
HOUSE BILL 2205

State of Washington

66th Legislature

2020 Regular Session

By Representatives Goodman and Dufault

Prefiled 12/06/19.

1 AN ACT Relating to making technical corrections and removing
2 obsolete language from the Revised Code of Washington pursuant to RCW
3 1.08.025; amending RCW 9A.42.010, 28A.400.210, 41.05.175, 43.09.025,
4 46.18.255, 46.18.265, 46.18.285, 46.18.290, 48.20.389, 48.21.223,
5 48.44.323, 48.46.274, 64.50.010, 69.50.414, and 69.52.030; reenacting
6 and amending RCW 43.79A.040, 43.84.092, 10.77.088, and 70.105D.030;
7 and creating a new section.

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

9 NEW SECTION. **Sec. 1.** RCW 1.08.025 directs the code reviser,
10 with the approval of the statute law committee, to prepare
11 legislation for submission to the legislature "concerning
12 deficiencies, conflicts, or obsolete provisions" in statutes. This
13 act makes technical, nonsubstantive amendments as follows:

14 (1) Sections 2 and 3 of this act correct the accounts and funds
15 listed in the code sections providing for interest income by moving
16 misplaced accounts and funds, removing repealed accounts and funds,
17 and making account and fund names more uniform.

18 (2) Sections 4 and 5 of this act merge double amendments created
19 when sections were amended in the 2019 legislative session without
20 reference to the amendments made in the same session.

1 (3) Sections 6 through 20 of this act amend sections to reflect
2 changes in subsection numbering of cross-referenced material.

3 **Sec. 2.** RCW 43.79A.040 and 2019 c 448 s 10, 2019 c 363 s 21,
4 2019 c 295 s 225, 2019 c 282 s 7, 2019 c 266 s 26, and 2019 c 157 s 4
5 are each reenacted and amended to read as follows:

6 (1) Money in the treasurer's trust fund may be deposited,
7 invested, and reinvested by the state treasurer in accordance with
8 RCW 43.84.080 in the same manner and to the same extent as if the
9 money were in the state treasury, and may be commingled with moneys
10 in the state treasury for cash management and cash balance purposes.

11 (2) All income received from investment of the treasurer's trust
12 fund must be set aside in an account in the treasury trust fund to be
13 known as the investment income account.

14 (3) The investment income account may be utilized for the payment
15 of purchased banking services on behalf of treasurer's trust funds
16 including, but not limited to, depository, safekeeping, and
17 disbursement functions for the state treasurer or affected state
18 agencies. The investment income account is subject in all respects to
19 chapter 43.88 RCW, but no appropriation is required for payments to
20 financial institutions. Payments must occur prior to distribution of
21 earnings set forth in subsection (4) of this section.

22 (4)(a) Monthly, the state treasurer must distribute the earnings
23 credited to the investment income account to the state general fund
24 except under (b), (c), and (d) of this subsection.

25 (b) The following accounts and funds must receive their
26 proportionate share of earnings based upon each account's or fund's
27 average daily balance for the period: The 24/7 sobriety account, the
28 Washington promise scholarship account, the Gina Grant Bull memorial
29 legislative page scholarship account, the Washington advanced college
30 tuition payment program account, the Washington college savings
31 program account, the accessible communities account, the Washington
32 achieving a better life experience program account, the community and
33 technical college innovation account, the agricultural local fund,
34 the American Indian scholarship endowment fund, the foster care
35 scholarship endowment fund, the foster care endowed scholarship trust
36 fund, the contract harvesting revolving account, the Washington state
37 combined fund drive account, the commemorative works account, the
38 county enhanced 911 excise tax account, the county road
39 administration board emergency loan account, the toll collection

1 account, the developmental disabilities endowment trust fund, the
2 energy account, the fair fund, the family and medical leave insurance
3 account, the fish and wildlife federal lands revolving account, the
4 natural resources federal lands revolving account, the food animal
5 veterinarian conditional scholarship account, the forest health
6 revolving account, the fruit and vegetable inspection account, the
7 educator conditional scholarship account, the game farm alternative
8 account, the GET ready for math and science scholarship account, the
9 Washington global health technologies and product development
10 account, the grain inspection revolving fund, the Washington history
11 day account, the industrial insurance rainy day fund, the juvenile
12 accountability incentive account, the law enforcement officers' and
13 firefighters' plan 2 expense fund, the local tourism promotion
14 account, the low-income home rehabilitation revolving loan program
15 account, the multiagency permitting team account, the northeast
16 Washington wolf-livestock management account, (~~the pilotage~~
17 ~~account,~~) the produce railcar pool account, the regional
18 transportation investment district account, the rural rehabilitation
19 account, the Washington sexual assault kit account, the stadium and
20 exhibition center account, the youth athletic facility account, the
21 self-insurance revolving fund, the children's trust fund, the
22 Washington horse racing commission Washington bred owners' bonus fund
23 and breeder awards account, the Washington horse racing commission
24 class C purse fund account, the individual development account
25 program account, the Washington horse racing commission operating
26 account, the life sciences discovery fund, the Washington state
27 library-archives building account, the reduced cigarette ignition
28 propensity account, the center for deaf and hard of hearing youth
29 account, the school for the blind account, the Millersylvania park
30 trust fund, the public employees' and retirees' insurance reserve
31 fund, the school employees' benefits board insurance reserve fund,
32 the public employees' and retirees' insurance account, the school
33 employees' insurance account, the long-term services and supports
34 trust account, the radiation perpetual maintenance fund, the Indian
35 health improvement reinvestment account, the department of licensing
36 tuition recovery trust fund, the student achievement council tuition
37 recovery trust fund, the tuition recovery trust fund, the industrial
38 insurance premium refund account, the mobile home park relocation
39 fund, the natural resources deposit fund, the Washington state health

1 insurance pool account, the federal forest revolving account, and the
2 library operations account.

3 (c) The following accounts and funds must receive eighty percent
4 of their proportionate share of earnings based upon each account's or
5 fund's average daily balance for the period: The (~~advanced~~) advance
6 right-of-way revolving fund, the advanced environmental mitigation
7 revolving account, the federal narcotics asset forfeitures account,
8 the high occupancy vehicle account, the local rail service assistance
9 account, and the miscellaneous transportation programs account.

10 (d) Any state agency that has independent authority over accounts
11 or funds not statutorily required to be held in the custody of the
12 state treasurer that deposits funds into a fund or account in the
13 custody of the state treasurer pursuant to an agreement with the
14 office of the state treasurer shall receive its proportionate share
15 of earnings based upon each account's or fund's average daily balance
16 for the period.

17 (5) In conformance with Article II, section 37 of the state
18 Constitution, no trust accounts or funds shall be allocated earnings
19 without the specific affirmative directive of this section.

20 **Sec. 3.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019
21 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and
22 amended to read as follows:

23 (1) All earnings of investments of surplus balances in the state
24 treasury shall be deposited to the treasury income account, which
25 account is hereby established in the state treasury.

26 (2) The treasury income account shall be utilized to pay or
27 receive funds associated with federal programs as required by the
28 federal cash management improvement act of 1990. The treasury income
29 account is subject in all respects to chapter 43.88 RCW, but no
30 appropriation is required for refunds or allocations of interest
31 earnings required by the cash management improvement act. Refunds of
32 interest to the federal treasury required under the cash management
33 improvement act fall under RCW 43.88.180 and shall not require
34 appropriation. The office of financial management shall determine the
35 amounts due to or from the federal government pursuant to the cash
36 management improvement act. The office of financial management may
37 direct transfers of funds between accounts as deemed necessary to
38 implement the provisions of the cash management improvement act, and
39 this subsection. Refunds or allocations shall occur prior to the

1 distributions of earnings set forth in subsection (4) of this
2 section.

3 (3) Except for the provisions of RCW 43.84.160, the treasury
4 income account may be utilized for the payment of purchased banking
5 services on behalf of treasury funds including, but not limited to,
6 depository, safekeeping, and disbursement functions for the state
7 treasury and affected state agencies. The treasury income account is
8 subject in all respects to chapter 43.88 RCW, but no appropriation is
9 required for payments to financial institutions. Payments shall occur
10 prior to distribution of earnings set forth in subsection (4) of this
11 section.

12 (4) Monthly, the state treasurer shall distribute the earnings
13 credited to the treasury income account. The state treasurer shall
14 credit the general fund with all the earnings credited to the
15 treasury income account except:

16 (a) The following accounts and funds shall receive their
17 proportionate share of earnings based upon each account's and fund's
18 average daily balance for the period: The abandoned recreational
19 vehicle disposal account, the aeronautics account, (~~the aircraft~~
20 ~~search and rescue account,~~) the Alaskan Way viaduct replacement
21 project account, the brownfield redevelopment trust fund account, the
22 budget stabilization account, the capital vessel replacement account,
23 the capitol building construction account, (~~the Cedar River channel~~
24 ~~construction and operation account,~~) the Central Washington
25 University capital projects account, the charitable, educational,
26 penal and reformatory institutions account, the Chehalis basin
27 account, the cleanup settlement account, the Columbia river basin
28 water supply development account, the Columbia river basin taxable
29 bond water supply development account, the Columbia river basin water
30 supply revenue recovery account, the common school construction fund,
31 the community forest trust account, the connecting Washington
32 account, the county arterial preservation account, the county
33 criminal justice assistance account, the deferred compensation
34 administrative account, the deferred compensation principal account,
35 the department of licensing services account, (~~the department of~~
36 ~~licensing tuition recovery trust fund,~~) the department of retirement
37 systems expense account, the developmental disabilities community
38 trust account, the diesel idle reduction account, the drinking water
39 assistance account, the administrative subaccount of the drinking
40 water assistance (~~administrative~~) account, the early learning

1 facilities development account, the early learning facilities
2 revolving account, the Eastern Washington University capital projects
3 account, the education construction fund, the education legacy trust
4 account, the election account, the electric vehicle account, the
5 energy freedom account, the energy recovery act account, the
6 essential rail assistance account, The Evergreen State College
7 capital projects account, (~~the federal forest revolving account,~~)
8 the ferry bond retirement fund, the freight mobility investment
9 account, the freight mobility multimodal account, the grade crossing
10 protective fund, the public health services account, the state higher
11 education construction account, the higher education construction
12 account, the highway bond retirement fund, the highway infrastructure
13 account, the highway safety fund, the hospital safety net assessment
14 fund, (~~the industrial insurance premium refund account,~~) the
15 Interstate 405 and state route number 167 express toll lanes account,
16 the judges' retirement account, the judicial retirement
17 administrative account, the judicial retirement principal account,
18 the local leasehold excise tax account, the local real estate excise
19 tax account, the local sales and use tax account, the marine
20 resources stewardship trust account, the medical aid account, (~~the
21 mobile home park relocation fund,~~) the money-purchase retirement
22 savings administrative account, the money-purchase retirement savings
23 principal account, the motor vehicle fund, the motorcycle safety
24 education account, the multimodal transportation account, the
25 multiuse roadway safety account, the municipal criminal justice
26 assistance account, (~~the natural resources deposit account,~~) the
27 oyster reserve land account, the pension funding stabilization
28 account, the perpetual surveillance and maintenance account, the
29 pilotage account, the pollution liability insurance agency
30 underground storage tank revolving account, the public employees'
31 retirement system plan 1 account, the public employees' retirement
32 system combined plan 2 and plan 3 account, the public facilities
33 construction loan revolving account (~~beginning July 1, 2004~~), the
34 public health supplemental account, the public works assistance
35 account, the Puget Sound capital construction account, the Puget
36 Sound ferry operations account, the Puget Sound Gateway facility
37 account, the Puget Sound taxpayer accountability account, the real
38 estate appraiser commission account, the recreational vehicle
39 account, the regional mobility grant program account, the resource
40 management cost account, the rural arterial trust account, the rural

1 mobility grant program account, the rural Washington loan fund, the
2 sexual assault prevention and response account, the site closure
3 account, the skilled nursing facility safety net trust fund, the
4 small city pavement and sidewalk account, the special category C
5 account, the special wildlife account, the state employees' insurance
6 account, the state employees' insurance reserve account, the state
7 investment board expense account, the state investment board
8 commingled trust fund accounts, the state patrol highway account, the
9 state reclamation revolving account, the state route number 520 civil
10 penalties account, the state route number 520 corridor account, the
11 state wildlife account, the statewide broadband account, the
12 statewide tourism marketing account, (~~the student achievement~~
13 ~~council tuition recovery trust fund,~~) the supplemental pension
14 account, the Tacoma Narrows toll bridge account, the teachers'
15 retirement system plan 1 account, the teachers' retirement system
16 combined plan 2 and plan 3 account, the tobacco prevention and
17 control account, the tobacco settlement account, the toll facility
18 bond retirement account, the transportation 2003 account (nickel
19 account), the transportation equipment fund, the transportation
20 future funding program account, the transportation improvement
21 account, the transportation improvement board bond retirement
22 account, the transportation infrastructure account, the
23 transportation partnership account, the traumatic brain injury
24 account, (~~the tuition recovery trust fund,~~) the University of
25 Washington bond retirement fund, the University of Washington
26 building account, the voluntary cleanup account, the volunteer
27 firefighters' and reserve officers' relief and pension principal
28 fund, the volunteer firefighters' and reserve officers'
29 administrative fund, the vulnerable roadway user education account,
30 the Washington judicial retirement system account, the Washington law
31 enforcement officers' and firefighters' system plan 1 retirement
32 account, the Washington law enforcement officers' and firefighters'
33 system plan 2 retirement account, the Washington public safety
34 employees' plan 2 retirement account, the Washington school
35 employees' retirement system combined plan 2 and 3 account, (~~the~~
36 ~~Washington state health insurance pool account,~~) the Washington
37 state patrol retirement account, the Washington State University
38 building account, the Washington State University bond retirement
39 fund, the water pollution control revolving administration account,
40 the water pollution control revolving fund, the Western Washington

1 University capital projects account, the Yakima integrated plan
2 implementation account, the Yakima integrated plan implementation
3 revenue recovery account, and the Yakima integrated plan
4 implementation taxable bond account. Earnings derived from investing
5 balances of the agricultural permanent fund, the normal school
6 permanent fund, the permanent common school fund, the scientific
7 permanent fund, and the state university permanent fund(~~(, and the~~
8 ~~state reclamation revolving account)~~) shall be allocated to their
9 respective beneficiary accounts.

10 (b) Any state agency that has independent authority over accounts
11 or funds not statutorily required to be held in the state treasury
12 that deposits funds into a fund or account in the state treasury
13 pursuant to an agreement with the office of the state treasurer shall
14 receive its proportionate share of earnings based upon each account's
15 or fund's average daily balance for the period.

16 (5) In conformance with Article II, section 37 of the state
17 Constitution, no treasury accounts or funds shall be allocated
18 earnings without the specific affirmative directive of this section.

19 **Sec. 4.** RCW 10.77.088 and 2019 c 326 s 5 and 2019 c 248 s 1 are
20 each reenacted and amended to read as follows:

21 (1) If the defendant is charged with a nonfelony crime which is a
22 serious offense as identified in RCW 10.77.092 and found by the court
23 to be not competent, then the court:

24 (a) Shall dismiss the proceedings without prejudice and detain
25 the defendant for sufficient time to allow the designated crisis
26 responder to evaluate the defendant and consider initial detention
27 proceedings under chapter 71.05 RCW, unless the prosecutor objects to
28 the dismissal and provides notice of a motion for an order for
29 competency restoration, in which case the court shall schedule a
30 hearing within seven days to determine whether to enter an order of
31 competency restoration.

32 (b) At the hearing, the prosecuting attorney must establish that
33 there is a compelling state interest to order competency restoration
34 treatment for the defendant. The court may consider prior criminal
35 history, prior history in treatment, prior history of violence, the
36 quality and severity of the pending charges, any history that
37 suggests whether or not competency restoration treatment is likely to
38 be successful, in addition to the factors listed under RCW 10.77.092.
39 If the prosecuting attorney proves by a preponderance of the evidence

1 that there is a compelling state interest in ordering competency
2 restoration, then the court shall order competency restoration in
3 accordance with subsection (2) (a) of this section.

4 (2) (a) If a court finds pursuant to subsection (1) (b) of this
5 section that there is a compelling state interest in pursuing
6 competency restoration treatment, then the court shall commit the
7 defendant to the custody of the secretary for competency restoration.
8 Based on a recommendation from a forensic navigator and input from
9 the parties, the court may order the defendant to receive inpatient
10 competency restoration or outpatient competency restoration.

11 (i) To be eligible for an order for outpatient competency
12 restoration, a defendant must be clinically appropriate and be
13 willing to:

14 (A) Adhere to medications or receive prescribed intramuscular
15 medication; and

16 (B) Abstain from alcohol and unprescribed drugs.

17 (ii) If the court orders inpatient competency restoration, the
18 department shall place the defendant in an appropriate facility of
19 the department for competency restoration under (b) of this
20 subsection.

21 (iii) If the court orders outpatient competency restoration, the
22 court shall modify conditions of release as needed to authorize the
23 department to place the person in approved housing, which may include
24 access to supported housing, affiliated with a contracted outpatient
25 competency restoration program. The department, in conjunction with
26 the health care authority, must establish rules for conditions of
27 participation in the outpatient competency restoration program, which
28 must include the defendant being subject to medication management and
29 regular urinalysis testing for defendants who have a current
30 substance use disorder diagnosis. The outpatient competency
31 restoration program shall monitor the defendant during the
32 defendant's placement in the program and report any noncompliance or
33 significant changes with respect to the defendant to the department
34 and, if applicable, the forensic navigator.

35 (iv) If a defendant fails to comply with the restrictions of the
36 outpatient competency restoration program such that restoration is no
37 longer appropriate in that setting or the defendant is no longer
38 clinically appropriate for outpatient competency restoration, the
39 department shall remove the defendant from the outpatient restoration
40 program. The department shall place the defendant instead in an

1 appropriate facility of the department for inpatient competency
2 restoration for no longer than twenty-nine days regardless of any
3 time spent in outpatient competency restoration, in addition to
4 reasonable time for transport to or from the facility. The department
5 shall notify the court and parties of the change in placement before
6 the close of the next judicial day. The court shall schedule a
7 hearing within five days to review the placement and conditions of
8 release of the defendant and issue appropriate orders. The standard
9 of proof shall be a preponderance of the evidence, and the court may
10 in its discretion render its decision based on written submissions,
11 live testimony, or remote testimony.

12 (v) The court may not issue an order for outpatient competency
13 restoration unless the department certifies that there is an
14 available appropriate outpatient restoration program that has
15 adequate space for the person at the time the order is issued or the
16 court places the defendant under the guidance and control of a
17 professional person identified in the court order.

18 (b) The placement under (a) of this subsection shall not exceed
19 twenty-nine days if the defendant is ordered to receive inpatient
20 competency restoration, or shall not exceed ninety days if the
21 defendant is ordered to receive outpatient competency restoration.
22 The court may order any combination of this subsection, not to exceed
23 ninety days. This period must be considered to include only the time
24 the defendant is actually at the facility and shall be in addition to
25 reasonable time for transport to or from the facility.

26 (c) If the court has determined or the parties agree that the
27 defendant is unlikely to regain competency, the court may dismiss the
28 charges without prejudice without ordering the defendant to undergo
29 restoration treatment, in which case the court shall order that the
30 defendant be referred for evaluation for civil commitment in the
31 manner provided in (d) of this subsection.

32 (d) (i) If the proceedings are dismissed under RCW 10.77.084 and
33 the defendant was on conditional release at the time of dismissal,
34 the court shall order the designated crisis responder within that
35 county to evaluate the defendant pursuant to chapter 71.05 RCW. The
36 evaluation may be conducted in any location chosen by the
37 professional.

38 (ii) If the defendant was in custody and not on conditional
39 release at the time of dismissal, the defendant shall be detained and
40 sent to an evaluation and treatment facility for up to seventy-two

1 hours, excluding Saturdays, Sundays, and holidays, for evaluation for
2 purposes of filing a petition under chapter 71.05 RCW. The seventy-
3 two hour period shall commence upon the next nonholiday weekday
4 following the court order and shall run to the end of the last
5 nonholiday weekday within the seventy-two-hour period.

6 (3) If the defendant is charged with a nonfelony crime that is
7 not a serious offense as defined in RCW 10.77.092 and found by the
8 court to be not competent, the court may stay or dismiss proceedings
9 and detain the defendant for sufficient time to allow the designated
10 crisis responder to evaluate the defendant and consider initial
11 detention proceedings under chapter 71.05 RCW. The court must give
12 notice to all parties at least twenty-four hours before the dismissal
13 of any proceeding under this subsection, and provide an opportunity
14 for a hearing on whether to dismiss the proceedings.

15 ~~((3))~~ (4) If at any time the court dismisses charges under
16 subsections (1) ~~((or (2)))~~ through (3) of this section, the court
17 shall make a finding as to whether the defendant has a history of one
18 or more violent acts. If the court so finds, the defendant is barred
19 from the possession of firearms until a court restores his or her
20 right to possess a firearm under RCW 9.41.047. The court shall state
21 to the defendant and provide written notice that the defendant is
22 barred from the possession of firearms and that the prohibition
23 remains in effect until a court restores his or her right to possess
24 a firearm under RCW 9.41.047.

25 **Sec. 5.** RCW 70.105D.030 and 2019 c 422 s 401 and 2019 c 95 s 3
26 are each reenacted and amended to read as follows:

27 (1) The department may exercise the following powers in addition
28 to any other powers granted by law:

29 (a) Investigate, provide for investigating, or require
30 potentially liable persons to investigate any releases or threatened
31 releases of hazardous substances, including but not limited to
32 inspecting, sampling, or testing to determine the nature or extent of
33 any release or threatened release. If there is a reasonable basis to
34 believe that a release or threatened release of a hazardous substance
35 may exist, the department's authorized employees, agents, or
36 contractors may enter upon any property and conduct investigations.
37 The department shall give reasonable notice before entering property
38 unless an emergency prevents such notice. The department may by
39 subpoena require the attendance or testimony of witnesses and the

1 production of documents or other information that the department
2 deems necessary;

3 (b) Conduct, provide for conducting, or require potentially
4 liable persons to conduct remedial actions (including investigations
5 under (a) of this subsection) to remedy releases or threatened
6 releases of hazardous substances. In carrying out such powers, the
7 department's authorized employees, agents, or contractors may enter
8 upon property. The department must give reasonable notice before
9 entering property unless an emergency prevents such notice. In
10 conducting, providing for, or requiring remedial action, the
11 department must give preference to permanent solutions to the maximum
12 extent practicable and must provide for or require adequate
13 monitoring to ensure the effectiveness of the remedial action;

14 (c) Indemnify contractors retained by the department for carrying
15 out investigations and remedial actions, but not for any contractor's
16 reckless or willful misconduct;

17 (d) Carry out all state programs authorized under the federal
18 cleanup law and the federal resource, conservation, and recovery act,
19 42 U.S.C. Sec. 6901 et seq., as amended;

20 (e) Classify substances as hazardous substances for purposes of
21 RCW 70.105D.020 and classify substances and products as hazardous
22 substances for purposes of RCW 82.21.020(1);

23 (f) Issue orders or enter into consent decrees or agreed orders
24 that include, or issue written opinions under RCW 70.105D.180 that
25 may be conditioned upon, environmental covenants where necessary to
26 protect human health and the environment from a release or threatened
27 release of a hazardous substance from a facility. Prior to
28 establishing an environmental covenant under this subsection, the
29 department must consult with and seek comment from a city or county
30 department with land use planning authority for real property subject
31 to the environmental covenant;

32 (g) Enforce the application of permanent and effective
33 institutional controls that are necessary for a remedial action to be
34 protective of human health and the environment and the notification
35 requirements established in RCW 70.105D.110, and impose penalties for
36 violations of that section consistent with RCW 70.105D.050;

37 (h) Require holders to conduct remedial actions necessary to
38 abate an imminent or substantial endangerment pursuant to RCW
39 70.105D.020(22)(b)(ii)(C);

1 (i) In fulfilling the objectives of this chapter, the department
2 must allocate staffing and financial assistance in a manner that
3 considers both the reduction of human and environmental risks and the
4 land reuse potential and planning for the facilities to be cleaned
5 up. This does not preclude the department from allocating resources
6 to a facility based solely on human or environmental risks;

7 (j) Establish model remedies for common categories of facilities,
8 types of hazardous substances, types of media, or geographic areas to
9 streamline and accelerate the selection of remedies for routine types
10 of cleanups at facilities;

11 (i) When establishing a model remedy, the department must:

12 (A) Identify the requirements for characterizing a facility to
13 select a model remedy, the applicability of the model remedy for use
14 at a facility, and monitoring requirements;

15 (B) Describe how the model remedy meets clean-up standards and
16 the requirements for selecting a remedy established by the department
17 under this chapter; and

18 (C) Provide public notice and an opportunity to comment on the
19 proposed model remedy and the conditions under which it may be used
20 at a facility;

21 (ii) When developing model remedies, the department must solicit
22 and consider proposals from qualified persons. The proposals must, in
23 addition to describing the model remedy, provide the information
24 required under (j)(i)(A) and (B) of this subsection;

25 (iii) If a facility meets the requirements for use of a model
26 remedy, an analysis of the feasibility of alternative remedies is not
27 required under this chapter. For department-conducted and department-
28 supervised remedial actions, the department must provide public
29 notice and consider public comments on the proposed use of a model
30 remedy at a facility; and

31 (k) Take any other actions necessary to carry out the provisions
32 of this chapter, including the power to adopt rules under chapter
33 34.05 RCW.

34 (2) The department must immediately implement all provisions of
35 this chapter to the maximum extent practicable, including
36 investigative and remedial actions where appropriate. The department
37 must adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

38 (a) Provide for public participation, including at least (i)
39 public notice of the development of investigative plans or remedial
40 plans for releases or threatened releases and (ii) concurrent public

1 notice of all compliance orders, agreed orders, enforcement orders,
2 or notices of violation;

3 (b) Establish a hazard ranking system for hazardous waste sites;

4 (c) Provide for requiring the reporting by an owner or operator
5 of releases of hazardous substances to the environment that may be a
6 threat to human health or the environment within ninety days of
7 discovery, including such exemptions from reporting as the department
8 deems appropriate, however this requirement may not modify any
9 existing requirements provided for under other laws;

10 (d) Establish reasonable deadlines not to exceed ninety days for
11 initiating an investigation of a hazardous waste site after the
12 department receives notice or otherwise receives information that the
13 site may pose a threat to human health or the environment and other
14 reasonable deadlines for remedying releases or threatened releases at
15 the site;

16 (e) Publish and periodically update minimum clean-up standards
17 for remedial actions at least as stringent as the clean-up standards
18 under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621,
19 and at least as stringent as all applicable state and federal laws,
20 including health-based standards under state and federal law; and

21 (f) Apply industrial clean-up standards at industrial properties.
22 Rules adopted under this subsection must ensure that industrial
23 properties cleaned up to industrial standards cannot be converted to
24 nonindustrial uses without approval from the department. The
25 department may require that a property cleaned up to industrial
26 standards is cleaned up to a more stringent applicable standard as a
27 condition of conversion to a nonindustrial use. Industrial clean-up
28 standards may not be applied to industrial properties where hazardous
29 substances remaining at the property after remedial action pose a
30 threat to human health or the environment in adjacent nonindustrial
31 areas.

32 (3) To achieve and protect the state's long-term ecological
33 health, the department must plan to clean up hazardous waste sites
34 and prevent the creation of future hazards due to improper disposal
35 of toxic wastes at a pace that matches the estimated cash resources
36 in the model toxics control capital account. Estimated cash resources
37 must consider the annual cash flow requirements of major projects
38 that receive appropriations expected to cross multiple biennia.

39 (4) Before September 20th of each even-numbered year, the
40 department must:

1 (a) Develop a comprehensive ten-year financing report in
2 coordination with all local governments with clean-up
3 responsibilities that identifies the projected biennial hazardous
4 waste site remedial action needs that are eligible for funding from
5 the model toxics control capital account;

6 (b) Work with local governments to develop working capital
7 reserves to be incorporated in the ten-year financing report;

8 (c) Identify the projected remedial action needs for orphaned,
9 abandoned, and other clean-up sites that are eligible for funding
10 from the model toxics control capital account;

11 (d) Project the remedial action need, cost, revenue, and any
12 recommended working capital reserve estimate to the next biennium's
13 long-term remedial action needs from the model toxics control capital
14 account, and submit this information to the appropriate standing
15 fiscal and environmental committees of the senate and house of
16 representatives. This submittal must also include a ranked list of
17 such remedial action projects for the model toxics control capital
18 account. The submittal must also identify separate budget estimates
19 for large, multibiennia clean-up projects that exceed ten million
20 dollars. The department must prepare its ten-year capital budget plan
21 that is submitted to the office of financial management to reflect
22 the separate budget estimates for these large clean-up projects and
23 include information on the anticipated private and public funding
24 obligations for completion of the relevant projects.

25 (5) By December 1st of each odd-numbered year, the department
26 must provide the legislature and the public a report of the
27 department's activities supported by appropriations from the model
28 toxics control operating, capital, and stormwater accounts. The
29 report must be prepared and displayed in a manner that allows the
30 legislature and the public to easily determine the statewide and
31 local progress made in cleaning up hazardous waste sites under this
32 chapter. The report must include, at a minimum:

33 (a) The name, location, hazardous waste ranking, and a short
34 description of each site on the hazardous sites list, and the date
35 the site was placed on the hazardous waste sites list; and

36 (b) For sites where there are state contracts, grants, loans, or
37 direct investments by the state:

38 (i) The amount of money from the model toxics control capital
39 account used to conduct remedial actions at the site and the amount
40 of that money recovered from potentially liable persons;

1 (ii) The actual or estimated start and end dates and the actual
2 or estimated expenditures of funds authorized under this chapter for
3 the following project phases:

4 (A) Emergency or interim actions, if needed;

5 (B) Remedial investigation;

6 (C) Feasibility study and selection of a remedy;

7 (D) Engineering design and construction of the selected remedy;

8 (E) Operation and maintenance or monitoring of the constructed
9 remedy; and

10 (F) The final completion date.

11 (6) The department must establish a program to identify potential
12 hazardous waste sites and to encourage persons to provide information
13 about hazardous waste sites.

14 (7) For all facilities where an environmental covenant has been
15 required under subsection (1)(f) of this section, including all
16 facilities where the department has required an environmental
17 covenant under an order, agreed order, or consent decree, or as a
18 condition of a written opinion issued under the authority of RCW
19 70.105D.180, the department must periodically review the
20 environmental covenant for effectiveness. The department must conduct
21 a review at least once every five years after an environmental
22 covenant is recorded.

23 (a) The review must consist of, at a minimum:

24 (i) A review of the title of the real property subject to the
25 environmental covenant to determine whether the environmental
26 covenant was properly recorded and, if applicable, amended or
27 terminated;

28 (ii) A physical inspection of the real property subject to the
29 environmental covenant to determine compliance with the environmental
30 covenant, including whether any development or redevelopment of the
31 real property has violated the terms of the environmental covenant;
32 and

33 (iii) A review of the effectiveness of the environmental covenant
34 in limiting or prohibiting activities that may interfere with the
35 integrity of the remedial action or that may result in exposure to or
36 migration of hazardous substances. This must include a review of
37 available monitoring data.

38 (b) If an environmental covenant has been amended or terminated
39 without proper authority, or if the terms of an environmental
40 covenant have been violated, or if the environmental covenant is no

1 longer effective in limiting or prohibiting activities that may
2 interfere with the integrity of the remedial action or that may
3 result in exposure to or migration of hazardous substances, then the
4 department must take any and all appropriate actions necessary to
5 ensure compliance with the environmental covenant and the policies
6 and requirements of this chapter.

7 **Sec. 6.** RCW 9A.42.010 and 2006 c 228 s 1 are each amended to
8 read as follows:

9 As used in this chapter:

10 (1) "Basic necessities of life" means food, water, shelter,
11 clothing, and medically necessary health care, including but not
12 limited to health-related treatment or activities, hygiene, oxygen,
13 and medication.

14 (2) (a) "Bodily injury" means physical pain or injury, illness, or
15 an impairment of physical condition;

16 (b) "Substantial bodily harm" means bodily injury which involves
17 a temporary but substantial disfigurement, or which causes a
18 temporary but substantial loss or impairment of the function of any
19 bodily part or organ, or which causes a fracture of any bodily part;

20 (c) "Great bodily harm" means bodily injury which creates a high
21 probability of death, or which causes serious permanent
22 disfigurement, or which causes a permanent or protracted loss or
23 impairment of the function of any bodily part or organ.

24 (3) "Child" means a person under eighteen years of age.

25 (4) "Dependent person" means a person who, because of physical or
26 mental disability, or because of extreme advanced age, is dependent
27 upon another person to provide the basic necessities of life. A
28 resident of a nursing home, as defined in RCW 18.51.010, a resident
29 of an adult family home, as defined in RCW 70.128.010, and a frail
30 elder or vulnerable adult, as defined in RCW 74.34.020(~~((13))~~) (22),
31 is presumed to be a dependent person for purposes of this chapter.

32 (5) "Employed" means hired by a dependent person, another person
33 acting on behalf of a dependent person, or by an organization or
34 governmental entity, to provide to a dependent person any of the
35 basic necessities of life. A person may be "employed" regardless of
36 whether the person is paid for the services or, if paid, regardless
37 of who pays for the person's services.

38 (6) "Parent" has its ordinary meaning and also includes a
39 guardian and the authorized agent of a parent or guardian.

1 (7) "Abandons" means leaving a child or other dependent person
2 without the means or ability to obtain one or more of the basic
3 necessities of life.

4 (8) "Good samaritan" means any individual or group of individuals
5 who: (a) Is not related to the dependent person; (b) voluntarily
6 provides assistance or services of any type to the dependent person;
7 (c) is not paid, given gifts, or made a beneficiary of any assets
8 valued at five hundred dollars or more, for any reason, by the
9 dependent person, the dependent person's family, or the dependent
10 person's estate; and (d) does not commit or attempt to commit any
11 other crime against the dependent person or the dependent person's
12 estate.

13 **Sec. 7.** RCW 28A.400.210 and 2000 c 231 s 1 are each amended to
14 read as follows:

15 Every school district board of directors may, in accordance with
16 chapters 41.56 and 41.59 RCW, establish an attendance incentive
17 program for all certificated and classified employees in the
18 following manner, including covering persons who were employed during
19 the 1982-'83 school year:

20 (1) In January of the year following any year in which a minimum
21 of sixty days of leave for illness or injury is accrued, and each
22 January thereafter, any eligible employee may exercise an option to
23 receive remuneration for unused leave for illness or injury
24 accumulated in the previous year at a rate equal to one day's
25 monetary compensation of the employee for each four full days of
26 accrued leave for illness or injury in excess of sixty days. Leave
27 for illness or injury for which compensation has been received shall
28 be deducted from accrued leave for illness or injury at the rate of
29 four days for every one day's monetary compensation. No employee may
30 receive compensation under this section for any portion of leave for
31 illness or injury accumulated at a rate in excess of one day per
32 month.

33 (2) Except as provided in RCW 28A.400.212, at the time of
34 separation from school district employment an eligible employee or
35 the employee's estate shall receive remuneration at a rate equal to
36 one day's current monetary compensation of the employee for each four
37 full days accrued leave for illness or injury. For purposes of this
38 subsection, "eligible employee" means (a) employees who separate from
39 employment due to retirement or death; (b) employees who separate

1 from employment and who are at least age fifty-five and have at least
2 ten years of service under the teachers' retirement system plan 3 as
3 defined in RCW 41.32.010(~~((+40))~~) (33), or under the Washington school
4 employees' retirement system plan 3 as defined in RCW
5 41.35.010(~~((+31))~~) (25); or (c) employees who separate from employment
6 and who are at least age fifty-five and have at least fifteen years
7 of service under the teachers' retirement system plan 2 as defined in
8 RCW 41.32.010(~~((+39))~~) (32), under the Washington school employees'
9 retirement system plan 2 as defined in RCW 41.35.010(~~((+30))~~) (24), or
10 under the public employees' retirement system plan 2 as defined in
11 RCW 41.40.010(~~((+34))~~) (28).

12 (3) In lieu of remuneration for unused leave for illness or
13 injury as provided in subsections (1) and (2) of this section, a
14 school district board of directors may, with equivalent funds,
15 provide eligible employees a benefit plan that provides reimbursement
16 for medical expenses. Any benefit plan adopted after July 28, 1991,
17 shall require, as a condition of participation under the plan, that
18 the employee sign an agreement with the district to hold the district
19 harmless should the United States government find that the district
20 or the employee is in debt to the United States as a result of the
21 employee not paying income taxes due on the equivalent funds placed
22 into the plan, or as a result of the district not withholding or
23 deducting any tax, assessment, or other payment on such funds as
24 required under federal law.

25 Moneys or benefits received under this section shall not be
26 included for the purposes of computing a retirement allowance under
27 any public retirement system in this state.

28 The superintendent of public instruction in its administration
29 hereof, shall promulgate uniform rules and regulations to carry out
30 the purposes of this section.

31 Should the legislature revoke any benefits granted under this
32 section, no affected employee shall be entitled thereafter to receive
33 such benefits as a matter of contractual right.

34 **Sec. 8.** RCW 41.05.175 and 2011 c 159 s 2 are each amended to
35 read as follows:

36 (1) Each health plan offered to public employees and their
37 covered dependents under this chapter, including those subject to the
38 provision of Title 48 RCW, and is issued or renewed beginning January
39 1, 2012, and provides coverage for cancer chemotherapy treatment must

1 provide coverage for prescribed, self-administered anticancer
2 medication that is used to kill or slow the growth of cancerous cells
3 on a basis at least comparable to cancer chemotherapy medications
4 administered by a health care provider or facility as defined in RCW
5 48.43.005 (~~((15) and (16))~~) (25) and (26).

6 (2) Nothing in this section may be interpreted to prohibit a
7 health plan from administering a formulary or preferred drug list,
8 requiring prior authorization, or imposing other appropriate
9 utilization controls in approving coverage for any chemotherapy.

10 **Sec. 9.** RCW 43.09.025 and 1995 c 301 s 2 are each amended to
11 read as follows:

12 The state auditor may appoint deputies and assistant directors as
13 necessary to carry out the duties of the office of the state auditor.
14 These individuals serve at the pleasure of the state auditor and are
15 exempt from the provisions of chapter 41.06 RCW as stated in RCW
16 41.06.070(1) (~~((+y))~~) (v).

17 **Sec. 10.** RCW 46.18.255 and 2011 c 171 s 71 are each amended to
18 read as follows:

19 (1) A registered owner may apply to the department, county
20 auditor or other agent, or subagent appointed by the director for a
21 horseless carriage license plate for a motor vehicle that is at least
22 forty years old. The motor vehicle must be operated primarily as a
23 collector vehicle and be in good running order. The applicant for the
24 horseless carriage license plate shall:

25 (a) Purchase a registration for the motor vehicle as required
26 under chapters 46.16A and 46.17 RCW; and

27 (b) Pay the special license plate fee established under RCW
28 46.17.220 (~~((+i))~~) (11), in addition to any other fees or taxes
29 required by law.

30 (2) Horseless carriage license plates:

31 (a) Are valid for the life of the motor vehicle;

32 (b) Are not required to be renewed;

33 (c) Are not transferable to any other motor vehicle; and

34 (d) Must be displayed on the rear of the motor vehicle.

35 **Sec. 11.** RCW 46.18.265 and 2010 c 161 s 624 are each amended to
36 read as follows:

1 (1) A registered owner who has a valid military affiliate radio
2 system station license may apply to the department for special
3 license plates for use on only one motor vehicle owned by the
4 qualified applicant. The applicant must:

5 (a) Be a resident of this state;

6 (b) Provide a copy of the current official military affiliate
7 radio system station license authorized by the department of defense
8 and issued by the United States army, air force, navy, or marine
9 corps;

10 (c) Be recorded as the registered owner of the motor vehicle on
11 which the military affiliate radio system license plates will be
12 displayed; and

13 (d) Pay the military affiliate radio system license plate fee
14 required under RCW 46.17.220(~~((1)-(1))~~) (14), in addition to any other
15 fees or taxes required by law.

16 (2) A person who has been issued military affiliate radio system
17 license plates as provided in this section must:

18 (a) Notify the department if the military affiliate radio system
19 station license assigned is canceled or expires; and

20 (b) Provide a copy of the renewed military affiliate radio system
21 station license to the department when it is renewed.

22 (3) Military affiliate radio system license plates:

23 (a) Are not available for motorcycles; and

24 (b) May be transferred from one motor vehicle to another motor
25 vehicle owned by the military affiliate radio system operator upon
26 application to the department, county auditor or other agent, or
27 subagent appointed by the director.

28 **Sec. 12.** RCW 46.18.285 and 2011 c 171 s 72 are each amended to
29 read as follows:

30 (1) A registered owner who uses a passenger motor vehicle for
31 commuter ride sharing or ride sharing for persons with special
32 transportation needs, as defined in RCW 46.74.010, shall apply to the
33 department, county auditor or other agent, or subagent appointed by
34 the director for special ride share license plates. The registered
35 owner must qualify for the tax exemptions provided in RCW 82.08.0287,
36 82.12.0282, or 82.44.015, and pay the special ride share license
37 plate fee required under RCW 46.17.220(~~((1)-(n))~~) (18) when the
38 special ride share license plates are initially issued.

39 (2) The special ride share license plates:

1 (a) Must be of a distinguishing separate numerical series or
2 design as defined by the department;

3 (b) Must be returned to the department when no longer in use or
4 when the registered owner no longer qualifies for the tax exemptions
5 provided in subsection (1) of this section; and

6 (c) Are not required to be renewed annually for motor vehicles
7 described in RCW 46.16A.170.

8 (3) Special ride share license plates may be transferred from one
9 motor vehicle to another motor vehicle as described in subsection (1)
10 of this section upon application to the department, county auditor or
11 other agent, or subagent appointed by the director.

12 (4) Any person who knowingly makes a false statement of a
13 material fact in the application for a special license plate under
14 subsection (1) of this section is guilty of a gross misdemeanor.

15 **Sec. 13.** RCW 46.18.290 and 2011 c 332 s 9 are each amended to
16 read as follows:

17 A registered owner may apply to the department, county auditor or
18 other agent, or subagent appointed by the director for a square
19 dancer license plate. The registered owner shall pay the special
20 license plate fee required under RCW 46.17.220(~~((1)-(g))~~) (27), in
21 addition to any other fee or tax required by law. The square dancer
22 license plate may be issued in lieu of standard issue or personalized
23 license plates for motor vehicles required to display one or two
24 license plates, but may not be issued for vehicles registered under
25 chapter 46.87 RCW.

26 **Sec. 14.** RCW 48.20.389 and 2011 c 159 s 3 are each amended to
27 read as follows:

28 (1) Each health plan issued or renewed on or after January 1,
29 2012, that provides coverage for cancer chemotherapy treatment must
30 provide coverage for prescribed, self-administered anticancer
31 medication that is used to kill or slow the growth of cancerous cells
32 on a basis at least comparable to cancer chemotherapy medications
33 administered by a health care provider or facility as defined in RCW
34 48.43.005 (~~((15) and (16))~~) (25) and (26).

35 (2) Nothing in this section may be interpreted to prohibit a
36 health plan from administering a formulary or preferred drug list,
37 requiring prior authorization, or imposing other appropriate
38 utilization controls in approving coverage for any chemotherapy.

1 **Sec. 15.** RCW 48.21.223 and 2011 c 159 s 4 are each amended to
2 read as follows:

3 (1) Each health plan issued or renewed on or after January 1,
4 2012, that provides coverage for cancer chemotherapy treatment must
5 provide coverage for prescribed, self-administered anticancer
6 medication that is used to kill or slow the growth of cancerous cells
7 on a basis at least comparable to cancer chemotherapy medications
8 administered by a health care provider or facility as defined in RCW
9 48.43.005 (~~((15) and (16))~~) (25) and (26).

10 (2) Nothing in this section may be interpreted to prohibit a
11 health plan from administering a formulary or preferred drug list,
12 requiring prior authorization, or imposing other appropriate
13 utilization controls in approving coverage for any chemotherapy.

14 **Sec. 16.** RCW 48.44.323 and 2011 c 159 s 5 are each amended to
15 read as follows:

16 (1) Each health plan issued or renewed on or after January 1,
17 2012, that provides coverage for cancer chemotherapy treatment must
18 provide coverage for prescribed, self-administered anticancer
19 medication that is used to kill or slow the growth of cancerous cells
20 on a basis at least comparable to cancer chemotherapy medications
21 administered by a health care provider or facility as defined in RCW
22 48.43.005 (~~((15) and (16))~~) (25) and (26).

23 (2) Nothing in this section may be interpreted to prohibit a
24 health plan from administering a formulary or preferred drug list,
25 requiring prior authorization, or imposing other appropriate
26 utilization controls in approving coverage for any chemotherapy.

27 **Sec. 17.** RCW 48.46.274 and 2011 c 159 s 6 are each amended to
28 read as follows:

29 (1) Each health plan issued or renewed on or after January 1,
30 2012, that provides coverage for cancer chemotherapy treatment must
31 provide coverage for prescribed, self-administered anticancer
32 medication that is used to kill or slow the growth of cancerous cells
33 on a basis at least comparable to cancer chemotherapy medications
34 administered by a health care provider or facility as defined in RCW
35 48.43.005 (~~((15) and (16))~~) (25) and (26).

36 (2) Nothing in this section may be interpreted to prohibit a
37 health plan from administering a formulary or preferred drug list,

1 requiring prior authorization, or imposing other appropriate
2 utilization controls in approving coverage for any chemotherapy.

3 **Sec. 18.** RCW 64.50.010 and 2002 c 323 s 2 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Action" means any civil lawsuit or action in contract or
8 tort for damages or indemnity brought against a construction
9 professional to assert a claim, whether by complaint, counterclaim,
10 or cross-claim, for damage or the loss of use of real or personal
11 property caused by a defect in the construction of a residence or in
12 the substantial remodel of a residence. "Action" does not include any
13 civil action in tort alleging personal injury or wrongful death to a
14 person or persons resulting from a construction defect.

15 (2) "Association" means an association, master association, or
16 subassociation as defined and provided for in RCW 64.34.020(4),
17 64.34.276, 64.34.278, and 64.38.010(~~((1))~~) (11).

18 (3) "Claimant" means a homeowner or association who asserts a
19 claim against a construction professional concerning a defect in the
20 construction of a residence or in the substantial remodel of a
21 residence.

22 (4) "Construction professional" means an architect, builder,
23 builder vendor, contractor, subcontractor, engineer, or inspector,
24 including, but not limited to, a dealer as defined in RCW
25 64.34.020(~~((12))~~) and a declarant as defined in RCW
26 64.34.020(~~((13))~~), performing or furnishing the design, supervision,
27 inspection, construction, or observation of the construction of any
28 improvement to real property, whether operating as a sole proprietor,
29 partnership, corporation, or other business entity.

30 (5) "Homeowner" means: (a) Any person, company, firm,
31 partnership, corporation, or association who contracts with a
32 construction professional for the construction, sale, or construction
33 and sale of a residence; and (b) an "association" as defined in this
34 section. "Homeowner" includes, but is not limited to, a subsequent
35 purchaser of a residence from any homeowner.

36 (6) "Residence" means a single-family house, duplex, triplex,
37 quadraplex, or a unit in a multiunit residential structure in which
38 title to each individual unit is transferred to the owner under a
39 condominium or cooperative system, and shall include common elements

1 as defined in RCW 64.34.020(~~(+6)~~) and common areas as defined in RCW
2 64.38.010(4).

3 (7) "Serve" or "service" means personal service or delivery by
4 certified mail to the last known address of the addressee.

5 (8) "Substantial remodel" means a remodel of a residence, for
6 which the total cost exceeds one-half of the assessed value of the
7 residence for property tax purposes at the time the contract for the
8 remodel work was made.

9 **Sec. 19.** RCW 69.50.414 and 1986 c 124 s 10 are each amended to
10 read as follows:

11 The parent or legal guardian of any minor to whom a controlled
12 substance, as defined in RCW 69.50.101, is sold or transferred, shall
13 have a cause of action against the person who sold or transferred the
14 controlled substance for all damages to the minor or his or her
15 parent or legal guardian caused by such sale or transfer. Damages
16 shall include: (a) Actual damages, including the cost for treatment
17 or rehabilitation of the minor child's drug dependency, (b)
18 forfeiture to the parent or legal guardian of the cash value of any
19 proceeds received from such sale or transfer of a controlled
20 substance, and (c) reasonable attorney fees.

21 This section shall not apply to a practitioner, as defined in RCW
22 69.50.101(~~(+t)~~), who sells or transfers a controlled substance to a
23 minor pursuant to a valid prescription or order.

24 **Sec. 20.** RCW 69.52.030 and 1983 1st ex.s. c 4 s 5 are each
25 amended to read as follows:

26 (1) It is unlawful for any person to manufacture, distribute, or
27 possess with intent to distribute, an imitation controlled substance.
28 Any person who violates this subsection shall, upon conviction, be
29 guilty of a class C felony.

30 (2) Any person eighteen years of age or over who violates
31 subsection (1) of this section by distributing an imitation
32 controlled substance to a person under eighteen years of age is
33 guilty of a class B felony.

34 (3) It is unlawful for any person to cause to be placed in any
35 newspaper, magazine, handbill, or other publication, or to post or
36 distribute in any public place, any advertisement or solicitation
37 offering for sale imitation controlled substances. Any person who
38 violates this subsection is guilty of a class C felony.

1 (4) No civil or criminal liability shall be imposed by virtue of
2 this chapter on any person registered under the Uniform Controlled
3 Substances Act pursuant to RCW 69.50.301 or 69.50.303 who
4 manufactures, distributes, or possesses an imitation controlled
5 substance for use as a placebo or other use by a registered
6 practitioner, as defined in RCW 69.50.101(~~(t)~~), in the course of
7 professional practice or research.

8 (5) No prosecution under this chapter shall be dismissed solely
9 by reason of the fact that the dosage units were contained in a
10 bottle or other container with a label accurately describing the
11 ingredients of the imitation controlled substance dosage units. The
12 good faith of the defendant shall be an issue of fact for the trier
13 of fact.

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