
SUBSTITUTE SENATE BILL 5112

State of Washington

69th Legislature

2025 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Bateman, Harris, Shewmake, Trudeau, Conway, Nobles, Riccelli, C. Wilson, Robinson, and Hasegawa)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to establishing a prescribing psychologist
2 certification in Washington state; amending RCW 18.83.010, 18.83.035,
3 18.83.050, 18.83.050, 18.83.080, 18.83.080, 18.83.090, 18.79.260,
4 18.79.260, 69.50.101, 69.41.010, and 69.41.030; reenacting and
5 amending RCW 18.64.011; adding new sections to chapter 18.83 RCW;
6 creating a new section; providing effective dates; and providing
7 expiration dates.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that:

10 (1) One in five adults in Washington experience a mental illness
11 each year;

12 (2) More than half of people with a mental health condition did
13 not receive any treatment in the last year;

14 (3) The association of American medical colleges forecasts a
15 long-term and persistent shortage of doctors, including specialty
16 providers, in a 2021 report;

17 (4) Other states, the department of defense, and the Indian
18 health service have all successfully credentialed prescribing
19 psychologists to safely prescribe psychotropic medications; and

1 (5) Washington residents will benefit from increased access and
2 decreased costs by creating a new credential for prescribing
3 psychology.

4 **Sec. 2.** RCW 18.83.010 and 1994 c 35 s 1 are each amended to read
5 as follows:

6 ~~((When used in this chapter:~~

7 ~~(1) The "practice))~~ The definitions in this section apply
8 throughout this chapter unless the context clearly requires
9 otherwise.

10 (1) "Board" means the examining board of psychology.

11 (2) "Clinical experience" means a period of supervised clinical
12 training and practice conducted as part of a training program in
13 which clinical diagnoses and interventions are learned.

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

15 (4) "Practice of psychology" means the observation, evaluation,
16 interpretation, and modification of human behavior by the application
17 of psychological principles, methods, and procedures for the purposes
18 of preventing or eliminating symptomatic or maladaptive behavior and
19 promoting mental and behavioral health. It includes, but is not
20 limited to, providing the following services to individuals,
21 families, groups, organizations, and the public, whether or not
22 payment is received for services rendered:

23 (a) Psychological measurement, assessment, and evaluation by
24 means of psychological, neuropsychological, and psychoeducational
25 testing;

26 (b) Diagnosis and treatment of mental, emotional, and behavioral
27 disorders, and psychological aspects of illness, injury, and
28 disability; and

29 (c) Counseling and guidance, psychotherapeutic techniques,
30 remediation, health promotion, and consultation within the context of
31 established psychological principles and theories.

32 This definition does not include the teaching of principles of
33 psychology for accredited educational institutions, or the conduct of
34 research in problems of human or animal behavior.

35 Nothing in this definition shall be construed as permitting the
36 administration or prescribing of drugs except as allowed in this
37 chapter or in any way infringing upon the practice of medicine and
38 surgery as defined in chapter 18.71 RCW.

1 ~~((2))~~ (5) "Prescribing psychologist" means a person who holds
2 an active license to engage in the practice of psychology under this
3 chapter and an active certificate as a prescribing psychologist under
4 section 3 of this act, and is limited by the restrictions under
5 section 4 of this act.

6 (6) "Prescription" has the same meaning as defined in RCW
7 18.64.011.

8 (7) "Prescriptive authority" means the authority of a prescribing
9 psychologist to prescribe, administer, discontinue, and distribute
10 psychotropic medications recognized or customarily used in the
11 diagnosis, treatment, and management of individuals with psychiatric,
12 mental, cognitive, nervous, emotional, developmental, or behavioral
13 disorders identified in the most recent edition of a widely accepted
14 classification system of mental disorders, as identified by the
15 board. The term includes ordering and obtaining necessary laboratory
16 tests, procedures, imaging, and diagnostic examinations.

17 (8) "Psychotropic medication" means substances recognized as
18 drugs, including controlled substances used to treat mental
19 illnesses, in the official United States pharmacopoeia, official
20 homeopathic pharmacopeia of the United States, official national
21 formulary, or any respective supplement to those publications.

22 (9) "Secretary" means the secretary of health.

23 ~~((3) "Board" means the examining board of psychology.~~

24 ~~(4) "Department" means the department of health.)~~

25 NEW SECTION. Sec. 3. A new section is added to chapter 18.83
26 RCW to read as follows:

27 (1) A psychologist licensed under this chapter may apply for
28 certification as a prescribing psychologist.

29 (2) The board shall certify an applicant as a prescribing
30 psychologist if the applicant demonstrates to the board, by official
31 transcript or other official evidence satisfactory to the board, that
32 the applicant:

33 (a) Holds a current license as a psychologist under this chapter;

34 (b) Holds a doctorate degree obtained from an integrated program
35 of graduate study in psychology, as defined in rule by the board;

36 (c) Has successfully completed a designated master's degree
37 program in clinical psychopharmacology that meets the criteria
38 established in subsection (3) of this section;

1 (d) Has successfully completed at least 80 hours of supervised
2 clinical experience in physical assessment, including physical
3 examinations with instruction in the proper use of instruments used
4 in physical examination, supervised by a medical provider licensed to
5 conduct independent physical assessments;

6 (e) Has successfully completed a clinical prescribing fellowship
7 under the supervision of a qualified supervisor including clinical
8 experience sufficient to attain competency in the
9 psychopharmacological treatment of a diverse patient population, to
10 be comprised of no less than 500 hours and 100 individual patients.
11 Qualified supervisors are licensed health care providers with
12 specialized training and experience in the management of psychotropic
13 medication who are licensed in Washington state or pursuant to a
14 substantially equivalent licensing provision of the law of another
15 state, as established by the board, including physicians, physician
16 assistants, osteopathic physicians, psychiatric nurse practitioners,
17 or prescribing psychologists; and

18 (f) Has passed an examination relevant to establishing competence
19 for prescribing as developed by a nationally recognized organization
20 and approved by the board.

21 (3) A designated master's degree program in clinical
22 psychopharmacology must be an accredited program within a regionally
23 accredited institution of higher education approved by the United
24 States department of education, satisfy requirements for designation
25 established by the board, and be substantially equivalent to the
26 training required of advanced practice psychiatric nurses. The board
27 may use the standards of an association which publishes relevant
28 education and training program standards such as the American
29 psychological association. The didactic portion of the program shall
30 include at least two years of education, a minimum of 400 contact
31 hours, or the equivalent thereof, and include sufficient biomedical
32 education to ensure the necessary knowledge and skills to prescribe
33 psychotropic medications in a safe and effective manner, including
34 but not limited to:

35 (a) Science prerequisites, including human anatomy and human
36 physiology, and a course in biology;

37 (b) Basic science, including human anatomy, human physiology,
38 biochemistry, and genetics;

39 (c) Functional neuroscience, including neuroanatomy,
40 neurophysiology, and neurochemistry;

- 1 (d) Physical examinations, including the measurement and
2 interpretation of vital signs and neurological, cardiovascular,
3 respiratory, abdominal, eye, ear, nose, throat, gastrointestinal,
4 genitourinary, integumentary, allergic and immunologic, and
5 musculoskeletal examinations;
- 6 (e) Interpretation of laboratory tests, including therapeutic
7 drug monitoring, blood and urine tests, radiology, electrocardiogram,
8 brain electrophysiology, neuroimaging techniques, and applied
9 genetics;
- 10 (f) Pathological basis of disease, including pathophysiology of
11 common clinical cardiovascular, respiratory, gastrointestinal,
12 hepatic, neurological, and endocrine conditions;
- 13 (g) Clinical medicine, including clinical manifestations,
14 differential diagnosis, laboratory or radiological evaluation of
15 commonly encountered medical conditions such as patients with complex
16 medical needs and comorbidities, and medical emergencies and their
17 management;
- 18 (h) Clinical neurotherapeutics, including electrophysiology,
19 electroconvulsive therapy, and noninvasive interventions, such as
20 transcranial magnetic stimulation, neurofeedback, and biofeedback;
- 21 (i) Systems of care, including coordination of care with other
22 medical specialties, consultations and referrals, and coordination
23 and consultation in long-term care;
- 24 (j) Pharmacology, including pharmacokinetics and drug delivery
25 systems, pharmacodynamics, neuropharmacology, toxicology, and
26 mechanisms of medication interactions;
- 27 (k) Clinical pharmacology, including major drug classes and
28 nutritional supplements;
- 29 (l) Psychopharmacology, including sedatives and hypnotics,
30 antidepressants, antipsychotics, mood stabilizers, anxiolytics,
31 stimulants, medications for substance use disorders, medications for
32 drug adverse effects, pediatric psychopharmacology, geriatric
33 psychopharmacology, medications for cognitive impairment and
34 polypharmacy, issues of diversity and cultural competence in
35 pharmacological practice, clinical decision making and standard
36 practice guidelines, and guidelines for prescribing controlled
37 substances;
- 38 (m) Psychopharmacology research, including phases of drug
39 development, clinical trials in psychiatry, and critical evaluation
40 of evidence; and

1 (n) Professional, ethical, and legal issues, including conflicts
2 of interest and relationships with the industry, scope of practice
3 issues, diversity and equity issues related to treatment access and
4 adherence, and documentation issues, including nomenclature,
5 abbreviations, and prescription writing.

6 (4) The board may waive certain requirements for applicants who
7 have obtained relevant training and experience, including
8 psychologists who are dually licensed as physicians, nurse
9 practitioners, or other health professionals with comparable
10 prescriptive authority in Washington.

11 (5) The board may offer a certificate in prescriptive authority
12 by endorsement to an applicant who has a current and unrestricted
13 license to practice psychology and either a current and unrestricted
14 certificate in prescriptive authority from another state, or training
15 from the United States department of defense demonstration project or
16 other similar program developed and operated by any branch of the
17 armed forces that imposes substantially equivalent educational and
18 training requirements as those contained in this chapter and required
19 by the board. Upon payment of the required fees, compliance with
20 relevant statutory provisions, and the approval of the application,
21 the applicant may be certified by endorsement pursuant to this
22 chapter. The board may consider an applicant's experience in
23 prescribing in another state as meeting a portion of the requirements
24 necessary to obtain provisional certification or certification under
25 this chapter, but also shall require additional education and
26 supervision if the board deems it necessary to meet the education and
27 training requirements imposed by this chapter.

28 (6) A certificate issued under this section may be renewed in
29 accordance with RCW 18.83.090.

30 (7) The secretary shall establish the administrative procedures,
31 administrative requirements, and fees for the certificate as provided
32 in RCW 43.70.250 and 43.70.280.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.83
34 RCW to read as follows:

35 (1) The prescriptive authority of a prescribing psychologist is
36 limited to prescribing, administering, discontinuing, and
37 distributing psychotropic medications recognized or customarily used
38 in the diagnosis, treatment, and management of individuals with
39 psychiatric, mental, cognitive, nervous, emotional, developmental, or

1 behavioral disorders identified in the most recent edition of a
2 widely accepted classification system of mental disorders, as
3 identified by the board. A prescribing psychologist may order and
4 obtain necessary laboratory tests, procedures, imaging, and
5 diagnostic examinations necessary to exercise this prescriptive
6 authority. A psychologist who is not a prescribing psychologist may
7 not exercise this prescriptive authority.

8 (2) When prescribing psychotropic medication for a patient, a
9 prescribing psychologist must maintain an ongoing collaborative
10 relationship with a health care practitioner who oversees the
11 patient's general medical care to ensure that necessary medical
12 examinations are conducted and that the psychotropic medication is
13 appropriate for the patient's medical condition. The prescribing
14 psychologist and the health care practitioner must coordinate the
15 patient's ongoing care. The prescribing psychologist may not issue a
16 new prescription for a psychotropic medication without agreement, in
17 a form and manner determined by the board in rule by January 1, 2027,
18 from the health care practitioner who oversees the patient's general
19 medical care.

20 (3) A prescribing psychologist may not prescribe opioid
21 medications except for medications appropriate for treatment of an
22 opioid use disorder which are prescribed for the purpose of treatment
23 of such a disorder. A prescribing psychologist may not prescribe any
24 antipsychotic medication or mood stabilizer.

25 (4) Each prescription issued by a prescribing psychologist must
26 comply with applicable state and federal laws and regulations and be
27 identified as written by the prescribing psychologist in a manner
28 determined by the board.

29 (5) A prescribing psychologist shall ensure that a record of all
30 prescriptions made by the prescribing psychologist is maintained in
31 the patient's record.

32 (6) A prescribing psychologist may not delegate the authority to
33 prescribe drugs or controlled substances to any other person.

34 (7) A prescribing psychologist may not prescribe to any
35 individual under the age of 25 or over the age of 65.

36 **Sec. 5.** RCW 18.83.035 and 2022 c 240 s 10 are each amended to
37 read as follows:

38 There is created the examining board of psychology which shall
39 examine the qualifications of applicants for licensing. The board

1 shall consist of nine psychologists, one expert on psychiatric
2 prescribing, and two public members, all appointed by the governor.
3 The public members shall not be and have never been psychologists or
4 in training to be psychologists; they may not have any household
5 member who is a psychologist or in training to be a psychologist;
6 they may not participate or ever have participated in a commercial or
7 professional field related to psychology, nor have a household member
8 who has so participated; and they may not have had within two years
9 before appointment a substantial financial interest in a person
10 regulated by the board. Each psychologist member of the board shall
11 have actively practiced psychology in the state of Washington for at
12 least three years immediately preceding appointment and (~~who is~~) be
13 licensed under this chapter. The member who is an expert on
14 psychiatric prescribing must have specialized training and experience
15 in the management of psychotropic medication and be a prescribing
16 psychologist, physician, osteopathic physician with special knowledge
17 of psychopharmacology, psychiatric nurse practitioner, or pharmacist
18 with expertise in psychopharmacology. Board members shall be
19 appointed for a term of five years, except that the terms of the
20 existing appointees shall be adjusted by the governor so that no more
21 than two members' terms expire each year with all subsequent
22 appointments for a five-year term. Upon the death, resignation, or
23 removal of a member, the governor shall appoint a successor to serve
24 for the unexpired term. The board shall elect one of its members to
25 serve as chairperson.

26 **Sec. 6.** RCW 18.83.050 and 2004 c 262 s 8 are each amended to
27 read as follows:

28 (1) The board shall adopt such rules as it deems necessary to
29 carry out its functions.

30 (2) The board shall examine the qualifications of applicants for
31 licensing under this chapter, to determine which applicants are
32 eligible for licensing under this chapter and shall forward to the
33 secretary the names of applicants so eligible.

34 (3) The board shall administer examinations to qualified
35 applicants on at least an annual basis. The board shall determine the
36 subject matter and scope of the examination, except as provided in
37 RCW 18.83.170. The board may allow applicants to take the examination
38 upon the granting of their doctoral degree before completion of their
39 internship for supervised experience.

1 (4) The board shall:

2 (a) Develop and implement procedures for reviewing the education
3 and training credentials of applicants for certification as a
4 prescribing psychologist;

5 (b) Adopt rules, in consultation with the Washington medical
6 commission, to establish standards for the certification of
7 prescribing psychologists in accordance with section 3 of this act
8 and for their exercise of prescriptive authority under this chapter;
9 and

10 (c) Adopt rules for denying, modifying, suspending, or revoking
11 the certification of a prescribing psychologist. The board may
12 require remediation of any deficiencies in the training or practice
13 pattern of the prescribing psychologist when, in the judgment of the
14 board, such deficiencies could reasonably be expected to jeopardize
15 the health, safety, or welfare of the public.

16 (5) The board shall maintain a current list of each prescribing
17 psychologist's license and certification numbers.

18 (6) The board shall keep a complete record of its own
19 proceedings, of the questions given in examinations, of the names and
20 qualifications of all applicants, and the names and addresses of all
21 licensed psychologists. The examination paper of such applicant shall
22 be kept on file for a period of at least one year after examination.

23 ~~((+5))~~ (7) The board shall, by rule, adopt a code of ethics for
24 psychologists which is designed to protect the public interest.

25 ~~((+6))~~ (8) The board may require that persons licensed under
26 this chapter as psychologists obtain and maintain professional
27 liability insurance in amounts determined by the board to be
28 practicable and reasonably available.

29 **Sec. 7.** RCW 18.83.050 and 2024 c 371 s 3 are each amended to
30 read as follows:

31 (1) The board shall adopt such rules as it deems necessary to
32 carry out its functions.

33 (2) The board shall examine the qualifications of applicants for
34 licensing under this chapter, to determine which applicants are
35 eligible for licensing under this chapter and shall forward to the
36 secretary the names of applicants so eligible.

37 (3) The board shall administer examinations to qualified
38 applicants on at least an annual basis. The board shall determine the
39 subject matter and scope of the examination, except as provided in

1 RCW 18.83.170. The board may allow applicants to take the examination
2 upon the granting of their doctoral degree before completion of their
3 internship for supervised experience.

4 (4) The board shall:

5 (a) Develop and implement procedures for reviewing the education
6 and training credentials of applicants for certification as a
7 prescribing psychologist;

8 (b) Adopt rules, in consultation with the Washington medical
9 commission, to establish standards for the certification of
10 prescribing psychologists in accordance with section 3 of this act
11 and for their exercise of prescriptive authority under this chapter;
12 and

13 (c) Adopt rules for denying, modifying, suspending, or revoking
14 the certification of a prescribing psychologist. The board may
15 require remediation of any deficiencies in the training or practice
16 pattern of the prescribing psychologist when, in the judgment of the
17 board, such deficiencies could reasonably be expected to jeopardize
18 the health, safety, or welfare of the public.

19 (5) The board shall maintain a current list of each prescribing
20 psychologist's license and certification numbers.

21 (6) The board shall keep a complete record of its own
22 proceedings, of the questions given in examinations, of the names and
23 qualifications of all applicants, and the names and addresses of all
24 licensed psychologists and licensed psychological associates. The
25 examination paper of such applicant shall be kept on file for a
26 period of at least one year after examination.

27 ~~((+5))~~ (7) The board shall, by rule, adopt a code of ethics for
28 psychologists and licensed psychological associates which is designed
29 to protect the public interest.

30 ~~((+6))~~ (8) The board may require that persons licensed under
31 this chapter as psychologists or licensed psychological associates
32 obtain and maintain professional liability insurance in amounts
33 determined by the board to be practicable and reasonably available.

34 **Sec. 8.** RCW 18.83.080 and 1996 c 191 s 66 are each amended to
35 read as follows:

36 The board shall forward to the secretary the name of each
37 applicant entitled to a license or certificate under this chapter.
38 The secretary shall promptly issue to such applicant a license
39 authorizing such applicant to use the title "psychologist"~~((+))~~ or a

1 certificate authorizing the applicant to use the title "prescribing
2 psychologist." Each licensed psychologist shall keep his or her
3 license and, if applicable, prescribing psychologist certificate
4 displayed in a conspicuous place in his or her principal place of
5 business.

6 **Sec. 9.** RCW 18.83.080 and 2024 c 371 s 4 are each amended to
7 read as follows:

8 The board shall forward to the secretary the name of each
9 applicant entitled to a license or certificate under this chapter.
10 The secretary shall promptly issue to such applicant a license
11 authorizing such applicant to use the title "psychologist" or
12 "licensed psychological associate((-))" or a certificate authorizing
13 the applicant to use the title "prescribing psychologist." Each
14 licensed psychologist or licensed psychological associate shall keep
15 his or her license and, if applicable, prescribing psychologist
16 certificate displayed in a conspicuous place in his or her principal
17 place of business.

18 **Sec. 10.** RCW 18.83.090 and 2009 c 492 s 6 are each amended to
19 read as follows:

20 (1) The board shall establish rules governing mandatory
21 continuing education requirements which shall be met by any
22 psychologist applying for a license or prescribing psychologist
23 certificate renewal.

24 (2) The office of crime victims advocacy shall supply the board
25 with information on methods of recognizing victims of human
26 trafficking, what services are available for these victims, and where
27 to report potential trafficking situations. The information supplied
28 must be culturally sensitive and must include information relating to
29 minor victims. The board shall disseminate this information to
30 licensees by: Providing the information on the board's website;
31 including the information in newsletters; holding trainings at
32 meetings attended by organization members; or ~~((through another))~~
33 using other distribution methods determined by the board. The board
34 shall report to the office of crime victims advocacy on the method or
35 methods it uses to distribute information under this subsection.

36 (3) Administrative procedures, administrative requirements, and
37 fees for renewal and reissue of licenses and certificates shall be
38 established as provided in RCW 43.70.250 and 43.70.280.

1 (4) (a) The board shall establish rules for the renewal of a
2 prescribing psychologist certificate issued under section 3 of this
3 act at the time of the renewal of the psychologist's license to
4 practice psychology.

5 (b) Each applicant for renewal of a prescribing psychologist
6 certificate shall present satisfactory evidence to the board
7 demonstrating the completion of continuing education instruction
8 relevant to prescriptive authority during the previous three-year
9 renewal period.

10 **Sec. 11.** RCW 18.64.011 and 2024 c 121 s 30 are each reenacted
11 and amended to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Administer" means the direct application of a drug or
15 device, whether by injection, inhalation, ingestion, or any other
16 means, to the body of a patient or research subject.

17 (2) "Business licensing system" means the mechanism established
18 by chapter 19.02 RCW by which business licenses, endorsed for
19 individual state-issued licenses, are issued and renewed utilizing a
20 business license application and a business license expiration date
21 common to each renewable license endorsement.

22 (3) "Chart order" means a lawful order for a drug or device
23 entered on the chart or medical record of an inpatient or resident of
24 an institutional facility by a practitioner or his or her designated
25 agent.

26 (4) "Closed door long-term care pharmacy" means a pharmacy that
27 provides pharmaceutical care to a defined and exclusive group of
28 patients who have access to the services of the pharmacy because they
29 are treated by or have an affiliation with a long-term care facility
30 or hospice program, and that is not a retailer of goods to the
31 general public.

32 (5) "Commission" means the pharmacy quality assurance commission.

33 (6) "Compounding" means the act of combining two or more
34 ingredients in the preparation of a prescription. Reconstitution and
35 mixing of (a) sterile products according to federal food and drug
36 administration-approved labeling does not constitute compounding if
37 prepared pursuant to a prescription and administered immediately or
38 in accordance with package labeling, and (b) nonsterile products
39 according to federal food and drug administration-approved labeling

1 does not constitute compounding if prepared pursuant to a
2 prescription.

3 (7) "Controlled substance" means a drug or substance, or an
4 immediate precursor of such drug or substance, so designated under or
5 pursuant to the provisions of chapter 69.50 RCW.

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

9 (9) "Department" means the department of health.

10 (10) "Device" means instruments, apparatus, and contrivances,
11 including their components, parts, and accessories, intended (a) for
12 use in the diagnosis, cure, mitigation, treatment, or prevention of
13 disease in human beings or other animals, or (b) to affect the
14 structure or any function of the body of human beings or other
15 animals.

16 (11) "Directed plan of correction" means a plan devised by the
17 commission that includes specific actions that must be taken to
18 correct identified unresolved deficiencies with time frames to
19 complete them.

20 (12) "Dispense" means the interpretation of a prescription or
21 order for a drug, biological, or device and, pursuant to that
22 prescription or order, the proper selection, measuring, compounding,
23 labeling, or packaging necessary to prepare that prescription or
24 order for delivery.

25 (13) "Distribute" means the delivery of a drug or device other
26 than by administering or dispensing.

27 (14) "Drug" and "devices" do not include surgical or dental
28 instruments or laboratory materials, gas and oxygen, therapy
29 equipment, X-ray apparatus or therapeutic equipment, their component
30 parts or accessories, or equipment, instruments, apparatus, or
31 contrivances used to render such articles effective in medical,
32 surgical, or dental treatment, or for use or consumption in or for
33 mechanical, industrial, manufacturing, or scientific applications or
34 purposes. "Drug" also does not include any article or mixture covered
35 by the Washington pesticide control act (chapter 15.58 RCW), as
36 enacted or hereafter amended, nor medicated feed intended for and
37 used exclusively as a feed for animals other than human beings.

38 (15) "Drugs" means:

1 (a) Articles recognized in the official United States
2 pharmacopoeia or the official homeopathic pharmacopoeia of the United
3 States;

4 (b) Substances intended for use in the diagnosis, cure,
5 mitigation, treatment, or prevention of disease in human beings or
6 other animals;

7 (c) Substances (other than food) intended to affect the structure
8 or any function of the body of human beings or other animals; or

9 (d) Substances intended for use as a component of any substances
10 specified in (a), (b), or (c) of this subsection, but not including
11 devices or their component parts or accessories.

12 (16) "Health care entity" means an organization that provides
13 health care services in a setting that is not otherwise licensed by
14 the state to acquire or possess legend drugs. Health care entity
15 includes a freestanding outpatient surgery center, a residential
16 treatment facility, and a freestanding cardiac care center. "Health
17 care entity" does not include an individual practitioner's office or
18 a multipractitioner clinic, regardless of ownership, unless the owner
19 elects licensure as a health care entity. "Health care entity" also
20 does not include an individual practitioner's office or
21 multipractitioner clinic identified by a hospital on a pharmacy
22 application or renewal pursuant to RCW 18.64.043.

23 (17) "Hospice program" means a hospice program certified or paid
24 by medicare under Title XVIII of the federal social security act, or
25 a hospice program licensed under chapter 70.127 RCW.

26 (18) "Immediate jeopardy" means a situation in which a licensee's
27 noncompliance with one or more statutory or regulatory requirements
28 has placed the health and safety of individuals or animals at risk
29 for serious injury, serious harm, serious impairment, or death.

30 (19) "Institutional facility" means any organization whose
31 primary purpose is to provide a physical environment for patients to
32 obtain health care services including, but not limited to, services
33 in a hospital, long-term care facility, hospice program, mental
34 health facility, drug abuse treatment center, residential
35 habilitation center, or a local, state, or federal correction
36 facility.

37 (20) "Labeling" means the process of preparing and affixing a
38 label to any drug or device container. The label must include all
39 information required by current federal and state law and pharmacy
40 rules.

1 (21) "Legend drugs" means any drugs which are required by any
2 applicable federal or state law or regulation to be dispensed on
3 prescription only or are restricted to use by practitioners only.

4 (22) "License," "licensing," and "licensure" shall be deemed
5 equivalent to the terms "approval," "credential," "certificate,"
6 "certification," "permit," and "registration" and an "exemption"
7 issued under chapter 69.50 RCW.

8 (23) "Long-term care facility" means a nursing home licensed
9 under chapter 18.51 RCW, an assisted living facility licensed under
10 chapter 18.20 RCW, or an adult family home licensed under chapter
11 70.128 RCW.

12 (24) "Manufacture" means the production, preparation,
13 propagation, compounding, or processing of a drug or other substance
14 or device or the packaging or repackaging of such substance or
15 device, or the labeling or relabeling of the commercial container of
16 such substance or device, but does not include the activities of a
17 practitioner who, as an incident to his or her administration or
18 dispensing such substance or device in the course of his or her
19 professional practice, personally prepares, compounds, packages, or
20 labels such substance or device. "Manufacture" includes the
21 distribution of a licensed pharmacy compounded drug product to other
22 state licensed persons or commercial entities for subsequent resale
23 or distribution, unless a specific product item has approval of the
24 commission. The term does not include:

25 (a) The activities of a licensed pharmacy that compounds a
26 product on or in anticipation of an order of a licensed practitioner
27 for use in the course of their professional practice to administer to
28 patients, either personally or under their direct supervision;

29 (b) The practice of a licensed pharmacy when repackaging
30 commercially available medication in small, reasonable quantities for
31 a practitioner legally authorized to prescribe the medication for
32 office use only;

33 (c) The distribution of a drug product that has been compounded
34 by a licensed pharmacy to other appropriately licensed entities under
35 common ownership or control of the facility in which the compounding
36 takes place; or

37 (d) The delivery of finished and appropriately labeled compounded
38 products dispensed pursuant to a valid prescription to alternate
39 delivery locations, other than the patient's residence, when

1 requested by the patient, or the prescriber to administer to the
2 patient, or to another licensed pharmacy to dispense to the patient.

3 (25) "Manufacturer" means a person, corporation, or other entity
4 engaged in the manufacture of drugs or devices.

5 (26) "Nonlegend" or "nonprescription" drugs means any drugs which
6 may be lawfully sold without a prescription.

7 (27) "Person" means an individual, corporation, government,
8 governmental subdivision or agency, business trust, estate, trust,
9 partnership or association, or any other legal entity.

10 (28) "Pharmacist" means a person duly licensed by the commission
11 to engage in the practice of pharmacy.

12 (29) "Pharmacy" means every place properly licensed by the
13 commission where the practice of pharmacy is conducted.

14 (30) "Plan of correction" means a proposal devised by the
15 applicant or licensee that includes specific actions that must be
16 taken to correct identified unresolved deficiencies with the time
17 frames to complete them.

18 (31) "Poison" does not include any article or mixture covered by
19 the Washington pesticide control act (chapter 15.58 RCW), as enacted
20 or hereafter amended.

21 (32) "Practice of pharmacy" includes the practice of and
22 responsibility for: Interpreting prescription orders; the
23 compounding, dispensing, labeling, administering, and distributing of
24 drugs and devices; the monitoring of drug therapy and use; the
25 initiating or modifying of drug therapy in accordance with written
26 guidelines or protocols previously established and approved for his
27 or her practice by a practitioner authorized to prescribe drugs; the
28 participating in drug utilization reviews and drug product selection;
29 the proper and safe storing and distributing of drugs and devices and
30 maintenance of proper records thereof; the providing of information
31 on legend drugs which may include, but is not limited to, the
32 advising of therapeutic values, hazards, and the uses of drugs and
33 devices.

34 (33) "Practitioner" means a physician, dentist, veterinarian,
35 advanced practice registered nurse, prescribing psychologist, or
36 other person duly authorized by law or rule in the state of
37 Washington to prescribe drugs.

38 (34) "Prescription" means an order for drugs or devices issued by
39 a practitioner duly authorized by law or rule in the state of

1 Washington to prescribe drugs or devices in the course of his or her
2 professional practice for a legitimate medical purpose.

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

5 (36) "Shared pharmacy services" means a system that allows a
6 participating pharmacist or pharmacy pursuant to a request from
7 another participating pharmacist or pharmacy to process or fill a
8 prescription or drug order, which may include but is not necessarily
9 limited to preparing, packaging, labeling, data entry, compounding
10 for specific patients, dispensing, performing drug utilization
11 reviews, conducting claims adjudication, obtaining refill
12 authorizations, reviewing therapeutic interventions, or reviewing
13 chart orders.

14 (37) "Statement of deficiency" means a written statement of the
15 deficiencies prepared by the commission, or its designee, identifying
16 one or more violations of law. The report clearly identifies the
17 specific law or rule that has been violated along with a description
18 of the reasons for noncompliance.

19 (38) "Wholesaler" means a corporation, individual, or other
20 entity which buys drugs or devices for resale and distribution to
21 corporations, individuals, or entities other than consumers.

22 **Sec. 12.** RCW 18.79.260 and 2022 c 14 s 2 are each amended to
23 read as follows:

24 (1) A registered nurse under his or her license may perform for
25 compensation nursing care, as that term is usually understood, to
26 individuals with illnesses, injuries, or disabilities.

27 (2) A registered nurse may, at or under the general direction of
28 a licensed physician and surgeon, dentist, osteopathic physician and
29 surgeon, naturopathic physician, optometrist, podiatric physician and
30 surgeon, physician assistant, advanced registered nurse practitioner,
31 prescribing psychologist, or midwife acting within the scope of his
32 or her license, administer medications, treatments, tests, and
33 inoculations, whether or not the severing or penetrating of tissues
34 is involved and whether or not a degree of independent judgment and
35 skill is required. Such direction must be for acts which are within
36 the scope of registered nursing practice.

37 (3) A registered nurse may delegate tasks of nursing care to
38 other individuals where the registered nurse determines that it is in
39 the best interest of the patient.

1 (a) The delegating nurse shall:
2 (i) Determine the competency of the individual to perform the
3 tasks;
4 (ii) Evaluate the appropriateness of the delegation;
5 (iii) Supervise the actions of the person performing the
6 delegated task; and
7 (iv) Delegate only those tasks that are within the registered
8 nurse's scope of practice.

9 (b) A registered nurse, working for a home health or hospice
10 agency regulated under chapter 70.127 RCW, may delegate the
11 application, instillation, or insertion of medications to a
12 registered or certified nursing assistant under a plan of care.

13 (c) Except as authorized in (b) or (e) of this subsection, a
14 registered nurse may not delegate the administration of medications.
15 Except as authorized in (e) or (f) of this subsection, a registered
16 nurse may not delegate acts requiring substantial skill, and may not
17 delegate piercing or severing of tissues. Acts that require nursing
18 judgment shall not be delegated.

19 (d) No person may coerce a nurse into compromising patient safety
20 by requiring the nurse to delegate if the nurse determines that it is
21 inappropriate to do so. Nurses shall not be subject to any employer
22 reprisal or disciplinary action by the (~~nursing care quality~~
23 ~~assurance commission~~) board for refusing to delegate tasks or
24 refusing to provide the required training for delegation if the nurse
25 determines delegation may compromise patient safety.

26 (e) For delegation in community-based care settings or in-home
27 care settings, a registered nurse may delegate nursing care tasks
28 only to registered or certified nursing assistants under chapter
29 18.88A RCW or home care aides certified under chapter 18.88B RCW.
30 Simple care tasks such as blood pressure monitoring, personal care
31 service, diabetic insulin device set up, verbal verification of
32 insulin dosage for sight-impaired individuals, or other tasks as
33 defined by the (~~nursing care quality assurance commission~~) board
34 are exempted from this requirement.

35 (i) "Community-based care settings" includes: Community
36 residential programs for people with developmental disabilities,
37 certified by the department of social and health services under
38 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
39 RCW; and assisted living facilities licensed under chapter 18.20 RCW.

1 Community-based care settings do not include acute care or skilled
2 nursing facilities.

3 (ii) "In-home care settings" include an individual's place of
4 temporary or permanent residence, but does not include acute care or
5 skilled nursing facilities, and does not include community-based care
6 settings as defined in (e)(i) of this subsection.

7 (iii) Delegation of nursing care tasks in community-based care
8 settings and in-home care settings is only allowed for individuals
9 who have a stable and predictable condition. "Stable and predictable
10 condition" means a situation in which the individual's clinical and
11 behavioral status is known and does not require the frequent presence
12 and evaluation of a registered nurse.

13 (iv) The determination of the appropriateness of delegation of a
14 nursing task is at the discretion of the registered nurse. Other than
15 delegation of the administration of insulin by injection for the
16 purpose of caring for individuals with diabetes, the administration
17 of medications by injection, sterile procedures, and central line
18 maintenance may never be delegated.

19 (v) When delegating insulin injections under this section, the
20 registered nurse delegator must instruct the individual regarding
21 proper injection procedures and the use of insulin, demonstrate
22 proper injection procedures, and must supervise and evaluate the
23 individual performing the delegated task as required by the
24 (~~commission~~) board by rule. If the registered nurse delegator
25 determines that the individual is competent to perform the injection
26 properly and safely, supervision and evaluation shall occur at an
27 interval determined by the (~~commission~~) board by rule.

28 (vi)(A) The registered nurse shall verify that the nursing
29 assistant or home care aide, as the case may be, has completed the
30 required core nurse delegation training required in chapter 18.88A or
31 18.88B RCW prior to authorizing delegation.

32 (B) Before commencing any specific nursing tasks authorized to be
33 delegated in this section, a home care aide must be certified
34 pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

35 (vii) The nurse is accountable for his or her own individual
36 actions in the delegation process. Nurses acting within the protocols
37 of their delegation authority are immune from liability for any
38 action performed in the course of their delegation duties.

39 (viii) Nursing task delegation protocols are not intended to
40 regulate the settings in which delegation may occur, but are intended

1 to ensure that nursing care services have a consistent standard of
2 practice upon which the public and the profession may rely, and to
3 safeguard the authority of the nurse to make independent professional
4 decisions regarding the delegation of a task.

5 (f) The delegation of nursing care tasks only to registered or
6 certified nursing assistants under chapter 18.88A RCW or to home care
7 aides certified under chapter 18.88B RCW may include glucose
8 monitoring and testing.

9 (g) The (~~nursing care quality assurance commission~~) board may
10 adopt rules to implement this section.

11 (4) Only a person licensed as a registered nurse may instruct
12 nurses in technical subjects pertaining to nursing.

13 (5) Only a person licensed as a registered nurse may hold herself
14 or himself out to the public or designate herself or himself as a
15 registered nurse.

16 **Sec. 13.** RCW 18.79.260 and 2024 c 239 s 15 are each amended to
17 read as follows:

18 (1) A registered nurse under his or her license may perform for
19 compensation nursing care, as that term is usually understood, to
20 individuals with illnesses, injuries, or disabilities.

21 (2) A registered nurse may, at or under the general direction of
22 a licensed physician and surgeon, dentist, osteopathic physician and
23 surgeon, naturopathic physician, optometrist, podiatric physician and
24 surgeon, physician assistant, advanced practice registered nurse,
25 prescribing psychologist, or midwife acting within the scope of his
26 or her license, administer medications, treatments, tests, and
27 inoculations, whether or not the severing or penetrating of tissues
28 is involved and whether or not a degree of independent judgment and
29 skill is required. Such direction must be for acts which are within
30 the scope of registered nursing practice.

31 (3) A registered nurse may delegate tasks of nursing care to
32 other individuals where the registered nurse determines that it is in
33 the best interest of the patient.

34 (a) The delegating nurse shall:

35 (i) Determine the competency of the individual to perform the
36 tasks;

37 (ii) Evaluate the appropriateness of the delegation;

38 (iii) Supervise the actions of the person performing the
39 delegated task; and

1 (iv) Delegate only those tasks that are within the registered
2 nurse's scope of practice.

3 (b) A registered nurse, working for a home health or hospice
4 agency regulated under chapter 70.127 RCW, may delegate the
5 application, instillation, or insertion of medications to a
6 registered or certified nursing assistant under a plan of care.

7 (c) Except as authorized in (b) or (e) of this subsection, a
8 registered nurse may not delegate the administration of medications.
9 Except as authorized in (e) or (f) of this subsection, a registered
10 nurse may not delegate acts requiring substantial skill, and may not
11 delegate piercing or severing of tissues. Acts that require nursing
12 judgment shall not be delegated.

13 (d) No person may coerce a nurse into compromising patient safety
14 by requiring the nurse to delegate if the nurse determines that it is
15 inappropriate to do so. Nurses shall not be subject to any employer
16 reprisal or disciplinary action by the board for refusing to delegate
17 tasks or refusing to provide the required training for delegation if
18 the nurse determines delegation may compromise patient safety.

19 (e) For delegation in community-based care settings or in-home
20 care settings, a registered nurse may delegate nursing care tasks
21 only to registered or certified nursing assistants under chapter
22 18.88A RCW or home care aides certified under chapter 18.88B RCW.
23 Simple care tasks such as blood pressure monitoring, personal care
24 service, diabetic insulin device set up, verbal verification of
25 insulin dosage for sight-impaired individuals, or other tasks as
26 defined by the board are exempted from this requirement.

27 (i) "Community-based care settings" includes: Community
28 residential programs for people with developmental disabilities,
29 certified by the department of social and health services under
30 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
31 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
32 Community-based care settings do not include acute care or skilled
33 nursing facilities.

34 (ii) "In-home care settings" include an individual's place of
35 temporary or permanent residence, but does not include acute care or
36 skilled nursing facilities, and does not include community-based care
37 settings as defined in (e)(i) of this subsection.

38 (iii) Delegation of nursing care tasks in community-based care
39 settings and in-home care settings is only allowed for individuals
40 who have a stable and predictable condition. "Stable and predictable

1 condition" means a situation in which the individual's clinical and
2 behavioral status is known and does not require the frequent presence
3 and evaluation of a registered nurse.

4 (iv) The determination of the appropriateness of delegation of a
5 nursing task is at the discretion of the registered nurse. Other than
6 delegation of the administration of insulin by injection for the
7 purpose of caring for individuals with diabetes, the administration
8 of medications by injection, sterile procedures, and central line
9 maintenance may never be delegated.

10 (v) When delegating insulin injections under this section, the
11 registered nurse delegator must instruct the individual regarding
12 proper injection procedures and the use of insulin, demonstrate
13 proper injection procedures, and must supervise and evaluate the
14 individual performing the delegated task as required by the board by
15 rule. If the registered nurse delegator determines that the
16 individual is competent to perform the injection properly and safely,
17 supervision and evaluation shall occur at an interval determined by
18 the board by rule.

19 (vi) (A) The registered nurse shall verify that the nursing
20 assistant or home care aide, as the case may be, has completed the
21 required core nurse delegation training required in chapter 18.88A or
22 18.88B RCW prior to authorizing delegation.

23 (B) Before commencing any specific nursing tasks authorized to be
24 delegated in this section, a home care aide must be certified
25 pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

26 (vii) The nurse is accountable for his or her own individual
27 actions in the delegation process. Nurses acting within the protocols
28 of their delegation authority are immune from liability for any
29 action performed in the course of their delegation duties.

30 (viii) Nursing task delegation protocols are not intended to
31 regulate the settings in which delegation may occur, but are intended
32 to ensure that nursing care services have a consistent standard of
33 practice upon which the public and the profession may rely, and to
34 safeguard the authority of the nurse to make independent professional
35 decisions regarding the delegation of a task.

36 (f) The delegation of nursing care tasks only to registered or
37 certified nursing assistants under chapter 18.88A RCW or to home care
38 aides certified under chapter 18.88B RCW may include glucose
39 monitoring and testing.

40 (g) The board may adopt rules to implement this section.

1 (4) Only a person licensed as a registered nurse may instruct
2 nurses in technical subjects pertaining to nursing.

3 (5) Only a person licensed as a registered nurse may hold herself
4 or himself out to the public or designate herself or himself as a
5 registered nurse.

6 **Sec. 14.** RCW 69.50.101 and 2024 c 62 s 17 are each amended to
7 read as follows:

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

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

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

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

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

21 (3) "Board" means the Washington state liquor and cannabis board.

22 (4) "Cannabis" means all parts of the plant *Cannabis*, whether
23 growing or not, with a THC concentration greater than 0.3 percent on
24 a dry weight basis during the growing cycle through harvest and
25 usable cannabis. "Cannabis" does not include hemp or industrial hemp
26 as defined in RCW 15.140.020, or seeds used for licensed hemp
27 production under chapter 15.140 RCW.

28 (5) "Cannabis concentrates" means products consisting wholly or
29 in part of the resin extracted from any part of the plant *Cannabis*
30 and having a THC concentration greater than ten percent.

31 (6) "Cannabis processor" means a person licensed by the board to
32 process cannabis into cannabis concentrates, useable cannabis, and
33 cannabis-infused products, package and label cannabis concentrates,
34 useable cannabis, and cannabis-infused products for sale in retail
35 outlets, and sell cannabis concentrates, useable cannabis, and
36 cannabis-infused products at wholesale to cannabis retailers.

37 (7) "Cannabis producer" means a person licensed by the board to
38 produce and sell cannabis at wholesale to cannabis processors and
39 other cannabis producers.

1 (8) (a) "Cannabis products" means useable cannabis, cannabis
2 concentrates, and cannabis-infused products as defined in this
3 section, including any product intended to be consumed or absorbed
4 inside the body by any means including inhalation, ingestion, or
5 insertion, with any detectable amount of THC.

6 (b) "Cannabis products" also means any product containing only
7 THC content.

8 (c) "Cannabis products" does not include cannabis health and
9 beauty aids as defined in RCW 69.50.575 or products approved by the
10 United States food and drug administration.

11 (9) "Cannabis researcher" means a person licensed by the board to
12 produce, process, and possess cannabis for the purposes of conducting
13 research on cannabis and cannabis-derived drug products.

14 (10) "Cannabis retailer" means a person licensed by the board to
15 sell cannabis concentrates, useable cannabis, and cannabis-infused
16 products in a retail outlet.

17 (11) "Cannabis-infused products" means products that contain
18 cannabis or cannabis extracts, are intended for human use, are
19 derived from cannabis as defined in subsection (4) of this section,
20 and have a THC concentration no greater than ten percent. The term
21 "cannabis-infused products" does not include either useable cannabis
22 or cannabis concentrates.

23 (12) "CBD concentration" has the meaning provided in RCW
24 69.51A.010.

25 (13) "CBD product" means any product containing or consisting of
26 cannabidiol.

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

29 (15) "Controlled substance" means a drug, substance, or immediate
30 precursor included in Schedules I through V as set forth in federal
31 or state laws, or federal or commission rules, but does not include
32 hemp or industrial hemp as defined in RCW 15.140.020.

33 (16) (a) "Controlled substance analog" means a substance the
34 chemical structure of which is substantially similar to the chemical
35 structure of a controlled substance in Schedule I or II and:

36 (i) that has a stimulant, depressant, or hallucinogenic effect on
37 the central nervous system substantially similar to the stimulant,
38 depressant, or hallucinogenic effect on the central nervous system of
39 a controlled substance included in Schedule I or II; or

1 (ii) with respect to a particular individual, that the individual
2 represents or intends to have a stimulant, depressant, or
3 hallucinogenic effect on the central nervous system substantially
4 similar to the stimulant, depressant, or hallucinogenic effect on the
5 central nervous system of a controlled substance included in Schedule
6 I or II.

7 (b) The term does not include:

8 (i) a controlled substance;

9 (ii) a substance for which there is an approved new drug
10 application;

11 (iii) a substance with respect to which an exemption is in effect
12 for investigational use by a particular person under Section 505 of
13 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
14 chapter 69.77 RCW to the extent conduct with respect to the substance
15 is pursuant to the exemption; or

16 (iv) any substance to the extent not intended for human
17 consumption before an exemption takes effect with respect to the
18 substance.

19 (17) "Deliver" or "delivery" means the actual or constructive
20 transfer from one person to another of a substance, whether or not
21 there is an agency relationship.

22 (18) "Department" means the department of health.

23 (19) "Designated provider" has the meaning provided in RCW
24 69.51A.010.

25 (20) "Dispense" means the interpretation of a prescription or
26 order for a controlled substance and, pursuant to that prescription
27 or order, the proper selection, measuring, compounding, labeling, or
28 packaging necessary to prepare that prescription or order for
29 delivery.

30 (21) "Dispenser" means a practitioner who dispenses.

31 (22) "Distribute" means to deliver other than by administering or
32 dispensing a controlled substance.

33 (23) "Distributor" means a person who distributes.

34 (24) "Drug" means (a) a controlled substance recognized as a drug
35 in the official United States pharmacopoeia/national formulary or the
36 official homeopathic pharmacopoeia of the United States, or any
37 supplement to them; (b) controlled substances intended for use in the
38 diagnosis, cure, mitigation, treatment, or prevention of disease in
39 individuals or animals; (c) controlled substances (other than food)
40 intended to affect the structure or any function of the body of

1 individuals or animals; and (d) controlled substances intended for
2 use as a component of any article specified in (a), (b), or (c) of
3 this subsection. The term does not include devices or their
4 components, parts, or accessories.

5 (25) "Drug enforcement administration" means the drug enforcement
6 administration in the United States Department of Justice, or its
7 successor agency.

8 (26) "Electronic communication of prescription information" means
9 the transmission of a prescription or refill authorization for a drug
10 of a practitioner using computer systems. The term does not include a
11 prescription or refill authorization verbally transmitted by
12 telephone nor a facsimile manually signed by the practitioner.

13 (27) "Immature plant or clone" means a plant or clone that has no
14 flowers, is less than twelve inches in height, and is less than
15 twelve inches in diameter.

16 (28) "Immediate precursor" means a substance:

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

20 (b) that is an immediate chemical intermediary used or likely to
21 be used in the manufacture of a controlled substance; and

22 (c) the control of which is necessary to prevent, curtail, or
23 limit the manufacture of the controlled substance.

24 (29) "Isomer" means an optical isomer, but in subsection (33)(e)
25 of this section, RCW 69.50.204(1) (l) and (hh), and 69.50.206(2) (d),
26 the term includes any geometrical isomer; in RCW 69.50.204(1) (h) and
27 (pp), and 69.50.210(3) ((~~f~~)) the term includes any positional
28 isomer; and in RCW 69.50.204(1) (ii), 69.50.204(3), and 69.50.208(1)
29 ((~~f~~)) the term includes any positional or geometric isomer.

30 (30) "Lot" means a definite quantity of cannabis, cannabis
31 concentrates, useable cannabis, or cannabis-infused product
32 identified by a lot number, every portion or package of which is
33 uniform within recognized tolerances for the factors that appear in
34 the labeling.

35 (31) "Lot number" must identify the licensee by business or trade
36 name and Washington state unified business identifier number, and the
37 date of harvest or processing for each lot of cannabis, cannabis
38 concentrates, useable cannabis, or cannabis-infused product.

39 (32) "Manufacture" means the production, preparation,
40 propagation, compounding, conversion, or processing of a controlled

1 substance, either directly or indirectly or by extraction from
2 substances of natural origin, or independently by means of chemical
3 synthesis, or by a combination of extraction and chemical synthesis,
4 and includes any packaging or repackaging of the substance or
5 labeling or relabeling of its container. The term does not include
6 the preparation, compounding, packaging, repackaging, labeling, or
7 relabeling of a controlled substance:

8 (a) by a practitioner as an incident to the practitioner's
9 administering or dispensing of a controlled substance in the course
10 of the practitioner's professional practice; or

11 (b) by a practitioner, or by the practitioner's authorized agent
12 under the practitioner's supervision, for the purpose of, or as an
13 incident to, research, teaching, or chemical analysis and not for
14 sale.

15 (33) "Narcotic drug" means any of the following, whether produced
16 directly or indirectly by extraction from substances of vegetable
17 origin, or independently by means of chemical synthesis, or by a
18 combination of extraction and chemical synthesis:

19 (a) Opium, opium derivative, and any derivative of opium or opium
20 derivative, including their salts, isomers, and salts of isomers,
21 whenever the existence of the salts, isomers, and salts of isomers is
22 possible within the specific chemical designation. The term does not
23 include the isoquinoline alkaloids of opium.

24 (b) Synthetic opiate and any derivative of synthetic opiate,
25 including their isomers, esters, ethers, salts, and salts of isomers,
26 esters, and ethers, whenever the existence of the isomers, esters,
27 ethers, and salts is possible within the specific chemical
28 designation.

29 (c) Poppy straw and concentrate of poppy straw.

30 (d) Coca leaves, except coca leaves and extracts of coca leaves
31 from which cocaine, ecgonine, and derivatives or ecgonine or their
32 salts have been removed.

33 (e) Cocaine, or any salt, isomer, or salt of isomer thereof.

34 (f) Cocaine base.

35 (g) Ecgonine, or any derivative, salt, isomer, or salt of isomer
36 thereof.

37 (h) Any compound, mixture, or preparation containing any quantity
38 of any substance referred to in (a) through (g) of this subsection.

39 (34) "Opiate" means any substance having an addiction-forming or
40 addiction-sustaining liability similar to morphine or being capable

1 of conversion into a drug having addiction-forming or addiction-
2 sustaining liability. The term includes opium, substances derived
3 from opium (opium derivatives), and synthetic opiates. The term does
4 not include, unless specifically designated as controlled under RCW
5 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
6 and its salts (dextromethorphan). The term includes the racemic and
7 levorotatory forms of dextromethorphan.

8 (35) "Opium poppy" means the plant of the species *Papaver*
9 *somniferum* L., except its seeds.

10 (36) "Package" means a container that has a single unit or group
11 of units.

12 (37) "Person" means individual, corporation, business trust,
13 estate, trust, partnership, association, joint venture, government,
14 governmental subdivision or agency, or any other legal or commercial
15 entity.

16 (38) "Plant" has the meaning provided in RCW 69.51A.010.

17 (39) "Poppy straw" means all parts, except the seeds, of the
18 opium poppy, after mowing.

19 (40) "Practitioner" means:

20 (a) A physician under chapter 18.71 RCW; a physician assistant
21 under chapter 18.71A RCW; an osteopathic physician and surgeon under
22 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW
23 who is certified by the optometry board under RCW 18.53.010 subject
24 to any limitations in RCW 18.53.010; a dentist under chapter 18.32
25 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a
26 veterinarian under chapter 18.92 RCW; a registered nurse, advanced
27 practice registered nurse (~~(practitioner)~~), or licensed practical
28 nurse under chapter 18.79 RCW; a naturopathic physician under chapter
29 18.36A RCW who is licensed under RCW 18.36A.030 subject to any
30 limitations in RCW 18.36A.040; a psychologist under chapter 18.83 RCW
31 who is certified as a prescribing psychologist under section 3 of
32 this act; a pharmacist under chapter 18.64 RCW or a scientific
33 investigator under this chapter, licensed, registered or otherwise
34 permitted insofar as is consistent with those licensing laws to
35 distribute, dispense, conduct research with respect to or administer
36 a controlled substance in the course of their professional practice
37 or research in this state.

38 (b) A pharmacy, hospital or other institution licensed,
39 registered, or otherwise permitted to distribute, dispense, conduct

1 research with respect to or to administer a controlled substance in
2 the course of professional practice or research in this state.

3 (c) A physician licensed to practice medicine and surgery, a
4 physician licensed to practice osteopathic medicine and surgery, a
5 dentist licensed to practice dentistry, a podiatric physician and
6 surgeon licensed to practice podiatric medicine and surgery, a
7 licensed physician assistant or a licensed osteopathic physician
8 assistant specifically approved to prescribe controlled substances by
9 his or her state's medical commission or equivalent and his or her
10 participating physician as defined in RCW 18.71A.010, an advanced
11 practice registered nurse (~~(practitioner)~~) licensed to prescribe
12 controlled substances, or a veterinarian licensed to practice
13 veterinary medicine in any state of the United States.

14 (41) "Prescription" means an order for controlled substances
15 issued by a practitioner duly authorized by law or rule in the state
16 of Washington to prescribe controlled substances within the scope of
17 his or her professional practice for a legitimate medical purpose.

18 (42) "Production" includes the manufacturing, planting,
19 cultivating, growing, or harvesting of a controlled substance.

20 (43) "Qualifying patient" has the meaning provided in RCW
21 69.51A.010.

22 (44) "Recognition card" has the meaning provided in RCW
23 69.51A.010.

24 (45) "Retail outlet" means a location licensed by the board for
25 the retail sale of cannabis concentrates, useable cannabis, and
26 cannabis-infused products.

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

29 (47) "Social equity plan" means a plan that addresses at least
30 some of the elements outlined in this subsection (47), along with any
31 additional plan components or requirements approved by the board
32 following consultation with the task force created in RCW 69.50.336.
33 The plan may include:

34 (a) A statement that indicates how the cannabis licensee will
35 work to promote social equity goals in their community;

36 (b) A description of how the cannabis licensee will meet social
37 equity goals as defined in RCW 69.50.335;

38 (c) The composition of the workforce the licensee has employed or
39 intends to hire; and

1 (d) Business plans involving partnerships or assistance to
2 organizations or residents with connections to populations with a
3 history of high rates of enforcement of cannabis prohibition.

4 (48) "State," unless the context otherwise requires, means a
5 state of the United States, the District of Columbia, the
6 Commonwealth of Puerto Rico, or a territory or insular possession
7 subject to the jurisdiction of the United States.

8 (49) "THC concentration" means percent of tetrahydrocannabinol
9 content of any part of the plant *Cannabis*, or per volume or weight of
10 cannabis product, or the combined percent of tetrahydrocannabinol and
11 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
12 regardless of moisture content.

13 (50) "Ultimate user" means an individual who lawfully possesses a
14 controlled substance for the individual's own use or for the use of a
15 member of the individual's household or for administering to an
16 animal owned by the individual or by a member of the individual's
17 household.

18 (51) "Unit" means an individual consumable item within a package
19 of one or more consumable items in solid, liquid, gas, or any form
20 intended for human consumption.

21 (52) "Useable cannabis" means dried cannabis flowers. The term
22 "useable cannabis" does not include either cannabis-infused products
23 or cannabis concentrates.

24 (53) "Youth access" means the level of interest persons under the
25 age of twenty-one may have in a vapor product, as well as the degree
26 to which the product is available or appealing to such persons, and
27 the likelihood of initiation, use, or addiction by adolescents and
28 young adults.

29 **Sec. 15.** RCW 69.41.010 and 2024 c 102 s 1 are each amended to
30 read as follows:

31 As used in this chapter, the following terms have the meanings
32 indicated unless the context clearly requires otherwise:

33 (1) "Administer" means the direct application of a legend drug
34 whether by injection, inhalation, ingestion, or any other means, to
35 the body of a patient or research subject by:

36 (a) A practitioner; or

37 (b) The patient or research subject at the direction of the
38 practitioner.

39 (2) "Commission" means the pharmacy quality assurance commission.

1 (3) "Community-based care settings" include: Community
2 residential programs for persons with developmental disabilities,
3 certified by the department of social and health services under
4 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
5 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
6 Community-based care settings do not include acute care or skilled
7 nursing facilities.

8 (4) "Deliver" or "delivery" means the actual, constructive, or
9 attempted transfer from one person to another of a legend drug,
10 whether or not there is an agency relationship.

11 (5) "Department" means the department of health.

12 (6) "Dispense" means the interpretation of a prescription or
13 order for a legend drug and, pursuant to that prescription or order,
14 the proper selection, measuring, compounding, labeling, or packaging
15 necessary to prepare that prescription or order for delivery.

16 (7) "Dispenser" means a practitioner who dispenses.

17 (8) "Distribute" means to deliver other than by administering or
18 dispensing a legend drug.

19 (9) "Distributor" means a person who distributes.

20 (10) "Drug" means:

21 (a) Substances recognized as drugs in the official United States
22 pharmacopoeia, official homeopathic pharmacopoeia of the United
23 States, or official national formulary, or any supplement to any of
24 them;

25 (b) Substances intended for use in the diagnosis, cure,
26 mitigation, treatment, or prevention of disease in human beings or
27 animals;

28 (c) Substances (other than food, minerals or vitamins) intended
29 to affect the structure or any function of the body of human beings
30 or animals; and

31 (d) Substances intended for use as a component of any article
32 specified in (a), (b), or (c) of this subsection. It does not include
33 devices or their components, parts, or accessories.

34 (11) "Electronic communication of prescription information" means
35 the transmission of a prescription or refill authorization for a drug
36 of a practitioner using computer systems. The term does not include a
37 prescription or refill authorization transmitted verbally by
38 telephone nor a facsimile manually signed by the practitioner.

39 (12) "In-home care settings" include an individual's place of
40 temporary and permanent residence, but does not include acute care or

1 skilled nursing facilities, and does not include community-based care
2 settings.

3 (13) "Legend drugs" means any drugs which are required by state
4 law or regulation of the pharmacy quality assurance commission to be
5 dispensed on prescription only or are restricted to use by
6 practitioners only.

7 (14) "Legible prescription" means a prescription or medication
8 order issued by a practitioner that is capable of being read and
9 understood by the pharmacist filling the prescription or the nurse or
10 other practitioner implementing the medication order. A prescription
11 must be hand printed, typewritten, or electronically generated.

12 (15) "Medication assistance" means assistance rendered by a
13 nonpractitioner to an individual residing in a community-based care
14 setting or in-home care setting to facilitate the individual's self-
15 administration of a legend drug or controlled substance. It includes
16 reminding or coaching the individual, handing the medication
17 container to the individual, opening the individual's medication
18 container, using an enabler, or placing the medication in the
19 individual's hand, and such other means of medication assistance as
20 defined by rule adopted by the department. A nonpractitioner may help
21 in the preparation of legend drugs or controlled substances for self-
22 administration where a practitioner has determined and communicated
23 orally or by written direction that such medication preparation
24 assistance is necessary and appropriate. Medication assistance shall
25 not include assistance with intravenous medications or injectable
26 medications, except prefilled insulin syringes.

27 (16) "Person" means individual, corporation, government or
28 governmental subdivision or agency, business trust, estate, trust,
29 partnership or association, or any other legal entity.

30 (17) "Practitioner" means:

31 (a) A physician under chapter 18.71 RCW, an osteopathic physician
32 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
33 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
34 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern
35 medicine practitioner to the extent authorized under chapter 18.06
36 RCW and the rules adopted under RCW 18.06.010(1)(m), a veterinarian
37 under chapter 18.92 RCW, a registered nurse, advanced practice
38 registered nurse (~~(practitioner)~~), or licensed practical nurse under
39 chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is
40 certified by the optometry board under RCW 18.53.010, a physician

1 assistant under chapter 18.71A RCW, a naturopath licensed under
2 chapter 18.36A RCW, a licensed athletic trainer to the extent
3 authorized under chapter 18.250 RCW, a pharmacist under chapter 18.64
4 RCW, a psychologist under chapter 18.83 RCW who is certified as a
5 prescribing psychologist under section 3 of this act, when acting
6 under the required supervision of a dentist licensed under chapter
7 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW, a
8 licensed dental therapist to the extent authorized under chapter
9 18.265 RCW, or a licensed midwife to the extent authorized under
10 chapter 18.50 RCW;

11 (b) A pharmacy, hospital, or other institution licensed,
12 registered, or otherwise permitted to distribute, dispense, conduct
13 research with respect to, or to administer a legend drug in the
14 course of professional practice or research in this state; and

15 (c) A physician licensed to practice medicine and surgery or a
16 physician licensed to practice osteopathic medicine and surgery in
17 any state, or province of Canada, which shares a common border with
18 the state of Washington.

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

21 **Sec. 16.** RCW 69.41.030 and 2024 c 102 s 2 are each amended to
22 read as follows:

23 (1) It shall be unlawful for any person to sell or deliver any
24 legend drug, or knowingly possess any legend drug, or knowingly use
25 any legend drug in a public place, except upon the order or
26 prescription of a physician under chapter 18.71 RCW, an osteopathic
27 physician and surgeon under chapter 18.57 RCW, an optometrist
28 licensed under chapter 18.53 RCW who is certified by the optometry
29 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a
30 podiatric physician and surgeon under chapter 18.22 RCW, a licensed
31 midwife to the extent authorized under chapter 18.50 RCW, a
32 veterinarian under chapter 18.92 RCW, a commissioned medical or
33 dental officer in the United States armed forces or public health
34 service in the discharge of his or her official duties, a duly
35 licensed physician or dentist employed by the veterans administration
36 in the discharge of his or her official duties, a registered nurse or
37 advanced practice registered nurse (~~(practitioner)~~) under chapter
38 18.79 RCW when authorized by the board of nursing, a pharmacist
39 licensed under chapter 18.64 RCW to the extent permitted by drug

1 therapy guidelines or protocols established under RCW 18.64.011 and
2 authorized by the commission and approved by a practitioner
3 authorized to prescribe drugs, a physician assistant under chapter
4 18.71A RCW when authorized by the Washington medical commission, a
5 psychologist under chapter 18.83 RCW who is certified as a
6 prescribing psychologist under section 3 of this act, or any of the
7 following professionals in any province of Canada that shares a
8 common border with the state of Washington or in any state of the
9 United States: A physician licensed to practice medicine and surgery
10 or a physician licensed to practice osteopathic medicine and surgery,
11 a dentist licensed to practice dentistry, a podiatric physician and
12 surgeon licensed to practice podiatric medicine and surgery, a
13 licensed advanced practice registered nurse (~~(practitioner)~~), a
14 licensed physician assistant, or a veterinarian licensed to practice
15 veterinary medicine: PROVIDED, HOWEVER, That the above provisions
16 shall not apply to sale, delivery, or possession by drug wholesalers
17 or drug manufacturers, or their agents or employees, or to any
18 practitioner acting within the scope of his or her license, or to a
19 common or contract carrier or warehouse operator, or any employee
20 thereof, whose possession of any legend drug is in the usual course
21 of business or employment: PROVIDED FURTHER, That nothing in this
22 chapter or chapter 18.64 RCW shall prevent a family planning clinic
23 that is under contract with the health care authority from selling,
24 delivering, possessing, and dispensing commercially prepackaged oral
25 contraceptives prescribed by authorized, licensed health care
26 practitioners: PROVIDED FURTHER, That nothing in this chapter
27 prohibits possession or delivery of legend drugs by an authorized
28 collector or other person participating in the operation of a drug
29 take-back program authorized in chapter 69.48 RCW.

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

33 (b) A violation of this section involving knowing possession is a
34 misdemeanor. The prosecutor is encouraged to divert such cases for
35 assessment, treatment, or other services.

36 (c) A violation of this section involving knowing use in a public
37 place is a misdemeanor. The prosecutor is encouraged to divert such
38 cases for assessment, treatment, or other services.

1 (d) No person may be charged with both knowing possession and
2 knowing use in a public place under this section relating to the same
3 course of conduct.

4 (e) In lieu of jail booking and referral to the prosecutor for a
5 violation of this section involving knowing possession, or knowing
6 use in a public place, law enforcement is encouraged to offer a
7 referral to assessment and services available under RCW 10.31.110 or
8 other program or entity responsible for receiving referrals in lieu
9 of legal system involvement, which may include, but are not limited
10 to, arrest and jail alternative programs established under RCW
11 36.28A.450, law enforcement assisted diversion programs established
12 under RCW 71.24.589, and the recovery navigator program established
13 under RCW 71.24.115.

14 (3) For the purposes of this section, "public place" has the same
15 meaning as defined in RCW 66.04.010, but the exclusions in RCW
16 66.04.011 do not apply.

17 (4) For the purposes of this section, "use any legend drug" means
18 to introduce the drug into the human body by injection, inhalation,
19 ingestion, or any other means.

20 NEW SECTION. **Sec. 17.** Sections 6 and 8 of this act expire
21 October 1, 2025.

22 NEW SECTION. **Sec. 18.** Sections 7 and 9 of this act take effect
23 October 1, 2025.

24 NEW SECTION. **Sec. 19.** Section 12 of this act expires June 30,
25 2027.

26 NEW SECTION. **Sec. 20.** Section 13 of this act takes effect June
27 30, 2027.

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