

HOUSE BILL REPORT

ESB 5022

As Reported by House Committee On:
Community Safety, Justice, & Reentry

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

Brief Description: Expanding access to drug testing equipment to promote community safety.

Sponsors: Senators Muzzall, Cleveland, Dhingra, Gildon, Hunt, Keiser, Kuderer, Mullet, Nobles, Van De Wege, Wilson, J. and Wilson, L..

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 3/21/23, 3/27/23 [DPA].

Brief Summary of Engrossed Bill
(As Amended By Committee)

- Removes equipment used to test the purity of a controlled substance from the definition of unlawful drug paraphernalia.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Michelle Rusk (786-7153).

Background:

Drug Paraphernalia.

It is unlawful under certain circumstances to use, possess, manufacture, deliver, give, sell,

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or advertise the sale of drug paraphernalia. Violators can be subject to civil or criminal liability.

Drug paraphernalia includes testing equipment used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of controlled substances.

It is not prohibited to legally distribute injection syringe equipment through public health and community-based human immunodeficiency virus (HIV) prevention programs and pharmacies.

Summary of Amended Bill:

Drug Paraphernalia.

Testing equipment used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of controlled substances is removed from the definition of "drug paraphernalia."

The type of equipment public health and community-based HIV prevention programs and pharmacies may sell or give is expanded to include testing equipment.

The act shall be known and cited as the Patrick Janicki and Allisone McClanahan Act.

Amended Bill Compared to Engrossed Bill:

The amended bill provides that the act shall be known and cited as the Patrick Janicki and Allisone McClanahan Act.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This policy originally concerned fentanyl test strips only, which some municipalities are currently distributing and is technically unlawful for them to do so. After this bill was heard in the Senate, King County asked for other items beyond just fentanyl test strips to be included. This policy should not be misconstrued as helping those who are

distributing drugs, it is really and truthfully about saving lives. Making drug testing equipment available to people could have saved our constituents' lives.

People do not realize that by taking pills unknowingly laced with fentanyl that they might lose their life. There has been little conversation in the past about fentanyl poisoning. After additional investigation into harm reduction in relation to fentanyl poisoning, it has become evident that the classification of testing equipment as drug paraphernalia needs to change. It is critical to know what is in our drug supply to be able to treat overdoses.

Changing the classification of testing equipment gets this life-saving testing equipment into the hands of people before they die. While we cannot know with certainty if people would use these strips, they can be available and could have saved someone's life. There will be people who choose to test their drugs, even if not everybody does.

(Opposed) None.

Persons Testifying: Senator Ron Muzzall, prime sponsor; Representative Tina Orwall; Bradley Finegood, King County; Milli Militi Jigamian, Fentanyl United Crisis Coalition; Genevieve Schofield; and Lisa Janicki.

Persons Signed In To Testify But Not Testifying: None.