S-3202.3

SENATE BILL 6192

State of Washington 52nd Legislature 1992 Regular Session

By Senators West, Vognild, Sellar, Murray and L. Smith

Read first time 01/21/92. Referred to Committee on Health & Long-Term Care.

AN ACT Relating to drugs; amending RCW 18.64.011; and reenacting and amending RCW 69.41.010 and 69.50.101.

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

Sec. 1. RCW 18.64.011 and 1989 1st ex.s. c 9 s 412 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

((~~(1) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.~~

~~(2) "Board" means the Washington state board of pharmacy.~~

~~(3) "Drugs" means:~~

~~(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;~~

~~(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;~~

~~(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or~~

~~(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.~~

~~(4) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.~~

~~(5) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.~~

~~(6) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.~~

~~(7) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.~~

~~(8) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.~~

~~(9) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.~~

~~(10) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.~~

~~(11) "Practice of pharmacy" includes the practice of and responsibility for: Interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.~~

~~(12) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.~~

~~(13) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.~~

~~(14) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.~~

~~(15) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.~~

~~(16) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.~~

~~(17) "Distribute" means the delivery of a drug or device other than by administering or dispensing.~~

~~(18) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.~~

~~(19) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.~~

~~(20) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.~~

~~(21) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.~~

~~(22) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.~~

~~(23) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.~~

~~(24) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.~~

~~(25) "Department" means the department of health.~~

~~(26) "Secretary" means the secretary of health or the secretary's designee.~~))

(1) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(2) "Board" means the Washington state board of pharmacy.

(3) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(4) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(5) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(6) "Department" means the department of health.

(7) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.

(8) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(9) "Dispenser" means a practitioner who dispenses.

(10) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(11) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States or any supplement to them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of pregnancy or disease in individuals or animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(12) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

(13) "Legend drugs" means any drugs that are required by any applicable federal or state law or rule to be dispensed on prescription only or are restricted to use by practitioners only.

(14) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or

device. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a drug or device:

(a) By a practitioner as an incident to the practitioner's administering or dispensing of a drug or device within the scope of a practitioner's professional practice; or

(b) By a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(15) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(16) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(17) "Nonlegend" or "nonprescription" drugs means any drugs that may be lawfully sold without a prescription.

(18) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(19) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy or the board of pharmacy of the home state of a Washington-licensed nonresident pharmacy to engage in the practice of pharmacy.

(20) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(21) "Practice of pharmacy" includes the practice of and responsibility for: Interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and

devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(22) "Practitioner" means a person duly authorized by law or rule in the state of Washington to prescribe or dispense drugs.

(23) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices within the scope of his or her professional practice for a legitimate medical purpose.

(24) "Secretary" means the secretary of health or the secretary's designee.

(25) "Wholesaler" shall mean a corporation, individual, or other entity that buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(26) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used

exclusively as a feed for animals other than man. Oxygen for medical use by an individual is subject to board regulation.

(27) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

Sec. 2. RCW 69.41.010 and 1989 1st ex.s. c 9 s 426 and 1989 c 36 s 3 are each reenacted and amended to read as follows:

As used in this chapter, the following terms ((~~has [have]~~)) have the meaning((~~[s]~~))s indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Board" means the Washington state board of pharmacy.

(3) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

((~~(3)~~)) (5) "Department" means the department of health.

((~~(4)~~)) (6) "Dispense" means the interpretation of a prescription or order for a legend drug or biological and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

((~~(5)~~)) (7) "Dispenser" means a practitioner who dispenses.

((~~(6)~~)) (8) "Distribute" means to deliver other than by administering or dispensing a legend drug.

((~~(7)~~)) (9) "Distributor" means a person who distributes.

((~~(8)~~)) (10) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia((~~,~~))/national formulary or the official homeopathic pharmacopoeia of the United States, ((~~or official national formulary,~~)) or any supplement to ((~~any of~~)) them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in ((~~man~~)) individuals or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of ((~~man~~)) individuals or animals; and

(d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

((~~(9)~~)) (11) "Legend drugs" means any drugs ((~~which~~)) or biologicals that are required by state law or ((~~regulation~~)) rule of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

((~~(10)~~)) (12) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a drug or device:

(a) By a practitioner as an incident to the practitioner's administering or dispensing of a drug or device within the scope of a practitioner's professional practice; or

(b) By a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(13) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(14) "Person" means individual, corporation, ((~~government or governmental subdivision or agency,~~)) business trust, estate, trust, partnership ((~~or~~)), association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

((~~(11)~~)) (15) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a ((~~podiatrist~~)) podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician's assistant under chapter 18.57A RCW, or a physician's assistant under chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery ((~~in any state, or province of Canada, which shares a common border with the state of Washington~~)), a dentist licensed to practice dentistry, or a veterinarian licensed to practice veterinary medicine or surgery in any

province of Canada that shares a common border with the state of Washington or in any state of the United States.

((~~(12) "Secretary" means the secretary of health or the secretary's designee~~))

(16) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(17) "Wholesaler" shall mean a corporation, individual, or other entity, that buys legend drugs or devices for resale and distribution, to corporations, individuals, or entities other than consumers.

Sec. 3. RCW 69.50.101 and 1990 c 248 s 1, 1990 c 219 s 3, and 1990 c 196 s 8 are each reenacted and amended to read as follows:

DEFINITIONS. ((~~As~~)) Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter:

(a) "Administer" ((~~means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:~~

~~(1) a practitioner, or~~)) means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public ((~~warehouseman~~)) warehouseperson, or employee of the carrier or ((~~warehouseman~~)) warehouseperson.

(c) "Board" means the state board of pharmacy.

(d) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or board regulations.

(e)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act 21 U.S.C. Sec. 355 to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(f) "Deliver" or "delivery," means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(m) "Drug enforcement administration" means the ((~~federal~~)) drug enforcement administration in the United States Department of Justice, or its successor agency.

((~~(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.~~

~~(e) "Counterfeit substance" means 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.~~

~~(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.~~

~~(g) "Department" means the department of health.~~

~~(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.~~

~~(i) "Dispenser" means a practitioner who dispenses.~~

~~(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.~~

~~(k) "Distributor" means a person who distributes.~~

~~(l) "Receipt" means to receive a controlled substance either with or without consideration.~~

~~(m) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.~~))

(n) "Immediate precursor" means a substance ((~~which~~))<u>:</u>

<u>(1) that</u> the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used<u>,</u> or produced primarily for use, ((~~and which~~)) <u>in the manufacture of a controlled substance;</u>

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance((~~,~~)); and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5), 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

((~~(o)~~)) (p) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container((~~, except that this~~)). The term does not include the preparation ((~~or~~)), compounding, packaging, repackaging, labeling, or relabeling of a controlled substance ((~~by an individual for his or her own use or the preparation, compounding, packaging, or labeling of a controlled substance~~)):

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of ((~~his or her~~)) the practitioner's professional practice((~~,~~)); or

(2) by a practitioner, or by ((~~an~~)) the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

((~~(p)~~)) (q) "Marijuana" ((~~or "marihuana"~~)) means all parts of the plant ((~~of the genus~~)) Cannabis ((~~L.~~)), whether growing or not; the

seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. ((~~It~~)) The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(((~~q~~))) (r) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

((~~(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.~~

~~(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.~~

~~(3) Opium poppy and poppy straw.~~

~~(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.~~))

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

((~~(r)~~)) (s) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. ((~~It~~)) The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). ((~~It does~~)) The term includes ((~~its~~)) the racemic and levorotatory forms of dextromethorphan.

((~~(s)~~)) (t) "Opium poppy" means the plant of the ((~~genus~~)) species Papaver somniferum L., except its seeds((~~, capable of producing an opiate~~)).

((~~(t)~~)) (u) "Person" means individual, corporation, ((~~government or governmental subdivision or agency,~~)) business trust, estate, trust, partnership ((~~or~~)), association, joint venture, government,

governmental subdivision or agency, or any other legal or commercial entity.

((~~(u)~~)) (v) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

((~~(v)~~)) (w) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, a physician assistant under chapter 18.71A RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiropodist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathy and surgery, a dentist licensed to practice dentistry, a ((~~podiatrist~~)) podiatric physician and surgeon licensed to practice ((~~podiatry~~)) podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

((~~(w)~~)) (x) Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(y) "Production" includes the ((~~manufacture~~)) manufacturing, planting, ((~~cultivation~~)) cultivating, growing, or harvesting of a controlled substance.

((~~(x)~~)) (z) "Secretary" means the secretary of health or the secretary's designee.

((~~(y) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.~~

~~(z)~~)) (aa) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(bb) "Ultimate user" means ((~~a person~~)) an individual who lawfully possesses a controlled substance for ((~~his or her~~)) the individual's own use or for the use of a member of ((~~his or her~~)) the individual's household or for administering to an animal owned by ((~~him or her~~)) the individual or by a member of ((~~his or her~~)) the individual's household.

((~~(aa) "Board" means the state board of pharmacy.~~))