

lotteries and gambling in the State of Washington. It is elementary, therefore, that no act of this legislature can overrule or circumvent the mandate contained in the constitutional provision mentioned above.

Veto message,
excerpt.

"I have deliberately refrained from vetoing an emergency clause contained in Senate Bill 360 in order to allow the constitutionality of this measure to be tested at once. This emergency clause permits the bill to take effect immediately; therefore, allowing a court test of the constitutionality of this bill at once by anyone who might desire to do so.

"I wish to emphasize that nowhere in its provisions does Senate Bill 360 expressly repeal the numerous state statutes against gambling. These statutes continue to exist and to have full force and effect. Anyone found gambling in any part of the state still is subject to arrest and prosecution.

"While I continue to question the need of Senate Bill 360, nevertheless it has been requested by many local public officials. Furthermore, the elected representatives of the people have approved this bill by an almost two-thirds margin in both Houses of the Legislature. With the partial vetoes that I have executed, the bill now has proper safeguards against gambling. It is primarily because of these factors that I have allowed most of Senate Bill 360 to become law without my signature.

"Senate Bill 360 does allow cities and counties to license and regulate the use of certain amusement devices, trade stimulants, and certain card playing. Senate Bill 360 does not, nor could it, constitutionally, allow wagering by means of these devices.

"Under this act, as vetoed by me, no one can engage in activities covered by this act without first obtaining approval of local public officials. This applies to past licensees and future applicants.

"I am against gambling and will continue to do everything within my power to see that the gambling laws of this state are enforced. The laws of our state place the primary responsibility for law enforcement on local enforcement agents. This is as it should be. But be assured that I would not hesitate a moment to use state law enforcement officials to enforce state anti-gambling laws if local enforcement agents cannot or do not do the job.

"I am proud of Washington's fine record as a clean state, free of syndicates and the crime and vice associated with them. I have been privileged to have a part in establishing this record during my years as deputy prosecuting attorney in King County, as a State Senator, as chairman of the Legislative Crime Committee, and as Governor. I wish to assure the citizens of Washington that I shall continue to do everything within the power invested in me as chief executive to guarantee that Washington will remain a state that is free of gambling."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 38.

[S. B. 328.]

PHARMACY BOARD—PHARMACISTS— DRUGS AND MEDICINES.

AN ACT relating to drugs and medicine; regulating the possession, sale and dispensing thereof; requiring licenses for the privilege of manufacturing, selling, dispensing and compounding the same, and fixing fees therefor; adding additional members to the state board of pharmacy, and prescribing additional powers and duties; prescribing penalties; amending section 10, chapter 121, Laws of 1899, as

last amended by section 1, chapter 153, Laws of 1949, and RCW 18.64.040; amending section 12, chapter 213, Laws of 1909 as last amended by section 4, chapter 153, Laws of 1949, and RCW 18.64.043; amending section 5, chapter 153, Laws of 1949, and RCW 18.64.045; amending section 16, chapter 121, Laws of 1899, as last amended by section 3, chapter 153, Laws of 1949, and RCW 18.64.047; amending section 9, chapter 98, Laws of 1935, and RCW 18.64.050; amending section 3, chapter 180, Laws of 1923, as last amended by section 1, chapter 56, Laws of 1931, and RCW 18.64.080; amending section 9, chapter 180, Laws of 1923, and RCW 18.64.110; amending section 11, chapter 121, Laws of 1899, as last amended by section 2, chapter 153, Laws of 1949, and RCW 18.64.140; amending section 10, chapter 213, Laws of 1909, and RCW 18.64.160; amending section 11, chapter 213, Laws of 1909, and RCW 18.64.200; amending section 13, chapter 121, Laws of 1899, as last amended by section 6, chapter 98, Laws of 1935, and RCW 18.64.250; amending section 14, chapter 121, Laws of 1899, and RCW 18.64.270; amending section 13, chapter 213, Laws of 1909, and RCW 18.64.280; amending section 1, chapter 98, Laws of 1935; and RCW 43.69.010; amending section 2, chapter 98, Laws of 1935, and RCW 43.69.020; amending section 3, chapter 98, Laws of 1935, and RCW 43.69.030; amending section 69.33.410, chapter 27, Laws of 1959, and RCW 69.33.410; amending section 2, chapter 6, Laws of 1939, and RCW 69.40.070; adding new sections to chapter 121, Laws of 1899, and chapter 18.64 RCW; adding new sections to chapter 98, Laws of 1935, and chapter 43.69 RCW; adding new sections to chapter 69.40 RCW; repealing section 10, chapter 98, Laws of 1935, and RCW 18.64.055; repealing section 2, chapter 180, Laws of 1923, and RCW 18.64.060; repealing section 1, chapter 180, Laws of 1923, and RCW 18.64.065; repealing section 4, chapter 180, Laws of 1923, as amended by section 2, chapter 253, Laws of 1927, and RCW 18.64.070; repealing section 5, chapter 180, Laws of 1923, as amended by section 3, chapter 253, Laws of 1927, and RCW 18.64.090; repealing section 7, chapter 180, Laws of 1923, and RCW 18.64.100; repealing section 6, chapter 121, Laws of 1899, as amended by section 3, chapter 213, Laws of 1909, and RCW 18.64.120; and repealing section 2, chapter 23, Laws of 1955, and RCW 69.40.062.

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

New section. SECTION 1. There is added to chapter 121, Laws of 1899 and to chapter 18.64 RCW a new section to read as follows:

Definitions as used in this chapter:

(1) "Person" includes individual, partnership, corporation and association.

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

(3) "Drugs" mean

(a) Articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary.

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

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

(d) Articles intended for use as a component of any articles specified in subclauses (a), (b), or (c), but not including devices or their component parts or accessories.

(4) "Official compendium" shall mean the current revisions of the pharmacopoeia of the United States, homeopathic pharmacopoeia of the United States and national formulary.

(5) The term "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.

(6) The term "federal act" means the federal food, drug and cosmetic act (Title 21, USC 301 *et seq.*, 52 Stat, 1040 *et seq.*)

(7) "Narcotic drug," "dangerous drug," "nonproprietary drug"—any drug designated as such under or pursuant to the provisions of Title 69 RCW.

(8) "Prescription" means a written or oral order

Pharmacists.
Definitions.

for drugs issued by a duly licensed medical practitioner in the course of his professional practice for a legitimate medical purpose.

(9) "Medical practitioner" means a physician, dentist, veterinarian or other person duly authorized and licensed by law to prescribe drugs.

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

(11) "Practice of pharmacy" means the practice of that profession concerned with the art and science of preparing, compounding and dispensing of drugs and devices, whether dispensed on the prescription of a medical practitioner or legally dispensed or sold directly to the ultimate consumer, and shall include the proper and safe storage and distribution of drugs, the maintenance of proper records therefor, and the responsibility of relating information as required concerning such drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease: *Provided, however,* That "practice of pharmacy" shall not include the operations of a manufacturer or wholesaler if licensed as such.

Proviso.

(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 Wash-

ington pesticide act (chapter 15.57 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 act (chapter 15.57 RCW), as enacted or hereafter amended.

SEC. 2, Section 10, chapter 121, Laws of 1899 as last amended by section 1, chapter 153, Laws of 1949 and RCW 18.64.040 are each amended to read as follows:

RCW 18.64.040 amended.

Every applicant for registration by examination under this chapter shall pay the sum of ten dollars before the examination be attempted: *Provided*, That in case the applicant fails to pass a satisfactory examination he shall have the privilege of a second examination without any charge any time within one year. Every shopkeeper not a pharmacist, desiring to secure the benefits and privileges of this chapter, is hereby required to secure a shopkeeper's license, and he or she shall pay the sum of ten dollars for the same, and annually thereafter the sum of ten dollars for renewal of the same; and shall at all times keep said license or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional ten dollars.

Registrant by examination, fee—Shopkeeper's license and fee.

Penalty for late payment.

SEC. 3. Section 12, chapter 213, Laws of 1909 as last amended by section 4, chapter 153, Laws of 1949 and RCW 18.64.043 are each amended to read as follows:

RCW 18.64.043 amended.

The owner of each and every drug store, pharmacy or dispensary, shall pay an original license fee of twenty-five dollars, and annually thereafter, on

Drugstore, pharmacy and dispensary licenses.

Fees.

or before the first day of June, a fee of ten dollars, for which he shall receive a license and registration of location, which shall entitle the owner to operate such drug store, pharmacy or dispensary at the location specified for the year ending on the next succeeding May 31st, and each such owner shall at the time of filing proof of payment of such fee as hereinafter provided, 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, drug store, or dispensary mentioned therein. It shall be the duty of the owner to immediately notify the board of any change of location and ownership and to keep the license and registration of location or the renewal thereof properly exhibited in said drug store, pharmacy or dispensary. Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof the owner shall be fined not less than ten dollars nor more than fifty dollars; and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional ten dollars.

Declaration of ownership and location.

Penalties.

or before the first day of June, a fee of ten dollars, for which he shall receive a license and registration of location, which shall entitle the owner to operate such drug store, pharmacy or dispensary at the location specified for the year ending on the next succeeding May 31st, and each such owner shall at the time of filing proof of payment of such fee as hereinafter provided, 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, drug store, or dispensary mentioned therein. It shall be the duty of the owner to immediately notify the board of any change of location and ownership and to keep the license and registration of location or the renewal thereof properly exhibited in said drug store, pharmacy or dispensary. Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof the owner shall be fined not less than ten dollars nor more than fifty dollars; and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional ten dollars.

RCW 18.64.045 amended.

SEC. 4. Section 5, chapter 153, Laws of 1949 and RCW 18.64.045 are each amended to read as follows:

Wholesale druggist license—Fees.

Within thirty days after this section takes effect the owner of each and every place of business which manufactures or sells drugs or drug sundries at wholesale shall pay a license fee of fifty dollars, and annually thereafter, on or before the first day of June, a like fee of fifty dollars, for which he shall receive a license and registration of location from the state board of pharmacy, which shall entitle such owner to manufacture or to sell drugs and drug sundries at the location specified for the year ending

on the next succeeding May 31st, 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 and registration of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof the owner shall be fined not less than ten dollars nor more than fifty dollars; and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional fifty dollars.

Declaration of ownership and location.

Penalties.

SEC. 5. Section 16, chapter 121, Laws of 1899 as last amended by section 3, chapter 153, Laws of 1949 and RCW 18.64.047 are each amended to read as follows:

RCW 18.64.047 amended.

Any itinerant vendor, shopkeeper, or any peddler of any medicine, drug, or nostrum, or preparation for the treatment of disease or injury, shall pay a license fee of ten dollars annually on or before the first day of June. The state board of pharmacy shall issue a license to such itinerant vendor or peddler on application made to the state board of pharmacy, such license to be signed by the president and attested by the secretary with the seal of the board. Any such itinerant vendor or peddler who shall vend or sell, or offer to sell any such medicine, drug, or nostrum, or preparation without having a license to do so as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be

Itinerant vendor's or peddler's license fee—Penalty.

fined in any sum not less than twenty dollars and not exceeding fifty dollars, for such offense, and each sale or offer to sell shall constitute a separate offense. In event such license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional ten dollars.

RCW 18.64.050
amended.

SEC. 6. Section 9, chapter 98, Laws of 1935 and RCW 18.64.050 are each amended to read as follows:

Duplicates and
certified docu-
ments—Fees.

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 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.

RCW 18.64.080
amended.

SEC. 7. Section 3, chapter 180, Laws of 1923, as last amended by section 1, chapter 56, Laws of 1931 and RCW 18.64.080 are each amended to read as follows:

Qualifications
for licensing
pharmacist.

(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 not less than twenty-one years of age and a citizen of the United States;

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

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

(d) Has completed the internship requirements as prescribed;

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

(2) The state board of pharmacy shall, at least once in every twelve months, examine in the practice of pharmacy all pharmacy interns, who have completed their educational requirements, who shall make applications for said examination pursuant to regulations promulgated by the board. The said examination shall consist of two parts: The first part being a theoretical examination, and the second part consisting of a practical examination which shall be given to all pharmacy interns who have successfully passed the theoretical examination and have satisfactorily completed their internship requirements. 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 has satisfactorily completed additional preparation as directed and approved by the board.

Examinations
—Contents.

(3) To insure proficiency in the practical aspects of pharmacy, the board shall, by regulation, prescribe internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license. The board shall specify the period of time of not less than six months nor more than one year and when and in what manner the internship shall be served.

Internship
requirements.

(4) The board may, by regulation, accept in lieu of the experience as a registered pharmacy intern as herein required other equivalent experience obtained prior to January 1, 1964.

Experience in
lieu of
internship.

Application
for intern cer-
tificate—Fee.

(5) 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 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 of one dollar. All certificates issued to pharmacy interns shall be valid for a period not exceeding six years from the date of issue exclusive of time spent in the military service.

Intern
experience.

(6) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by employment in any licensed pharmacy 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.

Licensing
former
out-of-state
pharmacist.

(7) 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 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 is possessed of good character and morals, who have become registered as pharmacists by examination in other states prior to the time this amendatory act takes effect shall be required to satisfy only the requirements which existed in this state at the time they became licensed in such other states: *Provided further*, That the state in which said person is licensed shall under similar conditions grant reciprocal registration as pharmacist without examination to

Proviso.

Proviso.

Reciprocal
registration.

pharmacists duly licensed by examination in this state. Every application under this subsection shall be accompanied by a fee of fifty dollars.

(8) Each pharmacy intern applying for examination shall pay to the state board of pharmacy an examination fee of ten dollars. 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 registration as a pharmacist and issue to him a certificate qualifying him to enter into the practice of pharmacy.

Examination fee for pharmacy interns.

(9) The board shall provide for, regulate and require all persons registered as pharmacists to renew their registration biennially, and shall prescribe the form of such registration and information required to be submitted by all applicants.

Registration renewals.

SEC. 8. Section 9, chapter 180, Laws of 1923 and RCW 18.64.110 are each amended to read as follows:

RCW 18.64.110 amended.

The board of pharmacy shall have the power to grant permits to practice pharmacy to persons making application for examination, such permits to be valid only from date of issuance to the date of the next regular examination: *Provided*, That if the applicant fails to pass the examination his permit may be extended to the date of the next examination at the discretion of the board of pharmacy.

Temporary permits.

Proviso.

SEC. 9. Section 11, chapter 121, Laws of 1899, as last amended by section 2, chapter 153, Laws of 1949 and RCW 18.64.140 are each amended to read as follows:

RCW 18.64.140 amended.

Every registered pharmacist who desires to continue the practice of his profession shall secure from the board a renewal registration license, the fee for which shall be twenty dollars; with registered pharmacists whose last name begins with the initial A through L paying ten dollars on or before June 1,

License—Annual renewal—Fee—Display—Penalty for late renewal.

1963, and twenty dollars on or before June 1, 1964, and biennially thereafter; with registered pharmacists whose last name begins with the initial M through Z paying twenty dollars on or before June 1, 1963, and biennially thereafter; and pharmacists registered after June 1, 1963, will pay ten dollars if the license will expire within one year, and twenty dollars biennially thereafter. Pharmacists shall pay an additional twenty dollars for the late renewal of their license. Every certificate of registration or the current renewal thereof shall be conspicuously exposed in the drug store, pharmacy or dispensary to which it applies.

RCW 18.64.160 amended.

SEC. 10. Section 10, chapter 213, Laws of 1909 and RCW 18.64.160 are each amended to read as follows:

Pharmacists, interns. Refusal and revocation of licenses—Grounds—Procedure.

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 license was procured through fraud, misrepresentation or deceit;
- (2) He has been found guilty, pleaded guilty or entered a plea of nolo contendere to any offense in connection with the practice of pharmacy or involving moral turpitude before any court of record of any jurisdiction;
- (3) He is unfit to practice pharmacy because of habitual intemperance in the use of alcoholic beverages, narcotics, dangerous drugs or any other substance which impairs the intellect and judgment to such an extent as to impair the performance of professional duties;
- (4) He is unfit or unable to practice pharmacy by reason of a physical or mental disease or disability;
- (5) His license to practice pharmacy issued by any other properly constituted licensing authority of any other state has been suspended or revoked;

(6) He has knowingly violated or permitted the violation of any provision of this chapter, Title 69 RCW, or rule and regulation of the board;

(7) He has knowingly engaged in the practice of pharmacy with an unlicensed person or has allowed any unlicensed person to take charge of a pharmacy or engage in the compounding, distribution or dispensing of prescriptions, dangerous drugs or narcotics, except a pharmacy intern in the presence of and under the immediate supervision of a licensed pharmacist;

(8) He has compounded, dispensed, sold or caused the compounding, dispensing or sale of any drug or device which contains more or less than the proportionate quantity of ingredient or ingredients specified by the person who prescribed such drug or device or which is of a brand or trade name other than that specified by the person prescribing such brand or trade name product or which contains an ingredient or ingredients of a brand or trade name other than that specified by the person prescribing such drug or device, unless the expressed consent of the prescriber is first obtained: *Provided*, Proviso. *however*, That nothing herein shall be construed to prevent the addition of such inert ingredients as may be required in the art of compounding, preparing, mixing or otherwise producing 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 file a brief and concise statement of the grounds and reasons for such refusal, suspension or revocation in the office of the secretary of said board, which said statement, together with the decision of said board in writing, shall remain of record in said office. Before a license can be refused, suspended or revoked by said board of pharmacy under the provisions of this chapter, a complaint of some person under oath

Pharmacists,
interns.
Refusal and
revocation
of licenses.

must be filed in the office of the secretary of said board of pharmacy, charging the acts of misconduct and facts complained of against the pharmacist or intern accused, in ordinary and concise language, and thereupon said board shall cause to be served upon such accused a written notice and copy of such complaint, which said notice shall contain a statement of the time and place of hearing of the matters and things set forth and charged in such complaint, and said notice shall be so served at least ten days prior to the time of such hearing. Such accused may appear at such hearing, and defend against the accusations of such complaint, personally and by counsel, and may have the sworn testimony of witnesses taken and present other evidence in his behalf at such hearing, and said board may receive the arguments of counsel at such hearing.

RCW 18.64.200
amended.

SEC. 11. Section 11, chapter 213, Laws of 1909 and RCW 18.64.200 are each amended to read as follows:

Appeal under
chapter
34.04 RCW.

In any case of the refusal, suspension or revocation of a license by said board under the provisions of this chapter, appeal may be taken in accordance with the administrative procedure act.

RCW 18.64.250
amended.

SEC. 12. Section 13, chapter 121, Laws of 1899, as last amended by section 6, chapter 98, Laws of 1935 and RCW 18.64.250 are each amended to read as follows:

Penalty for
violations—
Exceptions.

Any person not a registered pharmacist and not having continuously and regularly in his employ a duly licensed and registered pharmacist within the full meaning of this chapter, who shall retail, compound or dispense medicines, or who shall take, use or exhibit the title of registered pharmacist, shall be deemed guilty of a gross misdemeanor, and each and every day that such prohibited practice continues shall be deemed a separate offense. Every

place in which physicians' prescriptions are compounded or dispensed shall be deemed to be a pharmacy, drug store or dispensary, and the same shall at all times be under the personal supervision of a duly licensed and registered pharmacist: *Provided*, That in the absence of the pharmacist from the hospital pharmacy, a registered nurse, designated by the hospital, may obtain from the hospital pharmacy such drugs as are needed in an emergency, and proper record must be kept of such emergency, including date, time, name of prescriber, name of nurse obtaining the drugs, and list of what drugs were obtained; and any person who shall permit the compounding and dispensing of prescriptions, or vending of drugs, medicines or poisons in his store or place of business, except upon the supervision of a registered pharmacist, or any registered pharmacist or shopkeeper registered under this chapter while continuing in business, who shall fail or neglect to procure his renewal of registration, or any person who shall wilfully make any false representations to procure registration for himself or any other person, or who shall violate any of the provisions of this chapter wilfully and knowingly, shall be deemed guilty of a gross misdemeanor, and each day that such prohibited practice continues shall be deemed a separate offense: *Provided*, That nothing in this chapter or chapter 43.69 RCW shall operate in any manner to interfere with the business of any physician and surgeon, duly licensed as such under the laws of this state, in regular practice, or prevent him from administering to his patients such medicines as he may deem proper, nor with selling proprietary medicine or medicines placed in sealed packages, nor with the exclusive wholesale business of any dealer except as herein provided, nor prevent shopkeepers, itinerant vendors, peddlers or salesmen from dealing in and selling the commonly used medicines, or

Pharmacists.
Penalty for
violations—
Exceptions.

patent and proprietary medicines, if such medicines are sold in the original packages of the manufacturer, or in packages put up by a registered pharmacist in the manner provided by the state board of pharmacy, if such shopkeeper, itinerant vendor, salesman or peddler shall have obtained a license; but any person who shall take or use or exhibit in or upon any place of business, or advertise in a newspaper, telephone or other directory, by radio, or in any manner the title of pharmacist, assistant pharmacist, druggist, pharmacy, drug store, medicine store, drug department, drugs, drug sundries, or any title or name of like description or import, or display or permit to be displayed upon said place of business the characteristic pharmacy show bottles or globes, either colored or filled with colored liquids, without having continuously and regularly employed in his shop, store, or place of business a pharmacist duly licensed and registered under this chapter, shall be guilty of a misdemeanor, and each and every day that such prohibited practice continues shall be deemed a separate offense.

RCW 18.64.270
amended.

SEC. 13. Section 14, chapter 121, Laws of 1899 and RCW 18.64.270 are each amended to read as follows:

Responsibility
for drug
purity—
Adulteration
—Penalty.

Every proprietor of a wholesale or retail drug store shall be held responsible for the quality of all drugs, chemicals or medicines sold or dispensed by him except those sold in original packages of the manufacturer and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, wilfully or fraudulently falsify or adulterate any drug or medicinal substance or preparation authorized or recognized by an official compendium or used or intended to be used in medical practice, or shall wilfully, knowingly or fraudulently offer for sale, sell or cause the same to be sold for medicinal purposes, shall be

deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not less than seventy-five nor more than one hundred and fifty dollars or by imprisonment in the county jail for a period of not less than one month nor more than three months, and any person convicted a third time for violation of any of the provisions of this section may suffer both fine and imprisonment. In any case he shall forfeit to the state of Washington all drugs or preparations so falsified or adulterated.

SEC. 14. Section 13, chapter 213, Laws of 1909 and RCW 18.64.280 are each amended to read as follows:

RCW 18.64.280 amended.

Any person who shall violate any of the provisions of chapter 18.64 RCW and for which a penalty is not provided shall be deemed guilty of a gross misdemeanor.

General penalty.

SEC. 15. There is added to chapter 121, Laws of 1899 and to chapter 18.64 RCW, a new section to read as follows:

New section.

The board shall have the power to refuse, suspend or revoke the license of any manufacturer, wholesaler, drug store, pharmacy, dispensary, shopkeeper, itinerant vendor or peddler upon proof that:

Refusal and revocation of licenses of wholesaler, drug store, etc.

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

(2) The licensee has violated or has permitted any employee to violate any of the laws of this state relating to drugs, poisons, cosmetics, or drug sundries, or has violated any of the rules and regulations of the board of pharmacy.

SEC. 16. Section 1, chapter 98, Laws of 1935 and RCW 43.69.010 are each amended to read as follows:

RCW 43.69.010 amended.

There shall be a state board of pharmacy consisting of three members, to be appointed by the governor by and with the advice and consent of the Senate.

State board of pharmacy. Created.

State board of
pharmacy.
Member
qualifications.

Each 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 a least five consecutive years immediately preceding his appointment and shall at all times during his incumbency continue to be a duly licensed pharmacist.

Terms.

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.

Oath.

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.

Removal.

Each member shall be subject to removal at the pleasure of the governor, but no such removal shall be made by the governor unless he furnishes the member with a letter setting forth his reasons for the removal, and files a copy thereof with the secretary of state where it shall remain subject to public inspection.

Vacancies.

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.

RCW 43.69.020
amended.

SEC. 17. Section 2, chapter 98, Laws of 1935 and RCW 43.69.020 are each amended to read as follows:

Meetings—
Chairman—
Remuneration.

Members of the board shall meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. The board shall elect a chairman from among its members. Each member shall receive twenty-five dollars a day for each day actually spent in the performance of his official duties and in going to and returning

from the place of such performance, together with his actual and necessary traveling expenses.

SEC. 18. Section 3, chapter 98, Laws of 1935 and RCW 43.69.030 are each amended to read as follows:

RCW 43.69.030
amended.

The board shall:

Powers and
duties.

(1) Regulate the practice of pharmacy, and administer 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 registration as pharmacists or pharmacy interns and to grant certificates of registration to all applicants whom it shall judge to be properly qualified;

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

(5) Investigate violations of the provisions of law or regulations under its jurisdiction, and to cause prosecutions to be instituted in the courts upon advice from the attorney general;

(6) Make inspections of all pharmacies and other places including dispensing machines in which drugs or devices are stored, held, compounded, dispensed or sold 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 or stored, held, dispensed, distributed or compounded in violation or contrary to law;

(7) Have the power to conduct hearings for the revocation or suspension of licenses, permits or registrations and/or to appoint a hearing officer to conduct such hearings;

(8) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, narcotics, and practice of pharmacy;

State board of pharmacy. Powers and duties.

(9) Regulate the distribution of drugs, nostrums, and the practice of pharmacy for the protection and promotion of the public health, safety and welfare by promulgating rules and regulations. Violation of any such rules shall constitute grounds for refusal, suspension or revocation of licenses to practice pharmacy.

New section.

SEC. 19. There is added to chapter 98, Laws of 1935 and to chapter 43.69 RCW, a new section to read as follows:

Executive officer— Powers and duties.

The board shall employ an executive officer who shall not be a member of the board but who shall be a pharmacist duly licensed in Washington. Said officer shall receive compensation as set by the governor, and shall:

- (1) Be responsible for the administration of all professional and public affairs as directed by the board;
- (2) Report to and proceed with the instructions of the board;
- (3) Carry out all policies and instructions emanating from said board;
- (4) Make, keep and be in charge of all records and record books required to be kept by the board, including a register of all who are required to be licensed;
- (5) Attend to the correspondence of the board and perform all other duties as the board may require;
- (6) Receive and receipt for all fees collected.

RCW 69.33.410 amended.

SEC. 20. Section 69.33.410, chapter 27, Laws of 1959, and RCW 69.33.410 are each amended to read as follows:

Uniform narcotic drug act —Penalties.

Whoever violates any provision of this chapter shall, upon conviction, be fined and imprisoned as herein provided:

- (1) For the first offense the offender shall be

guilty of a felony and the court shall impose a fine of not to exceed ten thousand dollars and a sentence of not less than five years or more than twenty years in the state penitentiary, or both such fine and imprisonment;

(2) For a second offense, or if, in the case of a first conviction of violation of any provision of this chapter, the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district relating to dangerous drugs, narcotic drugs or marihuana, the offender shall be guilty of a felony and shall be fined not more than ten thousand dollars and be imprisoned in the state penitentiary not less than ten or more than twenty years;

(3) For a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory or district relating to dangerous drugs, narcotic drugs or marihuana, the offender shall be guilty of a felony and shall be fined not more than twenty-five thousand dollars and be imprisoned in the state penitentiary not less than fifteen or more than forty years;

(4) For any offense under the provisions of this chapter knowingly involving a sale to or other transaction with a minor the offender shall be guilty of a felony and shall be fined not more than fifty thousand dollars and be imprisoned in the state penitentiary not less than twenty or more than forty years.

SEC. 21. There is hereby added to chapter 69.40 RCW a new section to read as follows: New section.

Dangerous drugs are those referred to in RCW 69.40.060 or any other drug which is required by any applicable federal or state law or regulation to be used only on prescription. Dangerous
drugs.
Defined—
Offenses
relating to.

(1) No person shall obtain or attempt to obtain a dangerous drug, or procure or attempt to procure the administration of a dangerous drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a dangerous drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a dangerous drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing drugs.

New section.

SEC. 22. There is hereby added to chapter 69.40 RCW a new section to read as follows:

Dangerous drugs—Requisites for prescription legalizing possession.

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.

SEC. 23. Section 2, chapter 6, Laws of 1939 and RCW 69.40.070 are each amended to read as follows: amended.

Whoever violates any provision of chapter 69.40 RCW shall, upon conviction, be fined and imprisoned as herein provided: Penalties for violation of chapter 69.40 RCW.

(1) For the first offense, the offender shall be guilty of a misdemeanor, and punishable by a fine not exceeding two hundred dollars or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment;

(2) For a second offense, or if, in the case of a first conviction of violation of any provision of this chapter, the offender shall previously have been convicted of any violation of the laws of the United States, this state or any other state, territory, or district relating to dangerous drugs, narcotic drugs or marihuana, the offender shall be guilty of a gross misdemeanor and the court may in its discretion impose a fine of not to exceed one thousand dollars or a sentence not to exceed one year in the county jail, or both such fine and imprisonment;

(3) For a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the laws of the United States or of this state, or of any other state, territory or district relating to dangerous drugs, narcotic drugs or marihuana, the offender shall be guilty of a felony and shall be fined not more than ten thousand dollars and be imprisoned in the state penitentiary not more than ten years.

(4) For any offense under the provisions of this chapter involving a sale to or other transaction with a minor the offender shall be guilty of a felony and shall be fined not more than fifty thousand dollars and be imprisoned in the state penitentiary not more than twenty years.

SEC. 24. If any provision of this act, or its application to any person or circumstance is held invalid, Severability.

the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Repeal.

SEC. 25. Section 10, chapter 98, Laws of 1935, and RCW 18.64.055; section 2, chapter 180, Laws of 1923, and RCW 18.64.060; section 1, chapter 180, Laws of 1923, and RCW 18.64.065; section 4, chapter 180, Laws of 1923, as amended by section 2, chapter 253, Laws of 1927, and RCW 18.64.070; section 5, chapter 180, Laws of 1923, as amended by section 3, chapter 253, Laws of 1927, and RCW 18.64.090; section 7, chapter 180, Laws of 1923, and RCW 18.64.100; section 6, chapter 121, Laws of 1899, as amended by section 3, chapter 213, Laws of 1909, and RCW 18.64.120; and section 2, chapter 23, Laws of 1955, and RCW 69.40.062, are each repealed.

Passed the Senate March 1, 1963.

Passed the House March 7, 1963.

Approved by the Governor March 14, 1963.

CHAPTER 39.

[H. B. 94.]

MOTOR VEHICLES—DRIVER EDUCATION.

AN ACT relating to the training of motor vehicle operators; prescribing certain penalty assessments for the financing thereof; creating a driver education account in the general fund of the state treasury; amending sections 46.20.030, 46.20.070, and 46.68.040, chapter 12, Laws of 1961 and RCW 46.20.030, 46.20.070, and 46.68.040; and amending section 46.20.110, chapter 12, Laws of 1961 as amended by section 1, chapter 214, Laws of 1961 and RCW 46.20.110.

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

Driver
education.
Purpose.

SECTION 1. It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in driver education and by that means to develop in the youth of this