
SENATE BILL 5476

State of Washington

67th Legislature

2021 Regular Session

By Senators Dhingra, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Pedersen, Rivers, Robinson, Saldaña, and Wellman

Read first time 03/24/21. Referred to Committee on Ways & Means.

1 AN ACT Relating to addressing the State v. Blake decision;
2 amending RCW 69.50.101, 69.50.4011, 69.50.4013, 69.50.412, 69.50.445,
3 69.41.030, 69.41.030, and 69.41.010; reenacting and amending RCW
4 69.50.101 and 69.41.010; adding a new section to chapter 10.77 RCW;
5 creating a new section; prescribing penalties; providing an effective
6 date; providing an expiration date; and declaring an emergency.

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

8 **Sec. 1.** RCW 69.50.101 and 2020 c 133 s 2 are each amended to
9 read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (a) "Administer" means to apply a controlled substance, whether
13 by injection, inhalation, ingestion, or any other means, directly to
14 the body of a patient or research subject by:

15 (1) a practitioner authorized to prescribe (or, by the
16 practitioner's authorized agent); or

17 (2) the patient or research subject at the direction and in the
18 presence of the practitioner.

19 (b) "Agent" means an authorized person who acts on behalf of or
20 at the direction of a manufacturer, distributor, or dispenser. It

1 does not include a common or contract carrier, public
2 warehouseperson, or employee of the carrier or warehouseperson.

3 (c) "Board" means the Washington state liquor and cannabis board.

4 (d) "CBD concentration" has the meaning provided in RCW
5 69.51A.010.

6 (e) "CBD product" means any product containing or consisting of
7 cannabidiol.

8 (f) "Commission" means the pharmacy quality assurance commission.

9 (g) "Controlled substance" means a drug, substance, or immediate
10 precursor included in Schedules I through V as set forth in federal
11 or state laws, or federal or commission rules, but does not include
12 hemp or industrial hemp as defined in RCW 15.140.020.

13 (h) (1) "Controlled substance analog" means a substance the
14 chemical structure of which is substantially similar to the chemical
15 structure of a controlled substance in Schedule I or II and:

16 (i) that has a stimulant, depressant, or hallucinogenic effect on
17 the central nervous system substantially similar to the stimulant,
18 depressant, or hallucinogenic effect on the central nervous system of
19 a controlled substance included in Schedule I or II; or

20 (ii) with respect to a particular individual, that the individual
21 represents or intends to have a stimulant, depressant, or
22 hallucinogenic effect on the central nervous system substantially
23 similar to the stimulant, depressant, or hallucinogenic effect on the
24 central nervous system of a controlled substance included in Schedule
25 I or II.

26 (2) The term does not include:

27 (i) a controlled substance;

28 (ii) a substance for which there is an approved new drug
29 application;

30 (iii) a substance with respect to which an exemption is in effect
31 for investigational use by a particular person under Section 505 of
32 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
33 chapter 69.77 RCW to the extent conduct with respect to the substance
34 is pursuant to the exemption; or

35 (iv) any substance to the extent not intended for human
36 consumption before an exemption takes effect with respect to the
37 substance.

38 (i) "Deliver" or "delivery" means the actual or constructive
39 transfer from one person to another of a substance, whether or not
40 there is an agency relationship.

1 (j) "Department" means the department of health.

2 (k) "Designated provider" has the meaning provided in RCW
3 69.51A.010.

4 (l) "Dispense" means the interpretation of a prescription or
5 order for a controlled substance and, pursuant to that prescription
6 or order, the proper selection, measuring, compounding, labeling, or
7 packaging necessary to prepare that prescription or order for
8 delivery.

9 (m) "Dispenser" means a practitioner who dispenses.

10 (n) "Distribute" means to deliver other than by administering or
11 dispensing a controlled substance.

12 (o) "Distributor" means a person who distributes.

13 (p) "Drug" means (1) a controlled substance recognized as a drug
14 in the official United States pharmacopoeia/national formulary or the
15 official homeopathic pharmacopoeia of the United States, or any
16 supplement to them; (2) controlled substances intended for use in the
17 diagnosis, cure, mitigation, treatment, or prevention of disease in
18 individuals or animals; (3) controlled substances (other than food)
19 intended to affect the structure or any function of the body of
20 individuals or animals; and (4) controlled substances intended for
21 use as a component of any article specified in (1), (2), or (3) of
22 this subsection. The term does not include devices or their
23 components, parts, or accessories.

24 (q) "Drug enforcement administration" means the drug enforcement
25 administration in the United States Department of Justice, or its
26 successor agency.

27 (r) "Electronic communication of prescription information" means
28 the transmission of a prescription or refill authorization for a drug
29 of a practitioner using computer systems. The term does not include a
30 prescription or refill authorization verbally transmitted by
31 telephone nor a facsimile manually signed by the practitioner.

32 (s) "Immature plant or clone" means a plant or clone that has no
33 flowers, is less than twelve inches in height, and is less than
34 twelve inches in diameter.

35 (t) "Immediate precursor" means a substance:

36 (1) that the commission has found to be and by rule designates as
37 being the principal compound commonly used, or produced primarily for
38 use, in the manufacture of a controlled substance;

39 (2) that is an immediate chemical intermediary used or likely to
40 be used in the manufacture of a controlled substance; and

1 (3) the control of which is necessary to prevent, curtail, or
2 limit the manufacture of the controlled substance.

3 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)
4 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
5 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
6 (42), and 69.50.210(c) the term includes any positional isomer; and
7 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
8 includes any positional or geometric isomer.

9 (v) "Lot" means a definite quantity of marijuana, marijuana
10 concentrates, useable marijuana, or marijuana-infused product
11 identified by a lot number, every portion or package of which is
12 uniform within recognized tolerances for the factors that appear in
13 the labeling.

14 (w) "Lot number" must identify the licensee by business or trade
15 name and Washington state unified business identifier number, and the
16 date of harvest or processing for each lot of marijuana, marijuana
17 concentrates, useable marijuana, or marijuana-infused product.

18 (x) "Manufacture" means the production, preparation, propagation,
19 compounding, conversion, or processing of a controlled substance,
20 either directly or indirectly or by extraction from substances of
21 natural origin, or independently by means of chemical synthesis, or
22 by a combination of extraction and chemical synthesis, and includes
23 any packaging or repackaging of the substance or labeling or
24 relabeling of its container. The term does not include the
25 preparation, compounding, packaging, repackaging, labeling, or
26 relabeling of a controlled substance:

27 (1) by a practitioner as an incident to the practitioner's
28 administering or dispensing of a controlled substance in the course
29 of the practitioner's professional practice; or

30 (2) by a practitioner, or by the practitioner's authorized agent
31 under the practitioner's supervision, for the purpose of, or as an
32 incident to, research, teaching, or chemical analysis and not for
33 sale.

34 (y) "Marijuana" or "marihuana" means all parts of the plant
35 *Cannabis*, whether growing or not, with a THC concentration greater
36 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
37 extracted from any part of the plant; and every compound,
38 manufacture, salt, derivative, mixture, or preparation of the plant,
39 its seeds or resin. The term does not include:

1 (1) The mature stalks of the plant, fiber produced from the
2 stalks, oil or cake made from the seeds of the plant, any other
3 compound, manufacture, salt, derivative, mixture, or preparation of
4 the mature stalks (except the resin extracted therefrom), fiber, oil,
5 or cake, or the sterilized seed of the plant which is incapable of
6 germination; or

7 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds
8 used for licensed hemp production under chapter 15.140 RCW.

9 (z) "Marijuana concentrates" means products consisting wholly or
10 in part of the resin extracted from any part of the plant *Cannabis*
11 and having a THC concentration greater than ten percent.

12 (aa) "Marijuana processor" means a person licensed by the board
13 to process marijuana into marijuana concentrates, useable marijuana,
14 and marijuana-infused products, package and label marijuana
15 concentrates, useable marijuana, and marijuana-infused products for
16 sale in retail outlets, and sell marijuana concentrates, useable
17 marijuana, and marijuana-infused products at wholesale to marijuana
18 retailers.

19 (bb) "Marijuana producer" means a person licensed by the board to
20 produce and sell marijuana at wholesale to marijuana processors and
21 other marijuana producers.

22 (cc) "Marijuana products" means useable marijuana, marijuana
23 concentrates, and marijuana-infused products as defined in this
24 section.

25 (dd) "Marijuana researcher" means a person licensed by the board
26 to produce, process, and possess marijuana for the purposes of
27 conducting research on marijuana and marijuana-derived drug products.

28 (ee) "Marijuana retailer" means a person licensed by the board to
29 sell marijuana concentrates, useable marijuana, and marijuana-infused
30 products in a retail outlet.

31 (ff) "Marijuana-infused products" means products that contain
32 marijuana or marijuana extracts, are intended for human use, are
33 derived from marijuana as defined in subsection (y) of this section,
34 and have a THC concentration no greater than ten percent. The term
35 "marijuana-infused products" does not include either useable
36 marijuana or marijuana concentrates.

37 (gg) "Narcotic drug" means any of the following, whether produced
38 directly or indirectly by extraction from substances of vegetable
39 origin, or independently by means of chemical synthesis, or by a
40 combination of extraction and chemical synthesis:

1 (1) Opium, opium derivative, and any derivative of opium or opium
2 derivative, including their salts, isomers, and salts of isomers,
3 whenever the existence of the salts, isomers, and salts of isomers is
4 possible within the specific chemical designation. The term does not
5 include the isoquinoline alkaloids of opium.

6 (2) Synthetic opiate and any derivative of synthetic opiate,
7 including their isomers, esters, ethers, salts, and salts of isomers,
8 esters, and ethers, whenever the existence of the isomers, esters,
9 ethers, and salts is possible within the specific chemical
10 designation.

11 (3) Poppy straw and concentrate of poppy straw.

12 (4) Coca leaves, except coca leaves and extracts of coca leaves
13 from which cocaine, ecgonine, and derivatives or ecgonine or their
14 salts have been removed.

15 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

16 (6) Cocaine base.

17 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
18 thereof.

19 (8) Any compound, mixture, or preparation containing any quantity
20 of any substance referred to in (1) through (7) of this subsection.

21 (hh) "Opiate" means any substance having an addiction-forming or
22 addiction-sustaining liability similar to morphine or being capable
23 of conversion into a drug having addiction-forming or addiction-
24 sustaining liability. The term includes opium, substances derived
25 from opium (opium derivatives), and synthetic opiates. The term does
26 not include, unless specifically designated as controlled under RCW
27 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
28 and its salts (dextromethorphan). The term includes the racemic and
29 levorotatory forms of dextromethorphan.

30 (ii) "Opium poppy" means the plant of the species *Papaver*
31 *somniferum* L., except its seeds.

32 (jj) "Person" means individual, corporation, business trust,
33 estate, trust, partnership, association, joint venture, government,
34 governmental subdivision or agency, or any other legal or commercial
35 entity.

36 (kk) "Personal use amount" means an amount that does not exceed:

37 (1) Forty user units of a mixture or substance containing a
38 detectable amount of methadone;

39 (2) Forty pills, tablets, or capsules of a mixture or substance
40 containing a detectable amount of oxycodone;

1 (3) One gram of a mixture or substance containing a detectable
2 amount of heroin;

3 (4) One gram or five pills, tablets, or capsules of a mixture or
4 substance containing a detectable amount of 3,4-
5 methylenedioxyamphetamine or 3,4-methylenedioxymethamphetamin;

6 (5) Two grams of a mixture or substance containing a detectable
7 amount of cocaine;

8 (6) Two grams of a mixture or substance containing a detectable
9 amount of methamphetamine;

10 (7) Forty user units of a mixture or substance containing a
11 detectable amount of lysergic acid diethylamide;

12 (8) Twelve grams of a mixture or substance containing a
13 detectable amount of psilocybin or psilocin; or

14 (9) An amount or amounts that may be established by rule by the
15 director of the health care authority for recreational or nonmedical
16 and nonprescribed use of a controlled substance, counterfeit
17 substance, or legend drug for which a maximum personal use amount has
18 not been established.

19 (11) "Plant" has the meaning provided in RCW 69.51A.010.

20 ~~((11))~~ (mm) "Poppy straw" means all parts, except the seeds, of
21 the opium poppy, after mowing.

22 ~~((mm))~~ (nn) "Practitioner" means:

23 (1) A physician under chapter 18.71 RCW; a physician assistant
24 under chapter 18.71A RCW; an osteopathic physician and surgeon under
25 chapter 18.57 RCW; an osteopathic physician assistant under chapter
26 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
27 limitations in RCW 18.57A.040; an optometrist licensed under chapter
28 18.53 RCW who is certified by the optometry board under RCW 18.53.010
29 subject to any limitations in RCW 18.53.010; a dentist under chapter
30 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
31 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
32 registered nurse practitioner, or licensed practical nurse under
33 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
34 who is licensed under RCW 18.36A.030 subject to any limitations in
35 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
36 investigator under this chapter, licensed, registered or otherwise
37 permitted insofar as is consistent with those licensing laws to
38 distribute, dispense, conduct research with respect to or administer
39 a controlled substance in the course of their professional practice
40 or research in this state.

1 (2) A pharmacy, hospital or other institution licensed,
2 registered, or otherwise permitted to distribute, dispense, conduct
3 research with respect to or to administer a controlled substance in
4 the course of professional practice or research in this state.

5 (3) A physician licensed to practice medicine and surgery, a
6 physician licensed to practice osteopathic medicine and surgery, a
7 dentist licensed to practice dentistry, a podiatric physician and
8 surgeon licensed to practice podiatric medicine and surgery, a
9 licensed physician assistant or a licensed osteopathic physician
10 assistant specifically approved to prescribe controlled substances by
11 his or her state's medical commission or equivalent and his or her
12 supervising physician, an advanced registered nurse practitioner
13 licensed to prescribe controlled substances, or a veterinarian
14 licensed to practice veterinary medicine in any state of the United
15 States.

16 (~~(nn)~~) (oo) "Prescription" means an order for controlled
17 substances issued by a practitioner duly authorized by law or rule in
18 the state of Washington to prescribe controlled substances within the
19 scope of his or her professional practice for a legitimate medical
20 purpose.

21 (~~(oo)~~) (pp) "Production" includes the manufacturing, planting,
22 cultivating, growing, or harvesting of a controlled substance.

23 (~~(pp)~~) (qq) "Qualifying patient" has the meaning provided in
24 RCW 69.51A.010.

25 (~~(qq)~~) (rr) "Recognition card" has the meaning provided in RCW
26 69.51A.010.

27 (~~(rr)~~) (ss) "Retail outlet" means a location licensed by the
28 board for the retail sale of marijuana concentrates, useable
29 marijuana, and marijuana-infused products.

30 (~~(ss)~~) (tt) "Secretary" means the secretary of health or the
31 secretary's designee.

32 (~~(tt)~~) (uu) "State," unless the context otherwise requires,
33 means a state of the United States, the District of Columbia, the
34 Commonwealth of Puerto Rico, or a territory or insular possession
35 subject to the jurisdiction of the United States.

36 (~~(uu)~~) (vv) "THC concentration" means percent of delta-9
37 tetrahydrocannabinol content per dry weight of any part of the plant
38 *Cannabis*, or per volume or weight of marijuana product, or the
39 combined percent of delta-9 tetrahydrocannabinol and

1 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
2 regardless of moisture content.

3 ~~((vv))~~ (ww) "Ultimate user" means an individual who lawfully
4 possesses a controlled substance for the individual's own use or for
5 the use of a member of the individual's household or for
6 administering to an animal owned by the individual or by a member of
7 the individual's household.

8 ~~((ww))~~ (xx) "Useable marijuana" means dried marijuana flowers.
9 The term "useable marijuana" does not include either marijuana-
10 infused products or marijuana concentrates.

11 ~~((xx))~~ (yy) "Youth access" means the level of interest persons
12 under the age of twenty-one may have in a vapor product, as well as
13 the degree to which the product is available or appealing to such
14 persons, and the likelihood of initiation, use, or addiction by
15 adolescents and young adults.

16 **Sec. 2.** RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43 are
17 each reenacted and amended to read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (a) "Administer" means to apply a controlled substance, whether
21 by injection, inhalation, ingestion, or any other means, directly to
22 the body of a patient or research subject by:

23 (1) a practitioner authorized to prescribe (or, by the
24 practitioner's authorized agent); or

25 (2) the patient or research subject at the direction and in the
26 presence of the practitioner.

27 (b) "Agent" means an authorized person who acts on behalf of or
28 at the direction of a manufacturer, distributor, or dispenser. It
29 does not include a common or contract carrier, public
30 warehouseperson, or employee of the carrier or warehouseperson.

31 (c) "Board" means the Washington state liquor and cannabis board.

32 (d) "CBD concentration" has the meaning provided in RCW
33 69.51A.010.

34 (e) "CBD product" means any product containing or consisting of
35 cannabidiol.

36 (f) "Commission" means the pharmacy quality assurance commission.

37 (g) "Controlled substance" means a drug, substance, or immediate
38 precursor included in Schedules I through V as set forth in federal

1 or state laws, or federal or commission rules, but does not include
2 hemp or industrial hemp as defined in RCW 15.140.020.

3 (h) (1) "Controlled substance analog" means a substance the
4 chemical structure of which is substantially similar to the chemical
5 structure of a controlled substance in Schedule I or II and:

6 (i) that has a stimulant, depressant, or hallucinogenic effect on
7 the central nervous system substantially similar to the stimulant,
8 depressant, or hallucinogenic effect on the central nervous system of
9 a controlled substance included in Schedule I or II; or

10 (ii) with respect to a particular individual, that the individual
11 represents or intends to have a stimulant, depressant, or
12 hallucinogenic effect on the central nervous system substantially
13 similar to the stimulant, depressant, or hallucinogenic effect on the
14 central nervous system of a controlled substance included in Schedule
15 I or II.

16 (2) The term does not include:

17 (i) a controlled substance;

18 (ii) a substance for which there is an approved new drug
19 application;

20 (iii) a substance with respect to which an exemption is in effect
21 for investigational use by a particular person under Section 505 of
22 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
23 chapter 69.77 RCW to the extent conduct with respect to the substance
24 is pursuant to the exemption; or

25 (iv) any substance to the extent not intended for human
26 consumption before an exemption takes effect with respect to the
27 substance.

28 (i) "Deliver" or "delivery" means the actual or constructive
29 transfer from one person to another of a substance, whether or not
30 there is an agency relationship.

31 (j) "Department" means the department of health.

32 (k) "Designated provider" has the meaning provided in RCW
33 69.51A.010.

34 (l) "Dispense" means the interpretation of a prescription or
35 order for a controlled substance and, pursuant to that prescription
36 or order, the proper selection, measuring, compounding, labeling, or
37 packaging necessary to prepare that prescription or order for
38 delivery.

39 (m) "Dispenser" means a practitioner who dispenses.

1 (n) "Distribute" means to deliver other than by administering or
2 dispensing a controlled substance.

3 (o) "Distributor" means a person who distributes.

4 (p) "Drug" means (1) a controlled substance recognized as a drug
5 in the official United States pharmacopoeia/national formulary or the
6 official homeopathic pharmacopoeia of the United States, or any
7 supplement to them; (2) controlled substances intended for use in the
8 diagnosis, cure, mitigation, treatment, or prevention of disease in
9 individuals or animals; (3) controlled substances (other than food)
10 intended to affect the structure or any function of the body of
11 individuals or animals; and (4) controlled substances intended for
12 use as a component of any article specified in (1), (2), or (3) of
13 this subsection. The term does not include devices or their
14 components, parts, or accessories.

15 (q) "Drug enforcement administration" means the drug enforcement
16 administration in the United States Department of Justice, or its
17 successor agency.

18 (r) "Electronic communication of prescription information" means
19 the transmission of a prescription or refill authorization for a drug
20 of a practitioner using computer systems. The term does not include a
21 prescription or refill authorization verbally transmitted by
22 telephone nor a facsimile manually signed by the practitioner.

23 (s) "Immature plant or clone" means a plant or clone that has no
24 flowers, is less than twelve inches in height, and is less than
25 twelve inches in diameter.

26 (t) "Immediate precursor" means a substance:

27 (1) that the commission has found to be and by rule designates as
28 being the principal compound commonly used, or produced primarily for
29 use, in the manufacture of a controlled substance;

30 (2) that is an immediate chemical intermediary used or likely to
31 be used in the manufacture of a controlled substance; and

32 (3) the control of which is necessary to prevent, curtail, or
33 limit the manufacture of the controlled substance.

34 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)
35 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b) (4),
36 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
37 (42), and 69.50.210(c) the term includes any positional isomer; and
38 in RCW 69.50.204(a) (35), 69.50.204(c), and 69.50.208(a) the term
39 includes any positional or geometric isomer.

1 (v) "Lot" means a definite quantity of marijuana, marijuana
2 concentrates, useable marijuana, or marijuana-infused product
3 identified by a lot number, every portion or package of which is
4 uniform within recognized tolerances for the factors that appear in
5 the labeling.

6 (w) "Lot number" must identify the licensee by business or trade
7 name and Washington state unified business identifier number, and the
8 date of harvest or processing for each lot of marijuana, marijuana
9 concentrates, useable marijuana, or marijuana-infused product.

10 (x) "Manufacture" means the production, preparation, propagation,
11 compounding, conversion, or processing of a controlled substance,
12 either directly or indirectly or by extraction from substances of
13 natural origin, or independently by means of chemical synthesis, or
14 by a combination of extraction and chemical synthesis, and includes
15 any packaging or repackaging of the substance or labeling or
16 relabeling of its container. The term does not include the
17 preparation, compounding, packaging, repackaging, labeling, or
18 relabeling of a controlled substance:

19 (1) by a practitioner as an incident to the practitioner's
20 administering or dispensing of a controlled substance in the course
21 of the practitioner's professional practice; or

22 (2) by a practitioner, or by the practitioner's authorized agent
23 under the practitioner's supervision, for the purpose of, or as an
24 incident to, research, teaching, or chemical analysis and not for
25 sale.

26 (y) "Marijuana" or "marihuana" means all parts of the plant
27 *Cannabis*, whether growing or not, with a THC concentration greater
28 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
29 extracted from any part of the plant; and every compound,
30 manufacture, salt, derivative, mixture, or preparation of the plant,
31 its seeds or resin. The term does not include:

32 (1) The mature stalks of the plant, fiber produced from the
33 stalks, oil or cake made from the seeds of the plant, any other
34 compound, manufacture, salt, derivative, mixture, or preparation of
35 the mature stalks (except the resin extracted therefrom), fiber, oil,
36 or cake, or the sterilized seed of the plant which is incapable of
37 germination; or

38 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds
39 used for licensed hemp production under chapter 15.140 RCW.

1 (z) "Marijuana concentrates" means products consisting wholly or
2 in part of the resin extracted from any part of the plant *Cannabis*
3 and having a THC concentration greater than ten percent.

4 (aa) "Marijuana processor" means a person licensed by the board
5 to process marijuana into marijuana concentrates, useable marijuana,
6 and marijuana-infused products, package and label marijuana
7 concentrates, useable marijuana, and marijuana-infused products for
8 sale in retail outlets, and sell marijuana concentrates, useable
9 marijuana, and marijuana-infused products at wholesale to marijuana
10 retailers.

11 (bb) "Marijuana producer" means a person licensed by the board to
12 produce and sell marijuana at wholesale to marijuana processors and
13 other marijuana producers.

14 (cc) "Marijuana products" means useable marijuana, marijuana
15 concentrates, and marijuana-infused products as defined in this
16 section.

17 (dd) "Marijuana researcher" means a person licensed by the board
18 to produce, process, and possess marijuana for the purposes of
19 conducting research on marijuana and marijuana-derived drug products.

20 (ee) "Marijuana retailer" means a person licensed by the board to
21 sell marijuana concentrates, useable marijuana, and marijuana-infused
22 products in a retail outlet.

23 (ff) "Marijuana-infused products" means products that contain
24 marijuana or marijuana extracts, are intended for human use, are
25 derived from marijuana as defined in subsection (y) of this section,
26 and have a THC concentration no greater than ten percent. The term
27 "marijuana-infused products" does not include either useable
28 marijuana or marijuana concentrates.

29 (gg) "Narcotic drug" means any of the following, whether produced
30 directly or indirectly by extraction from substances of vegetable
31 origin, or independently by means of chemical synthesis, or by a
32 combination of extraction and chemical synthesis:

33 (1) Opium, opium derivative, and any derivative of opium or opium
34 derivative, including their salts, isomers, and salts of isomers,
35 whenever the existence of the salts, isomers, and salts of isomers is
36 possible within the specific chemical designation. The term does not
37 include the isoquinoline alkaloids of opium.

38 (2) Synthetic opiate and any derivative of synthetic opiate,
39 including their isomers, esters, ethers, salts, and salts of isomers,
40 esters, and ethers, whenever the existence of the isomers, esters,

1 ethers, and salts is possible within the specific chemical
2 designation.

3 (3) Poppy straw and concentrate of poppy straw.

4 (4) Coca leaves, except coca leaves and extracts of coca leaves
5 from which cocaine, ecgonine, and derivatives or ecgonine or their
6 salts have been removed.

7 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

8 (6) Cocaine base.

9 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
10 thereof.

11 (8) Any compound, mixture, or preparation containing any quantity
12 of any substance referred to in (1) through (7) of this subsection.

13 (hh) "Opiate" means any substance having an addiction-forming or
14 addiction-sustaining liability similar to morphine or being capable
15 of conversion into a drug having addiction-forming or addiction-
16 sustaining liability. The term includes opium, substances derived
17 from opium (opium derivatives), and synthetic opiates. The term does
18 not include, unless specifically designated as controlled under RCW
19 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
20 and its salts (dextromethorphan). The term includes the racemic and
21 levorotatory forms of dextromethorphan.

22 (ii) "Opium poppy" means the plant of the species *Papaver*
23 *somniferum* L., except its seeds.

24 (jj) "Person" means individual, corporation, business trust,
25 estate, trust, partnership, association, joint venture, government,
26 governmental subdivision or agency, or any other legal or commercial
27 entity.

28 (kk) "Personal use amount" means an amount that does not exceed:

29 (1) Forty user units of a mixture or substance containing a
30 detectable amount of methadone;

31 (2) Forty pills, tablets, or capsules of a mixture or substance
32 containing a detectable amount of oxycodone;

33 (3) One gram of a mixture or substance containing a detectable
34 amount of heroin;

35 (4) One gram or five pills, tablets, or capsules of a mixture or
36 substance containing a detectable amount of 3,4-
37 methylenedioxyamphetamine or 3,4-methylenedioxymethamphetamin;

38 (5) Two grams of a mixture or substance containing a detectable
39 amount of cocaine;

1 (6) Two grams of a mixture or substance containing a detectable
2 amount of methamphetamine;

3 (7) Forty user units of a mixture or substance containing a
4 detectable amount of lysergic acid diethylamide;

5 (8) Twelve grams of a mixture or substance containing a
6 detectable amount of psilocybin or psilocin; or

7 (9) An amount or amounts that may be established by rule by the
8 director of the health care authority for recreational or nonmedical
9 and nonprescribed use of a controlled substance, counterfeit
10 substance, or legend drug for which a maximum personal use amount has
11 not been established.

12 (11) "Plant" has the meaning provided in RCW 69.51A.010.

13 ~~((11))~~ (mm) "Poppy straw" means all parts, except the seeds, of
14 the opium poppy, after mowing.

15 ~~((mm))~~ (nn) "Practitioner" means:

16 (1) A physician under chapter 18.71 RCW; a physician assistant
17 under chapter 18.71A RCW; an osteopathic physician and surgeon under
18 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW
19 who is certified by the optometry board under RCW 18.53.010 subject
20 to any limitations in RCW 18.53.010; a dentist under chapter 18.32
21 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a
22 veterinarian under chapter 18.92 RCW; a registered nurse, advanced
23 registered nurse practitioner, or licensed practical nurse under
24 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
25 who is licensed under RCW 18.36A.030 subject to any limitations in
26 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
27 investigator under this chapter, licensed, registered or otherwise
28 permitted insofar as is consistent with those licensing laws to
29 distribute, dispense, conduct research with respect to or administer
30 a controlled substance in the course of their professional practice
31 or research in this state.

32 (2) A pharmacy, hospital or other institution licensed,
33 registered, or otherwise permitted to distribute, dispense, conduct
34 research with respect to or to administer a controlled substance in
35 the course of professional practice or research in this state.

36 (3) A physician licensed to practice medicine and surgery, a
37 physician licensed to practice osteopathic medicine and surgery, a
38 dentist licensed to practice dentistry, a podiatric physician and
39 surgeon licensed to practice podiatric medicine and surgery, a
40 licensed physician assistant or a licensed osteopathic physician

1 assistant specifically approved to prescribe controlled substances by
2 his or her state's medical commission or equivalent and his or her
3 supervising physician, an advanced registered nurse practitioner
4 licensed to prescribe controlled substances, or a veterinarian
5 licensed to practice veterinary medicine in any state of the United
6 States.

7 ~~((nn))~~ (oo) "Prescription" means an order for controlled
8 substances issued by a practitioner duly authorized by law or rule in
9 the state of Washington to prescribe controlled substances within the
10 scope of his or her professional practice for a legitimate medical
11 purpose.

12 ~~((oo))~~ (pp) "Production" includes the manufacturing, planting,
13 cultivating, growing, or harvesting of a controlled substance.

14 ~~((pp))~~ (qq) "Qualifying patient" has the meaning provided in
15 RCW 69.51A.010.

16 ~~((qq))~~ (rr) "Recognition card" has the meaning provided in RCW
17 69.51A.010.

18 ~~((rr))~~ (ss) "Retail outlet" means a location licensed by the
19 board for the retail sale of marijuana concentrates, useable
20 marijuana, and marijuana-infused products.

21 ~~((ss))~~ (tt) "Secretary" means the secretary of health or the
22 secretary's designee.

23 ~~((tt))~~ (uu) "State," unless the context otherwise requires,
24 means a state of the United States, the District of Columbia, the
25 Commonwealth of Puerto Rico, or a territory or insular possession
26 subject to the jurisdiction of the United States.

27 ~~((uu))~~ (vv) "THC concentration" means percent of delta-9
28 tetrahydrocannabinol content per dry weight of any part of the plant
29 *Cannabis*, or per volume or weight of marijuana product, or the
30 combined percent of delta-9 tetrahydrocannabinol and
31 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
32 regardless of moisture content.

33 ~~((vv))~~ (ww) "Ultimate user" means an individual who lawfully
34 possesses a controlled substance for the individual's own use or for
35 the use of a member of the individual's household or for
36 administering to an animal owned by the individual or by a member of
37 the individual's household.

38 ~~((ww))~~ (xx) "Useable marijuana" means dried marijuana flowers.
39 The term "useable marijuana" does not include either marijuana-
40 infused products or marijuana concentrates.

1 (~~(xx)~~) (yy) "Youth access" means the level of interest persons
2 under the age of twenty-one may have in a vapor product, as well as
3 the degree to which the product is available or appealing to such
4 persons, and the likelihood of initiation, use, or addiction by
5 adolescents and young adults.

6 **Sec. 3.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to
7 read as follows:

8 (1) Except as authorized by this chapter, it is unlawful for
9 ~~(any)~~:

10 (a) Any person to create, deliver, or knowingly possess more than
11 a personal use amount of a counterfeit substance; or

12 (b) A person under the age of 21 to knowingly possess a
13 counterfeit substance of any amount.

14 (2) Any person who violates this section with respect to:

15 (a) A counterfeit substance classified in Schedule I or II which
16 is a narcotic drug, or flunitrazepam classified in Schedule IV, is
17 guilty of a class B felony and upon conviction may be imprisoned for
18 not more than ten years, fined not more than twenty-five thousand
19 dollars, or both;

20 (b) A counterfeit substance which is methamphetamine, is guilty
21 of a class B felony and upon conviction may be imprisoned for not
22 more than ten years, fined not more than twenty-five thousand
23 dollars, or both;

24 (c) Any other counterfeit substance classified in Schedule I, II,
25 or III, is guilty of a class C felony punishable according to chapter
26 9A.20 RCW;

27 (d) A counterfeit substance classified in Schedule IV, except
28 flunitrazepam, is guilty of a class C felony punishable according to
29 chapter 9A.20 RCW;

30 (e) A counterfeit substance classified in Schedule V, is guilty
31 of a class C felony punishable according to chapter 9A.20 RCW.

32 (3) A person who possesses a counterfeit substance in an amount
33 that does not exceed the applicable personal use amount as defined in
34 RCW 69.50.101 may be referred to a forensic navigator for evaluation
35 and services as provided in section 11 of this act.

36 **Sec. 4.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to
37 read as follows:

1 (1) (~~It is unlawful for any person to possess a controlled~~
2 ~~substance unless~~) Unless the substance was obtained directly from,
3 or pursuant to, a valid prescription or order of a practitioner while
4 acting in the course of his or her professional practice, or except
5 as otherwise authorized by this chapter, it is unlawful for:

6 (a) Any person to knowingly possess more than a personal use
7 amount of a controlled substance; or

8 (b) A person under the age of 21 to knowingly possess a
9 controlled substance of any amount.

10 (2) Except as provided in RCW 69.50.4014(~~(, any)~~):

11 (a) Any person who violates this section is guilty of a class C
12 felony punishable under chapter 9A.20 RCW;

13 (b) Any person under the age of 21 who violates this section is
14 guilty of a gross misdemeanor.

15 (3) A person who possesses a controlled substance in an amount
16 that does not exceed the applicable personal use amount may be
17 referred to a forensic navigator for evaluation and services as
18 provided in section 11 of this act.

19 (4)(a) The possession, by a person twenty-one years of age or
20 older, of useable marijuana, marijuana concentrates, or marijuana-
21 infused products in amounts that do not exceed those set forth in RCW
22 69.50.360(3) is not a violation of this section, this chapter, or any
23 other provision of Washington state law.

24 (b) The possession of marijuana, useable marijuana, marijuana
25 concentrates, and marijuana-infused products being physically
26 transported or delivered within the state, in amounts not exceeding
27 those that may be established under RCW 69.50.385(3), by a licensed
28 employee of a common carrier when performing the duties authorized in
29 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
30 this section, this chapter, or any other provision of Washington
31 state law.

32 (~~(4)~~) (5)(a) The delivery by a person twenty-one years of age
33 or older to one or more persons twenty-one years of age or older,
34 during a single twenty-four hour period, for noncommercial purposes
35 and not conditioned upon or done in connection with the provision or
36 receipt of financial consideration, of any of the following marijuana
37 products, is not a violation of this section, this chapter, or any
38 other provisions of Washington state law:

39 (i) One-half ounce of useable marijuana;

40 (ii) Eight ounces of marijuana-infused product in solid form;

1 (iii) Thirty-six ounces of marijuana-infused product in liquid
2 form; or

3 (iv) Three and one-half grams of marijuana concentrates.

4 (b) The act of delivering marijuana or a marijuana product as
5 authorized under this subsection (~~((4))~~) (5) must meet one of the
6 following requirements:

7 (i) The delivery must be done in a location outside of the view
8 of general public and in a nonpublic place; or

9 (ii) The marijuana or marijuana product must be in the original
10 packaging as purchased from the marijuana retailer.

11 (~~((5))~~) (6) No person under twenty-one years of age may possess,
12 manufacture, sell, or distribute marijuana, marijuana-infused
13 products, or marijuana concentrates, regardless of THC concentration.
14 This does not include qualifying patients with a valid authorization.

15 (~~((6))~~) (7) The possession by a qualifying patient or designated
16 provider of marijuana concentrates, useable marijuana, marijuana-
17 infused products, or plants in accordance with chapter 69.51A RCW is
18 not a violation of this section, this chapter, or any other provision
19 of Washington state law.

20 **Sec. 5.** RCW 69.50.412 and 2019 c 64 s 22 are each amended to
21 read as follows:

22 (1) It is unlawful for any person to use drug paraphernalia to
23 plant, propagate, cultivate, grow, harvest, manufacture, compound,
24 convert, produce, process, prepare, test, analyze, pack, repack,
25 store, contain, or conceal(~~(, inject, ingest, inhale, or otherwise~~
26 ~~introduce into the human body)~~) a controlled substance other than
27 marijuana. Any person who violates this subsection is guilty of a
28 misdemeanor.

29 (2) It is unlawful for any person to deliver, possess with intent
30 to deliver, or manufacture with intent to deliver drug paraphernalia,
31 knowing, or under circumstances where one reasonably should know,
32 that it will be used to plant, propagate, cultivate, grow, harvest,
33 manufacture, compound, convert, produce, process, prepare, test,
34 analyze, pack, repack, store, contain, or conceal(~~(, inject, ingest,~~
35 ~~inhale, or otherwise introduce into the human body)~~) a controlled
36 substance other than marijuana. Any person who violates this
37 subsection is guilty of a misdemeanor.

38 (3) Any person eighteen years of age or over who violates
39 subsection (2) of this section by delivering drug paraphernalia to a

1 person under eighteen years of age who is at least three years his or
2 her junior is guilty of a gross misdemeanor.

3 (4) It is unlawful for any person to place in any newspaper,
4 magazine, handbill, or other publication any advertisement, knowing,
5 or under circumstances where one reasonably should know, that the
6 purpose of the advertisement, in whole or in part, is to promote the
7 sale of objects designed or intended for use as drug paraphernalia.
8 Any person who violates this subsection is guilty of a misdemeanor.

9 (5) It is lawful for any person over the age of eighteen to
10 possess sterile hypodermic syringes and needles for the purpose of
11 reducing blood-borne diseases.

12 **Sec. 6.** RCW 69.50.445 and 2015 2nd sp.s. c 4 s 401 are each
13 amended to read as follows:

14 (1) It is unlawful to open a package containing marijuana,
15 useable marijuana, marijuana-infused products, or marijuana
16 concentrates, or consume marijuana, useable marijuana, marijuana-
17 infused products, or marijuana concentrates, in view of the general
18 public or in a public place.

19 (2) It is unlawful to open a package containing a counterfeit or
20 controlled substance or consume a counterfeit or controlled substance
21 in view of the general public or in a public place.

22 (3) For the purposes of this section, "public place" has the same
23 meaning as defined in RCW 66.04.010, but the exclusions in RCW
24 66.04.011 do not apply.

25 ~~((3))~~ (4)(a) A person who violates subsection (1) of this
26 section is guilty of a class 3 civil infraction under chapter 7.80
27 RCW.

28 (b) A person who violates subsection (2) of this section is
29 guilty of a class 2 civil infraction under chapter 7.80 RCW and
30 subject to a maximum penalty of \$125. Proceeds from this infraction
31 are to be deposited in the State v. Blake reimbursement account
32 created in section 12 of this act.

33 **Sec. 7.** RCW 69.41.030 and 2019 c 55 s 9 are each amended to read
34 as follows:

35 (1) ~~((1))~~ Except as provided in subsection (2) of this section,
36 it shall be unlawful for ((any)):

37 (a) Any person to sell, deliver, or knowingly possess more than a
38 personal use amount of any legend drug ((except)); or

1 (b) A person under the age of 21 to knowingly possess a legend
2 drug of any amount.

3 (2) The sale, delivery, or possession of a legend drug does not
4 constitute a violation of this section upon the order or prescription
5 of a physician under chapter 18.71 RCW, an osteopathic physician and
6 surgeon under chapter 18.57 RCW, an optometrist licensed under
7 chapter 18.53 RCW who is certified by the optometry board under RCW
8 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician
9 and surgeon under chapter 18.22 RCW, a veterinarian under chapter
10 18.92 RCW, a commissioned medical or dental officer in the United
11 States armed forces or public health service in the discharge of his
12 or her official duties, a duly licensed physician or dentist employed
13 by the veterans administration in the discharge of his or her
14 official duties, a registered nurse or advanced registered nurse
15 practitioner under chapter 18.79 RCW when authorized by the nursing
16 care quality assurance commission, a pharmacist licensed under
17 chapter 18.64 RCW to the extent permitted by drug therapy guidelines
18 or protocols established under RCW 18.64.011 and authorized by the
19 commission and approved by a practitioner authorized to prescribe
20 drugs, an osteopathic physician assistant under chapter 18.57A RCW
21 when authorized by the board of osteopathic medicine and surgery, a
22 physician assistant under chapter 18.71A RCW when authorized by the
23 Washington medical commission, or any of the following professionals
24 in any province of Canada that shares a common border with the state
25 of Washington or in any state of the United States: A physician
26 licensed to practice medicine and surgery or a physician licensed to
27 practice osteopathic medicine and surgery, a dentist licensed to
28 practice dentistry, a podiatric physician and surgeon licensed to
29 practice podiatric medicine and surgery, a licensed advanced
30 registered nurse practitioner, a licensed physician assistant, a
31 licensed osteopathic physician assistant, or a veterinarian licensed
32 to practice veterinary medicine: PROVIDED, HOWEVER, That the above
33 provisions shall not apply to sale, delivery, or possession by drug
34 wholesalers or drug manufacturers, or their agents or employees, or
35 to any practitioner acting within the scope of his or her license, or
36 to a common or contract carrier or warehouse operator, or any
37 employee thereof, whose possession of any legend drug is in the usual
38 course of business or employment: PROVIDED FURTHER, That nothing in
39 this chapter or chapter 18.64 RCW shall prevent a family planning
40 clinic that is under contract with the health care authority from

1 selling, delivering, possessing, and dispensing commercially
2 prepackaged oral contraceptives prescribed by authorized, licensed
3 health care practitioners: PROVIDED FURTHER, That nothing in this
4 chapter prohibits possession or delivery of legend drugs by an
5 authorized collector or other person participating in the operation
6 of a drug take-back program authorized in chapter 69.48 RCW.

7 ~~((2))~~ (3)(a) A violation of this section involving the sale,
8 delivery, or possession with intent to sell or deliver is a class B
9 felony punishable according to chapter 9A.20 RCW.

10 (b) A violation of this section involving possession is a
11 misdemeanor.

12 **Sec. 8.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to
13 read as follows:

14 (1) ~~((1))~~ Except as provided in subsection (2) of this section,
15 it shall be unlawful for ((any)):

16 (a) Any person to sell, deliver, or knowingly possess more than a
17 personal use amount of any legend drug ((except)); or

18 (b) A person under the age of 21 to knowingly possess a legend
19 drug of any amount.

20 (2) The sale, delivery, or possession of a legend drug does not
21 constitute a violation of this section upon the order or prescription
22 of a physician under chapter 18.71 RCW, an osteopathic physician and
23 surgeon under chapter 18.57 RCW, an optometrist licensed under
24 chapter 18.53 RCW who is certified by the optometry board under RCW
25 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician
26 and surgeon under chapter 18.22 RCW, a veterinarian under chapter
27 18.92 RCW, a commissioned medical or dental officer in the United
28 States armed forces or public health service in the discharge of his
29 or her official duties, a duly licensed physician or dentist employed
30 by the veterans administration in the discharge of his or her
31 official duties, a registered nurse or advanced registered nurse
32 practitioner under chapter 18.79 RCW when authorized by the nursing
33 care quality assurance commission, a pharmacist licensed under
34 chapter 18.64 RCW to the extent permitted by drug therapy guidelines
35 or protocols established under RCW 18.64.011 and authorized by the
36 commission and approved by a practitioner authorized to prescribe
37 drugs, a physician assistant under chapter 18.71A RCW when authorized
38 by the Washington medical commission, or any of the following
39 professionals in any province of Canada that shares a common border

1 with the state of Washington or in any state of the United States: A
2 physician licensed to practice medicine and surgery or a physician
3 licensed to practice osteopathic medicine and surgery, a dentist
4 licensed to practice dentistry, a podiatric physician and surgeon
5 licensed to practice podiatric medicine and surgery, a licensed
6 advanced registered nurse practitioner, a licensed physician
7 assistant, or a veterinarian licensed to practice veterinary
8 medicine: PROVIDED, HOWEVER, That the above provisions shall not
9 apply to sale, delivery, or possession by drug wholesalers or drug
10 manufacturers, or their agents or employees, or to any practitioner
11 acting within the scope of his or her license, or to a common or
12 contract carrier or warehouse operator, or any employee thereof,
13 whose possession of any legend drug is in the usual course of
14 business or employment: PROVIDED FURTHER, That nothing in this
15 chapter or chapter 18.64 RCW shall prevent a family planning clinic
16 that is under contract with the health care authority from selling,
17 delivering, possessing, and dispensing commercially prepackaged oral
18 contraceptives prescribed by authorized, licensed health care
19 practitioners: PROVIDED FURTHER, That nothing in this chapter
20 prohibits possession or delivery of legend drugs by an authorized
21 collector or other person participating in the operation of a drug
22 take-back program authorized in chapter 69.48 RCW.

23 ~~((+2))~~ (3)(a) A violation of this section involving the sale,
24 delivery, or possession with intent to sell or deliver is a class B
25 felony punishable according to chapter 9A.20 RCW.

26 (b) A violation of this section involving possession is a
27 misdemeanor.

28 **Sec. 9.** RCW 69.41.010 and 2019 c 358 s 6 and 2019 c 308 s 23 are
29 each reenacted and amended to read as follows:

30 As used in this chapter, the following terms have the meanings
31 indicated unless the context clearly requires otherwise:

32 (1) "Administer" means the direct application of a legend drug
33 whether by injection, inhalation, ingestion, or any other means, to
34 the body of a patient or research subject by:

35 (a) A practitioner; or

36 (b) The patient or research subject at the direction of the
37 practitioner.

38 (2) "Commission" means the pharmacy quality assurance commission.

1 (3) "Community-based care settings" include: Community
2 residential programs for persons with developmental disabilities,
3 certified by the department of social and health services under
4 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
5 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
6 Community-based care settings do not include acute care or skilled
7 nursing facilities.

8 (4) "Deliver" or "delivery" means the actual, constructive, or
9 attempted transfer from one person to another of a legend drug,
10 whether or not there is an agency relationship.

11 (5) "Department" means the department of health.

12 (6) "Dispense" means the interpretation of a prescription or
13 order for a legend drug and, pursuant to that prescription or order,
14 the proper selection, measuring, compounding, labeling, or packaging
15 necessary to prepare that prescription or order for delivery.

16 (7) "Dispenser" means a practitioner who dispenses.

17 (8) "Distribute" means to deliver other than by administering or
18 dispensing a legend drug.

19 (9) "Distributor" means a person who distributes.

20 (10) "Drug" means:

21 (a) Substances recognized as drugs in the official United States
22 pharmacopoeia, official homeopathic pharmacopoeia of the United
23 States, or official national formulary, or any supplement to any of
24 them;

25 (b) Substances intended for use in the diagnosis, cure,
26 mitigation, treatment, or prevention of disease in human beings or
27 animals;

28 (c) Substances (other than food, minerals or vitamins) intended
29 to affect the structure or any function of the body of human beings
30 or animals; and

31 (d) Substances intended for use as a component of any article
32 specified in (a), (b), or (c) of this subsection. It does not include
33 devices or their components, parts, or accessories.

34 (11) "Electronic communication of prescription information" means
35 the transmission of a prescription or refill authorization for a drug
36 of a practitioner using computer systems. The term does not include a
37 prescription or refill authorization transmitted verbally by
38 telephone nor a facsimile manually signed by the practitioner.

39 (12) "In-home care settings" include an individual's place of
40 temporary and permanent residence, but does not include acute care or

1 skilled nursing facilities, and does not include community-based care
2 settings.

3 (13) "Legend drugs" means any drugs which are required by state
4 law or regulation of the pharmacy quality assurance commission to be
5 dispensed on prescription only or are restricted to use by
6 practitioners only.

7 (14) "Legible prescription" means a prescription or medication
8 order issued by a practitioner that is capable of being read and
9 understood by the pharmacist filling the prescription or the nurse or
10 other practitioner implementing the medication order. A prescription
11 must be hand printed, typewritten, or electronically generated.

12 (15) "Medication assistance" means assistance rendered by a
13 nonpractitioner to an individual residing in a community-based care
14 setting or in-home care setting to facilitate the individual's self-
15 administration of a legend drug or controlled substance. It includes
16 reminding or coaching the individual, handing the medication
17 container to the individual, opening the individual's medication
18 container, using an enabler, or placing the medication in the
19 individual's hand, and such other means of medication assistance as
20 defined by rule adopted by the department. A nonpractitioner may help
21 in the preparation of legend drugs or controlled substances for self-
22 administration where a practitioner has determined and communicated
23 orally or by written direction that such medication preparation
24 assistance is necessary and appropriate. Medication assistance shall
25 not include assistance with intravenous medications or injectable
26 medications, except prefilled insulin syringes.

27 (16) "Person" means individual, corporation, government or
28 governmental subdivision or agency, business trust, estate, trust,
29 partnership or association, or any other legal entity.

30 (17) "Personal use amount" has the meaning provided in RCW
31 69.50.101.

32 (18) "Practitioner" means:

33 (a) A physician under chapter 18.71 RCW, an osteopathic physician
34 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
35 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
36 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern
37 medicine practitioner to the extent authorized under chapter 18.06
38 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian
39 under chapter 18.92 RCW, a registered nurse, advanced registered
40 nurse practitioner, or licensed practical nurse under chapter 18.79

1 RCW, an optometrist under chapter 18.53 RCW who is certified by the
2 optometry board under RCW 18.53.010, an osteopathic physician
3 assistant under chapter 18.57A RCW, a physician assistant under
4 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a
5 licensed athletic trainer to the extent authorized under chapter
6 18.250 RCW, a pharmacist under chapter 18.64 RCW, or, when acting
7 under the required supervision of a dentist licensed under chapter
8 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

9 (b) A pharmacy, hospital, or other institution licensed,
10 registered, or otherwise permitted to distribute, dispense, conduct
11 research with respect to, or to administer a legend drug in the
12 course of professional practice or research in this state; and

13 (c) A physician licensed to practice medicine and surgery or a
14 physician licensed to practice osteopathic medicine and surgery in
15 any state, or province of Canada, which shares a common border with
16 the state of Washington.

17 (~~(18)~~) (19) "Secretary" means the secretary of health or the
18 secretary's designee.

19 **Sec. 10.** RCW 69.41.010 and 2020 c 80 s 40 are each amended to
20 read as follows:

21 As used in this chapter, the following terms have the meanings
22 indicated unless the context clearly requires otherwise:

23 (1) "Administer" means the direct application of a legend drug
24 whether by injection, inhalation, ingestion, or any other means, to
25 the body of a patient or research subject by:

26 (a) A practitioner; or

27 (b) The patient or research subject at the direction of the
28 practitioner.

29 (2) "Commission" means the pharmacy quality assurance commission.

30 (3) "Community-based care settings" include: Community
31 residential programs for persons with developmental disabilities,
32 certified by the department of social and health services under
33 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
34 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
35 Community-based care settings do not include acute care or skilled
36 nursing facilities.

37 (4) "Deliver" or "delivery" means the actual, constructive, or
38 attempted transfer from one person to another of a legend drug,
39 whether or not there is an agency relationship.

1 (5) "Department" means the department of health.

2 (6) "Dispense" means the interpretation of a prescription or
3 order for a legend drug and, pursuant to that prescription or order,
4 the proper selection, measuring, compounding, labeling, or packaging
5 necessary to prepare that prescription or order for delivery.

6 (7) "Dispenser" means a practitioner who dispenses.

7 (8) "Distribute" means to deliver other than by administering or
8 dispensing a legend drug.

9 (9) "Distributor" means a person who distributes.

10 (10) "Drug" means:

11 (a) Substances recognized as drugs in the official United States
12 pharmacopoeia, official homeopathic pharmacopoeia of the United
13 States, or official national formulary, or any supplement to any of
14 them;

15 (b) Substances intended for use in the diagnosis, cure,
16 mitigation, treatment, or prevention of disease in human beings or
17 animals;

18 (c) Substances (other than food, minerals or vitamins) intended
19 to affect the structure or any function of the body of human beings
20 or animals; and

21 (d) Substances intended for use as a component of any article
22 specified in (a), (b), or (c) of this subsection. It does not include
23 devices or their components, parts, or accessories.

24 (11) "Electronic communication of prescription information" means
25 the transmission of a prescription or refill authorization for a drug
26 of a practitioner using computer systems. The term does not include a
27 prescription or refill authorization transmitted verbally by
28 telephone nor a facsimile manually signed by the practitioner.

29 (12) "In-home care settings" include an individual's place of
30 temporary and permanent residence, but does not include acute care or
31 skilled nursing facilities, and does not include community-based care
32 settings.

33 (13) "Legend drugs" means any drugs which are required by state
34 law or regulation of the pharmacy quality assurance commission to be
35 dispensed on prescription only or are restricted to use by
36 practitioners only.

37 (14) "Legible prescription" means a prescription or medication
38 order issued by a practitioner that is capable of being read and
39 understood by the pharmacist filling the prescription or the nurse or

1 other practitioner implementing the medication order. A prescription
2 must be hand printed, typewritten, or electronically generated.

3 (15) "Medication assistance" means assistance rendered by a
4 nonpractitioner to an individual residing in a community-based care
5 setting or in-home care setting to facilitate the individual's self-
6 administration of a legend drug or controlled substance. It includes
7 reminding or coaching the individual, handing the medication
8 container to the individual, opening the individual's medication
9 container, using an enabler, or placing the medication in the
10 individual's hand, and such other means of medication assistance as
11 defined by rule adopted by the department. A nonpractitioner may help
12 in the preparation of legend drugs or controlled substances for self-
13 administration where a practitioner has determined and communicated
14 orally or by written direction that such medication preparation
15 assistance is necessary and appropriate. Medication assistance shall
16 not include assistance with intravenous medications or injectable
17 medications, except prefilled insulin syringes.

18 (16) "Person" means individual, corporation, government or
19 governmental subdivision or agency, business trust, estate, trust,
20 partnership or association, or any other legal entity.

21 (17) "Personal use amount" has the meaning provided in RCW
22 69.50.101.

23 (18) "Practitioner" means:

24 (a) A physician under chapter 18.71 RCW, an osteopathic physician
25 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
26 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
27 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern
28 medicine practitioner to the extent authorized under chapter 18.06
29 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian
30 under chapter 18.92 RCW, a registered nurse, advanced registered
31 nurse practitioner, or licensed practical nurse under chapter 18.79
32 RCW, an optometrist under chapter 18.53 RCW who is certified by the
33 optometry board under RCW 18.53.010, a physician assistant under
34 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a
35 licensed athletic trainer to the extent authorized under chapter
36 18.250 RCW, a pharmacist under chapter 18.64 RCW, or, when acting
37 under the required supervision of a dentist licensed under chapter
38 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

39 (b) A pharmacy, hospital, or other institution licensed,
40 registered, or otherwise permitted to distribute, dispense, conduct

1 research with respect to, or to administer a legend drug in the
2 course of professional practice or research in this state; and

3 (c) A physician licensed to practice medicine and surgery or a
4 physician licensed to practice osteopathic medicine and surgery in
5 any state, or province of Canada, which shares a common border with
6 the state of Washington.

7 (~~(18)~~) (19) "Secretary" means the secretary of health or the
8 secretary's designee.

9 NEW SECTION. **Sec. 11.** A new section is added to chapter 10.77
10 RCW to read as follows:

11 (1) In addition to those services provided under RCW 10.77.074, a
12 forensic navigator may be used as a resource for law enforcement to
13 serve as a care coordinator for substance use disorder resources.

14 (2) When a forensic navigator receives information alleging that
15 a person was in possession of a counterfeit substance, controlled
16 substance, or legend drug in an amount classified as personal use,
17 the forensic navigator must attempt to contact the individual in
18 order to provide resources for evaluation, treatment, recovery, and
19 support.

20 NEW SECTION. **Sec. 12.** The *State v. Blake* reimbursement account
21 is created in the state treasury. All receipts from penalties
22 collected under RCW 69.50.445(4)(b) must be deposited into the
23 account. Moneys in the account may be spent only after appropriation.
24 Expenditures from the account may be used only for state and local
25 government costs resulting from the supreme court's decision in *State*
26 *v. Blake* and to reimburse individuals for legal financial obligations
27 paid in connection with sentences that have been invalidated as a
28 result of the decision in *State v. Blake*.

29 NEW SECTION. **Sec. 13.** Sections 1, 7, and 9 of this act expire
30 July 1, 2022.

31 NEW SECTION. **Sec. 14.** Sections 2, 8, and 10 of this act take
32 effect July 1, 2022.

33 NEW SECTION. **Sec. 15.** Except for sections 2, 8, and 10 of this
34 act, this act is necessary for the immediate preservation of the

1 public peace, health, or safety, or support of the state government
2 and its existing public institutions, and takes effect immediately.

--- **END** ---