civic improvement tasks shall be performed on public property or on
27 private property owned or operated by nonprofit entities, except that,
28 for emergency purposes only, work crews may perform snow removal on any
29 private property. The civic improvement tasks shall have minimal
30 negative impact on existing private industries or the labor force in

1 the county where the service or labor is performed. The civic
2 improvement tasks shall not affect employment opportunities for people
3 with developmental disabilities contracted through sheltered workshops
4 as defined in RCW 82.04.385. Only those offenders sentenced to a
5 facility operated or utilized under contract by a county are eligible
6 to participate on a work crew. Offenders sentenced for a sex offense
7 as defined in subsection (29) of this section are not eligible for the
8 work crew program.

9 (35) "Work release" means a program of partial confinement
10 available to offenders who are employed or engaged as a student in a
11 regular course of study at school. Participation in work release shall
12 be conditioned upon the offender attending work or school at regularly
13 defined hours and abiding by the rules of the work release facility.

14 (36) "Home detention" means a program of partial confinement
15 available to offenders wherein the offender is confined in a private
16 residence subject to electronic surveillance. Home detention may not
17 be imposed for offenders convicted of a violent offense, any sex
18 offense, any drug offense, reckless burning in the first or second
19 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third
20 degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in
21 RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home
22 detention may be imposed for offenders convicted of possession of a
23 controlled substance (RCW 69.50.401(d)) or forged prescription for a
24 controlled substance (RCW 69.50.403) if the offender fulfills the
25 participation conditions set forth in this subsection and is monitored
26 for drug use by treatment alternatives to street crime (TASC) or a
27 comparable court or agency-referred program.

28 (a) Home detention may be imposed for offenders convicted of
29 burglary in the second degree as defined in RCW 9A.52.030 or
30 residential burglary conditioned upon the offender: (i) Successfully

1 completing twenty-one days in a work release program, (ii) having no
2 convictions for burglary in the second degree or residential burglary
3 during the preceding two years and not more than two prior convictions
4 for burglary or residential burglary, (iii) having no convictions for
5 a violent felony offense during the preceding two years and not more
6 than two prior convictions for a violent felony offense, (iv) having no
7 prior charges of escape, and (v) fulfilling the other conditions of the
8 home detention program.

9 (b) Participation in a home detention program shall be conditioned
10 upon: (i) The offender obtaining or maintaining current employment or
11 attending a regular course of school study at regularly defined hours,
12 or the offender performing parental duties to offspring or minors
13 normally in the custody of the offender, (ii) abiding by the rules of
14 the home detention program, and (iii) compliance with court-ordered
15 legal financial obligations. The home detention program may also be
16 made available to offenders whose charges and convictions do not
17 otherwise disqualify them if medical or health-related conditions,
18 concerns or treatment would be better addressed under the home
19 detention program, or where the health and welfare of the offender,
20 other inmates, or staff would be jeopardized by the offender's
21 incarceration. Participation in the home detention program for medical
22 or health-related reasons is conditioned on the offender abiding by the
23 rules of the home detention program and complying with court-ordered
24 restitution.

25 NEW SECTION. **Sec. 27.** Section captions and headings as used in
26 this act constitute no part of the law.