

RCW which establish the procedural and substantive due process requirements governing the exclusion of children from day care centers pursuant to section 8 of this act.

NEW SECTION. Sec. 12. Sections 1 through 12 of this act shall not apply to children in grades seven through twelve before September 1, 1980.

NEW SECTION. Sec. 13. 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 on September 1, 1979.

NEW SECTION. Sec. 14. There is hereby appropriated from the state general fund to the superintendent of public instruction for the biennium ending June 30, 1981, the sum of one hundred thousand dollars, or so much as necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 15. There is hereby appropriated from the state general fund to the department of social and health services for the biennium ending June 30, 1981, the sum of two hundred forty thousand dollars, or so much as necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 12 of this act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.31 RCW.

Passed the House April 23, 1979.

Passed the Senate April 17, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

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## CHAPTER 119

[Substitute House Bill No. 624]

### CONTROLLED SUBSTANCES—PRESCRIPTION AUTHORITY

AN ACT Relating to controlled substances; amending section 69.50.402, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.402; prescribing penalties; and declaring an emergency.

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

Section 1. Section 69.50.402, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.402 are each amended to read as follows:

(a) It is unlawful for any person:

(1) who is subject to Article III to distribute or dispense a controlled substance in violation of RCW 69.50.308;

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance

not authorized by his registration to another registrant or other authorized person;

(3) who is a practitioner, to prescribe, order, dispense, administer, supply, or give to any person:

(i) any amphetamine, including its salts, optical isomers, and salts of optical isomers classified as a schedule II controlled substance by the board of pharmacy pursuant to chapter 34.04 RCW; or

(ii) any nonnarcotic stimulant classified as a schedule II controlled substance and designated as a nonnarcotic stimulant by the board of pharmacy pursuant to chapter 34.04 RCW;

except for the treatment of narcolepsy or for the treatment of hyperkinesia, or for the treatment of drug-induced brain dysfunction, or for the treatment of epilepsy, or for the differential diagnostic psychiatric evaluation of depression, or for the treatment of depression shown to be refractory to other therapeutic modalities, or for the clinical investigation of the effects of such drugs or compounds, in which case an investigative protocol therefor shall have been submitted to and reviewed and approved by the state board of pharmacy before the investigation has been begun: PROVIDED, That investigations by the board of pharmacy of abuse of prescriptive authority by physicians, licensed pursuant to chapter 18.71 RCW, pursuant to subsection (a) (3) of this section shall be done in consultation with the medical disciplinary board;

(4) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this chapter;

~~((4))~~ (5) to refuse an entry into any premises for any inspection authorized by this chapter; or

~~((5))~~ (6) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both.

NEW SECTION. Sec. 2. 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 April 23, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.