

# SENATE BILL REPORT

## SB 5071

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As of January 16, 2025

**Title:** An act relating to updating the endangerment with a controlled substance statute.

**Brief Description:** Updating the endangerment with a controlled substance statute.

**Sponsors:** Senators Braun, Dhingra, Christian, Dozier, Fortunato, Gildon, King, Krishnadasan, McCune, Wagoner, Warnick and Wilson, J..

**Brief History:**

**Committee Activity:** Law & Justice: 1/20/25.

**Brief Summary of Bill**

- Expands the scope of the crime of endangerment with a controlled substance to include all controlled substances, not just substances related to methamphetamine.
- Lowers the mental state required for conviction from knowingly and intentionally to knowingly and recklessly.
- Enacts certain exemptions from criminal liability.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Kevin Black (786-7747)

**Background:** A person commits the crime of endangerment with a controlled substance if they knowingly or intentionally permit a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia, including the components used to manufacture methamphetamine. Endangerment with a controlled substance is a class B felony, seriousness level IV for the purpose of the sentencing grid, with a standard sentencing range of from 3 to 9 months to 63 to 84 months, depending on the defendant's offender score.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Between fiscal years 2019 to 2023, an average of about three individuals per year were convicted of endangerment with a controlled substance, ranging from a high of seven to a low of zero convictions per year.

Under state law, a controlled substance is a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, but does not include hemp or industrial hemp.

The Department of Children, Youth, and Families is the lead agency for certain state-funded services that support children and families. It has oversight of programs such as child protective services, family assessment response, licensed foster care, adoption support, early childhood education and assistance, Working Connections Child Care, home visiting, and juvenile rehabilitation.

**Summary of Bill:** The scope of the crime of endangerment with a controlled substance is expanded by:

- increasing the scope of applicability from methamphetamine, ephedrine, pseudophedrine, or anhydrous ammonia, to any controlled substance other than cannabis;
- lowering the state of mind required for conviction from knowingly or intentionally to knowingly or recklessly;
- expanding the protected victims from dependent children and dependent adults to all children and dependent adults; and
- prohibiting permitting absorption of a controlled substance.

Exclusions from criminal liability are provided if the controlled substance was obtained directly from or pursuant to a valid prescription or practitioner's order, the controlled substance is administered to a child or dependent adult in the course of delivering health care services, or the person is an employee, intern, volunteer, or contractor of the Department of Children, Youth, and Families acting in the scope of their role.

**Appropriation:** None.

**Fiscal Note:** Requested on January 10, 2025.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.