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HOUSE BILL 1046

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Tharinger, Harris, Van De Wege, Manweller, Rodne, Moeller, Clibborn, G. Hunt, Santos, and Riccelli

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1 AN ACT Relating to East Asian medicine practitioners; amending  
2 RCW 18.06.010 and 18.06.210; reenacting and amending RCW 69.41.030;  
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** In response to a recent department of  
6 health adjudication in *In re Shultz*, Master Case No. M2009-1189, the  
7 legislature intends to clarify that East Asian medicine practitioners  
8 may administer liquid vitamins and other sterile preparations in  
9 point injection therapy.

10 **Sec. 2.** RCW 18.06.010 and 2010 c 286 s 2 are each amended to  
11 read as follows:

12 The following terms in this chapter shall have the meanings set  
13 forth in this section unless the context clearly indicates otherwise:

14 (1) "East Asian medicine" means a health care service utilizing  
15 East Asian medicine diagnosis and treatment to promote health and  
16 treat organic or functional disorders and includes the following:

17 (a) Acupuncture, including the use of acupuncture needles or  
18 lancets to directly and indirectly stimulate acupuncture points and  
19 meridians;

1 (b) Use of electrical, mechanical, or magnetic devices to  
2 stimulate acupuncture points and meridians;

3 (c) Moxibustion;

4 (d) Acupressure and reflexology;

5 (e) Cupping;

6 (f) Dermal friction technique;

7 (g) Infra-red;

8 (h) Sonopuncture;

9 (i) Laserpuncture;

10 (j) Point injection therapy (aquapuncture);

11 (k) Dietary advice and health education based on East Asian  
12 medical theory, including the recommendation and sale of herbs,  
13 vitamins, minerals, and dietary and nutritional supplements;

14 (l) Breathing, relaxation, and East Asian exercise techniques;

15 (m) Qi gong;

16 (n) East Asian massage and Tui na, which is a method of East  
17 Asian bodywork, characterized by the kneading, pressing, rolling,  
18 shaking, and stretching of the body and does not include spinal  
19 manipulation; and

20 (o) Superficial heat and cold therapies.

21 (2) "East Asian medicine practitioner" means a person licensed  
22 under this chapter.

23 (3) "Department" means the department of health.

24 (4) "Point injection therapy" and "aquapuncture" means the  
25 nonintravenous injection of sterile preparations into acupuncture  
26 points.

27 (5) "Secretary" means the secretary of health or the secretary's  
28 designee.

29 (6) "Sterile preparation" means saline, sterile water, herbs,  
30 minerals, vitamins in liquid form, and nutritional substances.  
31 "Sterile preparation" does not include controlled substances  
32 contained in Schedules I through V of the uniform controlled  
33 substances act, chapter 69.50 RCW.

34 Nothing in this chapter requires individuals to be licensed as an  
35 East Asian medicine practitioner in order to provide the techniques  
36 and services in subsection (1)(k) through (o) of this section or to  
37 sell herbal products.

38 **Sec. 3.** RCW 18.06.210 and 1985 c 326 s 21 are each amended to  
39 read as follows:

1 This chapter shall not be construed as permitting the  
2 administration or prescription of drugs other than sterile  
3 preparations or in any way infringing upon the practice of medicine  
4 and surgery as defined in chapter 18.71 or 18.57 RCW, except as  
5 authorized in this chapter.

6 **Sec. 4.** RCW 69.41.030 and 2013 c 71 s 1 and 2013 c 12 s 1 are  
7 each reenacted and amended to read as follows:

8 (1) It shall be unlawful for any person to sell, deliver, or  
9 possess any legend drug except upon the order or prescription of a  
10 physician under chapter 18.71 RCW, an osteopathic physician and  
11 surgeon under chapter 18.57 RCW, an optometrist licensed under  
12 chapter 18.53 RCW who is certified by the optometry board under RCW  
13 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician  
14 and surgeon under chapter 18.22 RCW, a veterinarian under chapter  
15 18.92 RCW, a commissioned medical or dental officer in the United  
16 States armed forces or public health service in the discharge of his  
17 or her official duties, a duly licensed physician or dentist employed  
18 by the veterans administration in the discharge of his or her  
19 official duties, a registered nurse or advanced registered nurse  
20 practitioner under chapter 18.79 RCW when authorized by the nursing  
21 care quality assurance commission, a pharmacist licensed under  
22 chapter 18.64 RCW to the extent permitted by drug therapy guidelines  
23 or protocols established under RCW 18.64.011 and authorized by the  
24 (~~board of~~) pharmacy quality assurance commission and approved by a  
25 practitioner authorized to prescribe drugs, an osteopathic physician  
26 assistant under chapter 18.57A RCW when authorized by the board of  
27 osteopathic medicine and surgery, a physician assistant under chapter  
28 18.71A RCW when authorized by the medical quality assurance  
29 commission, or any of the following professionals in any province of  
30 Canada that shares a common border with the state of Washington or in  
31 any state of the United States: A physician licensed to practice  
32 medicine and surgery or a physician licensed to practice osteopathic  
33 medicine and surgery, a dentist licensed to practice dentistry, a  
34 podiatric physician and surgeon licensed to practice podiatric  
35 medicine and surgery, a licensed advanced registered nurse  
36 practitioner, a licensed physician assistant, a licensed osteopathic  
37 physician assistant, or a veterinarian licensed to practice  
38 veterinary medicine: PROVIDED, HOWEVER, That the above provisions  
39 shall not apply to sale, delivery, or possession by drug wholesalers

1 or drug manufacturers, or their agents or employees, or to any  
2 practitioner acting within the scope of his or her license, or to a  
3 common or contract carrier or warehouse operator, or any employee  
4 thereof, whose possession of any legend drug is in the usual course  
5 of business or employment: PROVIDED FURTHER, That nothing in this  
6 chapter or chapter 18.64 RCW shall prevent a family planning clinic  
7 that is under contract with the health care authority from selling,  
8 delivering, possessing, and dispensing commercially prepackaged oral  
9 contraceptives prescribed by authorized, licensed health care  
10 practitioners.

11 (2)(a) A violation of this section involving the sale, delivery,  
12 or possession with intent to sell or deliver is a class B felony  
13 punishable according to chapter 9A.20 RCW.

14 (b) A violation of this section involving possession is a  
15 misdemeanor.

16 (3) Nothing in this chapter prohibits an East Asian medicine  
17 practitioner from purchasing, possessing, or administering sterile  
18 preparations as part of point injection therapy. For purposes of this  
19 section, "East Asian medicine practitioner," "point injection  
20 therapy," and "sterile preparation" have the same meaning as in RCW  
21 18.06.010.

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