

2 **SHB 2028 - H AMD 0024 ADOPTED 2/10/92**

3 By Representative Applewick

4

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

7 "ARTICLE I--DEFINITIONS"

8 "Sec. 1. RCW 69.50.101 and 1990 c 248 s 1, 1990 c 219 s 3, and  
9 1990 c 196 s 8 are each reenacted and amended to read as follows:

10 DEFINITIONS. As used in this chapter:

11 (a) "Administer" (~~((means the direct application of a controlled~~  
12 ~~substance, whether by injection, inhalation, ingestion, or any other~~  
13 ~~means, to the body of a patient or research subject by:~~

14 ~~(1) a practitioner, or)) unless the context otherwise requires,~~  
15 ~~means to apply a controlled substance, whether by injection,~~  
16 ~~inhalation, ingestion, or any other means, directly to the body of a~~  
17 ~~patient or research subject by:~~

18 ~~(1) a practitioner (or, by the practitioner's authorized agent); or~~

19 ~~(2) the patient or research subject at the direction and in the~~  
20 ~~presence of the practitioner.~~

21 (b) "Agent" means an authorized person who acts on behalf of or at  
22 the direction of a manufacturer, distributor, or dispenser. It does  
23 not include a common or contract carrier, public warehouseman, or  
24 employee of the carrier or warehouseman.

25 (c) "Board" means the state board of pharmacy.

26 (d) "Controlled substance" means a drug, substance, or immediate  
27 precursor included in Schedules I through V of Article II.

1 (e)(1) "Controlled substance analog" means a substance the chemical  
2 structure of which is substantially similar to the chemical structure  
3 of a controlled substance in Schedule I or II and:

4 (i) which has a stimulant, depressant, or hallucinogenic effect on  
5 the central nervous system substantially similar to the stimulant,  
6 depressant, or hallucinogenic effect on the central nervous system of  
7 a controlled substance included in Schedule I or II; or

8 (ii) with respect to a particular individual, which the individual  
9 represents or intends to have a stimulant, depressant, or  
10 hallucinogenic effect on the central nervous system substantially  
11 similar to the stimulant, depressant, or hallucinogenic effect on the  
12 central nervous system of a controlled substance included in Schedule  
13 I or II.

14 (2) The term does not include:

15 (i) a controlled substance;

16 (ii) a substance for which there is an approved new drug  
17 application;

18 (iii) a substance with respect to which an exemption is in effect  
19 for investigational use by a particular person under Section 505 of the  
20 federal Food, Drug and Cosmetic Act 21 U.S.C. Sec. 355 to the extent  
21 conduct with respect to the substance is pursuant to the exemption; or

22 (iv) any substance to the extent not intended for human consumption  
23 before an exemption takes effect with respect to the substance.

24 (f) "Deliver" or "delivery," unless the context otherwise requires,  
25 means the actual or constructive transfer from one person to another of  
26 a substance, whether or not there is an agency relationship.

27 (g) "Department" means the department of health.

28 (h) "Dispense" means to deliver a controlled substance to an  
29 ultimate user or research subject by or pursuant to the lawful order of  
30 a practitioner, including the prescribing, administering, packaging,

1 labeling, or compounding necessary to prepare the substance for that  
2 delivery.

3 (i) "Dispenser" means a practitioner who dispenses.

4 (j) "Distribute" means to deliver other than by administering or  
5 dispensing a controlled substance.

6 (k) "Distributor" means a person who distributes.

7 (l) "Drug" means (1) substances recognized as drugs in the official  
8 United States Pharmacopoeia, National Formulary, or the official  
9 Homeopathic Pharmacopoeia of the United States, or any supplement to  
10 any of them; (2) substances intended for use in the diagnosis, cure,  
11 mitigation, treatment, or prevention of disease in individuals or  
12 animals; (3) substances (other than food) intended to affect the  
13 structure or any function of the body of individuals or animals; and  
14 (4) substances intended for use as a component of any article specified  
15 in (1), (2), or (3) of this subsection. The term does not include  
16 devices or their components, parts, or accessories.

17 (m) "Drug enforcement administration" means the ((federal)) drug  
18 enforcement administration in the United States Department of Justice,  
19 or its successor agency.

20 ((d) "Controlled substance" means a drug, substance, or immediate  
21 precursor in Schedules I through V of Article II.

22 (e) "Counterfeit substance" means a controlled substance which, or  
23 the container or labeling of which, without authorization, bears the  
24 trademark, trade name, or other identifying mark, imprint, number or  
25 device, or any likeness thereof, of a manufacturer, distributor, or  
26 dispenser other than the person who in fact manufactured, distributed,  
27 or dispensed the substance.

28 (f) "Deliver" or "delivery" means the actual, constructive, or  
29 attempted transfer from one person to another of a controlled  
30 substance, whether or not there is an agency relationship.

1       ~~(g) "Department" means the department of health.~~

2       ~~(h) "Dispense" means the interpretation of a prescription or order~~  
3 ~~for a controlled substance and, pursuant to that prescription or order,~~  
4 ~~the proper selection, measuring, compounding, labeling, or packaging~~  
5 ~~necessary to prepare that prescription or order for delivery.~~

6       ~~(i) "Dispenser" means a practitioner who dispenses.~~

7       ~~(j) "Distribute" means to deliver other than by administering or~~  
8 ~~dispensing a controlled substance.~~

9       ~~(k) "Distributor" means a person who distributes.~~

10       ~~(l) "Receipt" means to receive a controlled substance either with~~  
11 ~~or without consideration.~~

12       ~~(m) "Drug" means (1) substances recognized as drugs in the official~~  
13 ~~United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the~~  
14 ~~United States, or Official National Formulary, or any supplement to any~~  
15 ~~of them; (2) substances intended for use in the diagnosis, cure,~~  
16 ~~mitigation, treatment, or prevention of disease in man or animals; (3)~~  
17 ~~substances (other than food) intended to affect the structure or any~~  
18 ~~function of the body of man or animals; and (4) substances intended for~~  
19 ~~use as a component of any article specified in clause (1), (2), or (3)~~  
20 ~~of this subsection. It does not include devices or their components,~~  
21 ~~parts, or accessories.)~~

22       (n) "Immediate precursor" means a substance ((which)):

23       (1) that the state board of pharmacy has found to be and by rule  
24 designates as being the principal compound commonly used, or produced  
25 primarily for use, ((and which)) in the manufacture of a controlled  
26 substance;

27       (2) that is an immediate chemical intermediary used or likely to be  
28 used in the manufacture of a controlled substance((~~7~~)); and

29       (3) the control of which is necessary to prevent, curtail, or limit  
30 the manufacture of the controlled substance.

1        (o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5),  
2 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any  
3 geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c)  
4 the term includes any positional isomer; and in RCW 69.50.204(a)(35),  
5 69.50.204(c), and 69.50.208(a) the term includes any positional or  
6 geometric isomer.

7        ~~((o))~~ (p) "Manufacture" means the production, preparation,  
8 propagation, compounding, conversion, or processing of a controlled  
9 substance, either directly or indirectly or by extraction from  
10 substances of natural origin, or independently by means of chemical  
11 synthesis, or by a combination of extraction and chemical synthesis,  
12 and includes any packaging or repackaging of the substance or labeling  
13 or relabeling of its container ~~((, except that this))~~. The term does  
14 not include the preparation ~~((or))~~, compounding, packaging,  
15 repackaging, labeling, or relabeling of a controlled substance ~~((by an~~  
16 ~~individual for his or her own use or the preparation, compounding,~~  
17 ~~packaging, or labeling of a controlled substance))~~:

18        (1) by a practitioner as an incident to the practitioner's  
19 administering or dispensing of a controlled substance in the course of  
20 ~~((his or her))~~ the practitioner's professional practice ~~((,))~~; or

21        (2) by a practitioner, or by ~~((an))~~ the practitioner's authorized  
22 agent under the practitioner's supervision, for the purpose of, or as  
23 an incident to, research, teaching, or chemical analysis and not for  
24 sale.

25        ~~((p))~~ (q) "Marijuana" ~~((or "marihuana"))~~ means all parts of the  
26 plant ~~((of the genus))~~ Cannabis ~~((L.))~~, whether growing or not; the  
27 seeds thereof; the resin extracted from any part of the plant; and  
28 every compound, manufacture, salt, derivative, mixture, or preparation  
29 of the plant, its seeds or resin. ~~((It))~~ The term does not include the  
30 mature stalks of the plant, fiber produced from the stalks, oil or cake

1 made from the seeds of the plant, any other compound, manufacture,  
2 salt, derivative, mixture, or preparation of the mature stalks (except  
3 the resin extracted therefrom), fiber, oil, or cake, or the sterilized  
4 seed of the plant which is incapable of germination.

5 ~~((q))~~ (r) "Narcotic drug" means any of the following, whether  
6 produced directly or indirectly by extraction from substances of  
7 vegetable origin, or independently by means of chemical synthesis, or  
8 by a combination of extraction and chemical synthesis:

9 ~~((1) Opium and opiate, and any salt, compound, derivative, or  
10 preparation of opium or opiate.~~

11 ~~(2) Any salt, compound, isomer, derivative, or preparation thereof  
12 which is chemically equivalent or identical with any of the substances  
13 referred to in clause 1, but not including the isoquinoline alkaloids  
14 of opium.~~

15 ~~(3) Opium poppy and poppy straw.~~

16 ~~(4) Coca leaves and any salt, compound, derivative, or preparation  
17 of coca leaves, and any salt, compound, isomer, derivative, or  
18 preparation thereof which is chemically equivalent or identical with  
19 any of these substances, but not including decocainized coca leaves or  
20 extractions of coca leaves which do not contain cocaine or ecgonine.)~~

21 (1) Opium, opium derivative, and any derivative of opium or opium  
22 derivative, including their salts, isomers, and salts of isomers,  
23 whenever the existence of the salts, isomers, and salts of isomers is  
24 possible within the specific chemical designation. The term does not  
25 include the isoquinoline alkaloids of opium.

26 (2) Synthetic opiate and any derivative of synthetic opiate,  
27 including their isomers, esters, ethers, salts, and salts of isomers,  
28 esters, and ethers, whenever the existence of the isomers, esters,  
29 ethers, and salts is possible within the specific chemical designation.

30 (3) Poppy straw and concentrate of poppy straw.

1        (4) Coca leaves, except coca leaves and extracts of coca leaves  
2 from which cocaine, ecgonine, and derivatives or ecgonine or their  
3 salts have been removed.

4        (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

5        (6) Cocaine base.

6        (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
7 thereof.

8        (8) Any compound, mixture, or preparation containing any quantity  
9 of any substance referred to in subparagraphs (1) through (7).

10        ~~((r))~~ (s) "Opiate" means any substance having an addiction-  
11 forming or addiction-sustaining liability similar to morphine or being  
12 capable of conversion into a drug having addiction-forming or  
13 addiction-sustaining liability. ~~((t))~~ The term includes opium,  
14 substances derived from opium (opium derivatives), and synthetic  
15 opiates. The term does not include, unless specifically designated as  
16 controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-  
17 n-methylmorphinan and its salts (dextromethorphan). ~~((t does))~~ The  
18 term includes ~~((its))~~ the racemic and levorotatory forms of  
19 dextromethorphan.

20        ~~((s))~~ (t) "Opium poppy" means the plant of the ~~((genus))~~ species  
21 Papaver somniferum L., except its seeds~~((, capable of producing an~~  
22 opiate)).

23        ~~((t))~~ (u) "Person" means individual, corporation, ~~((government or~~  
24 ~~governmental subdivision or agency,))~~ business trust, estate, trust,  
25 partnership ~~((or))~~, association, joint venture, government or  
26 governmental subdivision or agency, or any other legal or commercial  
27 entity.

28        ~~((u))~~ (v) "Poppy straw" means all parts, except the seeds, of the  
29 opium poppy, after mowing.

30        ~~((v))~~ (w) "Practitioner" means:

1 (1) A physician under chapter 18.71 RCW, a physician assistant  
2 under chapter 18.71A RCW, an osteopathic physician or an osteopathic  
3 physician and surgeon under chapter 18.57 RCW, a dentist under chapter  
4 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under  
5 chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a  
6 licensed practical nurse under chapter 18.78 RCW, a pharmacist under  
7 chapter 18.64 RCW or a scientific investigator under this chapter,  
8 licensed, registered or otherwise permitted insofar as is consistent  
9 with those licensing laws to distribute, dispense, conduct research  
10 with respect to or administer a controlled substance in the course of  
11 their professional practice or research in this state.

12 (2) A pharmacy, hospital or other institution licensed, registered,  
13 or otherwise permitted to distribute, dispense, conduct research with  
14 respect to or to administer a controlled substance in the course of  
15 professional practice or research in this state.

16 (3) A physician licensed to practice medicine and surgery, a  
17 physician licensed to practice osteopathy and surgery, a dentist  
18 licensed to practice dentistry, a ~~((podiatrist))~~ podiatric physician  
19 and surgeon licensed to practice ~~((podiatry))~~ podiatric medicine and  
20 surgery, or a veterinarian licensed to practice veterinary medicine in  
21 any state of the United States.

22 ~~((w))~~ (x) "Production," unless the context otherwise requires,  
23 includes the ~~((manufacture))~~ manufacturing, planting, ~~((cultivation))~~  
24 cultivating, growing, or harvesting of a controlled substance.

25 ~~((x))~~ "Secretary" means the secretary of health or the secretary's  
26 designee.

27 ~~(y)~~ "State", when applied to a part of the United States, includes  
28 any state, district, commonwealth, territory, insular possession  
29 thereof, and any area subject to the legal authority of the United  
30 States of America.



1       ~~(z))~~ (y) "State," unless the contest otherwise requires, means a  
2 state of the United States, the District of Columbia, the Commonwealth  
3 of Puerto Rico, or a territory or insular possession subject to the  
4 jurisdiction of the United States.

5       (z) "Ultimate user" means ((a person)) an individual who lawfully  
6 possesses a controlled substance for ((his or her)) the individual's  
7 own use or for the use of a member of ((his or her)) the individual's  
8 household or for administering to an animal owned by ((him or her)) the  
9 individual or by a member of ((his or her)) the individual's household.

10       ~~((aa) "Board" means the state board of pharmacy.))"~~

11                                   "ARTICLE II--STANDARDS AND SCHEDULES"

12       **"Sec. 2.** RCW 69.50.201 and 1989 1st ex.s. c 9 s 430 are each  
13 amended to read as follows:

14       AUTHORITY TO CONTROL. (a) The state board of pharmacy shall  
15 enforce this chapter and may add substances to or delete or reschedule  
16 ~~((all))~~ substances ~~((enumerated in the schedules))~~ listed in RCW  
17 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to  
18 the ~~((rule-making))~~ procedures of chapter 34.05 RCW.

19       (1) In making a determination regarding a substance, the board  
20 shall consider the following:

21       ~~((1))~~ (i) the actual or relative potential for abuse;

22       ~~((2))~~ (ii) the scientific evidence of its pharmacological effect,  
23 if known;

24       ~~((3))~~ (iii) the state of current scientific knowledge regarding  
25 the substance;

26       ~~((4))~~ (iv) the history and current pattern of abuse;

27       ~~((5))~~ (v) the scope, duration, and significance of abuse;

28       ~~((6))~~ (vi) the risk to the public health;

1       ~~((7))~~ (vii) the potential of the substance to produce psychic or  
2 physiological dependence liability; and

3       ~~((8))~~ (viii) whether the substance is an immediate precursor of  
4 a ~~((substance already))~~ controlled ~~((under this Article))~~ substance.

5       ~~((b) After considering the factors enumerated in subsection (a)~~  
6 ~~the board may issue a rule controlling the substance if it finds the~~  
7 ~~substance has a potential for abuse.~~

8       ~~(c) If the board designates a substance as an immediate precursor,~~  
9 ~~substances which are precursors of the controlled precursor shall not~~  
10 ~~be subject to control solely because they are precursors of the~~  
11 ~~controlled precursor.~~

12       ~~(d) If any substance is designated, rescheduled, or deleted as a~~  
13 ~~controlled substance under federal law and notice thereof is given to~~  
14 ~~the board, the substance shall be similarly controlled under this~~  
15 ~~chapter after the expiration of thirty days from publication in the~~  
16 ~~Federal Register of a final order designating a substance as a~~  
17 ~~controlled substance or rescheduling or deleting a substance, unless~~  
18 ~~within that thirty day period, the board objects to inclusion,~~  
19 ~~rescheduling, or deletion. In that case, the board shall proceed~~  
20 ~~pursuant to the rule-making procedures of chapter 34.05 RCW.~~

21       ~~(e) Authority to control under this section does not extend to~~  
22 ~~distilled spirits, wine, malt beverages, or tobacco as those terms are~~  
23 ~~defined or used in Title 66 RCW and Title 26 RCW.~~

24       ~~(f) The board shall exclude any nonnarcotic substances from a~~  
25 ~~schedule if such substances may, under the Federal Food, Drug and~~  
26 ~~Cosmetic Act, and under regulations of the drug enforcement~~  
27 ~~administration, and the laws of this state including RCW 18.64.250, be~~  
28 ~~lawfully sold over the counter.))~~

1       (2) The board may consider findings of the federal Food and Drug  
2 Administration or the Drug Enforcement Administration as prima facie  
3 evidence relating to one or more of the determinative factors.

4       ~~((g))~~ (b) On or before December 1 of each year, the board shall  
5 inform the committees of reference of the legislature of the controlled  
6 substances added, deleted, or changed on the schedules specified in  
7 this chapter and which includes an explanation of these actions.

8       (c) After considering the factors enumerated in subsection (a) of  
9 this section, the board shall make findings with respect thereto and  
10 adopt and cause to be published a rule controlling the substance upon  
11 finding the substance has a potential for abuse.

12       (d) The board, without regard to the findings required by  
13 subsection (a) of this section or RCW 69.50.203, 69.50.205, 69.50.207,  
14 69.50.209, and 69.50.211 or the procedures prescribed by subsections  
15 (a) and (c) of this section, may place an immediate precursor in the  
16 same schedule in which the controlled substance of which it is an  
17 immediate precursor is placed or in any other schedule. If the board  
18 designates a substance as an immediate precursor, substances that are  
19 precursors of the controlled precursor are not subject to control  
20 solely because they are precursors of the controlled precursor.

21       (e) If a substance is designated, rescheduled, or deleted as a  
22 controlled substance under federal law, the board shall similarly  
23 control the substance under this chapter after the expiration of thirty  
24 days from the date of publication in the federal register of a final  
25 order designating the substance as a controlled substance or  
26 rescheduling or deleting the substance or from the date of issuance of  
27 an order of temporary scheduling under Section 508 of the federal  
28 Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. Sec. 811(h),  
29 unless within that thirty-day period, the board or an interested party  
30 objects to inclusion, rescheduling, temporary scheduling, or deletion.

1 If no objection is made, the board shall adopt and cause to be  
2 published, without the necessity of making determinations or findings  
3 as required by subsection (a) of this section or RCW 69.50.203,  
4 69.50.205, 69.50.207, 69.50.209, and 69.50.211, a final rule, for which  
5 notice of proposed rulemaking is omitted, designating, rescheduling,  
6 temporarily scheduling, or deleting the substance. If an objection is  
7 made, the board shall make a determination with respect to the  
8 designation, rescheduling, or deletion of the substance as provided by  
9 subsection (a) of this section. Upon receipt of an objection to  
10 inclusion, rescheduling, or deletion under this chapter by the board,  
11 the board shall publish notice of the receipt of the objection, and  
12 control under this chapter is stayed until the board adopts a rule as  
13 provided by subsection (a) of this section.

14 (f) The board, by rule and without regard to the requirements of  
15 subsection (a) of this section, may schedule a substance in Schedule I  
16 regardless of whether the substance is substantially similar to a  
17 controlled substance in Schedule I or II if the board finds that  
18 scheduling of the substance on an emergency basis is necessary to avoid  
19 an imminent hazard to the public safety and the substance is not  
20 included in any other schedule or no exemption or approval is in effect  
21 for the substance under Section 505 of the federal Food, Drug, and  
22 Cosmetic Act, 21 U.S.C. Sec. 355. Upon receipt of notice under RCW  
23 69.50.--- (section 14 of this act), the board shall initiate scheduling  
24 of the controlled substance analog on an emergency basis pursuant to  
25 this subsection. The scheduling of a substance under this subsection  
26 expires one year after the adoption of the scheduling rule. With  
27 respect to the finding of an imminent hazard to the public safety, the  
28 board shall consider whether the substance has been scheduled on a  
29 temporary basis under federal law or factors set forth in subsection  
30 (a)(1) (iv), (v), and (vi) of this section, and may also consider

1 clandestine importation, manufacture, or distribution, and, if  
2 available, information concerning the other factors set forth in  
3 subsection (a)(1) of this section. A rule may not be adopted under  
4 this subsection until the board initiates a rule-making proceeding  
5 under subsection (a) of this section with respect to the substance. A  
6 rule adopted under this subsection must be vacated upon the conclusion  
7 of the rule-making proceeding initiated under subsection (a) of this  
8 section with respect to the substance.

9 (g) Authority to control under this section does not extend to  
10 distilled spirits, wine, malt beverages, or tobacco as those terms are  
11 defined or used in Titles 66 and 26 RCW."

12 "Sec. 3. RCW 69.50.203 and 1971 ex.s. c 308 s 69.50.203 are each  
13 amended to read as follows:

14 SCHEDULE I TESTS. (a) The state board of pharmacy shall place a  
15 substance in Schedule I ~~((if it finds))~~ upon finding that the  
16 substance:

17 (1) has high potential for abuse; ~~((and))~~

18 (2) has no currently accepted medical use in treatment in the  
19 United States ~~((or))~~; and

20 (3) lacks accepted safety for use in treatment under medical  
21 supervision.

22 (b) The board may place a substance in Schedule I without making  
23 the findings required by subsection (a) of this section if the  
24 substance is controlled under Schedule I of the federal Controlled  
25 Substances Act by a federal agency as the result of an international  
26 treaty, convention, or protocol."

27 "Sec. 4. RCW 69.50.204 and 1986 c 124 s 3 are each amended to read  
28 as follows:

1 SCHEDULE I. (~~((a) The controlled substances listed in this~~  
2 ~~section, by whatever official name, common or usual name, chemical~~  
3 ~~name, or brand name, are included in Schedule I.~~

4 (b) ~~Opiates. Unless specifically excepted or unless listed in~~  
5 ~~another schedule, any))~~ Unless specifically excepted by state or  
6 federal law or regulation or more specifically included in another  
7 schedule, the following controlled substances are listed in Schedule I:

8 (a) Any of the following opiates, including their isomers, esters,  
9 ethers, salts, and salts of isomers, esters, and ethers~~((7))~~ whenever  
10 the existence of these isomers, esters, ethers, and salts is possible  
11 within the specific chemical designation:

12 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-  
13 piperidinyl]-N-phenylacetamide);

14 (2) Acetylmethadol;

15 (~~((2) Alfentanil;))~~

16 (3) Allylprodine;

17 (4) Alphacetylmethadol;

18 (5) Alphameprodine;

19 (6) Alphamethadol;

20 (7) Alpha-methylfentanyl (N-[1-alpha-methyl-beta-phenyl) ethyl-4-  
21 piperidyl] (~~(propionanilide)) propionanilide; 1-(1-methyl-2-~~  
22 phenylethyl)-4-(N-propanilido) piperidine);

23 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-  
24 piperidinyl]-N-phenylpropanamide);

25 (9) Benzethidine;

26 (~~((9))~~) (10) Betacetylmethadol;

27 (~~((10))~~) (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-  
28 piperidinyl]-N-phenylpropanamide);

29 (12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-  
30 phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

1        (13) Betameprodine;

2        (~~(11)~~) (14) Betamethadol;

3        (~~(12)~~) (15) Betaprodine;

4        (~~(13)~~) (16) Clonitazene;

5        (~~(14)~~) (17) Dextromoramide;

6        (~~(15)~~) (18) Diampromide;

7        (~~(16)~~) (19) Diethylthiambutene;

8        (~~(17)~~) (20) DifenoXin;

9        (~~(18)~~) (21) Dimenoxadol;

10       (~~(19)~~) (22) Dimepheptanol;

11       (~~(20)~~) (23) Dimethylthiambutene;

12       (~~(21)~~) (24) Dioxaphetyl butyrate;

13       (~~(22)~~) (25) Dipipanone;

14       (~~(23)~~) (26) Ethylmethylthiambutene;

15       (~~(24)~~) (27) Etonitazene;

16       (~~(25)~~) (28) EtoXeridine;

17       (~~(26)~~) (29) Furethidine;

18       (~~(27)~~) (30) HydroXypethidine;

19       (~~(28)~~) (31) Ketobemidone;

20       (~~(29)~~) (32) Levomoramide;

21       (~~(30)~~) (33) Levophenacymorphan;

22       (~~(31)~~) (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-

23 piperidyl]-N-phenylpropanamide);

24       (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-

25 piperidinyl]-N-phenylpropanamide);

26       (36) Morpheridine;

27       (~~(32)~~) (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

28       (38) Noracymethadol;

29       (~~(33)~~) (39) Norlevorphanol;

30       (~~(34)~~) (40) Normethadone;

1        ~~((35))~~ (41) Norpipanone;

2        ~~((36))~~ (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-  
3 phenethyl)-4-piperidinyl]-propanamide);

4        (43) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);

5        (44) Phenadoxone;

6        ~~((37))~~ (45) Phenampromide;

7        ~~((38))~~ (46) Phenomorphan;

8        ~~((39))~~ (47) Phenoperidine;

9        ~~((40))~~ (48) Piritramide;

10       ~~((41))~~ (49) Propheptazine;

11       ~~((42))~~ (50) Properidine;

12       ~~((43))~~ (51) Propiram;

13       ~~((44))~~ (52) Racemoramide;

14       ~~((45))~~ (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-  
15 piperidinyl]-propanamide);

16       (54) Tilidine;

17       ~~((46))~~ (55) Trimeperidine.

18       ~~((c) Opium derivatives. Unless specifically excepted or unless~~  
19 ~~listed in another schedule,~~) (b) Any of the following opium  
20 derivatives, including their salts, isomers, and salts of isomers(~~(7)~~)  
21 whenever the existence of (~~these~~) those salts, isomers, and salts of  
22 isomers is possible within the specific chemical designation:

23       (1) Acetorphine;

24       (2) Acetyldihydrocodeine;

25       (3) Benzylmorphine;

26       (4) Codeine methylbromide;

27       (5) Codeine-N-Oxide;

28       (6) Cyprenorphine;

29       (7) Desomorphine;

30       (8) Dihydromorphine;



- 1 (9) Drotebanol;
- 2 (10) Etorphine((+)), except hydrochloride salt((+));
- 3 (11) Heroin;
- 4 (12) Hydromorphenol;
- 5 (13) Methyldesorphine;
- 6 (14) Methyldihydromorphine;
- 7 (15) Morphine methylbromide;
- 8 (16) Morphine methylsulfonate;
- 9 (17) Morphine-N-Oxide;
- 10 (18) Myrophine;
- 11 (19) Nicocodeine;
- 12 (20) Nicomorphine;
- 13 (21) Normorphine;
- 14 (22) Pholcodine;
- 15 (23) Thebacon.

16 ~~((d) Hallucinogenic substances. Unless specifically excepted or~~  
17 ~~unless listed in another schedule,)) (c) Any material, compound,~~  
18 ~~mixture, or preparation which contains any quantity of the following~~  
19 ~~hallucinogenic substances, ((or which contains any of its)) including~~  
20 ~~their salts, isomers, and salts of isomers((,)) whenever the existence~~  
21 ~~of ((such)) those salts, isomers, and salts of isomers is possible~~  
22 ~~within the specific chemical designation ((For purposes of paragraph~~  
23 ~~(d) of this section, only, the term "isomer" includes the optical,~~  
24 ~~position, and geometric isomers.)):~~

- 25 (1) ~~3,4-methylenedioxy amphetamine;~~
- 26 (2) ~~5-methoxy-3,4-methylenedioxy amphetamine;~~
- 27 (3) ~~3,4,5-trimethoxy amphetamine;~~
- 28 (4) ~~4-bromo-2,5-dimethoxy amphetamine:—Some trade or other names:~~  
29 ~~4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;—4-bromo-2,5-DMA;~~

1       ~~(5) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-~~  
2 ~~dimethoxy-alpha-methylphenethylamine; 2,5-DMA;~~

3       ~~(6) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-~~  
4 ~~alpha-methylphenethylamine; paramethoxyamphetamine; PMA;~~

5       ~~(7) 4-methyl-2,5-dimethoxyamphetamine: Some trade or other names:~~  
6 ~~4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; "STP";~~

7       ~~(8) — Bufotenine: ————— Some — trade — or — other — names:~~  
8 ~~3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-~~  
9 ~~indololol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;~~  
10 ~~mappine;~~

11       ~~(9) — Diethyltryptamine: ————— Some — trade — or — other — names:~~  
12 ~~N,N-Diethyltryptamine; DET;~~

13       ~~(10) Dimethyltryptamine: Some trade or other names: DMT;~~

14       ~~(11) — Ibogaine: ————— Some — trade — or — other — names: 7-Ethyl-6,6-~~  
15 ~~beta,7,8,9,10,12,13, octahydro-2-methoxy-6,9methano-5H-pyndo-(1',2'1,2)-~~  
16 ~~azepino-(5,4-b) indole; Tabernanthe iboga;~~

17       ~~(12) Lysergic acid diethylamide;~~

18       ~~(13) Marihuana;~~

19       ~~(14) Mescaline;~~

20       ~~(15) Parahexyl-7374; some trade or other names: 3-Hexyl-1-hydroxy-~~  
21 ~~7,—8,—9,—10-tetrahydro-6,—6,—9-trimethyl-6H-dibenzo[b,d]pyran;~~  
22 ~~synhexyl;~~

23       ~~(16) Peyote, meaning all parts of the plant presently classified~~  
24 ~~botanically as Lophophora Williamsii Lemaire, whether growing or not,~~  
25 ~~the seeds thereof, any extract from any part of such plant, and every~~  
26 ~~compound, manufacture, salts, derivative, mixture, or preparation of~~  
27 ~~such plant, its seeds, or extracts (interprets 21 U.S.C. Sec. 812(c),~~  
28 ~~Schedule I(c)(12));~~

29       ~~(17) N-ethyl-3-piperidyl benzilate;~~

30       ~~(18) N-methyl-3-piperidyl benzilate;~~

1       ~~(19) Psilocybin;~~

2       ~~(20) Psilocyn;~~

3       ~~(21) Tetrahydrocannabinols, synthetic equivalents of the substances~~  
4 ~~contained in the plant, or in the resinous extractives of Cannabis,~~  
5 ~~specifically, and/or synthetic substances, derivatives, and their~~  
6 ~~isomers with similar chemical structure and pharmacological activity~~  
7 ~~such as the following:~~

8       ~~(i) Delta 1 — cis — or trans~~  
9 ~~tetrahydrocannabinol, and their optical isomers;~~

10       ~~(ii) Delta 6 — cis — or trans~~  
11 ~~tetrahydrocannabinol, and their optical isomers;~~

12       ~~(iii) Delta 3.4 — cis — or trans~~  
13 ~~tetrahydrocannabinol, and its optical isomers;~~

14 ~~(Since nomenclature of these substances is not internationally~~  
15 ~~standardized, compounds of these structures, regardless of numerical~~  
16 ~~designation of atomic positions covered, are all included.)~~

17       ~~(22) Ethylamine analog of phencyclidine: Some trade or other~~  
18 ~~names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine;~~  
19 ~~N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;~~

20       ~~(23) Pyrrolidine analog of phencyclidine: Some trade or other~~  
21 ~~names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;~~

22       ~~(24) Thiophene analog of phencyclidine: Some trade or other names:~~  
23 ~~1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of~~  
24 ~~phencyclidine; TPCP; TCP.)~~

25       (1) 4-bromo-2,5-dimethoxy-amphetamine (Some trade or other names:  
26 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.);

27       (2) 2,5-dimethoxyamphetamine (Some trade or other names: 2,5-  
28 dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

29       (3) 4-methoxyamphetamine (Some trade or other names: 4-methoxy-  
30 alpha-methylphenethylamine; paramethoxyamphetamine, PMA.);

- 1       (4) 5-methoxy-3,4-methylenedioxy amphetamine;
- 2       (5) 4-methyl-2,5-dimethoxy-amphetamine (Some trade and other names:  
3 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; DOM; and STP.);
- 4       (6) 3,4-methylenedioxy amphetamine;
- 5       (7) 3,4-methylenedioxymethamphetamine (MDMA);
- 6       (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-  
7 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE,  
8 MDEA);
- 9       (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-  
10 hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy  
11 MDA);
- 12       (10) 3,4,5-trimethoxy amphetamine;
- 13       (11) Bufotenine (Some trade and other names: 3-(beta-  
14 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-  
15 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;  
16 mappine.);
- 17       (12) Diethyltryptamine (Some trade or other names: N,N-  
18 Diethyltryptamine; DET.);
- 19       (13) Dimethyltryptamine (Some trade or other names: DMT.);
- 20       (14) Ibogaine (Some trade and other names: 7-Ethyl-  
21 6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',  
22 2':1,2] azepine [5,4-b] indole; Tabernanthe iboga.);
- 23       (15) Lysergic acid diethylamide;
- 24       (16) Marijuana;
- 25       (17) Mescaline;
- 26       (18) Parahexyl (Some trade or other names: 3-Hexyl-1-hydroxy-  
27 7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.);
- 28       (19) Peyote (Meaning all parts of the plant presently classified  
29 botanically as Lophophora williamsii Lemaire, whether growing or not,  
30 the seeds thereof, any extract from any part of the plant, and every

1 compound, manufacture, salts, derivative, mixture, or preparation of  
2 the plant, its seeds or extracts.);

3 (20) N-ethyl-3-piperidyl benzilate;

4 (21) N-methyl-3-piperidyl benzilate;

5 (22) Psilocybin;

6 (23) Psilocyn;

7 (24) Tetrahydrocannabinols (Synthetic equivalent of the substances  
8 contained in the plant, or in the resinous extractives of *Cannabis*, sp.  
9 and/or synthetic substances, derivatives, and their isomers with  
10 similar chemical structure and pharmacological activity such as the  
11 following: Delta 1 cis or trans tetrahydrocannabinol, and their  
12 optical isomers; Delta 6 cis or trans tetrahydrocannabinol, and their  
13 optical isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its  
14 optical isomers. [Since nomenclature of these substances is not  
15 internationally standardized, compounds of these structures, regardless  
16 of numerical designation of atomic positions covered.]);

17 (25) Ethylamine analog of phenecyclidine (Some trade or other  
18 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)  
19 ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE.);

20 (26) Pyrrolidine analog of phencyclidine (Some trade or other  
21 names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.);

22 (27) Thiophene analog of phencyclidine (Some trade or other names:  
23 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of  
24 phencyclidine, TPCP, TCP.);

25 (28) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (Some other names:  
26 TCPy.);

27 ~~((e) Depressants.— Unless specifically excepted or unless listed~~  
28 ~~in another schedule,)) (d) Any material, compound, mixture, or~~  
29 ~~preparation ((which contains)) containing any quantity of~~  
30 ~~((meclizolone)) the following substances having a depressant effect on~~

1 the central nervous system, including ~~((its))~~ their salts, isomers, and  
2 salts of isomers whenever the existence of ~~((such))~~ those salts,  
3 isomers, and salts of isomers is possible within the specific chemical  
4 designation~~((-))~~:

5 (1) Mecloqualone;

6 (2) Methaqualone.

7 ~~((f) Stimulants. Unless specifically excepted or unless listed in  
8 another schedule,))~~ (e) Any material, compound, mixture, or preparation  
9 ~~((which contains))~~ containing any quantity of the following substances  
10 having a stimulant effect on the central nervous system, including  
11 ~~((its))~~ their salts, isomers, and salts of isomers:

12 (1) ~~((Fenethyline))~~ Fenethylamine;

13 (2) (+/-) CIS-4-methylaminorex ((+/-) CIS-4,5-dihydro-4-methyl-5-  
14 phenyl-2-oxazolamine);

15 (3) N-ethylamphetamine;

16 ~~((3) 3-methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-  
17 N-phenylpropanamide), its optical and geometric isomers, salts and  
18 salts of isomers;~~

19 ~~(4) 3,4-methylenedioxymethamphetamine (MDMA), its optical,  
20 positional and geometric isomers, salts and salts of isomers;~~

21 ~~(5) 1-methyl-4-phenyl-4-propionoxy-piperidine (MPPP), its optical  
22 isomers, salts, and salts of isomers;~~

23 ~~(6) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its  
24 optical isomers, salts and salts of isomers))~~

25 (4) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-  
26 benzeneethanamine; N,N-alpha-tri-mehtylphenethylamine).

27 The controlled substances in this section may be rescheduled or  
28 deleted as provided for in RCW 69.50.201."

1       **"Sec. 5.** RCW 69.50.205 and 1971 ex.s. c 308 s 69.50.205 are each  
2 amended to read as follows:

3       SCHEDULE II TESTS. (a) The state board of pharmacy shall place a  
4 substance in Schedule II ~~((if it finds))~~ upon finding that:

5       (1) the substance has high potential for abuse;

6       (2) the substance has currently accepted medical use in treatment  
7 in the United States, or currently accepted medical use with severe  
8 restrictions; and

9       (3) the abuse of the substance may lead to severe ~~((psyhic))~~  
10 psychological or physical dependence.

11       (b) The state board of pharmacy may place a substance in Schedule  
12 II without making the findings required by subsection (a) of this  
13 section if the substance is controlled under Schedule II of the federal  
14 Controlled Substances Act by a federal agency as the result of an  
15 international treaty, convention, or protocol."

16       **"Sec. 6.** RCW 69.50.206 and 1986 c 124 s 4 are each amended to read  
17 as follows:

18       SCHEDULE II. ~~((a) The drugs and other substances listed in this~~  
19 ~~section, by whatever official name, common or usual name, chemical~~  
20 ~~name, or brand name designated, are included in Schedule II.~~

21       ~~(b) Substances. (Vegetable origin or chemical synthesis.) Unless~~  
22 ~~specifically excepted, any of the following substances, except those~~  
23 ~~listed in other schedules,))~~ Unless specifically excepted by state or  
24 federal law or regulation or more specifically included in another  
25 schedule, the following controlled substances are listed in Schedule  
26 II:

27       (a) Any of the following substances whether produced directly or  
28 indirectly by extraction from substances of vegetable origin, or

1 independently by means of chemical synthesis, or by combination of  
2 extraction and chemical synthesis:

3 (1) Opium and ~~((opiate))~~ opium derivative, and any salt, compound,  
4 derivative, or preparation of opium or ~~((opiate))~~ opium derivative,  
5 excluding apomorphine, dextrorphan, nalbuphine, butorphanol, nalmefene,  
6 naloxone, and naltrexone, ~~((and their respective salts,))~~ but including  
7 ~~((the following))~~:

8 (i) Raw opium;

9 (ii) Opium extracts;

10 (iii) Opium fluid ~~((extracts))~~;

11 (iv) Powdered opium;

12 (v) Granulated opium;

13 (vi) Tincture of opium;

14 (vii) Codeine;

15 (viii) Ethylmorphine;

16 (ix) Etorphine hydrochloride;

17 (x) Hydrocodone;

18 (xi) Hydromorphone;

19 (xii) Metopon;

20 (xiii) Morphine;

21 (xiv) Oxycodone;

22 (xv) Oxymorphone; ~~((and))~~

23 (xvi) Thebaine.

24 (2) Any salt, compound, ~~((isomer,))~~ derivative, or preparation  
25 thereof ~~((which))~~ that is chemically equivalent or identical with any  
26 of the substances referred to in ~~((paragraph (b)))~~ subsection (a)(1) of  
27 this section, but not including the isoquinoline alkaloids of opium.

28 (3) Opium poppy and poppy straw.

29 (4) Coca leaves and any salt, compound, derivative, or preparation  
30 of coca leaves, including cocaine and ecgonine and their salts of



1 isomers, derivatives, and salts of isomers and derivatives, and any  
2 salt, compound, derivative, or preparation thereof which is chemically  
3 equivalent or identical with any of these substances, but not including  
4 decocainized coca leaves or extractions of coca leaves which do not  
5 contain cocaine or ecgonine.

6 ~~(5) ((Methylbenzoyl)ecgonine (cocaine — its salts, optical isomers,~~  
7 ~~and salts of optical isomers)).~~

8 ~~(6))~~ Concentrate of poppy straw (the crude extract of poppy straw  
9 in either liquid, solid, or powder form which contains the  
10 ~~((phenanthrine))~~ phenanthrene alkaloids of the opium poppy(~~((-))~~).

11 ~~((c) Opiates. Unless specifically excepted or unless in another~~  
12 ~~schedule,))~~ (b) Any of the following synthetic opiates, including  
13 ~~((its))~~ their isomers, esters, ethers, salts, and salts of isomers,  
14 esters, and ethers(((-)) whenever the existence of ~~((such))~~ those  
15 isomers, esters, ethers, and salts is possible within the specific  
16 chemical designation(((-, dextrorphan and levopropoxyphene excepted))):

17 (1) Alfentanil;

18 (2) Alphaprodine;

19 ~~((+2))~~ (3) Anileridine;

20 ~~((+3))~~ (4) Bezitramide;

21 ~~((+4))~~ (5) Bulk dextropropoxyphene (nondosage forms);

22 (6) Carfentanil;

23 ~~((+5))~~ (7) Dihydrocodeine;

24 ~~((+6))~~ (8) Diphenoxylate;

25 ~~((+7))~~ (9) Fentanyl;

26 ~~((+8))~~ (10) Isomethadone;

27 ~~((+9))~~ (11) Levomethorphan;

28 ~~((+10))~~ (12) Levorphanol;

29 ~~((+11))~~ (13) Metazocine;

30 ~~((+12))~~ (14) Methadone;

1        ~~((13))~~ (15) Methadone--Intermediate, 4-cyano-2-dimethylamino-4,  
2 4-diphenyl butane;

3        ~~((14))~~ (16) Moramide--Intermediate, 2-methyl-3-morpholino-1, 1-  
4 diphenylpropane-carboxylic acid;

5        ~~((15))~~ (17) Pethidine (~~((meperidene))~~ meperidine);

6        ~~((16))~~ (18) Pethidine--Intermediate((-)-)-A, 4-cyano-1-methyl-4-  
7 phenylpiperidine;

8        ~~((17))~~        (19)        Pethidine--Intermediate((-)-)-B,        ethyl-4-  
9 phenylpiperidine-4-carboxylate;

10       ~~((18))~~        (20)        Pethidine--Intermediate((-)-)-C,        1-methyl-4-  
11 phenylpiperidine-4-carboxylic acid;

12       ~~((19))~~ (21) Phenazocine;

13       ~~((20))~~ (22) Piminodine;

14       ~~((21))~~ (23) Racemethorphan;

15       ~~((22))~~ (24) Racemorphan;

16       ~~((23))~~ (25) Sufentanil.

17       ~~((d) Stimulants. Unless specifically excepted or unless listed in~~  
18 ~~another schedule,))~~ (c) Any material, compound, mixture, or preparation  
19 ~~((which contains))~~ containing any quantity of the following substances,  
20 their salts, isomers, or salts of isomers, having a stimulant effect on  
21 the central nervous system:

22        (1) Amphetamine(~~(, its salts, optical isomers, and salts of its~~  
23 ~~optical isomers))~~);

24        (2) Methamphetamine(~~(, its salts, isomers, and salts of its~~  
25 ~~isomers))~~);

26        (3) Phenmetrazine ~~((and its salts))~~);

27        (4) Methylphenidate.

28       ~~((e) Depressants. Unless specifically excepted or unless listed~~  
29 ~~in another schedule,))~~ (d) Any material, compound, mixture, or  
30 preparation ~~((which contains))~~ containing any quantity of the following

1 substances having a depressant effect on the central nervous system,  
2 including ~~((its))~~ their salts, isomers, and salts of isomers whenever  
3 the existence of ~~((such))~~ those salts, isomers, and salts of isomers is  
4 possible within the specific chemical designation:

5 (1) Amobarbital;

6 (2) Glutethimide;

7 (3) Pentobarbital;

8 ~~((+3))~~ (4) Phencyclidine;

9 ~~((+4))~~ (5) Secobarbital.

10 (e)(1) Dronabinol (synthetic) in sesame oil and encapsulated in a  
11 soft gelatin capsule in a federal Food and Drug Administration approved  
12 drug product [some other names for dronabinol: (6aR-trans)-6a,7,8,10a-  
13 tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran-1-ol, or (-)-  
14 Delta-9-(trans)-tetrahydrocannabinol].

15 (2) Nabilone [Another name for nabilone: (+/-) trans-3-(1,1-  
16 dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-  
17 9Hdibenzo [b,d] pyran-9-one].

18 ~~((f) Immediate precursors. Unless specifically excepted or unless~~  
19 ~~listed in another schedule,)~~ (f) Any material, compound, mixture, or  
20 preparation ~~((which contains))~~ containing any quantity of the following  
21 substances:

22 (1) Immediate precursor to amphetamine and methamphetamine:  
23 ~~((+2))~~ phenylacetone~~((+))~~ (Some trade or other names: phenyl-2-  
24 propanone~~((+))~~; P2P~~((+))~~; benzyl methyl ketone~~((+))~~; methyl benzyl  
25 ketone.)

26 ~~((+3))~~ (2) Immediate precursors to phencyclidine ~~((PCP))~~:

27 (i) 1-phenylcyclohexylamine;

28 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

29 The controlled substances listed in this section may be rescheduled  
30 or deleted as provided for in RCW 69.50.201."

1       **"Sec. 7.** RCW 69.50.207 and 1971 ex.s. c 308 s 69.50.207 are each  
2 amended to read as follows:

3       SCHEDULE III TESTS. (a) The state board of pharmacy shall place a  
4 substance in Schedule III ((if it finds)) upon finding that:

5       (1) the substance has a potential for abuse less than the  
6 substances ~~((listed))~~ included in Schedules I and II;

7       (2) the substance has currently accepted medical use in treatment  
8 in the United States; and

9       (3) abuse of the substance may lead to moderate or low physical  
10 dependence or high psychological dependence.

11       (b) The state board of pharmacy may place a substance in Schedule  
12 III without making the findings required by subsection (a) of this  
13 section if the substance is controlled under Schedule III of the  
14 federal Controlled Substances Act by a federal agency as the result of  
15 an international treaty, convention, or protocol."

16       **"Sec. 8.** RCW 69.50.208 and 1986 c 124 s 5 are each amended to read  
17 as follows:

18       SCHEDULE III. ~~((a) The drugs and other substances listed in this~~  
19 ~~section, by whatever official name, common or usual name, chemical~~  
20 ~~name, or brand name designated, are included in Schedule III.~~

21       ~~(b) Stimulants. Unless specifically excepted or unless listed in~~  
22 ~~another schedule,))~~ Unless specifically excepted by state or federal  
23 law or regulation or more specifically included in another schedule,  
24 the following controlled substances are listed in Schedule III:

25       (a) Any material, compound, mixture, or preparation ((which  
26 contains)) containing any quantity of the following substances having  
27 a stimulant effect on the central nervous system, including ((its))  
28 their salts, isomers ((whether optical, position, or geometric)), and  
29 salts of ((such)) isomers whenever the existence of ((such)) those

1 salts, isomers, and salts of isomers is possible within the specific  
2 chemical designation:

3 ~~(1) ((Those compounds, mixtures, or preparations in dosage unit~~  
4 ~~form containing any stimulant substances listed in Schedule II which~~  
5 ~~compounds, mixtures, or preparations are referred to as excepted~~  
6 ~~compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of~~  
7 ~~April 1, 1985,))~~ Any compound, mixture, or preparation in dosage unit  
8 form containing any stimulant substance included in Schedule II and  
9 which was listed as an excepted compound on August 25, 1971, pursuant  
10 to the federal Controlled Substances Act, and any other drug of the  
11 quantitative composition shown in that list for those drugs or which is  
12 the same except ((that it contains)) for containing a lesser quantity  
13 of controlled substances;

14 (2) Benzphetamine;

15 (3) Chlorphentermine;

16 (4) Clortermine;

17 (5) Phendimetrazine.

18 ~~((c) Depressants. Unless specifically excepted or unless listed~~  
19 ~~in another schedule,))~~ (b) Any material, compound, mixture, or  
20 preparation ((which contains)) containing any quantity of the following  
21 substances having a depressant effect on the central nervous system:

22 (1) Any compound, mixture, or preparation containing any of the  
23 following drugs or their salts and one or more other active medicinal  
24 ingredients not included in any schedule:

25 (i) Amobarbital;

26 (ii) Secobarbital;

27 (iii) Pentobarbital;

28 ~~((or any salt thereof and one or more other active medicinal~~  
29 ~~ingredients which are not listed in any schedule;~~

30 ~~(2) Any suppository dosage form containing))~~

1 (2) Any of the following drugs, or their salts, in suppository  
2 dosage form, approved by the federal Food and Drug Administration for  
3 marketing only as a suppository:

4 (i) Amobarbital;

5 (ii) Secobarbital;

6 (iii) Pentobarbital;

7 ~~((or any salt of any of these drugs and approved by the Food and Drug~~  
8 ~~Administration for marketing only as a suppository;))~~

9 (3) Any substance ~~((which contains))~~ containing any quantity of a  
10 derivative of barbituric acid, or any salt of a derivative of  
11 barbituric acid;

12 (4) Chlorhexadol;

13 (5) ~~((Glutethimide;~~

14 ~~+6))~~ Lysergic acid;

15 ~~((+7))~~ (6) Lysergic acid amide;

16 ~~((+8))~~ (7) Methyprylon;

17 ~~((+9))~~ (8) Sulfondiethylmethane;

18 ~~((+10))~~ (9) Sulfonethylmethane;

19 ~~((+11))~~ (10) Sulfonmethane;

20 (11) Tiletamine and zolazepam or any of their salts (Some trade or  
21 other names for a tiletamine-zolazepam combination product: Telazol.

22 Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-  
23 thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-  
24 (2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-  
25 diazepin-7(1H)-one. flupyrazapon.).

26 ~~((+d))~~ (c) Nalorphine.

27 ~~((+e) Narcotic drugs. Unless specifically excepted or unless~~  
28 ~~listed in another schedule,))~~ (d) Any material, compound, mixture, or  
29 preparation containing limited quantities of any of the following  
30 narcotic drugs, or any salts thereof calculated as the free anhydrous

1 base or alkaloid, in limited quantities as set forth in (~~paragraph (e)~~  
2 ~~of this section~~) this subsection:

3 (1) Not more than 1.8 grams of codeine per 100 milliliters or not  
4 more than 90 milligrams per dosage unit, with an equal or greater  
5 quantity of an isoquinoline alkaloid of opium;

6 (2) Not more than 1.8 grams of codeine per 100 milliliters or not  
7 more than 90 milligrams per dosage unit, with one or more active,  
8 nonnarcotic ingredients in recognized therapeutic amounts;

9 (3) Not more than 300 milligrams of dihydrocodeinone per 100  
10 milliliters or not more than 15 milligrams per dosage unit, with a  
11 fourfold or greater quantity of an isoquinoline alkaloid of opium;

12 (4) Not more than 300 milligrams of dihydrocodeinone per 100  
13 milliliters or not more than 15 milligrams per dosage unit, with one or  
14 more active, nonnarcotic ingredients in recognized therapeutic amounts;

15 (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters  
16 or not more than 90 milligrams per dosage unit, with one or more  
17 active, nonnarcotic ingredients in recognized therapeutic amounts;

18 (6) Not more than 300 milligrams of ethylmorphine per 100  
19 milliliters or not more than 15 milligrams per dosage unit, with one or  
20 more active, nonnarcotic ingredients in recognized therapeutic amounts;

21 (7) Not more than 500 milligrams of opium per 100 milliliters or  
22 per 100 grams, or not more than 25 milligrams per dosage unit, with one  
23 or more active, nonnarcotic ingredients in recognized therapeutic  
24 amounts;

25 (8) Not more than 50 milligrams of morphine per 100 milliliters or  
26 per 100 grams with one or more active, nonnarcotic ingredients in  
27 recognized therapeutic amounts.

28 The state board of pharmacy may except by rule any compound,  
29 mixture, or preparation containing any stimulant or depressant  
30 substance listed in subsections (a)(1) and (a)(2) of this section from

1 the application of all or any part of this chapter if the compound,  
2 mixture, or preparation contains one or more active medicinal  
3 ingredients not having a stimulant or depressant effect on the central  
4 nervous system, and if the admixtures are in combinations, quantity,  
5 proportion, or concentration that vitiate the potential for abuse of  
6 the substances having a stimulant or depressant effect on the central  
7 nervous system.

8 The controlled substances listed in this section may be rescheduled  
9 or deleted as provided for in RCW 69.50.201."

10 "Sec. 9. RCW 69.50.209 and 1971 ex.s. c 308 s 69.50.209 are each  
11 amended to read as follows:

12 SCHEDULE IV TESTS. (a) The state board of pharmacy shall place a  
13 substance in Schedule IV (~~if it finds~~) upon finding that:

14 (1) the substance has a low potential for abuse relative to  
15 substances in Schedule III;

16 (2) the substance has currently accepted medical use in treatment  
17 in the United States; and

18 (3) abuse of the substance may lead to limited physical dependence  
19 or psychological dependence relative to the substances included in  
20 Schedule III.

21 (b) The state board of pharmacy may place a substance in Schedule  
22 IV without making the findings required by subsection (a) of this  
23 section if the substance is controlled under Schedule IV of the federal  
24 Controlled Substances Act by a federal agency as the result of an  
25 international treaty, convention, or protocol."

26 "Sec. 10. RCW 69.50.210 and 1986 c 124 s 6 are each amended to  
27 read as follows:



1 SCHEDULE IV. (~~((a) The drugs and other substances listed in this~~  
2 ~~section, by whatever official name, common or usual name, chemical~~  
3 ~~name, or brand name designated, are included in Schedule IV.~~

4 (b) Narcotic drugs. ~~Unless specifically excepted or unless listed~~  
5 ~~in another schedule,))~~ Unless specifically excepted by state or federal  
6 law or regulation or more specifically included in another schedule,  
7 the following controlled substances are listed in Schedule IV:

8 (a) Any material, compound, mixture, or preparation containing any  
9 of the following narcotic drugs, or their salts calculated as the free  
10 anhydrous base or alkaloid, in limited quantities as set forth below:

11 (1) Not more than 1 milligram of difenoxin and not less than 25  
12 micrograms of atropine sulfate per dosage unit.

13 (2) Dextropropoxyphene (alpha-(+)-((e))4-dimethylamino-1,2-  
14 diphenyl-3-methyl-2-propionoxybutane).

15 (~~((c) Depressants. Unless specifically excepted or unless listed~~  
16 ~~in another schedule,))~~ (b) Any material, compound, mixture, or  
17 preparation ((which contains)) containing any quantity of the following  
18 substances having a depressant effect on the central nervous system,  
19 including ((its)) their salts, isomers, and salts of isomers whenever  
20 the existence of ((such)) those salts, isomers, and salts of isomers is  
21 possible within the specific chemical designation:

- 22 ((1) ~~Alprazolam;~~
- 23 (2) ~~Barbital;~~
- 24 (3) ~~Chloral betaine;~~
- 25 (4) ~~Chloral hydrate;~~
- 26 (5) ~~Chlordiazepoxide;~~
- 27 (6) ~~Clonazepam;~~
- 28 (7) ~~Clorazepate;~~
- 29 (8) ~~Diazepam;~~
- 30 (9) ~~Ethchlorvynol;~~

- 1 ~~(10) Ethinamate*i*~~
- 2 ~~(11) Flurazepam*i*~~
- 3 ~~(12) Halazepam*i*~~
- 4 ~~(13) Lorazepam*i*~~
- 5 ~~(14) Mebutamate*i*~~
- 6 ~~(15) Meprobamate*i*~~
- 7 ~~(16) Methohexital*i*~~
- 8 ~~(17) Methylphenobarbital (mephobarbital)*i*~~
- 9 ~~(18) Oxazepam*i*~~
- 10 ~~(19) Paraldehyde*i*~~
- 11 ~~(20) Petrichloral*i*~~
- 12 ~~(21) Phenobarbital*i*~~
- 13 ~~(22) Prazepam*i*~~
- 14 ~~(23) Temazepam*i*~~
- 15 ~~(24) Triazolam.~~
- 16 ~~(d) Fenfluramine.)~~
- 17 (1) Alprazolam*i*
- 18 (2) Barbital*i*
- 19 (3) Bromazepam*i*
- 20 (4) Camazepam*i*
- 21 (5) Chloral betaine*i*
- 22 (6) Chloral hydrate*i*
- 23 (7) Chlordiazepoxide*i*
- 24 (8) Clobazam*i*
- 25 (9) Clonazepam*i*
- 26 (10) Clorazepate*i*
- 27 (11) Clotiazepam*i*
- 28 (12) Cloxazolam*i*
- 29 (13) Delorazepam*i*
- 30 (14) Diazepam*i*

- 1        (15) Estazolam;
- 2        (16) Ethchlorvynol;
- 3        (17) Ethinamate;
- 4        (18) Ethyl loflazepate;
- 5        (19) Fludiazepam;
- 6        (20) Flunitrazepam;
- 7        (21) Flurazepam;
- 8        (22) Halazepam;
- 9        (23) Haloxazolam;
- 10       (24) Ketazolam;
- 11       (25) Loprazolam;
- 12       (26) Lorazepam;
- 13       (27) Lormetazepam;
- 14       (28) Mebutamate;
- 15       (29) Medazepam;
- 16       (30) Meprobamate;
- 17       (31) Methohexital;
- 18       (32) Methylphenobarbital (mephobarbital);
- 19       (33) Midazolam;
- 20       (34) Nimetazepam;
- 21       (35) Nitrazepam;
- 22       (36) Nordiazepam;
- 23       (37) Oxazepam;
- 24       (38) Oxazolam;
- 25       (39) Paraldehyde;
- 26       (40) Petrichloral;
- 27       (41) Phenobarbital;
- 28       (42) Pinazepam;
- 29       (43) Prazepam;
- 30       (44) Quazepam;

1        (45) Temazepam;

2        (46) Tetrazepam;

3        (47) Triazolam.

4        (c) Any material, compound, mixture, or preparation (~~(which~~  
5 ~~contains))~~ containing any quantity of the following substance(~~(s))~~,  
6 including its salts, isomers (~~((whether optical, position, or~~  
7 ~~geometric))~~), and salts of such isomers, whenever the existence of such  
8 salts, isomers, and salts of isomers is possible(~~(-~~

9        ~~(1))~~): Fenfluramine.

10       ~~((e) Stimulants. Unless specifically excepted or unless listed in~~  
11 ~~another schedule,))~~ (d) Any material, compound, mixture, or preparation

12 ~~((which contains))~~ containing any quantity of the following substances  
13 having a stimulant effect on the central nervous system, including  
14 ~~((its))~~ their salts, isomers (~~((whether optical, position, or~~  
15 ~~geometric))~~), and salts of ~~((such))~~ isomers (~~(whenever the existence of~~  
16 ~~such salts, isomers, and salts of isomers is possible within the~~  
17 ~~specific chemical designation))~~):

18        (1) Cathine ((+) Norpseudoephedrine);

19        (2) Diethylpropion;

20        ~~((+2))~~ (3) Fencamfamin;

21        (4) Fenproporex;

22        (5) Mazindol;

23        ~~((+3))~~ (6) Mefenorex;

24        (7) Pemoline (including organometallic complexes and chelates  
25 thereof);

26        ~~((+4))~~ (8) Phentermine;

27        ~~((+5))~~ (9) Pipradrol;

28        ~~((+6))~~ (10) SPA ((-)-1-dimethylamino-1, 2-dephenylethane).

29       ~~((f) Other substances. Unless specifically excepted or unless~~  
30 ~~listed in another schedule,))~~ (e) Any material, compound, mixture, or

1 preparation (~~((which contains))~~) containing any quantity of the following  
2 substance(~~((s))~~), including its salts: (~~((1))~~) Pentazocine.

3 The state board of pharmacy may except by rule any compound,  
4 mixture, or preparation containing any depressant substance listed in  
5 subsection (b) of this section from the application of all or any part  
6 of this chapter if the compound, mixture, or preparation contains one  
7 or more active medicinal ingredients not having a depressant effect on  
8 the central nervous system, and if the admixtures are in combinations,  
9 quantity, proportion, or concentration that vitiate the potential for  
10 abuse of the substances having a depressant effect on the central  
11 nervous system.

12 The controlled substances listed in this section may be rescheduled  
13 or deleted as provided for in RCW 69.50.201."

14 **"Sec. 11.** RCW 69.50.211 and 1971 ex.s. c 308 s 69.50.211 are each  
15 amended to read as follows:

16 SCHEDULE V TESTS. (a) The state board of pharmacy shall place a  
17 substance in Schedule V (~~((if it finds))~~) upon finding that:

18 (1) the substance has low potential for abuse relative to the  
19 controlled substances (~~((listed))~~) included in Schedule IV;

20 (2) the substance has currently accepted medical use in treatment  
21 in the United States; and

22 (3) abuse of the substance (~~((has))~~) may lead to limited physical  
23 dependence or psychological dependence (~~((liability))~~) relative to the  
24 (~~((controlled))~~) substances (~~((listed))~~) included in Schedule IV.

25 (b) The state board of pharmacy may place a substance in Schedule  
26 V without being required to make the findings required by subsection  
27 (a) of this section if the substance is controlled under Schedule V of  
28 the federal Controlled Substances Act by a federal agency as the result  
29 of an international treaty, convention, or protocol."

1       **"Sec. 12.** RCW 69.50.212 and 1986 c 124 s 7 are each amended to  
2 read as follows:

3       SCHEDULE V. (~~((a) The drugs and other substances listed in this~~  
4 ~~section, by whatever official name, common or usual name, chemical~~  
5 ~~name, or brand name designated, are included in Schedule V.~~

6       ~~(b) Narcotic drugs containing nonnarcotic active medicinal~~  
7 ~~ingredients.))~~ Unless specifically excepted by state or federal law or  
8 regulation or more specifically included in another schedule, the  
9 following controlled substances are listed in Schedule V:

10       (a) Any material, compound, mixture, or preparation containing any  
11 of the following narcotic drug and its salts: Buprenorphine.

12       (b) Any compound, mixture, or preparation containing any of the  
13 following narcotic drugs, or their salts calculated as the free  
14 anhydrous base or alkaloid, in limited quantities as set forth in this  
15 ((section)) subsection, which ((shall include)) also contains one or  
16 more nonnarcotic active medicinal ingredients in sufficient proportion  
17 to confer upon the compound, mixture, or preparation, valuable  
18 medicinal qualities other than those possessed by the narcotic drug  
19 alone:

20       (1) Not more than 200 milligrams of codeine per 100 milliliters or  
21 per 100 grams;

22       (2) Not more than 100 milligrams of dihydrocodeine per 100  
23 milliliters or per 100 grams;

24       (3) Not more than 100 milligrams of ethylmorphine per 100  
25 milliliters or per 100 grams;

26       (4) Not more than 2.5 milligrams of diphenoxylate and not less than  
27 25 micrograms of atropine sulfate per dosage unit;

28       (5) Not more than 100 milligrams of opium per 100 milliliters or  
29 per 100 grams;

1 (6) Not more than 0.5 milligrams of difenoxin and not less than 25  
2 micrograms of atropine sulfate per dosage unit(~~(+~~  
3 ~~(c) Buprenorphine~~)).

4 (c) Any material, compound, mixture, or preparation containing any  
5 quantity of the following substances having a stimulant effect on the  
6 central nervous system, including their salts, isomers, and salts of  
7 isomers:

8 (1) Propylhexedrine;

9 (2) Pyrovalerone.

10 The controlled substances listed in this section may be rescheduled  
11 or deleted as provided for in RCW 69.50.201."

12 "Sec. 13. RCW 69.50.213 and 1971 ex.s. c 308 s 69.50.213 are each  
13 amended to read as follows:

14 REPUBLISHING OF SCHEDULES. The state board of pharmacy shall ((at  
15 ~~least semiannually for two years from May 21, 1971 and thereafter~~  
16 ~~annually consider the revision of the schedules published pursuant to~~  
17 ~~chapter 34.05 RCW)) publish updated schedules annually. Failure to  
18 publish updated schedules is not a defense in any administrative or  
19 judicial proceeding under this chapter."~~

20 "NEW SECTION. Sec. 14. A new section is added to chapter 69.50  
21 RCW to read as follows:

22 CONTROLLED SUBSTANCE ANALOG TREATED AS SCHEDULE I SUBSTANCE. A  
23 controlled substance analog, to the extent intended for human  
24 consumption, shall be treated, for the purposes of this chapter, as a  
25 substance included in Schedule I. Within thirty days after the  
26 initiation of prosecution with respect to a controlled substance analog  
27 by indictment or information, the prosecuting attorney shall notify the  
28 state board of pharmacy of information relevant to emergency scheduling

1 as provided for in RCW 69.50.201(f). After final determination that  
2 the controlled substance analog should not be scheduled, no prosecution  
3 relating to that substance as a controlled substance analog may  
4 continue or take place."

5 "ARTICLE III  
6 REGULATION OF MANUFACTURE, DISTRIBUTION, AND  
7 DISPENSING OF CONTROLLED SUBSTANCES"

8 "Sec. 15. RCW 69.50.301 and 1991 c 229 s 9 are each amended to  
9 read as follows:

10 The ~~((state))~~ board ~~((of pharmacy))~~ may ~~((promulgate))~~ adopt rules  
11 and ~~((the secretary may set fees in accordance with RCW 43.70.250))~~ the  
12 department may charge reasonable fees, relating to the registration and  
13 control of the manufacture, distribution, and dispensing of controlled  
14 substances within this state."

15 "Sec. 16. RCW 69.50.302 and 1989 1st ex.s. c 9 s 432 are each  
16 amended to read as follows:

17 REGISTRATION REQUIREMENTS. (a) Every person who manufactures,  
18 distributes, or dispenses any controlled substance within this state or  
19 who proposes to engage in the manufacture, distribution, or dispensing  
20 of any controlled substance within this state, ~~((must))~~ shall obtain  
21 annually a registration issued by the department in accordance with the  
22 board's rules.

23 (b) A person~~((s))~~ registered by the department under this chapter  
24 to manufacture, distribute, dispense, or conduct research with  
25 controlled substances may possess, manufacture, distribute, dispense,  
26 or conduct research with those substances to the extent authorized by



1 ((~~their~~)) the registration and in conformity with ((~~the—other~~  
2 ~~provisions—of~~)) this Article.

3 (c) The following persons need not register and may lawfully  
4 possess controlled substances under this chapter:

5 (1) an agent or employee of any registered manufacturer,  
6 distributor, or dispenser of any controlled substance if ((~~he~~)) the  
7 agent or employee is acting in the usual course of ((~~his~~)) business or  
8 employment. This exemption shall not include any agent or employee  
9 distributing sample controlled substances to practitioners without an  
10 order;

11 (2) a common or contract carrier or warehouseman, or an employee  
12 thereof, whose possession of any controlled substance is in the usual  
13 course of business or employment;

14 (3) an ultimate user or a person in possession of any controlled  
15 substance pursuant to a lawful order of a practitioner or in lawful  
16 possession of a substance included in Schedule V ((~~substance~~)).

17 (d) The board may waive by rule the requirement for registration of  
18 certain manufacturers, distributors, or dispensers ((~~if it finds~~)) upon  
19 finding it consistent with the public health and safety. ((~~Personal~~  
20 ~~practitioners licensed or registered in the state of Washington under~~  
21 ~~the respective professional licensing acts shall not be required to be~~  
22 ~~registered under this chapter unless the specific exemption is denied~~  
23 ~~pursuant to RCW 69.50.305 for violation of any provisions of this~~  
24 ~~chapter.~~))

25 (e) A separate registration is required at each principal place of  
26 business or professional practice where the applicant manufactures,  
27 distributes, or dispenses controlled substances.

28 (f) The department may inspect the establishment of a registrant or  
29 applicant for registration in accordance with rules adopted by the  
30 ((~~board's rule~~)) board."

1       **"Sec. 17.** RCW 69.50.303 and 1989 1st ex.s. c 9 s 433 are each  
2 amended to read as follows:

3       REGISTRATION. (a) The department shall register an applicant to  
4 manufacture or distribute controlled substances included in RCW  
5 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless the  
6 board determines that the issuance of that registration would be  
7 inconsistent with the public interest. In determining the public  
8 interest, the board shall consider the following factors:

9       (1) maintenance of effective controls against diversion of  
10 controlled substances into other than legitimate medical, scientific,  
11 research, or industrial channels;

12       (2) compliance with applicable state and local law;

13       (3) promotion of technical advances in the art of manufacturing  
14 controlled substances and the development of new substances;

15       (4) any convictions of the applicant under any laws of another  
16 country or federal ((and)) or state laws relating to any controlled  
17 substance;

18       ((+4)) (5) past experience in the manufacture or distribution of  
19 controlled substances, and the existence in the applicant's  
20 establishment of effective controls against diversion of controlled  
21 substances into other than legitimate medical, scientific, research, or  
22 industrial channels;

23       ((+5)) (6) furnishing by the applicant of false or fraudulent  
24 material in any application filed under this chapter;

25       ((+6)) (7) suspension or revocation of the applicant's federal  
26 registration to manufacture, distribute, or dispense controlled  
27 substances as authorized by federal law; and

28       ((+7)) (8) any other factors relevant to and consistent with the  
29 public health and safety.

1 (b) Registration under subsection (a) of this section does not  
2 entitle a registrant to manufacture (~~and~~) or distribute controlled  
3 substances included in Schedule I or II other than those specified in  
4 the registration.

5 (c) Practitioners must be registered(~~, or exempted under RCW~~  
6 ~~69.50.302(d),~~) to dispense any controlled substances or to conduct  
7 research with controlled substances included in Schedules II through V  
8 if they are authorized to dispense or conduct research under the law of  
9 this state. The board need not require separate registration under  
10 this Article for practitioners engaging in research with nonnarcotic  
11 (~~controlled~~) substances included in Schedules II through V where the  
12 registrant is already registered under this Article in another  
13 capacity. Practitioners registered under federal law to conduct  
14 research with substances included in Schedule I (~~substances~~) may  
15 conduct research with substances included in Schedule I (~~substances~~)  
16 within this state upon furnishing the board evidence of that federal  
17 registration.

18 (d) (~~Compliance by manufacturers and distributors with the~~  
19 ~~provisions of the federal law respecting registration entitles them to~~  
20 ~~be registered under this chapter upon application and payment of the~~  
21 ~~required fee~~) A manufacturer or distributor registered under the  
22 federal Controlled Substances Act 21 U.S.C. Sec. 801 et seq. may submit  
23 a copy of the federal application as an application for registration as  
24 a manufacturer or distributor under this section. The board may  
25 require a manufacturer or distributor to submit information in addition  
26 to the application for registration under the federal act."

27 "Sec. 18. RCW 69.50.304 and 1989 1st ex.s. c 9 s 434 are each  
28 amended to read as follows:

1           REVOCATION AND SUSPENSION OF REGISTRATION. (a) A registration(~~(~~  
2 ~~or exemption from registration,~~) under RCW 69.50.303 to manufacture,  
3 distribute, or dispense a controlled substance may be suspended or  
4 revoked by the state board of pharmacy upon ((a)) finding that the  
5 registrant has:

6           (1) ((has)) furnished false or fraudulent material information in  
7 any application filed under this chapter;

8           (2) ((has)) been ((~~found guilty~~) convicted of a felony under any  
9 state or federal law relating to any controlled substance;

10           (3) ((has)) had ((his)) the registrant's federal registration  
11 suspended or revoked and is no longer authorized by federal law to  
12 manufacture, distribute, or dispense controlled substances; or

13           (4) ((~~has violated any state or federal rule or regulation~~  
14 ~~regarding controlled substances~~) committed acts that would render  
15 registration under RCW 69.50.303 inconsistent with the public interest  
16 as determined under that section.

17           (b) The board may limit revocation or suspension of a registration  
18 to the particular controlled substance ((~~or schedule of controlled~~  
19 ~~substances,~~) with respect to which grounds for revocation or  
20 suspension exist.

21           (c) If the board suspends or revokes a registration, all controlled  
22 substances owned or possessed by the registrant at the time of  
23 suspension or the effective date of the revocation order may be placed  
24 under seal. No disposition may be made of substances under seal until  
25 the time for taking an appeal has elapsed or until all appeals have  
26 been concluded unless a court, upon application ((~~therefor~~)), orders  
27 the sale of perishable substances and the deposit of the proceeds of  
28 the sale with the court. Upon a revocation order becoming final, all  
29 controlled substances may be forfeited to the state.

1       (d) The department may seize or place under seal any controlled  
2 substance owned or possessed by a registrant whose registration has  
3 expired or who has ceased to practice or do business in the manner  
4 contemplated by the registration. The controlled substance must be  
5 held for the benefit of the registrant or the registrant's successor in  
6 interest. The department shall notify a registrant, or the  
7 registrant's successor in interest, who has any controlled substance  
8 seized or placed under seal, of the procedures to be followed to secure  
9 the return of the controlled substance and the conditions under which  
10 it will be returned. The department may not dispose of any controlled  
11 substance seized or placed under seal under this subsection until the  
12 expiration of one hundred eighty days after the controlled substance  
13 was seized or placed under seal. The costs incurred by the department  
14 in seizing, placing under seal, maintaining custody, and disposing of  
15 any controlled substance under this subsection may be recovered from  
16 the registrant, any proceeds obtained from the disposition of the  
17 controlled substance, or from both. Any balance remaining after the  
18 costs have been recovered from the proceeds of any disposition must be  
19 delivered to the registrant or the registrant's successor in interest.

20       (e) The department shall promptly notify the drug enforcement  
21 administration of all orders restricting, suspending, or revoking  
22 registration and all forfeitures of controlled substances."

23       **"Sec. 19.** RCW 69.50.306 and 1971 ex.s. c 308 s 69.50.306 are each  
24 amended to read as follows:

25       RECORDS OF REGISTRANTS. Persons registered(~~(, or exempted from~~  
26 ~~registration under RCW 69.50.302(d),)~~) to manufacture, distribute, or  
27 dispense(~~(, or administer)~~) controlled substances under this chapter  
28 shall keep records and maintain inventories in conformance with the  
29 record-keeping and inventory requirements of federal law and with any

1 additional rules adopted by the ~~((state))~~ board ~~((of pharmacy~~  
2 ~~issues))~~)."

3 "Sec. 20. RCW 69.50.307 and 1971 ex.s. c 308 s 69.50.307 are each  
4 amended to read as follows:

5 ORDER FORMS. ~~((Controlled))~~ A substance~~((s))~~ included in Schedule  
6 I ~~((and))~~ or II ~~((shall))~~ may be distributed by a registrant ~~((or~~  
7 ~~person exempt from registration under RCW 69.50.302(d))~~ to another  
8 registrant~~((, or person exempt from registration under RCW~~  
9 ~~69.50.302(d),))~~ only pursuant to an order form. Compliance with the  
10 provisions of federal law respecting order forms ~~((shall be deemed))~~  
11 constitutes compliance with this section."

12 "Sec. 21. RCW 69.50.308 and 1971 ex.s. c 308 s 69.50.308 are each  
13 amended to read as follows:

14 PRESCRIPTIONS. (a) A controlled substance may be dispensed only as  
15 provided in this section.

16 (b) Except when dispensed directly by a practitioner ~~((authorized~~  
17 ~~to prescribe or administer a controlled substance))~~, other than a  
18 pharmacy, to an ultimate user, ~~((no controlled))~~ a substance included  
19 in Schedule II may not be dispensed without the written prescription of  
20 a practitioner.

21 ~~((b))~~ (c) In emergency situations, as defined by rule of the  
22 state board of pharmacy, a substance included in Schedule II ~~((drugs))~~  
23 may be dispensed upon oral prescription of a practitioner, reduced  
24 promptly to writing and filed by the pharmacy. Prescriptions shall be  
25 retained in conformity with the requirements of RCW 69.50.306. ~~((No))~~  
26 A prescription for a substance included in Schedule II ~~((substance))~~  
27 may not be refilled.

1        ~~((e))~~ (d) Except when dispensed directly by a practitioner  
2        ~~((authorized to prescribe or administer a controlled substance)), other~~  
3        than a pharmacy, to an ultimate user, a ~~((controlled))~~ substance  
4        included in Schedule III or IV, which is a prescription drug as  
5        determined under RCW 69.04.560, ~~((shall))~~ may not be dispensed without  
6        a written or oral prescription of a practitioner. Any oral  
7        prescription must be promptly reduced to writing. The prescription  
8        shall not be filled or refilled more than six months after the date  
9        thereof or be refilled more than five times, unless renewed by the  
10       practitioner.

11       ~~((d))~~ (e) A valid prescription or lawful order of a practitioner,  
12       in order to be effective in legalizing the possession of controlled  
13       substances, must be issued in good faith for a legitimate medical  
14       purpose by one authorized to prescribe the use of such controlled  
15       substance. An order purporting to be a prescription not in the course  
16       of professional treatment is not a valid prescription or lawful order  
17       of a practitioner within the meaning and intent of this chapter; and  
18       the person who knows or should know that ~~((he))~~ the person is filling  
19       such an order, as well as the person issuing it, can be charged with a  
20       violation of this chapter.

21       ~~((e) A controlled substance included in Schedule V shall not be~~  
22       ~~distributed or dispensed other than for a medical purpose.))~~

23       (f) A substance included in Schedule V must be distributed or  
24       dispensed only for a medical purpose.

25       (g) A practitioner may dispense or deliver a controlled substance  
26       to or for an individual or animal only for medical treatment or  
27       authorized research in the ordinary course of that practitioner's  
28       profession. Medical treatment includes dispensing or administering a  
29       narcotic drug for pain, including intractable pain.

1       (h) No administrative sanction, or civil or criminal liability,  
2 authorized or created by this chapter may be imposed on a pharmacist  
3 for action taken in reliance on a reasonable belief that an order  
4 purporting to be a prescription was issued by a practitioner in the  
5 usual course of professional treatment or in authorized research.

6       (i) An individual practitioner may not dispense a substance  
7 included in Schedule II, III, or IV for that individual practitioner's  
8 personal use."

9       "NEW SECTION.   **Sec. 22.**   A new section is added to chapter 69.50  
10 RCW to read as follows:

11       DIVERSION PREVENTION AND CONTROL.   (a) As used in this section,  
12 "diversion" means the transfer of any controlled substance from a licit  
13 to an illicit channel of distribution or use.

14       (b) The department shall regularly prepare and make available to  
15 other state regulatory, licensing, and law enforcement agencies a  
16 report on the patterns and trends of actual distribution, diversion,  
17 and abuse of controlled substances.

18       (c) The department shall enter into written agreements with local,  
19 state, and federal agencies for the purpose of improving identification  
20 of sources of diversion and to improve enforcement of and compliance  
21 with this chapter and other laws and regulations pertaining to unlawful  
22 conduct involving controlled substances. An agreement must specify the  
23 roles and responsibilities of each agency that has information or  
24 authority to identify, prevent, and control drug diversion and drug  
25 abuse. The department shall convene periodic meetings to coordinate a  
26 state diversion prevention and control program. The department shall  
27 arrange for cooperation and exchange of information among agencies and  
28 with neighboring states and the federal government.



1 (d) The department shall report to the governor and to the  
2 presiding officer of each house of the legislature on the outcome of  
3 this program with respect to its effects on distribution and abuse of  
4 controlled substances, including recommendations for improving control  
5 and prevention of the diversion of controlled substances of this  
6 state."

7 "ARTICLE IV  
8 OFFENSES AND PENALTIES"

9 "Sec. 23. RCW 69.50.403 and 1971 ex.s. c 308 s 69.50.403 are each  
10 amended to read as follows:

11 PROHIBITED ACTS: C--PENALTIES. (a) It is unlawful for any person  
12 knowingly or intentionally:

13 (1) To distribute as a registrant a controlled substance classified  
14 in Schedules I or II, except pursuant to an order form as required by  
15 RCW 69.50.307;

16 (2) To use in the course of the manufacture ~~((or))~~, distribution,  
17 or dispensing of a controlled substance, or to use for the purpose of  
18 acquiring or obtaining a controlled substance, a registration number  
19 which is fictitious, revoked, suspended, or issued to another person;

20 (3) To obtain or attempt to obtain a controlled substance, or  
21 procure or attempt to procure the administration of a controlled  
22 substance, (i) by fraud, deceit, misrepresentation, or subterfuge; or  
23 (ii) by forgery or alteration of a prescription or any written order;  
24 or (iii) by the concealment of material fact; or (iv) by the use of a  
25 false name or the giving of a false address.

26 (4) To falsely assume the title of, or represent himself to be, a  
27 manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian,

1 or other authorized person for the purpose of obtaining a controlled  
2 substance.

3 (5) To make or utter any false or forged prescription or false or  
4 forged written order.

5 (6) To affix any false or forged label to a package or receptacle  
6 containing controlled substances.

7 (7) To furnish false or fraudulent material information in, or omit  
8 any material information from, any application, report, or other  
9 document required to be kept or filed under this chapter, or any record  
10 required to be kept by this chapter; or

11 (8) ~~((To make, distribute, or possess any punch, die, plate, stone,  
12 or other thing designed to print, imprint, or reproduce the trademark,  
13 trade name, or other identifying mark, imprint, or device of another or  
14 any likeness of any of the foregoing upon any drug or container or  
15 labeling thereof so as to render the drug a counterfeit substance.))~~  
16 To possess a false or fraudulent prescription with intent to obtain a  
17 controlled substance.

18 (b) Information communicated to a practitioner in an effort  
19 unlawfully to procure a controlled substance or unlawfully to procure  
20 the administration of such substance, shall not be deemed a privileged  
21 communication.

22 (c) ~~((Any))~~ A person who violates this section is guilty of a crime  
23 and upon conviction may be imprisoned for not more than two years, or  
24 fined not more than two thousand dollars, or both."

25 "NEW SECTION. Sec. 24. A new section is added to chapter 69.50  
26 RCW to read as follows:

27 COUNTERFEIT SUBSTANCES PROHIBITED--PENALTY. (a) It is unlawful for  
28 any person knowingly or intentionally to manufacture, deliver, or  
29 possess with intent to manufacture or deliver, a controlled substance

1 which, or the container or labeling of which, without authorization,  
2 bears the trademark, trade name, or other identifying mark, imprint,  
3 number, or device, or any likeness thereof, of a manufacturer,  
4 distributor, or dispenser, other than the person who in fact  
5 manufactured, distributed, or dispensed the substance.

6 (b) It is unlawful for any person knowingly or intentionally to  
7 make, distribute, or possess a punch, die, plate, stone, or other thing  
8 designed to print, imprint, or reproduce the trademark, trade name, or  
9 other identifying mark, imprint, or device of another or any likeness  
10 of any of the foregoing upon any drug or container or labeling thereof.

11 (c) A person who violates this section is guilty of a crime and  
12 upon conviction may be imprisoned for not more than two years, fined  
13 not more than two thousand dollars, or both."

14 "MISCELLANEOUS PROVISIONS"

15 "NEW SECTION. **Sec. 25.** (1) RCW 69.50.309 and 69.50.310 may be  
16 recodified as necessary by the code reviser to preserve the arrangement  
17 of the uniform controlled substances act of the national conference of  
18 commissioners on uniform state laws.

19 (2) The code reviser shall correct all references in the Revised  
20 Code of Washington to the sections of the code that may be recodified  
21 by this section."

22 "**Sec. 26.** RCW 9.94A.030 and 1991 c 348 s 4, 1991 c 290 s 3, and  
23 1991 c 181 s 1 are each reenacted and amended to read as follows:

24 Unless the context clearly requires otherwise, the definitions in  
25 this section apply throughout this chapter.

26 (1) "Collect," or any derivative thereof, "collect and remit," or  
27 "collect and deliver," when used with reference to the department of

1 corrections, means that the department is responsible for monitoring  
2 and enforcing the offender's sentence with regard to the legal  
3 financial obligation, receiving payment thereof from the offender, and,  
4 consistent with current law, delivering daily the entire payment to the  
5 superior court clerk without depositing it in a departmental account.

6 (2) "Commission" means the sentencing guidelines commission.

7 (3) "Community corrections officer" means an employee of the  
8 department who is responsible for carrying out specific duties in  
9 supervision of sentenced offenders and monitoring of sentence  
10 conditions.

11 (4) "Community custody" means that portion of an inmate's sentence  
12 of confinement in lieu of earned early release time served in the  
13 community subject to controls placed on the inmate's movement and  
14 activities by the department of corrections.

15 (5) "Community placement" means that period during which the  
16 offender is subject to the conditions of community custody and/or  
17 postrelease supervision, which begins either upon completion of the  
18 term of confinement (postrelease supervision) or at such time as the  
19 offender is transferred to community custody in lieu of earned early  
20 release. Community placement may consist of entirely community  
21 custody, entirely postrelease supervision, or a combination of the two.

22 (6) "Community service" means compulsory service, without  
23 compensation, performed for the benefit of the community by the  
24 offender.

25 (7) "Community supervision" means a period of time during which a  
26 convicted offender is subject to crime-related prohibitions and other  
27 sentence conditions imposed by a court pursuant to this chapter or RCW  
28 46.61.524. For first-time offenders, the supervision may include  
29 crime-related prohibitions and other conditions imposed pursuant to RCW  
30 9.94A.120(5). For purposes of the interstate compact for out-of-state

1 supervision of parolees and probationers, RCW 9.95.270, community  
2 supervision is the functional equivalent of probation and should be  
3 considered the same as probation by other states.

4 (8) "Confinement" means total or partial confinement as defined in  
5 this section.

6 (9) "Conviction" means an adjudication of guilt pursuant to Titles  
7 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and  
8 acceptance of a plea of guilty.

9 (10) "Court-ordered legal financial obligation" means a sum of  
10 money that is ordered by a superior court of the state of Washington  
11 for legal financial obligations which may include restitution to the  
12 victim, statutorily imposed crime victims' compensation fees as  
13 assessed pursuant to RCW 7.68.035, court costs, county or interlocal  
14 drug funds, court-appointed attorneys' fees, and costs of defense,  
15 fines, and any other financial obligation that is assessed to the  
16 offender as a result of a felony conviction.

17 (11) "Crime-related prohibition" means an order of a court  
18 prohibiting conduct that directly relates to the circumstances of the  
19 crime for which the offender has been convicted, and shall not be  
20 construed to mean orders directing an offender affirmatively to  
21 participate in rehabilitative programs or to otherwise perform  
22 affirmative conduct.

23 (12)(a) "Criminal history" means the list of a defendant's prior  
24 convictions, whether in this state, in federal court, or elsewhere.  
25 The history shall include, where known, for each conviction (i) whether  
26 the defendant has been placed on probation and the length and terms  
27 thereof; and (ii) whether the defendant has been incarcerated and the  
28 length of incarceration.

29 (b) "Criminal history" shall always include juvenile convictions  
30 for sex offenses and shall also include a defendant's other prior

1 convictions in juvenile court if: (i) The conviction was for an  
2 offense which is a felony or a serious traffic offense and is criminal  
3 history as defined in RCW 13.40.020(6)(a); (ii) the defendant was  
4 fifteen years of age or older at the time the offense was committed;  
5 and (iii) with respect to prior juvenile class B and C felonies or  
6 serious traffic offenses, the defendant was less than twenty-three  
7 years of age at the time the offense for which he or she is being  
8 sentenced was committed.

9 (13) "Department" means the department of corrections.

10 (14) "Determinate sentence" means a sentence that states with  
11 exactitude the number of actual years, months, or days of total  
12 confinement, of partial confinement, of community supervision, the  
13 number of actual hours or days of community service work, or dollars or  
14 terms of a legal financial obligation. The fact that an offender  
15 through "earned early release" can reduce the actual period of  
16 confinement shall not affect the classification of the sentence as a  
17 determinate sentence.

18 (15) "Disposable earnings" means that part of the earnings of an  
19 individual remaining after the deduction from those earnings of any  
20 amount required by law to be withheld. For the purposes of this  
21 definition, "earnings" means compensation paid or payable for personal  
22 services, whether denominated as wages, salary, commission, bonuses, or  
23 otherwise, and, notwithstanding any other provision of law making the  
24 payments exempt from garnishment, attachment, or other process to  
25 satisfy a court-ordered legal financial obligation, specifically  
26 includes periodic payments pursuant to pension or retirement programs,  
27 or insurance policies of any type, but does not include payments made  
28 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,  
29 or Title 74 RCW.

30 (16) "Drug offense" means:

1 (a) Any felony violation of chapter 69.50 RCW except possession of  
2 a controlled substance (RCW 69.50.401(d)) or forged prescription for a  
3 controlled substance (RCW 69.50.403);

4 (b) Any offense defined as a felony under federal law that relates  
5 to the possession, manufacture, distribution, or transportation of a  
6 controlled substance; or

7 (c) Any out-of-state conviction for an offense that under the laws  
8 of this state would be a felony classified as a drug offense under (a)  
9 of this subsection.

10 (17) "Escape" means:

11 (a) Escape in the first degree (RCW 9A.76.110), escape in the  
12 second degree (RCW 9A.76.120), willful failure to return from furlough  
13 (RCW 72.66.060), willful failure to return from work release (RCW  
14 72.65.070), or willful failure to comply with any limitations on the  
15 inmate's movements while in community custody (RCW 72.09.310); or

16 (b) Any federal or out-of-state conviction for an offense that  
17 under the laws of this state would be a felony classified as an escape  
18 under (a) of this subsection.

19 (18) "Felony traffic offense" means:

20 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
21 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-  
22 and-run injury-accident (RCW 46.52.020(4)); or

23 (b) Any federal or out-of-state conviction for an offense that  
24 under the laws of this state would be a felony classified as a felony  
25 traffic offense under (a) of this subsection.

26 (19) "Fines" means the requirement that the offender pay a specific  
27 sum of money over a specific period of time to the court.

28 (20)(a) "First-time offender" means any person who is convicted of  
29 a felony (i) not classified as a violent offense or a sex offense under  
30 this chapter, or (ii) that is not the manufacture, delivery, or

1 possession with intent to manufacture or deliver a controlled substance  
2 classified in schedule I or II that is a narcotic drug or the selling  
3 for profit (({ef})) any controlled substance or counterfeit substance  
4 classified in schedule I, RCW 69.50.204, except leaves and flowering  
5 tops of marihuana, and except as provided in (b) of this subsection,  
6 who previously has never been convicted of a felony in this state,  
7 federal court, or another state, and who has never participated in a  
8 program of deferred prosecution for a felony offense.

9 (b) For purposes of (a) of this subsection, a juvenile adjudication  
10 for an offense committed before the age of fifteen years is not a  
11 previous felony conviction except for adjudications of sex offenses.

12 (21) "Nonviolent offense" means an offense which is not a violent  
13 offense.

14 (22) "Offender" means a person who has committed a felony  
15 established by state law and is eighteen years of age or older or is  
16 less than eighteen years of age but whose case has been transferred by  
17 the appropriate juvenile court to a criminal court pursuant to RCW  
18 13.40.110. Throughout this chapter, the terms "offender" and  
19 "defendant" are used interchangeably.

20 (23) "Partial confinement" means confinement for no more than one  
21 year in a facility or institution operated or utilized under contract  
22 by the state or any other unit of government, or, if home detention or  
23 work crew has been ordered by the court, in an approved residence, for  
24 a substantial portion of each day with the balance of the day spent in  
25 the community. Partial confinement includes work release, home  
26 detention, work crew, and a combination of work crew and home detention  
27 as defined in this section.

28 (24) "Postrelease supervision" is that portion of an offender's  
29 community placement that is not community custody.



1 (25) "Restitution" means the requirement that the offender pay a  
2 specific sum of money over a specific period of time to the court as  
3 payment of damages. The sum may include both public and private costs.  
4 The imposition of a restitution order does not preclude civil redress.

5 (26) "Serious traffic offense" means:

6 (a) Driving while under the influence of intoxicating liquor or any  
7 drug (RCW 46.61.502), actual physical control while under the influence  
8 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving  
9 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));  
10 or

11 (b) Any federal, out-of-state, county, or municipal conviction for  
12 an offense that under the laws of this state would be classified as a  
13 serious traffic offense under (a) of this subsection.

14 (27) "Serious violent offense" is a subcategory of violent offense  
15 and means:

16 (a) Murder in the first degree, homicide by abuse, murder in the  
17 second degree, assault in the first degree, kidnapping in the first  
18 degree, or rape in the first degree, or an attempt, criminal  
19 solicitation, or criminal conspiracy to commit one of these felonies;  
20 or

21 (b) Any federal or out-of-state conviction for an offense that  
22 under the laws of this state would be a felony classified as a serious  
23 violent offense under (a) of this subsection.

24 (28) "Sentence range" means the sentencing court's discretionary  
25 range in imposing a nonappealable sentence.

26 (29) "Sex offense" means:

27 (a) A felony that is a violation of chapter 9A.44 RCW or RCW  
28 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal  
29 attempt, criminal solicitation, or criminal conspiracy to commit such  
30 crimes;

1 (b) A felony with a finding of sexual motivation under RCW  
2 9.94A.127; or

3 (c) Any federal or out-of-state conviction for an offense that  
4 under the laws of this state would be a felony classified as a sex  
5 offense under (a) of this subsection.

6 (30) "Sexual motivation" means that one of the purposes for which  
7 the defendant committed the crime was for the purpose of his or her  
8 sexual gratification.

9 (31) "Total confinement" means confinement inside the physical  
10 boundaries of a facility or institution operated or utilized under  
11 contract by the state or any other unit of government for twenty-four  
12 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

13 (32) "Victim" means any person who has sustained emotional,  
14 psychological, physical, or financial injury to person or property as  
15 a direct result of the crime charged.

16 (33) "Violent offense" means:

17 (a) Any of the following felonies, as now existing or hereafter  
18 amended: Any felony defined under any law as a class A felony or an  
19 attempt to commit a class A felony, criminal solicitation of or  
20 criminal conspiracy to commit a class A felony, manslaughter in the  
21 first degree, manslaughter in the second degree, indecent liberties if  
22 committed by forcible compulsion, kidnapping in the second degree,  
23 arson in the second degree, assault in the second degree, extortion in  
24 the first degree, robbery in the second degree, vehicular assault, and  
25 vehicular homicide, when proximately caused by the driving of any  
26 vehicle by any person while under the influence of intoxicating liquor  
27 or any drug as defined by RCW 46.61.502, or by the operation of any  
28 vehicle in a reckless manner;

1 (b) Any conviction for a felony offense in effect at any time prior  
2 to July 1, 1976, that is comparable to a felony classified as a violent  
3 offense in (a) of this subsection; and

4 (c) Any federal or out-of-state conviction for an offense that  
5 under the laws of this state would be a felony classified as a violent  
6 offense under (a) or (b) of this subsection.

7 (34) "Work crew" means a program of partial confinement consisting  
8 of civic improvement tasks for the benefit of the community of not less  
9 than thirty-five hours per week that complies with RCW 9.94A.135. The  
10 civic improvement tasks shall be performed on public property or on  
11 private property owned or operated by nonprofit entities, except that,  
12 for emergency purposes only, work crews may perform snow removal on any  
13 private property. The civic improvement tasks shall have minimal  
14 negative impact on existing private industries or the labor force in  
15 the county where the service or labor is performed. The civic  
16 improvement tasks shall not affect employment opportunities for people  
17 with developmental disabilities contracted through sheltered workshops  
18 as defined in RCW 82.04.385. Only those offenders sentenced to a  
19 facility operated or utilized under contract by a county are eligible  
20 to participate on a work crew. Offenders sentenced for a sex offense  
21 as defined in subsection (29) of this section are not eligible for the  
22 work crew program.

23 (35) "Work release" means a program of partial confinement  
24 available to offenders who are employed or engaged as a student in a  
25 regular course of study at school. Participation in work release shall  
26 be conditioned upon the offender attending work or school at regularly  
27 defined hours and abiding by the rules of the work release facility.

28 (36) "Home detention" means a program of partial confinement  
29 available to offenders wherein the offender is confined in a private  
30 residence subject to electronic surveillance. Home detention may not

1 be imposed for offenders convicted of a violent offense, any sex  
2 offense, any drug offense, reckless burning in the first or second  
3 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third  
4 degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in  
5 RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home  
6 detention may be imposed for offenders convicted of possession of a  
7 controlled substance (RCW 69.50.401(d)) or forged prescription for a  
8 controlled substance (RCW 69.50.403) if the offender fulfills the  
9 participation conditions set forth in this subsection and is monitored  
10 for drug use by treatment alternatives to street crime (TASC) or a  
11 comparable court or agency-referred program.

12 (a) Home detention may be imposed for offenders convicted of  
13 burglary in the second degree as defined in RCW 9A.52.030 or  
14 residential burglary conditioned upon the offender: (i) Successfully  
15 completing twenty-one days in a work release program, (ii) having no  
16 convictions for burglary in the second degree or residential burglary  
17 during the preceding two years and not more than two prior convictions  
18 for burglary or residential burglary, (iii) having no convictions for  
19 a violent felony offense during the preceding two years and not more  
20 than two prior convictions for a violent felony offense, (iv) having no  
21 prior charges of escape, and (v) fulfilling the other conditions of the  
22 home detention program.

23 (b) Participation in a home detention program shall be conditioned  
24 upon: (i) The offender obtaining or maintaining current employment or  
25 attending a regular course of school study at regularly defined hours,  
26 or the offender performing parental duties to offspring or minors  
27 normally in the custody of the offender, (ii) abiding by the rules of  
28 the home detention program, and (iii) compliance with court-ordered  
29 legal financial obligations. The home detention program may also be  
30 made available to offenders whose charges and convictions do not

1 otherwise disqualify them if medical or health-related conditions,  
2 concerns or treatment would be better addressed under the home  
3 detention program, or where the health and welfare of the offender,  
4 other inmates, or staff would be jeopardized by the offender's  
5 incarceration. Participation in the home detention program for medical  
6 or health-related reasons is conditioned on the offender abiding by the  
7 rules of the home detention program and complying with court-ordered  
8 restitution."

9       "NEW SECTION.   **Sec. 27.**       Section captions and headings as used in  
10 this act constitute no part of the law."

11 **SHB 2028** - H AMD  
12       By Representative

13  
14       On page 1, line 1 of the title, after "substances;" strike the  
15 remainder of the title and insert "amending RCW 69.50.201, 69.50.203,  
16 69.50.204, 69.50.205, 69.50.206, 69.50.207, 69.50.208, 69.50.209,  
17 69.50.210, 69.50.211, 69.50.212, 69.50.213, 69.50.301, 69.50.302,  
18 69.50.303, 69.50.304, 69.50.306, 69.50.307, 69.50.308, and 69.50.403;  
19 reenacting and amending RCW 69.50.101 and 9.94A.030; adding new  
20 sections to chapter 69.50 RCW; creating new sections; and prescribing  
21 penalties."