
HOUSE BILL 2304

State of Washington

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By Representatives DeBolt, Schmick, Cody, Tharinger, Moeller, and Goodman

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1 AN ACT Relating to prescriptive authority of naturopaths;
2 amending RCW 69.43.135; reenacting and amending RCW 18.36A.020,
3 69.41.030, 69.45.010, and 69.50.101; and adding a new section to
4 chapter 18.36A RCW.

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

6 **Sec. 1.** RCW 18.36A.020 and 2011 c 41 s 3 and 2011 c 40 s 1 are
7 each reenacted and amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Board" means the board of naturopathy created in RCW
11 18.36A.150.

12 (2) "Common diagnostic procedures" means the use of venipuncture
13 consistent with the practice of naturopathic medicine, commonly used
14 diagnostic modalities consistent with naturopathic practice, health
15 history taking, physical examination, radiography, examination of
16 body orifices excluding endoscopy, laboratory medicine, and obtaining
17 samples of human tissues, but excluding incision or excision beyond
18 that which is authorized as a minor office procedure.

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

20 (4) "Educational program" means an accredited program preparing
21 persons for the practice of naturopathic medicine.

1 (5) "Homeopathy" means a system of medicine based on the use of
2 infinitesimal doses of medicines capable of producing symptoms
3 similar to those of the disease treated, as listed in the homeopathic
4 pharmacopeia of the United States.

5 (6) "Hygiene and immunization" means the use of such preventative
6 techniques as personal hygiene, asepsis, public health, and
7 immunizations, to the extent allowed by rule.

8 (7) "Manual manipulation" or "mechanotherapy" means manipulation
9 of a part or the whole of the body by hand or by mechanical means.

10 (8) "Minor office procedures" means care and procedures incident
11 thereto of superficial lacerations, lesions, and abrasions, and the
12 removal of foreign bodies located in superficial structures, not to
13 include the eye; and the use of antiseptics and topical or local
14 anesthetics in connection therewith. "Minor office procedures" also
15 includes intramuscular, intravenous, subcutaneous, and intradermal
16 injections of substances consistent with the practice of naturopathic
17 medicine and in accordance with rules established by the secretary.

18 (9) "Naturopath" means an individual licensed under this chapter.

19 (10) "Naturopathic medicines" means vitamins; minerals; botanical
20 medicines; homeopathic medicines; (~~hormones; and those legend drugs~~
21 ~~and controlled substances consistent with naturopathic medical~~
22 ~~practice in accordance with rules established by the board.~~
23 ~~Controlled substances are limited to codeine and testosterone~~
24 ~~products that are contained in Schedules III, IV, and V in chapter~~
25 ~~69.50 RCW)) and other nutrients and compounds, other than legend
26 drugs or controlled substances, that are consistent with naturopathic
27 medicine.~~

28 (11) "Nutrition and food science" means the prevention and
29 treatment of disease or other human conditions through the use of
30 foods, water, herbs, roots, bark, or natural food elements.

31 (12) "Physical modalities" means use of physical, chemical,
32 electrical, and other modalities that do not exceed those used as of
33 July 22, 2011, in minor office procedures or common diagnostic
34 procedures, including but not limited to heat, cold, air, light,
35 water in any of its forms, sound, massage, and therapeutic exercise.

36 (13) "Radiography" means the ordering, but not the
37 interpretation, of radiographic diagnostic and other imaging studies
38 and the taking and interpretation of standard radiographs.

39 (14) "Secretary" means the secretary of health or the secretary's
40 designee.

1 (15) "Suggestion" means techniques including but not limited to
2 counseling, biofeedback, and hypnosis.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.36A
4 RCW to read as follows:

5 (1) Subject to the limitations in this section, a naturopath may
6 prescribe and administer the following as necessary in the practice
7 of naturopathy: (a) Legend drugs; (b) hydrocodone combination
8 products contained in Schedule II of the uniform controlled
9 substances act, chapter 69.50 RCW; and (c) controlled substances
10 contained in Schedules III through V of the uniform controlled
11 substances act, chapter 69.50 RCW.

12 (2) A naturopath who prescribes controlled substances shall
13 register in the prescription monitoring program database under
14 chapter 70.225 RCW.

15 (3)(a) In consultation with the pharmacy quality assurance
16 commission, the board may adopt rules to establish education and
17 training requirements related to legend drugs and controlled
18 substances.

19 (b) The board shall adopt pain management rules appropriate for
20 acute pain treatment based on the "interagency guideline on
21 prescribing opioids for pain" published by the Washington state
22 agency medical directors' group including, but not limited to,
23 patient examination, screening for comorbidities and risk factors,
24 and maximum dosage limits and treatment periods.

25 **Sec. 3.** RCW 69.41.030 and 2013 c 71 s 1 and 2013 c 12 s 1 are
26 each reenacted and amended to read as follows:

27 (1) It shall be unlawful for any person to sell, deliver, or
28 possess any legend drug except upon the order or prescription of a
29 physician under chapter 18.71 RCW, an osteopathic physician and
30 surgeon under chapter 18.57 RCW, an optometrist licensed under
31 chapter 18.53 RCW who is certified by the optometry board under RCW
32 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician
33 and surgeon under chapter 18.22 RCW, a naturopathic physician under
34 chapter 18.36A RCW, a veterinarian under chapter 18.92 RCW, a
35 commissioned medical or dental officer in the United States armed
36 forces or public health service in the discharge of his or her
37 official duties, a duly licensed physician or dentist employed by the
38 veterans administration in the discharge of his or her official

1 duties, a registered nurse or advanced registered nurse practitioner
2 under chapter 18.79 RCW when authorized by the nursing care quality
3 assurance commission, a pharmacist licensed under chapter 18.64 RCW
4 to the extent permitted by drug therapy guidelines or protocols
5 established under RCW 18.64.011 and authorized by the (~~board of~~)
6 pharmacy quality assurance commission and approved by a practitioner
7 authorized to prescribe drugs, an osteopathic physician assistant
8 under chapter 18.57A RCW when authorized by the board of osteopathic
9 medicine and surgery, a physician assistant under chapter 18.71A RCW
10 when authorized by the medical quality assurance commission, or any
11 of the following professionals in any province of Canada that shares
12 a common border with the state of Washington or in any state of the
13 United States: A physician licensed to practice medicine and surgery
14 or a physician licensed to practice osteopathic medicine and surgery,
15 a physician licensed to practice naturopathic medicine and authorized
16 to prescribe legend drugs, a dentist licensed to practice dentistry,
17 a podiatric physician and surgeon licensed to practice podiatric
18 medicine and surgery, a licensed advanced registered nurse
19 practitioner, a licensed physician assistant, a licensed osteopathic
20 physician assistant, or a veterinarian licensed to practice
21 veterinary medicine: PROVIDED, HOWEVER, That the above provisions
22 shall not apply to sale, delivery, or possession by drug wholesalers
23 or drug manufacturers, or their agents or employees, or to any
24 practitioner acting within the scope of his or her license, or to a
25 common or contract carrier or warehouse operator, or any employee
26 thereof, whose possession of any legend drug is in the usual course
27 of business or employment: PROVIDED FURTHER, That nothing in this
28 chapter or chapter 18.64 RCW shall prevent a family planning clinic
29 that is under contract with the health care authority from selling,
30 delivering, possessing, and dispensing commercially prepackaged oral
31 contraceptives prescribed by authorized, licensed health care
32 practitioners.

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

36 (b) A violation of this section involving possession is a
37 misdemeanor.

38 **Sec. 4.** RCW 69.43.135 and 2011 c 336 s 838 are each amended to
39 read as follows:

1 (1) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.

3 (a) "Iodine matrix" means iodine at a concentration greater than
4 two percent by weight in a matrix or solution.

5 (b) "Matrix" means something, as a substance, in which something
6 else originates, develops, or is contained.

7 (c) "Methylsulfonylmethane" means methylsulfonylmethane in its
8 powder form only, and does not include products containing
9 methylsulfonylmethane in other forms such as liquids, tablets,
10 capsules not containing methylsulfonylmethane in pure powder form,
11 ointments, creams, cosmetics, foods, and beverages.

12 (2) Any person who knowingly purchases in a thirty-day period or
13 possesses any quantity of iodine in its elemental form, an iodine
14 matrix, or more than two pounds of methylsulfonylmethane is guilty of
15 a gross misdemeanor, except as provided in subsection (3) of this
16 section.

17 (3) Subsection (2) of this section does not apply to:

18 (a) A person who possesses iodine in its elemental form or an
19 iodine matrix as a prescription drug, under a prescription issued by
20 a licensed veterinarian, physician, or advanced registered nurse
21 practitioner;

22 (b) A person who possesses iodine in its elemental form, an
23 iodine matrix, or any quantity of methylsulfonylmethane in its powder
24 form and is actively engaged in the practice of animal husbandry of
25 livestock;

26 (c) A person who possesses iodine in its elemental form or an
27 iodine matrix in conjunction with experiments conducted in a
28 chemistry or chemistry-related laboratory maintained by a:

29 (i) Public or private secondary school;

30 (ii) Public or private institution of higher education that is
31 accredited by a regional or national accrediting agency recognized by
32 the United States department of education;

33 (iii) Manufacturing facility, government agency, or research
34 facility in the course of lawful business activities;

35 (d) A veterinarian, physician, naturopathic physician, advanced
36 registered nurse practitioner, pharmacist, retail distributor,
37 wholesaler, manufacturer, warehouse operator, or common carrier, or
38 an agent of any of these persons who possesses iodine in its
39 elemental form, an iodine matrix, or methylsulfonylmethane in its
40 powder form in the regular course of lawful business activities; or

1 (e) A person working in a general hospital who possesses iodine
2 in its elemental form or an iodine matrix in the regular course of
3 employment at the hospital.

4 (4) Any person who purchases any quantity of iodine in its
5 elemental form, an iodine matrix, or any quantity of
6 methylsulfonylmethane must present an identification card or driver's
7 license issued by any state in the United States or jurisdiction of
8 another country before purchasing the item.

9 (5) The Washington state patrol shall develop a form to be used
10 in recording transactions involving iodine in its elemental form, an
11 iodine matrix, or methylsulfonylmethane. A person who sells or
12 otherwise transfers any quantity of iodine in its elemental form, an
13 iodine matrix, or any quantity of methylsulfonylmethane to a person
14 for any purpose authorized in subsection (3) of this section must
15 record each sale or transfer. The record must be made on the form
16 developed by the Washington state patrol and must be retained by the
17 person for at least three years. The Washington state patrol or any
18 local law enforcement agency may request access to the records.

19 (a) Failure to make or retain a record required under this
20 subsection is a misdemeanor.

21 (b) Failure to comply with a request for access to records
22 required under this subsection to the Washington state patrol or a
23 local law enforcement agency is a misdemeanor.

24 **Sec. 5.** RCW 69.45.010 and 2013 c 19 s 81 are each reenacted and
25 amended to read as follows:

26 The definitions in this section apply throughout this chapter.

27 (1) "Commission" means the pharmacy quality assurance commission.

28 (2) "Controlled substance" means a drug, substance, or immediate
29 precursor of such drug or substance, so designated under or pursuant
30 to chapter 69.50 RCW, the uniform controlled substances act.

31 (3) "Deliver" or "delivery" means the actual, constructive, or
32 attempted transfer from one person to another of a drug or device,
33 whether or not there is an agency relationship.

34 (4) "Department" means the department of health.

35 (5) "Dispense" means the interpretation of a prescription or
36 order for a drug, biological, or device and, pursuant to that
37 prescription or order, the proper selection, measuring, compounding,
38 labeling, or packaging necessary to prepare that prescription or
39 order for delivery.

1 (6) "Distribute" means to deliver, other than by administering or
2 dispensing, a legend drug.

3 (7) "Drug samples" means any federal food and drug administration
4 approved controlled substance, legend drug, or products requiring
5 prescriptions in this state, which is distributed at no charge to a
6 practitioner by a manufacturer or a manufacturer's representative,
7 exclusive of drugs under clinical investigations approved by the
8 federal food and drug administration.

9 (8) "Legend drug" means any drug that is required by state law or
10 by regulations of the commission to be dispensed on prescription only
11 or is restricted to use by practitioners only.

12 (9) "Manufacturer" means a person or other entity engaged in the
13 manufacture or distribution of drugs or devices, but does not include
14 a manufacturer's representative.

15 (10) "Manufacturer's representative" means an agent or employee
16 of a drug manufacturer who is authorized by the drug manufacturer to
17 possess drug samples for the purpose of distribution in this state to
18 appropriately authorized health care practitioners.

19 (11) "Person" means any individual, corporation, government or
20 governmental subdivision or agency, business trust, estate, trust,
21 partnership, association, or any other legal entity.

22 (12) "Practitioner" means a physician under chapter 18.71 RCW, an
23 osteopathic physician or an osteopathic physician and surgeon under
24 chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric
25 physician and surgeon under chapter 18.22 RCW, a naturopathic
26 physician under chapter 18.36A RCW, a veterinarian under chapter
27 18.92 RCW, a pharmacist under chapter 18.64 RCW, a commissioned
28 medical or dental officer in the United States armed forces or the
29 public health service in the discharge of his or her official duties,
30 a duly licensed physician or dentist employed by the veterans
31 administration in the discharge of his or her official duties, a
32 registered nurse or advanced registered nurse practitioner under
33 chapter 18.79 RCW when authorized to prescribe by the nursing care
34 quality assurance commission, an osteopathic physician assistant
35 under chapter 18.57A RCW when authorized by the board of osteopathic
36 medicine and surgery, or a physician assistant under chapter 18.71A
37 RCW when authorized by the medical quality assurance commission.

38 (13) "Reasonable cause" means a state of facts found to exist
39 that would warrant a reasonably intelligent and prudent person to

1 believe that a person has violated state or federal drug laws or
2 regulations.

3 (14) "Secretary" means the secretary of health or the secretary's
4 designee.

5 **Sec. 6.** RCW 69.50.101 and 2015 2nd sp.s. c 4 s 901 are each
6 reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (a) "Administer" means to apply a controlled substance, whether
10 by injection, inhalation, ingestion, or any other means, directly to
11 the body of a patient or research subject by:

12 (1) a practitioner authorized to prescribe (or, by the
13 practitioner's authorized agent); or

14 (2) the patient or research subject at the direction and in the
15 presence of the practitioner.

16 (b) "Agent" means an authorized person who acts on behalf of or
17 at the direction of a manufacturer, distributor, or dispenser. It
18 does not include a common or contract carrier, public
19 warehouseperson, or employee of the carrier or warehouseperson.

20 (c) "CBD concentration" has the meaning provided in RCW
21 69.51A.010.

22 (d) "Commission" means the pharmacy quality assurance commission.

23 (e) "Controlled substance" means a drug, substance, or immediate
24 precursor included in Schedules I through V as set forth in federal
25 or state laws, or federal or commission rules.

26 (f)(1) "Controlled substance analog" means a substance the
27 chemical structure of which is substantially similar to the chemical
28 structure of a controlled substance in Schedule I or II and:

29 (i) that has a stimulant, depressant, or hallucinogenic effect on
30 the central nervous system substantially similar to the stimulant,
31 depressant, or hallucinogenic effect on the central nervous system of
32 a controlled substance included in Schedule I or II; or

33 (ii) with respect to a particular individual, that the individual
34 represents or intends to have a stimulant, depressant, or
35 hallucinogenic effect on the central nervous system substantially
36 similar to the stimulant, depressant, or hallucinogenic effect on the
37 central nervous system of a controlled substance included in Schedule
38 I or II.

39 (2) The term does not include:

1 (i) a controlled substance;

2 (ii) a substance for which there is an approved new drug
3 application;

4 (iii) a substance with respect to which an exemption is in effect
5 for investigational use by a particular person under Section 505 of
6 the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the
7 extent conduct with respect to the substance is pursuant to the
8 exemption; or

9 (iv) any substance to the extent not intended for human
10 consumption before an exemption takes effect with respect to the
11 substance.

12 (g) "Deliver" or "delivery((τ))" means the actual or constructive
13 transfer from one person to another of a substance, whether or not
14 there is an agency relationship.

15 (h) "Department" means the department of health.

16 (i) "Designated provider" has the meaning provided in RCW
17 69.51A.010.

18 (j) "Dispense" means the interpretation of a prescription or
19 order for a controlled substance and, pursuant to that prescription
20 or order, the proper selection, measuring, compounding, labeling, or
21 packaging necessary to prepare that prescription or order for
22 delivery.

23 (k) "Dispenser" means a practitioner who dispenses.

24 (l) "Distribute" means to deliver other than by administering or
25 dispensing a controlled substance.

26 (m) "Distributor" means a person who distributes.

27 (n) "Drug" means (1) a controlled substance recognized as a drug
28 in the official United States pharmacopoeia/national formulary or the
29 official homeopathic pharmacopoeia of the United States, or any
30 supplement to them; (2) controlled substances intended for use in the
31 diagnosis, cure, mitigation, treatment, or prevention of disease in
32 individuals or animals; (3) controlled substances (other than food)
33 intended to affect the structure or any function of the body of
34 individuals or animals; and (4) controlled substances intended for
35 use as a component of any article specified in (1), (2), or (3) of
36 this subsection. The term does not include devices or their
37 components, parts, or accessories.

38 (o) "Drug enforcement administration" means the drug enforcement
39 administration in the United States Department of Justice, or its
40 successor agency.

1 (p) "Electronic communication of prescription information" means
2 the transmission of a prescription or refill authorization for a drug
3 of a practitioner using computer systems. The term does not include a
4 prescription or refill authorization verbally transmitted by
5 telephone nor a facsimile manually signed by the practitioner.

6 (q) "Immediate precursor" means a substance:

7 (1) that the commission has found to be and by rule designates as
8 being the principal compound commonly used, or produced primarily for
9 use, in the manufacture of a controlled substance;

10 (2) that is an immediate chemical intermediary used or likely to
11 be used in the manufacture of a controlled substance; and

12 (3) the control of which is necessary to prevent, curtail, or
13 limit the manufacture of the controlled substance.

14 (r) "Isomer" means an optical isomer, but in subsection (dd)(5)
15 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
16 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
17 (42), and 69.50.210(c) the term includes any positional isomer; and
18 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
19 includes any positional or geometric isomer.

20 (s) "Lot" means a definite quantity of marijuana, marijuana
21 concentrates, useable marijuana, or marijuana-infused product
22 identified by a lot number, every portion or package of which is
23 uniform within recognized tolerances for the factors that appear in
24 the labeling.

25 (t) "Lot number" must identify the licensee by business or trade
26 name and Washington state unified business identifier number, and the
27 date of harvest or processing for each lot of marijuana, marijuana
28 concentrates, useable marijuana, or marijuana-infused product.

29 (u) "Manufacture" means the production, preparation, propagation,
30 compounding, conversion, or processing of a controlled substance,
31 either directly or indirectly or by extraction from substances of
32 natural origin, or independently by means of chemical synthesis, or
33 by a combination of extraction and chemical synthesis, and includes
34 any packaging or repackaging of the substance or labeling or
35 relabeling of its container. The term does not include the
36 preparation, compounding, packaging, repackaging, labeling, or
37 relabeling of a controlled substance:

38 (1) by a practitioner as an incident to the practitioner's
39 administering or dispensing of a controlled substance in the course
40 of the practitioner's professional practice; or

1 (2) by a practitioner, or by the practitioner's authorized agent
2 under the practitioner's supervision, for the purpose of, or as an
3 incident to, research, teaching, or chemical analysis and not for
4 sale.

5 (v) "Marijuana" or "marihuana" means all parts of the plant
6 *Cannabis*, whether growing or not, with a THC concentration greater
7 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
8 extracted from any part of the plant; and every compound,
9 manufacture, salt, derivative, mixture, or preparation of the plant,
10 its seeds or resin. The term does not include the mature stalks of
11 the plant, fiber produced from the stalks, oil or cake made from the
12 seeds of the plant, any other compound, manufacture, salt,
13 derivative, mixture, or preparation of the mature stalks (except the
14 resin extracted therefrom), fiber, oil, or cake, or the sterilized
15 seed of the plant which is incapable of germination.

16 (w) "Marijuana concentrates" means products consisting wholly or
17 in part of the resin extracted from any part of the plant *Cannabis*
18 and having a THC concentration greater than ten percent.

19 (x) "Marijuana processor" means a person licensed by the state
20 liquor and cannabis board to process marijuana into marijuana
21 concentrates, useable marijuana, and marijuana-infused products,
22 package and label marijuana concentrates, useable marijuana, and
23 marijuana-infused products for sale in retail outlets, and sell
24 marijuana concentrates, useable marijuana, and marijuana-infused
25 products at wholesale to marijuana retailers.

26 (y) "Marijuana producer" means a person licensed by the state
27 liquor and cannabis board to produce and sell marijuana at wholesale
28 to marijuana processors and other marijuana producers.

29 (z) "Marijuana products" means useable marijuana, marijuana
30 concentrates, and marijuana-infused products as defined in this
31 section.

32 (aa) "Marijuana researcher" means a person licensed by the state
33 liquor and cannabis board to produce, process, and possess marijuana
34 for the purposes of conducting research on marijuana and marijuana-
35 derived drug products.

36 (bb) "Marijuana retailer" means a person licensed by the state
37 liquor and cannabis board to sell marijuana concentrates, useable
38 marijuana, and marijuana-infused products in a retail outlet.

39 (cc) "Marijuana-infused products" means products that contain
40 marijuana or marijuana extracts, are intended for human use, are

1 derived from marijuana as defined in subsection (v) of this section,
2 and have a THC concentration no greater than ten percent. The term
3 "marijuana-infused products" does not include either useable
4 marijuana or marijuana concentrates.

5 (dd) "Narcotic drug" means any of the following, whether produced
6 directly or indirectly by extraction from substances of vegetable
7 origin, or independently by means of chemical synthesis, or by a
8 combination of extraction and chemical synthesis:

9 (1) Opium, opium derivative, and any derivative of opium or opium
10 derivative, including their salts, isomers, and salts of isomers,
11 whenever the existence of the salts, isomers, and salts of isomers is
12 possible within the specific chemical designation. The term does not
13 include the isoquinoline alkaloids of opium.

14 (2) Synthetic opiate and any derivative of synthetic opiate,
15 including their isomers, esters, ethers, salts, and salts of isomers,
16 esters, and ethers, whenever the existence of the isomers, esters,
17 ethers, and salts is possible within the specific chemical
18 designation.

19 (3) Poppy straw and concentrate of poppy straw.

20 (4) Coca leaves, except coca leaves and extracts of coca leaves
21 from which cocaine, ecgonine, and derivatives or ecgonine or their
22 salts have been removed.

23 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

24 (6) Cocaine base.

25 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
26 thereof.

27 (8) Any compound, mixture, or preparation containing any quantity
28 of any substance referred to in subparagraphs (1) through (7).

29 (ee) "Opiate" means any substance having an addiction-forming or
30 addiction-sustaining liability similar to morphine or being capable
31 of conversion into a drug having addiction-forming or addiction-
32 sustaining liability. The term includes opium, substances derived
33 from opium (opium derivatives), and synthetic opiates. The term does
34 not include, unless specifically designated as controlled under RCW
35 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
36 and its salts (dextromethorphan). The term includes the racemic and
37 levorotatory forms of dextromethorphan.

38 (ff) "Opium poppy" means the plant of the species *Papaver*
39 *somniferum* L., except its seeds.

1 (gg) "Person" means individual, corporation, business trust,
2 estate, trust, partnership, association, joint venture, government,
3 governmental subdivision or agency, or any other legal or commercial
4 entity.

5 (hh) "Plant" has the meaning provided in RCW 69.51A.010.

6 (ii) "Poppy straw" means all parts, except the seeds, of the
7 opium poppy, after mowing.

8 (jj) "Practitioner" means:

9 (1) A physician under chapter 18.71 RCW; a physician assistant
10 under chapter 18.71A RCW; an osteopathic physician and surgeon under
11 chapter 18.57 RCW; a naturopathic physician under chapter 18.36A RCW,
12 subject to any limitations in section 2 of this act; an osteopathic
13 physician assistant under chapter 18.57A RCW who is licensed under
14 RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an
15 optometrist licensed under chapter 18.53 RCW who is certified by the
16 optometry board under RCW 18.53.010 subject to any limitations in RCW
17 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician
18 and surgeon under chapter 18.22 RCW; a veterinarian under chapter
19 18.92 RCW; a registered nurse, advanced registered nurse
20 practitioner, or licensed practical nurse under chapter 18.79 RCW;
21 (~~a naturopathic physician under chapter 18.36A RCW who is licensed~~
22 ~~under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040;~~)
23 a pharmacist under chapter 18.64 RCW or a scientific investigator
24 under this chapter, licensed, registered or otherwise permitted
25 insofar as is consistent with those licensing laws to distribute,
26 dispense, conduct research with respect to or administer a controlled
27 substance in the course of their professional practice or research in
28 this state.

29 (2) A pharmacy, hospital or other institution licensed,
30 registered, or otherwise permitted to distribute, dispense, conduct
31 research with respect to or to administer a controlled substance in
32 the course of professional practice or research in this state.

33 (3) A physician licensed to practice medicine and surgery, a
34 physician licensed to practice osteopathic medicine and surgery, a
35 dentist licensed to practice dentistry, a podiatric physician and
36 surgeon licensed to practice podiatric medicine and surgery, a
37 licensed physician assistant or a licensed osteopathic physician
38 assistant specifically approved to prescribe controlled substances by
39 his or her state's medical quality assurance commission or equivalent
40 and his or her supervising physician, an advanced registered nurse

1 practitioner licensed to prescribe controlled substances, a
2 naturopathic physician licensed to prescribe controlled substances,
3 or a veterinarian licensed to practice veterinary medicine in any
4 state of the United States.

5 (kk) "Prescription" means an order for controlled substances
6 issued by a practitioner duly authorized by law or rule in the state
7 of Washington to prescribe controlled substances within the scope of
8 his or her professional practice for a legitimate medical purpose.

9 (ll) "Production" includes the manufacturing, planting,
10 cultivating, growing, or harvesting of a controlled substance.

11 (mm) "Qualifying patient" has the meaning provided in RCW
12 69.51A.010.

13 (nn) "Recognition card" has the meaning provided in RCW
14 69.51A.010.

15 (oo) "Retail outlet" means a location licensed by the state
16 liquor and cannabis board for the retail sale of marijuana
17 concentrates, useable marijuana, and marijuana-infused products.

18 (pp) "Secretary" means the secretary of health or the secretary's
19 designee.

20 (qq) "State," unless the context otherwise requires, means a
21 state of the United States, the District of Columbia, the
22 Commonwealth of Puerto Rico, or a territory or insular possession
23 subject to the jurisdiction of the United States.

24 (rr) "THC concentration" means percent of delta-9
25 tetrahydrocannabinol content per dry weight of any part of the plant
26 *Cannabis*, or per volume or weight of marijuana product, or the
27 combined percent of delta-9 tetrahydrocannabinol and
28 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
29 regardless of moisture content.

30 (ss) "Ultimate user" means an individual who lawfully possesses a
31 controlled substance for the individual's own use or for the use of a
32 member of the individual's household or for administering to an
33 animal owned by the individual or by a member of the individual's
34 household.

35 (tt) "Useable marijuana" means dried marijuana flowers. The term
36 "useable marijuana" does not include either marijuana-infused
37 products or marijuana concentrates.

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