

# SENATE BILL REPORT

## SB 5988

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As of January 22, 2018

**Title:** An act relating to dependent child or dependent adult exposure to controlled substances.

**Brief Description:** Concerning dependent child or dependent adult exposure to controlled substances.

**Sponsors:** Senator Padden.

**Brief History:**

**Committee Activity:** Law & Justice: 1/18/18.

**Brief Summary of Bill**

- Expands the list of drugs—from methamphetamine and its precursors to any Schedule I or Schedule II controlled substance—for which a person can be found guilty of the crime of endangerment if the person permits a dependent child or adult to be exposed to, ingest, inhale, or have contact with the drug.
- Excepts marijuana or any controlled substance that is being administered pursuant to a prescription.

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**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Shani Bauer (786-7468)

**Background:** The Washington Uniform Controlled Substances Act organizes certain drugs, substances, and immediate precursors in Schedules I through V. An immediate precursor is a chemical compound that: (1) is commonly used in the manufacture of a drug which is itself a controlled substance; (2) is an immediate chemical intermediary; and (3) must be controlled to limit the manufacture of the resultant drug. Drugs, substances, and immediate precursors listed in Schedules I through IV are controlled substances. Drugs are divided into each of the five categories based generally on the drug's potential for abuse, safety, addictive potential, and whether or not it has any legitimate medical applications.

Schedule I drugs, substances, or chemicals are defined as those that have a high potential for abuse, no accepted medical use, and lacking in accepted safety for use without medical

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supervision. Schedule I drugs include heroin, LSD, and ecstasy. Marijuana is also included as a Schedule I drug.

Schedule II drugs, substances, or chemicals are defined as those that have a high potential for abuse, no accepted medical use or accepted medical use with severe restrictions, and the abuse of the substance may lead to severe psychological or physical dependence. Schedule II drugs include cocaine, methamphetamine, oxycodone, and fentanyl.

A person is guilty of the crime of endangerment with a controlled substance if the person knowingly or intentionally permits a dependent child or adult to be exposed to, ingest, inhale, or have contact with methamphetamine or its precursors. Endangerment with a controlled substance is a Class B felony.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** A person is guilty of the crime of endangerment with a controlled substance if the person knowingly or intentionally permits a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with a Schedule I or Schedule II controlled substance under the Washington Uniform Controlled Substances Act. Endangerment does not include exposure, ingestion, inhalation, or contact with a controlled substance administered pursuant to a prescription or the provision of marijuana to a dependent adult that is permitted by law.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Proposed Substitute:** PRO: During drug investigations, children are often present at the scene of the crime. With the increase in heroin use, there is an increase of child exposure. In one such case, two children tested positive for meth and the three other children tested positive for opiates and other Schedule I and II drugs. Under current law, the parents could only be prosecuted for the two children who tested positive for meth. This is an injustice to children when their caretakers are addicted to substances and expose their children. If the child does not test positive for meth, it is not a crime. Parents should be held accountable for exposing a child to Schedule I and II drugs, not just meth.

Substance abuse prevention funding is being reduced. This legislation would help counterbalance that trend by providing some protection for children.

CON: This bill vastly expands the reach of current law. The statute was originally developed to address safety concerns in the manufacture of meth. Drug policy should address health concerns and not just an expansion of criminal sanctions.

**Persons Testifying:** PRO: Senator Mike Padden, Prime Sponsor; Jodie Barcus, Deputy, Okanogan County Sheriff's Office; Seth Dawson, Washington Association for Substance Abuse Prevention.

CON: Elisabeth Smith, ACLU of Washington.

**Persons Signed In To Testify But Not Testifying:** No one.