

**Chapter 69.40 RCW**  
**POISONS AND DANGEROUS DRUGS**

**Sections**

- 69.40.010 Poison in edible products.
- 69.40.015 Poison in edible products—Penalty.
- 69.40.020 Poison in milk or food products—Penalty.
- 69.40.025 Supplementary to existing laws—Enforcement.
- 69.40.030 Placing poison or other harmful object or substance in food, drinks, medicine, or water—Penalty.
- 69.40.055 Selling repackaged poison without labeling—Penalty.

*Pharmacists: Chapter 18.64 RCW.*

*Poison information centers: Chapter 18.76 RCW.*

*Poisoning animals—Strychnine sales: RCW 16.52.190 and 16.52.193.*

*Washington pesticide application act: Chapter 17.21 RCW.*

**RCW 69.40.010 Poison in edible products.** It shall be unlawful for any person to sell, offer for sale, use, distribute, or leave in any place, any crackers, biscuit, bread or any other preparation resembling or in similitude, of any edible product, containing arsenic, strychnine or any other poison. [1905 c 141 § 1; RRS § 6140. FORMER PART OF SECTION: 1905 c 141 § 2 now codified as RCW 69.40.015.]

**RCW 69.40.015 Poison in edible products—Penalty.** Any person violating the provisions of RCW 69.40.010 shall upon conviction be punished by a fine of not less than ten dollars nor more than five hundred dollars. [1905 c 141 § 2; RRS § 6141. Formerly RCW 69.40.010, part.]

**RCW 69.40.020 Poison in milk or food products—Penalty.** Any person who shall sell, offer to sell, or have in his or her possession for the purpose of sale, either as owner, proprietor, or assistant, or in any manner whatsoever, whether for hire or otherwise, any milk or any food products, containing the chemical ingredient commonly known as formaldehyde, or in which any formaldehyde or other poisonous substance has been mixed, for the purpose of preservation or otherwise, is guilty of a class C felony, and upon conviction thereof shall be imprisoned in the penitentiary for the period of not less than one year nor more than three years. [2003 c 53 § 320; 1905 c 50 § 1; RRS § 6142. FORMER PART OF SECTION: 1905 c 50 § 2, now codified as RCW 69.40.025.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**RCW 69.40.025 Supplementary to existing laws—Enforcement.**  
\*This act shall be supplementary to the laws of this state now in

force prohibiting the adulteration of food and fraud in the sale thereof; and the state dairy and food commissioner, the chemist of the state agricultural experiment station, the state attorney general and the prosecuting attorneys of the several counties of this state are hereby required, without additional compensation, to assist in the execution of \*this act, and in the prosecution of all persons charged with the violation thereof, in like manner and with like powers as they are now authorized and required by law to enforce the laws of this state against the adulteration of food and fraud in the sale thereof. [1905 c 50 § 2; RRS § 6143. Formerly RCW 69.40.020, part.]

**Reviser's note:** \*(1) "This act" appears in 1905 c 50 and the sections of the act are codified as RCW 69.40.020 and 69.40.025.

(2) The duties of the state dairy and food commissioner have devolved upon the director of agriculture through a chain of statute as follows: 1913 c 60 § 6(2); 1921 c 7 § 93(1). See RCW 43.23.090(1).

**RCW 69.40.030 Placing poison or other harmful object or substance in food, drinks, medicine, or water—Penalty.** (1) Every person who willfully mingles poison or places any harmful object or substance, including but not limited to pins, tacks, needles, nails, razor blades, wire, or glass in any food, drink, medicine, or other edible substance intended or prepared for the use of a human being or who shall knowingly furnish, with intent to harm another person, any food, drink, medicine, or other edible substance containing such poison or harmful object or substance to another human being, and every person who willfully poisons any spring, well, or reservoir of water, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not less than five years or by a fine of not less than one thousand dollars.

(2) \*This act shall not apply to the employer or employers of a person who violates this section without such employer's knowledge. [2003 c 53 § 321; 1992 c 7 § 48; 1973 c 119 § 1; 1909 c 249 § 264; RRS § 2516. Prior: Code 1881 § 802; 1873 p 185 § 27; 1869 p 202 § 25; 1854 p 79 § 25.]

**\*Reviser's note:** "this act" refers to the 1973 c 119 § 1 amendment to this section.

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**RCW 69.40.055 Selling repackaged poison without labeling—Penalty.** It shall be unlawful for any person to sell at retail or furnish any repackaged poison drug or product without affixing or causing to be affixed to the bottle, box, vessel, or package a label containing the name of the article, all labeling required by the Food and Drug Administration and other federal or state laws or regulations, and the word "poison" distinctly shown with the name and place of the business of the seller.

This section shall not apply to the dispensing of drugs or poisons on the prescription of a practitioner.

The pharmacy quality assurance commission shall have the authority to promulgate rules for the enforcement and implementation of this section.

Every person who shall violate any of the provisions of this section shall be guilty of a misdemeanor. [2013 c 19 § 54; 1981 c 147 § 4.]