

CHAPTER 109

[Substitute House Bill No. 16]

SENIOR CITIZEN PROGRAMS IN COUNTIES, CITIES, AND TOWNS

AN ACT Relating to senior citizen programs; and adding a new section to chapter 36.39 RCW.

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

NEW SECTION. Section 1. There is added to chapter 36.39 RCW a new section to read as follows:

Counties, cities, and towns are granted the authority, and it is hereby declared to be a public purpose for counties, cities, and towns, to establish and administer senior citizens programs either directly or by creating public corporations or authorities to carry out the programs and to expend their own funds for such purposes, as well as to expend federal, state, or private funds that are made available for such purposes. Such federal funds shall include, but not be limited to, funds provided under the federal older Americans act, as amended (42 U.S.C. Sec. 3001 et seq.).

Passed the House February 16, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 110

[Substitute House Bill No. 815]

PRESCRIPTION DRUGS—EQUIVALENT SUBSTITUTION

AN ACT Relating to prescription drugs; amending section 2, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.110; amending section 3, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.120; amending section 4, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.130; amending section 5, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.140; amending section 6, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.150; amending section 7, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.160; and amending section 9, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.180.

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

Section 1. Section 2, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.110 are each amended to read as follows:

As used in RCW 69.41.100 through 69.41.180, the following words shall have the following meanings:

(1) "Brand name" means the proprietary or trade name selected by the manufacturer and placed upon a drug, its container, label, or wrapping at the time of packaging;

(2) "Generic name" means the official title of a drug or drug ingredients published in the latest edition of a nationally recognized pharmacopoeia or formulary;

(3) "Substitute" means to dispense, with the practitioner's authorization, a "therapeutically equivalent" (~~((generic)) drug product((,- being consistent with basic salt intent, in place of the drug ordered or prescribed))~~) of the identical base or salt as the specific drug product prescribed: PROVIDED, That with the practitioner's prior consent, therapeutically equivalent drugs other than the identical base or salt may be dispensed;

(4) "Therapeutically equivalent" means essentially the same efficacy and toxicity when administered to an individual in the same dosage regimen; and

(5) "Practitioner" means a physician, (~~((osteopath))~~) osteopathic physician and surgeon, dentist, veterinarian, or any other person authorized to prescribe drugs under the laws of this state.

Sec. 2. Section 3, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.120 are each amended to read as follows:

Every drug prescription shall contain an instruction on whether or not a therapeutically equivalent generic drug may be substituted in its place, unless substitution is permitted under a prior-consent authorization.

If a written prescription is involved, the form shall have two signature lines at opposite ends on the bottom of the form. Under the line at the right side shall be clearly printed the words "DISPENSE AS WRITTEN". Under the line at the left side shall be clearly printed the words "SUBSTITUTION PERMITTED". The practitioner shall communicate the instructions to the pharmacist by signing the appropriate line. No prescription shall be valid without the signature of the practitioner on one of these lines.

If an oral prescription is involved, the practitioner or the practitioner's agent shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug may be substituted in its place. The pharmacist shall note the instructions on the file copy of the prescription.

The pharmacist shall note the manufacturer of the drug dispensed on the file copy of a written or oral prescription.

Sec. 3. Section 4, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.130 are each amended to read as follows:

~~((A))~~ The pharmacist shall ((not substitute any drug for another drug unless all savings in the retail price of the prescription are passed to the purchaser. The savings shall be equal to the difference in acquisition costs of the prescribed product and the substituted product)) substitute an equivalent drug product which he has in stock if its wholesale price to the pharmacist is less than the wholesale price of the prescribed drug product, and at least sixty percent of the savings shall be passed on to the purchaser.

Sec. 4. Section 5, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.140 are each amended to read as follows:

A pharmacist may not substitute a product under the provisions of this section unless the manufacturer has shown that the drug has been manufactured with the following minimum good manufacturing standards and practices:

(1) Maintain quality control standards equal to those of the Food and Drug Administration;

(2) Comply with regulations promulgated by the Food and Drug Administration(;

~~(3) Mark products with identification code or monogram;~~

~~(4) Label products with expiration date;~~

~~(5) Provide reasonable services to accept return goods that have reached their expiration date;~~

~~(6) Maintain twenty-four hour resources for product information;~~

~~(7) Maintain recall capabilities for unsafe or defective drugs)).~~

Sec. 5. Section 6, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.150 are each amended to read as follows:

(1) A practitioner who authorizes a prescribed drug shall not be liable for any side effects or adverse reactions caused by the manner or method by which a substituted drug product is selected or dispensed.

(2) A pharmacist who substitutes an equivalent drug product pursuant to RCW 69.41.100 through 69.41.180 as now or hereafter amended assumes no greater liability for selecting the dispensed drug product than would be incurred in filling a prescription for a drug product prescribed by its established name.

Sec. 6. Section 7, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.160 are each amended to read as follows:

Every pharmacy shall post a sign in a location at the prescription counter that is readily visible to patrons stating, "Under Washington law, an equivalent but less expensive drug may in some cases be substituted for the drug prescribed by your doctor. Such substitution, however, may only be made with the consent of your doctor. Please consult your pharmacist or physician for more information." ~~((The printing shall be in block letters no less than one inch in height.))~~

Sec. 7. Section 9, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.180 are each amended to read as follows:

The state board of pharmacy may adopt any necessary rules under chapter 34.04 RCW for the implementation, continuation, or enforcement of RCW 69.41.100 through 69.41.180, including, but not limited to, a list of therapeutically or nontherapeutically equivalent drugs which, when adopted, shall be provided to all registered pharmacists in the state and shall be updated as necessary.

NEW SECTION. Sec. 8. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 111

[Substitute House Bill No. 96]

RIDE SHARING—TRANSPORTATION FOR THE ELDERLY AND THE HANDICAPPED, PUBLIC EMPLOYEES

AN ACT Relating to ride sharing; amending section 5, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.41.130; amending section 46.04.190, chapter 12, Laws of 1961 and RCW 46.04.190; amending section 46.72.010, chapter 12, Laws of 1961 and RCW 46.72.010; amending section 3, chapter 107, Laws of 1961 as amended by section 8, chapter 350, Laws of 1977 ex. sess. and RCW 51.08.013; amending section 81.68.010, chapter 14, Laws of 1961 as last amended by section 1, chapter 121, Laws of 1975-'76 2nd ex. sess. and RCW 81.68.010; adding a new section to chapter 35.21 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new chapter to Title 46 RCW; adding a new chapter to Title 81 RCW; and creating new sections.

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

NEW SECTION. Section 1. The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Commuter ride sharing" means a car pool or van pool arrangement whereby a fixed group not exceeding fifteen persons including passengers and driver, is transported between their places of abode or termini near such places, and their places of employment or educational or other institutions, in a single daily round trip where the driver is also on the way to or from his or her place of employment or educational or other institution.

(2) "Ride sharing for the elderly and the handicapped" means a car pool or van pool arrangement whereby a group of elderly and/or handicapped persons and their attendants, not exceeding fifteen persons including passengers and driver, is transported by a public social service agency or a private, nonprofit transportation provider as defined in section 4(3) of this 1979 act: PROVIDED, That the driver need be neither elderly nor handicapped.

(3) "Ride-sharing vehicle" means a passenger motor vehicle with a seating capacity not exceeding fifteen persons including the driver, while being used for commuter ride sharing or for ride sharing for the elderly and the handicapped.