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**HOUSE BILL 1578**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Goodman, Simmons, Ryu, Hackney, Macri, Davis, Ramel, Bateman, Lekanoff, and Pollet

Read first time 04/15/21. Referred to Committee on Appropriations.

1 AN ACT Relating to responding to the State v. Blake decision by  
2 addressing justice system responses and behavioral health prevention,  
3 treatment, and related services for individuals using or possessing  
4 controlled substances, counterfeit substances, and legend drugs;  
5 amending RCW 69.50.101, 69.50.4011, 69.50.4013, 69.50.412, 69.50.445,  
6 69.41.010, 69.41.030, 69.41.030, 9.94A.518, 13.40.0357, 2.24.010, and  
7 2.24.040; reenacting and amending RCW 10.31.110, 69.50.101, and  
8 69.41.010; adding new sections to chapter 71.24 RCW; adding a new  
9 section to chapter 43.101 RCW; adding a new section to chapter 69.50  
10 RCW; creating a new section; repealing RCW 69.50.4014; prescribing  
11 penalties; providing an effective date; and providing expiration  
12 dates.

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

14 NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24  
15 RCW to read as follows:

16 (1) The authority shall establish a substance use recovery  
17 services plan to implement measures to assist persons with substance  
18 use disorder in accessing outreach, treatment, and recovery support  
19 services that are low-barrier, person-centered, informed by people  
20 with lived experience, and culturally and linguistically appropriate.  
21 The plan must articulate the manner in which continual, rapid, and

1 widespread access to a comprehensive continuum of care will be  
2 provided to all persons with substance use disorder.

3 (2) The plan must consider:

4 (a) The manner in which persons with substance use disorder  
5 currently access and interact with the behavioral health system;

6 (b) The points of intersection that persons with substance use  
7 disorder have with the health care, criminal, legal, and child  
8 welfare systems, including emergency departments, syringe service  
9 programs, law enforcement, correctional facilities, and dependency  
10 court; and

11 (c) The various locations in which persons with untreated  
12 substance use disorder congregate, including homeless encampments,  
13 motels, and casinos.

14 (3) The plan must:

15 (a) Address the effects of establishing personal use amounts of  
16 controlled substances, counterfeit substances, and legend drugs as  
17 provided in RCW 69.50.101;

18 (b) Include potential new community-based care access points,  
19 including the safe station model in partnership with fire  
20 departments;

21 (c) Include strategic grant making to community organizations to  
22 educate the public to eliminate stigma and prejudice against persons  
23 with substance use disorder by improving public understanding and  
24 promoting hope;

25 (d) Include innovative mechanisms for real-time, peer-driven,  
26 noncoercive outreach and engagement to individuals in active  
27 substance use disorder across all settings and develop measures to  
28 enhance the effectiveness of and opportunities for intervention  
29 across new and existing points of contact with this population; and

30 (e) Support diversion to community-based care for individuals who  
31 may face criminal consequences for other drug-related law violations,  
32 but for whom it is evident that a response that addresses and attends  
33 to the underlying behavioral health needs and social determinants of  
34 health may be more effective.

35 (4) The plan and related rules adopted by the authority must  
36 include the following substance use treatment and recovery services,  
37 which must be available in or accessible by all jurisdictions: Field-  
38 based outreach and engagement; peer recovery support services;  
39 intensive case management; substance use disorder treatment,  
40 including evidence-based treatment, promising practices, and

1 innovative approaches; and recovery support services including  
2 housing, job training, and placement services. These services must be  
3 equitably distributed across urban and rural settings and, if  
4 possible, made available on demand through 24 hour, seven days a week  
5 peer recovery coach response, behavioral health triage centers, or  
6 other innovative rapid response models. These services must, at a  
7 minimum, incorporate the following principles: Low barrier to entry  
8 and reentry; improve the health and safety of the individual; reduce  
9 the harm of substance use and related activity for the public;  
10 integrated and coordinated services; incorporate structural  
11 competency and antiracism; noncoercive methods of retaining people in  
12 treatment and recovery services, including contingency management;  
13 consideration of the unique needs of rural communities; and services  
14 that increase social determinants of health.

15 (5) In developing the plan, the authority shall:

16 (a) Provide due consideration to the adoption and implementation  
17 of the recommendations of the substance use recovery services  
18 advisory committee established in section 2 of this act. Where  
19 adoption and implementation of recommendations are infeasible, the  
20 authority shall notify the advisory committee and request refinement  
21 or modification of recommendations for implementation;

22 (b) Align the components of the plan with previous and ongoing  
23 studies, plans, and reports, including the Washington state opioid  
24 overdose and response plan, published by the authority, the roadmap  
25 to recovery planning grant strategy being developed by the authority,  
26 and plans associated with federal block grants; and

27 (c) Coordinate its work with the efforts of the blue ribbon  
28 commission on the intersection of the criminal justice and behavioral  
29 health crisis systems established in the governor's executive order  
30 21-02 and the crisis response improvement strategy committee  
31 established in chapter . . . (Engrossed Second Substitute House Bill  
32 No. 1477), Laws of 2021.

33 (6) The authority must submit the substance use recovery services  
34 plan to the governor and the legislature by December 1, 2021. After  
35 submitting the plan, the authority shall adopt rules and enter into  
36 contracts with providers to implement the plan by December 1, 2022.  
37 In addition to seeking public comment under chapter 34.05 RCW, the  
38 authority must adopt rules in accordance with the recommendations of  
39 the substance use recovery services advisory committee as provided in  
40 subsection (5) of this section.

1 (7) The authority must submit a readiness report to the governor  
2 and the legislature by November 1, 2022, that indicates progress on  
3 the substance use disorder continuum of care, including availability  
4 of outreach, treatment, and recovery support services.

5 (8) In consultation with the substance use recovery services  
6 advisory committee, the authority must submit a report on the  
7 implementation of the substance use recovery services plan to the  
8 appropriate committees of the legislature and governor by December  
9 1st of each year, beginning in 2022.

10 (9) For the purposes of this section, "recovery support services"  
11 means a collection of nontreatment resources that sustain long-term  
12 recovery from substance use disorder, including recovery housing,  
13 employment and education supports, peer recovery coaching, family  
14 education, technological recovery supports, transportation and child  
15 care assistance to facilitate treatment participation and early  
16 recovery, and social connectedness.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.24  
18 RCW to read as follows:

19 (1) The authority shall establish the substance use recovery  
20 services advisory committee to advise the authority in the  
21 development and implementation of the substance use recovery services  
22 plan under section 1 of this act.

23 (2) The authority must, in consultation with the University of  
24 Washington department of psychiatry and behavioral sciences and an  
25 organization that represents the interests of people who have been  
26 directly impacted by substance use and the criminal legal system,  
27 appoint members to the advisory committee who have relevant  
28 background related to the needs of persons with substance use  
29 disorder.

30 (3) The advisory committee must make recommendations and provide  
31 perspectives to the authority regarding:

32 (a) Current regional capacity for existing public and private  
33 programs providing substance use disorder assessments, each of the  
34 American society of addiction medicine levels of care, and recovery  
35 support services;

36 (b) Barriers to accessing the existing behavioral health system  
37 for those populations chronically exposed to criminal legal system  
38 responses relating to complex behavioral health conditions and the  
39 consequences of trauma, and possible innovations that could reduce

1 those barriers and improve the quality and accessibility of care for  
2 those populations;

3 (c) Evidence-based, research-based, and promising treatment and  
4 recovery services appropriate for target populations;

5 (d) Workforce needs for the behavioral health services sector,  
6 including addressing wage and retention challenges;

7 (e) Options for leveraging existing integrated managed care,  
8 medicaid waiver, American Indian or Alaska Native fee-for-service  
9 behavioral health benefits, and private insurance service capacity  
10 for substance use disorders, including but not limited to  
11 coordination with managed care organizations, behavioral health  
12 administrative services organizations, the Washington health benefit  
13 exchange, accountable communities of health, and the office of the  
14 insurance commissioner;

15 (f) Framework and design assistance for jurisdictions to assist  
16 in compliance with the requirements of RCW 10.31.110 for diversion of  
17 individuals with complex behavioral health conditions to community-  
18 based care whenever possible and appropriate, and identifying  
19 resource gaps that impede jurisdictions in fully realizing the  
20 potential impact of this approach;

21 (g) The design of community-based outreach and intensive case  
22 management programs in section 3 of this act, including reporting  
23 requirements by behavioral health administrative services  
24 organizations to monitor the effectiveness of the programs;

25 (h) The design of ongoing qualitative and quantitative research  
26 about the types of services desired by people with substance use  
27 disorders and barriers they experience in accessing existing and  
28 recommended services; and

29 (i) Proposing a funding framework in which, over time, resources  
30 are shifted from punishment sectors to community-based care  
31 interventions such that community-based care becomes the primary  
32 strategy for addressing and resolving public order issues related to  
33 behavioral health conditions.

34 (4) The advisory committee must convene as necessary for the  
35 development of the substance use recovery services plan and the  
36 development and adoption of rules for implementing the plan, and must  
37 convene to monitor implementation of the plan and advise the  
38 authority.

39 (5) This section expires December 31, 2026.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 71.24

2    RCW to read as follows:

3        (1) Each behavioral health administrative services organization  
4 shall establish a community-based outreach and intensive case  
5 management program. The program shall provide intake, assessment, and  
6 referral services and, as appropriate, long-term case management  
7 services, to individuals with substance use disorder who are referred  
8 to the program from diverse sources and facilitate and coordinate  
9 connections to a broad range of community resources for individuals  
10 with substance use disorder.

11        (2) The authority shall establish uniform program standards for  
12 behavioral health administrative services organizations to follow in  
13 the design of their community-based outreach and intensive case  
14 management programs. The uniform program standards must be modeled  
15 upon the components of the law enforcement assisted diversion program  
16 and address project management, field engagement, biopsychosocial  
17 assessment, intensive case management and care coordination,  
18 stabilization housing when available and appropriate, and, as  
19 necessary, legal system coordination. The authority must adapt the  
20 uniform program standards from the components of the law enforcement  
21 assisted diversion program to accommodate an expanded population of  
22 persons with substance use disorder and allow for referrals from a  
23 broad range of sources. The expanded population must include both  
24 persons who use controlled substances, counterfeit substances, and  
25 legend drugs within the personal use amount as provided in RCW  
26 69.50.101 and persons whose use exceeds the personal use amount. In  
27 addition to accepting referrals from law enforcement, the uniform  
28 program standards must provide guidance for accepting referrals on  
29 behalf of an individual with substance use disorder from various  
30 sources including, but not limited to, self-referral, family members  
31 of the individual, emergency department personnel, persons engaged  
32 with serving homeless encampments, safe station program personnel,  
33 fire department personnel, emergency medical service personnel,  
34 community-based organizations, members of the business community,  
35 harm reduction program personnel, faith-based organization staff, and  
36 other sources within the criminal justice system, as outlined within  
37 the sequential intercept model. In developing response time  
38 requirements within the statewide program standards, the authority  
39 shall require that responses to referrals from law enforcement occur  
40 immediately for in custody referrals.

1 (3) The authority shall provide funding to each behavioral health  
2 administrative services organization for the development of its  
3 program. Before receiving funding for implementation and ongoing  
4 administration, each behavioral health administrative services  
5 organization must submit a program plan that demonstrates the ability  
6 to fully comply with statewide program standards. The authority shall  
7 establish a schedule for the regular review of behavioral health  
8 administrative services organizations' programs. The authority shall  
9 arrange for technical assistance to be provided by the LEAD national  
10 support bureau to all behavioral health administrative services  
11 organizations.

12 (4) Each behavioral health administrative services organization  
13 must have a designated program director for its community-based  
14 outreach and intensive case management program. The program director  
15 shall be responsible for assuring compliance with program standards,  
16 including staffing standards. Each community-based outreach and  
17 intensive case management program must maintain a sufficient number  
18 of appropriately trained personnel for both providing intake and  
19 referral services and conducting field assessments for persons  
20 referred to the program. Program staff must include people with lived  
21 experience with substance use disorder to the extent possible. The  
22 designated program director must assure that staff who are conducting  
23 intake and referral services and field assessments are paid a livable  
24 and competitive wage and have appropriate initial training and  
25 receive continuing education.

26 (5) Each community-based outreach and intensive case management  
27 program must submit quarterly reports to the authority with  
28 information identified by the authority and the substance use  
29 recovery services advisory committee. The reports must be provided to  
30 the substance use recovery services advisory committee for discussion  
31 at meetings following the submission of the reports.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24  
33 RCW to read as follows:

34 (1) Subject to the availability of amounts appropriated for this  
35 specific purpose, the authority shall establish a grant program to:

36 (a) Provide treatment services for low-income individuals with  
37 substance use disorder who are not eligible for medical assistance  
38 programs under chapter 74.09 RCW; and

1 (b) Provide treatment services that are not eligible for federal  
2 matching funds to individuals who are enrolled in medical assistance  
3 programs under chapter 74.09 RCW.

4 (2) In establishing the grant program, the authority shall  
5 consult with behavioral health administrative services organizations,  
6 managed care organizations, and regional behavioral health providers  
7 to adopt regional standards that are consistent with the substance  
8 use recovery services plan developed under section 1 of this act to  
9 provide sufficient access to meet each region's needs for:

- 10 (a) Opioid treatment programs;
- 11 (b) Low-barrier buprenorphine clinics;
- 12 (c) Withdrawal management services;
- 13 (d) Inpatient substance use disorder treatment services;
- 14 (e) Inpatient co-occurring disorder treatment services; and
- 15 (f) Behavioral health crisis walk-in and drop-off services.

16 (3) Funds in the grant program must be used to reimburse  
17 providers for the provision of services to individuals identified in  
18 subsection (1) of this section. The authority may use the funds to  
19 support evidence-based practices and promising practices that are not  
20 reimbursed by medical assistance or private insurance. In addition,  
21 funds may be used to provide assistance to organizations to establish  
22 or expand services as reasonably necessary and feasible to increase  
23 the availability of services to achieve the regional access standards  
24 developed under subsection (2) of this section, including such items  
25 as training and recruitment of personnel, reasonable modifications to  
26 existing facilities to accommodate additional clients, start-up  
27 funding, and similar forms of assistance. Funds may not be used to  
28 support the ongoing operational costs of a provider or organization,  
29 except in relation to payments for specific service encounters with  
30 an individual identified in subsection (1) of this section or for  
31 noninsurance reimbursable services.

32 (4) The authority must establish regional access standards under  
33 subsection (2) of this section by January 1, 2022, and begin  
34 distributing grant funds by March 1, 2022.

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24  
36 RCW to read as follows:

37 (1) Subject to the availability of amounts appropriated for this  
38 specific purpose, the authority shall establish the expanded recovery



1 support services program to develop and expand access to recovery  
2 service for individuals in recovery from substance use disorder.

3 (2) In establishing the program, the authority shall consult with  
4 behavioral health administrative services organizations, regional  
5 behavioral health providers, and regional community organizations  
6 that support individuals in recovery from substance use disorder to  
7 adopt regional expanded recovery plans that are consistent with the  
8 substance use recovery services plan developed under section 1 of  
9 this act to provide sufficient access to meet each region's needs  
10 for:

11 (a) Recovery housing;

12 (b) Employment pathways, support, and training;

13 (c) Education pathways, including recovery high schools and  
14 collegiate recovery programs;

15 (d) Recovery coaching and substance use disorder peer support;

16 (e) Social connectedness initiatives, including the recovery café  
17 model;

18 (f) Family support services;

19 (g) Technology-based recovery support services;

20 (h) Transportation assistance; and

21 (i) Legal support services.

22 (3) Funds in the expanded recovery support services program must  
23 be used to reimburse providers for the provision of services to  
24 individuals in recovery from substance use disorder. In addition, the  
25 funds may be used to provide assistance to organizations to establish  
26 or expand recovery support services as reasonably necessary and  
27 feasible to increase the availability of services to achieve the  
28 regional access standards developed under subsection (2) of this  
29 section, including such items as training and recruitment of  
30 personnel, reasonable modifications to existing facilities to  
31 accommodate additional clients, and similar forms of assistance.

32 (4) The authority must establish regional expanded recovery plans  
33 under subsection (2) of this section by January 1, 2022, and begin  
34 distributing grant funds by March 1, 2022.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.101  
36 RCW to read as follows:

37 (1) Beginning July 1, 2022, all law enforcement personnel  
38 required to complete basic law enforcement training under RCW  
39 43.101.200 must receive training on law enforcement interaction with

1 persons with substance use disorders, including referral to treatment  
2 and recovery services, as part of the basic law enforcement training.  
3 The training must be developed by the commission in consultation with  
4 appropriate substance use disorder recovery advocacy organizations  
5 and with appropriate community, local, and state organizations and  
6 agencies that have expertise in the area of working with persons with  
7 substance use disorders, including law enforcement diversion of such  
8 individuals to community-based care. In developing the training, the  
9 commission must also examine existing courses certified by the  
10 commission that relate to persons with a substance use disorder, and  
11 should draw on existing training partnerships with the Washington  
12 association of sheriffs and police chiefs.

13 (2) The training must consist of classroom instruction or  
14 internet instruction and shall replicate likely field situations to  
15 the maximum extent possible. The training should include, at a  
16 minimum, core instruction in all of the following:

17 (a) Proper procedures for referring persons to treatment and  
18 supportive services in accordance with section 1 of this act;

19 (b) The cause and nature of substance use disorders, including  
20 the role of trauma;

21 (c) Barriers to treatment engagement experienced by many with  
22 such disorders who have contact with the legal system;

23 (d) How to identify indicators of substance use disorder and how  
24 to respond appropriately in a variety of common situations;

25 (e) Conflict resolution and de-escalation techniques for  
26 potentially dangerous situations involving persons with a substance  
27 use disorder;

28 (f) Appropriate language usage when interacting with persons with  
29 a substance use disorder;

30 (g) Alternatives to lethal force when interacting with  
31 potentially dangerous persons with a substance use disorder;

32 (h) The principles of recovery and the multiple pathways to  
33 recovery; and

34 (i) Community and state resources available to serve persons with  
35 substance use disorders and how these resources can be best used by  
36 law enforcement to support persons with a substance use disorder in  
37 their communities.

38 (3) In addition to incorporation into the basic law enforcement  
39 training under RCW 43.101.200, training must be made available to law  
40 enforcement agencies, through electronic means, for use at their

1 convenience and determined by the internal training needs and  
2 resources of each agency.

3 **Sec. 7.** RCW 10.31.110 and 2019 c 326 s 3 and 2019 c 325 s 5004  
4 are each reenacted and amended to read as follows:

5 (1) When a police officer has reasonable cause to believe that  
6 the individual has committed acts constituting a crime, and the  
7 individual is known by history or consultation with the behavioral  
8 health administrative services organization, managed care  
9 organization, (~~behavioral health administrative services~~  
10 ~~organization,~~) crisis hotline, or local crisis services providers to  
11 suffer from a mental disorder or substance use disorder, in addition  
12 to existing authority under state law, as an alternative to arrest,  
13 the arresting officer is authorized and encouraged to:

14 (a) Take the individual to a crisis stabilization unit as defined  
15 in RCW 71.05.020. Individuals delivered to a crisis stabilization  
16 unit pursuant to this section may be held by the facility for a  
17 period of up to twelve hours. The individual must be examined by a  
18 mental health professional or substance use disorder professional  
19 within three hours of arrival;

20 (b) Take the individual to a triage facility as defined in RCW  
21 71.05.020. An individual delivered to a triage facility which has  
22 elected to operate as an involuntary facility may be held up to a  
23 period of twelve hours. The individual must be examined by a mental  
24 health professional or substance use disorder professional within  
25 three hours of arrival;

26 (c) Refer the individual to a (~~mental health professional~~)  
27 designated crisis responder for evaluation for initial detention and  
28 proceeding under chapter 71.05 RCW; or

29 (d) Release the individual upon agreement to voluntary  
30 participation in outpatient treatment.

31 (2) If the individual is released to the community, the mental  
32 health provider or substance use disorder professional shall make  
33 reasonable efforts to inform the arresting officer of the planned  
34 release prior to release if the arresting officer has specifically  
35 requested notification and provided contact information to the  
36 provider.

37 (3) In deciding whether to refer the individual to treatment  
38 under this section, the police officer must be guided by local law  
39 enforcement diversion guidelines for behavioral health developed and

1 mutually agreed upon with the prosecuting authority with an  
2 opportunity for consultation and comment by the defense bar and  
3 disability community. These guidelines must address, at a minimum,  
4 the length, seriousness, and recency of the known criminal history of  
5 the individual, the mental health history of the individual, if  
6 available the substance use disorder history of the individual, if  
7 available, the opinions of a mental health professional, if  
8 available, the opinions of a substance use disorder professional, if  
9 available, and the circumstances surrounding the commission of the  
10 alleged offense. The guidelines must include a process for clearing  
11 outstanding warrants or referring the individual for assistance in  
12 clearing outstanding warrants, if any, and issuing a new court date,  
13 if appropriate, without booking or incarcerating the individual or  
14 disqualifying ((him—~~or~~—her)) the individual from referral to  
15 treatment under this section, and define the circumstances under  
16 which such action is permissible.

17 (4) Any agreement to participate in treatment shall not require  
18 individuals to stipulate to any of the alleged facts regarding the  
19 criminal activity as a prerequisite to participation in a mental  
20 health or substance use disorder treatment alternative. The agreement  
21 is inadmissible in any criminal or civil proceeding. The agreement  
22 does not create immunity from prosecution for the alleged criminal  
23 activity.

24 (5) If an individual violates such agreement and the mental  
25 health or substance use disorder treatment alternative is no longer  
26 appropriate:

27 (a) The mental health provider shall inform the referring law  
28 enforcement agency of the violation; and

29 (b) The original charges may be filed or referred to the  
30 prosecutor, as appropriate, and the matter may proceed accordingly.

31 (6) The police officer is immune from liability for any good  
32 faith conduct under this section.

33 **Sec. 8.** RCW 69.50.101 and 2020 c 133 s 2 are each amended to  
34 read as follows:

35 The definitions in this section apply throughout this chapter  
36 unless the context clearly requires otherwise.

37 (a) "Administer" means to apply a controlled substance, whether  
38 by injection, inhalation, ingestion, or any other means, directly to  
39 the body of a patient or research subject by:

1 (1) a practitioner authorized to prescribe (or, by the  
2 practitioner's authorized agent); or  
3 (2) the patient or research subject at the direction and in the  
4 presence of the practitioner.

5 (b) "Agent" means an authorized person who acts on behalf of or  
6 at the direction of a manufacturer, distributor, or dispenser. It  
7 does not include a common or contract carrier, public  
8 warehouseperson, or employee of the carrier or warehouseperson.

9 (c) "Board" means the Washington state liquor and cannabis board.

10 (d) "CBD concentration" has the meaning provided in RCW  
11 69.51A.010.

12 (e) "CBD product" means any product containing or consisting of  
13 cannabidiol.

14 (f) "Commission" means the pharmacy quality assurance commission.

15 (g) "Controlled substance" means a drug, substance, or immediate  
16 precursor included in Schedules I through V as set forth in federal  
17 or state laws, or federal or commission rules, but does not include  
18 hemp or industrial hemp as defined in RCW 15.140.020.

19 (h) (1) "Controlled substance analog" means a substance the  
20 chemical structure of which is substantially similar to the chemical  
21 structure of a controlled substance in Schedule I or II and:  
22 (i) that has a stimulant, depressant, or hallucinogenic effect on  
23 the central nervous system substantially similar to the stimulant,  
24 depressant, or hallucinogenic effect on the central nervous system of  
25 a controlled substance included in Schedule I or II; or  
26 (ii) with respect to a particular individual, that the individual  
27 represents or intends to have a stimulant, depressant, or  
28 hallucinogenic effect on the central nervous system substantially  
29 similar to the stimulant, depressant, or hallucinogenic effect on the  
30 central nervous system of a controlled substance included in Schedule  
31 I or II.

32 (2) The term does not include:  
33 (i) a controlled substance;  
34 (ii) a substance for which there is an approved new drug  
35 application;  
36 (iii) a substance with respect to which an exemption is in effect  
37 for investigational use by a particular person under Section 505 of  
38 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or  
39 chapter 69.77 RCW to the extent conduct with respect to the substance  
40 is pursuant to the exemption; or

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

4 (i) "Deliver" or "delivery" means the actual or constructive  
5 transfer from one person to another of a substance, whether or not  
6 there is an agency relationship.

7 (j) "Department" means the department of health.

8 (k) "Designated provider" has the meaning provided in RCW  
9 69.51A.010.

10 (l) "Dispense" means the interpretation of a prescription or  
11 order for a controlled substance and, pursuant to that prescription  
12 or order, the proper selection, measuring, compounding, labeling, or  
13 packaging necessary to prepare that prescription or order for  
14 delivery.

15 (m) "Dispenser" means a practitioner who dispenses.

16 (n) "Distribute" means to deliver other than by administering or  
17 dispensing a controlled substance.

18 (o) "Distributor" means a person who distributes.

19 (p) "Drug" means (1) a controlled substance recognized as a drug  
20 in the official United States pharmacopoeia/national formulary or the  
21 official homeopathic pharmacopoeia of the United States, or any  
22 supplement to them; (2) controlled substances intended for use in the  
23 diagnosis, cure, mitigation, treatment, or prevention of disease in  
24 individuals or animals; (3) controlled substances (other than food)  
25 intended to affect the structure or any function of the body of  
26 individuals or animals; and (4) controlled substances intended for  
27 use as a component of any article specified in (1), (2), or (3) of  
28 this subsection. The term does not include devices or their  
29 components, parts, or accessories.

30 (q) "Drug enforcement administration" means the drug enforcement  
31 administration in the United States Department of Justice, or its  
32 successor agency.

33 (r) "Electronic communication of prescription information" means  
34 the transmission of a prescription or refill authorization for a drug  
35 of a practitioner using computer systems. The term does not include a  
36 prescription or refill authorization verbally transmitted by  
37 telephone nor a facsimile manually signed by the practitioner.

38 (s) "Immature plant or clone" means a plant or clone that has no  
39 flowers, is less than twelve inches in height, and is less than  
40 twelve inches in diameter.

1 (t) "Immediate precursor" means a substance:  
2 (1) that the commission has found to be and by rule designates as  
3 being the principal compound commonly used, or produced primarily for  
4 use, in the manufacture of a controlled substance;  
5 (2) that is an immediate chemical intermediary used or likely to  
6 be used in the manufacture of a controlled substance; and  
7 (3) the control of which is necessary to prevent, curtail, or  
8 limit the manufacture of the controlled substance.  
9 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)  
10 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
11 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
12 (42), and 69.50.210(c) the term includes any positional isomer; and  
13 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
14 includes any positional or geometric isomer.  
15 (v) "Lot" means a definite quantity of marijuana, marijuana  
16 concentrates, useable marijuana, or marijuana-infused product  
17 identified by a lot number, every portion or package of which is  
18 uniform within recognized tolerances for the factors that appear in  
19 the labeling.  
20 (w) "Lot number" must identify the licensee by business or trade  
21 name and Washington state unified business identifier number, and the  
22 date of harvest or processing for each lot of marijuana, marijuana  
23 concentrates, useable marijuana, or marijuana-infused product.  
24 (x) "Manufacture" means the production, preparation, propagation,  
25 compounding, conversion, or processing of a controlled substance,  
26 either directly or indirectly or by extraction from substances of  
27 natural origin, or independently by means of chemical synthesis, or  
28 by a combination of extraction and chemical synthesis, and includes  
29 any packaging or repackaging of the substance or labeling or  
30 relabeling of its container. The term does not include the  
31 preparation, compounding, packaging, repackaging, labeling, or  
32 relabeling of a controlled substance:  
33 (1) by a practitioner as an incident to the practitioner's  
34 administering or dispensing of a controlled substance in the course  
35 of the practitioner's professional practice; or  
36 (2) by a practitioner, or by the practitioner's authorized agent  
37 under the practitioner's supervision, for the purpose of, or as an  
38 incident to, research, teaching, or chemical analysis and not for  
39 sale.

1 (y) "Marijuana" or "marihuana" means all parts of the plant  
2 *Cannabis*, whether growing or not, with a THC concentration greater  
3 than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
4 extracted from any part of the plant; and every compound,  
5 manufacture, salt, derivative, mixture, or preparation of the plant,  
6 its seeds or resin. The term does not include:

7 (1) The mature stalks of the plant, fiber produced from the  
8 stalks, oil or cake made from the seeds of the plant, any other  
9 compound, manufacture, salt, derivative, mixture, or preparation of  
10 the mature stalks (except the resin extracted therefrom), fiber, oil,  
11 or cake, or the sterilized seed of the plant which is incapable of  
12 germination; or

13 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds  
14 used for licensed hemp production under chapter 15.140 RCW.

15 (z) "Marijuana concentrates" means products consisting wholly or  
16 in part of the resin extracted from any part of the plant *Cannabis*  
17 and having a THC concentration greater than ten percent.

18 (aa) "Marijuana processor" means a person licensed by the board  
19 to process marijuana into marijuana concentrates, useable marijuana,  
20 and marijuana-infused products, package and label marijuana  
21 concentrates, useable marijuana, and marijuana-infused products for  
22 sale in retail outlets, and sell marijuana concentrates, useable  
23 marijuana, and marijuana-infused products at wholesale to marijuana  
24 retailers.

25 (bb) "Marijuana producer" means a person licensed by the board to  
26 produce and sell marijuana at wholesale to marijuana processors and  
27 other marijuana producers.

28 (cc) "Marijuana products" means useable marijuana, marijuana  
29 concentrates, and marijuana-infused products as defined in this  
30 section.

31 (dd) "Marijuana researcher" means a person licensed by the board  
32 to produce, process, and possess marijuana for the purposes of  
33 conducting research on marijuana and marijuana-derived drug products.

34 (ee) "Marijuana retailer" means a person licensed by the board to  
35 sell marijuana concentrates, useable marijuana, and marijuana-infused  
36 products in a retail outlet.

37 (ff) "Marijuana-infused products" means products that contain  
38 marijuana or marijuana extracts, are intended for human use, are  
39 derived from marijuana as defined in subsection (y) of this section,  
40 and have a THC concentration no greater than ten percent. The term



1 "marijuana-infused products" does not include either useable  
2 marijuana or marijuana concentrates.

3 (gg) "Narcotic drug" means any of the following, whether produced  
4 directly or indirectly by extraction from substances of vegetable  
5 origin, or independently by means of chemical synthesis, or by a  
6 combination of extraction and chemical synthesis:

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

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

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

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

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

22 (6) Cocaine base.

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

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

27 (hh) "Opiate" means any substance having an addiction-forming or  
28 addiction-sustaining liability similar to morphine or being capable  
29 of conversion into a drug having addiction-forming or addiction-  
30 sustaining liability. The term includes opium, substances derived  
31 from opium (opium derivatives), and synthetic opiates. The term does  
32 not include, unless specifically designated as controlled under RCW  
33 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
34 and its salts (dextromethorphan). The term includes the racemic and  
35 levorotatory forms of dextromethorphan.

36 (ii) "Opium poppy" means the plant of the species *Papaver*  
37 *somniferum* L., except its seeds.

38 (jj) "Person" means individual, corporation, business trust,  
39 estate, trust, partnership, association, joint venture, government,

1 governmental subdivision or agency, or any other legal or commercial  
2 entity.

3 (kk) "Personal use amount" means an amount that does not exceed:

4 (1) Forty user units of a mixture or substance containing a  
5 detectable amount of methadone;

6 (2) Forty pills, tablets, or capsules of a mixture or substance  
7 containing a detectable amount of oxycodone;

8 (3) Two grams of a mixture or substance containing a detectable  
9 amount of heroin;

10 (4) One gram or five pills, tablets, or capsules of a mixture or  
11 substance containing a detectable amount of 3,4-  
12 methylenedioxyamphetamine or 3,4-methylenedioxymethamphetamine;

13 (5) Two grams of a mixture or substance containing a detectable  
14 amount of cocaine;

15 (6) Two grams of a mixture or substance containing a detectable  
16 amount of methamphetamine;

17 (7) Forty user units of a mixture or substance containing a  
18 detectable amount of lysergic acid diethylamide;

19 (8) Twelve grams of a mixture or substance containing a  
20 detectable amount of psilocybin or psilocyn;

21 (9) The amounts of marijuana concentrates, useable marijuana, or  
22 marijuana-infused product established in RCW 69.50.360(3) (a) through  
23 (d); or

24 (10) An amount or amounts that may be established by rule by the  
25 director of the health care authority, or the director's designee,  
26 for recreational or nonmedical and nonprescribed use of a controlled  
27 substance, counterfeit substance, or legend drug for which a maximum  
28 personal use amount has not been established in this section.

29 (11) "Plant" has the meaning provided in RCW 69.51A.010.

30 ~~((11))~~ (mm) "Poppy straw" means all parts, except the seeds, of  
31 the opium poppy, after mowing.

32 ~~((mm))~~ (nn) "Practitioner" means:

33 (1) A physician under chapter 18.71 RCW; a physician assistant  
34 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
35 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
36 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
37 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
38 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
39 subject to any limitations in RCW 18.53.010; a dentist under chapter  
40 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;

1 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
2 registered nurse practitioner, or licensed practical nurse under  
3 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
4 who is licensed under RCW 18.36A.030 subject to any limitations in  
5 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
6 investigator under this chapter, licensed, registered or otherwise  
7 permitted insofar as is consistent with those licensing laws to  
8 distribute, dispense, conduct research with respect to or administer  
9 a controlled substance in the course of their professional practice  
10 or research in this state.

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

15 (3) A physician licensed to practice medicine and surgery, a  
16 physician licensed to practice osteopathic medicine and surgery, a  
17 dentist licensed to practice dentistry, a podiatric physician and  
18 surgeon licensed to practice podiatric medicine and surgery, a  
19 licensed physician assistant or a licensed osteopathic physician  
20 assistant specifically approved to prescribe controlled substances by  
21 his or her state's medical commission or equivalent and his or her  
22 supervising physician, an advanced registered nurse practitioner  
23 licensed to prescribe controlled substances, or a veterinarian  
24 licensed to practice veterinary medicine in any state of the United  
25 States.

26 (~~(nn)~~) (oo) "Prescription" means an order for controlled  
27 substances issued by a practitioner duly authorized by law or rule in  
28 the state of Washington to prescribe controlled substances within the  
29 scope of his or her professional practice for a legitimate medical  
30 purpose.

31 (~~(oo)~~) (pp) "Production" includes the manufacturing, planting,  
32 cultivating, growing, or harvesting of a controlled substance.

33 (~~(pp)~~) (qq) "Qualifying patient" has the meaning provided in  
34 RCW 69.51A.010.

35 (~~(qq)~~) (rr) "Recognition card" has the meaning provided in RCW  
36 69.51A.010.

37 (~~(rr)~~) (ss) "Retail outlet" means a location licensed by the  
38 board for the retail sale of marijuana concentrates, useable  
39 marijuana, and marijuana-infused products.

1       (~~(ss)~~) (tt) "Secretary" means the secretary of health or the  
2 secretary's designee.

3       (~~(ttt)~~) (uu) "State," unless the context otherwise requires,  
4 means a state of the United States, the District of Columbia, the  
5 Commonwealth of Puerto Rico, or a territory or insular possession  
6 subject to the jurisdiction of the United States.

7       (~~(uu)~~) (vv) "THC concentration" means percent of delta-9  
8 tetrahydrocannabinol content per dry weight of any part of the plant  
9 *Cannabis*, or per volume or weight of marijuana product, or the  
10 combined percent of delta-9 tetrahydrocannabinol and  
11 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
12 regardless of moisture content.

13       (~~(vv)~~) (ww) "Ultimate user" means an individual who lawfully  
14 possesses a controlled substance for the individual's own use or for  
15 the use of a member of the individual's household or for  
16 administering to an animal owned by the individual or by a member of  
17 the individual's household.

18       (~~(ww)~~) (xx) "Useable marijuana" means dried marijuana flowers.  
19 The term "useable marijuana" does not include either marijuana-  
20 infused products or marijuana concentrates.

21       (~~(xx)~~) (yy) "Youth access" means the level of interest persons  
22 under the age of twenty-one may have in a vapor product, as well as  
23 the degree to which the product is available or appealing to such  
24 persons, and the likelihood of initiation, use, or addiction by  
25 adolescents and young adults.

26       **Sec. 9.** RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43 are  
27 each reenacted and amended to read as follows:

28       The definitions in this section apply throughout this chapter  
29 unless the context clearly requires otherwise.

30       (a) "Administer" means to apply a controlled substance, whether  
31 by injection, inhalation, ingestion, or any other means, directly to  
32 the body of a patient or research subject by:

33       (1) a practitioner authorized to prescribe (or, by the  
34 practitioner's authorized agent); or

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

37       (b) "Agent" means an authorized person who acts on behalf of or  
38 at the direction of a manufacturer, distributor, or dispenser. It

1 does not include a common or contract carrier, public  
2 warehouseperson, or employee of the carrier or warehouseperson.

3 (c) "Board" means the Washington state liquor and cannabis board.

4 (d) "CBD concentration" has the meaning provided in RCW  
5 69.51A.010.

6 (e) "CBD product" means any product containing or consisting of  
7 cannabidiol.

8 (f) "Commission" means the pharmacy quality assurance commission.

9 (g) "Controlled substance" means a drug, substance, or immediate  
10 precursor included in Schedules I through V as set forth in federal  
11 or state laws, or federal or commission rules, but does not include  
12 hemp or industrial hemp as defined in RCW 15.140.020.

13 (h) (1) "Controlled substance analog" means a substance the  
14 chemical structure of which is substantially similar to the chemical  
15 structure of a controlled substance in Schedule I or II and:

16 (i) that has a stimulant, depressant, or hallucinogenic effect on  
17 the central nervous system substantially similar to the stimulant,  
18 depressant, or hallucinogenic effect on the central nervous system of  
19 a controlled substance included in Schedule I or II; or

20 (ii) with respect to a particular individual, that the individual  
21 represents or intends to have a stimulant, depressant, or  
22 hallucinogenic effect on the central nervous system substantially  
23 similar to the stimulant, depressant, or hallucinogenic effect on the  
24 central nervous system of a controlled substance included in Schedule  
25 I or II.

26 (2) The term does not include:

27 (i) a controlled substance;

28 (ii) a substance for which there is an approved new drug  
29 application;

30 (iii) a substance with respect to which an exemption is in effect  
31 for investigational use by a particular person under Section 505 of  
32 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or  
33 chapter 69.77 RCW to the extent conduct with respect to the substance  
34 is pursuant to the exemption; or

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

38 (i) "Deliver" or "delivery" means the actual or constructive  
39 transfer from one person to another of a substance, whether or not  
40 there is an agency relationship.

1 (j) "Department" means the department of health.

2 (k) "Designated provider" has the meaning provided in RCW  
3 69.51A.010.

4 (l) "Dispense" means the interpretation of a prescription or  
5 order for a controlled substance and, pursuant to that prescription  
6 or order, the proper selection, measuring, compounding, labeling, or  
7 packaging necessary to prepare that prescription or order for  
8 delivery.

9 (m) "Dispenser" means a practitioner who dispenses.

10 (n) "Distribute" means to deliver other than by administering or  
11 dispensing a controlled substance.

12 (o) "Distributor" means a person who distributes.

13 (p) "Drug" means (1) a controlled substance recognized as a drug  
14 in the official United States pharmacopoeia/national formulary or the  
15 official homeopathic pharmacopoeia of the United States, or any  
16 supplement to them; (2) controlled substances intended for use in the  
17 diagnosis, cure, mitigation, treatment, or prevention of disease in  
18 individuals or animals; (3) controlled substances (other than food)  
19 intended to affect the structure or any function of the body of  
20 individuals or animals; and (4) controlled substances intended for  
21 use as a component of any article specified in (1), (2), or (3) of  
22 this subsection. The term does not include devices or their  
23 components, parts, or accessories.

24 (q) "Drug enforcement administration" means the drug enforcement  
25 administration in the United States Department of Justice, or its  
26 successor agency.

27 (r) "Electronic communication of prescription information" means  
28 the transmission of a prescription or refill authorization for a drug  
29 of a practitioner using computer systems. The term does not include a  
30 prescription or refill authorization verbally transmitted by  
31 telephone nor a facsimile manually signed by the practitioner.

32 (s) "Immature plant or clone" means a plant or clone that has no  
33 flowers, is less than twelve inches in height, and is less than  
34 twelve inches in diameter.

35 (t) "Immediate precursor" means a substance:

36 (1) that the commission has found to be and by rule designates as  
37 being the principal compound commonly used, or produced primarily for  
38 use, in the manufacture of a controlled substance;

39 (2) that is an immediate chemical intermediary used or likely to  
40 be used in the manufacture of a controlled substance; and

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

3 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)  
4 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
5 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
6 (42), and 69.50.210(c) the term includes any positional isomer; and  
7 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
8 includes any positional or geometric isomer.

9 (v) "Lot" means a definite quantity of marijuana, marijuana  
10 concentrates, useable marijuana, or marijuana-infused product  
11 identified by a lot number, every portion or package of which is  
12 uniform within recognized tolerances for the factors that appear in  
13 the labeling.

14 (w) "Lot number" must identify the licensee by business or trade  
15 name and Washington state unified business identifier number, and the  
16 date of harvest or processing for each lot of marijuana, marijuana  
17 concentrates, useable marijuana, or marijuana-infused product.

18 (x) "Manufacture" means the production, preparation, propagation,  
19 compounding, conversion, or processing of a controlled substance,  
20 either directly or indirectly or by extraction from substances of  
21 natural origin, or independently by means of chemical synthesis, or  
22 by a combination of extraction and chemical synthesis, and includes  
23 any packaging or repackaging of the substance or labeling or  
24 relabeling of its container. The term does not include the  
25 preparation, compounding, packaging, repackaging, labeling, or  
26 relabeling of a controlled substance:

27 (1) by a practitioner as an incident to the practitioner's  
28 administering or dispensing of a controlled substance in the course  
29 of the practitioner's professional practice; or

30 (2) by a practitioner, or by the practitioner's authorized agent  
31 under the practitioner's supervision, for the purpose of, or as an  
32 incident to, research, teaching, or chemical analysis and not for  
33 sale.

34 (y) "Marijuana" or "marihuana" means all parts of the plant  
35 *Cannabis*, whether growing or not, with a THC concentration greater  
36 than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
37 extracted from any part of the plant; and every compound,  
38 manufacture, salt, derivative, mixture, or preparation of the plant,  
39 its seeds or resin. The term does not include:

1 (1) The mature stalks of the plant, fiber produced from the  
2 stalks, oil or cake made from the seeds of the plant, any other  
3 compound, manufacture, salt, derivative, mixture, or preparation of  
4 the mature stalks (except the resin extracted therefrom), fiber, oil,  
5 or cake, or the sterilized seed of the plant which is incapable of  
6 germination; or

7 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds  
8 used for licensed hemp production under chapter 15.140 RCW.

9 (z) "Marijuana concentrates" means products consisting wholly or  
10 in part of the resin extracted from any part of the plant *Cannabis*  
11 and having a THC concentration greater than ten percent.

12 (aa) "Marijuana processor" means a person licensed by the board  
13 to process marijuana into marijuana concentrates, useable marijuana,  
14 and marijuana-infused products, package and label marijuana  
15 concentrates, useable marijuana, and marijuana-infused products for  
16 sale in retail outlets, and sell marijuana concentrates, useable  
17 marijuana, and marijuana-infused products at wholesale to marijuana  
18 retailers.

19 (bb) "Marijuana producer" means a person licensed by the board to  
20 produce and sell marijuana at wholesale to marijuana processors and  
21 other marijuana producers.

22 (cc) "Marijuana products" means useable marijuana, marijuana  
23 concentrates, and marijuana-infused products as defined in this  
24 section.

25 (dd) "Marijuana researcher" means a person licensed by the board  
26 to produce, process, and possess marijuana for the purposes of  
27 conducting research on marijuana and marijuana-derived drug products.

28 (ee) "Marijuana retailer" means a person licensed by the board to  
29 sell marijuana concentrates, useable marijuana, and marijuana-infused  
30 products in a retail outlet.

31 (ff) "Marijuana-infused products" means products that contain  
32 marijuana or marijuana extracts, are intended for human use, are  
33 derived from marijuana as defined in subsection (y) of this section,  
34 and have a THC concentration no greater than ten percent. The term  
35 "marijuana-infused products" does not include either useable  
36 marijuana or marijuana concentrates.

37 (gg) "Narcotic drug" means any of the following, whether produced  
38 directly or indirectly by extraction from substances of vegetable  
39 origin, or independently by means of chemical synthesis, or by a  
40 combination of extraction and chemical synthesis:



1 (1) Opium, opium derivative, and any derivative of opium or opium  
2 derivative, including their salts, isomers, and salts of isomers,  
3 whenever the existence of the salts, isomers, and salts of isomers is  
4 possible within the specific chemical designation. The term does not  
5 include the isoquinoline alkaloids of opium.

6 (2) Synthetic opiate and any derivative of synthetic opiate,  
7 including their isomers, esters, ethers, salts, and salts of isomers,  
8 esters, and ethers, whenever the existence of the isomers, esters,  
9 ethers, and salts is possible within the specific chemical  
10 designation.

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

12 (4) Coca leaves, except coca leaves and extracts of coca leaves  
13 from which cocaine, ecgonine, and derivatives or ecgonine or their  
14 salts have been removed.

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

16 (6) Cocaine base.

17 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
18 thereof.

19 (8) Any compound, mixture, or preparation containing any quantity  
20 of any substance referred to in (1) through (7) of this subsection.

21 (hh) "Opiate" means any substance having an addiction-forming or  
22 addiction-sustaining liability similar to morphine or being capable  
23 of conversion into a drug having addiction-forming or addiction-  
24 sustaining liability. The term includes opium, substances derived  
25 from opium (opium derivatives), and synthetic opiates. The term does  
26 not include, unless specifically designated as controlled under RCW  
27 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
28 and its salts (dextromethorphan). The term includes the racemic and  
29 levorotatory forms of dextromethorphan.

30 (ii) "Opium poppy" means the plant of the species *Papaver*  
31 *somniferum* L., except its seeds.

32 (jj) "Person" means individual, corporation, business trust,  
33 estate, trust, partnership, association, joint venture, government,  
34 governmental subdivision or agency, or any other legal or commercial  
35 entity.

36 (kk) "Personal use amount" means an amount that does not exceed:

37 (1) Forty user units of a mixture or substance containing a  
38 detectable amount of methadone;

39 (2) Forty pills, tablets, or capsules of a mixture or substance  
40 containing a detectable amount of oxycodone;

1       (3) Two grams of a mixture or substance containing a detectable  
2 amount of heroin;

3       (4) One gram or five pills, tablets, or capsules of a mixture or  
4 substance containing a detectable amount of 3,4-  
5 methylenedioxyamphetamine or 3,4-methylenedioxymethamphetamine;

6       (5) Two grams of a mixture or substance containing a detectable  
7 amount of cocaine;

8       (6) Two grams of a mixture or substance containing a detectable  
9 amount of methamphetamine;

10       (7) Forty user units of a mixture or substance containing a  
11 detectable amount of lysergic acid diethylamide;

12       (8) Twelve grams of a mixture or substance containing a  
13 detectable amount of psilocybin or psilocyn;

14       (9) The amounts of marijuana concentrates, useable marijuana, or  
15 marijuana-infused product established in RCW 69.50.360(3) (a) through  
16 (d); or

17       (10) An amount or amounts that may be established by rule by the  
18 director of the health care authority, or the director's designee,  
19 for recreational or nonmedical and nonprescribed use of a controlled  
20 substance, counterfeit substance, or legend drug for which a maximum  
21 personal use amount has not been established in this section.

22       (11) "Plant" has the meaning provided in RCW 69.51A.010.

23       ~~((11))~~ (mm) "Poppy straw" means all parts, except the seeds, of  
24 the opium poppy, after mowing.

25       ~~((mm))~~ (nn) "Practitioner" means:

26       (1) A physician under chapter 18.71 RCW; a physician assistant  
27 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
28 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW  
29 who is certified by the optometry board under RCW 18.53.010 subject  
30 to any limitations in RCW 18.53.010; a dentist under chapter 18.32  
31 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a  
32 veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
33 registered nurse practitioner, or licensed practical nurse under  
34 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
35 who is licensed under RCW 18.36A.030 subject to any limitations in  
36 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
37 investigator under this chapter, licensed, registered or otherwise  
38 permitted insofar as is consistent with those licensing laws to  
39 distribute, dispense, conduct research with respect to or administer

1 a controlled substance in the course of their professional practice  
2 or research in this state.

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

7 (3) A physician licensed to practice medicine and surgery, a  
8 physician licensed to practice osteopathic medicine and surgery, a  
9 dentist licensed to practice dentistry, a podiatric physician and  
10 surgeon licensed to practice podiatric medicine and surgery, a  
11 licensed physician assistant or a licensed osteopathic physician  
12 assistant specifically approved to prescribe controlled substances by  
13 his or her state's medical commission or equivalent and his or her  
14 supervising physician, an advanced registered nurse practitioner  
15 licensed to prescribe controlled substances, or a veterinarian  
16 licensed to practice veterinary medicine in any state of the United  
17 States.

18 (~~(nn)~~) (oo) "Prescription" means an order for controlled  
19 substances issued by a practitioner duly authorized by law or rule in  
20 the state of Washington to prescribe controlled substances within the  
21 scope of his or her professional practice for a legitimate medical  
22 purpose.

23 (~~(oo)~~) (pp) "Production" includes the manufacturing, planting,  
24 cultivating, growing, or harvesting of a controlled substance.

25 (~~(pp)~~) (qq) "Qualifying patient" has the meaning provided in  
26 RCW 69.51A.010.

27 (~~(qq)~~) (rr) "Recognition card" has the meaning provided in RCW  
28 69.51A.010.

29 (~~(rr)~~) (ss) "Retail outlet" means a location licensed by the  
30 board for the retail sale of marijuana concentrates, useable  
31 marijuana, and marijuana-infused products.

32 (~~(ss)~~) (tt) "Secretary" means the secretary of health or the  
33 secretary's designee.

34 (~~(tt)~~) (uu) "State," unless the context otherwise requires,  
35 means a state of the United States, the District of Columbia, the  
36 Commonwealth of Puerto Rico, or a territory or insular possession  
37 subject to the jurisdiction of the United States.

38 (~~(uu)~~) (vv) "THC concentration" means percent of delta-9  
39 tetrahydrocannabinol content per dry weight of any part of the plant  
40 *Cannabis*, or per volume or weight of marijuana product, or the

1 combined percent of delta-9 tetrahydrocannabinol and  
2 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
3 regardless of moisture content.

4 ~~((~~vv~~))~~ (ww) "Ultimate user" means an individual who lawfully  
5 possesses a controlled substance for the individual's own use or for  
6 the use of a member of the individual's household or for  
7 administering to an animal owned by the individual or by a member of  
8 the individual's household.

9 ~~((~~ww~~))~~ (xx) "Useable marijuana" means dried marijuana flowers.  
10 The term "useable marijuana" does not include either marijuana-  
11 infused products or marijuana concentrates.

12 ~~((~~xx~~))~~ (yy) "Youth access" means the level of interest persons  
13 under the age of twenty-one may have in a vapor product, as well as  
14 the degree to which the product is available or appealing to such  
15 persons, and the likelihood of initiation, use, or addiction by  
16 adolescents and young adults.

17 NEW SECTION. **Sec. 10.** A new section is added to chapter 69.50  
18 RCW to read as follows:

19 The health care authority must review the personal use amounts  
20 established in RCW 69.50.101(kk) and shall submit reports to the  
21 governor and the legislature with any recommended adjustments to the  
22 established personal use amounts and any recommendations for  
23 establishing additional personal use amounts of controlled  
24 substances, counterfeit substances, and legend drugs for which there  
25 is routine nonmedical and nonprescribed use. Reports must be  
26 submitted on an annual basis by December 1st, with the first report  
27 due on December 1, 2021.

28 **Sec. 11.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to  
29 read as follows:

30 (1) Except as authorized by this chapter, it is unlawful for  
31 ~~((any))~~ :

32 (a) Any person to create~~((~~r~~))~~ or deliver~~((~~r~~—~~or~~—~~possess~~))~~ a  
33 counterfeit substance; or

34 (b) Any person to knowingly possess a counterfeit substance.

35 (2) Any person who violates subsection (1)(a) of this section  
36 with respect to:

37 (a) A counterfeit substance classified in Schedule I or II which  
38 is a narcotic drug, or flunitrazepam classified in Schedule IV, is

1 guilty of a class B felony and upon conviction may be imprisoned for  
2 not more than ten years, fined not more than twenty-five thousand  
3 dollars, or both;

4 (b) A counterfeit substance which is methamphetamine, is guilty  
5 of a class B felony and upon conviction may be imprisoned for not  
6 more than ten years, fined not more than twenty-five thousand  
7 dollars, or both;

8 (c) Any other counterfeit substance classified in Schedule I, II,  
9 or III, is guilty of a class C felony punishable according to chapter  
10 9A.20 RCW;

11 (d) A counterfeit substance classified in Schedule IV, except  
12 flunitrazepam, is guilty of a class C felony punishable according to  
13 chapter 9A.20 RCW;

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

16 (3) (a) Except as provided in (b) of this subsection, violation of  
17 subsection (1) (b) of this section is a misdemeanor.

18 (b) Violation of subsection (1) (b) of this section is a class 2  
19 civil infraction under chapter 7.80 RCW if:

20 (i) The person is under the age of 21; or

21 (ii) The person is 21 years of age or older and the counterfeit  
22 substance is in an amount that does not exceed a personal use amount  
23 as established in RCW 69.50.101.

24 (4) A person who is subject to the penalties established in  
25 subsection (3) (b) of this section shall be referred to the program  
26 established in section 3 of this act for evaluation and services. The  
27 monetary penalty for the civil infraction must be waived upon  
28 verification that the person has received an assessment by the  
29 program within 45 days of receiving the infraction. Proceeds from the  
30 infraction must be deposited in the State v. Blake reimbursement  
31 account created in section 23 of this act.

32 **Sec. 12.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to  
33 read as follows:

34 (1) It is unlawful for any person to knowingly possess a  
35 controlled substance unless the substance was obtained directly from,  
36 or pursuant to, a valid prescription or order of a practitioner while  
37 acting in the course of his or her professional practice, or except  
38 as otherwise authorized by this chapter.

1       (2) (a) Except as provided in (~~RCW 69.50.4014~~) (b) of this  
2 subsection, any person who violates this section is guilty of a  
3 (~~class C felony punishable under chapter 9A.20 RCW~~) misdemeanor.

4       (b) Violation of this section is a class 2 civil infraction under  
5 chapter 7.80 RCW if:

6       (i) The person is under the age of 21; or

7       (ii) The person is 21 years of age or older and the controlled  
8 substance is in an amount that does not exceed a personal use amount  
9 as established in RCW 69.50.101.

10       (3) A person who is subject to the penalties established in  
11 subsection (2)(b) of this section shall be referred to the program  
12 established in section 3 of this act for evaluation and services. The  
13 monetary penalty for the civil infraction must be waived upon  
14 verification that the person has received an assessment by the  
15 program within 45 days of receiving the infraction. Proceeds from the  
16 infraction must be deposited in the State v. Blake reimbursement  
17 account created in section 23 of this act.

18       (4)(a) The possession, by a person twenty-one years of age or  
19 older, of useable marijuana, marijuana concentrates, or marijuana-  
20 infused products in amounts that do not exceed those set forth in RCW  
21 69.50.360(3) is not a violation of this section, this chapter, or any  
22 other provision of Washington state law.

23       (b) The possession of marijuana, useable marijuana, marijuana  
24 concentrates, and marijuana-infused products being physically  
25 transported or delivered within the state, in amounts not exceeding  
26 those that may be established under RCW 69.50.385(3), by a licensed  
27 employee of a common carrier when performing the duties authorized in  
28 accordance with RCW 69.50.382 and 69.50.385, is not a violation of  
29 this section, this chapter, or any other provision of Washington  
30 state law.

31       (~~(4)~~) (5)(a) The delivery by a person twenty-one years of age  
32 or older to one or more persons twenty-one years of age or older,  
33 during a single twenty-four hour period, for noncommercial purposes  
34 and not conditioned upon or done in connection with the provision or  
35 receipt of financial consideration, of any of the following marijuana  
36 products, is not a violation of this section, this chapter, or any  
37 other provisions of Washington state law:

38       (i) One-half ounce of useable marijuana;

39       (ii) Eight ounces of marijuana-infused product in solid form;

1 (iii) Thirty-six ounces of marijuana-infused product in liquid  
2 form; or

3 (iv) Three and one-half grams of marijuana concentrates.

4 (b) The act of delivering marijuana or a marijuana product as  
5 authorized under this subsection (~~((4))~~) (5) must meet one of the  
6 following requirements:

7 (i) The delivery must be done in a location outside of the view  
8 of general public and in a nonpublic place; or

9 (ii) The marijuana or marijuana product must be in the original  
10 packaging as purchased from the marijuana retailer.

11 (~~((5))~~) (6) No person under twenty-one years of age may possess,  
12 manufacture, sell, or distribute marijuana, marijuana-infused  
13 products, or marijuana concentrates, regardless of THC concentration.  
14 This does not include qualifying patients with a valid authorization.

15 (~~((6))~~) (7) The possession by a qualifying patient or designated  
16 provider of marijuana concentrates, useable marijuana, marijuana-  
17 infused products, or plants in accordance with chapter 69.51A RCW is  
18 not a violation of this section, this chapter, or any other provision  
19 of Washington state law.

20 **Sec. 13.** RCW 69.50.412 and 2019 c 64 s 22 are each amended to  
21 read as follows:

22 (1) It is unlawful for any person to use drug paraphernalia to  
23 plant, propagate, cultivate, grow, harvest, manufacture, compound,  
24 convert, produce, process, prepare, test, analyze, pack, repack,  
25 store, contain, or conceal(~~(, inject, ingest, inhale, or otherwise~~  
26 ~~introduce into the human body)~~) a controlled substance other than  
27 marijuana. Any person who violates this subsection is guilty of a  
28 misdemeanor.

29 (2) It is unlawful for any person to deliver, possess with intent  
30 to deliver, or manufacture with intent to deliver drug paraphernalia,  
31 knowing, or under circumstances where one reasonably should know,  
32 that it will be used to plant, propagate, cultivate, grow, harvest,  
33 manufacture, compound, convert, produce, process, prepare, test,  
34 analyze, pack, repack, store, contain, or conceal(~~(, inject, ingest,~~  
35 ~~inhale, or otherwise introduce into the human body)~~) a controlled  
36 substance other than marijuana. Any person who violates this  
37 subsection is guilty of a misdemeanor.

38 (3) Any person eighteen years of age or over who violates  
39 subsection (2) of this section by delivering drug paraphernalia to a

1 person under eighteen years of age who is at least three years his or  
2 her junior is guilty of a gross misdemeanor.

3 (4) It is unlawful for any person to place in any newspaper,  
4 magazine, handbill, or other publication any advertisement, knowing,  
5 or under circumstances where one reasonably should know, that the  
6 purpose of the advertisement, in whole or in part, is to promote the  
7 sale of objects designed or intended for use as drug paraphernalia.  
8 Any person who violates this subsection is guilty of a misdemeanor.

9 (5) It is lawful for any person over the age of eighteen to  
10 possess sterile hypodermic syringes and needles for the purpose of  
11 reducing blood-borne diseases.

12 **Sec. 14.** RCW 69.50.445 and 2015 2nd sp.s. c 4 s 401 are each  
13 amended to read as follows:

14 (1) It is unlawful to open a package containing marijuana,  
15 useable marijuana, marijuana-infused products, or marijuana  
16 concentrates, or consume marijuana, useable marijuana, marijuana-  
17 infused products, or marijuana concentrates, in view of the general  
18 public or in a public place.

19 (2) It is unlawful to open a package containing a counterfeit or  
20 controlled substance or consume a counterfeit or controlled substance  
21 in view of the general public or in a public place.

22 (3) For the purposes of this section, "public place" has the same  
23 meaning as defined in RCW 66.04.010, but the exclusions in RCW  
24 66.04.011 do not apply.

25 (~~(3)~~) (4)(a) A person who violates subsection (1) of this  
26 section is guilty of a class 3 civil infraction under chapter 7.80  
27 RCW.

28 (b) A person who violates subsection (2) of this section is  
29 guilty of a class 2 civil infraction under chapter 7.80 RCW. Proceeds  
30 from this infraction must be deposited in the State v. Blake  
31 reimbursement account created in section 23 of this act.

32 **Sec. 15.** RCW 69.41.010 and 2019 c 358 s 6 and 2019 c 308 s 23  
33 are each reenacted and amended to read as follows:

34 As used in this chapter, the following terms have the meanings  
35 indicated unless the context clearly requires otherwise:

36 (1) "Administer" means the direct application of a legend drug  
37 whether by injection, inhalation, ingestion, or any other means, to  
38 the body of a patient or research subject by:



1 (a) A practitioner; or  
2 (b) The patient or research subject at the direction of the  
3 practitioner.

4 (2) "Commission" means the pharmacy quality assurance commission.

5 (3) "Community-based care settings" include: Community  
6 residential programs for persons with developmental disabilities,  
7 certified by the department of social and health services under  
8 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128  
9 RCW; and assisted living facilities licensed under chapter 18.20 RCW.  
10 Community-based care settings do not include acute care or skilled  
11 nursing facilities.

12 (4) "Deliver" or "delivery" means the actual, constructive, or  
13 attempted transfer from one person to another of a legend drug,  
14 whether or not there is an agency relationship.

15 (5) "Department" means the department of health.

16 (6) "Dispense" means the interpretation of a prescription or  
17 order for a legend drug and, pursuant to that prescription or order,  
18 the proper selection, measuring, compounding, labeling, or packaging  
19 necessary to prepare that prescription or order for delivery.

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

21 (8) "Distribute" means to deliver other than by administering or  
22 dispensing a legend drug.

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

24 (10) "Drug" means:

25 (a) Substances recognized as drugs in the official United States  
26 pharmacopoeia, official homeopathic pharmacopoeia of the United  
27 States, or official national formulary, or any supplement to any of  
28 them;

29 (b) Substances intended for use in the diagnosis, cure,  
30 mitigation, treatment, or prevention of disease in human beings or  
31 animals;

32 (c) Substances (other than food, minerals or vitamins) intended  
33 to affect the structure or any function of the body of human beings  
34 or animals; and

35 (d) Substances intended for use as a component of any article  
36 specified in (a), (b), or (c) of this subsection. It does not include  
37 devices or their components, parts, or accessories.

38 (11) "Electronic communication of prescription information" means  
39 the transmission of a prescription or refill authorization for a drug  
40 of a practitioner using computer systems. The term does not include a

1 prescription or refill authorization transmitted verbally by  
2 telephone nor a facsimile manually signed by the practitioner.

3 (12) "In-home care settings" include an individual's place of  
4 temporary and permanent residence, but does not include acute care or  
5 skilled nursing facilities, and does not include community-based care  
6 settings.

7 (13) "Legend drugs" means any drugs which are required by state  
8 law or regulation of the pharmacy quality assurance commission to be  
9 dispensed on prescription only or are restricted to use by  
10 practitioners only.

11 (14) "Legible prescription" means a prescription or medication  
12 order issued by a practitioner that is capable of being read and  
13 understood by the pharmacist filling the prescription or the nurse or  
14 other practitioner implementing the medication order. A prescription  
15 must be hand printed, typewritten, or electronically generated.

16 (15) "Medication assistance" means assistance rendered by a  
17 nonpractitioner to an individual residing in a community-based care  
18 setting or in-home care setting to facilitate the individual's self-  
19 administration of a legend drug or controlled substance. It includes  
20 reminding or coaching the individual, handing the medication  
21 container to the individual, opening the individual's medication  
22 container, using an enabler, or placing the medication in the  
23 individual's hand, and such other means of medication assistance as  
24 defined by rule adopted by the department. A nonpractitioner may help  
25 in the preparation of legend drugs or controlled substances for self-  
26 administration where a practitioner has determined and communicated  
27 orally or by written direction that such medication preparation  
28 assistance is necessary and appropriate. Medication assistance shall  
29 not include assistance with intravenous medications or injectable  
30 medications, except prefilled insulin syringes.

31 (16) "Person" means individual, corporation, government or  
32 governmental subdivision or agency, business trust, estate, trust,  
33 partnership or association, or any other legal entity.

34 (17) "Personal use amount" has the meaning provided in RCW  
35 69.50.101.

36 (18) "Practitioner" means:

37 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
38 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
39 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
40 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern

1 medicine practitioner to the extent authorized under chapter 18.06  
2 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian  
3 under chapter 18.92 RCW, a registered nurse, advanced registered  
4 nurse practitioner, or licensed practical nurse under chapter 18.79  
5 RCW, an optometrist under chapter 18.53 RCW who is certified by the  
6 optometry board under RCW 18.53.010, an osteopathic physician  
7 assistant under chapter 18.57A RCW, a physician assistant under  
8 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a  
9 licensed athletic trainer to the extent authorized under chapter  
10 18.250 RCW, a pharmacist under chapter 18.64 RCW, or, when acting  
11 under the required supervision of a dentist licensed under chapter  
12 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

13 (b) A pharmacy, hospital, or other institution licensed,  
14 registered, or otherwise permitted to distribute, dispense, conduct  
15 research with respect to, or to administer a legend drug in the  
16 course of professional practice or research in this state; and

17 (c) A physician licensed to practice medicine and surgery or a  
18 physician licensed to practice osteopathic medicine and surgery in  
19 any state, or province of Canada, which shares a common border with  
20 the state of Washington.

21 (~~(18)~~) (19) "Secretary" means the secretary of health or the  
22 secretary's designee.

23 **Sec. 16.** RCW 69.41.010 and 2020 c 80 s 40 are each amended to  
24 read as follows:

25 As used in this chapter, the following terms have the meanings  
26 indicated unless the context clearly requires otherwise:

27 (1) "Administer" means the direct application of a legend drug  
28 whether by injection, inhalation, ingestion, or any other means, to  
29 the body of a patient or research subject by:

30 (a) A practitioner; or

31 (b) The patient or research subject at the direction of the  
32 practitioner.

33 (2) "Commission" means the pharmacy quality assurance commission.

34 (3) "Community-based care settings" include: Community  
35 residential programs for persons with developmental disabilities,  
36 certified by the department of social and health services under  
37 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128  
38 RCW; and assisted living facilities licensed under chapter 18.20 RCW.

1 Community-based care settings do not include acute care or skilled  
2 nursing facilities.

3 (4) "Deliver" or "delivery" means the actual, constructive, or  
4 attempted transfer from one person to another of a legend drug,  
5 whether or not there is an agency relationship.

6 (5) "Department" means the department of health.

7 (6) "Dispense" means the interpretation of a prescription or  
8 order for a legend drug and, pursuant to that prescription or order,  
9 the proper selection, measuring, compounding, labeling, or packaging  
10 necessary to prepare that prescription or order for delivery.

11 (7) "Dispenser" means a practitioner who dispenses.

12 (8) "Distribute" means to deliver other than by administering or  
13 dispensing a legend drug.

14 (9) "Distributor" means a person who distributes.

15 (10) "Drug" means:

16 (a) Substances recognized as drugs in the official United States  
17 pharmacopoeia, official homeopathic pharmacopoeia of the United  
18 States, or official national formulary, or any supplement to any of  
19 them;

20 (b) Substances intended for use in the diagnosis, cure,  
21 mitigation, treatment, or prevention of disease in human beings or  
22 animals;

23 (c) Substances (other than food, minerals or vitamins) intended  
24 to affect the structure or any function of the body of human beings  
25 or animals; and

26 (d) Substances intended for use as a component of any article  
27 specified in (a), (b), or (c) of this subsection. It does not include  
28 devices or their components, parts, or accessories.

29 (11) "Electronic communication of prescription information" means  
30 the transmission of a prescription or refill authorization for a drug  
31 of a practitioner using computer systems. The term does not include a  
32 prescription or refill authorization transmitted verbally by  
33 telephone nor a facsimile manually signed by the practitioner.

34 (12) "In-home care settings" include an individual's place of  
35 temporary and permanent residence, but does not include acute care or  
36 skilled nursing facilities, and does not include community-based care  
37 settings.

38 (13) "Legend drugs" means any drugs which are required by state  
39 law or regulation of the pharmacy quality assurance commission to be

1 dispensed on prescription only or are restricted to use by  
2 practitioners only.

3 (14) "Legible prescription" means a prescription or medication  
4 order issued by a practitioner that is capable of being read and  
5 understood by the pharmacist filling the prescription or the nurse or  
6 other practitioner implementing the medication order. A prescription  
7 must be hand printed, typewritten, or electronically generated.

8 (15) "Medication assistance" means assistance rendered by a  
9 nonpractitioner to an individual residing in a community-based care  
10 setting or in-home care setting to facilitate the individual's self-  
11 administration of a legend drug or controlled substance. It includes  
12 reminding or coaching the individual, handing the medication  
13 container to the individual, opening the individual's medication  
14 container, using an enabler, or placing the medication in the  
15 individual's hand, and such other means of medication assistance as  
16 defined by rule adopted by the department. A nonpractitioner may help  
17 in the preparation of legend drugs or controlled substances for self-  
18 administration where a practitioner has determined and communicated  
19 orally or by written direction that such medication preparation  
20 assistance is necessary and appropriate. Medication assistance shall  
21 not include assistance with intravenous medications or injectable  
22 medications, except prefilled insulin syringes.

23 (16) "Person" means individual, corporation, government or  
24 governmental subdivision or agency, business trust, estate, trust,  
25 partnership or association, or any other legal entity.

26 (17) "Personal use amount" has the meaning provided in RCW  
27 69.50.101.

28 (18) "Practitioner" means:

29 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
30 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
31 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
32 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern  
33 medicine practitioner to the extent authorized under chapter 18.06  
34 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian  
35 under chapter 18.92 RCW, a registered nurse, advanced registered  
36 nurse practitioner, or licensed practical nurse under chapter 18.79  
37 RCW, an optometrist under chapter 18.53 RCW who is certified by the  
38 optometry board under RCW 18.53.010, a physician assistant under  
39 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a  
40 licensed athletic trainer to the extent authorized under chapter

1 18.250 RCW, a pharmacist under chapter 18.64 RCW, or, when acting  
2 under the required supervision of a dentist licensed under chapter  
3 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

4 (b) A pharmacy, hospital, or other institution licensed,  
5 registered, or otherwise permitted to distribute, dispense, conduct  
6 research with respect to, or to administer a legend drug in the  
7 course of professional practice or research in this state; and

8 (c) A physician licensed to practice medicine and surgery or a  
9 physician licensed to practice osteopathic medicine and surgery in  
10 any state, or province of Canada, which shares a common border with  
11 the state of Washington.

12 (~~(18)~~) (19) "Secretary" means the secretary of health or the  
13 secretary's designee.

14 **Sec. 17.** RCW 69.41.030 and 2019 c 55 s 9 are each amended to  
15 read as follows:

16 (1) It shall be unlawful for any person to sell, deliver, or  
17 knowingly possess any legend drug except upon the order or  
18 prescription of a physician under chapter 18.71 RCW, an osteopathic  
19 physician and surgeon under chapter 18.57 RCW, an optometrist  
20 licensed under chapter 18.53 RCW who is certified by the optometry  
21 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a  
22 podiatric physician and surgeon under chapter 18.22 RCW, a  
23 veterinarian under chapter 18.92 RCW, a commissioned medical or  
24 dental officer in the United States armed forces or public health  
25 service in the discharge of his or her official duties, a duly  
26 licensed physician or dentist employed by the veterans administration  
27 in the discharge of his or her official duties, a registered nurse or  
28 advanced registered nurse practitioner under chapter 18.79 RCW when  
29 authorized by the nursing care quality assurance commission, a  
30 pharmacist licensed under chapter 18.64 RCW to the extent permitted  
31 by drug therapy guidelines or protocols established under RCW  
32 18.64.011 and authorized by the commission and approved by a  
33 practitioner authorized to prescribe drugs, an osteopathic physician  
34 assistant under chapter 18.57A RCW when authorized by the board of  
35 osteopathic medicine and surgery, a physician assistant under chapter  
36 18.71A RCW when authorized by the Washington medical commission, or  
37 any of the following professionals in any province of Canada that  
38 shares a common border with the state of Washington or in any state  
39 of the United States: A physician licensed to practice medicine and

1 surgery or a physician licensed to practice osteopathic medicine and  
2 surgery, a dentist licensed to practice dentistry, a podiatric  
3 physician and surgeon licensed to practice podiatric medicine and  
4 surgery, a licensed advanced registered nurse practitioner, a  
5 licensed physician assistant, a licensed osteopathic physician  
6 assistant, or a veterinarian licensed to practice veterinary  
7 medicine: PROVIDED, HOWEVER, That the above provisions shall not  
8 apply to sale, delivery, or possession by drug wholesalers or drug  
9 manufacturers, or their agents or employees, or to any practitioner  
10 acting within the scope of his or her license, or to a common or  
11 contract carrier or warehouse operator, or any employee thereof,  
12 whose possession of any legend drug is in the usual course of  
13 business or employment: PROVIDED FURTHER, That nothing in this  
14 chapter or chapter 18.64 RCW shall prevent a family planning clinic  
15 that is under contract with the health care authority from selling,  
16 delivering, possessing, and dispensing commercially prepackaged oral  
17 contraceptives prescribed by authorized, licensed health care  
18 practitioners: PROVIDED FURTHER, That nothing in this chapter  
19 prohibits possession or delivery of legend drugs by an authorized  
20 collector or other person participating in the operation of a drug  
21 take-back program authorized in chapter 69.48 RCW.

22 (2) (a) A violation of this section involving the sale, delivery,  
23 or possession with intent to sell or deliver is a class B felony  
24 punishable according to chapter 9A.20 RCW.

25 (b) ((A)) (i) Except as provided in (b) (ii) of this subsection, a  
26 violation of this section involving possession is a misdemeanor.

27 (ii) A violation of this section involving possession is a class  
28 2 civil infraction under chapter 7.80 RCW if:

29 (A) The person is under the age of 21; or

30 (B) The person is 21 years of age or older and the legend drug is  
31 in an amount that does not exceed a personal use amount as  
32 established in RCW 69.50.101.

33 (3) A person who is subject to the penalties established in  
34 subsection (2) (b) (ii) of this section shall be referred to the  
35 program established in section 3 of this act for evaluation and  
36 services. The monetary penalty for the civil infraction must be  
37 waived upon verification that the person has received an assessment  
38 by the program within 45 days of receiving the infraction. Proceeds  
39 from the infraction must be deposited in the State v. Blake  
40 reimbursement account created in section 23 of this act.

1       **Sec. 18.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to  
2 read as follows:

3       (1) It shall be unlawful for any person to sell, deliver, or  
4 knowingly possess any legend drug except upon the order or  
5 prescription of a physician under chapter 18.71 RCW, an osteopathic  
6 physician and surgeon under chapter 18.57 RCW, an optometrist  
7 licensed under chapter 18.53 RCW who is certified by the optometry  
8 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a  
9 podiatric physician and surgeon under chapter 18.22 RCW, a  
10 veterinarian under chapter 18.92 RCW, a commissioned medical or  
11 dental officer in the United States armed forces or public health  
12 service in the discharge of his or her official duties, a duly  
13 licensed physician or dentist employed by the veterans administration  
14 in the discharge of his or her official duties, a registered nurse or  
15 advanced registered nurse practitioner under chapter 18.79 RCW when  
16 authorized by the nursing care quality assurance commission, a  
17 pharmacist licensed under chapter 18.64 RCW to the extent permitted  
18 by drug therapy guidelines or protocols established under RCW  
19 18.64.011 and authorized by the commission and approved by a  
20 practitioner authorized to prescribe drugs, a physician assistant  
21 under chapter 18.71A RCW when authorized by the Washington medical  
22 commission, or any of the following professionals in any province of  
23 Canada that shares a common border with the state of Washington or in  
24 any state of the United States: A physician licensed to practice  
25 medicine and surgery or a physician licensed to practice osteopathic  
26 medicine and surgery, a dentist licensed to practice dentistry, a  
27 podiatric physician and surgeon licensed to practice podiatric  
28 medicine and surgery, a licensed advanced registered nurse  
29 practitioner, a licensed physician assistant, or a veterinarian  
30 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the  
31 above provisions shall not apply to sale, delivery, or possession by  
32 drug wholesalers or drug manufacturers, or their agents or employees,  
33 or to any practitioner acting within the scope of his or her license,  
34 or to a common or contract carrier or warehouse operator, or any  
35 employee thereof, whose possession of any legend drug is in the usual  
36 course of business or employment: PROVIDED FURTHER, That nothing in  
37 this chapter or chapter 18.64 RCW shall prevent a family planning  
38 clinic that is under contract with the health care authority from  
39 selling, delivering, possessing, and dispensing commercially  
40 prepackaged oral contraceptives prescribed by authorized, licensed



1 health care practitioners: PROVIDED FURTHER, That nothing in this  
2 chapter prohibits possession or delivery of legend drugs by an  
3 authorized collector or other person participating in the operation  
4 of a drug take-back program authorized in chapter 69.48 RCW.

5 (2) (a) A violation of this section involving the sale, delivery,  
6 or possession with intent to sell or deliver is a class B felony  
7 punishable according to chapter 9A.20 RCW.

8 (b) ((A)) (i) Except as provided in (b) (ii) of this subsection, a  
9 violation of this section involving possession is a misdemeanor.

10 (ii) A violation of this section involving possession is a class  
11 2 civil infraction under chapter 7.80 RCW if:

12 (A) The person is under the age of 21; or

13 (B) The person is 21 years of age or older and the legend drug is  
14 in an amount that does not exceed a personal use amount as  
15 established in RCW 69.50.101.

16 (3) A person who is subject to the penalties established in  
17 subsection (2) (b) (ii) of this section shall be referred to the  
18 program established in section 3 of this act for evaluation and  
19 services. The monetary penalty for the civil infraction must be  
20 waived upon verification that the person has received an assessment  
21 by the program within 45 days of receiving the infraction. Proceeds  
22 from the infraction must be deposited in the State v. Blake  
23 reimbursement account created in section 23 of this act.

24 **Sec. 19.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to  
25 read as follows:

26 TABLE 4

27 DRUG OFFENSES

28 INCLUDED WITHIN EACH

29 SERIOUSNESS LEVEL

- 30 III Any felony offense under chapter  
31 69.50 RCW with a deadly weapon  
32 special verdict under RCW  
33 ((9.94A.602)) 9.94A.825  
34 Controlled Substance Homicide (RCW  
35 69.50.415)

1 Delivery of imitation controlled  
2 substance by person eighteen or  
3 over to person under eighteen  
4 (RCW 69.52.030(2))  
5 Involving a minor in drug dealing  
6 (RCW 69.50.4015)  
7 Manufacture of methamphetamine  
8 (RCW 69.50.401(2)(b))  
9 Over 18 and deliver heroin,  
10 methamphetamine, a narcotic from  
11 Schedule I or II, or flunitrazepam  
12 from Schedule IV to someone  
13 under 18 (RCW 69.50.406)  
14 Over 18 and deliver narcotic from  
15 Schedule III, IV, or V or a  
16 nonnarcotic, except flunitrazepam  
17 or methamphetamine, from  
18 Schedule I-V to someone under 18  
19 and 3 years junior (RCW  
20 69.50.406)  
21 Possession of Ephedrine,  
22 Pseudoephedrine, or Anhydrous  
23 Ammonia with intent to  
24 manufacture methamphetamine  
25 (RCW 69.50.440)  
26 Selling for profit (controlled or  
27 counterfeit) any controlled  
28 substance (RCW 69.50.410)  
29 II Create(~~(;)~~) or deliver(~~(; or possess)~~) a  
30 counterfeit controlled substance  
31 (RCW 69.50.4011(1)(a))  
32 Deliver or possess with intent to  
33 deliver methamphetamine (RCW  
34 69.50.401(2)(b))  
35 Delivery of a material in lieu of a  
36 controlled substance (RCW  
37 69.50.4012)

1 Maintaining a Dwelling or Place for  
2 Controlled Substances (RCW  
3 69.50.402(1)(f))  
4 Manufacture, deliver, or possess with  
5 intent to deliver amphetamine  
6 (RCW 69.50.401(2)(b))  
7 Manufacture, deliver, or possess with  
8 intent to deliver narcotics from  
9 Schedule I or II or flunitrazepam  
10 from Schedule IV (RCW  
11 69.50.401(2)(a))  
12 Manufacture, deliver, or possess with  
13 intent to deliver narcotics from  
14 Schedule III, IV, or V or  
15 nonnarcotics from Schedule I-V  
16 (except marijuana, amphetamine,  
17 methamphetamines, or  
18 flunitrazepam) (RCW  
19 69.50.401(2) (c) through (e))  
20 Manufacture, distribute, or possess  
21 with intent to distribute an  
22 imitation controlled substance  
23 (RCW 69.52.030(1))  
24 I Forged Prescription (RCW 69.41.020)  
25 Forged Prescription for a Controlled  
26 Substance (RCW 69.50.403)  
27 Manufacture, deliver, or possess with  
28 intent to deliver marijuana (RCW  
29 69.50.401(2)(c))  
30 ~~((Possess Controlled Substance that is~~  
31 ~~a Narcotic from Schedule III, IV,~~  
32 ~~or V or Nonnarcotic from~~  
33 ~~Schedule I-V (RCW 69.50.4013))~~  
34 Possession of Controlled Substance  
35 ~~that is either heroin or narcotics~~  
36 ~~from Schedule I or II (RCW~~  
37 ~~69.50.4013)))~~

Unlawful Use of Building for Drug  
Purposes (RCW 69.53.010)

**Sec. 20.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE DISPOSITION	DESCRIPTION (RCW CITATION)	CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+

1	D+	Coercion (9A.36.070)	E
2	C+	Custodial Assault (9A.36.100)	D+
3		<b>Burglary and Trespass</b>	
4	B+	Burglary 1 (9A.52.020) committed at	C+
5		age 15 or under	
6	A-	Burglary 1 (9A.52.020) committed at	B+
7		age 16 or 17	
8	B	Residential Burglary (9A.52.025)	C
9	B	Burglary 2 (9A.52.030)	C
10	D	Burglary Tools (Possession of)	E
11		(9A.52.060)	
12	D	Criminal Trespass 1 (9A.52.070)	E
13	E	Criminal Trespass 2 (9A.52.080)	E
14	C	Mineral Trespass (78.44.330)	C
15	C	Vehicle Prowling 1 (9A.52.095)	D
16	D	Vehicle Prowling 2 (9A.52.100)	E
17		<b>Drugs</b>	
18	E	Possession/Consumption of Alcohol	E
19		(66.44.270)	
20	C	Illegally Obtaining Legend Drug	D
21		(69.41.020)	
22	C+	Sale, Delivery, Possession of Legend	D+
23		Drug with Intent to Sell (69.41.030(2)(a))	
24	<del>(E)</del>	<del>Possession of Legend</del>	E
25		<del>Drug (69.41.030(2)(b))</del>	
26	B+	Violation of Uniform Controlled	B+
27		Substances Act - Narcotic,	
28		Methamphetamine, or Flunitrazepam	
29		Sale (69.50.401(2) (a) or (b))	
30	C	Violation of Uniform Controlled	C
31		Substances Act - Nonnarcotic Sale	
32		(69.50.401(2)(c))	
33	<del>(E)</del>	<del>Possession of Marijuana &lt;40 grams</del>	E
34		<del>(69.50.4014))</del>	
35	C	Fraudulently Obtaining Controlled	C
36		Substance (69.50.403)	

1	C+	Sale of Controlled Substance for Profit	C+
2		(69.50.410)	
3	E	Unlawful Inhalation (9.47A.020)	E
4	B	Violation of Uniform Controlled	B
5		Substances Act - Narcotic,	
6		Methamphetamine, or Flunitrazepam	
7		Counterfeit Substances (69.50.4011(2)	
8		(a) or (b))	
9	C	Violation of Uniform Controlled	C
10		Substances Act - Nonnarcotic Counterfeit	
11		Substances (69.50.4011(2) (c), (d), or (e))	
12	<del>((C</del>	<del>Violation of Uniform Controlled</del>	<del>C</del>
13		<del>Substances Act - Possession of a</del>	
14		<del>Controlled Substance (69.50.4013)</del>	
15	<del>C</del>	<del>Violation of Uniform Controlled</del>	<del>C</del>
16		<del>Substances Act - Possession of a</del>	
17		<del>Controlled Substance (69.50.4012)))</del>	
18		<b>Firearms and Weapons</b>	
19	B	Theft of Firearm (9A.56.300)	C
20	B	Possession of Stolen Firearm	C
21		(9A.56.310)	
22	E	Carrying Loaded Pistol Without Permit	E
23		(9.41.050)	
24	C	Possession of Firearms by Minor (<18)	C
25		(9.41.040(2)(a) (vi))	
26	D+	Possession of Dangerous Weapon	E
27		(9.41.250)	
28	D	Intimidating Another Person by use of	E
29		Weapon (9.41.270)	
30		<b>Homicide</b>	
31	A+	Murder 1 (9A.32.030)	A
32	A+	Murder 2 (9A.32.050)	B+
33	B+	Manslaughter 1 (9A.32.060)	C+
34	C+	Manslaughter 2 (9A.32.070)	D+
35	B+	Vehicular Homicide (46.61.520)	C+
36		<b>Kidnapping</b>	
37	A	Kidnap 1 (9A.40.020)	B+

1	B+	Kidnap 2 (9A.40.030)	C+
2	C+	Unlawful Imprisonment (9A.40.040)	D+
3		<b>Obstructing Governmental Operation</b>	
4	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
5			
6	E	Resisting Arrest (9A.76.040)	E
7	B	Introducing Contraband 1 (9A.76.140)	C
8	C	Introducing Contraband 2 (9A.76.150)	D
9	E	Introducing Contraband 3 (9A.76.160)	E
10	B+	Intimidating a Public Servant (9A.76.180)	C+
11			
12	B+	Intimidating a Witness (9A.72.110)	C+
13		<b>Public Disturbance</b>	
14	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
15			
16	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
17			
18	E	Failure to Disperse (9A.84.020)	E
19	E	Disorderly Conduct (9A.84.030)	E
20		<b>Sex Crimes</b>	
21	A	Rape 1 (9A.44.040)	B+
22	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
23			
24	A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
25			
26	C+	Rape 3 (9A.44.060)	D+
27	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
28			
29	A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
30			
31	B+	Rape of a Child 2 (9A.44.076)	C+
32	B	Incest 1 (9A.64.020(1))	C
33	C	Incest 2 (9A.64.020(2))	D
34	D+	Indecent Exposure (Victim <14) (9A.88.010)	E
35			

1	E	Indecent Exposure (Victim 14 or over)	E
2		(9A.88.010)	
3	B+	Promoting Prostitution 1 (9A.88.070)	C+
4	C+	Promoting Prostitution 2 (9A.88.080)	D+
5	E	O & A (Prostitution) (9A.88.030)	E
6	B+	Indecent Liberties (9A.44.100)	C+
7	B++	Child Molestation 1 (9A.44.083)	B+
8		committed at age 14 or under	
9	A-	Child Molestation 1 (9A.44.083)	B+
10		committed at age 15 through age 17	
11	B	Child Molestation 2 (9A.44.086)	C+
12	C	Failure to Register as a Sex Offender	D
13		(9A.44.132)	
14		<b>Theft, Robbery, Extortion, and</b>	
15		<b>Forgery</b>	
16	B	Theft 1 (9A.56.030)	C
17	C	Theft 2 (9A.56.040)	D
18	D	Theft 3 (9A.56.050)	E
19	B	Theft of Livestock 1 and 2 (9A.56.080	C
20		and 9A.56.083)	
21	C	Forgery (9A.60.020)	D
22	A	Robbery 1 (9A.56.200) committed at	B+
23		age 15 or under	
24	A++	Robbery 1 (9A.56.200) committed at	A
25		age 16 or 17	
26	B+	Robbery 2 (9A.56.210)	C+
27	B+	Extortion 1 (9A.56.120)	C+
28	C+	Extortion 2 (9A.56.130)	D+
29	C	Identity Theft 1 (9.35.020(2))	D
30	D	Identity Theft 2 (9.35.020(3))	E
31	D	Improperly Obtaining Financial	E
32		Information (9.35.010)	
33	B	Possession of a Stolen Vehicle	C
34		(9A.56.068)	
35	B	Possession of Stolen Property 1	C
36		(9A.56.150)	



1	C	Possession of Stolen Property 2	D
2		(9A.56.160)	
3	D	Possession of Stolen Property 3	E
4		(9A.56.170)	
5	B	Taking Motor Vehicle Without	C
6		Permission 1 (9A.56.070)	
7	C	Taking Motor Vehicle Without	D
8		Permission 2 (9A.56.075)	
9	B	Theft of a Motor Vehicle (9A.56.065)	C
10		<b>Motor Vehicle Related Crimes</b>	
11	E	Driving Without a License (46.20.005)	E
12	B+	Hit and Run - Death (46.52.020(4)(a))	C+
13	C	Hit and Run - Injury (46.52.020(4)(b))	D
14	D	Hit and Run-Attended (46.52.020(5))	E
15	E	Hit and Run-Unattended (46.52.010)	E
16	C	Vehicular Assault (46.61.522)	D
17	C	Attempting to Elude Pursuing Police	D
18		Vehicle (46.61.024)	
19	E	Reckless Driving (46.61.500)	E
20	D	Driving While Under the Influence	E
21		(46.61.502 and 46.61.504)	
22	B+	Felony Driving While Under the	B
23		Influence (46.61.502(6))	
24	B+	Felony Physical Control of a Vehicle	B
25		While Under the Influence (46.61.504(6))	
26		<b>Other</b>	
27	B	Animal Cruelty 1 (16.52.205)	C
28	B	Bomb Threat (9.61.160)	C
29	C	Escape 1 <sup>1</sup> (9A.76.110)	C
30	C	Escape 2 <sup>1</sup> (9A.76.120)	C
31	D	Escape 3 (9A.76.130)	E
32	E	Obscene, Harassing, Etc., Phone Calls	E
33		(9.61.230)	
34	A	Other Offense Equivalent to an Adult	B+
35		Class A Felony	

1	B	Other Offense Equivalent to an Adult	C
2		Class B Felony	
3	C	Other Offense Equivalent to an Adult	D
4		Class C Felony	
5	D	Other Offense Equivalent to an Adult	E
6		Gross Misdemeanor	
7	E	Other Offense Equivalent to an Adult	E
8		Misdemeanor	
9	V	Violation of Order of Restitution,	V
10		Community Supervision, or Confinement	
11		(13.40.200) <sup>2</sup>	

12 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
13 and the standard range is established as follows:

14 1st escape or attempted escape during 12-month period - 28 days  
15 confinement

16 2nd escape or attempted escape during 12-month period - 8 weeks  
17 confinement

18 3rd and subsequent escape or attempted escape during 12-month  
19 period - 12 weeks confinement

20 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
21 it may impose a penalty of up to 30 days of confinement.

22 **JUVENILE SENTENCING STANDARDS**

23 This schedule must be used for juvenile offenders. The court may  
24 select sentencing option A, B, C, or D.

25 **OPTION A**

26 **JUVENILE OFFENDER SENTENCING GRID**

27 **STANDARD RANGE**

28	A++	129 to 260 weeks for all category A++ offenses				
29	A+	180 weeks to age 21 for all category A+ offenses				
30	A	103-129 weeks for all category A offenses				
31	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
32	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
33	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks 103-129 weeks
34	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks 52-65 weeks

1	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
2		C	LS	LS	LS	LS	15-36 weeks
3		D+	LS	LS	LS	LS	LS
4		D	LS	LS	LS	LS	LS
5		E	LS	LS	LS	LS	LS
6	PRIOR		0	1	2	3	4 or more
7	ADJUDICATIONS						

8 NOTE: References in the grid to days or weeks mean periods of  
9 confinement. "LS" means "local sanctions" as defined in RCW  
10 13.40.020.

11 (1) The vertical axis of the grid is the current offense  
12 category. The current offense category is determined by the offense  
13 of adjudication.

14 (2) The horizontal axis of the grid is the number of prior  
15 adjudications included in the juvenile's criminal history. Each prior  
16 felony adjudication shall count as one point. Each prior violation,  
17 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
18 point. Fractional points shall be rounded down.

19 (3) The standard range disposition for each offense is determined  
20 by the intersection of the column defined by the prior adjudications  
21 and the row defined by the current offense category.

22 (4) RCW 13.40.180 applies if the offender is being sentenced for  
23 more than one offense.

24 (5) A current offense that is a violation is equivalent to an  
25 offense category of E. However, a disposition for a violation shall  
26 not include confinement.

27 **OR**  
28 **OPTION B**  
29 **SUSPENDED DISPOSITION ALTERNATIVE**

30 (1) If the offender is subject to a standard range disposition  
31 involving confinement by the department, the court may impose the  
32 standard range and suspend the disposition on condition that the  
33 offender comply with one or more local sanctions and any educational  
34 or treatment requirement. The treatment programs provided to the  
35 offender must be either research-based best practice programs as  
36 identified by the Washington state institute for public policy or the

1 joint legislative audit and review committee, or for chemical  
2 dependency treatment programs or services, they must be evidence-  
3 based or research-based best practice programs. For the purposes of  
4 this subsection:

5 (a) "Evidence-based" means a program or practice that has had  
6 multiple site random controlled trials across heterogeneous  
7 populations demonstrating that the program or practice is effective  
8 for the population; and

9 (b) "Research-based" means a program or practice that has some  
10 research demonstrating effectiveness, but that does not yet meet the  
11 standard of evidence-based practices.

12 (2) If the offender fails to comply with the suspended  
13 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
14 or may revoke the suspended disposition and order the disposition's  
15 execution.

16 (3) An offender is ineligible for the suspended disposition  
17 option under this section if the offender:

18 (a) Is adjudicated of an A+ or A++ offense;

19 (b) Is fourteen years of age or older and is adjudicated of one  
20 or more of the following offenses:

21 (i) A class A offense, or an attempt, conspiracy, or solicitation  
22 to commit a class A offense;

23 (ii) Manslaughter in the first degree (RCW 9A.32.060);

24 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
25 the first degree (RCW 9A.56.120), kidnapping in the second degree  
26 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular  
27 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or  
28 manslaughter 2 (RCW 9A.32.070); or

29 (iv) Violation of the uniform controlled substances act (RCW  
30 69.50.401(2) (a) and (b)), when the offense includes infliction of  
31 bodily harm upon another or when during the commission or immediate  
32 withdrawal from the offense the respondent was armed with a deadly  
33 weapon;

34 (c) Is ordered to serve a disposition for a firearm violation  
35 under RCW 13.40.193;

36 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;  
37 or

38 (e) Has a prior option B disposition.

39 **OR**



1 mobile tracking devices with all the powers conferred upon the judge  
2 of the superior court in such matters.

3 (b) Criminal commissioners shall also have the authority to  
4 conduct resentencing hearings and to vacate convictions related to  
5 State v. Blake, No. 96873-0 (Feb. 25, 2021). Criminal commissioners  
6 may be appointed for this purpose regardless of the population of the  
7 county served by the appointing court.

8 (c) The county legislative authority must approve the creation of  
9 criminal commissioner positions.

10 **Sec. 22.** RCW 2.24.040 and 2009 c 28 s 1 are each amended to read  
11 as follows:

12 Such court commissioner shall have power, authority, and  
13 jurisdiction, concurrent with the superior court and the judge  
14 thereof, in the following particulars:

15 (1) To hear and determine all matters in probate, to make and  
16 issue all proper orders therein, and to issue citations in all cases  
17 where same are authorized by the probate statutes of this state.

18 (2) To grant and enter defaults and enter judgment thereon.

19 (3) To issue temporary restraining orders and temporary  
20 injunctions, and to fix and approve bonds thereon.

21 (4) To act as referee in all matters and actions referred to him  
22 or her by the superior court as such, with all the powers now  
23 conferred upon referees by law.

24 (5) To hear and determine all proceedings supplemental to  
25 execution, with all the powers conferred upon the judge of the  
26 superior court in such matters.

27 (6) To hear and determine all petitions for the adoption of  
28 children and for the dissolution of incorporations.

29 (7) To hear and determine all applications for the commitment of  
30 any person to the hospital for the insane, with all the powers of the  
31 superior court in such matters: PROVIDED, That in cases where a jury  
32 is demanded, same shall be referred to the superior court for trial.

33 (8) To hear and determine all complaints for the commitments of  
34 minors with all powers conferred upon the superior court in such  
35 matters.

36 (9) To hear and determine ex parte and uncontested civil matters  
37 of any nature.

38 (10) To grant adjournments, administer oaths, preserve order,  
39 compel attendance of witnesses, and to punish for contempts in the

1 refusal to obey or the neglect of the court commissioner's lawful  
2 orders made in any matter before the court commissioner as fully as  
3 the judge of the superior court.

4 (11) To take acknowledgments and proofs of deeds, mortgages and  
5 all other instruments requiring acknowledgment under the laws of this  
6 state, and to take affidavits and depositions in all cases.

7 (12) To provide an official seal, upon which shall be engraved  
8 the words "Court Commissioner," and the name of the county for which  
9 he or she may be appointed, and to authenticate his official acts  
10 therewith in all cases where same is necessary.

11 (13) To charge and collect, for his or her own use, the same fees  
12 for the official performance of official acts mentioned in  
13 subsections (4) and (11) of this section as are provided by law for  
14 referees and notaries public.

15 (14) To hear and determine small claims appeals as provided in  
16 chapter 12.36 RCW.

17 (15) In adult criminal cases, to preside over arraignments,  
18 preliminary appearances, initial extradition hearings, and  
19 noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040;  
20 accept pleas if authorized by local court rules; appoint counsel;  
21 make determinations of probable cause; set, amend, and review  
22 conditions of pretrial release; set bail; set trial and hearing  
23 dates; authorize continuances; ~~((and))~~ accept waivers of the right to  
24 speedy trial; and conduct resentencing hearings and hearings to  
25 vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25,  
26 2021).

27 NEW SECTION. **Sec. 23.** The *State v. Blake* reimbursement account  
28 is created in the state treasury. All receipts from penalties  
29 collected under RCW 69.50.4011(3)(b), 69.50.4013(2)(b),  
30 69.41.030(2)(b)(ii), and 69.50.445(4)(b) must be deposited into the  
31 account. Moneys in the account may be spent only after appropriation.  
32 Expenditures from the account may be used only for state and local  
33 government costs resulting from the supreme court's decision in *State*  
34 *v. Blake*, No. 96873-0 (Feb. 25, 2021) and to reimburse individuals  
35 for legal financial obligations paid in connection with sentences  
36 that have been invalidated as a result of the decision.

1        NEW SECTION.    **Sec. 24.**    RCW 69.50.4014 (Possession of forty grams  
2 or less of marijuana—Penalty) and 2015 2nd sp.s. c 4 s 505 & 2003 c  
3 53 s 335 are each repealed.

4        NEW SECTION.    **Sec. 25.**    Sections 8, 15, and 17 of this act expire  
5 July 1, 2022.

6        NEW SECTION.    **Sec. 26.**    Sections 9, 16, and 18 of this act take  
7 effect July 1, 2022.

8        NEW SECTION.    **Sec. 27.**    If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

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