
ENGROSSED SENATE BILL 5673

State of Washington

64th Legislature

2015 Regular Session

By Senators Padden, Kohl-Welles, Roach, Miloscia, Pearson, and Darneille

Read first time 01/28/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to the distribution of synthetic cannabinoids and
2 bath salts; amending RCW 69.50.204 and 69.50.430; adding a new
3 section to chapter 19.86 RCW; creating a new section; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.86
7 RCW to read as follows:

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

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

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

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

1 (a) Any of the following opiates, including their isomers,
2 esters, ethers, salts, and salts of isomers, esters, and ethers
3 whenever the existence of these isomers, esters, ethers, and salts is
4 possible within the specific chemical designation:

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

7 (2) Acetylmethadol;

8 (3) Allylprodine;

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

11 (5) Alphameprodine;

12 (6) Alphamethadol;

13 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
14 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
15 propanilido) piperidine);

16 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
17 piperidinyl]-N-phenylpropanamide);

18 (9) Benzethidine;

19 (10) Betacetylmethadol;

20 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
21 piperidinyl]-N-phenylpropanamide);

22 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
23 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
24 phenylpropanamide;

25 (13) Betameprodine;

26 (14) Betamethadol;

27 (15) Betaprodine;

28 (16) Clonitazene;

29 (17) Dextromoramide;

30 (18) Diampromide;

31 (19) Diethylthiambutene;

32 (20) Difenoxylin;

33 (21) Dimenoxadol;

34 (22) Dimepheptanol;

35 (23) Dimethylthiambutene;

36 (24) Dioxaphetyl butyrate;

37 (25) Dipipanone;

38 (26) Ethylmethylthiambutene;

39 (27) Etonitazene;

40 (28) Etoxeridine;

- 1 (29) Furethidine;
- 2 (30) Hydroxypethidine;
- 3 (31) Ketobemidone;
- 4 (32) Levomoramide;
- 5 (33) Levophenacylmorphane;
- 6 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 7 piperidyl]-N-phenylpropanamide);
- 8 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 9 piperidinyl]-N-phenylpropanamide);
- 10 (36) Morpheridine;
- 11 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 12 (38) Noracymethadol;
- 13 (39) Norlevorphanol;
- 14 (40) Normethadone;
- 15 (41) Norpipanone;
- 16 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 17 phenethyl)-4-piperidinyl] propanamide);
- 18 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 19 (44) Phenadoxone;
- 20 (45) Phenampromide;
- 21 (46) Phenomorphan;
- 22 (47) Phenoperidine;
- 23 (48) Piritramide;
- 24 (49) Proheptazine;
- 25 (50) Properidine;
- 26 (51) Propiram;
- 27 (52) Racemoramide;
- 28 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 29 propanamide);
- 30 (54) Tilidine;
- 31 (55) Trimeperidine.

32 (b) Opium derivatives. Unless specifically excepted or unless
33 listed in another schedule, any of the following opium derivatives,
34 including their salts, isomers, and salts of isomers whenever the
35 existence of those salts, isomers, and salts of isomers is possible
36 within the specific chemical designation:

- 37 (1) Acetorphine;
- 38 (2) Acetyldihydrocodeine;
- 39 (3) Benzylmorphine;
- 40 (4) Codeine methylbromide;

- 1 (5) Codeine-N-Oxide;
- 2 (6) Cyprenorphine;
- 3 (7) Desomorphine;
- 4 (8) Dihydromorphine;
- 5 (9) Drotebanol;
- 6 (10) Etorphine, except hydrochloride salt;
- 7 (11) Heroin;
- 8 (12) Hydromorphanol;
- 9 (13) Methyldesorphine;
- 10 (14) Methyldihydromorphine;
- 11 (15) Morphine methylbromide;
- 12 (16) Morphine methylsulfonate;
- 13 (17) Morphine-N-Oxide;
- 14 (18) Myrophine;
- 15 (19) Nicocodeine;
- 16 (20) Nicomorphine;
- 17 (21) Normorphine;
- 18 (22) Pholcodine;
- 19 (23) Thebacon.

20 (c) Hallucinogenic substances. Unless specifically excepted or
21 unless listed in another schedule, any material, compound, mixture,
22 or preparation which contains any quantity of the following
23 hallucinogenic substances, including their salts, isomers, and salts
24 of isomers whenever the existence of those salts, isomers, and salts
25 of isomers is possible within the specific chemical designation. For
26 the purposes of this subsection only, the term "isomer" includes the
27 optical, position, and geometric isomers:

28 (1) Alpha-ethyltryptamine: Some trade or other names:
29 Etryptamine; monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
30 indole; α -ET; and AET;

31 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
32 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;

33 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
34 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
35 DOB; 2C-B, nexus;

36 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
37 dimethoxy- α -methylphenethylamine; 2,5-DMA;

38 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

39 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
40 2C-T-7;

- 1 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
2 methylphenethylamine; paramethoxyamphetamine, PMA;
- 3 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 4 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
5 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
6 "STP";
- 7 (10) 3,4-methylenedioxy amphetamine;
- 8 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 9 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
10 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
11 MDE, MDEA;
- 12 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
13 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy
14 MDA;
- 15 (14) 3,4,5-trimethoxy amphetamine;
- 16 (15) Alpha-methyltryptamine: Other name: AMT;
- 17 (16) Bufotenine: Some trade or other names: 3-(beta-
18 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
19 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
20 mappine;
- 21 (17) Diethyltryptamine: Some trade or other names: N,N-
22 Diethyltryptamine; DET;
- 23 (18) Dimethyltryptamine: Some trade or other names: DMT;
- 24 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
- 25 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,
26 7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2)
27 azepino (5,4-b) indole; Tabernanthe iboga;
- 28 (21) Lysergic acid diethylamide;
- 29 (22) Marihuana or marijuana;
- 30 (23) Mescaline;
- 31 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
32 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
33 dibenzo[b,d]pyran; synhexyl;
- 34 (25) Peyote, meaning all parts of the plant presently classified
35 botanically as *Lophophora Williamsii* Lemaire, whether growing or not,
36 the seeds thereof, any extract from any part of such plant, and every
37 compound, manufacture, salts, derivative, mixture, or preparation of
38 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812
39 (c), Schedule I (c)(12));
- 40 (26) N-ethyl-3-piperidyl benzilate;

1 (27) N-methyl-3-piperidyl benzilate;
2 (28) Psilocybin;
3 (29) Psilocyn;
4 (30) Tetrahydrocannabinols, meaning tetrahydrocannabinols
5 naturally contained in a plant of the genus Cannabis (cannabis
6 plant), as well as synthetic equivalents of the substances contained
7 in the plant, or in the resinous extractives of Cannabis, species,
8 and/or synthetic substances, derivatives, and their isomers with
9 similar chemical structure and pharmacological activity such as the
10 following:

11 (i) 1 - cis - or trans tetrahydrocannabinol, and their optical
12 isomers, excluding tetrahydrocannabinol in sesame oil and
13 encapsulated in a soft gelatin capsule in a drug product approved by
14 the United States Food and Drug Administration;

15 (ii) 6 - cis - or trans tetrahydrocannabinol, and their optical
16 isomers;

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

19 (iv) That is chemically synthesized and either:

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

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

25 (Since nomenclature of these substances is not internationally
26 standardized, compounds of these structures, regardless of numerical
27 designation of atomic positions covered.)

28 (31) Ethylamine analog of phencyclidine: Some trade or other
29 names: N-ethyl-1phenylcyclohexalymine, (1-phenylcyclohexyl)
30 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

31 (32) Pyrrolidine analog of phencyclidine: Some trade or other
32 names: 1-(1-phencyclohexyl)pyrrolidine; PCPy; PHP;

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

36 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
37 name is TCPy.

38 (d) Depressants. Unless specifically excepted or unless listed in
39 another schedule, any material, compound, mixture, or preparation
40 which contains any quantity of the following substances having a

1 depressant effect on the central nervous system, including its salts,
2 isomers, and salts of isomers whenever the existence of such salts,
3 isomers, and salts of isomers is possible within the specific
4 chemical designation.

5 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
6 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
7 sodium oxybate; sodium oxybutyrate;

8 (2) Mecloqualone;

9 (3) Methaqualone.

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

15 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
16 oxazoline; or 4, 5-dihydro-5-phenly-2-oxazolamine;

17 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

18 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
19 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

20 (4) Fenethylamine;

21 (5) Methcathinone: Some other names: 2-(methylamino)-
22 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
23 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
24 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;
25 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and
26 salts of optical isomers;

27 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
28 phenyl-2-oxazolamine);

29 (7) N-ethylamphetamine;

30 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
31 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

32 The controlled substances in this section may be added,
33 rescheduled, or deleted as provided for in RCW 69.50.201.

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

36 (1) Every person convicted of a felony violation of RCW 69.50.401
37 through 69.50.4013, 69.50.4015, 69.50.402, 69.50.403, 69.50.406,
38 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand
39 dollars in addition to any other fine or penalty imposed. Unless the

1 court finds the person to be indigent, this additional fine shall not
2 be suspended or deferred by the court.

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

8 (3) In addition to any other civil or criminal penalty, every
9 person who violates or causes another to violate RCW 69.50.401 by
10 distributing, dispensing, manufacturing, displaying for sale,
11 offering for sale, attempting to sell, or selling to a purchaser any
12 product that contains any amount of any synthetic cannabinoid,
13 cathinone, or methcathinone, as identified in RCW 69.50.204, shall be
14 fined not less than ten thousand dollars and not more than five
15 hundred thousand dollars. If, however, the person who violates or
16 causes another to violate RCW 69.50.401 by distributing, dispensing,
17 manufacturing, displaying for sale, offering for sale, attempting to
18 sell, or selling any product that contains any amount of any
19 synthetic cannabinoid, cathinone, or methcathinone, as identified in
20 RCW 69.50.204, to a purchaser under the age of eighteen, the minimum
21 penalty shall be twenty-five thousand dollars if the person is at
22 least two years older than the minor. Unless the court finds the
23 person to be indigent, this additional fine shall not be suspended or
24 deferred by the court.

25 NEW SECTION. Sec. 4. (1) The Washington state patrol shall
26 create a pilot program that uses technologies and protocols to
27 instantly identify synthetic cannabinoids, cathinones, and
28 methcathinones (synthetic drugs), as well as other illicit drugs. The
29 pilot program shall focus on using technology capable of presumptive
30 identification of illicit drugs in the field.

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

35 (3) Prior to July 30, 2016, the state patrol shall submit a
36 report to the appropriate committees of the legislature outlining the
37 findings of the pilot program, and make any recommendation on whether
38 the technologies and protocols selected for the pilot program may be
39 used to help prevent the growth of synthetic drugs and other illicit

1 drugs throughout the state. Specifically, the evaluation shall
2 include, but is not limited to, the following:

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

5 (b) A description of the impact to state and local crime lab
6 backlogs if the technologies and protocols selected could eliminate
7 the need to send synthetic drugs, or other illicit drugs, to the
8 crime lab for presumptive testing, including the potential cost
9 savings to state and local governments;

10 (c) A description of the status of courts' acceptance of the
11 technologies and protocols selected for the pilot program for the
12 presumptive identification of synthetic drugs and other illicit
13 drugs.

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