
HOUSE BILL 1759

State of Washington

57th Legislature

2001 Regular Session

By Representatives Darneille, Schual-Berke, McDermott, Santos, Murray, Tokuda and Wood

Read first time 02/02/2001. Referred to Committee on Health Care.

1 AN ACT Relating to the sale of hypodermic syringes; and amending
2 RCW 69.50.412, 69.50.4121, and 70.115.050.

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

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

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

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

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

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

11 (5) It is lawful for any person over the age of eighteen to possess
12 up to ten sterile hypodermic syringes and needles for legitimate public
13 health purposes.

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

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

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

33 (b) Water pipes;

34 (c) Carburetion tubes and devices;

35 (d) Smoking and carburetion masks;

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

- 1 (f) Miniature cocaine spoons and cocaine vials;
- 2 (g) Chamber pipes;
- 3 (h) Carburetor pipes;
- 4 (i) Electric pipes;
- 5 (j) Air-driven pipes;
- 6 (k) Chillums;
- 7 (l) Bongs; and
- 8 (m) Ice pipes or chillers.

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

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

15 **Sec. 3.** RCW 70.115.050 and 1981 c 147 s 5 are each amended to read
16 as follows:

17 (1) On the sale at retail of any hypodermic syringe, hypodermic
18 needle, or any device adapted for the use of drugs by injection, the
19 retailer shall satisfy himself or herself that the device will be used
20 for the legal use intended. Sales must be limited to individuals over
21 eighteen years of age. A maximum of ten sterile hypodermic syringes
22 and needles may be purchased at one time. The retailer shall provide
23 drug prevention and treatment materials at the point of sale.

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

27 (3) The sales of sterile hypodermic syringes and needles is limited
28 to devices with a physical attribute built into it that effectively
29 reduces the risk of an exposure incident by a mechanism such as barrier
30 creation, blunting, encapsulation, withdrawal, retraction, destruction,
31 or other effective mechanism.

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

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