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HOUSE BILL 1937

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Mosbrucker and Dye

1       AN ACT Relating to fentanyl; amending RCW 69.50.4013, 69.50.4013,  
2   9.94A.518, and 13.40.0357; creating new sections; prescribing  
3   penalties; providing an effective date; and providing an expiration  
4   date.

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

6       NEW SECTION.   **Sec. 1.** According to a recent study of provisional  
7   data collected by the United States centers for disease control and  
8   prevention, overdose from fentanyl is now the leading cause of death  
9   of Americans between the ages of 18 and 45. Washington is not immune  
10   from the opioid epidemic. Fentanyl has had a staggering effect on its  
11   communities, and fentanyl-related overdoses are increasing across the  
12   state. Under current law, possession of fentanyl is classified as a  
13   simple misdemeanor, which is the lowest criminal penalty available.  
14   This is an insufficient criminal justice system response to this  
15   extremely dangerous drug. The legislature intends to restore the  
16   former felony penalties for possession of fentanyl in order to  
17   reflect the extreme hazards associated with this highly potent  
18   substance, and additionally intends to launch a public outreach  
19   campaign to enhance public education on this issue and connect  
20   affected individuals with available resources.

1       **Sec. 2.** RCW 69.50.4013 and 2021 c 311 s 9 are each amended to  
2 read as follows:

3       (1) It is unlawful for any person to knowingly possess a  
4 controlled substance unless the substance was obtained directly from,  
5 or pursuant to, a valid prescription or order of a practitioner while  
6 acting in the course of his or her professional practice, or except  
7 as otherwise authorized by this chapter.

8       (2) (a) Except as provided in RCW 69.50.4014 and (b) of this  
9 subsection, any person who violates this section is guilty of a  
10 misdemeanor.

11       (b) Any person who violates this section by knowingly possessing  
12 fentanyl is guilty of a class C felony punishable according to  
13 chapter 9A.20 RCW.

14       (3) The prosecutor is encouraged to divert cases under this  
15 section for assessment, treatment, or other services.

16       (4) (a) The possession, by a person (~~((twenty-one))~~) 21 years of age  
17 or older, of useable marijuana, marijuana concentrates, or marijuana-  
18 infused products in amounts that do not exceed those set forth in RCW  
19 69.50.360(3) is not a violation of this section, this chapter, or any  
20 other provision of Washington state law.

21       (b) The possession of marijuana, useable marijuana, marijuana  
22 concentrates, and marijuana-infused products being physically  
23 transported or delivered within the state, in amounts not exceeding  
24 those that may be established under RCW 69.50.385(3), by a licensed  
25 employee of a common carrier when performing the duties authorized in  
26 accordance with RCW 69.50.382 and 69.50.385, is not a violation of  
27 this section, this chapter, or any other provision of Washington  
28 state law.

29       (5) (a) The delivery by a person (~~((twenty-one))~~) 21 years of age or  
30 older to one or more persons (~~((twenty-one))~~) 21 years of age or older,  
31 during a single (~~((twenty-four))~~) 24-hour period, for noncommercial  
32 purposes and not conditioned upon or done in connection with the  
33 provision or receipt of financial consideration, of any of the  
34 following marijuana products, is not a violation of this section,  
35 this chapter, or any other provisions of Washington state law:

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

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

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

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

(b) The act of delivering marijuana or a marijuana product as authorized under this subsection (5) must meet one of the following requirements:

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

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

(6) No person under (~~(twenty-one)~~) 21 years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

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

**Sec. 3.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to read as follows:

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

(b) It is unlawful for any person to knowingly possess fentanyl unless obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

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

(3)(a) The possession, by a person (~~(twenty-one)~~) 21 years of age or older, of useable marijuana, marijuana concentrates, or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or delivered within the state, in amounts not exceeding

those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

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

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

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

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

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

(5) No person under (~~((twenty-one))~~) 21 years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

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

**Sec. 4.** RCW 9.94A.518 and 2021 c 311 s 15 are each amended to read as follows:

TABLE 4

DRUG OFFENSES  
INCLUDED WITHIN EACH  
SERIOUSNESS LEVEL

- III Any felony offense under chapter  
69.50 RCW with a deadly weapon  
special verdict under RCW  
9.94A.825
- Controlled Substance Homicide (RCW  
69.50.415)
- Delivery of imitation controlled  
substance by person (~~((eighteen))~~)  
18 or over to person under  
~~((eighteen))~~ 18 (RCW  
69.52.030(2))
- Involving a minor in drug dealing  
(RCW 69.50.4015)
- Manufacture of methamphetamine  
(RCW 69.50.401(2)(b))
- Over 18 and deliver heroin,  
methamphetamine, a narcotic from  
Schedule I or II, or flunitrazepam  
from Schedule IV to someone  
under 18 (RCW 69.50.406)
- Over 18 and deliver narcotic from  
Schedule III, IV, or V or a  
nonnarcotic, except flunitrazepam  
or methamphetamine, from  
Schedule I-V to someone under 18  
and ~~((3))~~ three years junior (RCW  
69.50.406)
- Possession of Ephedrine,  
Pseudoephedrine, or Anhydrous  
Ammonia with intent to  
manufacture methamphetamine  
(RCW 69.50.440)

Selling for profit (controlled or  
counterfeit) any controlled  
substance (RCW 69.50.410)

II Create or deliver a counterfeit  
controlled substance (RCW  
69.50.4011(1)(a))

Deliver or possess with intent to  
deliver methamphetamine (RCW  
69.50.401(2)(b))

Delivery of a material in lieu of a  
controlled substance (RCW  
69.50.4012)

Maintaining a Dwelling or Place for  
Controlled Substances (RCW  
69.50.402(1)(f))

Manufacture, deliver, or possess with  
intent to deliver amphetamine  
(RCW 69.50.401(2)(b))

Manufacture, deliver, or possess with  
intent to deliver narcotics from  
Schedule I or II or flunitrazepam  
from Schedule IV (RCW  
69.50.401(2)(a))

Manufacture, deliver, or possess with  
intent to deliver narcotics from  
Schedule III, IV, or V or  
nonnarcotics from Schedule I-V  
(except marijuana, amphetamine,  
methamphetamines, or  
flunitrazepam) (RCW  
69.50.401(2) (c) through (e))

Manufacture, distribute, or possess  
with intent to distribute an  
imitation controlled substance  
(RCW 69.52.030(1))

I Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled  
Substance (RCW 69.50.403)  
Manufacture, deliver, or possess with  
intent to deliver marijuana (RCW  
69.50.401(2)(c))  
Possession of Fentanyl (RCW  
69.50.4013(2)(b))  
Unlawful Use of Building for Drug  
Purposes (RCW 69.53.010)

**Sec. 5.** RCW 13.40.0357 and 2021 c 311 s 16 are each amended to  
read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes Involving  
Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+

1	C+	Assault 3 (9A.36.031)	D+
2	D+	Assault 4 (9A.36.041)	E
3	B+	Drive-By Shooting (9A.36.045)	C+
4		committed at age 15 or under	
5	A++	Drive-By Shooting (9A.36.045)	A
6		committed at age 16 or 17	
7	D+	Reckless Endangerment (9A.36.050)	E
8	C+	Promoting Suicide Attempt (9A.36.060)	D+
9	D+	Coercion (9A.36.070)	E
10	C+	Custodial Assault (9A.36.100)	D+
11		<b>Burglary and Trespass</b>	
12	B+	Burglary 1 (9A.52.020) committed at	C+
13		age 15 or under	
14	A-	Burglary 1 (9A.52.020) committed at	B+
15		age 16 or 17	
16	B	Residential Burglary (9A.52.025)	C
17	B	Burglary 2 (9A.52.030)	C
18	D	Burglary Tools (Possession of)	E
19		(9A.52.060)	
20	D	Criminal Trespass 1 (9A.52.070)	E
21	E	Criminal Trespass 2 (9A.52.080)	E
22	C	Mineral Trespass (78.44.330)	C
23	C	Vehicle Prowling 1 (9A.52.095)	D
24	D	Vehicle Prowling 2 (9A.52.100)	E
25		<b>Drugs</b>	
26	E	Possession/Consumption of Alcohol	E
27		(66.44.270)	
28	C	Illegally Obtaining Legend Drug	D
29		(69.41.020)	
30	C+	Sale, Delivery, Possession of Legend	D+
31		Drug with Intent to Sell (69.41.030(2)(a))	
32	E	Possession of Legend	E
33		Drug (69.41.030(2)(b))	
34	B+	Violation of Uniform Controlled	B+
35		Substances Act - Narcotic,	
36		Methamphetamine, or Flunitrazepam	
37		Sale (69.50.401(2) (a) or (b))	



1	C	Violation of Uniform Controlled	C
2		Substances Act - Nonnarcotic Sale	
3		(69.50.401(2)(c))	
4	E	Possession of Marihuana <40 grams	E
5		(69.50.4014)	
6	<u>C</u>	<u>Possession of Fentanyl</u>	<u>C</u>
7		<u>(69.50.4013(2)(b))</u>	
8	C	Fraudulently Obtaining Controlled	C
9		Substance (69.50.403)	
10	C+	Sale of Controlled Substance for Profit	C+
11		(69.50.410)	
12	E	Unlawful Inhalation (9.47A.020)	E
13	B	Violation of Uniform Controlled	B
14		Substances Act - Narcotic,	
15		Methamphetamine, or Flunitrazepam	
16		Counterfeit Substances (69.50.4011(2)	
17		(a) or (b))	
18	C	Violation of Uniform Controlled	C
19		Substances Act - Nonnarcotic Counterfeit	
20		Substances (69.50.4011(2) (c), (d), or (e))	
21	E	Violation of Uniform Controlled	E
22		Substances Act - Possession of a	
23		Controlled Substance (69.50.4013(2)(a))	
24	C	Violation of Uniform Controlled	C
25		Substances Act - Possession of a	
26		Controlled Substance (69.50.4012)	
27		<b>Firearms and Weapons</b>	
28	B	Theft of Firearm (9A.56.300)	C
29	B	Possession of Stolen Firearm	C
30		(9A.56.310)	
31	E	Carrying Loaded Pistol Without Permit	E
32		(9.41.050)	
33	C	Possession of Firearms by Minor (<18)	C
34		(9.41.040(2)(a)(vi))	
35	D+	Possession of Dangerous Weapon	E
36		(9.41.250)	

1	D	Intimidating Another Person by use of	E
2		Weapon (9A.41.270)	
3		<b>Homicide</b>	
4	A+	Murder 1 (9A.32.030)	A
5	A+	Murder 2 (9A.32.050)	B+
6	B+	Manslaughter 1 (9A.32.060)	C+
7	C+	Manslaughter 2 (9A.32.070)	D+
8	B+	Vehicular Homicide (46.61.520)	C+
9		<b>Kidnapping</b>	
10	A	Kidnap 1 (9A.40.020)	B+
11	B+	Kidnap 2 (9A.40.030)	C+
12	C+	Unlawful Imprisonment (9A.40.040)	D+
13		<b>Obstructing Governmental Operation</b>	
14	D	Obstructing a Law Enforcement Officer	E
15		(9A.76.020)	
16	E	Resisting Arrest (9A.76.040)	E
17	B	Introducing Contraband 1 (9A.76.140)	C
18	C	Introducing Contraband 2 (9A.76.150)	D
19	E	Introducing Contraband 3 (9A.76.160)	E
20	B+	Intimidating a Public Servant	C+
21		(9A.76.180)	
22	B+	Intimidating a Witness (9A.72.110)	C+
23		<b>Public Disturbance</b>	
24	C+	Criminal Mischief with Weapon	D+
25		(9A.84.010(2)(b))	
26	D+	Criminal Mischief Without Weapon	E
27		(9A.84.010(2)(a))	
28	E	Failure to Disperse (9A.84.020)	E
29	E	Disorderly Conduct (9A.84.030)	E
30		<b>Sex Crimes</b>	
31	A	Rape 1 (9A.44.040)	B+
32	B++	Rape 2 (9A.44.050) committed at age 14	B+
33		or under	
34	A-	Rape 2 (9A.44.050) committed at age 15	B+
35		through age 17	
36	C+	Rape 3 (9A.44.060)	D+

1	B++	Rape of a Child 1 (9A.44.073)	B+
2		committed at age 14 or under	
3	A-	Rape of a Child 1 (9A.44.073)	B+
4		committed at age 15	
5	B+	Rape of a Child 2 (9A.44.076)	C+
6	B	Incest 1 (9A.64.020(1))	C
7	C	Incest 2 (9A.64.020(2))	D
8	D+	Indecent Exposure (Victim <14)	E
9		(9A.88.010)	
10	E	Indecent Exposure (Victim 14 or over)	E
11		(9A.88.010)	
12	B+	Promoting Prostitution 1 (9A.88.070)	C+
13	C+	Promoting Prostitution 2 (9A.88.080)	D+
14	E	O & A (Prostitution) (9A.88.030)	E
15	B+	Indecent Liberties (9A.44.100)	C+
16	B++	Child Molestation 1 (9A.44.083)	B+
17		committed at age 14 or under	
18	A-	Child Molestation 1 (9A.44.083)	B+
19		committed at age 15 through age 17	
20	B	Child Molestation 2 (9A.44.086)	C+
21	C	Failure to Register as a Sex Offender	D
22		(9A.44.132)	
23		<b>Theft, Robbery, Extortion, and</b>	
24		<b>Forgery</b>	
25	B	Theft 1 (9A.56.030)	C
26	C	Theft 2 (9A.56.040)	D
27	D	Theft 3 (9A.56.050)	E
28	B	Theft of Livestock 1 and 2 (9A.56.080	C
29		and 9A.56.083)	
30	C	Forgery (9A.60.020)	D
31	A	Robbery 1 (9A.56.200) committed at	B+
32		age 15 or under	
33	A++	Robbery 1 (9A.56.200) committed at	A
34		age 16 or 17	
35	B+	Robbery 2 (9A.56.210)	C+
36	B+	Extortion 1 (9A.56.120)	C+
37	C+	Extortion 2 (9A.56.130)	D+

1	C	Identity Theft 1 (9.35.020(2))	D
2	D	Identity Theft 2 (9.35.020(3))	E
3	D	Improperly Obtaining Financial	E
4		Information (9.35.010)	
5	B	Possession of a Stolen Vehicle	C
6		(9A.56.068)	
7	B	Possession of Stolen Property 1	C
8		(9A.56.150)	
9	C	Possession of Stolen Property 2	D
10		(9A.56.160)	
11	D	Possession of Stolen Property 3	E
12		(9A.56.170)	
13	B	Taking Motor Vehicle Without	C
14		Permission 1 (9A.56.070)	
15	C	Taking Motor Vehicle Without	D
16		Permission 2 (9A.56.075)	
17	B	Theft of a Motor Vehicle (9A.56.065)	C
18		<b>Motor Vehicle Related Crimes</b>	
19	E	Driving Without a License (46.20.005)	E
20	B+	Hit and Run - Death (46.52.020(4)(a))	C+
21	C	Hit and Run - Injury (46.52.020(4)(b))	D
22	D	Hit and Run-Attended (46.52.020(5))	E
23	E	Hit and Run-Unattended (46.52.010)	E
24	C	Vehicular Assault (46.61.522)	D
25	C	Attempting to Elude Pursuing Police	D
26		Vehicle (46.61.024)	
27	E	Reckless Driving (46.61.500)	E
28	D	Driving While Under the Influence	E
29		(46.61.502 and 46.61.504)	
30	B+	Felony Driving While Under the	B
31		Influence (46.61.502(6))	
32	B+	Felony Physical Control of a Vehicle	B
33		While Under the Influence (46.61.504(6))	
34		<b>Other</b>	
35	B	Animal Cruelty 1 (16.52.205)	C
36	B	Bomb Threat (9.61.160)	C

1	C	Escape 1 <sup>1</sup> (9A.76.110)	C
2	C	Escape 2 <sup>1</sup> (9A.76.120)	C
3	D	Escape 3 (9A.76.130)	E
4	E	Obscene, Harassing, Etc., Phone Calls	E
5		(9.61.230)	
6	A	Other Offense Equivalent to an Adult	B+
7		Class A Felony	
8	B	Other Offense Equivalent to an Adult	C
9		Class B Felony	
10	C	Other Offense Equivalent to an Adult	D
11		Class C Felony	
12	D	Other Offense Equivalent to an Adult	E
13		Gross Misdemeanor	
14	E	Other Offense Equivalent to an Adult	E
15		Misdemeanor	
16	V	Violation of Order of Restitution,	V
17		Community Supervision, or Confinement	
18		(13.40.200) <sup>2</sup>	

19 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
20 and the standard range is established as follows:

21 1st escape or attempted escape during 12-month period - 28 days  
22 confinement

23 2nd escape or attempted escape during 12-month period - 8 weeks  
24 confinement

25 3rd and subsequent escape or attempted escape during 12-month  
26 period - 12 weeks confinement

27 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
28 it may impose a penalty of up to 30 days of confinement.

## 29 JUVENILE SENTENCING STANDARDS

30 This schedule must be used for juvenile offenders. The court may  
31 select sentencing option A, B, C, or D.

32 OPTION A

33 JUVENILE OFFENDER SENTENCING GRID

34 STANDARD RANGE

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35 A++ 129 to 260 weeks for all category A++ offenses

1		A+	180 weeks to age 21 for all category A+ offenses				
2		A	103-129 weeks for all category A offenses				
3		A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
4		B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
5	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
6	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
7	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
8		C	LS	LS	LS	LS	15-36 weeks
9		D+	LS	LS	LS	LS	LS
10		D	LS	LS	LS	LS	LS
11		E	LS	LS	LS	LS	LS
12	PRIOR		0	1	2	3	4 or more
13	ADJUDICATIONS						

14 NOTE: References in the grid to days or weeks mean periods of  
15 confinement. "LS" means "local sanctions" as defined in RCW  
16 13.40.020.

17 (1) The vertical axis of the grid is the current offense  
18 category. The current offense category is determined by the offense  
19 of adjudication.

20 (2) The horizontal axis of the grid is the number of prior  
21 adjudications included in the juvenile's criminal history. Each prior  
22 felony adjudication shall count as one point. Each prior violation,  
23 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
24 point. Fractional points shall be rounded down.

25 (3) The standard range disposition for each offense is determined  
26 by the intersection of the column defined by the prior adjudications  
27 and the row defined by the current offense category.

28 (4) RCW 13.40.180 applies if the offender is being sentenced for  
29 more than one offense.

30 (5) A current offense that is a violation is equivalent to an  
31 offense category of E. However, a disposition for a violation shall  
32 not include confinement.

33 OR

34 OPTION B

35 SUSPENDED DISPOSITION ALTERNATIVE

1 (1) If the offender is subject to a standard range disposition  
2 involving confinement by the department, the court may impose the  
3 standard range and suspend the disposition on condition that the  
4 offender comply with one or more local sanctions and any educational  
5 or treatment requirement. The treatment programs provided to the  
6 offender must be either research-based best practice programs as  
7 identified by the Washington state institute for public policy or the  
8 joint legislative audit and review committee, or for chemical  
9 dependency treatment programs or services, they must be evidence-  
10 based or research-based best practice programs. For the purposes of  
11 this subsection:

12 (a) "Evidence-based" means a program or practice that has had  
13 multiple site random controlled trials across heterogeneous  
14 populations demonstrating that the program or practice is effective  
15 for the population; and

16 (b) "Research-based" means a program or practice that has some  
17 research demonstrating effectiveness, but that does not yet meet the  
18 standard of evidence-based practices.

19 (2) If the offender fails to comply with the suspended  
20 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
21 or may revoke the suspended disposition and order the disposition's  
22 execution.

23 (3) An offender is ineligible for the suspended disposition  
24 option under this section if the offender:

25 (a) Is adjudicated of an A+ or A++ offense;

26 (b) Is (~~(fourteen)~~) 14 years of age or older and is adjudicated  
27 of one or more of the following offenses:

28 (i) A class A offense, or an attempt, conspiracy, or solicitation  
29 to commit a class A offense;

30 (ii) Manslaughter in the first degree (RCW 9A.32.060);

31 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
32 the first degree (RCW 9A.56.120), kidnapping in the second degree  
33 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular  
34 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or  
35 manslaughter 2 (RCW 9A.32.070); or

36 (iv) Violation of the uniform controlled substances act (RCW  
37 69.50.401(2) (a) and (b)), when the offense includes infliction of  
38 bodily harm upon another or when during the commission or immediate

1 withdrawal from the offense the respondent was armed with a deadly  
2 weapon;

3 (c) Is ordered to serve a disposition for a firearm violation  
4 under RCW 13.40.193;

5 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;  
6 or

7 (e) Has a prior option B disposition.

8 OR

9 OPTION C

10 CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

11 If the juvenile offender is subject to a standard range  
12 disposition of local sanctions or 15 to 36 weeks of confinement and  
13 has not committed a B++ or B+ offense, the court may impose a  
14 disposition under RCW 13.40.160(4) and 13.40.165.

15 OR

16 OPTION D

17 MANIFEST INJUSTICE

18 If the court determines that a disposition under option A, B, or C  
19 would effectuate a manifest injustice, the court shall impose a  
20 disposition outside the standard range under RCW 13.40.160(2).

21 NEW SECTION. **Sec. 6.** The department of health shall develop and  
22 execute a public outreach campaign to educate the public about the  
23 dangers of consuming fentanyl and to provide information about  
24 available resources. The campaign must focus on both prevention and  
25 response, and must include multiple outreach strategies, such as  
26 brochures, public service announcements, social media postings, and  
27 other education and training efforts as the department of health  
28 deems appropriate.

29 NEW SECTION. **Sec. 7.** Sections 2, 4, and 5 of this act expire  
30 July 1, 2023.

31 NEW SECTION. **Sec. 8.** Section 3 of this act takes effect July 1,  
32 2023.

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