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HOUSE BILL 1574

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State of Washington

69th Legislature

2025 Regular Session

By Representatives Macri, Davis, Parshley, Mena, Goodman, Simmons, Ormsby, Scott, Doglio, Pollet, Salahuddin, Reed, Nance, and Kloba

Read first time 01/24/25. Referred to Committee on Community Safety.

1 AN ACT Relating to protecting access to life-saving care and  
2 substance use services; and amending RCW 69.50.315, 69.50.4121, and  
3 69.50.612.

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

5 **Sec. 1.** RCW 69.50.315 and 2015 c 205 s 4 are each amended to  
6 read as follows:

7 (1) A person acting in good faith who seeks medical assistance  
8 for someone experiencing a drug-related overdose (~~(shall not be~~  
9 ~~charged or prosecuted for possession of a controlled substance~~  
10 ~~pursuant to RCW 69.50.4013, or penalized under RCW 69.50.4014, if the~~  
11 ~~evidence for the charge of possession of a controlled substance was~~  
12 ~~obtained as a result of the person seeking medical assistance.~~

13 ~~(2) A person)~~ or who experiences a drug-related overdose and is  
14 in need of medical assistance (~~(shall)~~) may not be arrested,  
15 detained, charged (~~(or)~~), prosecuted, or convicted for possession or  
16 use of a controlled substance pursuant to RCW 69.50.4013, or  
17 penalized under RCW 69.50.4014, if the evidence for the charge of  
18 possession or use of a controlled substance was obtained as a result  
19 of the overdose and the need for medical assistance.

1       (2) A person acting in good faith who seeks medical assistance  
2 for someone experiencing a drug-related overdose or who experiences a  
3 drug-related overdose and is in need of medical assistance may not:

4       (a) Have their property subject to civil forfeiture; or

5       (b) Be penalized for:

6       (i) Violation of a restraining order, no contact order, or  
7 protection order;

8       (ii) Violation of probation or parole; or

9       (iii) Failing to appear for an existing nonviolent, nonsexual  
10 charge.

11       (3) The protection in this section from prosecution for  
12 possession crimes under RCW 69.50.4013 shall not be grounds for  
13 suppression of evidence in other criminal charges.

14       **Sec. 2.** RCW 69.50.4121 and 2023 sp.s. c 1 s 7 are each amended  
15 to read as follows:

16       (1) Every person who sells or permits to be sold to any person  
17 any drug paraphernalia in any form commits a class I civil infraction  
18 under chapter 7.80 RCW. For purposes of this subsection, "drug  
19 paraphernalia" means all equipment, products, and materials of any  
20 kind which are used, intended for use, or designed for use in  
21 planting, propagating, cultivating, growing, harvesting,  
22 manufacturing, compounding, converting, producing, processing,  
23 preparing, packaging, repackaging, storing, containing, concealing,  
24 injecting, ingesting, inhaling, or otherwise introducing into the  
25 human body a controlled substance other than cannabis. Drug  
26 paraphernalia includes, but is not limited to objects used, intended  
27 for use, or designed for use in ingesting, inhaling, or otherwise  
28 introducing cocaine into the human body, such as:

29       (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic  
30 pipes with or without screens, permanent screens, hashish heads, or  
31 punctured metal bowls;

32       (b) Water pipes;

33       (c) Carburetion tubes and devices;

34       (d) Smoking and carburetion masks;

35       (e) Miniature cocaine spoons and cocaine vials;

36       (f) Chamber pipes;

37       (g) Carburetor pipes;

38       (h) Electric pipes;

39       (i) Air-driven pipes; and

1 (j) Ice pipes or chillers.

2 (2) It shall be no defense to a prosecution for a violation of  
3 this section that the person acted, or was believed by the defendant  
4 to act, as agent or representative of another.

5 (3) Nothing in subsection (1) of this section prohibits  
6 distribution or use of public health supplies including, but not  
7 limited to, syringe equipment, smoking equipment, or drug testing  
8 equipment, through public health programs, community-based HIV  
9 prevention programs, outreach, shelter((~~7~~)) and housing programs, and  
10 health care facilities, including hospitals and pharmacies. Public  
11 health and syringe service program clients and staff taking samples  
12 of substances and using drug testing equipment for the purpose of  
13 analyzing the composition of the substances or detecting the presence  
14 of certain substances are acting legally and are exempt from arrest  
15 and prosecution under RCW 69.50.4011(1) (b) or (c), 69.50.4013,  
16 69.50.4014, or 69.41.030(2) (b) or (c).

17 **Sec. 3.** RCW 69.50.612 and 2023 sp.s. c 1 s 8 are each amended to  
18 read as follows:

19 ((~~1~~)) The state of Washington hereby fully occupies and  
20 preempts the entire field of drug paraphernalia regulation within the  
21 boundaries of the state including regulation of the use, selling,  
22 giving, delivery, and possession of drug paraphernalia((~~7~~, ~~except as~~  
23 ~~provided in subsection (2) of this section~~)). Cities, towns, and  
24 counties or other municipalities may enact only those laws and  
25 ordinances relating to drug paraphernalia that are specifically  
26 authorized by state law and are consistent with this chapter. Such  
27 local ordinances must have the same penalty as provided for by state  
28 law. Local laws and ordinances that are inconsistent with, more  
29 restrictive than, or exceed the requirements of state law may not be  
30 enacted and are preempted and repealed, regardless of the nature of  
31 the code, charter, or home rule status of such city, town, county, or  
32 municipality.

33 ((~~2~~ ~~Nothing in this chapter shall be construed to prohibit~~  
34 ~~cities or counties from enacting laws or ordinances relating to the~~  
35 ~~establishment or regulation of harm reduction services concerning~~  
36 ~~drug paraphernalia.~~))

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