

- (2) Section 7, chapter 232, Laws of 1977 ex. sess. and RCW 27.04.037;
- (3) Section 1, chapter 232, Laws of 1945 and RCW 27.04.040;
- (4) Section 1, chapter 39, Laws of 1949 and RCW 27.04.060;
- (5) Section 1, chapter 67, Laws of 1967 and RCW 27.04.070; and
- (6) Section 1, chapter 220, Laws of 1981 and RCW 27.04.090.

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CHAPTER 153

[Engrossed Substitute Senate Bill No. 4302]

PHARMACY LAW REVISIONS

AN ACT Relating to the practice of pharmacy; amending section 1, chapter 98, Laws of 1935 as last amended by section 17, chapter 338, Laws of 1981 and RCW 18.64.001; amending section 3, chapter 98, Laws of 1935 as last amended by section 21, chapter 67, Laws of 1981 and RCW 18.64.005; amending section 1, chapter 38, Laws of 1963 as last amended by section 29, chapter 182, Laws of 1982 and RCW 18.64.011; amending section 12, chapter 213, Laws of 1909 as last amended by section 8, chapter 90, Laws of 1979 and RCW 18.64.043; amending section 17, chapter 90, Laws of 1979 as amended by section 30, chapter 182, Laws of 1982 and RCW 18.64.044; amending section 5, chapter 153, Laws of 1949 as last amended by section 9, chapter 90, Laws of 1979 and RCW 18.64.045; amending section 18, chapter 90, Laws of 1979 and RCW 18.64.046; amending section 16, chapter 121, Laws of 1899 as last amended by section 10, chapter 90, Laws of 1979 and RCW 18.64.047; amending section 9, chapter 98, Laws of 1935 as amended by section 6, chapter 38, Laws of 1963 and RCW 18.64.050; amending section 1, chapter 9, Laws of 1972 ex. sess. as last amended by section 1, chapter 147, Laws of 1981 and RCW 18.64.080, amending section 11, chapter 121, Laws of 1899 as last amended by section 12, chapter 90, Laws of 1979 and RCW 18.64.140; amending section 10, chapter 213, Laws of 1909 as last amended by section 13, chapter 90, Laws of 1979 and RCW 18.64.160; amending section 2, chapter 28, Laws of 1939 as amended by section 1, chapter 99, Laws of 1971 ex. sess. and RCW 18.64.246; amending section 19, chapter 90, Laws of 1979, as amended by section 3, chapter 147, Laws of 1981 and RCW 18.64.255; amending section 3, chapter 223, Laws of 1982 and RCW 43.131.249; amending section 7, chapter 223, Laws of 1982 and RCW 43.131.250; amending section 1, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 71, Laws of 1980 and RCW 69.41.010; amending section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 2, chapter 71, Laws of 1980 and RCW 69.50.101; adding new sections to chapter 69.50 RCW; creating a new section; repealing section 17, chapter 90, Laws of 1979, section 30, chapter 182, Laws of 1982 and RCW 18.64.044; repealing section 16, chapter 121, Laws of 1899, section 7, chapter 98, Laws of 1935, section 3, chapter 153, Laws of 1949, section 5, chapter 38, Laws of 1963, section 4, chapter 201, Laws of 1971 ex. sess., section 10, chapter 90, Laws of 1979 and RCW 18.64.047; repealing section 1, chapter 192, Laws of 1939 and RCW 18.81.010; repealing section 2, chapter 192, Laws of 1939 and RCW 18.81.020; repealing section 5, chapter 192, Laws of 1939 and RCW 18.81.025; repealing section 3, chapter 185, Laws of 1971 ex. sess. and RCW 18.81.035; repealing section 4, chapter 192, Laws of 1939, section 7, chapter 201, Laws of 1971 ex. sess. and RCW 18.81.040; repealing section 8, chapter 192, Laws of 1939 and RCW 18.81.050; repealing section 6, chapter 192, Laws of 1939 and RCW 18.81.060; repealing section 9, chapter 192, Laws of 1939 and RCW 18.81.065; repealing section 10, chapter 192, Laws of 1939 and RCW 18.81.070; repealing section 7, chapter 192, Laws of 1939 and RCW 18.81.080; repealing section 11, chapter 192, Laws of 1939 and RCW 18.81.900; and prescribing penalties.

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

Sec. 1. Section 1, chapter 98, Laws of 1935 as last amended by section 17, chapter 338, Laws of 1981 and RCW 18.64.001 are each amended to read as follows:

There shall be a state board of pharmacy consisting of ~~((five))~~ seven members, to be appointed by the governor by and with the advice and consent of the senate. ~~((Four))~~ Five of the members shall be designated as pharmacist members and ~~((one))~~ two of the members shall be designated a public member.

Each pharmacist member shall be a citizen of the United States and a resident of this state, and at the time of his appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his appointment and shall at all times during his incumbency continue to be a duly licensed pharmacist: PROVIDED, That subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a citizen of the United States and a resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the board.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his appointment and until his successor is appointed and qualified.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

Sec. 2. Section 3, chapter 98, Laws of 1935 as last amended by section 21, chapter 67, Laws of 1981 and RCW 18.64.005 are each amended to read as follows:

The board shall:

(1) Regulate the practice of pharmacy and administer and enforce all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature of, and supervise the grading and administration of, examinations for applicants for pharmacists' licenses;

(3) Examine, inspect, and investigate all applicants for license as pharmacists or pharmacy interns and grant licenses to all applicants whom it shall judge to be properly qualified;

(4) (~~Determine the fees for licenses and examinations~~) Establish reasonable fees for licenses, examinations, and services for other agencies sufficient to cover the cost of the operations of the board. In cases where there are unanticipated demands for services the board may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the board from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;

(5) Employ an executive officer, inspectors, investigators, chemists, and other agents as necessary to assist it for any purpose which it may deem necessary;

(6) Investigate violations of the provisions of law or regulations under its jurisdiction, and cause prosecutions to be instituted in the courts;

(7) Make inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law;

(8) Conduct hearings for the revocation or suspension of licenses, permits, registrations, certificates, or any other authority to practice granted by the board, which hearings may also be conducted by an administrative law judge appointed under chapter 34.12 RCW;

(9) Issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the board;

(10) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, controlled substances, and the practice of pharmacy, and/or any other laws or rules under its jurisdiction;

(11) Promulgate rules for the dispensing, distribution, wholesaling, and manufacturing of drugs and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare. Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice issued by the board;

(12) Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter; (~~and~~)

(13) Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board. Such immunity shall apply to employees of the board when acting at the direction of the board in the course of disciplinary proceedings;

(14) Establish an interdepartmental coordinating committee on drug misuse, diversion, and abuse, composed of one member from each caucus of the house of representatives and senate, the superintendent of public instruction, the director of licensing, the executive secretary of the criminal justice training commission, the chief of the Washington state patrol, the secretary of social and health services, director of the traffic safety commission, representatives of prescribing, delivering, and dispensing health care practitioner boards, the attorney general, the director of the department of labor and industries, a representative of local law enforcement agencies, and the executive officer of the board of pharmacy, or their designees. The committee shall meet at least twice annually at the call of the executive officer of the board of pharmacy who shall serve as chairperson of the committee. The committee shall advise the board of pharmacy in all matters related to its powers and duties delineated in subsections (15), (16), (17), (18) and (19) of this section, and shall report to the legislature each biennium on the results of its and the board's activity under those subsections;

(15) Provide for the coordination and exchange of information on state programs relating to drug misuse, diversion, and abuse, and act as a permanent liaison among the departments and agencies engaged in activities concerning the legal and illegal use of drugs;

(16) Suggest strategies for preventing, reducing, and eliminating drug misuse, diversion, and abuse, including professional and public education, and treatment of persons misusing and abusing drugs;

(17) Conduct or encourage educational programs to be conducted to prevent the misuse, diversion, and abuse of drugs for health care practitioners and licensed or certified health care facilities;

(18) Monitor trends of drug misuse, diversion, and abuse and make periodic reports to disciplinary boards of licensed health care practitioners and education, treatment, and appropriate law enforcement agencies regarding these trends;

(19) Enter into written agreements with all other state and federal agencies with any responsibility for controlling drug misuse, diversion, or abuse and with health maintenance organizations, health care service contractors, and health care providers to assist and promote coordination of agencies responsible for ensuring compliance with controlled substances laws and to monitor observance of these laws and cooperation between these agencies. The department of social and health services, the department of labor and industries, the department of licensing, and any other state agency including licensure disciplinary boards, shall refer all apparent instances of over-prescribing by practitioners and all apparent instances of legend drug overuse to the board. The board shall also encourage such referral by health maintenance organizations, health service contractors, and health care providers.

Sec. 3. Section 1, chapter 38, Laws of 1963 as last amended by section 29, chapter 182, Laws of 1982 and RCW 18.64.011 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

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

(2) "Board" means the Washington state board of pharmacy.

(3) "Drugs" means:

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

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

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

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

(4) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.

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

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

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

(8) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(9) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(10) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(11) "Practice of pharmacy" includes the practice of and responsibility for: Interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug

therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

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

(13) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.

(14) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

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

(16) "Dispense" means ~~((to deliver a drug or device to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery))~~ the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

~~((+6))~~ (17) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

~~((+7))~~ (18) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

~~((+8))~~ (19) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

~~((+9))~~ (20) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling

or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

~~((20))~~ (21) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

~~((21))~~ (22) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

~~((22))~~ (23) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

~~((23))~~ (24) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 4. Section 12, chapter 213, Laws of 1909 as last amended by section 8, chapter 90, Laws of 1979 and RCW 18.64.043 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the board, and annually thereafter, on or before a date to be determined by the board, a fee to be determined by the board, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the board may approve, for the ~~((year))~~ period ending on a date to be determined by the board, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the state board of pharmacy on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned therein.

(2) It shall be the duty of the owner to immediately notify the board of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

(3) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

(4) In the event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

Sec. 5. Section 17, chapter 90, Laws of 1979 as amended by section 30, chapter 182, Laws of 1982 and RCW 18.64.044 are each amended to read as follows:

(1) A shopkeeper (~~(licensed)~~) registered or exempt from registration as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer. Shopkeepers with fifteen or fewer drugs shall be exempt from the registration requirements of this section and shall not be required to pay any fees required by this section, but shall be considered shopkeepers for any other purposes under chapter 18.64 RCW.

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to (~~(secure)~~) register as a (shopkeeper's license through the master license system) shopkeeper through the master license system, and he or she shall pay the fee determined by the board for (~~(the same)~~) registration, and (~~(annually)~~) on a date to be determined by the board thereafter the fee determined by the board for renewal of the (~~(same)~~) registration; and shall at all times keep said (~~(license)~~) registration or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's (~~(license)~~) registration is not renewed by the master license expiration date, no renewal or new (~~(license)~~) registration shall be issued except upon payment of the (~~(license)~~) registration renewal fee and the master license delinquency fee under chapter 19.02 RCW (~~(- PROVIDED, That every shopkeeper with six or fewer drugs shall pay a fee to be determined by the board)~~). This (~~(license)~~) registration fee shall not authorize the sale of legend drugs or controlled substances.

(3) The registration fees determined by the board under subsection (2) of this section shall not exceed the cost of registering the shopkeeper.

(4) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having (~~(a license)~~) registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

Sec. 6. Section 5, chapter 153, Laws of 1949 as last amended by section 9, chapter 90, Laws of 1979 and RCW 18.64.045 are each amended to read as follows:

The owner of each and every place of business which manufactures drugs shall pay a license fee to be determined by the board, and (~~(annually)~~) thereafter, on or before a date to be determined by the board, a fee to be determined by the board, for which the owner shall receive a license of location from the state board of pharmacy, which shall entitle the owner to manufacture drugs at the location specified for the (~~(year)~~) period ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the state board of pharmacy, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the board of

any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 7. Section 18, chapter 90, Laws of 1979 and RCW 18.64.046 are each amended to read as follows:

The owner of each place of business which sells legend drugs and non-prescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the board, and ~~((annually))~~ thereafter, on or before a date to be determined by the board, a like fee to be determined by the board, for which the owner shall receive a license of location from the state board of pharmacy, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the ~~((year))~~ period ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the state board of pharmacy, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the board of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 8. Section 16, chapter 121, Laws of 1899 as last amended by section 10, chapter 90, Laws of 1979 and RCW 18.64.047 are each amended to read as follows:

Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a ~~((license))~~ registration fee determined by the board ~~((annually))~~ on a date to be determined by the board. The state board of pharmacy may issue a ~~((license))~~ registration to such vendor on an approved application made to the state board of pharmacy. Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having ~~((a license))~~ registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense. In event such ~~((license))~~ registration fee remains

unpaid for sixty days from date due, no renewal or new ~~((license))~~ registration shall be issued except upon payment of the ~~((license))~~ registration renewal fee and a penalty fee equal to the ~~((license))~~ renewal fee. This ~~((license))~~ registration shall not authorize the sale of legend drugs or controlled substances.

Sec. 9. Section 9, chapter 98, Laws of 1935 as amended by section 6, chapter 38, Laws of 1963 and RCW 18.64.050 are each amended to read as follows:

In the event that a license or certificate issued by the board of pharmacy is lost or destroyed, the person to whom it was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the board of pharmacy and the payment of a fee ~~((of five dollars to))~~ determined by the board of pharmacy.

In the event any person desires any certified document to which he is entitled, he shall receive the same upon payment of a fee ~~((of five dollars))~~ determined by the board of pharmacy.

Sec. 10. Section 1, chapter 9, Laws of 1972 ex. sess. as last amended by section 1, chapter 147, Laws of 1981 and RCW 18.64.080 are each amended to read as follows:

(1) The state board of pharmacy may license as a pharmacist any person who has filed an application therefor, subscribed by the person under oath or affirmation, containing such information as the board may by regulation require, and who—

(a) Is at least eighteen years of age and is a citizen of the United States, an alien in an educational pharmacy graduate or residency program for the period of the program, or a resident alien;

(b) Has satisfied the board that he or she is of good moral and professional character, that he or she will carry out the duties and responsibilities required of a pharmacist, and that he or she is not unfit or unable to practice pharmacy by reason of the extent or manner of his or her proven use of alcoholic beverages, drugs, or controlled substances, or by reason of a proven physical or mental disability;

(c) Holds a baccalaureate degree in pharmacy or a doctor of pharmacy degree granted by a school or college of pharmacy which is accredited by the board of pharmacy;

(d) Has completed or has otherwise met the internship requirements as set forth in board rules;

(e) Has satisfactorily passed the necessary examinations given by the board.

(2) The state board of pharmacy shall, at least once in every calendar year, offer an examination to all applicants for a pharmacist license who have completed their educational and internship requirements pursuant to rules promulgated by the board. The said examination shall be determined by the board. In case of failure at a first examination, the applicant shall

have within three years the privilege of a second and third examination. In case of failure in a third examination, the applicant shall not be eligible for further examination until he or she has satisfactorily completed additional preparation as directed and approved by the board. The applicant must pay the examination fee determined by the board for each examination taken. Upon passing the required examinations and complying with all the rules and regulations of the board and the provisions of this chapter, the board shall grant the applicant a license as a pharmacist and issue to him or her a certificate qualifying him or her to enter into the practice of pharmacy.

(3) Any person enrolled as a student of pharmacy in an accredited college may file with the state board of pharmacy an application for registration as a pharmacy intern in which said application he or she shall be required to furnish such information as the board may, by regulation, prescribe and, simultaneously with the filing of said application, shall pay to the board a fee to be determined by the board. All certificates issued to pharmacy interns shall be valid for a period to be determined by the board, but in no instance shall the certificate be valid if the individual is no longer making timely progress toward graduation, provided however, the board may issue an intern certificate to a person to complete an internship to be eligible for initial licensure or for the reinstatement of a previously licensed pharmacist.

(4) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by practice in any licensed pharmacy or other program meeting the requirements promulgated by regulation of the board, and shall include such instruction in the practice of pharmacy as the board by regulation shall prescribe.

(5) The board may, without examination other than one in the laws relating to the practice of pharmacy, license as a pharmacist any person who, at the time of filing application therefor, is (~~and, for at least one year next preceding, has been~~) currently licensed as a pharmacist in any other state, territory, or possession of the United States: PROVIDED, That the said person shall produce evidence satisfactory to the board of having had the required secondary and professional education and training and who was licensed as a pharmacist by examination in another state prior to June 13, 1963, shall be required to satisfy only the requirements which existed in this state at the time he or she became licensed in such other state: PROVIDED FURTHER, That the state in which said person is licensed shall under similar conditions grant reciprocal licenses as pharmacist without examination to pharmacists duly licensed by examination in this state. Every application under this subsection shall be accompanied by a fee determined by the board.

(6) The board shall provide for, regulate, and require all persons licensed as pharmacists to renew their license (~~annually~~) periodically, and

shall prescribe the form of such license and information required to be submitted by all applicants.

Sec. 11. Section 11, chapter 121, Laws of 1899 as last amended by section 12, chapter 90, Laws of 1979 and RCW 18.64.140 are each amended to read as follows:

Every licensed pharmacist who desires to practice pharmacy shall secure from the board a license, the fee for which shall be determined by the board. The ((annual)) renewal fee shall also be determined by the board. The date of renewal may be established by the board by regulation and the board may by regulation extend the duration of a licensing period for the purpose of staggering renewal periods. Such regulation may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. Payment of this fee shall entitle the licensee to a pharmacy law book, subsequent current mailings of all additions, changes, or deletions in the pharmacy practice act, chapter 18.64 RCW, and all additions, changes, or deletions of pharmacy board regulations. Pharmacists shall pay the license renewal fee and a penalty equal to the license renewal fee for the late renewal of their license more than sixty days after the renewal is due. The current license shall be conspicuously displayed to the public in the pharmacy to which it applies. Any licensed pharmacist who desires to leave the active practice of pharmacy in this state may secure from the board an inactive license. The initial license and renewal fees shall be determined by the board. The holder of an inactive license may reactivate his or her license to practice pharmacy in accordance with rules adopted by the board.

Sec. 12. Section 10, chapter 213, Laws of 1909 as last amended by section 13, chapter 90, Laws of 1979 and RCW 18.64.160 are each amended to read as follows:

The board of pharmacy shall have the power to refuse, suspend, or revoke the license of any pharmacist or intern upon proof that:

(1) His or her license was procured through fraud, misrepresentation, or deceit;

(2) He or she has been convicted of a felony relating to his or her practice as a pharmacist;

(3) He or she has committed any act involving moral turpitude, dishonesty, or corruption, if the act committed directly relates to the pharmacist's fitness to practice pharmacy. Upon such conviction, however, the judgment and sentence shall be conclusive evidence at the ensuing disciplinary hearing of the guilt of the respondent pharmacist of the crime described in the indictment or information, and of his or her violation of the statute upon which it is based;

(4) He or she is unfit to practice pharmacy because of habitual intemperance in the use of alcoholic beverages, drugs, controlled substances, or any other substance which impairs the performance of professional duties;

(5) ~~((In the event that a pharmacist is determined by a court of competent jurisdiction to be mentally incompetent, such pharmacist shall automatically have his or her license suspended by the board upon the entry of such judgment, regardless of the pendency of an appeal))~~ He or she exhibits behavior which may be due to physical or mental impairment, which creates an undue risk of causing harm to him or herself or to other persons when acting as a licensed pharmacist or intern;

(6) He or she has incompetently or negligently practiced pharmacy, creating an unreasonable risk of harm to any individual;

~~((6))~~ (7) His or her legal authority to practice pharmacy, issued by any other properly constituted licensing authority of any other state, has been and is currently suspended or revoked;

(8) In the event that a pharmacist is determined by a court of competent jurisdiction to be mentally incompetent, the pharmacist shall automatically have his or her license suspended by the board upon the entry of the judgment, regardless of the pendency of an appeal;

~~((7))~~ (9) He or she has knowingly violated or permitted the violation of any provision of any state or federal law, rule, or regulation governing the possession, use, distribution, or dispensing of drugs, including, but not limited to, the violation of any provision of this chapter, chapter 18.81 RCW, Title 69 RCW, or rule or regulation of the board;

~~((8))~~ (10) He or she has knowingly allowed any unlicensed person to take charge of a pharmacy or engage in the practice of pharmacy, except a pharmacy intern or pharmacy assistant acting as authorized in this chapter or chapter 18.64A RCW in the presence of and under the immediate supervision of a licensed pharmacist;

~~((9))~~ (11) He or she has compounded, dispensed, or caused the compounding or dispensing of any drug or device which contains more or less than the equivalent quantity of ingredient or ingredients specified by the person who prescribed such drug or device: PROVIDED, HOWEVER, That nothing herein shall be construed to prevent the pharmacist from exercising professional judgment in the preparation or providing of such drugs or devices.

In any case of the refusal, suspension, or revocation of a license by said board of pharmacy under the provisions of this chapter, said board shall proceed in accordance with chapter 34.04 RCW.

Sec. 13. Section 2, chapter 28, Laws of 1939 as amended by section 1, chapter 99, Laws of 1971 ex. sess. and RCW 18.64.246 are each amended to read as follows:

To every box, bottle, jar, tube or other container of a prescription which is dispensed there shall be fixed a label bearing the name and address of the pharmacy wherein the prescription is compounded, the corresponding serial number of the prescription, the name of the prescriber, his directions, the name of the medicine and the strength per unit dose, name of patient,

date, the expiration date, and initials of the ((registered)) licensed pharmacist who has compounded the prescription, and the security of the cover or cap on every bottle or jar shall meet safety standards promulgated by the state board of pharmacy: PROVIDED, That at the physician's request, the name and dosage of the drug need not be shown. If the prescription is for a combination drug product, the generic names of the drugs combined or the trade name used by the manufacturer or distributor for the product shall be noted on the label. This section shall not apply to the dispensing of medicines to in-patients in hospitals.

Sec. 14. Section 19, chapter 90, Laws of 1979 as amended by section 3, chapter 147, Laws of 1981 and RCW 18.64.255 are each amended to read as follows:

Nothing in this chapter shall operate in any manner:

(1) To restrict the scope of authorized practice of any practitioner other than a pharmacist, duly licensed as such under the laws of this state; or

(2) In the absence of the pharmacist from the hospital pharmacy, to prohibit a registered nurse designated by the hospital and the responsible pharmacist from obtaining from the hospital pharmacy such drugs as are needed in an emergency: PROVIDED, That proper record is kept of such emergency, including the date, time, name of prescriber, the name of the nurse obtaining the drugs, and a list of what drugs and quantities of same were obtained; or

(3) To prevent shopkeepers, itinerant vendors, peddlers, or salesmen from dealing in and selling nonprescription drugs, if such drugs are sold in the original packages of the manufacturer, or in packages put up by a licensed pharmacist in the manner provided by the state board of pharmacy, if such shopkeeper, itinerant vendor, salesman, or peddler shall have obtained a ((license)) registration.

Sec. 15. Section 3, chapter 223, Laws of 1982 and RCW 43.131.249 are each amended to read as follows:

The board of pharmacy and its powers and duties shall be terminated on June 30, ((1984)) 1990, as provided in RCW 43.131.250.

Sec. 16. Section 7, chapter 223, Laws of 1982 and RCW 43.131.250 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ((1985)) 1991:

(1) Section 1, chapter 98, Laws of 1935, section 16, chapter 38, Laws of 1963, section 1, chapter 18, Laws of 1973 1st ex. sess., section 17, chapter 338, Laws of 1981, section 1 of this 1984 act and RCW 18.64.001;

(2) Section 2, chapter 98, Laws of 1935, section 17, chapter 38, Laws of 1963, section 40, chapter 34, Laws of 1975-'76 2nd ex. sess., section 1, chapter 90, Laws of 1979 and RCW 18.64.003;

(3) Section 3, chapter 98, Laws of 1935, section 18, chapter 38, Laws of 1963, section 2, chapter 18, Laws of 1973 1st ex. sess., section 2, chapter 90, Laws of 1979, section 21, chapter 67, Laws of 1981, section 2 of this 1984 act and RCW 18.64.005;

(4) Section 19, chapter 38, Laws of 1963, section 3, chapter 90, Laws of 1979 and RCW 18.64.007; and

(5) Section 1, chapter 82, Laws of 1969 ex. sess., section 4, chapter 90, Laws of 1979 and RCW 18.64.009.

Sec. 17. Section 1, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 71, Laws of 1980 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))~~ the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for 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 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; and

(c) 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.

Sec. 18. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 2, chapter 71, Laws of 1980 and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

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

(1) a practitioner, or
(2) the patient or research subject at the direction and in the presence of the practitioner.

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

(c) "Bureau" means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

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

(g) "Dispense" means ~~((to deliver a controlled substance 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))~~ the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

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

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

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

(k) "Drug" means (1) 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; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

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

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

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

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

(t) "Practitioner" means:

(1) 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 chiroprapist 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, a pharmacist

under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

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

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state which shares a common border with the state of Washington.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy.

(y) "Executive officer" means the executive officer of the state board of pharmacy.

NEW SECTION. Sec. 19. The department of social and health services shall examine the need for civil commitment procedures or other treatment system improvements for drug abusers, and report its findings and any specific legislative recommendations to the 1985 legislature. The department's determination of the need for action should include an assessment of the current operation and adequacy of the civil commitment program for alcoholics. It should consider the steps necessary to modify that or other treatment or treatment-financing mechanisms or legal processes to insure effective treatment for drug abusers.

In addition, the department shall report to the 1985 legislature its plans, in connection with the superintendent of public instruction, for a school and community based drug abuse and misuse prevention education program.

NEW SECTION. Sec. 20. There is added to chapter 69.50 RCW a new section to read as follows:

Any licensed health care practitioner with prescription or dispensing authority shall, as a condition of licensure and as directed by the practitioner's disciplinary board, consent to the requirement, if imposed, of complying with a triplicate prescription form program as may be established by rule by the department of licensing.

NEW SECTION. Sec. 21. There is added to chapter 69.50 RCW a new section to read as follows:

The license of any licensed health care practitioner shall be suspended for any violation of this chapter. The suspension shall run concurrently with, and not less than, the term of the sentence for the violation.

*NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 90, Laws of 1979, section 30, chapter 182, Laws of 1982 and RCW 18.64.044;

(2) Section 16, chapter 121, Laws of 1899, section 7, chapter 98, Laws of 1935, section 3, chapter 153, Laws of 1949, section 5, chapter 38, Laws of 1963, section 4, chapter 201, Laws of 1971 ex. sess., section 10, chapter 90, Laws of 1979 and RCW 18.64.047;

(3) Section 1, chapter 192, Laws of 1939 and RCW 18.81.010;

(4) Section 2, chapter 192, Laws of 1939 and RCW 18.81.020;

(5) Section 5, chapter 192, Laws of 1939 and RCW 18.81.025;

(6) Section 3, chapter 185, Laws of 1971 ex. sess. and RCW 18.81.035;

(7) Section 4, chapter 192, Laws of 1939, section 7, chapter 201, Laws of 1971 ex. sess. and RCW 18.81.040;

(8) Section 8, chapter 192, Laws of 1939 and RCW 18.81.050;

(9) Section 6, chapter 192, Laws of 1939 and RCW 18.81.060;

(10) Section 9, chapter 192, Laws of 1939 and RCW 18.81.065;

(11) Section 10, chapter 192, Laws of 1939 and RCW 18.81.070;

(12) Section 7, chapter 192, Laws of 1939 and RCW 18.81.080; and

(13) Section 11, chapter 192, Laws of 1939 and RCW 18.81.900.

*Sec. 22 was partially vetoed, see message at end of chapter.

Passed the Senate March 1, 1984.

Passed the House February 25, 1984.

Approved by the Governor March 8, 1984, with the exceptions of subsections (1) and (2) of section 22, which were vetoed.

Filed in Office of Secretary of State March 8, 1984.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to subsections 1 and 2 of section 22, Substitute Senate Bill No. 4302, entitled:

"AN ACT Relating to the practice of pharmacy."

Subsections 1 and 2 of section 22 repeal RCW 18.64.044 and 18.64.047, two statutes which are otherwise amended by the bill in sections 5 and 8. The inclusion of the repealers was a drafting error which should be corrected. Therefore, I have vetoed subsections 1 and 2 of section 22.

The remainder of the bill is approved."