

2 SHB 1759 - S COMM AMD

3 By Committee on Health & Long-Term Care

4 ADOPTED AS AMENDED 03/07/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 69.50.412 and 1981 c 48 s 2 are each amended to read
8 as follows:

9 (1) It is unlawful for any person to use drug paraphernalia to
10 plant, propagate, cultivate, grow, harvest, manufacture, compound,
11 convert, produce, process, prepare, test, analyze, pack, repack, store,
12 contain, conceal, inject, ingest, inhale, or otherwise introduce into
13 the human body a controlled substance. Any person who violates this
14 subsection is guilty of a misdemeanor.

15 (2) It is unlawful for any person to deliver, possess with intent
16 to deliver, or manufacture with intent to deliver drug paraphernalia,
17 knowing, or under circumstances where one reasonably should know, that
18 it will be used to plant, propagate, cultivate, grow, harvest,
19 manufacture, compound, convert, produce, process, prepare, test,
20 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale,
21 or otherwise introduce into the human body a controlled substance. Any
22 person who violates this subsection is guilty of a misdemeanor.

23 (3) Any person eighteen years of age or over who violates
24 subsection (2) of this section by delivering drug paraphernalia to a
25 person under eighteen years of age who is at least three years his
26 junior is guilty of a gross misdemeanor.

27 (4) It is unlawful for any person to place in any newspaper,
28 magazine, handbill, or other publication any advertisement, knowing, or
29 under circumstances where one reasonably should know, that the purpose
30 of the advertisement, in whole or in part, is to promote the sale of
31 objects designed or intended for use as drug paraphernalia. Any person
32 who violates this subsection is guilty of a misdemeanor.

33 (5) It is lawful for any person over the age of eighteen to possess
34 sterile hypodermic syringes and needles for the purpose of reducing
35 bloodborne diseases.

1 **Sec. 2.** RCW 69.50.4121 and 1998 c 317 s 1 are each amended to read
2 as follows:

3 (1) Every person who sells or gives, or permits to be sold or given
4 to any person any drug paraphernalia in any form commits a class I
5 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 for
8 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. Drug
13 paraphernalia includes, but is not limited to objects used, intended
14 for use, or designed for use in ingesting, inhaling, or otherwise
15 introducing marihuana, cocaine, hashish, or hashish oil into the human
16 body, such as:

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

20 (b) Water pipes;

21 (c) Carburetion tubes and devices;

22 (d) Smoking and carburetion masks;

23 (e) Roach clips: Meaning objects used to hold burning material,
24 such as a marihuana cigarette, that has become too small or too short
25 to be held in the hand;

26 (f) Miniature cocaine spoons and cocaine vials;

27 (g) Chamber pipes;

28 (h) Carburetor pipes;

29 (i) Electric pipes;

30 (j) Air-driven pipes;

31 (k) Chillums;

32 (l) Bongs; and

33 (m) Ice pipes or chillers.

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

37 (3) Nothing in subsection (1) of this section prohibits legal
38 distribution of injection syringe equipment through public health and
39 community based HIV prevention programs, and pharmacies.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.115 RCW
2 to read as follows:

3 Nothing contained in this act shall be construed to require a
4 retailer to sell hypodermic needles or syringes to any person.

5 **Sec. 4.** RCW 70.115.050 and 1981 c 147 s 5 are each amended to read
6 as follows:

7 (1) On the sale at retail of any hypodermic syringe, hypodermic
8 needle, or any device adapted for the use of drugs by injection, the
9 retailer shall satisfy himself or herself that the device will be used
10 for the legal use intended.

11 (2) The sale of sterile hypodermic syringes and needles for the
12 purpose of reducing the transmission of bloodborne diseases is a legal
13 use under the provisions of this section.

14 (3) Sales must be limited to individuals over eighteen years of
15 age. Participating retailers shall provide materials relating to drug
16 prevention and treatment and safe disposal techniques at the point of
17 sale. The Washington board of pharmacy shall adopt rules implementing
18 the provisions of this subsection. Nothing in this section shall be
19 construed to limit the ability of persons to purchase or possess
20 hypodermic needles or syringes for other legal purposes, including
21 administering medications, such as insulin.

22 (4) Biomedical waste shall be handled in a manner that protects the
23 health, safety, and welfare of the public, the environment, and the
24 workers who handle the waste. Safe disposal of syringes and needles
25 purchased under this act shall be consistent with the provisions of RCW
26 70.95K.030."

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29 ADOPTED 03/07/02

30 On page 1, line 1 of the title, after "syringes;" strike the
31 remainder of the title and insert "amending RCW 69.50.412, 69.50.4121,
32 and 70.115.050; and adding a new section to chapter 70.115 RCW."

EFFECT: The striker clarifies that the act does not change current
practices regarding the sale, possession, or purchase of syringes used
for administering medications or other legal purposes. It also removes

references to a maximum number of syringes to be sold and removes references to safety syringes.

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