

SENATE BILL REPORT

ESB 5673

As Passed Senate, March 4, 2015

Title: An act relating to the distribution of synthetic cannabinoids and bath salts.

Brief Description: Concerning the distribution of synthetic cannabinoids and bath salts.

Sponsors: Senators Padden, Kohl-Welles, Roach, Miloscia, Pearson and Darneille.

Brief History:

Committee Activity: Law & Justice: 2/03/15, 2/10/15 [DP].

Passed Senate: 3/04/15, 47-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Melissa Burke-Cain (786-7755)

Background: Synthetic cannabinoids and cathinone derivatives – bath salts – belong to a family of designer drugs marketed to elude detection. These substances may be marketed as herbal potpourri, incense, or other legal-looking products. Young adults and youths consume the majority of these drugs. The drugs are often sold over the internet or at small retail outlets.

The cathinone drugs are stimulants with methamphetamine-like effects. Cathinones may cause hallucinations, agitation, and serious cardiac symptoms. Synthetic cannabinoids target the same brain receptors as natural cannabis. The synthetic cannabinoids produce unpredictable reactions in users because the drugs' chemistry is highly variable. Emergency departments and poison control centers report rising use of these drugs and serious health effects associated with their use.

Current law places synthetic cannabinoids and cathinones on Schedule 1 of controlled substances. Persons who manufacture or deliver controlled substances in violation of the law face felony charges. The Pharmacy Quality Assurance Commission addresses the constantly evolving chemistry of illegal controlled substances by classifying or reclassifying new compounds under its administrative rulemaking authority.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Engrossed Bill: Civil Liability Under the Consumer Protection Act. Persons or entities violate Washington's Consumer Protection Act, Title 19.86, by making, selling, or trying to sell synthetic cannabinoid cathinone, or methcathinone-containing products. A violation occurs if the substance contains any amount of cathinone as defined in 69.50.204(e)(3) or any amount of synthetic cannabinoid as defined 69.50.204(c)(30). The pharmacy board may identify additional substances and add them to a schedule of controlled substances by rule as authorized by in 69.50.201.

Additional Penalties for Synthetic Cannabinoids. Anyone who violates RCW 69.50.401 faces an additional fine between \$10,000 and \$500,000 when synthetic cannabinoids and similar synthetic designer drugs are manufactured, delivered, or sold. This fine is in addition to any other civil or criminal penalty that applies. If the purchaser of a synthetic cannabinoid product is under age 18, and the person violating the law is at least two years older than the purchaser, the minimum penalty increases to \$25,000. Courts must not suspend or defer the additional fine unless the violator is indigent. The Washington State Patrol must implement a pilot program for instant identification of synthetic cannabinoids, cathinones, and methcathinones and report the progress of the pilot to the Legislature.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: One difficulty determining whether synthetic cannabinoids are present in a product is the length of time needed to analyze it. Currently the product must go through a forensic analysis that may take significant time due to laboratory backlogs. There needs to be a way for instant analysis. Colorado has recently passed legislation on this issue.

Persons Testifying: PRO: Angela Wolfe, Fisher Scientific.