

SSB 6022 - H AMD 1862

By Representative Leavitt

1 On page 2, after line 1, insert the following:

2 **"NEW SECTION. Sec. 2.** A new section is added to chapter 69.50
3 RCW to read as follows:

4 (1) It is unlawful for any person to possess, purchase, deliver,
5 sell, or possess with intent to sell, a tableting machine or
6 encapsulating machine knowing, or under circumstances where one
7 reasonably should know, that it will be used to manufacture,
8 compound, convert, produce, process, or prepare fentanyl, or
9 otherwise introduce fentanyl into the human body, in violation of
10 this chapter.

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

13 (3) For the purposes of this section:

14 (a) "Encapsulating machine" means manual, semiautomatic, or fully
15 automatic equipment that can be used to fill shells or capsules with
16 powdered or granular solids or semisolid material to produce coherent
17 solid contents.

18 (b) "Tableting machine" means manual, semiautomatic, or fully
19 automatic equipment that can be used to compact, compress, or mold
20 powdered or granular solids or semisolid material to produce fused
21 coherent solid tablets.

22 **Sec. 3.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to
23 read as follows:

24 TABLE 4

25 DRUG OFFENSES
26 INCLUDED WITHIN EACH
27 SERIOUSNESS LEVEL

28 III Any felony offense under chapter
29 69.50 RCW with a deadly weapon
30 special verdict under RCW
31 ((9.94A.602)) 9.94A.825

1 Controlled Substance Homicide (RCW
2 69.50.415)
3 Delivery of imitation controlled
4 substance by person eighteen or
5 over to person under eighteen
6 (RCW 69.52.030(2))
7 Involving a minor in drug dealing
8 (RCW 69.50.4015)
9 Manufacture of methamphetamine
10 (RCW 69.50.401(2)(b))
11 Over 18 and deliver heroin,
12 methamphetamine, a narcotic from
13 Schedule I or II, or flunitrazepam
14 from Schedule IV to someone
15 under 18 (RCW 69.50.406)
16 Over 18 and deliver narcotic from
17 Schedule III, IV, or V or a
18 nonnarcotic, except flunitrazepam
19 or methamphetamine, from
20 Schedule I-V to someone under 18
21 and 3 years junior (RCW
22 69.50.406)
23 Possession of Ephedrine,
24 Pseudoephedrine, or Anhydrous
25 Ammonia with intent to
26 manufacture
27 methamphetamine (RCW
28 69.50.440)
29 Selling for profit (controlled or
30 counterfeit) any controlled
31 substance (RCW 69.50.410)
32 II Create, deliver, or possess a counterfeit
33 controlled substance (RCW
34 69.50.4011)
35 Deliver or possess with intent to
36 deliver methamphetamine (RCW
37 69.50.401(2)(b))

1 Delivery of a material in lieu of a
2 controlled substance (RCW
3 69.50.4012)

4 Maintaining a Dwelling or Place for
5 Controlled Substances (RCW
6 69.50.402(1)(f))

7 Manufacture, deliver, or possess with
8 intent to deliver amphetamine
9 (RCW 69.50.401(2)(b))

10 Manufacture, deliver, or possess with
11 intent to deliver narcotics from
12 Schedule I or II or flunitrazepam
13 from Schedule IV (RCW
14 69.50.401(2)(a))

15 Manufacture, deliver, or possess with
16 intent to deliver narcotics from
17 Schedule III, IV, or V or
18 nonnarcotics from Schedule I-V
19 (except marijuana, amphetamine,
20 methamphetamines, or
21 flunitrazepam) (RCW
22 69.50.401(2) (c) through (e))

23 Manufacture, distribute, or possess
24 with intent to distribute an
25 imitation controlled substance
26 (RCW 69.52.030(1))

27 Possess, purchase, deliver, sell, or
28 possess with intent to sell a
29 tableting machine or encapsulating
30 machine (section 2 of this act)

31 I Forged Prescription (RCW 69.41.020)

32 Forged Prescription for a Controlled
33 Substance (RCW 69.50.403)

34 Manufacture, deliver, or possess with
35 intent to deliver marijuana (RCW
36 69.50.401(2)(c))

1 Possess Controlled Substance that is a
2 Narcotic from Schedule III, IV, or
3 V or Nonnarcotic from Schedule I-
4 V (RCW 69.50.4013)
5 Possession of Controlled Substance
6 that is either heroin or narcotics
7 from Schedule I or II (RCW
8 69.50.4013)
9 Unlawful Use of Building for Drug
10 Purposes (RCW 69.53.010)"

11 Correct the title.

EFFECT: Adds provisions making it a felony offense to possess, purchase, deliver, sell, or possess with intent to sell, a tableting or encapsulating machine knowing, or under circumstances where one reasonably should know, that it will be used to manufacture, compound, convert, produce, process, or prepare fentanyl, or otherwise introduce fentanyl into the human body, in violation of the Uniform Controlled Substances Act. Ranks the offense as a seriousness level II offense under the Sentencing Reform Act.

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