

SENATE BILL REPORT

SB 6022

As Reported by Senate Committee On:
Law & Justice, January 30, 2020

Title: An act relating to fentanyl.

Brief Description: Concerning fentanyl.

Sponsors: Senators Zeiger and Padden.

Brief History:

Committee Activity: Law & Justice: 1/23/20, 1/30/20 [DPS].

Brief Summary of First Substitute Bill

- Expands the list of drugs—from methamphetamine and its precursors to fentanyl—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.
- Provides an exception for prescriptions administered in accordance with the law.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6022 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

Staff: Tim Ford (786-7423)

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:

- is commonly used in the manufacture of a drug which is itself a controlled substance;
- is an immediate chemical intermediary; and
- must be controlled to limit the manufacture of the resultant drug.

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.

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 having a high potential for abuse, no accepted medical use, and lacking in accepted safety for use without medical 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 having 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 they knowingly or intentionally permit 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 (First 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 fentanyl, including its salts, isomers, and salts of isomers used in the manufacture of fentanyl. The crime of endangerment does not include prescriptions administered according to the Washington Uniform Controlled Substances Act.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Endangerment does not include a controlled substance administered pursuant to a prescription in accordance with the Washington Uniform Controlled Substance Act.

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 Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We need to do everything we can to address the opioid crisis by stopping the manufacture and dealing of illegal drugs. One of the most dangerous drugs ever known is the opioid called fentanyl. CDC research shows a strong correlation between synthetic opioid deaths and seized fentanyl products. It is cheaper to manufacture than heroin. This updates our endangerment laws for children so that fentanyl is treated the same as meth.

Persons Testifying: PRO: Senator Hans Zeiger, Prime Sponsor.

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