

for each period may be used by such board to carry out the purposes of RCW 28A.03.400 through 28A.03.409.

Passed the Senate February 19, 1979.

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CHAPTER 90

[Substitute Senate Bill No. 2141].

PRACTICE OF PHARMACY—REQUIREMENTS

AN ACT Relating to the practice of pharmacy; amending section 2, chapter 98, Laws of 1935 as last amended by section 40, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.64.003; amending section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 18, Laws of 1973 1st ex. sess. and RCW 18.64.005; amending section 19, chapter 38, Laws of 1963 and RCW 18.64.007; amending section 1, chapter 82, Laws of 1969 ex. sess. and RCW 18.64.009; amending section 1, chapter 38, Laws of 1963 and RCW 18.64.011; amending section 1, chapter 121, Laws of 1899 and RCW 18.64.020; amending section 10, chapter 121, Laws of 1899 as last amended by section 1, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.040; amending section 12, chapter 213, Laws of 1909 as last amended by section 2, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.043; amending section 5, chapter 153, Laws of 1949 as last amended by section 3, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.045; amending section 16, chapter 121, Laws of 1899 as last amended by section 4, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.047; amending section 1, chapter 9, Laws of 1972 ex. sess. and RCW 18.64.080; amending section 11, chapter 121, Laws of 1899 as last amended by section 6, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.140; amending section 10, chapter 213, Laws of 1909 as amended by section 10, chapter 38, Laws of 1963 and RCW 18.64.160; amending section 15, chapter 38, Laws of 1963 and RCW 18.64.165; amending section 1, chapter 28, Laws of 1939 and RCW 18.64.245; amending section 13, chapter 121, Laws of 1899 as last amended by section 12, chapter 38, Laws of 1963 and RCW 18.64.250; adding new sections to chapter 18.64 RCW; repealing section 9, chapter 180, Laws of 1923, section 8, chapter 38, Laws of 1963 and RCW 18.64.110; and prescribing penalties.

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

Section 1. Section 2, chapter 98, Laws of 1935 as last amended by section 40, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.64.003 are each amended to read as follows:

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))~~ chairperson and a vice chairperson from among its members. Each member shall receive ~~((twenty-five))~~ forty dollars a day for each day actually spent in the performance of his or her official duties and in going to and returning from the place of such performance, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 2. Section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 18, Laws of 1973 1st ex. sess. 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(~~(: PROVIDED, That this power and duty shall be limited to the four pharmacist members of the board);~~);

(3) Examine, inspect, and investigate all applicants for ~~((registration))~~ license as pharmacists or pharmacy interns and ~~((to))~~ grant ~~((certificates of registration))~~ licenses to all applicants whom it shall judge to be properly qualified(~~(: PROVIDED, That this power and duty shall be limited to the four pharmacist members of the board);~~);

(4) Determine the fees for licenses and examinations;

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

~~((5))~~ (6) 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))~~ (7) Make inspections and investigations of ~~((all))~~ pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed ~~((or))~~, 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 ~~((or))~~, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law;

~~((7))~~ (8) ~~((Have the power to))~~ Conduct hearings for the revocation or suspension of licenses, permits ((or)), registrations, certificates, or any other authority to practice granted by the board, and/or ((to)) appoint a hearing officer to conduct such hearings;

(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;

~~((8))~~ (10) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, ~~((narcotics))~~ controlled substances, and the practice of pharmacy, and/or any other laws or rules under its jurisdiction;

~~((9))~~ (11) ~~((Regulate the))~~ Promulgate rules for the dispensing, distribution, wholesaling, and manufacturing of drugs(~~(, nostrums,))~~ and devices 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 or any other authority to practice ((pharmacy)) 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.

Sec. 3. Section 19, chapter 38, Laws of 1963 and RCW 18.64.007 are each amended to read as follows:

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))~~ appropriate authority, and shall be responsible for:

(1) ~~((Be responsible for))~~ The ((administration)) administering 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))~~ Appointing, as authorized and delegated by the board, such secretarial, clerical, accounting, and other office assistance as necessary under provisions of chapter 41.06 RCW;

(3) Reporting to and carrying out all policies and instructions emanating from the board;

(4) Preparing and maintaining all board records;

(5) Attending to the correspondence of the board ((and perform all other duties as the board may require)); and

(6) ((Receive and receipt)) Receiving and receiving for all fees collected.

Sec. 4. Section 1, chapter 82, Laws of 1969 ex. sess. and RCW 18.64.009 are each amended to read as follows:

Employees of the Washington state board of pharmacy, who are ~~((so))~~ designated by the board as enforcement officers, are declared to be peace officers and shall be vested with police powers to enforce chapters 18.64, 18.81, 69.04, ((69.32, 69.33;)) 69.36 ((and)), 69.40, 69.41, and 69.50 RCW and all other laws administered by the board.

Sec. 5. Section 1, chapter 38, Laws of 1963 and RCW 18.64.011 are each amended to read as follows:

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

(1) "Person" (~~((includes individual, partnership, corporation and association))~~) 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((-, or official national formulary:));

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

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

(d) (~~((Articles))~~) Substances intended for use as a component of any (~~((articles))~~) substances specified in (~~((subclauses))~~) (a), (b), or (c) of this subsection, 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.))~~

(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 ~~((a written or oral))~~ an order for drugs or devices issued by a ((duly licensed medical)) 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) "~~((Medical))~~ Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized ~~((and licensed))~~ 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" ~~((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))~~ 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 ~~((15.57))~~ 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 ~~((15.57))~~ 15.58 RCW), as enacted or hereafter amended.

(15) "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.

(16) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(17) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(18) "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.

(19) "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 re-labeling 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) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(21) "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) "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.

Sec. 6. Section 1, chapter 121, Laws of 1899 and RCW 18.64.020 are each amended to read as follows:

It shall hereafter be unlawful for any person to (~~compound or dispense drugs, medicines or poisons,~~) practice pharmacy or to institute or operate any pharmacy (~~, store or shop for wholesaling or retailing, compounding or dispensing drugs, medicines or poisons,~~) unless such person shall be a (~~registered~~) licensed pharmacist or shall place in charge of said pharmacy (~~store or shop~~) a (~~registered~~) licensed pharmacist (~~except as hereinafter~~): PROVIDED, That persons licensed as manufacturers or as wholesalers, and their employees, acting within the scope of their licenses, shall be exempt from this section.

Sec. 7. Section 10, chapter 121, Laws of 1899 as last amended by section 1, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.040 are each amended to read as follows:

Every applicant for (~~registration by~~) license examination under this chapter shall pay the sum (~~of twenty dollars~~) determined by the board before the examination (~~be~~) is 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 fifteen dollars for the same, and annually thereafter the sum of fifteen 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 fifteen dollars).~~

Sec. 8. Section 12, chapter 213, Laws of 1909 as last amended by section 2, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.043 are each amended to read as follows:

(1) ~~The owner of each ((and every drug store,)) pharmacy ((or dispensary,)) shall pay an original license fee ((of fifty dollars)) to be determined by the board, and annually thereafter, on or before ((the first day of June)) a date to be determined by the board, a fee ((of ten dollars)) to be determined by the board, for which he or she 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, or such other temporary location as the board may approve, for the year ending on ((the next succeeding May 31st)) 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 ((hereinafter)) 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((, drug store, or dispensary)) 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 ((and registration)) of location or the renewal thereof properly exhibited in said ((drug store,)) pharmacy ((or dispensary)).~~

(3) ~~Failure to ((conform)) comply with this ((provision)) section shall be deemed a misdemeanor, ((and upon conviction thereof the owner shall be fined not less than twenty dollars nor more than one hundred dollars,)) and each day that said failure continues shall be deemed a separate offense.~~

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

Sec. 9. Section 5, chapter 153, Laws of 1949 as last amended by section 3, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.045 are each amended to read as follows:

~~((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 seventy-five dollars)) to be determined by the board, and annually thereafter, on or before ((the first~~

~~day of June~~) a date to be determined by the board, a ~~((like))~~ fee ~~((of seventy-five dollars))~~ to be determined by the board, for which ~~((he))~~ the owner shall receive a license ~~((and registration))~~ of location from the state board of pharmacy, which shall entitle ~~((such))~~ the owner to manufacture ~~((or to sell))~~ drugs ~~((and drug sundries))~~ at the location specified for the year ending on ~~((the next succeeding May 31st))~~ 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 ~~((and registration))~~ of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this ~~((provision))~~ section shall be deemed a misdemeanor, ~~((and upon conviction thereof, the owner shall be fined not less than twenty dollars nor more than one hundred dollars,))~~ and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ~~((ninety))~~ sixty days from date due, no renewal or new license shall be issued except upon payment of ~~((an additional seventy-five dollars))~~ the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 10. Section 16, chapter 121, Laws of 1899 as last amended by section 4, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.047 are each amended to read as follows:

Any itinerant vendor~~((shopkeeper,))~~ or any peddler of any ~~((medicine,))~~ nonprescription drug~~((, or nostrum,))~~ or preparation for the treatment of disease or injury, shall pay a license fee ~~((of fifteen dollars))~~ determined by the board annually on ~~((or before the first day of June))~~ a date to be determined by the board. The state board of pharmacy ~~((shall))~~ may issue a license to such ~~((itinerant))~~ vendor ~~((or peddler))~~ on an approved 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 to the public any such ~~((medicine,))~~ nonprescription drug~~((, or nostrum,))~~ or preparation without having a license to do so as ~~((herein))~~ provided in this section, shall be guilty of a misdemeanor~~((, and upon conviction thereof shall be fined in any sum not less than twenty dollars and not exceeding one hundred 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))~~ sixty days from date due, no renewal or new license shall be issued except upon payment of ~~((an additional fifteen dollars))~~ the license renewal fee and a penalty fee equal to the license renewal fee. This license shall not authorize the sale of legend drugs or controlled substances.

Sec. 11. Section 1, chapter 9, Laws of 1972 ex. sess. 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 ~~((not less than))~~ at least eighteen years of age and a citizen of the United States 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 ~~((probably))~~ 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, ~~((narcotic drugs or dangerous))~~ 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 ~~((prescribed))~~ set forth in board rules;

(e) Has satisfactorily passed ~~((such))~~ the necessary 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.))~~ 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) ((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.~~

~~(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.~~

~~(5)) Any person enrolled as a student of pharmacy or prepharmacy 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 ((of one dollar)) to be determined by the board. 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)) 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.~~

~~((6)) (4) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by ((employment)) 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.~~

~~((7)) (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 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)) was licensed as a pharmacist((s)) by examination in ((other)) another state((s)) prior to ((the time chapter 38, Laws of 1963 takes effect)) June 13, 1963, shall be required to satisfy only the requirements which existed in this state at the time ((they)) he or she became licensed in such other state((s)): PROVIDED FURTHER, That the state in which said person is licensed shall under similar conditions grant reciprocal ((registration)) 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 ((of seventy-five dollars)) determined by the board.~~

~~((8) Each pharmacy intern applying for examination shall pay to the state board of pharmacy an examination fee of twenty 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.~~

~~(9))~~ (6) The board shall provide for, regulate, and require all persons ~~((registered))~~ licensed as pharmacists to renew their ~~((registration))~~ license annually, and shall prescribe the form of such ~~((registration))~~ license and information required to be submitted by all applicants.

Sec. 12. Section 11, chapter 121, Laws of 1899 as last amended by section 6, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.140 are each amended to read as follows:

Every ~~((registered))~~ licensed pharmacist who desires to practice ~~((his profession))~~ pharmacy shall secure from the board a ~~((registration))~~ license, the fee for which shall be ~~((twenty dollars and))~~ determined by the board. The annual renewal fee ((shall be fifteen dollars payable on or before June 1st of each year)) 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 ((an additional twenty dollars)) 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. ((Every certificate of registration or)) The current ((renewal thereof)) license shall be conspicuously ((exposed)) displayed to the public in the ((drug store,)) pharmacy ((or dispensary)) to which it applies((: PROVIDED, That commencing with the license year starting June 1, 1971, all pharmacists shall pay the the fees provided for in this section irrespective of when the pharmacist licenses previously issued expire, however those which would have expired after June 1, 1971, shall receive a credit in the amount of the fee previously paid times the ratio of the expressed remaining license period to the total license period)).

Sec. 13. Section 10, chapter 213, Laws of 1909 as amended by section 10, chapter 38, Laws of 1963 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 ~~((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)) 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;

~~((3))~~ (4) He or she is unfit to practice pharmacy because of habitual intemperance in the use of alcoholic beverages, ~~((narcotics, dangerous))~~ drugs, controlled substances, 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) 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;

(6) His ~~((license))~~ 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;

~~((6))~~ (7) 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 ~~((and))~~ or regulation of the board;

~~((7))~~ (8) He or she 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))~~ 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;

~~((8))~~ (9) He or she has compounded, dispensed, ~~((sold))~~ or caused the compounding~~((;))~~ or dispensing ~~((or sale))~~ of any drug or device which contains more or less than the ~~((proportionate))~~ equivalent 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, 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))~~ 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 ~~((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 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))~~ proceed in accordance with chapter 34.04 RCW.

Sec. 14. Section 15, chapter 38, Laws of 1963 and RCW 18.64.165 are each amended to read as follows:

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:

- (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))~~ controlled substances, cosmetics, or ((drug sundries)) nonprescription drugs, or has violated any of the rules and regulations of the board of pharmacy.

Sec. 15. Section 1, chapter 28, Laws of 1939 and RCW 18.64.245 are each amended to read as follows:

Every proprietor or manager of a pharmacy ~~((or drug store))~~ shall keep ~~((in his place of business))~~ readily available a suitable ~~((book or file, in))~~ record of prescriptions which shall ~~((be preserved))~~ preserve for a period of

not less than five years the ~~((original))~~ record of every prescription ~~((compounded or))~~ dispensed at such pharmacy ~~((or drug store, numbering, dating and filing them in the order in which they were compounded or dispensed))~~ which shall be numbered, dated, and filed, and shall produce the same in court or before any grand jury whenever lawfully required to do so. The record shall be maintained either separately from all other records of the pharmacy or in such form that the information required is readily retrievable from ordinary business records of the pharmacy. All record-keeping requirements for controlled substances must be complied with. Such ~~((book or file of original))~~ record of prescriptions shall ~~((at all times))~~ be for confidential use in the pharmacy, only: PROVIDED, That the record of prescriptions shall be open for inspection by ~~((the prescriber,))~~ the board of pharmacy ~~((:))~~ or any officer of the law.

Sec. 16. Section 13, chapter 121, Laws of 1899 as last amended by section 12, chapter 38, Laws of 1963 and RCW 18.64.250 are each amended to read as follows:

(1) Any person not a ~~((registered))~~ licensed 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))~~ practice pharmacy; or

(2) Any person who shall permit the compounding and dispensing of prescriptions, or vending of drugs, medicines, or poisons in his or her store or place of business, except ~~((upon))~~ under the supervision of a ~~((registered))~~ licensed pharmacist ~~((:)); or~~

(3) Any ~~((registered))~~ licensed pharmacist or shopkeeper ~~((registered))~~ licensed under this chapter, who while continuing in business, ~~((who))~~ shall fail or neglect to procure his or her renewal of ~~((registration,))~~ license; or

(4) Any person who shall wilfully make any false representations to procure ~~((registration))~~ a license for himself or herself or for any other person ~~((:)); or~~

(5) Any person 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 to 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 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)); or~~

(6) Any person who shall take or use or exhibit in or upon any place of business, or advertise in a newspaper, telephone directory, or other directory, or by ((radio)) electronic media, or in any other manner, the title of pharmacist, pharmacy intern, pharmacy 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)) symbols, bottles or globes, either colored or filled with colored liquids, without having continuously and regularly employed in his or her shop, store, or place of business, during business hours of the pharmacy, 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.

NEW SECTION. Sec. 17. There is added to chapter 18.64 RCW a new section to read as follows:

(1) A shopkeeper licensed as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer.

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to secure a shopkeeper's license, and he or she shall pay the fee determined by the board for the same, and annually thereafter the fee determined by the board 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 sixty days from the 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: PROVIDED, That every shopkeeper with six or fewer drugs shall pay a fee to be determined by the board. This license fee shall not authorize the sale of legend drugs or controlled substances.

(3) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having a license 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.

NEW SECTION. Sec. 18. There is added to chapter 18.64 RCW a new section to read as follows:

The owner of each place of business which sells legend drugs and nonprescription 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 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.

NEW SECTION. Sec. 19. There is added to chapter 18.64 RCW a new section to read as follows:

Nothing in this chapter shall operate in any manner:

(1) To restrict the scope of authorized practice of any practitioner, 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.

NEW SECTION. Sec. 20. Section 9, chapter 180, Laws of 1923, section 8, chapter 38, Laws of 1963 and RCW 18.64.110 are each repealed.

Passed the Senate February 16, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 91

[Senate Bill No. 2206]

COMMERCIAL FEED DISTRIBUTORS—INSPECTION FEES

AN ACT Relating to commercial feed; amending section 6, chapter 31, Laws of 1965 ex. sess. as last amended by section 5, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.53.9018; and providing an effective date.

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

Section 1. Section 6, chapter 31, Laws of 1965 ex. sess. as last amended by section 5, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.53.9018 are each amended to read as follows:

(1) On or after (~~(July 1, 1975)~~) January 1, 1980, each initial distributor of a commercial feed in this state shall pay to the department an inspection fee of (~~(six)~~) eight cents per ton on all commercial feed sold by such person during the year.

(2) In computing the tonnage on which the inspection fee must be paid, sales of commercial feed to other feed registrants, sales of commercial feed in packages weighing less than ten pounds, and sales of commercial feed for shipment to points outside this state may be excluded.

(3) When more than one distributor is involved in the distribution of a commercial feed, the last registrant or initial distributor who distributes to a nonregistrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee, unless the reporting and paying of fees have been made by a prior distributor of the feed.

(4) Each person made responsible by this chapter for the payment of inspection fees for commercial feed sold in this state shall file a report with the department on (~~(October 1st,)~~) January 1st(~~(, April 1st,)~~) and July 1st of each year showing the number of tons of such commercial feed sold during the (~~(three)~~) six calendar months immediately preceding the date the report is due. The proper inspection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty-day period of grace immediately following the day the report and payment are due to file the report, and pay the fee: PROVIDED, That upon permission of the department, an annual statement under oath may be filed by any