

CHAPTER 71.

[Engrossed House Bill No. 353.]

DRUGS.

AN ACT relating to drugs and expanding the definition of dangerous drugs; amending section 1, chapter 6, Laws of 1939, as last amended by section 1, chapter 49, Laws of 1961, and RCW 69.40.060; amending section 1, chapter 23, Laws of 1955 as amended by section 2, chapter 49, Laws of 1961, and RCW 69.40.061; amending section 22, chapter 38, Laws of 1963, and RCW 69.40.064; and declaring an emergency.

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

RCW 69.40.060 amended.

Section 1. Section 1, chapter 6, Laws of 1939, as last amended by section 1, chapter 49, Laws of 1961, and RCW 69.40.060 are each amended to read as follows:

Food and drugs. Poisons and dangerous drugs. Certain drugs to be sold only on prescription or order—Ex-ceptions.

It shall be unlawful for a person, firm, or corporation to sell, give away, barter, exchange or distribute amytal, luminal, veronal, barbital, acid diethylbarbituric, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing more than one grain to the avoirdupois or fluid ounce of the above substances; or to sell, give away, barter, exchange, or distribute any amphetamine or any dextroamphetamine, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances; or to sell, give away, barter, exchange or distribute dimethyltryptamine, lysergic acid, mescaline, peyote, psilocin, or any

salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances; or to sell, give away, barter, exchange or distribute any drug found by federal law or regulation or Washington state pharmacy board regulation to have a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect; or any other drug which is required by any applicable federal or state law or federal regulation or Washington state pharmacy board regulation to be used only on prescription, except upon the written or oral order or prescription of a physician, surgeon, dentist, or veterinary surgeon licensed to practice in the state, and shall not be refilled without the written or oral order of the prescriber: *Provided*, That the above provisions shall not apply to the sale at wholesale by drug jobbers, drug wholesalers, and drug manufacturers to pharmacies or to physicians, dentists, or veterinary surgeons, nor to each other, nor to the sale at retail in pharmacies by pharmacists to each other or to physicians, surgeons, dentists or veterinary surgeons licensed to practice in this state.

Sec. 2. Section 1, chapter 23, Laws of 1955, as amended by section 2, chapter 49, Laws of 1961, and RCW 69.40.061 are each amended to read as follows:

RCW 69.40.061  
amended.

It shall be unlawful for any person to possess any of the drugs described in RCW 69.40.060, as amended from time to time, or any other drug which is required by any applicable federal or state law or federal regulation or Washington state pharmacy board regulation to be used only on prescription, except upon the order or prescription of a physician, surgeon, dentist or veterinary surgeon duly

Possession of  
certain drugs  
unlawful.

Food and  
drugs.

licensed to practice in the state of Washington: *Provided, however,* That the above provisions shall not apply to the possession by drug jobbers, drug wholesalers and drug manufacturers, to registered pharmacists or to physicians, dentists or veterinary surgeons.

RCW 69.40.064  
amended.

Sec. 3. Section 22, chapter 38, Laws of 1963, and RCW 69.40.064 are each amended to read as follows:

Dangerous  
drugs—Pre-  
scriptions.

A prescription, in order to be effective in legalizing the possession of dangerous drugs, must be issued for a legitimate medical purpose by one authorized to prescribe the use of such dangerous drugs. An order purporting to be a prescription issued to an addict or habitual user of dangerous drugs, not in the course of professional treatment is not a prescription within the meaning and intent of this section; and the person who knows or should know that he is filling such an order, as well as the person issuing it, may be charged with violation of this chapter. A legitimate medical purpose shall include use in the course of a bona fide research program in conjunction with a hospital or university.

Severability.

Sec. 4. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

Sec. 5. This 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 March 1, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.