
HOUSE BILL 1448

State of Washington 59th Legislature 2005 Regular Session

By Representatives Campbell, Williams, McCune, Lovick, Ahern and Sells

Read first time 01/25/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to enhancing penalties for possession of ephedrine,
2 pseudoephedrine, or phenylpropanolamine; amending RCW 9.94A.518; adding
3 a new section to chapter 69.43 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.43 RCW
6 to read as follows:

7 (1) It is unlawful for any person to possess more than one hundred
8 grams of ephedrine or any of its salts or isomers or salts of isomers,
9 pseudoephedrine or any of its salts or isomers or salts of isomers, or
10 phenylpropanolamine or any of its salts or isomers or salts of isomers,
11 or a combination of any of those substances.

12 (2) Any person who violates this section is guilty of a class B
13 felony.

14 (3) This section does not apply to any of the following:

15 (a) A pharmacist or other authorized person who sells or furnishes
16 ephedrine, pseudoephedrine, or phenylpropanolamine, their salts,
17 isomers, or salts of isomers upon the prescription of a practitioner,
18 as defined in RCW 69.41.010;

1 (b) A practitioner who administers or furnishes ephedrine,
2 pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts
3 of isomers to his or her patients;

4 (c) A pharmacy, manufacturer, or wholesaler licensed by, or
5 shopkeeper or itinerant vendor registered with, the department of
6 health under chapter 18.64 RCW; or

7 (d) A person in the course of his or her business of selling,
8 transporting, or storing ephedrine, pseudoephedrine, or
9 phenylpropanolamine, their salts, isomers, or salts of isomers, for a
10 person described in (a), (b), or (c) of this subsection.

11 **Sec. 2.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read
12 as follows:

13 TABLE 4
14 DRUG OFFENSES
15 INCLUDED WITHIN EACH
16 SERIOUSNESS LEVEL

17	III	Any felony offense under chapter
18		69.50 RCW with a deadly weapon
19		special verdict under RCW
20		9.94A.602
21		Controlled Substance Homicide (RCW
22		69.50.415)
23		Delivery of imitation controlled
24		substance by person eighteen or
25		over to person under eighteen
26		(RCW 69.52.030(2))
27		Involving a minor in drug dealing
28		(RCW 69.50.4015)
29		Manufacture of methamphetamine
30		(RCW 69.50.401(2)(b))

1 Over 18 and deliver heroin,
2 methamphetamine, a narcotic
3 from Schedule I or II, or
4 flunitrazepam from Schedule IV
5 to someone under 18 (RCW
6 69.50.406)

7 Over 18 and deliver narcotic from
8 Schedule III, IV, or V or a
9 nonnarcotic, except flunitrazepam
10 or methamphetamine, from
11 Schedule I-V to someone under 18
12 and 3 years junior (RCW
13 69.50.406)

14 Possession of Ephedrine,
15 Pseudoephedrine, or Anhydrous
16 Ammonia with intent to
17 manufacture
18 methamphetamine (RCW
19 69.50.440)

20 Possession of unlawful amounts of
21 Ephedrine, Pseudoephedrine, or
22 Phenylpropanolamine (section 1
23 of this act)

24 Selling for profit (controlled or
25 counterfeit) any controlled
26 substance (RCW 69.50.410)

27 II Create, deliver, or possess a counterfeit
28 controlled substance (RCW
29 69.50.4011)

30 Deliver or possess with intent to
31 deliver methamphetamine (RCW
32 69.50.401(2)(b))

33 Delivery of a material in lieu of a
34 controlled substance (RCW
35 69.50.4012)

1 Maintaining a Dwelling or Place for
2 Controlled Substances (RCW
3 69.50.402(1)(f))
4 Manufacture, deliver, or possess with
5 intent to deliver amphetamine
6 (RCW 69.50.401(2)(b))
7 Manufacture, deliver, or possess with
8 intent to deliver narcotics from
9 Schedule I or II or flunitrazepam
10 from Schedule IV (RCW
11 69.50.401(2)(a))
12 Manufacture, deliver, or possess with
13 intent to deliver narcotics from
14 Schedule III, IV, or V or
15 nonnarcotics from Schedule I-V
16 (except marijuana, amphetamine,
17 methamphetamines, or
18 flunitrazepam) (RCW
19 69.50.401(2) (c) through (e))
20 Manufacture, distribute, or possess
21 with intent to distribute an
22 imitation controlled substance
23 (RCW 69.52.030(1))
24 I Forged Prescription (RCW 69.41.020)
25 Forged Prescription for a Controlled
26 Substance (RCW 69.50.403)
27 Manufacture, deliver, or possess with
28 intent to deliver marijuana (RCW
29 69.50.401(2)(c))
30 Possess Controlled Substance that is a
31 Narcotic from Schedule III, IV, or
32 V or Nonnarcotic from Schedule
33 I-V (RCW 69.50.4013)
34 Possession of Controlled Substance
35 that is either heroin or narcotics
36 from Schedule I or II (RCW
37 69.50.4013)

1
2

Unlawful Use of Building for Drug
Purposes (RCW 69.53.010)

--- **END** ---