

SENATE BILL REPORT

SB 5010

As of January 10, 2023

Title: An act relating to updating the endangerment with a controlled substance statute to include fentanyl or synthetic opioids.

Brief Description: Including synthetic opioids in the endangerment with a controlled substance statute.

Sponsors: Senators Wilson, L., Holy, Wilson, J., Braun, Schoesler, King, Short, Fortunato, Padden, Torres and Dozier.

Brief History:

Committee Activity: Law & Justice: 1/12/23.

Brief Summary of Bill

- Expands the felony offense of endangerment with a controlled substance by prohibiting knowing or intentional exposure of a dependent adult or dependent child to fentanyl, synthetic opioids, or the smoke created from a substance containing fentanyl or synthetic opioids.
- Exempts fentanyl or synthetic opioids that are provided during delivery of health care services or pursuant to a valid prescription.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Kevin Black (786-7747)

Background: A person commits the crime of endangerment with a controlled substance if they knowingly or intentionally permit a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia, including the components used to manufacture methamphetamine. Endangerment with a controlled substance is a class B felony, seriousness level IV for the

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purpose of the sentencing grid, with a standard sentencing range of from 3 to 9 months to 63 to 84 months, depending on the defendant's offender score.

Opioids are a class of drugs that include the illegal drug heroin, synthetic opioids such as fentanyl, and pain relievers available legally by prescription, such as oxycodone, hydrocodone, codeine, morphine, and many others. Fentanyl is a powerful synthetic opioid similar to morphine, but is 50 to 100 times more potent. Currently the misuse of opioids is causing a serious public health and community crisis, with about two people dying of an opioid-related overdose in Washington State every day, and thousands more struggling with addiction. According to the Centers for Disease Control and Prevention, fentanyl is now associated with two-thirds of all opioid-related overdose deaths in the United States.

During the last five fiscal years, an average of about three individuals per year have been convicted of endangerment with a controlled substance, ranging from a high of seven to a low of zero convictions per year.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): The crime of endangerment with a controlled substance is expanded to prohibit a person from knowingly or intentionally permitting a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with fentanyl or synthetic opioids, or the smoke of a substance that the person knows, or reasonably should know, contains or is contaminated with fentanyl or synthetic opioids. The offense does not apply to medications administered or provided during the delivery of health care services or pursuant to a valid prescription.

Appropriation: None.

Fiscal Note: Requested on January 9, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.