

KJ

By Representative Davis

**HB 1499** - H COMM AMD

By Committee on Public Safety

1 Strike everything after the enacting clause and insert the  
2 following:

3

4

**"PART 1**

5

**INTENT**

6

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that substance  
8 use disorder is among the only health conditions for which a person  
9 can be arrested for displaying symptoms. People use drugs to escape  
10 the painful reality of their lives and circumstances, including  
11 trauma that has never had a chance to heal. Causing more hurt  
12 through the trauma of incarceration will not produce a willingness  
13 to change, only more pain to numb. Arrest and incarceration do not  
14 treat the root causes of substance use disorder. Treating substance  
15 abuse disorder like a crime through arrests and incarceration  
16 further disrupts and destabilizes the lives of these individuals.  
17 Incarceration removes access to insurance and behavioral health  
18 services, places people with opioid use disorder at extraordinary  
19 risk of overdose upon release, and creates criminal records that  
20 erect long-term barriers to education, housing, and employment, all  
21 of which undermine efforts to achieve and maintain recovery. The  
22 diagnostic criteria for substance use disorder includes continued  
23 use despite negative consequences. Therefore, it is implausible that  
24 additional negative consequences will lead to a cessation of use.

25 (2) The legislature also finds that substance use disorder is a  
26 treatable brain disease from which people recover. Based on surveys  
27 conducted at syringe service programs, the vast majority of people  
who are using drugs want to reduce or stop their use. The barrier to

1 these individuals engaging in treatment is not an absence of pain,  
2 but an absence of hope. When people in active substance use disorder  
3 are offered meaningful, person-centered support and interventions  
4 from a trusted source, such as a peer recovery coach, they are very  
5 likely to accept that support. If recovery support services, such as  
6 housing, education, employment pathways, community connection, and  
7 peer support are available during and after treatment, long-term,  
8 sustained recovery is not only possible, but probable.

9 (3) Therefore, the legislature intends to develop a robust  
10 system to provide rapid access to evidence-based and innovative  
11 substance use treatment and comprehensive recovery support services  
12 in lieu of criminal penalties for individuals in possession of drugs.

## 13 14 **PART 2**

### 15 **EXPANSION OF SUBSTANCE USE DISORDER TREATMENT AND RECOVERY**

#### 16 **SUPPORT SERVICES**

17  
18 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05  
19 RCW to read as follows:

20 (1) The authority shall establish a substance use recovery  
21 services plan to implement measures to assist persons with substance  
22 use disorder in accessing treatment and recovery support services  
23 that are low-barrier, person-centered, informed by people with lived  
24 experience, and culturally and linguistically appropriate. The plan  
25 must articulate the manner in which continual, rapid, and widespread  
26 access to a comprehensive continuum of care must be provided to all  
27 persons with substance use disorder regardless of the point at which  
28 they present within the continuum of care.

29 (2) The plan must consider the following: The manner in which  
30 persons with substance use disorder currently access and interact  
31 with the behavioral health system; the points of intersection that  
32 persons with substance use disorder have with the health care,  
33 criminal, legal, and child welfare systems, including emergency  
34 departments, syringe service programs, law enforcement, correctional

1 facilities, and dependency court; and the various locations in which  
2 persons with untreated substance use disorder congregate including  
3 homeless encampments, motels, and casinos.

4 (3) The plan must:

5 (a) Anticipate the decriminalization of personal use amounts of  
6 controlled substances, counterfeit substances, and legend drugs  
7 known to be used by people for recreational or nonmedical and  
8 nonprescribed purposes as provided in section 5 of this act;

9 (b) Include potential new community-based care access points,  
10 including the safe station model in partnership with fire  
11 departments, and strategic grant making to community organizations  
12 to educate the public and systematically disrupt and dismantle  
13 stigma and prejudice against persons with substance use disorder by  
14 improving public understanding and promoting hope;

15 (c) Include creative mechanisms for real time, peer-driven,  
16 noncoercive outreach and engagement to individuals in active  
17 substance use disorder across all settings and develop measures to  
18 enhance the effectiveness of and opportunities for intervention  
19 across new and existing points of contact with this population; and

20 (d) Support diversion to community-based care for individuals  
21 who may face criminal consequences for other drug-related law  
22 violations, but for whom it is evident that a response that  
23 addresses and attends to the underlying needs and social  
24 determinants of health may be more effective.

25 (4) The plan and related rules adopted by the authority must  
26 include the following substance use treatment and recovery services,  
27 which must be available in or accessible by all jurisdictions:

28 Field-based outreach and engagement; peer recovery support services;  
29 intensive case management; substance use disorder treatment,  
30 including evidence-based treatment, promising practices, and  
31 innovative approaches; and recovery support services including  
32 housing, job training, and placement services. These services must  
33 be equitably distributed across urban and rural settings and, if  
34 possible, made available on demand through 24 hour, seven days a

1 week peer recovery coach response, behavioral health triage centers,  
2 or other innovative rapid response models. These services must, at a  
3 minimum, incorporate the following principles: Low barrier to entry  
4 and reentry; improve the health and safety of the individual; reduce  
5 the harm of substance use and related activity for the public;  
6 integrated and coordinated services; incorporate structural  
7 competency and antiracism; noncoercive methods of retaining people  
8 in treatment and recovery services, including contingency  
9 management; consideration of the unique needs of rural communities;  
10 and services that increase social determinants of health.

11 (5) In developing the plan, the authority shall strive to adopt  
12 and implement the recommendations of the substance use recovery  
13 services advisory committee established in section 3 of this act.  
14 Where adoption and implementation of recommendations are infeasible,  
15 the authority shall notify the advisory committee and request  
16 refinement or modification of recommendations for implementation.

17 (6) The authority must submit the substance use recovery  
18 services plan to the governor and the legislature by December 1,  
19 2021. After submitting the plan, the authority shall adopt rules and  
20 enter into contracts with providers to implement the plan by  
21 December 1, 2022. In addition to seeking public comment under  
22 chapter 34.05 RCW, the authority must adopt rules in accordance with  
23 the recommendations of the substance use recovery services advisory  
24 committee as provided in subsection (5) of this section. The rules  
25 must be informed by existing diversion models that the authority  
26 administers in multiple jurisdictions in the state.

27 (7) The authority must submit a readiness report to the governor  
28 and the legislature by November 1, 2022, that indicates progress on  
29 the substance use disorder continuum of care, including availability  
30 of outreach, treatment, and recovery support services, as well as  
31 system preparedness for the decriminalization policies in sections 6  
32 through 11 of this act to take effect.

33 (8) In consultation with the substance use recovery services  
34 advisory committee, the authority must submit a report on the

1 implementation of the substance use recovery services plan to the  
2 appropriate committees of the legislature and governor by December  
3 1st of each year, beginning in 2022.

4 (9) For the purposes of this section, "recovery support  
5 services" means a collection of nontreatment resources that sustain  
6 long-term recovery from substance use disorder, including recovery  
7 housing, employment and education supports, peer recovery coaching,  
8 family education, technological recovery supports, transportation  
9 and child care assistance to facilitate treatment participation and  
10 early recovery, and social connectedness.

11

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.05  
13 RCW to read as follows:

14 (1) The authority shall establish the substance use recovery  
15 services advisory committee to advise the authority in the  
16 development and implementation of the substance use recovery  
17 services plan under section 2 of this act.

18 (2) The authority must, in consultation with the University of  
19 Washington department of psychiatry and behavioral sciences and an  
20 organization that represents the interests of people who have been  
21 directly impacted by substance use and the criminal legal system,  
22 appoint members to the advisory committee who have relevant  
23 background related to the needs of persons with substance use  
24 disorder. The membership of the advisory committee must include, but  
25 is not limited to, experts in the etiology and stabilization of  
26 substance use disorders, including expertise in medication-assisted  
27 treatment and other innovative medication therapies; experts in  
28 mental health and trauma and their comorbidity with substance use  
29 disorders; people who are currently using controlled substances  
30 outside the legal authority of prescription or valid practitioner  
31 order; experts in the relationship between social determinant of  
32 health, including housing and substance use disorder; experts in  
33 drug user health and harm reduction; representatives of city and  
34 county governments; a representative of urban police chiefs; a

1 representative of rural county sheriffs; a representative of the  
2 interests of rural communities; a representative of fire chiefs;  
3 experts in peer support services; experts in substance use disorder  
4 recovery support services; experts in diversion from the criminal  
5 legal system to community-based care for people with complex  
6 behavioral health needs; experts in reducing racial disparity in  
7 exposure to the criminal legal system; an academic researcher with  
8 an expertise in drug policy and program evaluation; a substance use  
9 disorder professional; a representative of public defenders; a  
10 representative of prosecutors; a representative of the criminal  
11 justice training commission; a nongovernmental immigration attorney  
12 with expertise in the immigration consequences of drug possession  
13 and use crimes and findings of substance use disorder; recovery  
14 housing providers; low-barrier housing providers; representatives of  
15 racial justice organizations, including organizations promoting  
16 antiracism and equity in health care; a representative of a local  
17 health jurisdiction with expertise in overdose prevention and harm  
18 reduction; representatives of the interests of tribes; at least  
19 three adults in recovery from substance use disorder, including  
20 individuals with previous contact with the criminal legal system due  
21 to substance use; at least three youth in recovery from substance  
22 use disorder, including youth with previous criminal legal system  
23 contact due to substance use; and at least three family members of  
24 persons with substance use disorder. The advisory committee shall be  
25 reflective of the community of individuals living with substance use  
26 disorder, including people who are Black, indigenous, and people of  
27 color, and individuals who can represent the unique needs of rural  
28 communities.

29 (3) The advisory committee must make recommendations and provide  
30 perspectives to the authority regarding:

31 (a) Current regional capacity for existing public and private  
32 programs providing substance use disorder assessments, each of the  
33 American society of addiction medicine levels of care, and recovery  
34 support services;

1 (b) Barriers to accessing the existing health system for those  
2 populations chronically exposed to criminal legal system responses  
3 relating to complex behavioral health conditions and the  
4 consequences of trauma, and possible innovations that could reduce  
5 those barriers and improve the quality and accessibility of care for  
6 those populations;

7 (c) Evidence-based, research-based, and promising treatment and  
8 recovery services appropriate for target populations, to include,  
9 but not be limited to, field-based outreach and engagement, case  
10 management, mental and physical health care, contingency management,  
11 medication-assisted treatment and other innovative medication  
12 therapies, peer support services, family education, housing, job  
13 training and employment programs, and treatments that have not  
14 traditionally been covered by insurance;

15 (d) Workforce needs for the behavioral health services sector,  
16 including wage and retention challenges;

17 (e) Options for leveraging existing integrated managed care,  
18 medicaid waiver, American Indian or Alaska Native fee-for-service  
19 behavioral health benefits, and private insurance service capacity  
20 for substance use disorders, including but not limited to  
21 coordination with managed care organizations, behavioral health  
22 administrative services organizations, the Washington health benefit  
23 exchange, accountable communities of health, and the office of the  
24 insurance commissioner;

25 (f) Framework and design assistance for jurisdictions to assist  
26 in compliance with the requirements of RCW 10.31.110 for diversion  
27 of individuals with complex behavioral health conditions to  
28 community-based care whenever possible and appropriate, and  
29 identifying resource gaps that impede jurisdictions in fully  
30 realizing the potential impact of this approach;

31 (g) The design of a referral mechanism for referring people with  
32 substance use disorder or problematic behaviors resulting from drug  
33 use into the supportive services described in this section,  
34 including intercepting individuals who likely would otherwise be

1 referred into the criminal legal system, with the express intention  
2 of ensuring that decriminalization of possession of personal use  
3 amounts does not inadvertently contribute to increased racial  
4 disparity among those who continue to be exposed to the criminal  
5 legal system due to income instability and involvement in the  
6 illicit economy to meet basic needs;

7 (h) The design of ongoing qualitative and quantitative research  
8 about the types of services desired by people with substance use  
9 disorders and barriers they experience in accessing existing and  
10 recommended services; and

11 (i) Proposing a funding framework in which, over time, resources  
12 are shifted from punishment sectors to community-based care  
13 interventions such that community-based care becomes the primary  
14 strategy for addressing and resolving public order issues related to  
15 behavioral health conditions.

16 (4) The advisory committee must convene as necessary for the  
17 development of the substance use recovery services plan and the  
18 development and adoption of rules for implementing the plan, and  
19 must convene to monitor implementation of the plan and advise the  
20 authority.

21 (5) This section expires December 31, 2026.

22

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.05  
24 RCW to read as follows:

25 The implementation of the statewide substance use recovery  
26 services plan established under section 2 of this act must be funded  
27 in the following manner:

28 (1) Responsibility for payment of substance use disorder  
29 treatment services including outpatient treatment, withdrawal  
30 management, residential treatment, medications for opioid use  
31 disorder, and crisis stabilization services are as follows: (a)  
32 Payment for covered services for individuals enrolled in medicaid  
33 managed care plans is the responsibility of the managed care plan to  
34 whom the enrollee is assigned; (b) payment for individuals enrolled



1 in the medicaid fee-for-service program is the responsibility of the  
2 health care authority; (c) payment for covered services for  
3 individuals enrolled in private health care plans is the  
4 responsibility of the private health care plan; and (d) payment for  
5 all other individuals as well as services not covered by medicaid or  
6 private plans is the responsibility of the behavioral health  
7 administrative services organization; and

8 (2) Outreach and engagement services and recovery support  
9 services that are not reimbursable through insurance will be funded  
10 through a combination of: Appropriations from the recovery pathways  
11 account under chapter . . . , Laws of 2021 (House Bill No. . . . );  
12 targeted investments from the federal substance abuse block grant,  
13 if permissible under the grant; funds recovered by the state through  
14 lawsuits against opioid manufacturers, if permissible; and  
15 appropriations from the state general fund based on a calculation of  
16 the savings captured from reduced expenses for the department of  
17 corrections resulting from this act.

18  
19 **PART 3**

20 **ELIMINATION OF CRIMINAL PENALTIES FOR POSSESSION OF PERSONAL USE**  
21 **AMOUNTS**  
22 **OF CONTROLLED SUBSTANCES, COUNTERFEIT SUBSTANCES, AND LEGEND DRUGS**

23  
24 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24  
25 RCW to read as follows:

26 (1) By April 1, 2023, the director, in consultation with the  
27 department and the pharmacy quality assurance commission, shall  
28 adopt rules establishing maximum personal use amounts of controlled  
29 substances, counterfeit substances, and legend drugs known to be  
30 used by people for recreational or nonmedical and nonprescribed  
31 purposes.

32 (2) When the committee learns of a recreational or nonmedical  
33 and nonprescribed use of a controlled substance, counterfeit  
34 substance, or legend drug for which a maximum personal use amount

1 has not been established, the director must adopt a maximum personal  
2 use amount for that substance within one year of learning of its  
3 recreational or nonmedical and nonprescribed use.

4 (3) In adopting the rules under this section, the director must  
5 convene and consult with a work group, which must include, at a  
6 minimum: Persons who currently use controlled substances outside the  
7 legal authority of a prescription or valid practitioner order;  
8 persons in recovery from substance use disorder who previously used  
9 substances outside the legal authority of a prescription or valid  
10 practitioner order; representatives from law enforcement; a  
11 representative of public defenders; a representative of prosecutors;  
12 and experts relevant to setting threshold amounts of controlled  
13 substances.

14 (4) For the purposes of this section, the term "personal use  
15 amount" has the same meaning as in RCW 69.50.101.

16  
17 **Sec. 6.** RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43 are  
18 each reenacted and amended to read as follows:

19 The definitions in this section apply throughout this chapter  
20 unless the context clearly requires otherwise.

21 (a) "Administer" means to apply a controlled substance, whether  
22 by injection, inhalation, ingestion, or any other means, directly to  
23 the body of a patient or research subject by:

24 (1) a practitioner authorized to prescribe (or, by the  
25 practitioner's authorized agent); or

26 (2) the patient or research subject at the direction and in the  
27 presence of the practitioner.

28 (b) "Agent" means an authorized person who acts on behalf of or  
29 at the direction of a manufacturer, distributor, or dispenser. It  
30 does not include a common or contract carrier, public  
31 warehouseperson, or employee of the carrier or warehouseperson.

32 (c) "Board" means the Washington state liquor and cannabis board.

33 (d) "CBD concentration" has the meaning provided in RCW 69.51A.

34 010.

1 (e) "CBD product" means any product containing or consisting of  
2 cannabidiol.

3 (f) "Commission" means the pharmacy quality assurance commission.

4 (g) "Controlled substance" means a drug, substance, or immediate  
5 precursor included in Schedules I through V as set forth in federal  
6 or state laws, or federal or commission rules, but does not include  
7 hemp or industrial hemp as defined in RCW 15.140.020.

8 (h)(1) "Controlled substance analog" means a substance the  
9 chemical structure of which is substantially similar to the chemical  
10 structure of a controlled substance in Schedule I or II and:

11 (i) that has a stimulant, depressant, or hallucinogenic effect  
12 on the central nervous system substantially similar to the  
13 stimulant, depressant, or hallucinogenic effect on the central  
14 nervous system of a controlled substance included in Schedule I or  
15 II; or

16 (ii) with respect to a particular individual, that the  
17 individual represents or intends to have a stimulant, depressant, or  
18 hallucinogenic effect on the central nervous system substantially  
19 similar to the stimulant, depressant, or hallucinogenic effect on  
20 the central nervous system of a controlled substance included in  
21 Schedule I or II.

22 (2) The term does not include:

23 (i) a controlled substance;

24 (ii) a substance for which there is an approved new drug  
25 application;

26 (iii) a substance with respect to which an exemption is in  
27 effect for investigational use by a particular person under Section  
28 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355,  
29 or chapter 69.77 RCW to the extent conduct with respect to the  
30 substance is pursuant to the exemption; or

31 (iv) any substance to the extent not intended for human  
32 consumption before an exemption takes effect with respect to the  
33 substance.

34

1 (i) "Deliver" or "delivery" means the actual or constructive  
2 transfer from one person to another of a substance, whether or not  
3 there is an agency relationship.

4 (j) "Department" means the department of health.

5 (k) "Designated provider" has the meaning provided in RCW  
6 69.51A.010.

7 (l) "Dispense" means the interpretation of a prescription or  
8 order for a controlled substance and, pursuant to that prescription  
9 or order, the proper selection, measuring, compounding, labeling, or  
10 packaging necessary to prepare that prescription or order for  
11 delivery.

12 (m) "Dispenser" means a practitioner who dispenses.

13 (n) "Distribute" means to deliver other than by administering or  
14 dispensing a controlled substance.

15 (o) "Distributor" means a person who distributes.

16 (p) "Drug" means (1) a controlled substance recognized as a drug  
17 in the official United States pharmacopoeia/national formulary or  
18 the official homeopathic pharmacopoeia of the United States, or any  
19 supplement to them; (2) controlled substances intended for use in  
20 the diagnosis, cure, mitigation, treatment, or prevention of disease  
21 in individuals or animals; (3) controlled substances (other than  
22 food) intended to affect the structure or any function of the body  
23 of individuals or animals; and (4) controlled substances intended  
24 for use as a component of any article specified in (1), (2), or (3)  
25 of this subsection. The term does not include devices or their  
26 components, parts, or accessories.

27 (q) "Drug enforcement administration" means the drug enforcement  
28 administration in the United States Department of Justice, or its  
29 successor agency.

30 (r) "Electronic communication of prescription information" means  
31 the transmission of a prescription or refill authorization for a  
32 drug of a practitioner using computer systems. The term does not  
33 include a prescription or refill authorization verbally transmitted  
34 by telephone nor a facsimile manually signed by the practitioner.

1 (s) "Immature plant or clone" means a plant or clone that has no  
2 flowers, is less than twelve inches in height, and is less than  
3 twelve inches in diameter.

4 (t) "Immediate precursor" means a substance:

5 (1) that the commission has found to be and by rule designates  
6 as being the principal compound commonly used, or produced primarily  
7 for use, in the manufacture of a controlled substance;

8 (2) that is an immediate chemical intermediary used or likely to  
9 be used in the manufacture of a controlled substance; and

10 (3) the control of which is necessary to prevent, curtail, or  
11 limit the manufacture of the controlled substance.

12 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)  
13 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)  
14 (4), the term includes any geometrical isomer; in RCW 69.50.204(a)  
15 (8) and (42), and 69.50.210(c) the term includes any positional  
16 isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a)  
17 the term includes any positional or geometric isomer.

18 (v) "Lot" means a definite quantity of marijuana, marijuana  
19 concentrates, useable marijuana, or marijuana-infused product  
20 identified by a lot number, every portion or package of which is  
21 uniform within recognized tolerances for the factors that appear in  
22 the labeling.

23 (w) "Lot number" must identify the licensee by business or trade  
24 name and Washington state unified business identifier number, and  
25 the date of harvest or processing for each lot of marijuana,  
26 marijuana concentrates, useable marijuana, or marijuana-infused  
27 product.

28 (x) "Manufacture" means the production, preparation,  
29 propagation, compounding, conversion, or processing of a controlled  
30 substance, either directly or indirectly or by extraction from  
31 substances of natural origin, or independently by means of chemical  
32 synthesis, or by a combination of extraction and chemical synthesis,  
33 and includes any packaging or repackaging of the substance or  
34 labeling or relabeling of its container. The term does not include

1 the preparation, compounding, packaging, repackaging, labeling, or  
2 relabeling of a controlled substance:

3 (1) by a practitioner as an incident to the practitioner's  
4 administering or dispensing of a controlled substance in the course  
5 of the practitioner's professional practice; or

6 (2) by a practitioner, or by the practitioner's authorized agent  
7 under the practitioner's supervision, for the purpose of, or as an  
8 incident to, research, teaching, or chemical analysis and not for  
9 sale.

10 (y) "Marijuana" or "marihuana" means all parts of the plant  
11 *Cannabis*, whether growing or not, with a THC concentration greater  
12 than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
13 extracted from any part of the plant; and every compound,  
14 manufacture, salt, derivative, mixture, or preparation of the plant,  
15 its seeds or resin. The term does not include:

16 (1) The mature stalks of the plant, fiber produced from the  
17 stalks, oil or cake made from the seeds of the plant, any other  
18 compound, manufacture, salt, derivative, mixture, or preparation of  
19 the mature stalks (except the resin extracted therefrom), fiber,  
20 oil, or cake, or the sterilized seed of the plant which is incapable  
21 of germination; or

22 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds  
23 used for licensed hemp production under chapter 15.140 RCW.

24 (z) "Marijuana concentrates" means products consisting wholly or  
25 in part of the resin extracted from any part of the plant *Cannabis*  
26 and having a THC concentration greater than ten percent.

27 (aa) "Marijuana processor" means a person licensed by the board  
28 to process marijuana into marijuana concentrates, useable marijuana,  
29 and marijuana-infused products, package and label marijuana  
30 concentrates, useable marijuana, and marijuana-infused products for  
31 sale in retail outlets, and sell marijuana concentrates, useable  
32 marijuana, and marijuana-infused products at wholesale to marijuana  
33 retailers.

34

1 (bb) "Marijuana producer" means a person licensed by the board  
2 to produce and sell marijuana at wholesale to marijuana processors  
3 and other marijuana producers.

4 (cc) "Marijuana products" means useable marijuana, marijuana  
5 concentrates, and marijuana-infused products as defined in this  
6 section.

7 (dd) "Marijuana researcher" means a person licensed by the board  
8 to produce, process, and possess marijuana for the purposes of  
9 conducting research on marijuana and marijuana-derived drug products.

10 (ee) "Marijuana retailer" means a person licensed by the board  
11 to sell marijuana concentrates, useable marijuana, and marijuana-  
12 infused products in a retail outlet.

13 (ff) "Marijuana-infused products" means products that contain  
14 marijuana or marijuana extracts, are intended for human use, are  
15 derived from marijuana as defined in subsection (y) of this section,  
16 and have a THC concentration no greater than ten percent. The term  
17 "marijuana-infused products" does not include either useable  
18 marijuana or marijuana concentrates.

19 (gg) "Narcotic drug" means any of the following, whether  
20 produced directly or indirectly by extraction from substances of  
21 vegetable origin, or independently by means of chemical synthesis,  
22 or by a combination of extraction and chemical synthesis:

23 (1) Opium, opium derivative, and any derivative of opium or  
24 opium derivative, including their salts, isomers, and salts of  
25 isomers, whenever the existence of the salts, isomers, and salts of  
26 isomers is possible within the specific chemical designation. The  
27 term does not include the isoquinoline alkaloids of opium.

28 (2) Synthetic opiate and any derivative of synthetic opiate,  
29 including their isomers, esters, ethers, salts, and salts of  
30 isomers, esters, and ethers, whenever the existence of the isomers,  
31 esters, ethers, and salts is possible within the specific chemical  
32 designation.

33 (3) Poppy straw and concentrate of poppy straw.

34

1 (4) Coca leaves, except coca leaves and extracts of coca leaves  
2 from which cocaine, ecgonine, and derivatives or ecgonine or their  
3 salts have been removed.

4 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

5 (6) Cocaine base.

6 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
7 thereof.

8 (8) Any compound, mixture, or preparation containing any  
9 quantity of any substance referred to in (1) through (7) of this  
10 subsection.

11 (hh) "Opiate" means any substance having an addiction-forming or  
12 addiction-sustaining liability similar to morphine or being capable  
13 of conversion into a drug having addiction-forming or addiction-  
14 sustaining liability. The term includes opium, substances derived  
15 from opium (opium derivatives), and synthetic opiates. The term does  
16 not include, unless specifically designated as controlled under RCW  
17 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
18 and its salts (dextromethorphan). The term includes the racemic and  
19 levorotatory forms of dextromethorphan.

20 (ii) "Opium poppy" means the plant of the species *Papaver*  
21 *somniferum* L., except its seeds.

22 (jj) "Person" means individual, corporation, business trust,  
23 estate, trust, partnership, association, joint venture, government,  
24 governmental subdivision or agency, or any other legal or commercial  
25 entity.

26 (kk) "Personal use amount" means the maximum amount of a  
27 particular controlled substance, legend drug, or counterfeit  
28 substance that the authority has determined to be consistent with  
29 personal, nonprescribed use patterns of people with substance use  
30 disorder, as provided under section 5 of this act.

31 (ll) "Plant" has the meaning provided in RCW 69.51A.010.

32 (~~(ll)~~) (mm) "Poppy straw" means all parts, except the seeds,  
33 of the opium poppy, after mowing.

34 (~~(mm)~~) (nn) "Practitioner" means:



1 (1) A physician under chapter 18.71 RCW; a physician assistant  
2 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
3 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW  
4 who is certified by the optometry board under RCW 18.53.010 subject  
5 to any limitations in RCW 18.53.010; a dentist under chapter 18.32  
6 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a  
7 veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
8 registered nurse practitioner, or licensed practical nurse under  
9 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
10 who is licensed under RCW 18.36A.030 subject to any limitations in  
11 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
12 investigator under this chapter, licensed, registered or otherwise  
13 permitted insofar as is consistent with those licensing laws to  
14 distribute, dispense, conduct research with respect to or administer  
15 a controlled substance in the course of their professional practice  
16 or research in this state.

17 (2) A pharmacy, hospital or other institution licensed,  
18 registered, or otherwise permitted to distribute, dispense, conduct  
19 research with respect to or to administer a controlled substance in  
20 the course of professional practice or research in this state.

21 (3) A physician licensed to practice medicine and surgery, a  
22 physician licensed to practice osteopathic medicine and surgery, a  
23 dentist licensed to practice dentistry, a podiatric physician and  
24 surgeon licensed to practice podiatric medicine and surgery, a  
25 licensed physician assistant or a licensed osteopathic physician  
26 assistant specifically approved to prescribe controlled substances  
27 by his or her state's medical commission or equivalent and his or  
28 her supervising physician, an advanced registered nurse practitioner  
29 licensed to prescribe controlled substances, or a veterinarian  
30 licensed to practice veterinary medicine in any state of the United  
31 States.

32 ((~~nn~~)) (oo) "Prescription" means an order for controlled  
33 substances issued by a practitioner duly authorized by law or rule  
34 in the state of Washington to prescribe controlled substances within

1 the scope of his or her professional practice for a legitimate  
2 medical purpose.

3 ~~((+oo+))~~ (pp) "Production" includes the manufacturing, planting,  
4 cultivating, growing, or harvesting of a controlled substance.

5 ~~((+pp+))~~ (qq) "Qualifying patient" has the meaning provided in  
6 RCW 69.51A.010.

7 ~~((+qq+))~~ (rr) "Recognition card" has the meaning provided in RCW  
8 69.51A.010.

9 ~~((+rr+))~~ (ss) "Retail outlet" means a location licensed by the  
10 board for the retail sale of marijuana concentrates, useable  
11 marijuana, and marijuana-infused products.

12 ~~((+ss+))~~ (tt) "Secretary" means the secretary of health or the  
13 secretary's designee.

14 ~~((+tt+))~~ (uu) "State," unless the context otherwise requires,  
15 means a state of the United States, the District of Columbia, the  
16 Commonwealth of Puerto Rico, or a territory or insular possession  
17 subject to the jurisdiction of the United States.

18 ~~((+uu+))~~ (vv) "THC concentration" means percent of delta-9  
19 tetrahydrocannabinol content per dry weight of any part of the plant  
20 *Cannabis*, or per volume or weight of marijuana product, or the  
21 combined percent of delta-9 tetrahydrocannabinol and  
22 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
23 regardless of moisture content.

24 ~~((+vv+))~~ (ww) "Ultimate user" means an individual who lawfully  
25 possesses a controlled substance for the individual's own use or for  
26 the use of a member of the individual's household or for  
27 administering to an animal owned by the individual or by a member of  
28 the individual's household.

29 ~~((+ww+))~~ (xx) "Useable marijuana" means dried marijuana flowers.  
30 The term "useable marijuana" does not include either marijuana-  
31 infused products or marijuana concentrates.

32 ~~((+xx+))~~ (yy) "Youth access" means the level of interest persons  
33 under the age of twenty-one may have in a vapor product, as well as  
34 the degree to which the product is available or appealing to such

1 persons, and the likelihood of initiation, use, or addiction by  
2 adolescents and young adults.

3

4 **Sec. 7.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to  
5 read as follows:

6 (1) Except as authorized by this chapter, it is unlawful for any  
7 person to create(~~(7)~~) or deliver a counterfeit substance, or possess  
8 a counterfeit substance in excess of the applicable personal use  
9 amount.

10 (2) Any person who violates this section with respect to:

11 (a) A counterfeit substance classified in Schedule I or II which  
12 is a narcotic drug, or flunitrazepam classified in Schedule IV, is  
13 guilty of a class B felony and upon conviction may be imprisoned for  
14 not more than ten years, fined not more than twenty-five thousand  
15 dollars, or both;

16 (b) A counterfeit substance which is methamphetamine, is guilty  
17 of a class B felony and upon conviction may be imprisoned for not  
18 more than ten years, fined not more than twenty-five thousand  
19 dollars, or both;

20 (c) Any other counterfeit substance classified in Schedule I,  
21 II, or III, is guilty of a class C felony punishable according to  
22 chapter 9A.20 RCW;

23 (d) A counterfeit substance classified in Schedule IV, except  
24 flunitrazepam, is guilty of a class C felony punishable according to  
25 chapter 9A.20 RCW;

26 (e) A counterfeit substance classified in Schedule V, is guilty  
27 of a class C felony punishable according to chapter 9A.20 RCW.

28

29 **Sec. 8.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to  
30 read as follows:

31 (1) It is unlawful for any person to possess a controlled  
32 substance in excess of the applicable personal use amount, unless  
33 the substance was obtained directly from, or pursuant to, a valid  
34 prescription or order of a practitioner while acting in the course

1 of his or her professional practice, or except as otherwise  
2 authorized by this chapter.

3 (2) Except as provided in RCW 69.50.4014, any person who  
4 violates this section is guilty of a class C felony punishable under  
5 chapter 9A.20 RCW.

6 (3)(a) The possession, by a person twenty-one years of age or  
7 older, of useable marijuana, marijuana concentrates, or marijuana-  
8 infused products in amounts that do not exceed those set forth in  
9 RCW 69.50.360(3) is not a violation of this section, this chapter,  
10 or any other provision of Washington state law.

11 (b) The possession of marijuana, useable marijuana, marijuana  
12 concentrates, and marijuana-infused products being physically  
13 transported or delivered within the state, in amounts not exceeding  
14 those that may be established under RCW 69.50.385(3), by a licensed  
15 employee of a common carrier when performing the duties authorized  
16 in accordance with RCW 69.50.382 and 69.50.385, is not a violation  
17 of this section, this chapter, or any other provision of Washington  
18 state law.

19 (4)(a) The delivery by a person twenty-one years of age or older  
20 to one or more persons twenty-one years of age or older, during a  
21 single twenty-four hour period, for noncommercial purposes and not  
22 conditioned upon or done in connection with the provision or receipt  
23 of financial consideration, of any of the following marijuana  
24 products, is not a violation of this section, this chapter, or any  
25 other provisions of Washington state law:

- 26 (i) One-half ounce of useable marijuana;
- 27 (ii) Eight ounces of marijuana-infused product in solid form;
- 28 (iii) Thirty-six ounces of marijuana-infused product in liquid  
29 form; or
- 30 (iv) Three and one-half grams of marijuana concentrates.

31 (b) The act of delivering marijuana or a marijuana product as  
32 authorized under this subsection (4) must meet one of the following  
33 requirements:

34

1 (i) The delivery must be done in a location outside of the view  
2 of general public and in a nonpublic place; or

3 (ii) The marijuana or marijuana product must be in the original  
4 packaging as purchased from the marijuana retailer.

5 (5) No person under twenty-one years of age may possess,  
6 manufacture, sell, or distribute marijuana, marijuana-infused  
7 products, or marijuana concentrates, regardless of THC  
8 concentration. This does not include qualifying patients with a  
9 valid authorization.

10 (6) The possession by a qualifying patient or designated  
11 provider of marijuana concentrates, useable marijuana, marijuana-  
12 infused products, or plants in accordance with chapter 69.51A RCW is  
13 not a violation of this section, this chapter, or any other  
14 provision of Washington state law.

15

16 **Sec. 9.** RCW 69.50.4014 and 2015 2nd sp.s. c 4 s 505 are each  
17 amended to read as follows:

18 Except as provided in RCW 69.50.401(2)(c) (~~or as otherwise~~  
19 ~~authorized by this chapter~~)), any person found guilty of possession  
20 of forty grams or less of marijuana is guilty of a misdemeanor,  
21 unless the amount of marijuana does not exceed the applicable  
22 personal use amount or is otherwise authorized by this chapter.

23

24 **Sec. 10.** RCW 69.50.412 and 2019 c 64 s 22 are each amended to  
25 read as follows:

26 (1) It is unlawful for any person to use drug paraphernalia to  
27 plant, propagate, cultivate, grow, harvest, manufacture, compound,  
28 convert, produce, process, prepare, test, analyze, pack, repack,  
29 store, contain, conceal, inject, ingest, inhale, or otherwise  
30 introduce into the human body a controlled substance other than  
31 marijuana, unless the drug paraphernalia is used to prepare, test,  
32 analyze, pack, repack, store, contain, conceal, inject, ingest,  
33 inhale, or otherwise introduce into the human body a personal use

34

1 amount of a controlled substance other than marijuana. Any person  
2 who violates this subsection is guilty of a misdemeanor.

3 (2) It is unlawful for any person to deliver, possess with  
4 intent to deliver, or manufacture with intent to deliver drug  
5 paraphernalia, knowing, or under circumstances where one reasonably  
6 should know, that it will be used to plant, propagate, cultivate,  
7 grow, harvest, manufacture, compound, convert, produce, process,  
8 prepare, test, analyze, pack, repack, store, contain, conceal,  
9 inject, ingest, inhale, or otherwise introduce into the human body a  
10 controlled substance other than marijuana. This subsection does not  
11 apply to a social service agency or health care agency possessing or  
12 distributing drug paraphernalia for the purposes of distributing the  
13 paraphernalia to others for personal use. Any person who violates  
14 this subsection is guilty of a misdemeanor.

15 (3) Any person eighteen years of age or over who violates  
16 subsection (2) of this section by delivering drug paraphernalia to a  
17 person under eighteen years of age who is at least three years his  
18 or her junior is guilty of a gross misdemeanor.

19 (4) It is unlawful for any person to place in any newspaper,  
20 magazine, handbill, or other publication any advertisement, knowing,  
21 or under circumstances where one reasonably should know, that the  
22 purpose of the advertisement, in whole or in part, is to promote the  
23 sale of objects designed or intended for use as drug paraphernalia.  
24 Any person who violates this subsection is guilty of a misdemeanor.

25 (5) It is lawful for any person over the age of eighteen to  
26 possess sterile hypodermic syringes and needles for the purpose of  
27 reducing blood-borne diseases.

28

29 **Sec. 11.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to  
30 read as follows:

31 (1) It shall be unlawful for any person to sell(~~(7)~~) or deliver  
32 any legend drug, or possess any legend drug in excess of an  
33 applicable personal use amount, except upon the order or  
34 prescription of a physician under chapter 18.71 RCW, an osteopathic

1 physician and surgeon under chapter 18.57 RCW, an optometrist  
2 licensed under chapter 18.53 RCW who is certified by the optometry  
3 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a  
4 podiatric physician and surgeon under chapter 18.22 RCW, a  
5 veterinarian under chapter 18.92 RCW, a commissioned medical or  
6 dental officer in the United States armed forces or public health  
7 service in the discharge of his or her official duties, a duly  
8 licensed physician or dentist employed by the veterans  
9 administration in the discharge of his or her official duties, a  
10 registered nurse or advanced registered nurse practitioner under  
11 chapter 18.79 RCW when authorized by the nursing care quality  
12 assurance commission, a pharmacist licensed under chapter 18.64 RCW  
13 to the extent permitted by drug therapy guidelines or protocols  
14 established under RCW 18.64.011 and authorized by the commission and  
15 approved by a practitioner authorized to prescribe drugs, a  
16 physician assistant under chapter 18.71A RCW when authorized by the  
17 Washington medical commission, or any of the following professionals  
18 in any province of Canada that shares a common border with the state  
19 of Washington or in any state of the United States: A physician  
20 licensed to practice medicine and surgery or a physician licensed to  
21 practice osteopathic medicine and surgery, a dentist licensed to  
22 practice dentistry, a podiatric physician and surgeon licensed to  
23 practice podiatric medicine and surgery, a licensed advanced  
24 registered nurse practitioner, a licensed physician assistant, or a  
25 veterinarian licensed to practice veterinary medicine: PROVIDED,  
26 HOWEVER, That the above provisions shall not apply to sale,  
27 delivery, or possession by drug wholesalers or drug manufacturers,  
28 or their agents or employees, or to any practitioner acting within  
29 the scope of his or her license, or to a common or contract carrier  
30 or warehouse operator, or any employee thereof, whose possession of  
31 any legend drug is in the usual course of business or employment:  
32 PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW  
33 shall prevent a family planning clinic that is under contract with  
34 the health care authority from selling, delivering, possessing, and

1 dispensing commercially prepackaged oral contraceptives prescribed  
2 by authorized, licensed health care practitioners: PROVIDED FURTHER,  
3 That nothing in this chapter prohibits possession or delivery of  
4 legend drugs by an authorized collector or other person  
5 participating in the operation of a drug take-back program  
6 authorized in chapter 69.48 RCW.

7 (2)(a) A violation of this section involving the sale, delivery,  
8 or possession with intent to sell or deliver is a class B felony  
9 punishable according to chapter 9A.20 RCW.

10 (b) A violation of this section involving possession is a  
11 misdemeanor.

12 (3) For the purpose of this section, "personal use amount" has  
13 the meaning provided in RCW 69.50.101.

14  
15 **Sec. 12.** RCW 10.31.110 and 2019 c 326 s 3 and 2019 c 325 s 5004  
16 are each reenacted and amended to read as follows:

17 (1) When a police officer has reasonable cause to believe that  
18 the individual has committed acts constituting a crime, and the  
19 individual is known by history or consultation with the behavioral  
20 health administrative services organization, managed care  
21 organization, (~~(behavioral health administrative services~~  
22 ~~organization,)~~) crisis hotline, (~~(or)~~) local crisis services  
23 providers, or community health providers, to suffer from a mental  
24 disorder, including substance use disorder, in addition to existing  
25 authority under state law, as an alternative to arrest, the  
26 arresting officer is authorized and encouraged to:

27 (a) Take the individual to a crisis stabilization unit as  
28 defined in RCW 71.05.020. Individuals delivered to a crisis  
29 stabilization unit pursuant to this section may be held by the  
30 facility for a period of up to twelve hours. The individual must be  
31 examined by a mental health professional within three hours of  
32 arrival;

33 (b) Take the individual to a triage facility as defined in RCW  
34 71.05.020. An individual delivered to a triage facility which has



1 elected to operate as an involuntary facility may be held up to a  
2 period of twelve hours. The individual must be examined by a mental  
3 health professional within three hours of arrival;

4 (c) Refer the individual to a (~~mental health professional~~)  
5 designated crisis responder for evaluation for initial detention and  
6 proceeding under chapter 71.05 RCW; (~~or~~)

7 (d) Refer the individual to youth, adult, or geriatric mobile  
8 crisis response services as appropriate;

9 (e) Refer the individual to an available on-demand provider  
10 responsible to receive referrals in lieu of legal system  
11 involvement; or

12 (f) Release the individual upon agreement to voluntary  
13 participation in outpatient treatment.

14 (2) If the individual is released to the community, the  
15 (~~mental~~) behavioral health or community health provider shall make  
16 reasonable efforts to inform the arresting officer of the planned  
17 release prior to release if the arresting officer has specifically  
18 requested notification and provided contact information to the  
19 provider.

20 (3) In deciding whether to refer the individual to treatment and  
21 supportive services under this section, the police officer must be  
22 guided by local law enforcement diversion guidelines for behavioral  
23 health developed and mutually agreed upon with the prosecuting  
24 authority with an opportunity for consultation and comment by the  
25 defense bar and disability community. These guidelines must address,  
26 at a minimum, the length, seriousness, and recency of the known  
27 criminal history of the individual, the (~~mental~~) behavioral health  
28 history of the individual, if available, the opinions of a mental  
29 health or substance use disorder professional, if available, and the  
30 circumstances surrounding the commission of the alleged offense. The  
31 guidelines must include a process for clearing outstanding warrants  
32 or referring the individual for assistance in clearing outstanding  
33 warrants, if any, and issuing a new court date, if appropriate,  
34 without booking or incarcerating the individual or disqualifying him

1 or her from referral to treatment under this section, and define the  
2 circumstances under which such action is permissible.

3 (4) Any agreement to participate in treatment and supportive  
4 services shall not require individuals to stipulate to any of the  
5 alleged facts regarding the criminal activity as a prerequisite to  
6 participation in a (~~mental~~) behavioral health treatment  
7 alternative. The agreement is inadmissible in any criminal or civil  
8 proceeding. The agreement does not create immunity from prosecution  
9 for the alleged criminal activity.

10 (5) If (~~an individual violates such agreement and the mental~~)  
11 the behavioral health treatment alternative is no longer appropriate:

12 (a) The (~~mental~~) behavioral health provider shall inform the  
13 referring law enforcement agency (~~of the violation~~); and

14 (b) The original charges may be filed or referred to the  
15 prosecutor, as appropriate, and the matter may proceed accordingly.

16 (6) The police officer is immune from liability for any good  
17 faith conduct under this section.

18

19 NEW SECTION. Sec. 13. A new section is added to chapter 43.101  
20 RCW to read as follows:

21 (1) Beginning July 1, 2022, all law enforcement personnel  
22 required to complete basic law enforcement training under RCW  
23 43.101.200 must receive training on law enforcement interaction with  
24 persons with substance use disorders, including referral to  
25 treatment and recovery services, as part of the basic law  
26 enforcement training. The training must be developed by the  
27 commission in consultation with appropriate substance use disorder  
28 recovery advocacy organizations and with appropriate community,  
29 local, and state organizations and agencies that have expertise in  
30 the area of working with persons with substance use disorders,  
31 including law enforcement diversion of such individuals to  
32 community-based care. In developing the training, the commission  
33 must also examine existing courses certified by the commission that  
34 relate to persons with a substance use disorder, and should draw on

1 existing training partnerships with the Washington association of  
2 sheriffs and police chiefs.

3 (2) The training must consist of classroom instruction or  
4 internet instruction and shall replicate likely field situations to  
5 the maximum extent possible. The training should include, at a  
6 minimum, core instruction in all of the following:

7 (a) Proper procedures for referring persons to treatment and  
8 supportive services in accordance with section 2 of this act;

9 (b) The cause and nature of substance use disorders, including  
10 the role of trauma;

11 (c) Barriers to treatment engagement experienced by many with  
12 such disorders who have contact with the legal system;

13 (d) How to identify indicators of substance use disorder and how  
14 to respond appropriately in a variety of common situations;

15 (e) Conflict resolution and de-escalation techniques for  
16 potentially dangerous situations involving persons with a substance  
17 use disorder;

18 (f) Appropriate language usage when interacting with persons  
19 with a substance use disorder;

20 (g) Alternatives to lethal force when interacting with  
21 potentially dangerous persons with a substance use disorder;

22 (h) The principles of recovery and the multiple pathways to  
23 recovery; and

24 (i) Community and state resources available to serve persons  
25 with substance use disorders and how these resources can be best  
26 used by law enforcement to support persons with a substance use  
27 disorder in their communities.

28 (3) In addition to incorporation into the basic law enforcement  
29 training under RCW 43.101.200, training must be made available to  
30 law enforcement agencies, through electronic means, for use at their  
31 convenience and determined by the internal training needs and  
32 resources of each agency.

33

34

1       **Sec. 14.** RCW 69.50.608 and 1989 c 271 s 601 are each amended to  
2 read as follows:

3       The state of Washington fully occupies and preempts the entire  
4 field of setting penalties for violations of the controlled  
5 substances act and of establishing policies pertaining to personal  
6 use amounts as provided under section 5 of this act. Cities, towns,  
7 and counties or other municipalities may enact only those laws and  
8 ordinances relating to controlled substances that are consistent  
9 with this chapter. Such local ordinances shall have the same  
10 penalties as provided for by state law. Local laws and ordinances  
11 that are inconsistent with the requirements of state law shall not  
12 be enacted and are preempted and repealed, regardless of the nature  
13 of the code, charter, or home rule status of the city, town, county,  
14 or municipality. Nothing in this section shall be construed to  
15 inhibit local jurisdictions from creating additional channels for  
16 diversion to community-based care of individuals who commit law  
17 violations related to complex behavioral health needs, above those  
18 required by state law including in RCW 10.31.110.

19

20       NEW SECTION. **Sec. 15.** A new section is added to chapter 69.50  
21 RCW to read as follows:

22       Nothing in this act prohibits a public or private employer from  
23 establishing or enforcing employment or workplace policies  
24 pertaining to use, possession, manufacture, distribution, or  
25 dispensation of controlled substances, counterfeit substances, or  
26 legend drugs, regardless of whether the amount used, possessed,  
27 manufactured, distributed, or dispensed constitutes a personal use  
28 amount. This includes, for example, hiring practices, drug testing,  
29 and termination and other disciplinary actions for violations.

30

31

32

#### **PART 4**

33

#### **CONSTRUCTION**

34

1        NEW SECTION.    **Sec. 16.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5

6        NEW SECTION.    **Sec. 17.**    Sections 6 through 12, 14, and 15 of  
7 this act take effect July 1, 2023."

8

9        Correct the title.

10

EFFECT:    Requires the Health Care Authority to submit a readiness report to the Governor and the Legislature by November 1, 2022, that indicates progress on the substance use disorder continuum of care, including availability of outreach, treatment, and recovery support services, as well as system preparedness for the implementation of the bill's policies decriminalizing personal use amounts of controlled substances, counterfeit substances, and legend drugs.

Delays the effective date of provisions decriminalizing possession of personal use amounts of controlled substances, counterfeit substances, and legend drugs, and use of paraphernalia for personal use amounts of controlled substances, as well as provisions expanding alternatives to arrest, from December 1, 2022, to July 1, 2023. Delays the date by which the Health Care Authority must adopt rules establishing maximum personal use amounts of controlled substances, counterfeit substances, and legend drugs from September 1, 2022, to April 1, 2023.

Removes the provisions allowing persons with certain prior controlled substances convictions to vacate the record of conviction without having to meet current law requirements for vacating convictions.

Provides that nothing in the bill prohibits public or private employers from establishing or enforcing employment or workplace policies pertaining to use, possession, manufacture, distribution, or dispensation of controlled substances, counterfeit substances, or legend drugs, regardless of whether the amount at issue is a personal use amount.

--- END ---