

SB 5673 - S AMD 99
By Senator Padden

ADOPTED 3/4/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 19.86
4 RCW to read as follows:

5 (1) It is a violation of RCW 19.86.020 for any person or entity
6 to distribute, dispense, manufacture, display for sale, offer for
7 sale, attempt to sell, or sell to a purchaser any product that
8 contains any amount of any synthetic cannabinoid, cathinone, or
9 methcathinone as identified in RCW 69.50.204(e) (3) and (5).

10 (2) "Synthetic cannabinoid" includes any chemical compound
11 identified in RCW 69.50.204(c)(30) or by the pharmacy quality
12 assurance commission under RCW 69.50.201.

13 **Sec. 2.** RCW 69.50.204 and 2010 c 177 s 2 are each amended to
14 read as follows:

15 Unless specifically excepted by state or federal law or
16 regulation or more specifically included in another schedule, the
17 following controlled substances are listed in Schedule I:

18 (a) Any of the following opiates, including their isomers,
19 esters, ethers, salts, and salts of isomers, esters, and ethers
20 whenever the existence of these isomers, esters, ethers, and salts is
21 possible within the specific chemical designation:

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

24 (2) Acetylmethadol;

25 (3) Allylprodine;

26 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also
27 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

28 (5) Alphameprodine;

29 (6) Alphamethadol;

30 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
31 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
32 propanilido) piperidine);

1 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
2 piperidinyl]-N-phenylpropanamide);
3 (9) Benzethidine;
4 (10) Betacetylmethadol;
5 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
6 piperidinyl]-N-phenylpropanamide);
7 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
8 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
9 phenylpropanamide;
10 (13) Betameprodine;
11 (14) Betamethadol;
12 (15) Betaprodine;
13 (16) Clonitazene;
14 (17) Dextromoramide;
15 (18) Diampromide;
16 (19) Diethylthiambutene;
17 (20) Difenoxin;
18 (21) Dimenoxadol;
19 (22) Dimepheptanol;
20 (23) Dimethylthiambutene;
21 (24) Dioxaphetyl butyrate;
22 (25) Dipipanone;
23 (26) Ethylmethylthiambutene;
24 (27) Etonitazene;
25 (28) Etoxeridine;
26 (29) Furethidine;
27 (30) Hydroxypethidine;
28 (31) Ketobemidone;
29 (32) Levomoramide;
30 (33) Levophenacylmorphan;
31 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
32 piperidyl]-N-phenylprop anamide);
33 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
34 piperidinyl]-N-phenylpropanamide);
35 (36) Morpheridine;
36 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
37 (38) Noracymethadol;
38 (39) Norlevorphanol;
39 (40) Normethadone;
40 (41) Norpipanone;

- 1 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
2 phenethyl)-4-piperidinyl] propanamide);
3 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
4 (44) Phenadoxone;
5 (45) Phenampromide;
6 (46) Phenomorphan;
7 (47) Phenoperidine;
8 (48) Piritramide;
9 (49) Proheptazine;
10 (50) Properidine;
11 (51) Propiram;
12 (52) Racemoramide;
13 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
14 propanamide);
15 (54) Tilidine;
16 (55) Trimeperidine.
17 (b) Opium derivatives. Unless specifically excepted or unless
18 listed in another schedule, any of the following opium derivatives,
19 including their salts, isomers, and salts of isomers whenever the
20 existence of those salts, isomers, and salts of isomers is possible
21 within the specific chemical designation:
22 (1) Acetorphine;
23 (2) Acetyldihydrocodeine;
24 (3) Benzylmorphine;
25 (4) Codeine methylbromide;
26 (5) Codeine-N-Oxide;
27 (6) Cyprenorphine;
28 (7) Desomorphine;
29 (8) Dihydromorphine;
30 (9) Drotebanol;
31 (10) Etorphine, except hydrochloride salt;
32 (11) Heroin;
33 (12) Hydromorphanol;
34 (13) Methyldesorphine;
35 (14) Methyldihydromorphine;
36 (15) Morphine methylbromide;
37 (16) Morphine methylsulfonate;
38 (17) Morphine-N-Oxide;
39 (18) Myrophine;
40 (19) Nicocodeine;

- 1 (20) Nicomorphine;
- 2 (21) Normorphine;
- 3 (22) Pholcodine;
- 4 (23) Thebacon.

5 (c) Hallucinogenic substances. Unless specifically excepted or
6 unless listed in another schedule, any material, compound, mixture,
7 or preparation which contains any quantity of the following
8 hallucinogenic substances, including their salts, isomers, and salts
9 of isomers whenever the existence of those salts, isomers, and salts
10 of isomers is possible within the specific chemical designation. For
11 the purposes of this subsection only, the term "isomer" includes the
12 optical, position, and geometric isomers:

13 (1) Alpha-ethyltryptamine: Some trade or other names:
14 Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
15 indole; a-ET; and AET;

16 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
17 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

18 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
19 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
20 DOB; 2C-B, nexus;

21 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
22 dimethoxy-a-methylphenethylamine; 2,5-DMA;

23 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

24 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
25 2C-T-7;

26 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
27 methylphenethylamine; paramethoxyamphetamine, PMA;

28 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

29 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
30 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
31 "STP";

32 (10) 3,4-methylenedioxy amphetamine;

33 (11) 3,4-methylenedioxymethamphetamine (MDMA);

34 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
35 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
36 MDE, MDEA;

37 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
38 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy
39 MDA;

40 (14) 3,4,5-trimethoxy amphetamine;

- 1 (15) Alpha-methyltryptamine: Other name: AMT;
- 2 (16) Bufotenine: Some trade or other names: 3-(beta-
3 Dimethylaminoethyl)-5-hydroxindole; 3-(2-dimethylaminoethyl)-5-
4 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
5 mappine;
- 6 (17) Diethyltryptamine: Some trade or other names: N,N-
7 Diethyltryptamine; DET;
- 8 (18) Dimethyltryptamine: Some trade or other names: DMT;
- 9 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
- 10 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,
11 7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2)
12 azepino (5,4-b) indole; Tabernanthe iboga;
- 13 (21) Lysergic acid diethylamide;
- 14 (22) Marihuana or marijuana;
- 15 (23) Mescaline;
- 16 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
17 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
18 dibenzo[b,d]pyran; synhexyl;
- 19 (25) Peyote, meaning all parts of the plant presently classified
20 botanically as Lophophora Williamsii Lemaire, whether growing or not,
21 the seeds thereof, any extract from any part of such plant, and every
22 compound, manufacture, salts, derivative, mixture, or preparation of
23 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812
24 (c), Schedule I (c)(12));
- 25 (26) N-ethyl-3-piperidyl benzilate;
- 26 (27) N-methyl-3-piperidyl benzilate;
- 27 (28) Psilocybin;
- 28 (29) Psilocyn;
- 29 (30) Tetrahydrocannabinols, meaning tetrahydrocannabinols
30 naturally contained in a plant of the genus Cannabis (cannabis
31 plant), as well as synthetic equivalents of the substances contained
32 in the plant, or in the resinous extractives of Cannabis, species,
33 and/or synthetic substances, derivatives, and their isomers with
34 similar chemical structure and pharmacological activity such as the
35 following:
- 36 (i) 1 - cis - or trans tetrahydrocannabinol, and their optical
37 isomers, excluding tetrahydrocannabinol in sesame oil and
38 encapsulated in a soft gelatin capsule in a drug product approved by
39 the United States Food and Drug Administration;

1 (ii) 6 - cis - or trans tetrahydrocannabinol, and their optical
2 isomers;

3 (iii) 3,4 - cis - or trans tetrahydrocannabinol, and its optical
4 isomers; or

5 (iv) That is chemically synthesized and either:

6 (a) Has been demonstrated to have binding activity at one or more
7 cannabinoid receptors; or

8 (b) Is a chemical analog or isomer of a compound that has been
9 demonstrated to have binding activity at one or more cannabinoid
10 receptors;

11 (Since nomenclature of these substances is not internationally
12 standardized, compounds of these structures, regardless of numerical
13 designation of atomic positions covered.)

14 (31) Ethylamine analog of phencyclidine: Some trade or other
15 names: N-ethyl-1phenylcyclohexylamine, (1-phenylcyclohexyl)
16 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

17 (32) Pyrrolidine analog of phencyclidine: Some trade or other
18 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

19 (33) Thiophene analog of phencyclidine: Some trade or other
20 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
21 phencyclidine; TPCP; TCP;

22 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
23 name is TCPy.

24 (d) Depressants. Unless specifically excepted or unless listed in
25 another schedule, any material, compound, mixture, or preparation
26 which contains any quantity of the following substances having a
27 depressant effect on the central nervous system, including its salts,
28 isomers, and salts of isomers whenever the existence of such salts,
29 isomers, and salts of isomers is possible within the specific
30 chemical designation.

31 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
32 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
33 sodium oxybate; sodium oxybutyrate;

34 (2) Mecloqualone;

35 (3) Methaqualone.

36 (e) Stimulants. Unless specifically excepted or unless listed in
37 another schedule, any material, compound, mixture, or preparation
38 which contains any quantity of the following substances having a
39 stimulant effect on the central nervous system, including its salts,
40 isomers, and salts of isomers:

- 1 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
2 oxazoline; or 4, 5-dihydro-5-phenly-2-oxazolamine;
- 3 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;
- 4 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
5 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;
- 6 (4) Fenethylamine;
- 7 (5) Methcathinone: Some other names: 2-(methylamino)-
8 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
9 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
10 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;
11 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and
12 salts of optical isomers;
- 13 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
14 phenyl-2-oxazolamine);
- 15 (7) N-ethylamphetamine;
- 16 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
17 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.
- 18 The controlled substances in this section may be added,
19 rescheduled, or deleted as provided for in RCW 69.50.201.

20 **Sec. 3.** RCW 69.50.430 and 2003 c 53 s 345 are each amended to
21 read as follows:

22 (1) Every person convicted of a felony violation of RCW 69.50.401
23 through 69.50.4013, 69.50.4015, 69.50.402, 69.50.403, 69.50.406,
24 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand
25 dollars in addition to any other fine or penalty imposed. Unless the
26 court finds the person to be indigent, this additional fine shall not
27 be suspended or deferred by the court.

28 (2) On a second or subsequent conviction for violation of any of
29 the laws listed in subsection (1) of this section, the person shall
30 be fined two thousand dollars in addition to any other fine or
31 penalty imposed. Unless the court finds the person to be indigent,
32 this additional fine shall not be suspended or deferred by the court.

33 (3) In addition to any other civil or criminal penalty, every
34 person who violates or causes another to violate RCW 69.50.401 by
35 distributing, dispensing, manufacturing, displaying for sale,
36 offering for sale, attempting to sell, or selling to a purchaser any
37 product that contains any amount of any synthetic cannabinoid,
38 cathinone, or methcathinone, as identified in RCW 69.50.204, shall be
39 fined not less than ten thousand dollars and not more than five

1 hundred thousand dollars. If, however, the person who violates or
2 causes another to violate RCW 69.50.401 by distributing, dispensing,
3 manufacturing, displaying for sale, offering for sale, attempting to
4 sell, or selling any product that contains any amount of any
5 synthetic cannabinoid, cathinone, or methcathinone, as identified in
6 RCW 69.50.204, to a purchaser under the age of eighteen, the minimum
7 penalty shall be twenty-five thousand dollars if the person is at
8 least two years older than the minor. Unless the court finds the
9 person to be indigent, this additional fine shall not be suspended or
10 deferred by the court.

11 NEW SECTION. Sec. 4. (1) The Washington state patrol shall
12 create a pilot program that uses technologies and protocols to
13 instantly identify synthetic cannabinoids, cathinones, and
14 methcathinones (synthetic drugs), as well as other illicit drugs. The
15 pilot program shall focus on using technology capable of presumptive
16 identification of illicit drugs in the field.

17 (2) A minimum of five separate districts in the state shall be
18 equipped to operate the pilot program. The state patrol may choose to
19 have one or more of the pilot sites located within a city or county
20 police department.

21 (3) Prior to July 30, 2016, the state patrol shall submit a
22 report to the appropriate committees of the legislature outlining the
23 findings of the pilot program, and make any recommendation on whether
24 the technologies and protocols selected for the pilot program may be
25 used to help prevent the growth of synthetic drugs and other illicit
26 drugs throughout the state. Specifically, the evaluation shall
27 include, but is not limited to, the following:

28 (a) A review of technical capabilities and accuracy rates of
29 technologies and protocols selected for the pilot program;

30 (b) A description of the impact to state and local crime lab
31 backlogs if the technologies and protocols selected could eliminate
32 the need to send synthetic drugs, or other illicit drugs, to the
33 crime lab for presumptive testing, including the potential cost
34 savings to state and local governments;

35 (c) A description of the status of courts' acceptance of the
36 technologies and protocols selected for the pilot program for the
37 presumptive identification of synthetic drugs and other illicit
38 drugs."

ADOPTED 3/4/2015

1 On page 1, line 2 of the title, after "salts;" strike the
2 remainder of the title and insert "amending RCW 69.50.204 and
3 69.50.430; adding a new section to chapter 19.86 RCW; creating a new
4 section; and prescribing penalties."

EFFECT: Adds methcathinone derivatives. Applies penalties established in section 3 to cathinone and methcathinone derivatives. Creates a pilot program that uses technologies and protocols to instantly identify synthetic cannabinoids, cathinones, and methcathinones, as well as other illicit drugs. Provides reporting requirements for the state patrol to the legislature regarding the pilot program.

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