

the same, the board, or official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract.

Passed the House April 25, 1979.

Passed the Senate April 19, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

CHAPTER 138

[Substitute House Bill No. 535]

NONPROFIT CONSOLIDATED SHIPPING ASSOCIATIONS—REGULATION
EXEMPTION

AN ACT Relating to motor freight carriers; and adding a new section to chapter 81.80 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 81.80 RCW a new section to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the provisions of this chapter shall not apply to the operations of a shipper or a group or association of shippers in consolidating or distributing freight for themselves or for their members on a nonprofit basis for the purpose of securing the benefits of carload, truckload, or other volume rates, when the services of a common carrier are used for the transportation of such shipments.

(2) Every shipper or group or association of shippers claiming this exemption shall file with the commission on an annual basis a statement of nonprofit status and such proof of that status as the commission may by rule require.

(3) The commission may examine the books and records of any shipper or group or association of shippers claiming exemption under this section solely for the purpose of investigating violations of this section.

Passed the House March 29, 1979.

Passed the Senate April 25, 1979.

Approved by the Governor May 7, 1979.

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CHAPTER 139

[Substitute House Bill No. 619]

LEGEND DRUGS—PRESCRIPTION—IDENTIFICATION

AN ACT Relating to legend drugs; amending section 1, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.010; amending section 3, chapter 186, Laws of 1973 1st ex. sess. as amended by section 1, chapter 69, Laws of 1977 and RCW 69.41.030; adding a new section to chapter 69.41 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.010 are each amended to read as follows:

As used in this chapter:

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

(a) A practitioner; or

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

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

(3) "Dispense" means to deliver a legend drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(4) "Dispenser" means a practitioner who dispenses.

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

(6) "Distributor" means a person who distributes.

(7) "Drug" means:

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

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and

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

(8) "Legend drugs" means any drugs which are required by (~~any applicable federal or~~) state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

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

(10) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, an osteopathic

physician's assistant under chapter 18.57A RCW, or a physician's assistant under chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW.

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

Sec. 2. Section 3, chapter 186, Laws of 1973 1st ex. sess. as amended by section 1, chapter 69, Laws of 1977 and RCW 69.41.030 are each amended to read as follows:

It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces, marine hospital service, or public health service in the discharge of his official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his official duties, a registered nurse under chapter 18.88 RCW when authorized by the board of nursing, an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners, a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners, or a physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state or province of Canada which shares a common border with the state of Washington: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment.

NEW SECTION. Sec. 3. There is added to chapter 69.41 RCW a new section to read as follows:

The state board of pharmacy may make such rules for the enforcement and administration of this chapter as are deemed necessary or advisable. The board shall identify, by rule-making pursuant to chapter 34.04 RCW, those drugs which may be dispensed only on prescription or are restricted to use by practitioners, only. In so doing the board shall consider the toxicity or other potentiality for harmful effect of the drug, the method of its use, and any collateral safeguards necessary to its use. The board shall classify a drug as a legend drug where these considerations indicate the drug is not safe for use except under the supervision of a practitioner.

In identifying legend drugs the board may incorporate in its rules lists of drugs contained in commercial pharmaceutical publications by making specific reference to each such list and the date and edition of the commercial publication containing it. Any such lists so incorporated shall be available for public inspection at the headquarters of the state board of pharmacy and shall be available on request from the board upon payment of a reasonable fee to be set by the board.

NEW SECTION. Sec. 4. This 1979 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 25, 1979.

Passed the Senate April 24, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

CHAPTER 140

[House Bill No. 666]

SCHOOLS—INTERDISTRICT TRANSFER OF STUDENTS—FOOD SERVICE PROGRAM, PRIVATE AGENCY OPERATION

AN ACT Relating to education; and amending section 28A.58.225, chapter 223, Laws of 1969 ex. sess. as last amended by section 111, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.225; amending section 28A.58.136, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 58, Laws of 1979 and RCW 28A.58.136; creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 28A.58.225, chapter 223, Laws of 1969 ex. sess. as last amended by section 111, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.225 are each amended to read as follows:

A local district may be authorized by the educational service district superintendent to transport and educate its pupils in ~~((another district))~~ other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education; PROVIDED, That notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to chapter 28A.41 RCW shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

NEW SECTION. Sec. 2. Any school district which utilized the provisions of RCW 28A.58.225 in the 1978-79 school year shall be hereafter