
SENATE BILL 5743

State of Washington

67th Legislature

2022 Regular Session

By Senator Honeyford

Prefiled 01/07/22.

1 AN ACT Relating to designating kratom as a controlled substance;
2 amending RCW 69.50.204; and declaring an emergency.

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

4 **Sec. 1.** RCW 69.50.204 and 2019 c 158 s 13 are each amended to
5 read as follows:

6 Unless specifically excepted by state or federal law or
7 regulation or more specifically included in another schedule, the
8 following controlled substances are listed in Schedule I:

9 (a) Any of the following opiates, including their isomers,
10 esters, ethers, salts, and salts of isomers, esters, and ethers
11 whenever the existence of these isomers, esters, ethers, and salts is
12 possible within the specific chemical designation:

13 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
14 piperidinyl]-N-phenylacetamide);

15 (2) Acetylmethadol;

16 (3) Allylprodine;

17 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also
18 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

19 (5) Alphameprodine;

20 (6) Alphamethadol;

1 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
2 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
3 propanilido) piperidine);
4 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
5 piperidinyl]-N-phenylpropanamide);
6 (9) Benzethidine;
7 (10) Betacetylmethadol;
8 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
9 piperidinyl]-N-phenylpropanamide);
10 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names:
11 N-[1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
12 phenylpropanamide;
13 (13) Betameprodine;
14 (14) Betamethadol;
15 (15) Betaprodine;
16 (16) Clonitazene;
17 (17) Dextromoramide;
18 (18) Diampromide;
19 (19) Diethylthiambutene;
20 (20) Difenoixin;
21 (21) Dimenoxadol;
22 (22) Dimepheptanol;
23 (23) Dimethylthiambutene;
24 (24) Dioxaphetyl butyrate;
25 (25) Dipipanone;
26 (26) Ethylmethylthiambutene;
27 (27) Etonitazene;
28 (28) Etoxeridine;
29 (29) Furethidine;
30 (30) Hydroxypethidine;
31 (31) Ketobemidone;
32 (32) Levomoramide;
33 (33) Levophenacylmorphane;
34 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
35 piperidyl]-N-phenylprop anamide);
36 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
37 piperidinyl]-N-phenylpropanamide);
38 (36) Mitragynine;
39 (37) 7-hydroxymitragynine;
40 (38) Morpheridine;

1 (~~(37)~~) (39) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
2 (~~(38)~~) (40) Noracymethadol;
3 (~~(39)~~) (41) Norlevorphanol;
4 (~~(40)~~) (42) Normethadone;
5 (~~(41)~~) (43) Norpipanone;
6 (~~(42)~~) (44) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
7 phenethyl)-4-piperidinyl] propanamide);
8 (~~(43)~~) (45) PEPAP (1-(-2-phenethyl)-4-phenyl-4-
9 acetoxypiperidine);
10 (~~(44)~~) (46) Phenadoxone;
11 (~~(45)~~) (47) Phenampromide;
12 (~~(46)~~) (48) Phenomorphan;
13 (~~(47)~~) (49) Phenoperidine;
14 (~~(48)~~) (50) Piritramide;
15 (~~(49)~~) (51) Proheptazine;
16 (~~(50)~~) (52) Properidine;
17 (~~(51)~~) (53) Propiram;
18 (~~(52)~~) (54) Racemoramide;
19 (~~(53)~~) (55) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
20 piperidinyl]- propanamide);
21 (~~(54)~~) (56) Tilidine;
22 (~~(55)~~) (57) Trimeperidine.

23 (b) Opium derivatives. Unless specifically excepted or unless
24 listed in another schedule, any of the following opium derivatives,
25 including their salts, isomers, and salts of isomers whenever the
26 existence of those salts, isomers, and salts of isomers is possible
27 within the specific chemical designation:

- 28 (1) Acetorphine;
- 29 (2) Acetyldihydrocodeine;
- 30 (3) Benzylmorphine;
- 31 (4) Codeine methylbromide;
- 32 (5) Codeine-N-Oxide;
- 33 (6) Cyprenorphine;
- 34 (7) Desomorphine;
- 35 (8) Dihydromorphine;
- 36 (9) Drotebanol;
- 37 (10) Etorphine, except hydrochloride salt;
- 38 (11) Heroin;
- 39 (12) Hydromorphanol;
- 40 (13) Methyldesorphine;

- 1 (14) Methyldihydromorphine;
- 2 (15) Morphine methylbromide;
- 3 (16) Morphine methylsulfonate;
- 4 (17) Morphine-N-Oxide;
- 5 (18) Myrophine;
- 6 (19) Nicocodeine;
- 7 (20) Nicomorphine;
- 8 (21) Normorphine;
- 9 (22) Pholcodine;
- 10 (23) Thebacon.

11 (c) Hallucinogenic substances. Unless specifically excepted or
12 unless listed in another schedule, any material, compound, mixture,
13 or preparation which contains any quantity of the following
14 hallucinogenic substances, including their salts, isomers, and salts
15 of isomers whenever the existence of those salts, isomers, and salts
16 of isomers is possible within the specific chemical designation. For
17 the purposes of this subsection only, the term "isomer" includes the
18 optical, position, and geometric isomers:

- 19 (1) Alpha-ethyltryptamine: Some trade or other names:
20 Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
21 indole; a-ET; and AET;
- 22 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
23 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;
- 24 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
25 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
26 DOB; 2C-B, nexus;
- 27 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
28 dimethoxy-a-methylphenethylamine; 2,5-DMA;
- 29 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 30 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
31 2C-T-7;
- 32 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
33 methylphenethylamine; paramethoxyamphetamine, PMA;
- 34 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 35 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
36 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
37 "STP";
- 38 (10) 3,4-methylenedioxy amphetamine;
- 39 (11) 3,4-methylenedioxymethamphetamine (MDMA);

- 1 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
2 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
3 MDE, MDEA;
- 4 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
5 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine,N-hydroxy
6 MDA;
- 7 (14) 3,4,5-trimethoxy amphetamine;
- 8 (15) Alpha-methyltryptamine: Other name: AMT;
- 9 (16) Bufotenine: Some trade or other names: 3-(beta-
10 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
11 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
12 mappine;
- 13 (17) Diethyltryptamine: Some trade or other names: N,N-
14 Diethyltryptamine; DET;
- 15 (18) Dimethyltryptamine: Some trade or other names: DMT;
- 16 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
- 17 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6
18 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2'
19 1,2) azepino (5,4-b) indole; Tabernanthe iboga;
- 20 (21) Lysergic acid diethylamide;
- 21 (22) Marihuana or marijuana;
- 22 (23) Mescaline;
- 23 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
24 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
25 dibenzo[b,d]pyran; synhexyl;
- 26 (25) Peyote, meaning all parts of the plant presently classified
27 botanically as *Lophophora Williamsii* Lemaire, whether growing or not,
28 the seeds thereof, any extract from any part of such plant, and every
29 compound, manufacture, salts, derivative, mixture, or preparation of
30 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812
31 (c), Schedule I (c) (12));
- 32 (26) N-ethyl-3-piperidyl benzilate;
- 33 (27) N-methyl-3-piperidyl benzilate;
- 34 (28) Psilocybin;
- 35 (29) Psilocyn;
- 36 (30) (i) Tetrahydrocannabinols, meaning tetrahydrocannabinols
37 naturally contained in a plant of the genera *Cannabis*, as well as
38 synthetic equivalents of the substances contained in the plant, or in
39 the resinous extractives of the genera *Cannabis*, and/or synthetic

1 substances, derivatives, and their isomers with similar chemical
2 structure and pharmacological activity such as the following:

3 (A) 1 - cis - or trans tetrahydrocannabinol, and their optical
4 isomers, excluding tetrahydrocannabinol in sesame oil and
5 encapsulated in a soft gelatin capsule in a drug product approved by
6 the United States Food and Drug Administration;

7 (B) 6 - cis - or trans tetrahydrocannabinol, and their optical
8 isomers;

9 (C) 3,4 - cis - or trans tetrahydrocannabinol, and its optical
10 isomers; or

11 (D) That is chemically synthesized and either:

12 (I) Has been demonstrated to have binding activity at one or more
13 cannabinoid receptors; or

14 (II) Is a chemical analog or isomer of a compound that has been
15 demonstrated to have binding activity at one or more cannabinoid
16 receptors;

17 (Since nomenclature of these substances is not internationally
18 standardized, compounds of these structures, regardless of numerical
19 designation of atomic positions covered.)

20 (ii) Hemp and industrial hemp, as defined in RCW 15.140.020, are
21 excepted from the categories of controlled substances identified
22 under this section;

23 (31) Ethylamine analog of phencyclidine: Some trade or other
24 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
25 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

26 (32) Pyrrolidine analog of phencyclidine: Some trade or other
27 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

28 (33) Thiophene analog of phencyclidine: Some trade or other
29 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
30 phencyclidine; TPCP; TCP;

31 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
32 name is TCPy.

33 (d) Depressants. Unless specifically excepted or unless listed in
34 another schedule, any material, compound, mixture, or preparation
35 which contains any quantity of the following substances having a
36 depressant effect on the central nervous system, including its salts,
37 isomers, and salts of isomers whenever the existence of such salts,
38 isomers, and salts of isomers is possible within the specific
39 chemical designation.

1 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
2 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
3 sodium oxybate; sodium oxybutyrate;

4 (2) Mecloqualone;

5 (3) Methaqualone.

6 (e) Stimulants. Unless specifically excepted or unless listed in
7 another schedule, any material, compound, mixture, or preparation
8 which contains any quantity of the following substances having a
9 stimulant effect on the central nervous system, including its salts,
10 isomers, and salts of isomers:

11 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
12 oxazoline; or 4, 5-dihydro-5-phenly-2-oxazolamine;

13 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

14 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
15 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

16 (4) Fenethylamine;

17 (5) Methcathinone: Some other names: 2-(methylamino)-
18 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
19 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
20 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;
21 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and
22 salts of optical isomers;

23 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
24 phenyl-2-oxazolamine);

25 (7) N-ethylamphetamine;

26 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
27 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

28 The controlled substances in this section may be added,
29 rescheduled, or deleted as provided for in RCW 69.50.201.

30 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of
32 the state government and its existing public institutions, and takes
33 effect immediately.

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