

RCW 69.50.102 Drug paraphernalia—Definitions. (a) [(1)] As used in this chapter, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. It includes, but is not limited to:

(1) [(a)] Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) [(b)] Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) [(c)] Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) [(d)] Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;

(5) [(e)] Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) [(f)] Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) [(g)] Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, cannabis;

(8) [(h)] Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(9) [(i)] Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(10) [(j)] Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(11) [(k)] Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

(12) [(l)] Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body, such as:

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

(ii) Water pipes;

(iii) Carburetion tubes and devices;

(iv) Smoking and carburetion masks;

(v) Roach clips: Meaning objects used to hold burning material, such as a cannabis cigarette, that has become too small or too short to be held in the hand;

(vi) Miniature cocaine spoons, and cocaine vials;

(vii) Chamber pipes;

- (viii) Carburetor pipes;
- (ix) Electric pipes;
- (x) Air-driven pipes;
- (xi) Chillums;
- (xii) Bonges; and
- (xiii) Ice pipes or chillers.

(b) [(2)] In determining whether an object is drug paraphernalia under this section, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) [(a)] Statements by an owner or by anyone in control of the object concerning its use;
- (2) [(b)] Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
- (3) [(c)] The proximity of the object, in time and space, to a direct violation of this chapter;
- (4) [(d)] The proximity of the object to controlled substances;
- (5) [(e)] The existence of any residue of controlled substances on the object;
- (6) [(f)] Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended or designed for use as drug paraphernalia;
- (7) [(g)] Instructions, oral or written, provided with the object concerning its use;
- (8) [(h)] Descriptive materials accompanying the object which explain or depict its use;
- (9) [(i)] National and local advertising concerning its use;
- (10) [(j)] The manner in which the object is displayed for sale;
- (11) [(k)] Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (12) [(l)] Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (13) [(m)] The existence and scope of legitimate uses for the object in the community; and
- (14) [(n)] Expert testimony concerning its use. [2022 c 16 § 52; 2012 c 117 § 366; 1981 c 48 § 1.]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Severability—1981 c 48: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 48 § 4.]