

SENATE BILL REPORT

SB 5520

AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,
MARCH 2, 1993

Brief Description: Modifying controlled substances definitions, standards, and schedules.

SPONSORS: Senators Wojahn, Moyer, Hargrove and Prentice; by request of Department of Health

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5520 be substituted therefor, and the substitute bill do pass.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Staff: Martin Lovinger (786-7443)

Hearing Dates: March 1, 1993; March 2, 1993

BACKGROUND:

Illicit drug activity is generally governed by the state's version of the Uniform Controlled Substances Act (UCSA). This act is modeled in part after federal law on the same subject, and is one of the uniform laws produced by the National Conference of Commissioners on Uniform State Laws. The commission periodically reviews uniform laws and makes recommendations to the states for updates and revisions. The commission has recommended various changes in UCSA.

Washington's UCSA is divided into articles dealing with definitions, standards and schedules, regulation of manufacturers, offense and penalties, and enforcement. The standards and schedules portion of the act actually lists the various substances which are "controlled." There are five schedules of drugs, each with a set of standards to be used in classifying candidates for inclusion. Schedule I drugs are those generally considered to be the most dangerous and likely to be abused and of the least accepted legitimate value. Among the schedule I drugs are opiates, hallucinogens and marihuana. Schedule V drugs, on the other hand, are those considered to be of relatively low potential for abuse and relatively high accepted legitimate medical use. Among the schedule V drugs are narcotics containing dilutions of codeine or opium. Generally, the penalties for violating UCSA descend in order with respect to which schedule is involved in the violations. Other factors, such as the quantity involved, type of transaction, location of transaction, and prior

history also affect the severity of punishment. Many of these factors are controlled by the Sentencing Reform Act.

Generally, controlled substances cannot be possessed, manufactured, distributed, or sold except as provided in UCSA. The act directs the State Board of Pharmacy to regulate the manufacture and distribution of controlled substances. Only persons who have registered under the act may legally make, distribute or dispense controlled substances, and then only to the extent the act specifically allows.

SUMMARY:

Portions of the recommendations of the Uniform Law Commission for amendment to UCSA are adopted.

Several definitional updates are made, in part to conform to terminology used in federal legislation. All of the schedules of controlled substances are amended to include the latest substances listed under federal law, including anabolic steroids which have been added to schedule III.

"Research" is added to medical, scientific or industrial uses as an acceptable form of dissemination of controlled substances to be considered when a manufacturer or distributor applies for registration. Convictions under drug laws of foreign nations are to be considered by the board when a person applies for registration as a manufacturer or distributor.

A new provision is added allowing for the seizure of controlled substances owned or possessed by a registrant whose registration has expired or who has stopped operations. Seizure under this provision is to be for the benefit of the registrant, or the registrant's successor in interest. Notice to the registrant is required, and the seized property must be held for at least 180 days before it may be disposed of. Costs of seizure, holding and disposition may be deducted, but otherwise proceeds from disposition will go to the registrant.

Pharmacists are granted immunity from civil and criminal liability under UCSA when they fill a prescription reasonably believing that it is legitimate.

Possessing a false or fraudulent prescription with an intent to obtain a controlled substance is made an offense. An individual practitioner may not dispense a substance included in schedules II, III or IV for that individual practitioner's use.

A program is established to track and prevent the diversion of drugs from legal to illegal channels of distribution or use.

The manufacture, delivery or possession of counterfeit controlled substances or the means to mark a counterfeit substance as a controlled substance is made an offense.

EFFECT OF PROPOSED SUBSTITUTE:

The phrase "regulations" is changed to "rules" in the definition of controlled substances. The word "controlled" is added before "substance" in the definition of drug. Stricken language is reinserted to exempt other licensed professional practitioners from registration with the Board of Pharmacy. Stricken language is also reinserted to permit limited license revocations to a schedule of drugs. A reference is corrected to make it gender neutral.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

This bill addresses changes in federal law and other technical changes to improve enforcement of controlled substances. This bill helps businesses that operate in more than one state by standardizing the law.

TESTIMONY AGAINST: None

TESTIFIED: Don Williams, Board of Pharmacy, Department of Health (pro); Joan Gaumer, MEDCO (pro); Carl Nelson, Washington State Medical Association (pro)