

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

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

~~(5) ((This chapter shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401(c)).~~

~~(6))~~ No prosecution under this chapter shall be dismissed solely by reason of the fact that the dosage units were contained in a bottle or other container with a label accurately describing the ingredients of the imitation controlled substance dosage units. The good faith of the defendant shall be an issue of fact for the trier of fact.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 26, 1983.

Passed the House April 28, 1983.

Approved by the Governor May 6, 1983.

Filed in Office of Secretary of State May 6, 1983.

## CHAPTER 5

[House Bill No. 420]

### CEMETERY AUTHORITIES REGULATORY CHARGE INCREASE

AN ACT Relating to the cemetery board; amending section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255; and amending section 51, chapter 290, Laws of 1953 as last amended by section 4, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.230.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 51, chapter 290, Laws of 1953 as last amended by section 4, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.230 are each amended to read as follows:

Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge to be fixed by the board ~~((, based on the number of interments, entombments, and inurnments made during the preceding full calendar year, but not exceeding one hundred dollars for one hundred or less, two hundred dollars for one hundred one to three hundred fifty, three~~

hundred dollars for three hundred fifty-one to seven hundred, five hundred dollars for seven hundred one or more; plus an additional charge)) of not more than ((one)) four dollars per interment, entombment, and inurnment made during the preceding full calendar year, which charges shall be deposited in the cemetery account. Upon payment of said charges and compliance with the provisions of Title 68 RCW and the lawful orders, rules, and regulations of the board, the board will issue a certificate of authority.

*\*Sec. 2. Section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255 are each amended to read as follows:*

*Prior to the sale or transfer of ownership or control of any cemetery authority, any person, corporation or other legal entity desiring to acquire such ownership or control shall apply in writing for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The board shall, in addition, enter any order deemed necessary for the protection of all endowment care funds and/or prearrangement trust fund during such transfer. As a condition of applying for a new certificate of authority, the entity desiring to acquire such ownership or control must agree to be bound by all then existing prearrangement contracts and the board shall enter that agreement as a condition of the transfer: PROVIDED, That if the board determines that it is in the public interest it may waive or condition the entity's assumption of those preexisting prearrangement contracts entered into prior to June 7, 1979, which are for cemetery merchandise or services when the entity seeking the certificate of authority obtains ownership from a federal or state chartered bank, savings and loan association, or credit union which acquired ownership or control of a cemetery through foreclosure of a first lien mortgage or deed of trust pursuant to chapter 61.12 or 61.24 RCW: PROVIDED FURTHER, That a waiver shall not be granted if the bank, savings and loan association, or credit union was a party to or participated in the operation or control of the cemetery authority which incurred those obligations.*

*Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each file an endowment care fund report and/or a prearrangement trust fund report showing the status of such funds immediately before and immediately after such transfer on a written report form prescribed by the board. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer in violation of this section shall be void.*

*\*Sec. 2. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the House May 3, 1983.

Passed the Senate April 29, 1983.

Approved by the Governor May 11, 1983, with the exception of section 2, which was vetoed.

Filed in Office of Secretary of State May 11, 1983.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to one section, House Bill No. 420, entitled:

"AN ACT Relating to the cemetery board."

Section 2 of this bill would allow purchasers of cemeteries, under certain circumstances, to renege on the previous owners' prearrangement contracts for cemetery merchandise and services. I can find no justification for this deviation from the state law requiring that new owners be bound by previous owners' obligations to provide merchandise and services that people have already paid for.

With the exception of section 2, which I have vetoed, House Bill No. 420 is approved."

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## CHAPTER 6

[Senate Bill No. 3314]

### OASI REVOLVING FUND CREATED

AN ACT Relating to old age and survivors' insurance; adding a new section to chapter 41.48 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. There is added to chapter 41.48 RCW a new section to read as follows:

There is hereby established a separate fund in the custody of the state treasurer to be known as the OASI revolving fund. The fund shall consist of all moneys designated for deposit in the fund and the interest earnings therefrom. The OASI revolving fund shall be used exclusively for the purpose of this section. Withdrawals from the fund shall be made for the payment of amounts the state may be obligated to pay or forfeit by reason of any failure of any public agency to pay assessments on contributions or interest assessments required under the federal-state agreement under this chapter or federal regulations.

The treasurer of the state shall be ex officio treasurer and custodian of the fund and shall administer the fund in accordance with this chapter and the directions of the governor and shall pay all amounts drawn upon it in accordance with this section and with the regulations the governor may prescribe under this section.

**NEW SECTION.** Sec. 2. For the purpose of establishing the OASI revolving fund, the state treasurer shall transfer from the interest earnings