
SENATE BILL 6055

State of Washington

59th Legislature

2005 Regular Session

By Senator Kline

Read first time 02/25/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to a commission on psychoactive substance control;
2 and creating new sections.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 establish a special consultative body to provide recommendations to the
6 legislature for the establishment of a new legal framework of
7 regulatory control over psychoactive substances. The legislature
8 intends to render the illegal markets for such substances unprofitable,
9 to restrict access to psychoactive substances, and to provide health
10 care and essential services to persons suffering from chemical
11 dependency and addiction with the objective of reducing crime,
12 enhancing public health, protecting children, and promoting efficient
13 use of scarce public resources.

14 NEW SECTION. **Sec. 2.** (1) There is created the governor's
15 commission on psychoactive substance control.

16 (2) Each of the following organizations shall recommend one person
17 to be appointed by the governor to the commission:

18 (a) The Washington state medical association;

- 1 (b) The Washington academy of family physicians;
- 2 (c) The Washington association of addiction programs;
- 3 (d) The Washington state pharmacy association;
- 4 (e) The Washington state psychiatric association;
- 5 (f) The Washington state psychological association;
- 6 (g) The Washington state public health association;
- 7 (h) The Washington society of addiction medicine;
- 8 (i) The Washington state PTA;
- 9 (j) The Washington association of sheriffs and police chiefs;
- 10 (k) The Washington council of police and sheriffs;
- 11 (l) The Washington association of prosecuting attorneys;
- 12 (m) The Washington defender association;
- 13 (n) The Washington state board of pharmacy;
- 14 (o) The office of the superintendent of public instruction;
- 15 (p) The Washington state board of health;
- 16 (q) The Washington state bar association;
- 17 (r) The Washington association of counties;
- 18 (s) The association of Washington cities; and
- 19 (t) The association of Washington business.

20 (3) Four members of the legislature shall be members of the
21 commission, including two members of the senate appointed by the
22 president of the senate, one of the majority party and one of the
23 minority party, and two members of the house of representatives
24 appointed by the speaker of the house of representatives, including one
25 of the majority party and one of the minority party.

26 NEW SECTION. **Sec. 3.** (1) The governor's commission on
27 psychoactive substance control shall provide specific recommendations
28 for legislation to establish regulatory systems and structures for the
29 state of Washington to control psychoactive substances that are
30 currently produced and distributed exclusively through illegal markets,
31 including:

- 32 (a) Regulation of manufacturing, transportation, storage, purity,
33 and product safety;
- 34 (b) Limitations on sale and other transfer, labeling, pricing, and
35 taxation;
- 36 (c) Requirements of medical supervision;
- 37 (d) Limits on advertising;

1 (e) Civil and criminal enforcement of such regulations.

2 (2) The commission shall specifically consider the following
3 subjects in reaching its recommendations:

4 (a) The prohibition of and sanctions for the unlicensed manufacture
5 of state-controlled psychoactive substances;

6 (b) The prohibition of and sanctions for the distribution or
7 delivery of state-controlled psychoactive substances by or to
8 unauthorized persons;

9 (c) The establishment of age-related restrictions on availability;

10 (d) The determination of the degree to which state-controlled
11 substances may be made available to authorized recipients and in what
12 forms, concentrations, and quantities;

13 (e) The determination of the degree to which medical supervision or
14 other restrictions may be necessary to minimize the harm associated
15 with the misuse of such substances;

16 (f) The regulation of state-licensed facilities for state-
17 controlled substances to eliminate incentives to promote the use of
18 such substances or to divert them into an illegal market;

19 (g) The prohibition or limitation of the display and use of state-
20 controlled substances in some or all public places;

21 (h) The prohibition or strict limitation of any commercial
22 advertising or promotion of state-controlled substances, to the extent
23 permitted by the first amendment, and the promotion of publicly
24 sponsored counter-advertisement to educate the public about the risks
25 and potential harms from the use of such substances;

26 (i) The provision of current, scientifically based information to
27 recipients of state-controlled substances, including counseling about
28 the particular risks and adverse effects of the use of any such
29 substance and about the availability of treatment for chemical
30 dependency or addiction;

31 (j) The dedication of net proceeds from the sale of state-
32 controlled substances, and of net proceeds from the collection of civil
33 and criminal penalties, for use by the state of Washington to invest in
34 substance abuse prevention, treatment, research, and education
35 programs;

36 (k) Pricing structures for state-controlled substances that
37 compensate the state for the administration of the regulatory framework
38 and that maximize funding for prevention, treatment, research, and

1 education, while maintaining price levels low enough to render any
2 illegal markets for such substances unprofitable but high enough to
3 deter consumption, especially by young persons; and

4 (1) Provisions for ongoing regulatory oversight, civil and criminal
5 enforcement, and legislative advice by the state agency or agencies
6 charged with regulating state-controlled substances.

7 (3) The commission shall report its recommendations to the
8 legislature by December 1, 2006.

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