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**SUBSTITUTE HOUSE BILL 1918**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Sprenkle, Moyer and Braddock; by request of Department of Health).

Read first time March 6, 1991.

1            AN ACT Relating to the practice of pharmacy; amending RCW  
2 18.64.043, 18.64.045, 18.64.046, 18.64.047, 18.64.140, 69.43.010,  
3 69.43.090, 69.45.070, and 69.50.301; adding new sections to chapter  
4 18.64A RCW; and creating a new section.

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

6            **Sec. 1.** RCW 18.64.043 and 1989 1st ex.s. c 9 s 414 are each  
7 amended to read as follows:

8            (1) The owner of each pharmacy shall pay an original license fee to  
9 be determined by the secretary, and annually thereafter, on or before  
10 a date to be determined by the secretary, a fee to be determined by the  
11 secretary, for which he or she shall receive a license of location,  
12 which shall entitle the owner to operate such pharmacy at the location  
13 specified, or such other temporary location as the secretary may  
14 approve, for the period ending on a date to be determined by the  
15 secretary, and each such owner shall at the time of filing proof of

1 payment of such fee as provided in RCW 18.64.045 as now or hereafter  
2 amended, file with the department on a blank therefor provided, a  
3 declaration of ownership and location, which declaration of ownership  
4 and location so filed as aforesaid shall be deemed presumptive evidence  
5 of ownership of the pharmacy mentioned therein.

6 (2) It shall be the duty of the owner to immediately notify the  
7 department of any change of location or ownership and to keep the  
8 license of location or the renewal thereof properly exhibited in said  
9 pharmacy.

10 (3) Failure to comply with this section shall be deemed a  
11 misdemeanor, and each day that said failure continues shall be deemed  
12 a separate offense.

13 (4) In the event such license fee remains unpaid (~~for sixty days~~  
14 ~~from~~) on the date due, no renewal or new license shall be issued  
15 except upon payment of the license renewal fee and a penalty fee equal  
16 to the original license fee.

17 **Sec. 2.** RCW 18.64.045 and 1989 1st ex.s. c 9 s 416 are each  
18 amended to read as follows:

19 The owner of each and every place of business which manufactures  
20 drugs shall pay a license fee to be determined by the secretary, and  
21 thereafter, on or before a date to be determined by the secretary, a  
22 fee to be determined by the secretary, for which the owner shall  
23 receive a license of location from the department, which shall entitle  
24 the owner to manufacture drugs at the location specified for the period  
25 ending on a date to be determined by the board, and each such owner  
26 shall at the time of payment of such fee file with the department, on  
27 a blank therefor provided, a declaration of ownership and location,  
28 which declaration of ownership and location so filed as aforesaid shall  
29 be deemed presumptive evidence of the ownership of such place of

1 business mentioned therein. It shall be the duty of the owner to  
2 notify immediately the department of any change of location or  
3 ownership and to keep the license of location or the renewal thereof  
4 properly exhibited in such place of business. Failure to conform with  
5 this section shall be deemed a misdemeanor, and each day that said  
6 failure continues shall be deemed a separate offense. In event such  
7 license fee remains unpaid (~~for sixty days from~~) on the date due, no  
8 renewal or new license shall be issued except upon payment of the  
9 license renewal fee and a penalty fee equal to the license renewal fee.

10 **Sec. 3.** RCW 18.64.046 and 1989 1st ex.s. c 9 s 417 are each  
11 amended to read as follows:

12 The owner of each place of business which sells legend drugs and  
13 nonprescription drugs, or nonprescription drugs at wholesale shall pay  
14 a license fee to be determined by the secretary, and thereafter, on or  
15 before a date to be determined by the secretary, a like fee to be  
16 determined by the secretary, for which the owner shall receive a  
17 license of location from the department, which shall entitle such owner  
18 to either sell legend drugs and nonprescription drugs or  
19 nonprescription drugs at wholesale at the location specified for the  
20 period ending on a date to be determined by the board, and each such  
21 owner shall at the time of payment of such fee file with the  
22 department, on a blank therefor provided, a declaration of ownership  
23 and location, which declaration of ownership and location so filed as  
24 aforesaid shall be deemed presumptive evidence of the ownership of such  
25 place of business mentioned therein. It shall be the duty of the owner  
26 to notify immediately the department of any change of location and  
27 ownership and to keep the license of location or the renewal thereof  
28 properly exhibited in such place of business. Failure to conform with  
29 this section shall be deemed a misdemeanor, and each day that said

1 failure continues shall be deemed a separate offense. In event such  
2 license fee remains unpaid (~~for sixty days from~~) on the date due, no  
3 renewal or new license shall be issued except upon payment of the  
4 license renewal fee and a penalty fee equal to the license renewal fee.

5 **Sec. 4.** RCW 18.64.047 and 1989 1st ex.s. c 9 s 418 are each  
6 amended to read as follows:

7 Any itinerant vendor or any peddler of any nonprescription drug or  
8 preparation for the treatment of disease or injury, shall pay a  
9 registration fee determined by the secretary on a date to be determined  
10 by the secretary. The department may issue a registration to such  
11 vendor on an approved application made to the department. Any itinerant  
12 vendor or peddler who shall vend or sell, or offer to sell to the  
13 public any such nonprescription drug or preparation without having  
14 registered to do so as provided in this section, shall be guilty of a  
15 misdemeanor and each sale or offer to sell shall constitute a separate  
16 offense. In event such registration fee remains unpaid (~~for sixty days  
17 from~~) on the date due, no renewal or new registration shall be issued  
18 except upon payment of the registration renewal fee and a penalty fee  
19 equal to the renewal fee. This registration shall not authorize the  
20 sale of legend drugs or controlled substances.

21 **Sec. 5.** RCW 18.64.140 and 1989 1st ex.s. c 9 s 421 are each  
22 amended to read as follows:

23 Every licensed pharmacist who desires to practice pharmacy shall  
24 secure from the department a license, the fee for which shall be  
25 determined by the secretary. The renewal fee shall also be determined  
26 by the secretary. The date of renewal may be established by the  
27 secretary by regulation and the department may by regulation extend the  
28 duration of a licensing period for the purpose of staggering renewal

1 periods. Such regulation may provide a method for imposing and  
2 collecting such additional proportional fee as may be required for the  
3 extended period. Payment of this fee shall entitle the licensee to a  
4 pharmacy law book, subsequent current mailings of all additions,  
5 changes, or deletions in the pharmacy practice act, chapter 18.64 RCW,  
6 and all additions, changes, or deletions of pharmacy board and  
7 department regulations. Pharmacists shall pay the license renewal fee  
8 and a penalty equal to the license renewal fee for the late renewal of  
9 their license (~~more than sixty days after the renewal is due~~). The  
10 current license shall be conspicuously displayed to the public in the  
11 pharmacy to which it applies. Any licensed pharmacist who desires to  
12 leave the active practice of pharmacy in this state may secure from the  
13 department an inactive license. The initial license and renewal fees  
14 shall be determined by the secretary. The holder of an inactive  
15 license may reactivate his or her license to practice pharmacy in  
16 accordance with rules adopted by the board.

17 **Sec. 6.** RCW 69.43.010 and 1988 c 147 s 1 are each amended to read  
18 as follows:

19 (1) Beginning July 1, 1988, a report to the state board of pharmacy  
20 shall be submitted in accordance with this chapter by a manufacturer,  
21 retailer, or other person who sells, transfers, or otherwise furnishes  
22 to any person in this state or from within this state to any person  
23 outside of this state any of the following substances or their salts or  
24 isomers:

- 25 (a) Anthranilic acid;
- 26 (b) Barbituric acid;
- 27 (c) Chlorephedrine;
- 28 (d) Diethyl malonate;
- 29 (e) D-lysergic acid;

- 1 (f) Ephedrine;
- 2 (g) Ergotamine tartrate;
- 3 (h) Ethylamine;
- 4 (i) Ethyl malonate;
- 5 (j) Ethylephedrine;
- 6 (k) Lead acetate;
- 7 (l) Malonic acid;
- 8 (m) Methylamine;
- 9 (n) ((~~Methylformamide~~)) Methylformamide;
- 10 (o) Methylephedrine;
- 11 (p) Methylpseudoephedrine;
- 12 (q) N-acetylanthranilic acid;
- 13 (r) Norpseudoephedrine;
- 14 (s) Phenylacetic acid;
- 15 (t) Phenylpropanolamine;
- 16 (u) Piperidine;
- 17 (v) Pseudoephedrine; and
- 18 (w) Pyrrolidine.

19 (2) The state board of pharmacy shall administer this chapter and  
20 may, by rule adopted pursuant to chapter 34.05 RCW, add a substance to  
21 or remove a substance from the list in subsection (1) of this section.  
22 In determining whether to add or remove a substance, the board shall  
23 consider the following:

24 (a) The likelihood that the substance is useable as a precursor in  
25 the illegal production of a controlled substance as defined in chapter  
26 69.50 RCW;

27 (b) The availability of the substance;

28 (c) The relative appropriateness of including the substance in this  
29 chapter or in chapter 69.50 RCW; and

30 (d) The extent and nature of legitimate uses for the substance.

1 (3) On or before December 1 of each year, the board shall inform  
2 the committees of reference of the legislature of the substances added,  
3 deleted, or changed in subsection (1) of this section and include an  
4 explanation of these actions.

5 (4) (a) Beginning on July 1, 1988, any manufacturer, wholesaler,  
6 retailer, or other person shall, before selling, transferring, or  
7 otherwise furnishing any substance specified in subsection (1) of this  
8 section to a person in this state or from within this state to a person  
9 outside of this state, require proper identification from the  
10 purchaser.

11 (b) For the purposes of this subsection, "proper identification"  
12 means, in the case of a face-to-face purchase, a motor vehicle  
13 operator's license or other official state-issued identification of the  
14 purchaser containing a photograph of the purchaser, and includes the  
15 residential or mailing address of the purchaser, other than a post  
16 office box number, the motor vehicle license number of any motor  
17 vehicle owned or operated by the purchaser, a letter of authorization  
18 from any business for which any substance specified in subsection (1)  
19 of this section is being furnished, which includes the business license  
20 number and address of the business, a description of how the substance  
21 is to be used, and the signature of the purchaser. The person selling,  
22 transferring, or otherwise furnishing any substance specified in  
23 subsection (1) of this section shall affix his or her signature as a  
24 witness to the signature and identification of the purchaser. The  
25 state board of pharmacy shall provide by rule for the proper  
26 identification of purchasers in other than face-to-face purchases.

27 (c) A violation of this subsection is a misdemeanor.

28 (5) Beginning on July 1, 1988, any manufacturer, wholesaler,  
29 retailer, or other person who sells, transfers, or otherwise furnishes  
30 the substance specified in subsection (1) of this section to a person

1 in this state or from within this state to a person outside of this  
2 state shall, not less than twenty-one days before delivery of the  
3 substance, submit a report of the transaction, which includes the  
4 identification information specified in subsection (4) of this section  
5 to the state board of pharmacy. However, the state board of pharmacy  
6 may authorize the submission of the reports on a monthly basis with  
7 respect to repeated, regular transactions between the furnisher and the  
8 recipient involving the same substance if the state board of pharmacy  
9 determines that either of the following exist:

10 (a) A pattern of regular supply of the substance exists between the  
11 manufacturer, wholesaler, retailer, or other person who sells,  
12 transfers, or otherwise furnishes such substance and the recipient of  
13 the substance; or

14 (b) The recipient has established a record of using the substance  
15 for lawful purposes.

16 (6) Any person specified in subsection (5) of this section who does  
17 not submit a report as required by that subsection is guilty of a gross  
18 misdemeanor.

19 **Sec. 7.** RCW 69.43.090 and 1989 1st ex.s. c 9 s 443 are each  
20 amended to read as follows:

21 (1) Any manufacturer, wholesaler, retailer, or other person who  
22 sells, transfers, or otherwise furnishes any substance specified in RCW  
23 69.43.010 to a person in this state or from within this state to a  
24 person outside of this state or who receives from a source outside of  
25 the state any substance specified in RCW 69.43.010 shall obtain a  
26 permit for the conduct of that business from the state board of  
27 pharmacy. However, a permit shall not be required of any manufacturer,  
28 wholesaler, retailer, or other person for the sale, transfer,  
29 furnishing, or receipt of any drug that contains ephedrine,



1 phenylpropanolamine, or pseudoephedrine, or of any cosmetic that  
2 contains a substance specified in RCW 69.43.010(1), if such drug or  
3 cosmetic is lawfully sold, transferred, or furnished over the counter  
4 without a prescription or by a prescription under chapter 69.04 or  
5 69.41 RCW.

6 (2) Applications for permits shall be filed with the department in  
7 writing and signed by the applicant, and shall set forth the name of  
8 the applicant, the business in which the applicant is engaged, the  
9 business address of the applicant, and a full description of any  
10 substance sold, transferred, or otherwise furnished, or received.

11 (3) The board may grant permits on forms prescribed by it. The  
12 permits shall be effective for not more than one year from the date of  
13 issuance.

14 (4) Each applicant shall pay at the time of filing an application  
15 for a permit a fee determined by the department.

16 (5) A permit granted under this chapter may be renewed on a date to  
17 be determined by the board, and annually thereafter, upon the filing of  
18 a renewal application and the payment of a permit renewal fee  
19 determined by the department.

20 (6) Permit fees charged by the department shall not exceed the  
21 costs incurred by the department in administering this chapter.

22 (7) Selling, transferring, or otherwise furnishing, or receiving  
23 any substance specified in RCW 69.43.010 without a required permit, is  
24 a gross misdemeanor.

25 **Sec. 8.** RCW 69.45.070 and 1989 1st ex.s. c 9 s 447 are each  
26 amended to read as follows:

27 The department may charge reasonable fees for registration. The  
28 registration fee shall not exceed the fee charged by the department for  
29 a pharmacy location license. If the registration fee is not paid on or

1 before the date due, a renewal or new registration may be issued only  
2 upon payment of the registration renewal fee and a penalty fee equal to  
3 the registration renewal fee.

4       **Sec. 9.** RCW 69.50.301 and 1989 1st ex.s. c 9 s 431 are each  
5 amended to read as follows:

6       The state board of pharmacy may promulgate rules and the secretary  
7 may set fees (~~of not less than ten dollars or more than fifty~~  
8 ~~dollars~~) in accordance with RCW 43.70.250 relating to the registration  
9 and control of the manufacture, distribution, and dispensing of  
10 controlled substances within this state.

11       NEW SECTION. **Sec. 10.** A new section is added to chapter 18.64A  
12 RCW to read as follows:

13       If a pharmacy assistant allows his or her certificate to lapse by  
14 failing to renew on or before the date due, a renewal or new license  
15 may be issued only upon payment of the certification fee and a penalty  
16 fee equal to the original certification fee.

17       NEW SECTION. **Sec. 11.** A new section is added to chapter 18.64A  
18 RCW to read as follows:

19       Where as order for payment of a fine is made as a result of a  
20 hearing held pursuant to chapter 18.64 RCW or Title 69 RCW, and timely  
21 payment is not made as directed in the final order, the board may  
22 enforce the order for payment in the superior court in the county in  
23 which the hearing was held. This right of enforcement shall be in  
24 addition to any other rights that the disciplinary authority may have  
25 as to any licensee ordered to pay a fine, but shall not be construed to  
26 limit a licensee's ability to seek judicial review.

1           In any action for enforcement of an order of payment of a fine, the  
2 disciplinary authority's order is conclusive proof of the validity or  
3 the order of payment of a fine and the terms of payment.

4           All fines collected under the provisions of this chapter shall  
5 inure to the board of pharmacy account.

6           NEW SECTION.   **Sec. 12.**           It is declared legislative policy,  
7 pursuant to RCW 18.130.010, that the provisions of the Uniform  
8 Disciplinary Act apply to all the regulated health professions. The  
9 board of pharmacy shall study and make legislative recommendations to  
10 the legislature prior to the next session of the legislature to the  
11 extent necessary to integrate the uniform disciplinary provisions of  
12 this chapter with the pharmacy practice act, chapter 18.64 RCW.