
SENATE BILL 5683

State of Washington

52nd Legislature

1991 Regular Session

By Senators West, Wojahn and Johnson; by request of Department of Health.

Read first time February 14, 1991. Referred to Committee on Health & Long-Term Care.

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; and adding a new section to
4 chapter 18.64A RCW.

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.