

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1072

Chapter 218, Laws of 2005

59th Legislature
2005 Regular Session

CONTROLLED SUBSTANCES--FLUNITRAZEPAM--METHAMPHETAMINE

EFFECTIVE DATE: 7/24/05

Passed by the House February 21, 2005
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2005
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved April 28, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1072** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 28, 2005 - 3:42 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1072

Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Representatives Lovick and Pearson

Read first time 01/13/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to controlled substances; and amending RCW
2 69.50.401, 69.50.406, 69.50.440, and 9A.42.100.

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

4 **Sec. 1.** RCW 69.50.401 and 2003 c 53 s 331 are each amended to read
5 as follows:

6 (1) Except as authorized by this chapter, it is unlawful for any
7 person to manufacture, deliver, or possess with intent to manufacture
8 or deliver, a controlled substance.

9 (2) Any person who violates this section with respect to:

10 (a) A controlled substance classified in Schedule I or II which is
11 a narcotic drug or flunitrazepam, including its salts, isomers, and
12 salts of isomers, classified in Schedule IV, is guilty of a class B
13 felony and upon conviction may be imprisoned for not more than ten
14 years, or (i) fined not more than twenty-five thousand dollars if the
15 crime involved less than two kilograms of the drug, or both such
16 imprisonment and fine; or (ii) if the crime involved two or more
17 kilograms of the drug, then fined not more than one hundred thousand
18 dollars for the first two kilograms and not more than fifty dollars for

1 each gram in excess of two kilograms, or both such imprisonment and
2 fine;

3 (b) Amphetamine, including its salts, isomers, and salts of
4 isomers, or methamphetamine, including its salts, isomers, and salts of
5 isomers, is guilty of a class B felony and upon conviction may be
6 imprisoned for not more than ten years, or (i) fined not more than
7 twenty-five thousand dollars if the crime involved less than two
8 kilograms of the drug, or both such imprisonment and fine; or (ii) if
9 the crime involved two or more kilograms of the drug, then fined not
10 more than one hundred thousand dollars for the first two kilograms and
11 not more than fifty dollars for each gram in excess of two kilograms,
12 or both such imprisonment and fine. Three thousand dollars of the fine
13 may not be suspended. As collected, the first three thousand dollars
14 of the fine must be deposited with the law enforcement agency having
15 responsibility for cleanup of laboratories, sites, or substances used
16 in the manufacture of the methamphetamine, including its salts,
17 isomers, and salts of isomers. The fine moneys deposited with that law
18 enforcement agency must be used for such clean-up cost;

19 (c) Any other controlled substance classified in Schedule I, II, or
20 III, is guilty of a class C felony punishable according to chapter
21 9A.20 RCW;

22 (d) A substance classified in Schedule IV, except flunitrazepam,
23 including its salts, isomers, and salts of isomers, is guilty of a
24 class C felony punishable according to chapter 9A.20 RCW; or

25 (e) A substance classified in Schedule V, is guilty of a class C
26 felony punishable according to chapter 9A.20 RCW.

27 **Sec. 2.** RCW 69.50.406 and 2003 c 53 s 340 are each amended to read
28 as follows:

29 (1) Any person eighteen years of age or over who violates RCW
30 69.50.401 by distributing a controlled substance listed in Schedules I
31 or II which is a narcotic drug or methamphetamine, including its salts,
32 isomers, and salts of isomers, or flunitrazepam, including its salts,
33 isomers, and salts of isomers, listed in Schedule IV, to a person under
34 eighteen years of age is guilty of a class A felony punishable by the
35 fine authorized by RCW 69.50.401(2) (a) or (b), by a term of
36 imprisonment of up to twice that authorized by RCW 69.50.401(2) (a) or
37 (b), or by both.

1 (2) Any person eighteen years of age or over who violates RCW
2 69.50.401 by distributing any other controlled substance listed in
3 Schedules I, II, III, IV, and V to a person under eighteen years of age
4 who is at least three years his or her junior is guilty of a class B
5 felony punishable by the fine authorized by RCW 69.50.401(2) (c), (d),
6 or (e), by a term of imprisonment up to twice that authorized by RCW
7 69.50.401(2) (c), (d), or (e), or both.

8 **Sec. 3.** RCW 69.50.440 and 2003 c 53 s 347 are each amended to read
9 as follows:

10 (1) It is unlawful for any person to possess ephedrine or any of
11 its salts or isomers or salts of isomers, pseudoephedrine or any of its
12 salts or isomers or salts of isomers, pressurized ammonia gas, or
13 pressurized ammonia gas solution with intent to manufacture
14 methamphetamine, including its salts, isomers, and salts of isomers.

15 (2) Any person who violates this section is guilty of a class B
16 felony and may be imprisoned for not more than ten years, fined not
17 more than twenty-five thousand dollars, or both. Three thousand
18 dollars of the fine may not be suspended. As collected, the first
19 three thousand dollars of the fine must be deposited with the law
20 enforcement agency having responsibility for cleanup of laboratories,
21 sites, or substances used in the manufacture of the methamphetamine,
22 including its salts, isomers, and salts of isomers. The fine moneys
23 deposited with that law enforcement agency must be used for such clean-
24 up cost.

25 **Sec. 4.** RCW 9A.42.100 and 2002 c 229 s 1 are each amended to read
26 as follows:

27 A person is guilty of the crime of endangerment with a controlled
28 substance if the person knowingly or intentionally permits a dependent
29 child or dependent adult to be exposed to, ingest, inhale, or have
30 contact with methamphetamine or ephedrine, pseudoephedrine, or
31 anhydrous ammonia, including their salts, isomers, and salts of
32 isomers, that are being used in the manufacture of methamphetamine,
33 including its salts, isomers, and salts of isomers. Endangerment with
34 a controlled substance is a class B felony.

Passed by the House February 21, 2005.
Passed by the Senate April 11, 2005.
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