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ENGROSSED HOUSE BILL 1415

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State of Washington

53rd Legislature

1993 Regular Session

By Representative G. Cole

Read first time 01/27/93. Referred to Committee on Health Care.

1 AN ACT Relating to over-the-counter medication; amending RCW  
2 69.60.030, 69.60.070, and 69.60.090; and declaring an emergency.

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

4 **Sec. 1.** RCW 69.60.030 and 1989 c 247 s 2 are each amended to read  
5 as follows:

6 (1) No over-the-counter medication in solid dosage form may be  
7 manufactured or commercially distributed within this state unless it  
8 has clearly marked or imprinted on it an individual symbol, number,  
9 company name, words, letters, marking, or national drug code number  
10 identifying the medication and the manufacturer or distributor of the  
11 medication: PROVIDED, HOWEVER, That an over-the-counter medication  
12 which has clearly marked or imprinted on it a distinctive logo, symbol,  
13 product name, letters, or other identifying mark, or which by its  
14 color, shape, or size together with a distinctive logo, symbol, product  
15 name, letters, or other mark is identifiable, shall be deemed in  
16 compliance with the provisions of this chapter.

17 (2) No manufacturer may sell any over-the-counter medication in  
18 solid dosage form contained within a bottle, vial, carton, or other  
19 container, or in any way affixed or appended to or enclosed within a

1 package of any kind designed or intended for delivery in such container  
2 or package to an ultimate consumer within this state unless such  
3 container or package has clearly and permanently marked or imprinted on  
4 it an individual symbol, number, company name, words, letters, marking,  
5 or national drug code number identifying the medication and the  
6 manufacturer, packer, or distributor of the medication.

7 **Sec. 2.** RCW 69.60.070 and 1989 c 247 s 7 are each amended to read  
8 as follows:

9 All over-the-counter medications manufactured in, received by,  
10 distributed to, or shipped to any retailer or wholesaler in this state  
11 after January 1, (~~(1993)~~) 1994, shall meet the requirements of this  
12 chapter. No over-the-counter medication may be sold to a consumer in  
13 this state after January 1, (~~(1994)~~) 1995, unless such over-the-counter  
14 medication complies with the imprinting requirements of this chapter.

15 **Sec. 3.** RCW 69.60.090 and 1989 c 247 s 9 are each amended to read  
16 as follows:

17 Before January 1, (~~(1993)~~) 1994, the board of pharmacy will consult  
18 with the state toxicologist to determine whether the federal government  
19 has established a legally enforceable system that is substantially  
20 equivalent to the requirements of this chapter(~~(, which)~~) that  
21 govern(~~(s)~~) the imprinting of solid dosage form over-the-counter  
22 medication. To be substantially equivalent, the effective dates for  
23 implementation of the federal system for imprinting solid dosage form  
24 over-the-counter medication must be the same or earlier than the dates  
25 of implementation set out in the state system for imprinting solid  
26 dosage form over-the-counter medication. If the board determines that  
27 the federal system for imprinting solid dosage form over-the-counter  
28 medication is substantially equivalent to the state system for  
29 imprinting solid dosage form over-the-counter medication, this chapter  
30 will cease to exist on January 1, (~~(1993)~~) 1994. If the board  
31 determines that the federal system is substantially equivalent, except  
32 that the federal dates for implementation are later than the Washington  
33 state dates, this chapter will cease to exist when the federal system  
34 is implemented.

35 NEW SECTION. **Sec. 4.** If any provision of this act or its  
36 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and shall take  
6 effect immediately.

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