
SENATE BILL 5390

State of Washington

62nd Legislature

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By Senators Prentice, Becker, Pridemore, Conway, Keiser, Pflug, Parlette, and Tom

Read first time 01/24/11. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to authorizing Washington pharmacies to fill
2 prescriptions written by advanced registered nurse practitioners in
3 other states; and amending RCW 69.50.101.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 69.50.101 and 2010 c 177 s 1 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, definitions of terms
8 shall be as indicated where used in this chapter:

9 (a) "Administer" means to apply a controlled substance, whether by
10 injection, inhalation, ingestion, or any other means, directly to the
11 body of a patient or research subject by:

12 (1) a practitioner authorized to prescribe (or, by the
13 practitioner's authorized agent); or

14 (2) the patient or research subject at the direction and in the
15 presence of the practitioner.

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

1 (c) "Board" means the state board of pharmacy.

2 (d) "Controlled substance" means a drug, substance, or immediate
3 precursor included in Schedules I through V as set forth in federal or
4 state laws, or federal or board rules.

5 (e)(1) "Controlled substance analog" means a substance the chemical
6 structure of which is substantially similar to the chemical structure
7 of a controlled substance in Schedule I or II and:

8 (i) that has a stimulant, depressant, or hallucinogenic effect on
9 the central nervous system substantially similar to the stimulant,
10 depressant, or hallucinogenic effect on the central nervous system of
11 a controlled substance included in Schedule I or II; or

12 (ii) with respect to a particular individual, that the individual
13 represents or intends to have a stimulant, depressant, or
14 hallucinogenic effect on the central nervous system substantially
15 similar to the stimulant, depressant, or hallucinogenic effect on the
16 central nervous system of a controlled substance included in Schedule
17 I or II.

18 (2) The term does not include:

19 (i) a controlled substance;

20 (ii) a substance for which there is an approved new drug
21 application;

22 (iii) a substance with respect to which an exemption is in effect
23 for investigational use by a particular person under Section 505 of the
24 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent
25 conduct with respect to the substance is pursuant to the exemption; or

26 (iv) any substance to the extent not intended for human consumption
27 before an exemption takes effect with respect to the substance.

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

31 (g) "Department" means the department of health.

32 (h) "Dispense" means the interpretation of a prescription or order
33 for a controlled substance and, pursuant to that prescription or order,
34 the proper selection, measuring, compounding, labeling, or packaging
35 necessary to prepare that prescription or order for delivery.

36 (i) "Dispenser" means a practitioner who dispenses.

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

1 (k) "Distributor" means a person who distributes.

2 (l) "Drug" means (1) a controlled substance recognized as a drug in
3 the official United States pharmacopoeia/national formulary or the
4 official homeopathic pharmacopoeia of the United States, or any
5 supplement to them; (2) controlled substances intended for use in the
6 diagnosis, cure, mitigation, treatment, or prevention of disease in
7 individuals or animals; (3) controlled substances (other than food)
8 intended to affect the structure or any function of the body of
9 individuals or animals; and (4) controlled substances intended for use
10 as a component of any article specified in (1), (2), or (3) of this
11 subsection. The term does not include devices or their components,
12 parts, or accessories.

13 (m) "Drug enforcement administration" means the drug enforcement
14 administration in the United States Department of Justice, or its
15 successor agency.

16 (n) "Immediate precursor" means a substance:

17 (1) that the state board of pharmacy has found to be and by rule
18 designates as being the principal compound commonly used, or produced
19 primarily for use, in the manufacture of a controlled substance;

20 (2) that is an immediate chemical intermediary used or likely to be
21 used in the manufacture of a controlled substance; and

22 (3) the control of which is necessary to prevent, curtail, or limit
23 the manufacture of the controlled substance.

24 (o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5),
25 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any
26 geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c)
27 the term includes any positional isomer; and in RCW 69.50.204(a)(35),
28 69.50.204(c), and 69.50.208(a) the term includes any positional or
29 geometric isomer.

30 (p) "Manufacture" means the production, preparation, propagation,
31 compounding, conversion, or processing of a controlled substance,
32 either directly or indirectly or by extraction from substances of
33 natural origin, or independently by means of chemical synthesis, or by
34 a combination of extraction and chemical synthesis, and includes any
35 packaging or repackaging of the substance or labeling or relabeling of
36 its container. The term does not include the preparation, compounding,
37 packaging, repackaging, labeling, or relabeling of a controlled
38 substance:

1 (1) by a practitioner as an incident to the practitioner's
2 administering or dispensing of a controlled substance in the course of
3 the practitioner's professional practice; or

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

7 (q) "Marijuana" or "marihuana" means all parts of the plant
8 Cannabis, whether growing or not; the seeds thereof; the resin
9 extracted from any part of the plant; and every compound, manufacture,
10 salt, derivative, mixture, or preparation of the plant, its seeds or
11 resin. The term does not include the mature stalks of the plant, fiber
12 produced from the stalks, oil or cake made from the seeds of the plant,
13 any other compound, manufacture, salt, derivative, mixture, or
14 preparation of the mature stalks (except the resin extracted
15 therefrom), fiber, oil, or cake, or the sterilized seed of the plant
16 which is incapable of germination.

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

21 (1) Opium, opium derivative, and any derivative of opium or opium
22 derivative, including their salts, isomers, and salts of isomers,
23 whenever the existence of the salts, isomers, and salts of isomers is
24 possible within the specific chemical designation. The term does not
25 include the isoquinoline alkaloids of opium.

26 (2) Synthetic opiate and any derivative of synthetic opiate,
27 including their isomers, esters, ethers, salts, and salts of isomers,
28 esters, and ethers, whenever the existence of the isomers, esters,
29 ethers, and salts is possible within the specific chemical designation.

30 (3) Poppy straw and concentrate of poppy straw.

31 (4) Coca leaves, except coca leaves and extracts of coca leaves
32 from which cocaine, ecgonine, and derivatives or ecgonine or their
33 salts have been removed.

34 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

35 (6) Cocaine base.

36 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
37 thereof.

1 (8) Any compound, mixture, or preparation containing any quantity
2 of any substance referred to in subparagraphs (1) through (7).

3 (s) "Opiate" means any substance having an addiction-forming or
4 addiction-sustaining liability similar to morphine or being capable of
5 conversion into a drug having addiction-forming or addiction-sustaining
6 liability. The term includes opium, substances derived from opium
7 (opium derivatives), and synthetic opiates. The term does not include,
8 unless specifically designated as controlled under RCW 69.50.201, the
9 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
10 (dextromethorphan). The term includes the racemic and levorotatory
11 forms of dextromethorphan.

12 (t) "Opium poppy" means the plant of the species *Papaver somniferum*
13 L., except its seeds.

14 (u) "Person" means individual, corporation, business trust, estate,
15 trust, partnership, association, joint venture, government,
16 governmental subdivision or agency, or any other legal or commercial
17 entity.

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

20 (w) "Practitioner" means:

21 (1) A physician under chapter 18.71 RCW; a physician assistant
22 under chapter 18.71A RCW; an osteopathic physician and surgeon under
23 chapter 18.57 RCW; an osteopathic physician assistant under chapter
24 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
25 limitations in RCW 18.57A.040; an optometrist licensed under chapter
26 18.53 RCW who is certified by the optometry board under RCW 18.53.010
27 subject to any limitations in RCW 18.53.010; a dentist under chapter
28 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
29 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
30 registered nurse practitioner, or licensed practical nurse under
31 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
32 who is licensed under RCW 18.36A.030 subject to any limitations in RCW
33 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
34 investigator under this chapter, licensed, registered or otherwise
35 permitted insofar as is consistent with those licensing laws to
36 distribute, dispense, conduct research with respect to or administer a
37 controlled substance in the course of their professional practice or
38 research in this state.

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

5 (3) A physician licensed to practice medicine and surgery, a
6 physician licensed to practice osteopathic medicine and surgery, a
7 dentist licensed to practice dentistry, a podiatric physician and
8 surgeon licensed to practice podiatric medicine and surgery, an
9 advanced registered nurse practitioner licensed to prescribe controlled
10 substances, or a veterinarian licensed to practice veterinary medicine
11 in any state of the United States.

12 (x) "Prescription" means an order for controlled substances issued
13 by a practitioner duly authorized by law or rule in the state of
14 Washington to prescribe controlled substances within the scope of his
15 or her professional practice for a legitimate medical purpose.

16 (y) "Production" includes the manufacturing, planting, cultivating,
17 growing, or harvesting of a controlled substance.

18 (z) "Secretary" means the secretary of health or the secretary's
19 designee.

20 (aa) "State," unless the context otherwise requires, means a state
21 of the United States, the District of Columbia, the Commonwealth of
22 Puerto Rico, or a territory or insular possession subject to the
23 jurisdiction of the United States.

24 (bb) "Ultimate user" means an individual who lawfully possesses a
25 controlled substance for the individual's own use or for the use of a
26 member of the individual's household or for administering to an animal
27 owned by the individual or by a member of the individual's household.

28 (cc) "Electronic communication of prescription information" means
29 the communication of prescription information by computer, or the
30 transmission of an exact visual image of a prescription by facsimile,
31 or other electronic means for original prescription information or
32 prescription refill information for a Schedule III-V controlled
33 substance between an authorized practitioner and a pharmacy or the
34 transfer of prescription information for a controlled substance from
35 one pharmacy to another pharmacy.

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