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SENATE BILL 6238

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State of Washington                      64th Legislature                      2016 Regular Session

By Senators Rivers, Keiser, Cleveland, Miloscia, and Chase

Read first time 01/13/16. Referred to Committee on Health Care.

1            AN ACT Relating to the prescribing of schedule II controlled  
2 substances; and amending RCW 69.50.402.

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

4            **Sec. 1.** RCW 69.50.402 and 2013 c 19 s 107 are each amended to  
5 read as follows:

6            (1) It is unlawful for any person:

7            (a) Who is subject to Article III to distribute or dispense a  
8 controlled substance in violation of RCW 69.50.308;

9            (b) Who is a registrant, to manufacture a controlled substance  
10 not authorized by his or her registration, or to distribute or  
11 dispense a controlled substance not authorized by his or her  
12 registration to another registrant or other authorized person;

13            (c) Who is a practitioner, to prescribe, order, dispense,  
14 administer, supply, or give to any person:

15            (i) Any amphetamine, including its salts, optical isomers, and  
16 salts of optical isomers classified as a schedule II controlled  
17 substance by the commission pursuant to chapter 34.05 RCW; or

18            (ii) Any nonnarcotic stimulant classified as a schedule II  
19 controlled substance and designated as a nonnarcotic stimulant by the  
20 commission pursuant to chapter 34.05 RCW;

1 except for the treatment of binge eating disorder, or for the  
2 treatment of narcolepsy, or for the treatment of hyperkinesis, or for  
3 the treatment of drug-induced brain dysfunction, or for the treatment  
4 of epilepsy, or for the differential diagnostic psychiatric  
5 evaluation of depression, or for the treatment of depression shown to  
6 be refractory to other therapeutic modalities, or for the treatment  
7 of multiple sclerosis, or for the treatment of any other disease  
8 states or conditions for which the United States food and drug  
9 administration has approved an indication, or for the clinical  
10 investigation of the effects of such drugs or compounds, in which  
11 case an investigative protocol therefor shall have been submitted to  
12 and reviewed and approved by the commission before the investigation  
13 has been begun: PROVIDED, That the commission, in consultation with  
14 the medical quality assurance commission and the osteopathic  
15 disciplinary board, may establish by rule, pursuant to chapter 34.05  
16 RCW, disease states or conditions in addition to those listed in this  
17 subsection for the treatment of which Schedule II nonnarcotic  
18 stimulants may be prescribed, ordered, dispensed, administered,  
19 supplied, or given to patients by practitioners: AND PROVIDED,  
20 FURTHER, That investigations by the commission of abuse of  
21 prescriptive authority by physicians, licensed pursuant to chapter  
22 18.71 RCW, pursuant to subsection (1)(c) of this section shall be  
23 done in consultation with the medical quality assurance commission;

24 (d) To refuse or fail to make, keep or furnish any record,  
25 notification, order form, statement, invoice, or information required  
26 under this chapter;

27 (e) To refuse an entry into any premises for any inspection  
28 authorized by this chapter; or

29 (f) Knowingly to keep or maintain any store, shop, warehouse,  
30 dwelling, building, vehicle, boat, aircraft, or other structure or  
31 place, which is resorted to by persons using controlled substances in  
32 violation of this chapter for the purpose of using these substances,  
33 or which is used for keeping or selling them in violation of this  
34 chapter.

35 (2) Any person who violates this section is guilty of a class C  
36 felony and upon conviction may be imprisoned for not more than two  
37 years, fined not more than two thousand dollars, or both.

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