

1574.E AMS LAW S5573.1

EHB 1574 - S COMM AMD

By Committee on Law & Justice

NOT CONSIDERED 03/12/2026

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 69.50.315 and 2015 c 205 s 4 are each amended to  
4 read as follows:

5 (1) ((A)) Notwithstanding any other provision of law, a person  
6 acting in good faith who seeks medical assistance for someone  
7 experiencing a drug-related overdose ((shall not be charged or  
8 prosecuted for possession of a controlled substance pursuant to RCW  
9 69.50.4013, or penalized under RCW 69.50.4014, if the evidence for  
10 the charge of possession of a controlled substance was obtained as a  
11 result of the person seeking medical assistance.

12 ~~(2) A person~~) or who experiences a drug-related overdose and is  
13 in need of medical assistance ~~((shall))~~ may not be arrested, charged  
14 ~~((or)),~~ prosecuted, or convicted for possession or use of a  
15 controlled substance pursuant to RCW 69.50.4013, or penalized under  
16 RCW 69.50.4014, if the evidence for the charge of possession or use  
17 of a controlled substance was obtained as a result of the overdose  
18 and the need for medical assistance.

19 (2)(a) Notwithstanding any other provision of law, a person  
20 acting in good faith who seeks medical assistance for someone  
21 experiencing a drug-related overdose or who experiences a drug-  
22 related overdose and is in need of medical assistance may not:

23 (i) Have their property subject to civil forfeiture, except for  
24 items in plain sight; or

25 (ii) Be penalized for:

26 (A) Violation of probation or supervision related to being in  
27 possession or use of a controlled substance; or

28 (B) Failing to appear for an existing nonviolent, nonsexual  
29 charge.

30 (b) The protections in (a) of this subsection only apply if the  
31 property that would be subject to civil forfeiture or the evidence

1 for the possible charge of such a violation was obtained as a result  
2 of the overdose and the need for medical assistance.

3 (3) Nothing in this section prohibits a peace officer from  
4 lawfully detaining a person without making an arrest.

5 (4) The protection in this section from prosecution for  
6 possession crimes under RCW 69.50.4013 shall not be grounds for  
7 suppression of evidence in other criminal charges, except as provided  
8 in subsection (2) of this section.

9 (5) Peace officers as defined in RCW 43.101.010 and their  
10 employing agencies are immune from liability, including from  
11 revocation of certification under RCW 43.101.105, for any conduct  
12 taken or policy adopted in compliance with this section, unless such  
13 action or inaction is taken in bad faith or with deliberate  
14 indifference or gross negligence.

15 **Sec. 2.** RCW 69.50.4121 and 2023 sp.s. c 1 s 7 are each amended  
16 to read as follows:

17 (1) Every person who sells or permits to be sold to any person  
18 any drug paraphernalia in any form commits a class I civil infraction  
19 under chapter 7.80 RCW. For purposes of this subsection, "drug  
20 paraphernalia" means all equipment, products, and materials of any  
21 kind which are used, intended for use, or designed for use in  
22 planting, propagating, cultivating, growing, harvesting,  
23 manufacturing, compounding, converting, producing, processing,  
24 preparing, packaging, repackaging, storing, containing, concealing,  
25 injecting, ingesting, inhaling, or otherwise introducing into the  
26 human body a controlled substance other than cannabis. Drug  
27 paraphernalia includes, but is not limited to objects used, intended  
28 for use, or designed for use in ingesting, inhaling, or otherwise  
29 introducing cocaine into the human body, such as:

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

33 (b) Water pipes;

34 (c) Carburetion tubes and devices;

35 (d) Smoking and carburetion masks;

36 (e) Miniature cocaine spoons and cocaine vials;

37 (f) Chamber pipes;

38 (g) Carburetor pipes;

39 (h) Electric pipes;

1 (i) Air-driven pipes; and  
2 (j) Ice pipes or chillers.  
3 (2) It shall be no defense to a prosecution for a violation of  
4 this section that the person acted, or was believed by the defendant  
5 to act, as agent or representative of another.  
6 (3) Nothing in subsection (1) of this section prohibits  
7 distribution or use of public health supplies including, but not  
8 limited to, syringe equipment, smoking equipment, or drug testing  
9 equipment, through public health programs, community-based HIV  
10 prevention programs, outreach, shelter((7)) and housing programs, and  
11 health care facilities, including hospitals and pharmacies. Public  
12 health and syringe service program clients and staff taking samples  
13 of substances and using drug testing equipment for the purpose of  
14 analyzing the composition of the substances or detecting the presence  
15 of certain substances are acting legally and are exempt from arrest  
16 and prosecution under RCW 69.50.4011(1) (b) or (c), 69.50.4013,  
17 69.50.4014, or 69.41.030(2) (b) or (c)."

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18 On page 1, line 2 of the title, after "services;" strike the  
19 remainder of the title and insert "and amending RCW 69.50.315 and  
20 69.50.4121."

EFFECT: Allows a person seeking medical assistance for a drug-related overdose to be penalized for violation of a restraining order, no-contact order, or protection order. Exempts a person who seeks medical assistance for a drug-related overdose from being penalized for violating probation or supervision only when it is related to being in possession or use of a controlled substance. Exempts public health and syringe service program clients from arrest and prosecution for taking samples of substances and using drug testing equipment to analyze or detect substances.

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