

SENATE BILL 5109

State of Washington 52nd Legislature 1991 Regular Session

By Senators West, Amondson, Moore, Stratton, McCaslin and L. Kreidler.

Read first time January 21, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to prescribing prescription drugs; amending RCW
2 69.41.030; and declaring an emergency.

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

4 **Sec. 1.** RCW 69.41.030 and 1990 c 219 s 2 are each amended to read
5 as follows:

6 It shall be unlawful for any person to sell, deliver, or possess
7 any legend drug except upon the order or prescription of a physician
8 under chapter 18.71 RCW, an osteopathic physician or an osteopathic
9 physician and surgeon under chapter 18.57 RCW, a dentist under chapter
10 18.32 RCW, a ((~~podiatrist~~)) podiatric physician and surgeon under
11 chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
12 commissioned medical or dental officer in the United States armed
13 forces, marine hospital service, or public health service in the
14 discharge of his official duties, a duly licensed physician or dentist
15 employed by the veterans administration in the discharge of his

1 official duties, a registered nurse under chapter 18.88 RCW when
2 authorized by the board of nursing, an osteopathic physician's
3 assistant under chapter 18.57A RCW when authorized by the committee of
4 osteopathic examiners, a physician's assistant under chapter 18.71A RCW
5 when authorized by the board of medical examiners, a physician licensed
6 to practice medicine and surgery or a physician licensed to practice
7 osteopathy and surgery, a dentist licensed to practice dentistry, a
8 podiatrist licensed to practice podiatry, or a veterinarian licensed to
9 practice veterinary medicine, in any province of Canada which shares a
10 common border with the state of Washington or in any state of the
11 United States: PROVIDED, HOWEVER, That the above provisions shall not
12 apply to sale, delivery, or possession by drug wholesalers or drug
13 manufacturers, or their agents or employees, or to any practitioner
14 acting within the scope of his license, or to a common or contract
15 carrier or warehouseman, or any employee thereof, whose possession of
16 any legend drug is in the usual course of business or employment:
17 PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW
18 shall prevent a family planning clinic that is under contract with the
19 department of social and health services from selling, delivering,
20 possessing, and dispensing commercially prepackaged oral contraceptives
21 prescribed by authorized, licensed health care practitioners((÷
22 ~~PROVIDED FURTHER, That it shall be unlawful to fill a prescription~~
23 ~~written by an authorized prescriber who is not licensed in this state~~
24 ~~if more than six months has passed since the date of the issuance of~~
25 ~~the original prescription)).~~

26 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and shall take
29 effect immediately.