

# HOUSE BILL REPORT

## HB 1144

---

---

### As Amended by the Senate

**Title:** An act relating to the use of controlled substances by the department of fish and wildlife.

**Brief Description:** Allowing the department of fish and wildlife to use approved controlled substances for chemical capture programs.

**Sponsors:** By Representatives Haigh, Sump, Cooper, Armstrong, Pearson, McDermott and Chase; by request of Department of Fish and Wildlife.

### Brief History:

#### Committee Activity:

Fisheries, Ecology & Parks: 1/31/03, 2/4/03 [DP].

#### Floor Activity:

Passed House: 2/12/03, 97-0.

Senate Amended.

Passed Senate: 4/11/03, 49-0.

### Brief Summary of Bill

- Authorizes the Department of Health to issue a limited registration allowing the Department of Fish and Wildlife to use controlled substances for use in chemical capture programs.
- Authorizes the State Board of Pharmacy, in consultation with the Department of Fish and Wildlife, to add or remove controlled substances for use in chemical capture programs.

---

### HOUSE COMMITTEE ON FISHERIES, ECOLOGY & PARKS

**Majority Report:** Do pass. Signed by 8 members: Representatives Cooper, Chair; Berkey, Vice Chair; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Hatfield, O'Brien, Pearson and Upthegrove.

**Staff:** Jeff Olsen (786-7157).

### Background:

The manufacture, distribution, or dispensing of controlled substances is regulated by the State Board of Pharmacy (Board) and the Department of Health (DOH) under the Uniform Controlled Substances Act (Act). Controlled substances are categorized into five schedules according to their potential for abuse, the extent of currently accepted medical use in the United States, and the potential that use of the drug may lead to physical or psychological dependence. The United States Drug Enforcement Administration issued a rule in 1999 placing the substance ketamine into schedule III of the Act.

The DOH registers applicants that dispense controlled substances within the state. The Washington Department of Fish and Wildlife (DFW) uses controlled substances to capture animals in response to problem and dangerous wildlife complaints and for management and research purposes. The DFW has historically used ketamine for its chemical capture activities.

---

**Summary of Bill:**

The DOH may adopt rules to issue a limited registration for the DFW to operate chemical capture programs using approved controlled substances. The Board of Pharmacy, in consultation with the DFW, may add or remove controlled substances for use in chemical capture programs. The DFW may not permit persons to administer controlled substances without proper knowledge and training. The Board of Pharmacy may suspend or revoke a registration if it determines a person administering controlled substances has not demonstrated adequate knowledge.

---

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment requires, rather than allows, that the Board of Pharmacy list controlled substances for use in chemical capture programs by rule and suspend registration if controlled substances are used without adequate knowledge.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.

**Testimony For:** (In support) The chemical capture program is a critical part of the Department of Fish and Wildlife's (DFW) activities and assists in health and human

safety issues, population management and research. This bill is necessary to address a recent change in federal statutes. The DFW does not anticipate any change in their procedures and training, and this bill allows the DFW to continue their safe and effective program and remain in compliance with federal regulation. The Hunters Heritage Program works in cooperative agreement with the DFW and they support the bill.

**Testimony Against:** None.

**Testified:** (In support) Steve Pozzanghera, Washington Department of Fish and Wildlife; and Ed Owens, Hunters Heritage Council.