

engaged in interstate or foreign commerce insofar as the same are not prohibited under the Constitution of the United States or federal statute.

Sec. 16. Section 15, chapter 30, Laws of 1988 and RCW 81.70.350 are each amended to read as follows:

(1) The commission shall collect from each charter party carrier and excursion service carrier holding a certificate issued pursuant to this chapter and from each interstate or foreign carrier subject to this chapter an annual regulatory fee, to be established by the commission but which in total shall not exceed the cost of supervising and regulating such carriers, for each bus used by such carrier.

(2) All fees prescribed by this section shall be due and payable on or before December 31 of each year, to cover the ensuing year beginning February 1.

Passed the Senate March 14, 1989.

Passed the House April 12, 1989.

Approved by the Governor April 22, 1989.

Filed in Office of Secretary of State April 22, 1989.

CHAPTER 164

[Senate Bill No. 5595]

DRUG SAMPLES—DISTRIBUTION TO HOSPITAL PHARMACIES AND OTHER MEDICAL ENTITIES

AN ACT Relating to distribution of drug samples; amending RCW 69.45.050; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that chapter 69.45 RCW is more restrictive than the federal prescription drug marketing act of 1987, and the legislature further finds that a change in chapter 69.45 RCW accepting the position of the federal law is beneficial to the citizens of this state.

Sec. 2. Section 5, chapter 411, Laws of 1987 and RCW 69.45.050 are each amended to read as follows:

(1) Drug samples may be distributed by a manufacturer or a manufacturer's representative only to practitioners legally authorized to prescribe such drugs or, at the request of such practitioner, to pharmacies of hospitals or other health care entities. The recipient of the drug sample must execute a written receipt upon delivery that is returned to the manufacturer or the manufacturer's representative.

(2) Drug samples may be distributed by a manufacturer or a manufacturer's representative only to a practitioner legally authorized to prescribe such drugs pursuant to a written request for such samples. The request shall contain:

- (a) The recipient's name, address, and professional designation;
 - (b) The name, strength, and quantity of the drug samples delivered;
 - (c) The name or identification of the manufacturer and of the individual distributing the drug sample; and
 - (d) The dated signature of the practitioner requesting the drug sample.
- (3) No fee or charge may be imposed for sample drugs distributed in this state.
- (4) A manufacturer's representative shall not possess legend drugs or controlled substances other than those distributed by the manufacturer they represent. Nothing in this section prevents a manufacturer's representative from possessing a legally prescribed and dispensed legend drug or controlled substance.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 3, 1989.

Passed the House April 12, 1989.

Approved by the Governor April 22, 1989.

Filed in Office of Secretary of State April 22, 1989.

CHAPTER 165

[Senate Bill No. 5583]

BUSINESS CORPORATION ACT

AN ACT Relating to the Washington business corporation act; adding a new title to the Revised Code of Washington to be codified as Title 23B; creating a new section; repealing RCW 23A.04.010, 23A.08.010, 23A.08.020, 23A.08.025, 23A.08.026, 23A.08.030, 23A.08.040, 23A.08.050, 23A.08.060, 23A.08.070, 23A.08.080, 23A.08.090, 23A.08.100, 23A.08.110, 23A.08.120, 23A.08.130, 23A.08.135, 23A.08.140, 23A.08.150, 23A.08.155, 23A.08.180, 23A.08.190, 23A.08.195, 23A.08.200, 23A.08.205, 23A.08.220, 23A.08.230, 23A.08.240, 23A.08.250, 23A.08.255, 23A.08.260, 23A.08.265, 23A.08.270, 23A.08.280, 23A.08.290, 23A.08.300, 23A.08.305, 23A.08.310, 23A.08.320, 23A.08.325, 23A.08.330, 23A.08.340, 23A.08.343, 23A.08.345, 23A.08.350, 23A.08.360, 23A.08.370, 23A.08.380, 23A.08.390, 23A.08.395, 23A.08.400, 23A.08.410, 23A.08.420, 23A.08.425, 23A.08.435, 23A.08.445, 23A.08.450, 23A.08.460, 23A.08.470, 23A.08.490, 23A.08.500, 23A.12.010, 23A.12.020, 23A.12.030, 23A.12.040, 23A.12.060, 23A.16.010, 23A.16.020, 23A.16.030, 23A.16.040, 23A.16.050, 23A.16.060, 23A.16.075, 23A.16.080, 23A.20.010, 23A.20.020, 23A.20.025, 23A.20.030, 23A.20.040, 23A.20.050, 23A.20.060, 23A.20.070, 23A.24.010, 23A.24.020, 23A.24.030, 23A.24.040, 23A.28.010, 23A.28.020, 23A.28.030, 23A.28.040, 23A.28.050, 23A.28.060, 23A.28.070, 23A.28.080, 23A.28.090, 23A.28.100, 23A.28.110, 23A.28.120, 23A.28.125, 23A.28.127, 23A.28.129, 23A.28.130, 23A.28.135, 23A.28.141, 23A.28.150, 23A.28.160, 23A.28.170, 23A.28.180, 23A.28.190, 23A.28.200, 23A.28.210, 23A.28.220, 23A.28.230, 23A.28.240, 23A.28.250, 23A.32.010, 23A.32.020, 23A.32.030, 23A.32.040, 23A.32.050, 23A.32.060, 23A.32.070, 23A.32.072, 23A.32.073, 23A.32.075, 23A.32.080, 23A.32.090, 23A.32.100, 23A.32.130, 23A.32.140, 23A.32.150, 23A.32.160, 23A.32.170, 23A.32.173, 23A.32.176, 23A.32.180, 23A.32.190, 23A.32.200, 23A.36.010, 23A.36.020, 23A.36.030, 23A.36.040, 23A.36.050, 23A.36.060, 23A.40.010, 23A.40.020, 23A.40.030, 23A.40.032, 23A.40.035, 23A.40.040, 23A.40.060, 23A.40.070, 23A.40.072, 23A.40.080, 23A.44.010, 23A.44.020, 23A.44.030, 23A.44.040, 23A.44.050, 23A.44.060, 23A.44.070,