

HOUSE BILL REPORT

HB 1006

As Passed House:

February 8, 2023

Title: An act relating to expanding access to drug testing equipment to promote community safety.

Brief Description: Expanding access to drug testing equipment.

Sponsors: Representatives Orwall, Mosbrucker, Goodman, Davis, Hackney, Simmons, Griffey, Peterson, Leavitt, Ryu, Bateman, Reed, Graham, Ramel, Pollet, Doglio, Rude, Macri, Caldier, Reeves, Wylie, Gregerson, Kloba, Riccelli, Farivar and Fosse.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 1/9/23, 1/19/23 [DP].

Floor Activity:

Passed House: 2/8/23, 96-0.

Brief Summary of Bill

- Removes equipment used to test the purity of a controlled substance from the definition of unlawful drug paraphernalia.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Michelle Rusk (786-7153).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

It is unlawful under certain circumstances to use, possess, manufacture, deliver, give, sell, or advertise the sale of drug paraphernalia. Violators can be subject to civil or criminal liability.

Drug paraphernalia includes testing equipment used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of controlled substances.

It is not prohibited to legally distribute injection syringe equipment through public health and community-based human immunodeficiency virus (HIV) prevention programs and pharmacies.

Summary of Bill:

Testing equipment used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of controlled substances is removed from the definition of "drug paraphernalia."

The type of equipment public health and community-based HIV prevention programs and pharmacies may sell or give is expanded to include testing equipment.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) We are seeing an increase in substance use, including overdoses linked to fentanyl. It is odorless, tasteless, and a very small amount can be lethal. Great programs are making testing strips available, and this is a good model because people can use these programs to get support, access treatment, and as testing equipment is made more available, obtain that too. It's important to allow people to have access to testing equipment; the equipment holds no monetary value on the street, so it's not being traded for drugs or money, and the true value is reducing harm to those in the throws of addiction and disease.

Studies have shown that upon receiving a result about a substance's contents from testing equipment, many people were motivated to engage in harm reduction practices. Access to \$1 life-saving tests, currently classified as drug paraphernalia and illegal in Washington, can save lives. The ingestion of a substance you believe is safe, and then kills you, is poisoning, not an overdose.

Legislation like this has passed in many states, and the policy should remain broad to

include other types of testing equipment, not just testing equipment for fentanyl.

(Opposed) None.

Persons Testifying: Representative Tina Orwall, prime sponsor; Bradley Finegood, King County; Genevieve Schofield; Milli Milti Jigamian, Fentanyl United Crisis Coalition; and Joshua Wallace, Peer Washington.

Persons Signed In To Testify But Not Testifying: None.