

SB 5476 - S AMD TO S AMD (S-2939.2/21) **866**

By Senator Padden

1 On page 1, line 3, strike all of section 1

2 Renumber the remaining sections consecutively and correct any
3 internal references accordingly.

4 On page 2, beginning on line 28, after "(3)" strike all material
5 through "treatment" on line 33 and insert "Any person who possesses a
6 counterfeit substance under this section, but does not do so
7 knowingly, is guilty of a civil infraction and is subject to a fine
8 of not more than \$3,000."

9 On page 3, beginning on line 3, after "69.50.4014" strike all
10 material through "(4)" on line 11 and insert "((~~7~~any)):"

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

13 (b) Any person who possesses a controlled substance under this
14 section, but does not do so knowingly, is guilty of a civil
15 infraction and is subject to a fine of not more than \$3,000.

16 (3) "

17 Renumber the remaining subsections consecutively and correct any
18 internal references accordingly.

19 Beginning on page 4, line 12, strike all of sections 4 through 6
20 and insert the following:

21 "**Sec. 4.** RCW 69.50.4014 and 2015 2nd sp.s. c 4 s 505 are each
22 amended to read as follows:

23 Except as provided in RCW 69.50.401(2)(c) or as otherwise
24 authorized by this chapter, any person found guilty of knowing
25 possession of forty grams or less of marijuana is guilty of a
26 misdemeanor.

27 **Sec. 5.** RCW 69.41.030 and 2019 c 55 s 9 are each amended to read
28 as follows:

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

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

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

9 (b) (i) A person who knowingly possesses a legend drug in
10 violation of this section ((involving possession)) is guilty of a
11 misdemeanor;

12 (ii) A person who possesses a legend drug in violation of this
13 section, but does not do so knowingly, is guilty of a civil
14 infraction and subject to a fine of not more than \$3,000.

15 **Sec. 6.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to
16 read as follows:

17 (1) It shall be unlawful for any person to sell, deliver, or
18 knowingly possess any legend drug except upon the order or
19 prescription of a physician under chapter 18.71 RCW, an osteopathic
20 physician and surgeon under chapter 18.57 RCW, an optometrist
21 licensed under chapter 18.53 RCW who is certified by the optometry
22 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a
23 podiatric physician and surgeon under chapter 18.22 RCW, a
24 veterinarian under chapter 18.92 RCW, a commissioned medical or
25 dental officer in the United States armed forces or public health
26 service in the discharge of his or her official duties, a duly
27 licensed physician or dentist employed by the veterans administration
28 in the discharge of his or her official duties, a registered nurse or
29 advanced registered nurse practitioner under chapter 18.79 RCW when
30 authorized by the nursing care quality assurance commission, a
31 pharmacist licensed under chapter 18.64 RCW to the extent permitted
32 by drug therapy guidelines or protocols established under RCW
33 18.64.011 and authorized by the commission and approved by a
34 practitioner authorized to prescribe drugs, a physician assistant
35 under chapter 18.71A RCW when authorized by the Washington medical
36 commission, or any of the following professionals in any province of
37 Canada that shares a common border with the state of Washington or in
38 any state of the United States: A physician licensed to practice
39 medicine and surgery or a physician licensed to practice osteopathic

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

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

23 (b) (i) A person who knowingly possesses a legend drug in
24 violation of this section ((involving possession)) is guilty of a
25 misdemeanor;

26 (ii) A person who possesses a legend drug in violation of this
27 section, but does not do so knowingly, is guilty of a civil
28 infraction and subject to a fine of not more than \$3,000."

29 On page 8, beginning on line 2, strike all material through
30 "DRUGS" on line 3 and insert "MISCELLANEOUS PROVISIONS"

31 Beginning on page 8, line 4, strike all of sections 7 through 24
32 and insert the following:

33 "NEW SECTION. **Sec. 7.** Section 5 of this act expires July 1,
34 2022.

35 NEW SECTION. **Sec. 8.** Section 6 of this act takes effect July 1,
36 2022.

1 NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act are
2 necessary for the immediate preservation of the public peace, health,
3 or safety, or support of the state government and its existing public
4 institutions, and take effect immediately."

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5 On page 42, beginning on line 2, after "insert" strike all
6 material through "emergency." on line 13 and insert "addressing the
7 *State v. Blake* decision; amending RCW 69.50.4011, 69.50.4013,
8 69.50.4014, 69.41.030, and 69.41.030; prescribing penalties;
9 providing an effective date; providing an expiration date; and
10 declaring an emergency."

EFFECT: (1) Restores the title to the bill as introduced.
(2) Removes the intent statement.
(3) Retains the knowingly standard for possession of controlled substances.
(4) Provides for a civil infraction for possession of controlled substances.
(5) Removes provisions relating to the HCA and their authority to adopt rules on personal use amounts of controlled substances.
(6) Removes the definition of personal use amounts of controlled substances.
(7) Removes the Substance Use Recovery Services Advisory Committee.
(8) Removes provisions relating to resentencing and releasing persons impacted by *State v. Blake*.
(9) Removes the contingency in the striking amendment relating to the Committee's report.

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