

SENATE BILL REPORT

SB 5509

As Passed Senate, February 8, 2022

Title: An act relating to exempting fentanyl testing equipment from the definition of drug paraphernalia.

Brief Description: Exempting fentanyl testing equipment from the definition of drug paraphernalia.

Sponsors: Senators Honeyford, Mullet, Padden, Randall, Wagoner, Wilson, J. and Wilson, L..

Brief History:

Committee Activity: Law & Justice: 1/13/22, 1/20/22 [DP].

Floor Activity: Passed Senate: 2/8/22, 49-0.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Excludes fentanyl testing equipment from the definition of drug paraphernalia.
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SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford, Kuderer, Pedersen, Salomon and Wagoner.

Staff: Ryan Giannini (786-7285)

Background: Under the Uniform Controlled Substances Act, drug paraphernalia means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in producing, processing, preparing, testing, or analyzing a controlled substance, along with other uses. Testing equipment includes equipment used, intended for

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use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.

It is unlawful for any person to use drug paraphernalia to, among other uses, produce, process, or prepare a controlled substance other than marijuana. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used, among other uses, to produce, process, or prepare a controlled substance other than marijuana. Any person who violates these prohibitions is guilty of a misdemeanor.

Any person who sells or gives, or permits to be sold or given to any person, any drug paraphernalia in any form commits a class I civil infraction.

Fentanyl is classified as a Schedule II drug under the Uniform Controlled Substances Act. When fentanyl is mixed with other drugs, there is a higher probability of an overdose and death.

Summary of Bill: Fentanyl testing equipment is excluded from the definition of drug paraphernalia.

Appropriation: None.

Fiscal Note: Not requested.

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: PRO: Fentanyl is a very dangerous drug. Large amounts of drug deaths have been related to fentanyl. Fentanyl test strips would allow users to check for the potency, amount, or presence of fentanyl in the drugs that users might be taking. This would save lives.

OTHER: There is an epidemic in relation to overdose deaths. Overdose deaths related to fentanyl have at least doubled from the prior year. A better job needs to be done in helping people understand the risk of doing drugs, helping them be as safe as they can, and helping them access treatment. The ability to know what one is taking is but one tool in a toolbox in ways to better support people.

Persons Testifying: PRO: Senator Jim Honeyford, Prime Sponsor.

OTHER: Dr. Charissa Fotinos, Acting Washington State Medicaid Director, HCA.

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