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**SUBSTITUTE HOUSE BILL 1759**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Darneille, Schual-Berke, McDermott, Santos, Murray, Tokuda and Wood)

Read first time 02/27/2001. Referred to Committee on .

1 AN ACT Relating to the sale of hypodermic syringes; and amending  
2 RCW 69.50.412 and 69.50.4121; and adding new sections to chapter 70.115  
3 RCW.

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

5 **Sec. 1.** RCW 69.50.412 and 1981 c 48 s 2 are each amended to read  
6 as follows:

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

13 (2) It is unlawful for any person to deliver, possess with intent  
14 to deliver, or manufacture with intent to deliver drug paraphernalia,  
15 knowing, or under circumstances where one reasonably should know, that  
16 it will be used to plant, propagate, cultivate, grow, harvest,  
17 manufacture, compound, convert, produce, process, prepare, test,  
18 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale,

1 or otherwise introduce into the human body a controlled substance. Any  
2 person who violates this subsection is guilty of a misdemeanor.

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

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

13 (5) It is lawful for any person over the age of eighteen to possess  
14 up to ten sterile hypodermic syringes and needles for the purpose of  
15 reducing bloodborne diseases.

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

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

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

35 (b) Water pipes;

36 (c) Carburetion tubes and devices;

37 (d) Smoking and carburetion masks;

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

4 (f) Miniature cocaine spoons and cocaine vials;

5 (g) Chamber pipes;

6 (h) Carburetor pipes;

7 (i) Electric pipes;

8 (j) Air-driven pipes;

9 (k) Chillums;

10 (l) Bongs; and

11 (m) Ice pipes or chillers.

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

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

18 NEW SECTION. Sec. 3. A new section is added to chapter 70.115 RCW  
19 to read as follows:

20 Nothing contained in this act shall be construed to require a  
21 pharmacist to sell hypodermic needles or syringes to any person.

22 NEW SECTION. Sec. 4. A new section is added to chapter 70.115 RCW  
23 to read as follows:

24 (1) The sale of sterile hypodermic syringes and needles to reduce  
25 the transmission of bloodborne diseases is a legal use for the purposes  
26 of RCW 70.115.050.

27 (2) Sales under this section must be limited to individuals over  
28 eighteen years of age. A maximum of ten sterile hypodermic syringes  
29 and needles may be purchased at one time. The retailer may provide  
30 drug prevention and treatment materials at the point of sale.

31 (3) The Washington state board of pharmacy, created in RCW  
32 18.64.001, must adopt rules implementing the provisions of this  
33 section.

34 NEW SECTION. Sec. 5. A new section is added to chapter 70.115 RCW  
35 to read as follows:

1       The sale of sterile hypodermic syringes and needles under this act  
2 is limited to devices with a physical attribute built into them that  
3 effectively reduces the risk of an exposure incident by a mechanism  
4 such as barrier creation, blunting, encapsulation, withdrawal,  
5 retraction, destruction, or other effective mechanism.

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