

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5565

57th Legislature
2001 Regular Session

Passed by the Senate April 17, 2001
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 4, 2001
YEAS 95 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5565** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5565

AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

**By Senate Committee on Health & Long-Term Care (originally sponsored by
Senators Deccio, Thibaudeau and Kohl-Welles)**

READ FIRST TIME 03/05/2001.

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.

12 (1) Schedule II narcotic substances may be dispensed by a pharmacy
13 pursuant to a facsimile prescription under the following circumstances:

14 (i) The facsimile prescription is transmitted by a practitioner to
15 the pharmacy; and

16 (ii) The facsimile prescription is for a patient in a long-term
17 care facility. "Long-term care facility" means nursing homes licensed
18 under chapter 18.51 RCW, boarding homes licensed under chapter 18.20
19 RCW, and adult family homes licensed under chapter 70.128 RCW; or

1 (iii) The facsimile prescription is for a patient of a hospice
2 program certified or paid for by medicare under Title XVIII; or

3 (iv) The facsimile prescription is for a patient of a hospice
4 program licensed by the state; and

5 (v) The practitioner or the practitioner's agent notes on the
6 facsimile prescription that the patient is a long-term care or hospice
7 patient.

8 (2) Injectable Schedule II narcotic substances that are to be
9 compounded for patient use may be dispensed by a pharmacy pursuant to
10 a facsimile prescription if the facsimile prescription is transmitted
11 by a practitioner to the pharmacy.

12 (3) Under (1) and (2) of this subsection the facsimile prescription
13 shall serve as the original prescription and shall be maintained as
14 other Schedule II narcotic substances prescriptions.

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

21 (d) Except when dispensed directly by a practitioner authorized to
22 prescribe or administer a controlled substance, other than a pharmacy,
23 to an ultimate user, a substance included in Schedule III or IV, which
24 is a prescription drug as determined under RCW 69.04.560, may not be
25 dispensed without a written or oral prescription of a practitioner.
26 Any oral prescription must be promptly reduced to writing. The
27 prescription shall not be filled or refilled more than six months after
28 the date thereof or be refilled more than five times, unless renewed by
29 the practitioner.

30 (e) A valid prescription or lawful order of a practitioner, in
31 order to be effective in legalizing the possession of controlled
32 substances, must be issued in good faith for a legitimate medical
33 purpose by one authorized to prescribe the use of such controlled
34 substance. An order purporting to be a prescription not in the course
35 of professional treatment is not a valid prescription or lawful order
36 of a practitioner within the meaning and intent of this chapter; and
37 the person who knows or should know that the person is filling such an
38 order, as well as the person issuing it, can be charged with a
39 violation of this chapter.

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

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

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

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

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

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