
SENATE BILL 5035

State of Washington

68th Legislature

2023 Regular Session

By Senators Padden, Fortunato, Short, J. Wilson, MacEwen, Boehnke, Schoesler, Warnick, Dozier, Wagoner, Holy, McCune, Torres, and L. Wilson

Prefiled 12/08/22. Read first time 01/09/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to possession of controlled substances; amending
2 RCW 69.50.4011; repealing RCW 10.31.115; repealing 2021 c 311 ss 15
3 and 16; repealing 2021 c 311 s 29 (uncodified); and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 69.50.4011 and 2021 c 311 s 8 are each amended to
7 read as follows:

8 (1) Except as authorized by this chapter, it is unlawful for:

9 (a) Any person to create or deliver a counterfeit substance; or

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

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

13 (a) A counterfeit substance classified in Schedule I or II which
14 is a narcotic drug, or flunitrazepam classified in Schedule IV, is
15 guilty of a class B felony and upon conviction may be imprisoned for
16 not more than ten years, fined not more than twenty-five thousand
17 dollars, or both;

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

1 (c) Any other counterfeit substance classified in Schedule I, II,
2 or III, is guilty of a class C felony punishable according to chapter
3 9A.20 RCW;

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

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

9 (3) A violation of subsection (1)(b) of this section is a
10 (~~misdemeanor~~) class C felony. The prosecutor is encouraged to
11 divert such cases for assessment, treatment, or other services for a
12 person's first two violations under this subsection.

13 NEW SECTION. Sec. 2. The following acts or parts of acts are
14 each repealed:

15 (1) RCW 10.31.115 (Drug possession—Referral to assessment and
16 services) and 2021 c 311 s 13;

17 (2) 2021 c 311 s 15;

18 (3) 2021 c 311 s 16; and

19 (4) 2021 c 311 s 29 (uncodified).

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