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HOUSE BILL 1469

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Campbell and Cody

Read first time 01/26/2001. Referred to Committee on Health Care.

1 AN ACT Relating to controlled substance orders and prescriptions;  
2 amending RCW 69.50.308; and repealing RCW 69.50.307.

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

4 **Sec. 1.** RCW 69.50.308 and 1993 c 187 s 19 are each amended to read  
5 as follows:

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

8 (b) Except when dispensed directly by a practitioner authorized to  
9 prescribe or administer a controlled substance, other than a pharmacy,  
10 to an ultimate user, a substance included in Schedule II may not be  
11 dispensed without the written prescription of a practitioner. However,  
12 in accordance with federal law or rule, Schedule II substances may be  
13 dispensed by a pharmacy pursuant to a facsimile, transmitted by the  
14 practitioner or the practitioner's agent for patients in a long-term  
15 care facility or hospice licensed by the state. The practitioner or  
16 agent shall note on the prescription that the patient is a long-term  
17 care or hospice patient. Facsimiles may also be used to transmit  
18 prescriptions for injectable Schedule II substances. The facsimile

1 shall serve as the original prescription and shall be maintained in the  
2 same manner as other Schedule II prescriptions.

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

9 (d) Except when dispensed directly by a practitioner authorized to  
10 prescribe or administer a controlled substance, other than a pharmacy,  
11 to an ultimate user, a substance included in Schedule III or IV, which  
12 is a prescription drug as determined under RCW 69.04.560, may not be  
13 dispensed without a written or oral prescription of a practitioner.  
14 Any oral prescription must be promptly reduced to writing. The  
15 prescription shall not be filled or refilled more than six months after  
16 the date thereof or be refilled more than five times, unless renewed by  
17 the practitioner.

18 (e) A valid prescription or lawful order of a practitioner, in  
19 order to be effective in legalizing the possession of controlled  
20 substances, must be issued in good faith for a legitimate medical  
21 purpose by one authorized to prescribe the use of such controlled  
22 substance. An order purporting to be a prescription not in the course  
23 of professional treatment is not a valid prescription or lawful order  
24 of a practitioner within the meaning and intent of this chapter; and  
25 the person who knows or should know that the person is filling such an  
26 order, as well as the person issuing it, can be charged with a  
27 violation of this chapter.

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

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

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

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

4 NEW SECTION. **Sec. 2.** RCW 69.50.307 (Order forms) and 1971 ex.s.  
5 c 308 s 69.50.307 are each repealed.

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