

Effect:

1. Amends the title;
2. Stipulates the juvenile court has jurisdiction over any person charged with possession under the age of 21 years of age and requires the juvenile court to offer a diversion to treatment for the person's first offense;
3. A person who is found to be in possession of a personal use amount of a controlled substance or counterfeit substance may be referred to a forensic navigator for connection to a substance abuse disorder resource rather than evaluation and services;
4. Clarifies a civil infraction applies to a person who opens or uses an unauthorized controlled substance in public;
5. Removes provision directing funds from civil infraction be deposited in the State v. Blake reimbursement account.
6. Authorizes the presiding judge of the superior court of any county in the state to appoint court commissioners to assist the court with adult criminal cases, including the authority to conduct resentencing hearings and vacate convictions pursuant to State v. Blake.
7. Clarifies a person may be released from confinement if State v. Blake results in vacation of the person's conviction or resentencing and the person has served a term of confinement in excess of the new sentence.
8. Clarifies the role of the forensic navigator to refer a person to substance use disorder resources and the roles of the Health Care Authority and Department of Social and Health Services in linking the person to resources and collecting data on referrals.

1 AN ACT Relating to responding to the State v. Blake decision by  
2 addressing justice system responses and behavioral health prevention,  
3 treatment, and related services for individuals using or possessing  
4 controlled substances, counterfeit substances, and legend drugs;  
5 amending RCW 69.50.101, 69.50.4011, 69.50.4013, 69.50.412, 69.50.445,  
6 69.41.030, 69.41.030, 69.41.010, 2.24.010, 2.24.040, and 9.94A.728;  
7 reenacting and amending RCW 69.50.101 and 69.41.010; adding a new  
8 section to chapter 10.77 RCW; creating a new section; prescribing  
9 penalties; providing an effective date; providing an expiration date;  
10 and declaring an emergency.

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

12 **Sec. 1.** RCW 69.50.101 and 2020 c 133 s 2 are each amended to  
13 read as follows:

14 The definitions in this section apply throughout this chapter  
15 unless the context clearly requires otherwise.

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

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

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

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

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

8 (d) "CBD concentration" has the meaning provided in RCW  
9 69.51A.010.

10 (e) "CBD product" means any product containing or consisting of  
11 cannabidiol.

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

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

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

20 (i) that has a stimulant, depressant, or hallucinogenic effect on  
21 the central nervous system substantially similar to the stimulant,  
22 depressant, or hallucinogenic effect on the central nervous system of  
23 a controlled substance included in Schedule I or II; or

24 (ii) with respect to a particular individual, that the individual  
25 represents or intends to have a stimulant, depressant, or  
26 hallucinogenic effect on the central nervous system substantially  
27 similar to the stimulant, depressant, or hallucinogenic effect on the  
28 central nervous system of a controlled substance included in Schedule  
29 I or II.

30 (2) The term does not include:

31 (i) a controlled substance;

32 (ii) a substance for which there is an approved new drug  
33 application;

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

1 (iv) any substance to the extent not intended for human  
2 consumption before an exemption takes effect with respect to the  
3 substance.

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

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

8 (k) "Designated provider" has the meaning provided in RCW  
9 69.51A.010.

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

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

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

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

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

30 (q) "Drug enforcement administration" means the drug enforcement  
31 administration in the United States Department of Justice, or its  
32 successor agency.

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

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

1 (t) "Immediate precursor" means a substance:  
2 (1) that the commission has found to be and by rule designates as  
3 being the principal compound commonly used, or produced primarily for  
4 use, in the manufacture of a controlled substance;  
5 (2) that is an immediate chemical intermediary used or likely to  
6 be used in the manufacture of a controlled substance; and  
7 (3) the control of which is necessary to prevent, curtail, or  
8 limit the manufacture of the controlled substance.  
9 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)  
10 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
11 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
12 (42), and 69.50.210(c) the term includes any positional isomer; and  
13 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
14 includes any positional or geometric isomer.  
15 (v) "Lot" means a definite quantity of marijuana, marijuana  
16 concentrates, useable marijuana, or marijuana-infused product  
17 identified by a lot number, every portion or package of which is  
18 uniform within recognized tolerances for the factors that appear in  
19 the labeling.  
20 (w) "Lot number" must identify the licensee by business or trade  
21 name and Washington state unified business identifier number, and the  
22 date of harvest or processing for each lot of marijuana, marijuana  
23 concentrates, useable marijuana, or marijuana-infused product.  
24 (x) "Manufacture" means the production, preparation, propagation,  
25 compounding, conversion, or processing of a controlled substance,  
26 either directly or indirectly or by extraction from substances of  
27 natural origin, or independently by means of chemical synthesis, or  
28 by a combination of extraction and chemical synthesis, and includes  
29 any packaging or repackaging of the substance or labeling or  
30 relabeling of its container. The term does not include the  
31 preparation, compounding, packaging, repackaging, labeling, or  
32 relabeling of a controlled substance:  
33 (1) by a practitioner as an incident to the practitioner's  
34 administering or dispensing of a controlled substance in the course  
35 of the practitioner's professional practice; or  
36 (2) by a practitioner, or by the practitioner's authorized agent  
37 under the practitioner's supervision, for the purpose of, or as an  
38 incident to, research, teaching, or chemical analysis and not for  
39 sale.

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

7 (1) The mature stalks of the plant, fiber produced from the  
8 stalks, oil or cake made from the seeds of the plant, any other  
9 compound, manufacture, salt, derivative, mixture, or preparation of  
10 the mature stalks (except the resin extracted therefrom), fiber, oil,  
11 or cake, or the sterilized seed of the plant which is incapable of  
12 germination; or

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

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

18 (aa) "Marijuana processor" means a person licensed by the board  
19 to process marijuana into marijuana concentrates, useable marijuana,  
20 and marijuana-infused products, package and label marijuana  
21 concentrates, useable marijuana, and marijuana-infused products for  
22 sale in retail outlets, and sell marijuana concentrates, useable  
23 marijuana, and marijuana-infused products at wholesale to marijuana  
24 retailers.

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

28 (cc) "Marijuana products" means useable marijuana, marijuana  
29 concentrates, and marijuana-infused products as defined in this  
30 section.

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

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

37 (ff) "Marijuana-infused products" means products that contain  
38 marijuana or marijuana extracts, are intended for human use, are  
39 derived from marijuana as defined in subsection (y) of this section,  
40 and have a THC concentration no greater than ten percent. The term

1 "marijuana-infused products" does not include either useable  
2 marijuana or marijuana concentrates.

3 (gg) "Narcotic drug" means any of the following, whether produced  
4 directly or indirectly by extraction from substances of vegetable  
5 origin, or independently by means of chemical synthesis, or by a  
6 combination of extraction and chemical synthesis:

7 (1) Opium, opium derivative, and any derivative of opium or opium  
8 derivative, including their salts, isomers, and salts of isomers,  
9 whenever the existence of the salts, isomers, and salts of isomers is  
10 possible within the specific chemical designation. The term does not  
11 include the isoquinoline alkaloids of opium.

12 (2) Synthetic opiate and any derivative of synthetic opiate,  
13 including their isomers, esters, ethers, salts, and salts of isomers,  
14 esters, and ethers, whenever the existence of the isomers, esters,  
15 ethers, and salts is possible within the specific chemical  
16 designation.

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

18 (4) Coca leaves, except coca leaves and extracts of coca leaves  
19 from which cocaine, ecgonine, and derivatives or ecgonine or their  
20 salts have been removed.

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

22 (6) Cocaine base.

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

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

27 (hh) "Opiate" means any substance having an addiction-forming or  
28 addiction-sustaining liability similar to morphine or being capable  
29 of conversion into a drug having addiction-forming or addiction-  
30 sustaining liability. The term includes opium, substances derived  
31 from opium (opium derivatives), and synthetic opiates. The term does  
32 not include, unless specifically designated as controlled under RCW  
33 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
34 and its salts (dextromethorphan). The term includes the racemic and  
35 levorotatory forms of dextromethorphan.

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

38 (jj) "Person" means individual, corporation, business trust,  
39 estate, trust, partnership, association, joint venture, government,

1 governmental subdivision or agency, or any other legal or commercial  
2 entity.

3 (kk) "Personal use amount" means an amount that does not exceed:

4 (1) Forty user units of a mixture or substance containing a  
5 detectable amount of methadone;

6 (2) Forty pills, tablets, or capsules of a mixture or substance  
7 containing a detectable amount of oxycodone;

8 (3) One gram of a mixture or substance containing a detectable  
9 amount of heroin;

10 (4) One gram or five pills, tablets, or capsules of a mixture or  
11 substance containing a detectable amount of 3,4-  
12 methylenedioxyamphetamine or 3,4-methylenedioxymethamphetamin;

13 (5) Two grams of a mixture or substance containing a detectable  
14 amount of cocaine;

15 (6) Two grams of a mixture or substance containing a detectable  
16 amount of methamphetamine;

17 (7) Forty user units of a mixture or substance containing a  
18 detectable amount of lysergic acid diethylamide;

19 (8) Twelve grams of a mixture or substance containing a  
20 detectable amount of psilocybin or psilocin; or

21 (9) An amount or amounts that may be established by rule by the  
22 director of the health care authority for recreational or nonmedical  
23 and nonprescribed use of a controlled substance, counterfeit  
24 substance, or legend drug for which a maximum personal use amount has  
25 not been established.

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

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

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

30 (1) A physician under chapter 18.71 RCW; a physician assistant  
31 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
32 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
33 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
34 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
35 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
36 subject to any limitations in RCW 18.53.010; a dentist under chapter  
37 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;  
38 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
39 registered nurse practitioner, or licensed practical nurse under  
40 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW

1 who is licensed under RCW 18.36A.030 subject to any limitations in  
2 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
3 investigator under this chapter, licensed, registered or otherwise  
4 permitted insofar as is consistent with those licensing laws to  
5 distribute, dispense, conduct research with respect to or administer  
6 a controlled substance in the course of their professional practice  
7 or research in this state.

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

12 (3) A physician licensed to practice medicine and surgery, a  
13 physician licensed to practice osteopathic medicine and surgery, a  
14 dentist licensed to practice dentistry, a podiatric physician and  
15 surgeon licensed to practice podiatric medicine and surgery, a  
16 licensed physician assistant or a licensed osteopathic physician  
17 assistant specifically approved to prescribe controlled substances by  
18 his or her state's medical commission or equivalent and his or her  
19 supervising physician, an advanced registered nurse practitioner  
20 licensed to prescribe controlled substances, or a veterinarian  
21 licensed to practice veterinary medicine in any state of the United  
22 States.

23 (~~(nn)~~) (oo) "Prescription" means an order for controlled  
24 substances issued by a practitioner duly authorized by law or rule in  
25 the state of Washington to prescribe controlled substances within the  
26 scope of his or her professional practice for a legitimate medical  
27 purpose.

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

30 (~~(pp)~~) (qq) "Qualifying patient" has the meaning provided in  
31 RCW 69.51A.010.

32 (~~(qq)~~) (rr) "Recognition card" has the meaning provided in RCW  
33 69.51A.010.

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

37 (~~(ss)~~) (tt) "Secretary" means the secretary of health or the  
38 secretary's designee.

39 (~~(tt)~~) (uu) "State," unless the context otherwise requires,  
40 means a state of the United States, the District of Columbia, the

1 Commonwealth of Puerto Rico, or a territory or insular possession  
2 subject to the jurisdiction of the United States.

3 ~~((uu))~~ (vv) "THC concentration" means percent of delta-9  
4 tetrahydrocannabinol content per dry weight of any part of the plant  
5 *Cannabis*, or per volume or weight of marijuana product, or the  
6 combined percent of delta-9 tetrahydrocannabinol and  
7 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
8 regardless of moisture content.

9 ~~((vv))~~ (ww) "Ultimate user" means an individual who lawfully  
10 possesses a controlled substance for the individual's own use or for  
11 the use of a member of the individual's household or for  
12 administering to an animal owned by the individual or by a member of  
13 the individual's household.

14 ~~((ww))~~ (xx) "Useable marijuana" means dried marijuana flowers.  
15 The term "useable marijuana" does not include either marijuana-  
16 infused products or marijuana concentrates.

17 ~~((xx))~~ (yy) "Youth access" means the level of interest persons  
18 under the age of twenty-one may have in a vapor product, as well as  
19 the degree to which the product is available or appealing to such  
20 persons, and the likelihood of initiation, use, or addiction by  
21 adolescents and young adults.

22 **Sec. 2.** RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43 are  
23 each reenacted and amended to read as follows:

24 The definitions in this section apply throughout this chapter  
25 unless the context clearly requires otherwise.

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

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

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

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

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

38 (d) "CBD concentration" has the meaning provided in RCW  
39 69.51A.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 on  
12 the central nervous system substantially similar to the stimulant,  
13 depressant, or hallucinogenic effect on the central nervous system of  
14 a controlled substance included in Schedule I or II; or

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

21 (2) The term does not include:

22 (i) a controlled substance;

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

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

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

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

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

37 (k) "Designated provider" has the meaning provided in RCW  
38 69.51A.010.

39 (l) "Dispense" means the interpretation of a prescription or  
40 order for a controlled substance and, pursuant to that prescription

1 or order, the proper selection, measuring, compounding, labeling, or  
2 packaging necessary to prepare that prescription or order for  
3 delivery.

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

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

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

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

19 (q) "Drug enforcement administration" means the drug enforcement  
20 administration in the United States Department of Justice, or its  
21 successor agency.

22 (r) "Electronic communication of prescription information" means  
23 the transmission of a prescription or refill authorization for a drug  
24 of a practitioner using computer systems. The term does not include a  
25 prescription or refill authorization verbally transmitted by  
26 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

38 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)  
39 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
40 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and

1 (42), and 69.50.210(c) the term includes any positional isomer; and  
2 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
3 includes any positional or geometric isomer.

4 (v) "Lot" means a definite quantity of marijuana, marijuana  
5 concentrates, useable marijuana, or marijuana-infused product  
6 identified by a lot number, every portion or package of which is  
7 uniform within recognized tolerances for the factors that appear in  
8 the labeling.

9 (w) "Lot number" must identify the licensee by business or trade  
10 name and Washington state unified business identifier number, and the  
11 date of harvest or processing for each lot of marijuana, marijuana  
12 concentrates, useable marijuana, or marijuana-infused product.

13 (x) "Manufacture" means the production, preparation, propagation,  
14 compounding, conversion, or processing of a controlled substance,  
15 either directly or indirectly or by extraction from substances of  
16 natural origin, or independently by means of chemical synthesis, or  
17 by a combination of extraction and chemical synthesis, and includes  
18 any packaging or repackaging of the substance or labeling or  
19 relabeling of its container. The term does not include the  
20 preparation, compounding, packaging, repackaging, labeling, or  
21 relabeling of a controlled substance:

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

25 (2) by a practitioner, or by the practitioner's authorized agent  
26 under the practitioner's supervision, for the purpose of, or as an  
27 incident to, research, teaching, or chemical analysis and not for  
28 sale.

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

35 (1) The mature stalks of the plant, fiber produced from the  
36 stalks, oil or cake made from the seeds of the plant, any other  
37 compound, manufacture, salt, derivative, mixture, or preparation of  
38 the mature stalks (except the resin extracted therefrom), fiber, oil,  
39 or cake, or the sterilized seed of the plant which is incapable of  
40 germination; or

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

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

6 (aa) "Marijuana processor" means a person licensed by the board  
7 to process marijuana into marijuana concentrates, useable marijuana,  
8 and marijuana-infused products, package and label marijuana  
9 concentrates, useable marijuana, and marijuana-infused products for  
10 sale in retail outlets, and sell marijuana concentrates, useable  
11 marijuana, and marijuana-infused products at wholesale to marijuana  
12 retailers.

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

16 (cc) "Marijuana products" means useable marijuana, marijuana  
17 concentrates, and marijuana-infused products as defined in this  
18 section.

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

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

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

31 (gg) "Narcotic drug" means any of the following, whether produced  
32 directly or indirectly by extraction from substances of vegetable  
33 origin, or independently by means of chemical synthesis, or by a  
34 combination of extraction and chemical synthesis:

35 (1) Opium, opium derivative, and any derivative of opium or opium  
36 derivative, including their salts, isomers, and salts of isomers,  
37 whenever the existence of the salts, isomers, and salts of isomers is  
38 possible within the specific chemical designation. The term does not  
39 include the isoquinoline alkaloids of opium.

1 (2) Synthetic opiate and any derivative of synthetic opiate,  
2 including their isomers, esters, ethers, salts, and salts of isomers,  
3 esters, and ethers, whenever the existence of the isomers, esters,  
4 ethers, and salts is possible within the specific chemical  
5 designation.

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

7 (4) Coca leaves, except coca leaves and extracts of coca leaves  
8 from which cocaine, ecgonine, and derivatives or ecgonine or their  
9 salts have been removed.

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

11 (6) Cocaine base.

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

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

16 (hh) "Opiate" means any substance having an addiction-forming or  
17 addiction-sustaining liability similar to morphine or being capable  
18 of conversion into a drug having addiction-forming or addiction-  
19 sustaining liability. The term includes opium, substances derived  
20 from opium (opium derivatives), and synthetic opiates. The term does  
21 not include, unless specifically designated as controlled under RCW  
22 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
23 and its salts (dextromethorphan). The term includes the racemic and  
24 levorotatory forms of dextromethorphan.

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

27 (jj) "Person" means individual, corporation, business trust,  
28 estate, trust, partnership, association, joint venture, government,  
29 governmental subdivision or agency, or any other legal or commercial  
30 entity.

31 (kk) "Personal use amount" means an amount that does not exceed:

32 (1) Forty user units of a mixture or substance containing a  
33 detectable amount of methadone;

34 (2) Forty pills, tablets, or capsules of a mixture or substance  
35 containing a detectable amount of oxycodone;

36 (3) One gram of a mixture or substance containing a detectable  
37 amount of heroin;

38 (4) One gram or five pills, tablets, or capsules of a mixture or  
39 substance containing a detectable amount of 3,4-  
40 methylenedioxyamphetamine or 3,4-methylenedioxymethamphetamin;

1 (5) Two grams of a mixture or substance containing a detectable  
2 amount of cocaine;

3 (6) Two grams of a mixture or substance containing a detectable  
4 amount of methamphetamine;

5 (7) Forty user units of a mixture or substance containing a  
6 detectable amount of lysergic acid diethylamide;

7 (8) Twelve grams of a mixture or substance containing a  
8 detectable amount of psilocybin or psilocin; or

9 (9) An amount or amounts that may be established by rule by the  
10 director of the health care authority for recreational or nonmedical  
11 and nonprescribed use of a controlled substance, counterfeit  
12 substance, or legend drug for which a maximum personal use amount has  
13 not been established.

14 (11) "Plant" has the meaning provided in RCW 69.51A.010.

15 ~~((11))~~ (mm) "Poppy straw" means all parts, except the seeds, of  
16 the opium poppy, after mowing.

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

18 (1) A physician under chapter 18.71 RCW; a physician assistant  
19 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
20 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW  
21 who is certified by the optometry board under RCW 18.53.010 subject  
22 to any limitations in RCW 18.53.010; a dentist under chapter 18.32  
23 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a  
24 veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
25 registered nurse practitioner, or licensed practical nurse under  
26 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
27 who is licensed under RCW 18.36A.030 subject to any limitations in  
28 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
29 investigator under this chapter, licensed, registered or otherwise  
30 permitted insofar as is consistent with those licensing laws to  
31 distribute, dispense, conduct research with respect to or administer  
32 a controlled substance in the course of their professional practice  
33 or research in this state.

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

38 (3) A physician licensed to practice medicine and surgery, a  
39 physician licensed to practice osteopathic medicine and surgery, a  
40 dentist licensed to practice dentistry, a podiatric physician and

1 surgeon licensed to practice podiatric medicine and surgery, a  
2 licensed physician assistant or a licensed osteopathic physician  
3 assistant specifically approved to prescribe controlled substances by  
4 his or her state's medical commission or equivalent and his or her  
5 supervising physician, an advanced registered nurse practitioner  
6 licensed to prescribe controlled substances, or a veterinarian  
7 licensed to practice veterinary medicine in any state of the United  
8 States.

9 ~~((nn))~~ (oo) "Prescription" means an order for controlled  
10 substances issued by a practitioner duly authorized by law or rule in  
11 the state of Washington to prescribe controlled substances within the  
12 scope of his or her professional practice for a legitimate medical  
13 purpose.

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

16 ~~((pp))~~ (qq) "Qualifying patient" has the meaning provided in  
17 RCW 69.51A.010.

18 ~~((qq))~~ (rr) "Recognition card" has the meaning provided in RCW  
19 69.51A.010.

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

23 ~~((ss))~~ (tt) "Secretary" means the secretary of health or the  
24 secretary's designee.

25 ~~((tt))~~ (uu) "State," unless the context otherwise requires,  
26 means a state of the United States, the District of Columbia, the  
27 Commonwealth of Puerto Rico, or a territory or insular possession  
28 subject to the jurisdiction of the United States.

29 ~~((uu))~~ (vv) "THC concentration" means percent of delta-9  
30 tetrahydrocannabinol content per dry weight of any part of the plant  
31 *Cannabis*, or per volume or weight of marijuana product, or the  
32 combined percent of delta-9 tetrahydrocannabinol and  
33 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
34 regardless of moisture content.

35 ~~((vv))~~ (ww) "Ultimate user" means an individual who lawfully  
36 possesses a controlled substance for the individual's own use or for  
37 the use of a member of the individual's household or for  
38 administering to an animal owned by the individual or by a member of  
39 the individual's household.

1       (~~(ww)~~) (xx) "Useable marijuana" means dried marijuana flowers.  
2       The term "useable marijuana" does not include either marijuana-  
3       infused products or marijuana concentrates.

4       (~~(xx)~~) (yy) "Youth access" means the level of interest persons  
5       under the age of twenty-one may have in a vapor product, as well as  
6       the degree to which the product is available or appealing to such  
7       persons, and the likelihood of initiation, use, or addiction by  
8       adolescents and young adults.

9       **Sec. 3.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to  
10      read as follows:

11      (1) Except as authorized by this chapter, it is unlawful for  
12      (~~(any)~~):

13      (a) Any person to create(~~(r)~~) or deliver(~~(r-ox)~~) a counterfeit  
14      substance;

15      (b) Any person to knowingly possess more than a personal use  
16      amount of a counterfeit substance; or

17      (c) A person under the age of 21 to knowingly possess a  
18      counterfeit substance of any amount.

19      (2) The juvenile court shall have jurisdiction pursuant to RCW  
20      13.04.030 over any person under the age of 21 charged with possession  
21      under this section. The court must offer a diversion or treatment  
22      option through a forensic navigator or other local treatment program  
23      on the person's first offense. Thereafter, the court is encouraged to  
24      offer a diversion or treatment option.

25      (3) Any person who violates this section with respect to:

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

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

35      (c) Any other counterfeit substance classified in Schedule I, II,  
36      or III, is guilty of a class C felony punishable according to chapter  
37      9A.20 RCW;

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

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

6 (4) A person who possesses a counterfeit substance in an amount  
7 that does not exceed the applicable personal use amount as defined in  
8 RCW 69.50.101 may be referred to a forensic navigator for connection  
9 to a substance use disorder resource as provided in section 14 of  
10 this act.

11 **Sec. 4.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to  
12 read as follows:

13 ~~(1) ((It is unlawful for any person to possess a controlled~~  
14 ~~substance unless))~~ Unless the substance was obtained directly from,  
15 or pursuant to, a valid prescription or order of a practitioner while  
16 acting in the course of his or her professional practice, or except  
17 as otherwise authorized by this chapter, it is unlawful for:

18 (a) Any person to knowingly possess more than a personal use  
19 amount of a controlled substance; or

20 (b) A person under the age of 21 to knowingly possess a  
21 controlled substance of any amount.

22 (2) Except as provided in RCW 69.50.4014(~~(, any))~~):

23 (a) Any person who violates this section is guilty of a class C  
24 felony punishable under chapter 9A.20 RCW;

25 (b) Any person under the age of 21 who violates this section is  
26 guilty of a gross misdemeanor.

27 (3) A person who possesses a controlled substance in an amount  
28 that does not exceed the applicable personal use amount may be  
29 referred to a forensic navigator for connection to a substance use  
30 disorder resource as provided in section 14 of this act.

31 (4) The juvenile court shall have jurisdiction pursuant to RCW  
32 13.04.030 over any person under the age of 21 charged with possession  
33 of a controlled substance under this section. The court must offer a  
34 diversion or treatment option through a forensic navigator or other  
35 local treatment program on the person's first offense. Thereafter,  
36 the court is encouraged to offer a diversion or treatment option.

37 (5)(a) The possession, by a person twenty-one years of age or  
38 older, of useable marijuana, marijuana concentrates, or marijuana-  
39 infused products in amounts that do not exceed those set forth in RCW

1 69.50.360(3) is not a violation of this section, this chapter, or any  
2 other provision of Washington state law.

3 (b) The possession of marijuana, useable marijuana, marijuana  
4 concentrates, and marijuana-infused products being physically  
5 transported or delivered within the state, in amounts not exceeding  
6 those that may be established under RCW 69.50.385(3), by a licensed  
7 employee of a common carrier when performing the duties authorized in  
8 accordance with RCW 69.50.382 and 69.50.385, is not a violation of  
9 this section, this chapter, or any other provision of Washington  
10 state law.

11 ~~((4))~~ (6)(a) The delivery by a person twenty-one years of age  
12 or older to one or more persons twenty-one years of age or older,  
13 during a single twenty-four hour period, for noncommercial purposes  
14 and not conditioned upon or done in connection with the provision or  
15 receipt of financial consideration, of any of the following marijuana  
16 products, is not a violation of this section, this chapter, or any  
17 other provisions of Washington state law:

18 (i) One-half ounce of useable marijuana;

19 (ii) Eight ounces of marijuana-infused product in solid form;

20 (iii) Thirty-six ounces of marijuana-infused product in liquid  
21 form; or

22 (iv) Three and one-half grams of marijuana concentrates.

23 (b) The act of delivering marijuana or a marijuana product as  
24 authorized under this subsection ~~((4))~~ (6) must meet one of the  
25 following requirements:

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

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

30 ~~((5))~~ (7) No person under twenty-one years of age may possess,  
31 manufacture, sell, or distribute marijuana, marijuana-infused  
32 products, or marijuana concentrates, regardless of THC concentration.  
33 This does not include qualifying patients with a valid authorization.

34 ~~((6))~~ (8) The possession by a qualifying patient or designated  
35 provider of marijuana concentrates, useable marijuana, marijuana-  
36 infused products, or plants in accordance with chapter 69.51A RCW is  
37 not a violation of this section, this chapter, or any other provision  
38 of Washington state law.

1       **Sec. 5.** RCW 69.50.412 and 2019 c 64 s 22 are each amended to  
2 read as follows:

3       (1) It is unlawful for any person to use drug paraphernalia to  
4 plant, propagate, cultivate, grow, harvest, manufacture, compound,  
5 convert, produce, process, or prepare(~~(, test, analyze, pack, repack,~~  
6 ~~store, contain, conceal, inject, ingest, inhale, or otherwise~~  
7 ~~introduce into the human body)) a controlled substance other than~~  
8 marijuana. Any person who violates this subsection is guilty of a  
9 misdemeanor.

10       (2) It is unlawful for any person to deliver, possess with intent  
11 to deliver, or manufacture with intent to deliver drug paraphernalia,  
12 knowing, or under circumstances where one reasonably should know,  
13 that it will be used to plant, propagate, cultivate, grow, harvest,  
14 manufacture, compound, convert, produce, process, or prepare(~~(, test,~~  
15 ~~analyze, pack, repack, store, contain, conceal, inject, ingest,~~  
16 ~~inhale, or otherwise introduce into the human body)) a controlled~~  
17 substance other than marijuana. Any person who violates this  
18 subsection is guilty of a misdemeanor.

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

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

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

32       **Sec. 6.** RCW 69.50.445 and 2015 2nd sp.s. c 4 s 401 are each  
33 amended to read as follows:

34       (1) It is unlawful to open a package containing marijuana,  
35 useable marijuana, marijuana-infused products, or marijuana  
36 concentrates, or consume marijuana, useable marijuana, marijuana-  
37 infused products, or marijuana concentrates, in view of the general  
38 public or in a public place.

1       (2) It is unlawful to open a package containing an unauthorized  
2 controlled substance or consume an unauthorized controlled substance  
3 in view of the general public or in a public place.

4       (3) For the purposes of this section, "public place" has the same  
5 meaning as defined in RCW 66.04.010, but the exclusions in RCW  
6 66.04.011 do not apply.

7       ~~((3))~~ (4)(a) A person who violates subsection (1) of this  
8 section is guilty of a class 3 civil infraction under chapter 7.80  
9 RCW.

10       (b) A person who violates subsection (2) of this section is  
11 guilty of a class 2 civil infraction under chapter 7.80 RCW.

12       **Sec. 7.** RCW 69.41.030 and 2019 c 55 s 9 are each amended to read  
13 as follows:

14       (1) ~~((1))~~ Except as provided in subsection (2) of this section,  
15 it shall be unlawful for ((any)):

16       (a) Any person to sell((7)) or deliver((7-08)) any legend drug;

17       (b) Any person to knowingly possess more than a personal use  
18 amount of any legend drug ((except)); or

19       (c) A person under the age of 21 to knowingly possess a legend  
20 drug of any amount.

21       (2) The sale, delivery, or possession of a legend drug does not  
22 constitute a violation of this section upon the order or prescription  
23 of a physician under chapter 18.71 RCW, an osteopathic physician and  
24 surgeon under chapter 18.57 RCW, an optometrist licensed under  
25 chapter 18.53 RCW who is certified by the optometry board under RCW  
26 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician  
27 and surgeon under chapter 18.22 RCW, a veterinarian under chapter  
28 18.92 RCW, a commissioned medical or dental officer in the United  
29 States armed forces or public health service in the discharge of his  
30 or her official duties, a duly licensed physician or dentist employed  
31 by the veterans administration in the discharge of his or her  
32 official duties, a registered nurse or advanced registered nurse  
33 practitioner under chapter 18.79 RCW when authorized by the nursing  
34 care quality assurance commission, a pharmacist licensed under  
35 chapter 18.64 RCW to the extent permitted by drug therapy guidelines  
36 or protocols established under RCW 18.64.011 and authorized by the  
37 commission and approved by a practitioner authorized to prescribe  
38 drugs, an osteopathic physician assistant under chapter 18.57A RCW  
39 when authorized by the board of osteopathic medicine and surgery, a

1 physician assistant under chapter 18.71A RCW when authorized by the  
2 Washington medical commission, or any of the following professionals  
3 in any province of Canada that shares a common border with the state  
4 of Washington or in any state of the United States: A physician  
5 licensed to practice medicine and surgery or a physician licensed to  
6 practice osteopathic medicine and surgery, a dentist licensed to  
7 practice dentistry, a podiatric physician and surgeon licensed to  
8 practice podiatric medicine and surgery, a licensed advanced  
9 registered nurse practitioner, a licensed physician assistant, a  
10 licensed osteopathic physician assistant, or a veterinarian licensed  
11 to practice veterinary medicine: PROVIDED, HOWEVER, That the above  
12 provisions shall not apply to sale, delivery, or possession by drug  
13 wholesalers or drug manufacturers, or their agents or employees, or  
14 to any practitioner acting within the scope of his or her license, or  
15 to a common or contract carrier or warehouse operator, or any  
16 employee thereof, whose possession of any legend drug is in the usual  
17 course of business or employment: PROVIDED FURTHER, That nothing in  
18 this chapter or chapter 18.64 RCW shall prevent a family planning  
19 clinic that is under contract with the health care authority from  
20 selling, delivering, possessing, and dispensing commercially  
21 prepackaged oral contraceptives prescribed by authorized, licensed  
22 health care practitioners: PROVIDED FURTHER, That nothing in this  
23 chapter prohibits possession or delivery of legend drugs by an  
24 authorized collector or other person participating in the operation  
25 of a drug take-back program authorized in chapter 69.48 RCW.

26 ~~((+2))~~ (3)(a) A violation of this section involving the sale,  
27 delivery, or possession with intent to sell or deliver is a class B  
28 felony punishable according to chapter 9A.20 RCW.

29 (b) A violation of this section involving possession is a  
30 misdemeanor.

31 **Sec. 8.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to  
32 read as follows:

33 (1) ~~((+1))~~ Except as provided in subsection (2) of this section,  
34 it shall be unlawful for ((any)):

35 (a) Any person to sell((7)) or deliver((7-01)) any legend drug;

36 (b) Any person to knowingly possess more than a personal use  
37 amount of any legend drug ((except)); or

38 (c) A person under the age of 21 to knowingly possess a legend  
39 drug of any amount.

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

1 collector or other person participating in the operation of a drug  
2 take-back program authorized in chapter 69.48 RCW.

3 ~~((2))~~ (3)(a) A violation of this section involving the sale,  
4 delivery, or possession with intent to sell or deliver is a class B  
5 felony punishable according to chapter 9A.20 RCW.

6 (b) A violation of this section involving possession is a  
7 misdemeanor.

8 **Sec. 9.** RCW 69.41.010 and 2019 c 358 s 6 and 2019 c 308 s 23 are  
9 each reenacted and amended to read as follows:

10 As used in this chapter, the following terms have the meanings  
11 indicated unless the context clearly requires otherwise:

12 (1) "Administer" means the direct application of a legend drug  
13 whether by injection, inhalation, ingestion, or any other means, to  
14 the body of a patient or research subject by:

15 (a) A practitioner; or

16 (b) The patient or research subject at the direction of the  
17 practitioner.

18 (2) "Commission" means the pharmacy quality assurance commission.

19 (3) "Community-based care settings" include: Community  
20 residential programs for persons with developmental disabilities,  
21 certified by the department of social and health services under  
22 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128  
23 RCW; and assisted living facilities licensed under chapter 18.20 RCW.  
24 Community-based care settings do not include acute care or skilled  
25 nursing facilities.

26 (4) "Deliver" or "delivery" means the actual, constructive, or  
27 attempted transfer from one person to another of a legend drug,  
28 whether or not there is an agency relationship.

29 (5) "Department" means the department of health.

30 (6) "Dispense" means the interpretation of a prescription or  
31 order for a legend drug and, pursuant to that prescription or order,  
32 the proper selection, measuring, compounding, labeling, or packaging  
33 necessary to prepare that prescription or order for delivery.

34 (7) "Dispenser" means a practitioner who dispenses.

35 (8) "Distribute" means to deliver other than by administering or  
36 dispensing a legend drug.

37 (9) "Distributor" means a person who distributes.

38 (10) "Drug" means:

1 (a) Substances recognized as drugs in the official United States  
2 pharmacopoeia, official homeopathic pharmacopoeia of the United  
3 States, or official national formulary, or any supplement to any of  
4 them;

5 (b) Substances intended for use in the diagnosis, cure,  
6 mitigation, treatment, or prevention of disease in human beings or  
7 animals;

8 (c) Substances (other than food, minerals or vitamins) intended  
9 to affect the structure or any function of the body of human beings  
10 or animals; and

11 (d) Substances intended for use as a component of any article  
12 specified in (a), (b), or (c) of this subsection. It does not include  
13 devices or their components, parts, or accessories.

14 (11) "Electronic communication of prescription information" means  
15 the transmission of a prescription or refill authorization for a drug  
16 of a practitioner using computer systems. The term does not include a  
17 prescription or refill authorization transmitted verbally by  
18 telephone nor a facsimile manually signed by the practitioner.

19 (12) "In-home care settings" include an individual's place of  
20 temporary and permanent residence, but does not include acute care or  
21 skilled nursing facilities, and does not include community-based care  
22 settings.

23 (13) "Legend drugs" means any drugs which are required by state  
24 law or regulation of the pharmacy quality assurance commission to be  
25 dispensed on prescription only or are restricted to use by  
26 practitioners only.

27 (14) "Legible prescription" means a prescription or medication  
28 order issued by a practitioner that is capable of being read and  
29 understood by the pharmacist filling the prescription or the nurse or  
30 other practitioner implementing the medication order. A prescription  
31 must be hand printed, typewritten, or electronically generated.

32 (15) "Medication assistance" means assistance rendered by a  
33 nonpractitioner to an individual residing in a community-based care  
34 setting or in-home care setting to facilitate the individual's self-  
35 administration of a legend drug or controlled substance. It includes  
36 reminding or coaching the individual, handing the medication  
37 container to the individual, opening the individual's medication  
38 container, using an enabler, or placing the medication in the  
39 individual's hand, and such other means of medication assistance as  
40 defined by rule adopted by the department. A nonpractitioner may help

1 in the preparation of legend drugs or controlled substances for self-  
2 administration where a practitioner has determined and communicated  
3 orally or by written direction that such medication preparation  
4 assistance is necessary and appropriate. Medication assistance shall  
5 not include assistance with intravenous medications or injectable  
6 medications, except prefilled insulin syringes.

7 (16) "Person" means individual, corporation, government or  
8 governmental subdivision or agency, business trust, estate, trust,  
9 partnership or association, or any other legal entity.

10 (17) "Personal use amount" has the meaning provided in RCW  
11 69.50.101.

12 (18) "Practitioner" means:

13 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
14 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
15 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
16 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern  
17 medicine practitioner to the extent authorized under chapter 18.06  
18 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian  
19 under chapter 18.92 RCW, a registered nurse, advanced registered  
20 nurse practitioner, or licensed practical nurse under chapter 18.79  
21 RCW, an optometrist under chapter 18.53 RCW who is certified by the  
22 optometry board under RCW 18.53.010, an osteopathic physician  
23 assistant under chapter 18.57A RCW, a physician assistant under  
24 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a  
25 licensed athletic trainer to the extent authorized under chapter  
26 18.250 RCW, a pharmacist under chapter 18.64 RCW, or, when acting  
27 under the required supervision of a dentist licensed under chapter  
28 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

29 (b) A pharmacy, hospital, or other institution licensed,  
30 registered, or otherwise permitted to distribute, dispense, conduct  
31 research with respect to, or to administer a legend drug in the  
32 course of professional practice or research in this state; and

33 (c) A physician licensed to practice medicine and surgery or a  
34 physician licensed to practice osteopathic medicine and surgery in  
35 any state, or province of Canada, which shares a common border with  
36 the state of Washington.

37 (~~((18))~~) (19) "Secretary" means the secretary of health or the  
38 secretary's designee.

1       **Sec. 10.** RCW 69.41.010 and 2020 c 80 s 40 are each amended to  
2 read as follows:

3       As used in this chapter, the following terms have the meanings  
4 indicated unless the context clearly requires otherwise:

5       (1) "Administer" means the direct application of a legend drug  
6 whether by injection, inhalation, ingestion, or any other means, to  
7 the body of a patient or research subject by:

8       (a) A practitioner; or

9       (b) The patient or research subject at the direction of the  
10 practitioner.

11       (2) "Commission" means the pharmacy quality assurance commission.

12       (3) "Community-based care settings" include: Community  
13 residential programs for persons with developmental disabilities,  
14 certified by the department of social and health services under  
15 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128  
16 RCW; and assisted living facilities licensed under chapter 18.20 RCW.  
17 Community-based care settings do not include acute care or skilled  
18 nursing facilities.

19       (4) "Deliver" or "delivery" means the actual, constructive, or  
20 attempted transfer from one person to another of a legend drug,  
21 whether or not there is an agency relationship.

22       (5) "Department" means the department of health.

23       (6) "Dispense" means the interpretation of a prescription or  
24 order for a legend drug and, pursuant to that prescription or order,  
25 the proper selection, measuring, compounding, labeling, or packaging  
26 necessary to prepare that prescription or order for delivery.

27       (7) "Dispenser" means a practitioner who dispenses.

28       (8) "Distribute" means to deliver other than by administering or  
29 dispensing a legend drug.

30       (9) "Distributor" means a person who distributes.

31       (10) "Drug" means:

32       (a) Substances recognized as drugs in the official United States  
33 pharmacopoeia, official homeopathic pharmacopoeia of the United  
34 States, or official national formulary, or any supplement to any of  
35 them;

36       (b) Substances intended for use in the diagnosis, cure,  
37 mitigation, treatment, or prevention of disease in human beings or  
38 animals;

1 (c) Substances (other than food, minerals or vitamins) intended  
2 to affect the structure or any function of the body of human beings  
3 or animals; and

4 (d) Substances intended for use as a component of any article  
5 specified in (a), (b), or (c) of this subsection. It does not include  
6 devices or their components, parts, or accessories.

7 (11) "Electronic communication of prescription information" means  
8 the transmission of a prescription or refill authorization for a drug  
9 of a practitioner using computer systems. The term does not include a  
10 prescription or refill authorization transmitted verbally by  
11 telephone nor a facsimile manually signed by the practitioner.

12 (12) "In-home care settings" include an individual's place of  
13 temporary and permanent residence, but does not include acute care or  
14 skilled nursing facilities, and does not include community-based care  
15 settings.

16 (13) "Legend drugs" means any drugs which are required by state  
17 law or regulation of the pharmacy quality assurance commission to be  
18 dispensed on prescription only or are restricted to use by  
19 practitioners only.

20 (14) "Legible prescription" means a prescription or medication  
21 order issued by a practitioner that is capable of being read and  
22 understood by the pharmacist filling the prescription or the nurse or  
23 other practitioner implementing the medication order. A prescription  
24 must be hand printed, typewritten, or electronically generated.

25 (15) "Medication assistance" means assistance rendered by a  
26 nonpractitioner to an individual residing in a community-based care  
27 setting or in-home care setting to facilitate the individual's self-  
28 administration of a legend drug or controlled substance. It includes  
29 reminding or coaching the individual, handing the medication  
30 container to the individual, opening the individual's medication  
31 container, using an enabler, or placing the medication in the  
32 individual's hand, and such other means of medication assistance as  
33 defined by rule adopted by the department. A nonpractitioner may help  
34 in the preparation of legend drugs or controlled substances for self-  
35 administration where a practitioner has determined and communicated  
36 orally or by written direction that such medication preparation  
37 assistance is necessary and appropriate. Medication assistance shall  
38 not include assistance with intravenous medications or injectable  
39 medications, except prefilled insulin syringes.

1 (16) "Person" means individual, corporation, government or  
2 governmental subdivision or agency, business trust, estate, trust,  
3 partnership or association, or any other legal entity.

4 (17) "Personal use amount" has the meaning provided in RCW  
5 69.50.101.

6 (18) "Practitioner" means:

7 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
8 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
9 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
10 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern  
11 medicine practitioner to the extent authorized under chapter 18.06  
12 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian  
13 under chapter 18.92 RCW, a registered nurse, advanced registered  
14 nurse practitioner, or licensed practical nurse under chapter 18.79  
15 RCW, an optometrist under chapter 18.53 RCW who is certified by the  
16 optometry board under RCW 18.53.010, a physician assistant under  
17 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a  
18 licensed athletic trainer to the extent authorized under chapter  
19 18.250 RCW, a pharmacist under chapter 18.64 RCW, or, when acting  
20 under the required supervision of a dentist licensed under chapter  
21 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

22 (b) A pharmacy, hospital, or other institution licensed,  
23 registered, or otherwise permitted to distribute, dispense, conduct  
24 research with respect to, or to administer a legend drug in the  
25 course of professional practice or research in this state; and

26 (c) A physician licensed to practice medicine and surgery or a  
27 physician licensed to practice osteopathic medicine and surgery in  
28 any state, or province of Canada, which shares a common border with  
29 the state of Washington.

30 (~~((18))~~) (19) "Secretary" means the secretary of health or the  
31 secretary's designee.

32 **Sec. 11.** RCW 2.24.010 and 2013 c 27 s 3 are each amended to read  
33 as follows:

34 (1) There may be appointed in each county or judicial district,  
35 by the judges of the superior court having jurisdiction therein, one  
36 or more court commissioners for said county or judicial district.  
37 Each such commissioner shall be a citizen of the United States and  
38 shall hold the office during the pleasure of the judges making the  
39 appointment.

1 (2) (a) There may be appointed (~~(in counties with a population of~~  
2 ~~more than four hundred thousand,~~) by the presiding judge of the  
3 superior court having jurisdiction (~~(therein)~~), one or more attorneys  
4 to act as criminal commissioners to assist the superior court in  
5 disposing of adult criminal cases. Such criminal commissioners shall  
6 have power, authority, and jurisdiction, concurrent with the superior  
7 court and the judges thereof, in adult criminal cases, to preside  
8 over arraignments, preliminary appearances, initial extradition  
9 hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or  
10 9.94B.040; accept pleas if authorized by local court rules; appoint  
11 counsel; make determinations of probable cause; set, amend, and  
12 review conditions of pretrial release; set bail; set trial and  
13 hearing dates; authorize continuances; accept waivers of the right to  
14 speedy trial; and authorize and issue search warrants and orders to  
15 intercept, monitor, or record wired or wireless telecommunications or  
16 for the installation of electronic taps or other devices to include,  
17 but not be limited to, vehicle global positioning system or other  
18 mobile tracking devices with all the powers conferred upon the judge  
19 of the superior court in such matters. Criminal commissioners also  
20 shall have the authority to conduct resentencing hearings and to  
21 vacate convictions pursuant to *State v. Blake*, No. 96873-0 (Feb. 25,  
22 2021).

23 (b) The county legislative authority must approve the creation of  
24 criminal commissioner positions.

25 **Sec. 12.** RCW 2.24.040 and 2009 c 28 s 1 are each amended to read  
26 as follows:

27 Such court commissioner shall have power, authority, and  
28 jurisdiction, concurrent with the superior court and the judge  
29 thereof, in the following particulars:

30 (1) To hear and determine all matters in probate, to make and  
31 issue all proper orders therein, and to issue citations in all cases  
32 where same are authorized by the probate statutes of this state.

33 (2) To grant and enter defaults and enter judgment thereon.

34 (3) To issue temporary restraining orders and temporary  
35 injunctions, and to fix and approve bonds thereon.

36 (4) To act as referee in all matters and actions referred to him  
37 or her by the superior court as such, with all the powers now  
38 conferred upon referees by law.

1 (5) To hear and determine all proceedings supplemental to  
2 execution, with all the powers conferred upon the judge of the  
3 superior court in such matters.

4 (6) To hear and determine all petitions for the adoption of  
5 children and for the dissolution of incorporations.

6 (7) To hear and determine all applications for the commitment of  
7 any person to the hospital for the insane, with all the powers of the  
8 superior court in such matters: PROVIDED, That in cases where a jury  
9 is demanded, same shall be referred to the superior court for trial.

10 (8) To hear and determine all complaints for the commitments of  
11 minors with all powers conferred upon the superior court in such  
12 matters.

13 (9) To hear and determine ex parte and uncontested civil matters  
14 of any nature.

15 (10) To grant adjournments, administer oaths, preserve order,  
16 compel attendance of witnesses, and to punish for contempts in the  
17 refusal to obey or the neglect of the court commissioner's lawful  
18 orders made in any matter before the court commissioner as fully as  
19 the judge of the superior court.

20 (11) To take acknowledgments and proofs of deeds, mortgages and  
21 all other instruments requiring acknowledgment under the laws of this  
22 state, and to take affidavits and depositions in all cases.

23 (12) To provide an official seal, upon which shall be engraved  
24 the words "Court Commissioner," and the name of the county for which  
25 he or she may be appointed, and to authenticate his official acts  
26 therewith in all cases where same is necessary.

27 (13) To charge and collect, for his or her own use, the same fees  
28 for the official performance of official acts mentioned in  
29 subsections (4) and (11) of this section as are provided by law for  
30 referees and notaries public.

31 (14) To hear and determine small claims appeals as provided in  
32 chapter 12.36 RCW.

33 (15) In adult criminal cases, to preside over arraignments,  
34 preliminary appearances, initial extradition hearings, and  
35 noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040;  
36 accept pleas if authorized by local court rules; appoint counsel;  
37 make determinations of probable cause; set, amend, and review  
38 conditions of pretrial release; set bail; set trial and hearing  
39 dates; authorize continuances; (~~and~~) accept waivers of the right to

1 speedy trial; and conduct resentencing hearings and to vacate  
2 convictions pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021).

3 **Sec. 13.** RCW 9.94A.728 and 2018 c 166 s 2 are each amended to  
4 read as follows:

5 (1) No person serving a sentence imposed pursuant to this chapter  
6 and committed to the custody of the department shall leave the  
7 confines of the correctional facility or be released prior to the  
8 expiration of the sentence except as follows:

9 (a) An offender may earn early release time as authorized by RCW  
10 9.94A.729;

11 (b) An offender may leave a correctional facility pursuant to an  
12 authorized furlough or leave of absence. In addition, offenders may  
13 leave a correctional facility when in the custody of a corrections  
14 officer or officers;

15 (c) (i) The secretary may authorize an extraordinary medical  
16 placement for an offender when all of the following conditions exist:

17 (A) The offender has a medical condition that is serious and is  
18 expected to require costly care or treatment;

19 (B) The offender poses a low risk to the community because he or  
20 she is currently physically incapacitated due to age or the medical  
21 condition or is expected to be so at the time of release; and

22 (C) It is expected that granting the extraordinary medical  
23 placement will result in a cost savings to the state.

24 (ii) An offender sentenced to death or to life imprisonment  
25 without the possibility of release or parole is not eligible for an  
26 extraordinary medical placement.

27 (iii) The secretary shall require electronic monitoring for all  
28 offenders in extraordinary medical placement unless the electronic  
29 monitoring equipment interferes with the function of the offender's  
30 medical equipment or results in the loss of funding for the  
31 offender's medical care, in which case, an alternative type of  
32 monitoring shall be utilized. The secretary shall specify who shall  
33 provide the monitoring services and the terms under which the  
34 monitoring shall be performed.

35 (iv) The secretary may revoke an extraordinary medical placement  
36 under this subsection (1) (c) at any time.

37 (v) Persistent offenders are not eligible for extraordinary  
38 medical placement;

1 (d) The governor, upon recommendation from the clemency and  
2 pardons board, may grant an extraordinary release for reasons of  
3 serious health problems, senility, advanced age, extraordinary  
4 meritorious acts, or other extraordinary circumstances;

5 (e) No more than the final twelve months of the offender's term  
6 of confinement may be served in partial confinement for aiding the  
7 offender with: Finding work as part of the work release program under  
8 chapter 72.65 RCW; or reestablishing himself or herself in the  
9 community as part of the parenting program in RCW 9.94A.6551. This is  
10 in addition to that period of earned early release time that may be  
11 exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

12 (f) No more than the final six months of the offender's term of  
13 confinement may be served in partial confinement as home detention as  
14 part of the graduated reentry program developed by the department  
15 under RCW 9.94A.733;

16 (g) The governor may pardon any offender;

17 (h) The department may release an offender from confinement any  
18 time within ten days before a release date calculated under this  
19 section;

20 (i) An offender may leave a correctional facility prior to  
21 completion of his or her sentence if the sentence has been reduced as  
22 provided in RCW 9.94A.870;

23 (j) Notwithstanding any other provisions of this section, an  
24 offender sentenced for a felony crime listed in RCW 9.94A.540 as  
25 subject to a mandatory minimum sentence of total confinement shall  
26 not be released from total confinement before the completion of the  
27 listed mandatory minimum sentence for that felony crime of conviction  
28 unless allowed under RCW 9.94A.540; and

29 (k) Any person convicted of one or more crimes committed prior to  
30 the person's eighteenth birthday may be released from confinement  
31 pursuant to RCW 9.94A.730.

32 (2) Notwithstanding any other provision of this section, an  
33 offender entitled to vacation of a conviction or the recalculation of  
34 his or her offender score pursuant to *State v. Blake*, No. 96873-0  
35 (Feb. 25, 2021), may be released from confinement pursuant to a court  
36 order if the offender has already served a period of confinement that  
37 exceeds his or her new standard range. This provision does not create  
38 an independent right to release from confinement prior to  
39 resentencing.

1       (3) Offenders residing in a juvenile correctional facility  
2 placement pursuant to RCW 72.01.410(1)(a) are not subject to the  
3 limitations in this section.

4       NEW SECTION.   **Sec. 14.** A new section is added to chapter 10.77  
5 RCW to read as follows:

6       (1)(a) After October 1, 2021, a forensic navigator may be used as  
7 a resource for law enforcement to serve as a referral source for  
8 substance use disorder resources.

9       (b) The use of forensic navigators as outlined in this section is  
10 subject to available resources and must not interfere with settlement  
11 obligations under *Trueblood, et al., v. Washington State DSHS*, No.  
12 15-35462.

13       (2) When a forensic navigator receives information from a law  
14 enforcement agency alleging that a person was in possession of a  
15 counterfeit substance, controlled substance, or legend drug in an  
16 amount classified as personal use, the forensic navigator shall refer  
17 the individual to a substance use disorder resource.

18       (3) The health care authority will provide a single point of  
19 coordination between the department and the authority to ensure  
20 linkage to the substance use disorder system of care.

21       (4) The department will collect data on the number of referrals  
22 received and will submit this information to the appropriate  
23 committees of the legislature on an annual basis, beginning November  
24 1, 2022.

25       (5) The health care authority will collect data on the number of  
26 requests for services from those referred through the forensic  
27 navigator program, including the type of service requested, services  
28 provided, and submit this information to the appropriate committees  
29 of the legislature on an annual basis, beginning November 1, 2022.

30       NEW SECTION.   **Sec. 15.** The *State v. Blake* reimbursement account  
31 is created in the state treasury. Moneys in the account may be spent  
32 only after appropriation. Expenditures from the account may be used  
33 only for state and local government costs resulting from the supreme  
34 court's decision in *State v. Blake* and to reimburse individuals for  
35 legal financial obligations paid in connection with sentences that  
36 have been invalidated as a result of the decision in *State v. Blake*.

1        NEW SECTION.    **Sec. 16.**    Sections 1, 7, and 9 of this act expire  
2 July 1, 2022.

3        NEW SECTION.    **Sec. 17.**    Sections 2, 8, and 10 of this act take  
4 effect July 1, 2022.

5        NEW SECTION.    **Sec. 18.**    Except for sections 2, 8, and 10 of this  
6 act, this act is necessary for the immediate preservation of the  
7 public peace, health, or safety, or support of the state government  
8 and its existing public institutions, and takes effect immediately.

--- END ---