

# HOUSE BILL REPORT

## EHB 2772

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### As Amended by the Senate

**Title:** An act relating to drug paraphernalia.

**Brief Description:** Revising provisions relating to drug paraphernalia.

**Sponsors:** Representatives McDonald and Kastama.

**Brief History:**

**Committee Activity:**

Law & Justice: 2/4/98, 2/6/98 [DP].

**Floor Activity:**

Passed House: 2/13/98, 94-4.

Senate Amended.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Mulliken; Robertson and Sherstad.

**Staff:** Bill Perry (786-7123).

**Background:** It is a misdemeanor to use drug paraphernalia to produce or use illegal drugs. It is also a misdemeanor to deliver drug paraphernalia to another knowing that the paraphernalia will be used to produce or use illegal drugs.

Drug paraphernalia is defined as material of any kind which is used, intended for use, or designed for use in producing or using illegal drugs. Drug paraphernalia includes, but is not limited to, the following:

- (1) kits for use in planting, propagating, cultivating, growing, or harvesting of a plant that is a controlled substance, or from which a controlled substance can be made;
- (2) kits for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

- (3) isomerization devices for use in increasing the potency of a plant that is a controlled substance;
- (4) testing equipment for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;
- (5) scales and balances for use in weighing or measuring controlled substances;
- (6) diluents and adulterants for use in cutting controlled substances;
- (7) separation gins and sifters for use in cleaning or refining marijuana;
- (8) blenders, bowls, containers, spoons, and mixing devices for use in compounding controlled substances;
- (9) capsules, balloons, envelopes, and other containers for use in packaging small quantities of controlled substances;
- (10) containers and other objects for use in storing or concealing controlled substances;
- (11) hypodermic syringes, needles, and other objects for use in injecting controlled substances into the human body;
- (12) objects for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
  - (a) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - (b) water pipes;
  - (c) carburetion tubes and devices;
  - (d) smoking and carburetion masks;
  - (e) roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - (f) miniature cocaine spoons and cocaine vials;
  - (g) chamber pipes;
  - (h) carburetor pipes;
  - (i) electric pipes;
  - (j) air-driven pipes;
  - (k) chillums;
  - (l) bongs; and
  - (m) ice pipes or chillers.

**Summary of Bill:** A new civil infraction is created. It is a class I civil infraction to sell or give drug paraphernalia to another person. The maximum fine for a class I infraction is \$250.

For purposes of this new infraction, the definition of paraphernalia is the same as a portion of the definition that applies to the existing criminal law. Paraphernalia, as

applied to the new infraction, specifically includes items used for ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body.

One element of the new infraction, however, differs from the crime of delivering paraphernalia. Under the infraction, unlike the crime, the prosecution need not prove that the offender knew that the recipient of the paraphernalia would use it in connection with illegal drugs.

The legal distribution of syringes as part of an HIV prevention program is specifically exempted from the infraction.

**EFFECT OF SENATE AMENDMENT(S):** The Senate amendment limits the application of the act to delivery of paraphernalia to persons under the age of 18.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Stores are selling drug paraphernalia right next to schools. The current law is impossible to enforce.

**Testimony Against:** None.

**Testified:** Representative McDonald, prime sponsor; Reverend Terry Oliver, Pilgrim Lutheran Church (pro); and Jim Crane, Office of the King County Public Defender (pro).