
HOUSE BILL 2860

State of Washington

58th Legislature

2004 Regular Session

By Representatives Ahern, Ormsby, Shabro, Lovick, Delvin, Upthegrove, Wallace, Blake, Bush and Quall

Read first time 01/21/2004. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to ephedrine, pseudoephedrine, and
2 phenylpropanolamine; amending RCW 69.43.110 and 69.43.160; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 69.43.110 and 2001 c 96 s 9 are each amended to read
6 as follows:

7 (1) It is unlawful for a pharmacy licensed by, or shopkeeper or
8 itinerant vendor registered with, the department of health under
9 chapter 18.64 RCW, or an employee thereof, to knowingly (~~to~~) sell,
10 transfer, or to otherwise furnish, in a single transaction:

11 (a) More than (~~three~~) one package(~~s~~) of (~~one or more~~) any
12 product(~~s~~) that he or she knows to contain ephedrine,
13 pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts
14 of isomers; or

15 (b) A single package of any product that he or she knows to contain
16 more than three grams of ephedrine, pseudoephedrine, or
17 phenylpropanolamine, their salts, isomers, or salts of isomers, or a
18 combination of any of these substances.

1 (2) It is unlawful for a person who is not a manufacturer,
2 wholesaler, pharmacy, practitioner, shopkeeper, or itinerant vendor
3 licensed by or registered with the department of health under chapter
4 18.64 RCW to purchase or acquire, in any twenty-four hour period, more
5 than the quantities of the substances specified in subsection (1) of
6 this section.

7 (3) A violation of this section is a gross misdemeanor.

8 **Sec. 2.** RCW 69.43.160 and 2001 c 96 s 14 are each amended to read
9 as follows:

10 (1) To prevent violations of RCW 69.43.110, every licensee and
11 registrant under chapter 18.64 RCW, who sells at retail any products
12 containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their
13 salts, isomers, or salts of isomers, shall keep all such products
14 behind the counter. In addition, every licensee and registrant under
15 chapter 18.64 RCW shall do either or may do both of the following:

16 (a) Program scanners, cash registers, or other electronic devices
17 used to record sales in a manner that will alert persons handling
18 transactions to potential violations of RCW 69.43.110(1) and/or prevent
19 such violations; or

20 (b) Place one or more signs on the premises to notify customers of
21 the prohibitions of RCW 69.43.110. Any such sign may, but is not
22 required to, conform to the language and format prepared by the
23 department of health under subsection (2) of this section.

24 (2) The department of health shall prepare language and format for
25 a sign summarizing the prohibitions in RCW 69.43.110 and 69.43.120 and
26 make the language and format available to licensees and registrants
27 under chapter 18.64 RCW, for voluntary use in their places of business
28 to inform customers and employees of the prohibitions. Nothing in this
29 section requires the department of health to provide licensees or
30 registrants with copies of signs, or any licensee or registrant to use
31 the specific language or format prepared by the department under this
32 subsection.

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