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SENATE BILL 6032

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State of Washington

55th Legislature

1997 Regular Session

By Senator Prentice

Read first time 03/03/97. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to prescriptions for the sale, delivery, or  
2 possession of legend drugs; and amending RCW 69.41.030 and 69.50.308.

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

4 **Sec. 1.** RCW 69.41.030 and 1996 c 178 s 17 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 typewritten prescription of a  
8 physician under chapter 18.71 RCW, an osteopathic physician and surgeon  
9 under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric  
10 physician and surgeon under chapter 18.22 RCW, a veterinarian under  
11 chapter 18.92 RCW, a commissioned medical or dental officer in the  
12 United States armed forces or public health service in the discharge of  
13 his or her official duties, a duly licensed physician or dentist  
14 employed by the veterans administration in the discharge of his or her  
15 official duties, a registered nurse or advanced registered nurse  
16 practitioner under chapter 18.79 RCW when authorized by the nursing  
17 care quality assurance commission, an osteopathic physician assistant  
18 under chapter 18.57A RCW when authorized by the board of osteopathic  
19 medicine and surgery, a physician assistant under chapter 18.71A RCW

1 when authorized by the medical quality assurance commission, a  
2 physician licensed to practice medicine and surgery or a physician  
3 licensed to practice osteopathic medicine and surgery, a dentist  
4 licensed to practice dentistry, a podiatric physician and surgeon  
5 licensed to practice podiatric medicine and surgery, or a veterinarian  
6 licensed to practice veterinary medicine, in any province of Canada  
7 which shares a common border with the state of Washington or in any  
8 state of the United States: PROVIDED, HOWEVER, That the above  
9 provisions shall not apply to sale, delivery, or possession by drug  
10 wholesalers or drug manufacturers, or their agents or employees, or to  
11 any practitioner acting within the scope of his or her license, or to  
12 a common or contract carrier or warehouseman, or any employee thereof,  
13 whose possession of any legend drug is in the usual course of business  
14 or employment: PROVIDED FURTHER, That nothing in this chapter or  
15 chapter 18.64 RCW shall prevent a family planning clinic that is under  
16 contract with the department of social and health services from  
17 selling, delivering, possessing, and dispensing commercially  
18 prepackaged oral contraceptives prescribed by authorized, licensed  
19 health care practitioners.

20 **Sec. 2.** RCW 69.50.308 and 1993 c 187 s 19 are each amended to read  
21 as follows:

22 (a) A controlled substance may be dispensed only as provided in  
23 this section.

24 (b) Except when dispensed directly by a practitioner authorized to  
25 prescribe or administer a controlled substance, other than a pharmacy,  
26 to an ultimate user, a substance included in Schedule II may not be  
27 dispensed without the (~~written~~) typewritten prescription of a  
28 practitioner.

29 (c) In emergency situations, as defined by rule of the state board  
30 of pharmacy, a substance included in Schedule II may be dispensed upon  
31 oral prescription of a practitioner, reduced promptly to writing and  
32 filed by the pharmacy. Prescriptions shall be retained in conformity  
33 with the requirements of RCW 69.50.306. A prescription for a substance  
34 included in Schedule II may not be refilled.

35 (d) Except when dispensed directly by a practitioner authorized to  
36 prescribe or administer a controlled substance, other than a pharmacy,  
37 to an ultimate user, a substance included in Schedule III or IV, which  
38 is a prescription drug as determined under RCW 69.04.560, may not be

1 dispensed without a (~~written~~) typewritten or oral prescription of a  
2 practitioner. Any oral prescription must be promptly reduced to  
3 writing. The prescription shall not be filled or refilled more than  
4 six months after the date thereof or be refilled more than five times,  
5 unless renewed by the practitioner.

6 (e) A valid prescription or lawful order of a practitioner, in  
7 order to be effective in legalizing the possession of controlled  
8 substances, must be issued in good faith for a legitimate medical  
9 purpose by one authorized to prescribe the use of such controlled  
10 substance. An order purporting to be a prescription not in the course  
11 of professional treatment is not a valid prescription or lawful order  
12 of a practitioner within the meaning and intent of this chapter; and  
13 the person who knows or should know that the person is filling such an  
14 order, as well as the person issuing it, can be charged with a  
15 violation of this chapter.

16 (f) A substance included in Schedule V must be distributed or  
17 dispensed only for a medical purpose.

18 (g) A practitioner may dispense or deliver a controlled substance  
19 to or for an individual or animal only for medical treatment or  
20 authorized research in the ordinary course of that practitioner's  
21 profession. Medical treatment includes dispensing or administering a  
22 narcotic drug for pain, including intractable pain.

23 (h) No administrative sanction, or civil or criminal liability,  
24 authorized or created by this chapter may be imposed on a pharmacist  
25 for action taken in reliance on a reasonable belief that an order  
26 purporting to be a prescription was issued by a practitioner in the  
27 usual course of professional treatment or in authorized research.

28 (i) An individual practitioner may not dispense a substance  
29 included in Schedule II, III, or IV for that individual practitioner's  
30 personal use.

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