
ENGROSSED SENATE BILL 5022

State of Washington

68th Legislature

2023 Regular Session

By Senators Muzzall, Cleveland, Dhingra, Gildon, Hunt, Keiser, Kuderer, Mullet, Nobles, Van De Wege, J. Wilson, and L. Wilson

Prefiled 12/06/22. Read first time 01/09/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to expanding access to drug testing equipment to
2 promote community safety; and amending RCW 69.50.102 and 69.50.4121.

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

4 **Sec. 1.** RCW 69.50.102 and 2022 c 16 s 52 are each amended to
5 read as follows:

6 (a) As used in this chapter, "drug paraphernalia" means all
7 equipment, products, and materials of any kind which are used,
8 intended for use, or designed for use in planting, propagating,
9 cultivating, growing, harvesting, manufacturing, compounding,
10 converting, producing, processing, preparing, (~~testing,~~) analyzing,
11 packaging, repackaging, storing, containing, concealing, injecting,
12 ingesting, inhaling, or otherwise introducing into the human body a
13 controlled substance. It includes, but is not limited to:

14 (1) Kits used, intended for use, or designed for use in planting,
15 propagating, cultivating, growing, or harvesting of any species of
16 plant which is a controlled substance or from which a controlled
17 substance can be derived;

18 (2) Kits used, intended for use, or designed for use in
19 manufacturing, compounding, converting, producing, processing, or
20 preparing controlled substances;

1 (3) Isomerization devices used, intended for use, or designed for
2 use in increasing the potency of any species of plant which is a
3 controlled substance;

4 ~~((4))~~ ~~((Testing equipment used, intended for use, or designed for~~
5 ~~use in identifying or in analyzing the strength, effectiveness, or~~
6 ~~purity of controlled substances;~~

7 ~~(5))~~ Scales and balances used, intended for use, or designed for
8 use in weighing or measuring controlled substances;

9 ~~((6))~~ (5) Diluents and adulterants, such as quinine
10 hydrochloride, mannitol, mannite, dextrose, and lactose, used,
11 intended for use, or designed for use in cutting controlled
12 substances;

13 ~~((7))~~ (6) Separation gins and sifters used, intended for use,
14 or designed for use in removing twigs and seeds from, or in otherwise
15 cleaning or refining, cannabis;

16 ~~((8))~~ (7) Blenders, bowls, containers, spoons, and mixing
17 devices used, intended for use, or designed for use in compounding
18 controlled substances;

19 ~~((9))~~ (8) Capsules, balloons, envelopes, and other containers
20 used, intended for use, or designed for use in packaging small
21 quantities of controlled substances;

22 ~~((10))~~ (9) Containers and other objects used, intended for use,
23 or designed for use in storing or concealing controlled substances;

24 ~~((11))~~ (10) Hypodermic syringes, needles, and other objects
25 used, intended for use, or designed for use in parenterally injecting
26 controlled substances into the human body;

27 ~~((12))~~ (11) Objects used, intended for use, or designed for use
28 in ingesting, inhaling, or otherwise introducing cannabis, cocaine,
29 hashish, or hashish oil into the human body, such as:

30 (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic
31 pipes with or without screens, permanent screens, hashish heads, or
32 punctured metal bowls;

33 (ii) Water pipes;

34 (iii) Carburetion tubes and devices;

35 (iv) Smoking and carburetion masks;

36 (v) Roach clips: Meaning objects used to hold burning material,
37 such as a cannabis cigarette, that has become too small or too short
38 to be held in the hand;

39 (vi) Miniature cocaine spoons, and cocaine vials;

40 (vii) Chamber pipes;

1 (viii) Carburetor pipes;
2 (ix) Electric pipes;
3 (x) Air-driven pipes;
4 (xi) Chillums;
5 (xii) Bongs; and
6 (xiii) Ice pipes or chillers.

7 (b) In determining whether an object is drug paraphernalia under
8 this section, a court or other authority should consider, in addition
9 to all other logically relevant factors, the following:

10 (1) Statements by an owner or by anyone in control of the object
11 concerning its use;

12 (2) Prior convictions, if any, of an owner, or of anyone in
13 control of the object, under any state or federal law relating to any
14 controlled substance;

15 (3) The proximity of the object, in time and space, to a direct
16 violation of this chapter;

17 (4) The proximity of the object to controlled substances;

18 (5) The existence of any residue of controlled substances on the
19 object;

20 (6) Direct or circumstantial evidence of the intent of an owner,
21 or of anyone in control of the object, to deliver it to persons whom
22 he or she knows, or should reasonably know, intend to use the object
23 to facilitate a violation of this chapter; the innocence of an owner,
24 or of anyone in control of the object, as to a direct violation of
25 this chapter shall not prevent a finding that the object is intended
26 or designed for use as drug paraphernalia;

27 (7) Instructions, oral or written, provided with the object
28 concerning its use;

29 (8) Descriptive materials accompanying the object which explain
30 or depict its use;

31 (9) National and local advertising concerning its use;

32 (10) The manner in which the object is displayed for sale;

33 (11) Whether the owner, or anyone in control of the object, is a
34 legitimate supplier of like or related items to the community, such
35 as a licensed distributor or dealer of tobacco products;

36 (12) Direct or circumstantial evidence of the ratio of sales of
37 the object(s) to the total sales of the business enterprise;

38 (13) The existence and scope of legitimate uses for the object in
39 the community; and

40 (14) Expert testimony concerning its use.

1 **Sec. 2.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to
2 read as follows:

3 (1) Every person who sells or gives, or permits to be sold or
4 given to any person any drug paraphernalia in any form commits a
5 class I civil infraction under chapter 7.80 RCW. For purposes of this
6 subsection, "drug paraphernalia" means all equipment, products, and
7 materials of any kind which are used, intended for use, or designed
8 for use in planting, propagating, cultivating, growing, harvesting,
9 manufacturing, compounding, converting, producing, processing,
10 preparing, (~~testing,~~) analyzing, packaging, repackaging, storing,
11 containing, concealing, injecting, ingesting, inhaling, or otherwise
12 introducing into the human body a controlled substance other than
13 cannabis. Drug paraphernalia includes, but is not limited to objects
14 used, intended for use, or designed for use in ingesting, inhaling,
15 or otherwise introducing cocaine into the human body, such as:

16 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic
17 pipes with or without screens, permanent screens, hashish heads, or
18 punctured metal bowls;

19 (b) Water pipes;

20 (c) Carburetion tubes and devices;

21 (d) Smoking and carburetion masks;

22 (e) Miniature cocaine spoons and cocaine vials;

23 (f) Chamber pipes;

24 (g) Carburetor pipes;

25 (h) Electric pipes;

26 (i) Air-driven pipes; and

27 (j) Ice pipes or chillers.

28 (2) It shall be no defense to a prosecution for a violation of
29 this section that the person acted, or was believed by the defendant
30 to act, as agent or representative of another.

31 (3) Nothing in subsection (1) of this section prohibits (~~legal~~
32 ~~distribution~~) selling or giving of injection syringe or testing
33 equipment through public health and community-based HIV prevention
34 programs, and pharmacies.

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