

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1209

68th Legislature
2023 Regular Session

Passed by the House March 7, 2023
Yeas 95 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 31, 2023
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1209** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1209

Passed Legislature - 2023 Regular Session

State of Washington **68th Legislature** **2023 Regular Session**

By Representatives Leavitt, Griffey, Fey, Bronoske, and Davis

Read first time 01/10/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to restricting the possession, purchase,
2 delivery, and sale of certain equipment used to illegally process
3 controlled substances; amending RCW 9.94A.518; adding a new section
4 to chapter 69.50 RCW; creating a new section; and prescribing
5 penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50
8 RCW to read as follows:

9 (1) It is unlawful for any person to possess, purchase, deliver,
10 sell, or possess with intent to sell a tableting machine or
11 encapsulating machine knowing, or under circumstances where one
12 reasonably should know, that it will be used to manufacture,
13 compound, convert, produce, process, prepare, or otherwise introduce
14 into the human body a controlled substance, other than cannabis, in
15 violation of this chapter.

16 (2) Any person who violates this section is guilty of a class C
17 felony.

18 (3) For the purposes of this section:

19 (a) "Encapsulating machine" means manual, semiautomatic, or fully
20 automatic equipment that can be used to fill shells or capsules with

1 powdered or granular solids or semisolid material to produce coherent
2 solid contents.

3 (b) "Tableting machine" means manual, semiautomatic, or fully
4 automatic equipment that can be used to compact, compress, or mold
5 powdered or granular solids or semisolid material to produce fused
6 coherent solid tablets.

7 **Sec. 2.** RCW 9.94A.518 and 2022 c 16 s 5 are each amended to read
8 as follows:

9 TABLE 4

10 DRUG OFFENSES
11 INCLUDED WITHIN EACH
12 SERIOUSNESS LEVEL

- 13 III Any felony offense under chapter
14 69.50 RCW with a deadly weapon
15 special verdict under RCW
16 9.94A.825
- 17 Controlled Substance Homicide (RCW
18 69.50.415)
- 19 Delivery of imitation controlled
20 substance by person eighteen or
21 over to person under eighteen
22 (RCW 69.52.030(2))
- 23 Involving a minor in drug dealing
24 (RCW 69.50.4015)
- 25 Manufacture of methamphetamine
26 (RCW 69.50.401(2)(b))
- 27 Over 18 and deliver heroin,
28 methamphetamine, a narcotic from
29 Schedule I or II, or flunitrazepam
30 from Schedule IV to someone
31 under 18 (RCW 69.50.406)

1 Over 18 and deliver narcotic from
2 Schedule III, IV, or V or a
3 nonnarcotic, except flunitrazepam
4 or methamphetamine, from
5 Schedule I-V to someone under 18
6 and 3 years junior (RCW
7 69.50.406)

8 Possession of Ephedrine,
9 Pseudoephedrine, or Anhydrous
10 Ammonia with intent to
11 manufacture
12 methamphetamine (RCW
13 69.50.440)

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

17 II Create, deliver, or possess a counterfeit
18 controlled substance (RCW
19 69.50.4011)

20 Deliver or possess with intent to
21 deliver methamphetamine (RCW
22 69.50.401(2)(b))

23 Delivery of a material in lieu of a
24 controlled substance (RCW
25 69.50.4012)

26 Maintaining a Dwelling or Place for
27 Controlled Substances (RCW
28 69.50.402(1)(f))

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

32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule I or II or flunitrazepam
35 from Schedule IV (RCW
36 69.50.401(2)(a))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule III, IV, or V or
4 nonnarcotics from Schedule I-V
5 (except cannabis as defined in
6 RCW 69.50.101, amphetamine,
7 methamphetamines, or
8 flunitrazepam) (RCW
9 69.50.401(2) (c) through (e))

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

14 Possess, purchase, deliver, sell, or
15 possess with intent to sell a
16 tableting machine or encapsulating
17 machine (section 1 of this act)

18 I Forged Prescription (RCW 69.41.020)

19 Forged Prescription for a Controlled
20 Substance (RCW 69.50.403)

21 Manufacture, deliver, or possess with
22 intent to deliver cannabis as
23 defined in RCW 69.50.101 (RCW
24 69.50.401(2)(c))

25 Possess Controlled Substance that is a
26 Narcotic from Schedule III, IV, or
27 V or Nonnarcotic from Schedule I-
28 V (RCW 69.50.4013)

29 Possession of Controlled Substance
30 that is either heroin or narcotics
31 from Schedule I or II (RCW
32 69.50.4013)

33 Unlawful Use of Building for Drug
34 Purposes (RCW 69.53.010)

1 NEW SECTION. **Sec. 3.** This act may be known and cited as the
2 Tyler Lee Yates act.

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