

Northwest College

DRUG AND ALCOHOL POLICY MANUAL



2001/2002

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Student Development Office**

DRUG AND ALCOHOL ABUSE POLICY NORTHWEST COLLEGE 2001/2002

Northwest College of the Assemblies of God (the "College") is required by the Drug Free Schools and Communities Act Amendment of 1989 to adopt and implement a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. Every student shall receive a copy of the program annually in conjunction with registration for classes and every employee of the College shall receive a copy of the program annually through the campus mail.

A. Policy

The unlawful possession, use, or distribution of illicit drugs is prohibited on College property and in conjunction with College activities. The possession, use, or distribution of alcohol is prohibited on College property and in conjunction with College activities.

Student organizations are under the same legal requirements as individuals concerning local, state, and federal laws. Any violation of these laws in conjunction with a student organization activity constitutes a violation of College policy. Violations of policy could result not only in disciplinary action against the individual(s) involved, but also in suspension or loss of College recognition of the organization.

Students and employees are reminded that the College is owned and operated by member districts of the Northwest region of the Assemblies of God, and that they are expected to abide by the highest standards of Christian ethics. The College, and the Assemblies of God, interprets the Bible to condemn illicit alcoholic beverage consumption, and the possession or distribution of illicit drugs.

B. Definitions

"College activities" are defined as those activities that are sponsored by a College department or are sponsored by a recognized student organization.

"College property" is defined as College-owned or leased grounds, facilities, or vehicles.

C. Description of Local, State, and Federal Legal Sanctions

1. Local sanctions

Kirkland Municipal Code (KMC) prohibits the following acts:

Alcohol offenses:

Consumption of liquor. It is unlawful for any person under the age of twenty-one years to acquire in any manner, consume, or have in his possession any intoxicating liquor, provided that the foregoing shall not apply in the case of liquor given or permitted to be given to such persons under the age of twenty-one years, by his parents or guardian for beverage or medical purposes and which shall be consumed in the presence or premises of said parent or guardian, or administered to him by his physician or dentist for medicinal purposes. (KMC 11.44.070)

Intoxicating liquors and drugs prohibited. It is unlawful for any person to possess a container of any alcoholic beverage, whether opened or unopened, while in any city park. Any person having a container with one's immediate reach or control, (such as at a bench, picnic table, blanket, or motor vehicle where that person is sitting) within a city park, may be considered to be in possession of the container for the purposes of this section. (KMC 11.80.210)

Liquor in public. It is unlawful for any person to open a container or possess an opened container of intoxicating liquor or to consume intoxicating liquor in a way open to the public or a public place other than a public place specifically identified and posted as a place where intoxicating liquor may be consumed. (KMC 11.84A.050)

Intoxication. (a) It is unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit forming drugs to operate or be in actual physical control of any vessel or watercraft. (b) It is unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs. (KMC 14.24.050)

Illicit drug offenses:

The following sections of RCW Chapter 69.50 relating to drugs and other controlled substances, defining crimes and prescribing penalties, are adopted by this reference: (KMC 11.77.010)

RCW 69.50.101	RCW 69.50.212	RCW 69.50.403
RCW 69.50.102	RCW 69.50.302	RCW 69.50.404
RCW 69.50.201	RCW 69.50.306	RCW 69.50.405
RCW 69.50.202	RCW 69.50.307	RCW 69.50.407
RCW 69.50.204	RCW 69.50.308	RCW 69.50.412

RCW 69.50.206 RCW 69.50.309 RCW 69.50.505
RCW 69.50.208 RCW 69.50.401 RCW 69.50.506
RCW 69.50.210 RCW 69.50.402 RCW 69.50.509

Any person convicted under this chapter of violation of any of the provisions adopted in Section 11.77.010 is guilty of a serious crime as designated in Section 1.04.010. (KMC 11.77.020)

2. State Sanctions

Washington statutes prohibit the following acts:

Alcohol offenses:

Purchase or possession by a minor. This offense is punishable as provided under the Juvenile Justice Act. (RCW 13.40.0534)

Illicit drug offenses:

A description of the applicable legal sanctions under state law is set forth in Appendix A. (RCW 69.50.401 to 69.50.435)

3. Federal sanctions

See Appendix B for a description of the applicable legal sanctions under federal law for the unlawful distribution of illicit drugs.

Legal sanctions for the unlawful possession or distribution of alcohol are found primarily in state and local law.

Legal sanctions under federal law for the unlawful possession of illicit drugs include the following:

21 U.S.C. 844(a):

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500, but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years, and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if: (a) 1st conviction and the amount of crack possessed exceeds 5 grams; (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams; (3) 3rd or subsequent crack

conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7):

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment.

21 U.S.C. 881(a)(4):

Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a:

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853a:

Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for 1st offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g):

Ineligible to receive or purchase a firearm.

Miscellaneous:

Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, are vested within the authority of individual federal agencies.

D. Health Risks Associated with the Use of Drugs and Alcohol

The use of any mood-altering substance, including alcohol, can lead to psychological dependence, which is defined as a need or craving for the substance and feelings of restlessness, tension or anxiety when the substance is not used. In addition, with many substances use can lead to physical tolerance, characterized by the need for increasing amounts of the substance to achieve the same effect, and/or symptoms when the substance is no longer being used. As tolerance and psychological or physical dependence develops, judgment becomes impaired and people often do not realize they are losing control over the use of the substance and that they need help.

Drugs such as cocaine, amphetamines, barbiturates, marijuana, and alcohol alter emotional, cognition, perception, physiology, and behavior in a variety of ways.

Health risks include but are not limited to depression, apathy, hallucination, paranoia, and impaired judgment. All substances can have adverse effects on pregnancy. When two or more substances are combined, there is often an effect that is stronger than their additive sum.

It is impossible to accurately predict how an individual will react to a specific drug or alcohol because effects vary depending on the person, environmental variables, the dosage and potency of the substance, the method of taking the substance, the history of use, and whether the substance is taken in conjunction with other substances. Illegal drugs have particularly unpredictable effects due to variability in dosage and purity. Further, the overall potency of street drugs has increased dramatically making users increasingly susceptible to negative effects.

Alcohol acts as a depressant to the central nervous system and can cause serious short and long-term damage. Short-term effects include nausea, vomiting, and ulcers; more chronic abuse can lead to brain, liver, kidney and heart damage, and eventually death. Ingesting a large amount of alcohol at one time can lead to alcohol poisoning, coma and death. Even low doses of alcohol significantly impair the judgment and coordination required to safely drive a motor vehicle, increasing the likelihood the driver will cause an accident. Low to moderate use of alcohol increase one's risk towards involvement in a variety of violent acts, including rape and domestic violence. Moderate to high use of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information.

Women who drink alcohol while pregnant may give birth to infants with fetal alcohol syndrome. These infants have irreversible physiological, mental and emotional impairments. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

E. Description of Available Services

1. On Campus

Counseling Services

Counseling appointments are made with the Director of Counseling Services at 889-5282.

The Counseling Center provides information on drug and alcohol prevention and recovery treatment. Counseling services provided to students are **confidential**. The Counseling Center abides by Washington State Administrative Code protecting confidentiality as the legal right of students seeking counseling services.

Students with needs beyond the scope of services the Counseling Center staff are able to provide will be referred to an off-campus service provider. If a student is referred to a counseling agency apart from Northwest College, all fee schedules are between the student and the service provider.

Health Services, Crowder Lobby 889-5284.

Health Services is staffed by a registered nurse and is able to provide limited health care to students. Health Services also provides information on drug and alcohol related problems and provides referral information.

The **Dean of the Chapel** can be reached at 889-5271. The **Director of Resident Life** can be reached at 889-5287. Both of these offices are located in the Pecota Student Center. Appointments can be scheduled through their offices.

2. Community services

Off-campus community counseling and treatment services are available from the following organizations:

Al-Anon/Alateen

206-625-0000

Alcoholics Anonymous

425-454-9192

Alcohol/Drug 24-Hour Help Line

206-722-3700

1-800-562-1240

Alpha Center For Treatment, Inc. - Bothell (ACT)

10614 Beardslee Boulevard, Suite D

Bothell, WA 98011

425-483-4664

Associated Behavioral Health Care

1621 114th Ave SE, Suite 111

Bellevue, WA 98004

425-646-7279

Catholic Community Services

206-325-5162

Eastside Recovery Center

425-454-1505

King County Extended Care Unit

16200 227th SE, Maple Valley, WA

425-392-9467

Lakeside-Milam Recovery Center

10322 Northeast 132nd Street

Kirkland, WA 98034

425-823-3116

Narcotics Anonymous

425-451-1516

Washington State Council on Alcoholism

1882 136th Place NE, Bellevue, WA

425-643-2244

F. Penalties of Violations

Violations of these Northwest College policies may result in disciplinary action up to and including discharge for employees and dismissal for students and referral for prosecution.

G. Program Review

The College will conduct a biennial review of this policy to determine its effectiveness, make changes where necessary, and ensure that it is consistently followed.

Approved by the College Executive Board of Directors on September 28, 1990.

(Drug and Alcohol Policy Manual updated, 7/01)

APPENDIX B

RCW 69.50.401 Prohibited acts: A--Penalties. (a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. (1) Any person who violates this subsection with respect to: (i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine; (ii) met amphetamine, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine. Three thousand dollars of the fine may not be suspended. As collected, the first three thousand dollars of the fine must be deposited with the law enforcement agency having responsibility for cleanup of laboratories, sites, or substances used in the manufacture of the met amphetamine. The fine moneys deposited with that law enforcement agency must be used for such clean-up cost; (iii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both; (iv) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both; (v) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both. (b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance. (1) Any person who violates this subsection with respect to: (i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both; (ii) a counterfeit substance which is met amphetamine, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both; (iii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both; (iv) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both; (v) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both. (c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both. (d) 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. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section. (e) Except as provided for in subsection (a)(1)(iii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor. (f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021. This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410. [1997 c 71 § 2; 1996 c 205 § 2; 1989 c 271 § 104; 1987 c 458 § 4; 1979 c 67 § 1; 1973 2nd ex.s. c 2 § 1; 1971 ex.s. c 308 § 69.50.401.] NOTES: Application--1989 c 271 §§ 101 through 111: See note following RCW 9.94A.310. Severability--1989 c 271: See note following RCW 9.94A.310. Severability--1987 c 458: See note following RCW 48.21.160. Serious drug offenders, notice of release or escape: RCW 9.94A.154.

RCW 69.50.402 Prohibited acts: B--Penalties. (a) It is unlawful for any person: (1) who is subject to Article III to distribute or dispense a controlled substance in violation of RCW 69.50.308; (2) who is a registrant, to manufacture

a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person; (3) who is a practitioner, to prescribe, order, dispense, administer, supply, or give to any person: (i) any amphetamine, including its salts, optical isomers, and salts of optical isomers classified as a schedule II controlled substance by the board of pharmacy pursuant to chapter 34.05 RCW; or (ii) any nonnarcotic stimulant classified as a schedule II controlled substance and designated as a nonnarcotic stimulant by the board of pharmacy pursuant to chapter 34.05 RCW; except for the treatment of narcolepsy or for the treatment of hyperkinesia, or for the treatment of drug-induced brain dysfunction, or for the treatment of epilepsy, or for the differential diagnostic psychiatric evaluation of depression, or for the treatment of depression shown to be refractory to other therapeutic modalities, or for the clinical investigation of the effects of such drugs or compounds, in which case an investigative protocol therefor shall have been submitted to and reviewed and approved by the state board of pharmacy before the investigation has been begun: PROVIDED, That the board of pharmacy, in consultation with the medical quality assurance commission and the osteopathic disciplinary board, may establish by rule, pursuant to chapter 34.05 RCW, disease states or conditions in addition to those listed in this subsection for the treatment of which Schedule II nonnarcotic stimulants may be prescribed, ordered, dispensed, administered, supplied, or given to patients by practitioners: AND PROVIDED, FURTHER, That investigations by the board of pharmacy of abuse of prescriptive authority by physicians, licensed pursuant to chapter 18.71 RCW, pursuant to subsection (a)(3) of this section shall be done in consultation with the medical quality assurance commission; (4) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice, or information required under this chapter; (5) to refuse an entry into any premises for any inspection authorized by this chapter; or (6) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter. (b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both. [1994 sp.s. c 9 § 740; 1980 c 138 § 6; 1979 ex.s. c 119 § 1; 1971 ex.s. c 308 § 69.50.402.] NOTES: Severability--Headings and captions not law--Effective date-- 1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 69.50.403 Prohibited acts: C--Penalties. (a) It is unlawful for any person knowingly or intentionally: (1) To distribute as a registrant a controlled substance classified in Schedules I or II, except pursuant to an order form as required by RCW 69.50.307; (2) To use in the course of the manufacture, distribution, or dispensing of a controlled substance, or to use for the purpose of acquiring or obtaining a controlled substance, a registration number which is fictitious, revoked, suspended, or issued to another person; (3) To obtain or attempt to obtain a controlled substance, or procure or attempt to procure the administration of a controlled substance, (i) by fraud, deceit, misrepresentation, or subterfuge; or (ii) by forgery or alteration of a prescription or any written order; or (iii) by the concealment of material fact; or (iv) by the use of a false name or the giving of a false address. (4) To falsely assume the title of, or represent herself or himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance. (5) To make or utter any false or forged prescription or false or forged written order. (6) To affix any false or forged label to a package or receptacle containing controlled substances. (7) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter; or (8) To possess a false or fraudulent prescription with intent to obtain a controlled substance. (9) To attempt to illegally obtain controlled substances by providing more than one name to a practitioner when obtaining a prescription for a controlled substance. If a person's name is legally changed during the time period that he or she is receiving health care from a practitioner, the person shall inform all providers of care so that the medical and pharmacy records for the person may be filed under a single name identifier. (b) Information communicated to a practitioner in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of such substance, shall not be deemed a privileged communication. (c) A person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, or fined not more than two thousand dollars, or both. [1996 c 255 § 1; 1993 c 187 § 21; 1971 ex.s. c 308 § 69.50.403.]

RCW 69.50.404 Penalties under other laws. Any penalty imposed for violation of this chapter is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law. [1971 ex.s. c 308 § 69.50.404.]

RCW 69.50.405 Bar to prosecution. If a violation of this chapter is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state. [1971 ex.s. c 308 § 69.50.405.]

RCW 69.50.406 Distribution to persons under age eighteen. (a) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing a controlled substance listed in Schedules I or II which is a narcotic drug or methamphetamine to a person under eighteen years of age is punishable by the fine authorized by RCW 69.50.401(a)(1) (i) or (ii), by a term of imprisonment of up to twice that authorized by RCW 69.50.401(a)(1) (i) or (ii), or by both. (b) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing any other controlled substance listed in Schedules I, II, III, IV, and V to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by RCW 69.50.401(a)(1) (iii), (iv), or (v), by a term of imprisonment up to twice that authorized by RCW 69.50.401(a)(1) (iii), (iv), or (v), or both. [1996 c 205 § 7; 1987 c 458 § 5; 1971 ex.s. c 308 § 69.50.406.] NOTES: Severability--1987 c 458: See note following RCW 48.21.160.

RCW 69.50.407 Conspiracy. Any person who attempts or conspires to commit any offense defined in this chapter is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy. [1971 ex.s. c 308 § 69.50.407.]

RCW 69.50.408 Second or subsequent offenses. (a) Any person convicted of a second or subsequent offense under this chapter may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both. (b) For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this chapter or under any statute of the United States or of any state relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs. (c) This section does not apply to offenses under RCW 69.50.401(d). [1989 c 8 § 3; 1971 ex.s. c 308 § 69.50.408.]

RCW 69.50.410 Prohibited acts: D--Penalties. (1) Except as authorized by this chapter it shall be unlawful for any person to sell for profit any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana. For the purposes of this section only, the following words and phrases shall have the following meanings: (a) "To sell" means the passing of title and possession of a controlled substance from the seller to the buyer for a price whether or not the price is paid immediately or at a future date. (b) "For profit" means the obtaining of anything of value in exchange for a controlled substance. (c) "Price" means anything of value. (2) Any person convicted of a violation of subsection (1) of this section shall receive a sentence of not more than five years in a correctional facility of the department of social and health services for the first offense. Any person convicted on a second or subsequent cause, the sale having transpired after prosecution and conviction on the first cause, of subsection (1) of this section shall receive a mandatory sentence of five years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for the second or subsequent violation of subsection (1) of this section. (3) Any person convicted of a violation of subsection (1) of this section by selling heroin shall receive a mandatory sentence of two years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for such violation. Any person convicted on a second or subsequent sale of heroin, the sale having transpired after prosecution and conviction on the first cause of the sale of heroin shall receive a mandatory sentence of ten years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for this second or subsequent violation: PROVIDED, That the *board of prison terms and paroles under RCW 9.95.040 shall not reduce the minimum term imposed for a violation under this subsection. (4) In addition to the sentences provided in subsection (2) of this section, any person convicted of a violation of subsection (1) of this section shall be fined in an amount calculated to at least eliminate any and all proceeds or profits directly or indirectly gained by such person as a result of sales of controlled substances in violation of the laws of this or other states, or the United States, up to the amount of five hundred thousand dollars on each count. (5) Any person, addicted to the use of controlled substances, who voluntarily applies to the department of social and health services for the purpose of participating in a rehabilitation

program approved by the department for addicts of controlled substances shall be immune from prosecution for subsection (1) offenses unless a filing of an information or indictment against such person for a violation of subsection (1) of this section is made prior to his voluntary participation in the program of the department of social and health services. All applications for immunity under this section shall be sent to the department of social and health services in Olympia. It shall be the duty of the department to stamp each application received pursuant to this section with the date and time of receipt. This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401 as now or hereafter amended. [1975-'76 2nd ex.s. c 103 § 1; 1973 2nd ex.s. c 2 § 2.] NOTES: *Reviser's note: The "board of prison terms and paroles" was redesignated the "indeterminate sentence review board" by 1986 c 224, effective July 1, 1986.

RCW 69.50.412 Prohibited acts: E--Penalties. (1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor. (2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor. (3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his junior is guilty of a gross misdemeanor. (4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor. [1981 c 48 § 2.] NOTES: Severability--1981 c 48: See note following RCW 69.50.102.

RCW 69.50.413 Health care practitioners--Suspension of license for violation of chapter. The license of any licensed health care practitioner shall be suspended for any violation of this chapter. The suspension shall run concurrently with, and not less than, the term of the sentence for the violation. [1984 c 153 § 21.]

RCW 69.50.414 Sale or transfer of controlled substance to minor--Cause of action by parent--Damages. The parent or legal guardian of any minor to whom a controlled substance, as defined in RCW 69.50.101, is sold or transferred, shall have a cause of action against the person who sold or transferred the controlled substance for all damages to the minor or his or her parent or legal guardian caused by such sale or transfer. Damages shall include: (a) Actual damages, including the cost for treatment or rehabilitation of the minor child's drug dependency, (b) forfeiture to the parent or legal guardian of the cash value of any proceeds received from such sale or transfer of a controlled substance, and (c) reasonable attorney fees. This section shall not apply to a practitioner, as defined in *RCW 69.50.101(t), who sells or transfers a controlled substance to a minor pursuant to a valid prescription or order. [1986 c 124 § 10.] NOTES: *Reviser's note: The reference to RCW 69.50.101(t) is erroneous. "Practitioner" is defined in (w) of that section.

RCW 69.50.415 Controlled substances homicide--Penalty. (a) A person who unlawfully delivers a controlled substance in violation of RCW 69.50.401(a)(1) (i), (ii), or (iii) which controlled substance is subsequently used by the person to whom it was delivered, resulting in the death of the user, is guilty of controlled substances homicide. (b) Controlled substances homicide is a class B felony punishable according to RCW 9A.20.021. [1996 c 205 § 8; 1987 c 458 § 2.] NOTES: Severability--1987 c 458: See note following RCW 48.21.160.

RCW 69.50.420 Violations--Juvenile driving privileges. (1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment. (2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive. (3) If the conviction is for the juvenile's first violation of

this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered. [1989 c 271 § 120; 1988 c 148 § 5.] NOTES: Severability--1989 c 271: See note following RCW 9.94A.310. Legislative finding--Severability--1988 c 148: See notes following RCW 13.40.265.

RCW 69.50.425 Misdemeanor violations--Minimum imprisonment. A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred. [1989 c 271 § 105.] NOTES: Application--1989 c 271 §§ 101-111: See note following RCW 9.94A.310. Severability--1989 c 271: See note following RCW 9.94A.310.

RCW 69.50.430 Additional fine for certain felony violations. (1) Every person convicted of a felony violation of RCW 69.50.401, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court. (2) On a second or subsequent conviction for violation of any of the laws listed in subsection (1) of this section, the person shall be fined two thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court. [1989 c 271 § 106.] NOTES: Application--1989 c 271 §§ 101-111: See note following RCW 9.94A.310. Severability--1989 c 271: See note following RCW 9.94A.310.

RCW 69.50.435 Violations committed in or on certain public places or facilities--Additional penalty--Defenses--Construction-- Definitions. (a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection or who violates RCW 69.50.410 by selling for profit any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana to a person: (1) In a school; (2) On a school bus; (3) Within one thousand feet of a school bus route stop designated by the school district; (4) Within one thousand feet of the perimeter of the school grounds; (5) In a public park; (6) In a public housing project designated by a local governing authority as a drug-free zone; (7) On a public transit vehicle; (8) In a public transit stop shelter; (9) At a civic center designated as a drug-free zone by the local governing authority; or (10) Within one thousand feet of the perimeter of a facility designated under (9) of this subsection, if the local governing authority specifically designates the one thousand foot perimeter may be punished by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment. The provisions of this section shall not operate to more than double the fine or imprisonment otherwise authorized by this chapter for an offense. (b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop, in a public park, in a public housing project designated by a local governing authority as a drug-free zone, on a public transit vehicle, in a public transit stop shelter, at a civic center designated as a drug-free zone by the local governing authority, or within one thousand feet of the perimeter of a facility designated under subsection (a)(9) of this section, if the local governing authority specifically designates the one thousand foot perimeter. (c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were

not present in the school, the school bus, the public park, the public housing project designated by a local governing authority as a drug-free zone, or the public transit vehicle, or at the school bus route stop, the public transit vehicle stop shelter, at a civic center designated as a drug-free zone by the local governing authority, or within one thousand feet of the perimeter of a facility designated under subsection (a)(9) of this section, if the local governing authority specifically designates the one thousand foot perimeter at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any municipality, school district, county, transit authority engineer, or public housing authority for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school, school bus route stop, public park, public housing project designated by a local governing authority as a drug-free zone, public transit vehicle stop shelter, or a civic center designated as a drug-free zone by a local governing authority, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, county, or transit authority has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school, school bus route stop, public park, public housing project designated by a local governing authority as a drug-free zone, public transit vehicle stop shelter, or civic center designated as a drug-free zone by a local governing authority. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, county, transit authority, or public housing authority if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise: (1) "School" has the meaning under RCW 28A.150.010 or 28A.150.020. The term "school" also includes a private school approved under RCW 28A.195.010; (2) "School bus" means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system; (3) "School bus route stop" means a school bus stop as designated by a school district; (4) "Public park" means land, including any facilities or improvements on the land, that is operated as a park by the state or a local government; (5) "Public transit vehicle" means any motor vehicle, street car, train, trolley vehicle, or any other device, vessel, or vehicle which is owned or operated by a transit authority and which is used for the purpose of carrying passengers on a regular schedule; (6) "Transit authority" means a city, county, or state transportation system, transportation authority, public transportation benefit area, public transit authority, or metropolitan municipal corporation within the state that operates public transit vehicles; (7) "Stop shelter" means a passenger shelter designated by a transit authority; (8) "Civic center" means a publicly owned or publicly operated place or facility used for recreational, educational, or cultural activities; (9) "Public housing project" means the same as "housing project" as defined in RCW 35.82.020. [1997 c 30 § 2; 1997 c 23 § 1; 1996 c 14 § 2; 1991 c 32 § 4. Prior: 1990 c 244 § 1; 1990 c 33 § 588; 1989 c 271 § 112.] NOTES: Reviser's note: This section was amended by 1997 c 23 § 1 and by 1997 c 30 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1). Findings--Intent--1997 c 30: "The legislature finds that a large number of illegal drug transactions occur in or near public housing projects. The legislature also finds that this activity places the families and children residing in these housing projects at risk for drug-related crimes and increases the general level of fear among the residents of the housing project and the areas surrounding these projects. The intent of the legislature is to allow local governments to designate public housing projects as drug-free zones." [1997 c 30 § 1.] Findings--Intent--1996 c 14: "The

legislature finds that a large number of illegal drug transactions occur in or near publicly owned places used for recreational, educational, and cultural purposes. The legislature also finds that this activity places the people using these facilities at risk for drug-related crimes, discourages the use of recreational, educational, and cultural facilities, blights the economic development around these facilities, and increases the general level of fear among the residents of the areas surrounding these facilities. The intent of the legislature is to allow local governments to designate a perimeter of one thousand feet around publicly owned places used primarily for recreation, education, and cultural activities as drug-free zones." [1996 c 14 § 1.] Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102. Severability--1989 c 271: See note following RCW 9.94A.310.

RCW 69.50.500 Powers of enforcement personnel. (a) It is hereby made the duty of the state board of pharmacy, the department, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this chapter. (b) Employees of the department of health, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this chapter. [1989 1st ex.s. c 9 § 437; 1971 ex.s. c 308 § 69.50.500.] NOTES: Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 69.50.307 Order forms. Controlled substances in Schedule I and II shall be distributed by a registrant or person exempt from registration under RCW 69.50.302(d) to another registrant, or person exempt from registration under RCW 69.50.302(d), only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section. [1971 ex.s. c 308 § 69.50.307.]

RCW 69.50.416 Counterfeit substances prohibited--Penalties. (a) It is unlawful for any person knowingly or intentionally to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser, other than the person who in fact manufactured, distributed, or dispensed the substance. (b) It is unlawful for any person knowingly or intentionally to make, distribute, or possess a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof. (c) A person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both. [1993 c 187 § 22.]

RCW 69.50.609 Captions not law--1993 c 187. Section captions as used in this act constitute no part of the law. [1993 c 187 § 23.]