

**ESB 5673** - H COMM AMD

By Committee on Commerce & Gaming

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50  
4 RCW to read as follows:

5 (1) It is an unfair or deceptive practice under RCW 19.86.020 for  
6 any person or entity to distribute, dispense, manufacture, display  
7 for sale, offer for sale, attempt to sell, or sell to a purchaser any  
8 product that contains any amount of any synthetic cannabinoid,  
9 cathinone, or methcathinone as identified in RCW 69.50.204(e) (3) and  
10 (5). The legislature finds that practices covered by this section are  
11 matters vitally affecting the public interest for the purpose of  
12 applying the consumer protection act, chapter 19.86 RCW. Violations  
13 of this section are not reasonable in relation to the development and  
14 preservation of business.

15 (2) "Synthetic cannabinoid" includes any chemical compound  
16 identified in RCW 69.50.204(c)(30) or by the pharmacy quality  
17 assurance commission under RCW 69.50.201.

18 **Sec. 2.** RCW 69.50.204 and 2010 c 177 s 2 are each amended to  
19 read as follows:

20 Unless specifically excepted by state or federal law or  
21 regulation or more specifically included in another schedule, the  
22 following controlled substances are listed in Schedule I:

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

27 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-  
28 piperidinyl]-N-phenylacetamide);

29 (2) Acetylmethadol;

30 (3) Allylprodine;

31 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also  
32 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

33 (5) Alphameprodine;

- 1 (6) Alphamethadol;
- 2 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
- 3 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
- 4 propanilido) piperidine);
- 5 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
- 6 piperidinyl]-N-phenylpropanamide);
- 7 (9) Benzethidine;
- 8 (10) Betacetylmethadol;
- 9 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 10 piperidinyl]-N-phenylpropanamide);
- 11 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
- 12 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
- 13 phenylpropanamide;
- 14 (13) Betameprodine;
- 15 (14) Betamethadol;
- 16 (15) Betaprodine;
- 17 (16) Clonitazene;
- 18 (17) Dextromoramide;
- 19 (18) Diampromide;
- 20 (19) Diethylthiambutene;
- 21 (20) Difenoxin;
- 22 (21) Dimenoxadol;
- 23 (22) Dimepheptanol;
- 24 (23) Dimethylthiambutene;
- 25 (24) Dioxaphetyl butyrate;
- 26 (25) Dipipanone;
- 27 (26) Ethylmethylthiambutene;
- 28 (27) Etonitazene;
- 29 (28) Etoxeridine;
- 30 (29) Furethidine;
- 31 (30) Hydroxypethidine;
- 32 (31) Ketobemidone;
- 33 (32) Levomoramide;
- 34 (33) Levophenacylmorphan;
- 35 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 36 piperidyl]-N-phenylprop anamide);
- 37 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 38 piperidinyl]-N-phenylpropanamide);
- 39 (36) Morpheridine;
- 40 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

- 1 (38) Noracymethadol;
- 2 (39) Norlevorphanol;
- 3 (40) Normethadone;
- 4 (41) Norpipanone;
- 5 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 6 phenethyl)-4-piperidinyl] propanamide);
- 7 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 8 (44) Phenadoxone;
- 9 (45) Phenampromide;
- 10 (46) Phenomorphan;
- 11 (47) Phenoperidine;
- 12 (48) Piritramide;
- 13 (49) Proheptazine;
- 14 (50) Properidine;
- 15 (51) Propiram;
- 16 (52) Racemoramide;
- 17 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 18 propanamide);
- 19 (54) Tilidine;
- 20 (55) Trimeperidine.

21 (b) Opium derivatives. Unless specifically excepted or unless  
22 listed in another schedule, any of the following opium derivatives,  
23 including their salts, isomers, and salts of isomers whenever the  
24 existence of those salts, isomers, and salts of isomers is possible  
25 within the specific chemical designation:

- 26 (1) Acetorphine;
- 27 (2) Acetyldihydrocodeine;
- 28 (3) Benzylmorphine;
- 29 (4) Codeine methylbromide;
- 30 (5) Codeine-N-Oxide;
- 31 (6) Cyprenorphine;
- 32 (7) Desomorphine;
- 33 (8) Dihydromorphine;
- 34 (9) Drotebanol;
- 35 (10) Etorphine, except hydrochloride salt;
- 36 (11) Heroin;
- 37 (12) Hydromorphanol;
- 38 (13) Methyldesorphine;
- 39 (14) Methyldihydromorphine;
- 40 (15) Morphine methylbromide;

- 1 (16) Morphine methylsulfonate;
- 2 (17) Morphine-N-Oxide;
- 3 (18) Myrophine;
- 4 (19) Nicocodeine;
- 5 (20) Nicomorphine;
- 6 (21) Normorphine;
- 7 (22) Pholcodine;
- 8 (23) Thebacon.

9 (c) Hallucinogenic substances. Unless specifically excepted or  
10 unless listed in another schedule, any material, compound, mixture,  
11 or preparation which contains any quantity of the following  
12 hallucinogenic substances, including their salts, isomers, and salts  
13 of isomers whenever the existence of those salts, isomers, and salts  
14 of isomers is possible within the specific chemical designation. For  
15 the purposes of this subsection only, the term "isomer" includes the  
16 optical, position, and geometric isomers:

17 (1) Alpha-ethyltryptamine: Some trade or other names:  
18 Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)  
19 indole; a-ET; and AET;

20 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:  
21 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

22 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other  
23 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl  
24 DOB; 2C-B, nexus;

25 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-  
26 dimethoxy-a-methylphenethylamine; 2,5-DMA;

27 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

28 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:  
29 2C-T-7;

30 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-  
31 methylphenethylamine; paramethoxyamphetamine, PMA;

32 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

33 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other  
34 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and  
35 "STP";

36 (10) 3,4-methylenedioxy amphetamine;

37 (11) 3,4-methylenedioxymethamphetamine (MDMA);

38 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-  
39 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,  
40 MDE, MDEA;

- 1 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as  
2 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy  
3 MDA;
- 4 (14) 3,4,5-trimethoxy amphetamine;
- 5 (15) Alpha-methyltryptamine: Other name: AMT;
- 6 (16) Bufotenine: Some trade or other names: 3-(beta-  
7 Dimethylaminoethyl)-5-hydroxindole; 3-(2-dimethylaminoethyl)-5-  
8 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;  
9 mappine;
- 10 (17) Diethyltryptamine: Some trade or other names: N,N-  
11 Diethyltryptamine; DET;
- 12 (18) Dimethyltryptamine: Some trade or other names: DMT;
- 13 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
- 14 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,  
15 7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2)  
16 azepino (5,4-b) indole; Tabernanthe iboga;
- 17 (21) Lysergic acid diethylamide;
- 18 (22) Marihuana or marijuana;
- 19 (23) Mescaline;
- 20 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-  
21 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-  
22 dibenzo[b,d]pyran; synhexyl;
- 23 (25) Peyote, meaning all parts of the plant presently classified  
24 botanically as *Lophophora Williamsii* Lemaire, whether growing or not,  
25 the seeds thereof, any extract from any part of such plant, and every  
26 compound, manufacture, salts, derivative, mixture, or preparation of  
27 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812  
28 (c), Schedule I (c)(12));
- 29 (26) N-ethyl-3-piperidyl benzilate;
- 30 (27) N-methyl-3-piperidyl benzilate;
- 31 (28) Psilocybin;
- 32 (29) Psilocyn;
- 33 (30) Tetrahydrocannabinols, meaning tetrahydrocannabinols  
34 naturally contained in a plant of the genus *Cannabis* (*cannabis*  
35 plant), as well as synthetic equivalents of the substances contained  
36 in the plant, or in the resinous extractives of *Cannabis*, species,  
37 and/or synthetic substances, derivatives, and their isomers with  
38 similar chemical structure and pharmacological activity such as the  
39 following:

1 (i) 1 - cis - or trans tetrahydrocannabinol, and their optical  
2 isomers, excluding tetrahydrocannabinol in sesame oil and  
3 encapsulated in a soft gelatin capsule in a drug product approved by  
4 the United States Food and Drug Administration;

5 (ii) 6 - cis - or trans tetrahydrocannabinol, and their optical  
6 isomers;

7 (iii) 3,4 - cis - or trans tetrahydrocannabinol, and its optical  
8 isomers; or

9 (iv) That is chemically synthesized and either:

10 (a) Has been demonstrated to have binding activity at one or more  
11 cannabinoid receptors; or

12 (b) Is a chemical analog or isomer of a compound that has been  
13 demonstrated to have binding activity at one or more cannabinoid  
14 receptors;

15 (Since nomenclature of these substances is not internationally  
16 standardized, compounds of these structures, regardless of numerical  
17 designation of atomic positions covered.)

18 (31) Ethylamine analog of phencyclidine: Some trade or other  
19 names: N-ethyl-1phenylcyclohexylamine, (1-phenylcyclohexyl)  
20 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

21 (32) Pyrrolidine analog of phencyclidine: Some trade or other  
22 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

23 (33) Thiophene analog of phencyclidine: Some trade or other  
24 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of  
25 phencyclidine; TPCP; TCP;

26 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other  
27 name is TCPy.

28 (d) Depressants. Unless specifically excepted or unless listed in  
29 another schedule, any material, compound, mixture, or preparation  
30 which contains any quantity of the following substances having a  
31 depressant effect on the central nervous system, including its salts,  
32 isomers, and salts of isomers whenever the existence of such salts,  
33 isomers, and salts of isomers is possible within the specific  
34 chemical designation.

35 (1) Gamma-hydroxybutyric acid: Some other names include GHB;  
36 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;  
37 sodium oxybate; sodium oxybutyrate;

38 (2) Mecloqualone;

39 (3) Methaqualone.

1 (e) Stimulants. Unless specifically excepted or unless listed in  
2 another schedule, any material, compound, mixture, or preparation  
3 which contains any quantity of the following substances having a  
4 stimulant effect on the central nervous system, including its salts,  
5 isomers, and salts of isomers:

6 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-  
7 oxazoline; or 4, 5-dihydro-5-phenly-2-oxazolamine;

8 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

9 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,  
10 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

11 (4) Fenethylamine;

12 (5) Methcathinone: Some other names: 2-(methylamino)-  
13 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-  
14 phenylpropan-1-one; alpha-N-methylaminopropiophenone;

15 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;  
16 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and  
17 salts of optical isomers;

18 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-  
19 phenyl-2-oxazolamine);

20 (7) N-ethylamphetamine;

21 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-  
22 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

23 The controlled substances in this section may be added,  
24 rescheduled, or deleted as provided for in RCW 69.50.201.

25 **Sec. 3.** RCW 69.50.430 and 2003 c 53 s 345 are each amended to  
26 read as follows:

27 (1) Every person convicted of a felony violation of RCW 69.50.401  
28 through 69.50.4013, 69.50.4015, 69.50.402, 69.50.403, 69.50.406,  
29 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand  
30 dollars in addition to any other fine or penalty imposed. Unless the  
31 court finds the person to be indigent, this additional fine shall not  
32 be suspended or deferred by the court.

33 (2) On a second or subsequent conviction for violation of any of  
34 the laws listed in subsection (1) of this section, the person shall  
35 be fined two thousand dollars in addition to any other fine or  
36 penalty imposed. Unless the court finds the person to be indigent,  
37 this additional fine shall not be suspended or deferred by the court.

38 (3) In addition to any other civil or criminal penalty, every  
39 person who violates or causes another to violate RCW 69.50.401 by

1 distributing, dispensing, manufacturing, displaying for sale,  
2 offering for sale, attempting to sell, or selling to a purchaser any  
3 product that contains any amount of any synthetic cannabinoid,  
4 cathinone, or methcathinone, as identified in RCW 69.50.204, shall be  
5 fined not less than ten thousand dollars and not more than five  
6 hundred thousand dollars. If, however, the person who violates or  
7 causes another to violate RCW 69.50.401 by distributing, dispensing,  
8 manufacturing, displaying for sale, offering for sale, attempting to  
9 sell, or selling any product that contains any amount of any  
10 synthetic cannabinoid, cathinone, or methcathinone, as identified in  
11 RCW 69.50.204, to a purchaser under the age of eighteen, the minimum  
12 penalty shall be twenty-five thousand dollars if the person is at  
13 least two years older than the minor. Unless the court finds the  
14 person to be indigent, this additional fine shall not be suspended or  
15 deferred by the court."

16 Correct the title.

EFFECT: Moves the Consumer Protection Act (CPA) violation from the CPA chapter to the Controlled Substances Act. Specifies that violations of the law relating to synthetic cannabinoids, cathinones, and methcathinones are matters vitally affecting the public interest and not reasonable in relation to the development and preservation of business for the purpose of applying the CPA.

Strikes the requirement that the Washington State Patrol create a pilot program using technologies and protocols to instantly identify synthetic cannabinoids, cathinones, and methcathinones. Strikes reporting requirement.

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