
SENATE BILL 6189

State of Washington 60th Legislature 2008 Regular Session

By Senators Keiser, Kohl-Welles, Tom, Fraser, Fairley, Kastama, Franklin, Marr, Haugen, Murray, Kline, and McDermott

Read first time 01/14/08. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to pharmacies' declaration of compliance with
2 obligation to timely dispense pharmaceuticals; amending RCW 18.64.043;
3 and adding new sections to chapter 18.64 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.64 RCW
6 to read as follows:

7 It is the intent of the legislature to protect and promote public
8 health, safety, and welfare by ensuring the timely availability of all
9 legally prescribed drugs and devices in all state licensed pharmacies.
10 The legislature intends that each pharmacy comply with its duty to
11 timely dispense all legally prescribed drugs and devices or the
12 therapeutic equivalent in order to meet the pharmaceutical needs of its
13 patients.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.64 RCW
15 to read as follows:

16 Beginning January 1, 2009, a pharmacy owner must file with the
17 department an annual declaration that it has complied with its duty to
18 timely dispense all legally prescribed drugs and devices or the

1 therapeutic equivalent in order to meet the pharmaceutical needs of its
2 patients, unless the department has granted an exception to that
3 pharmacy owner.

4 If the pharmacy owner fails to file the declaration required by
5 this section, no renewal or new license shall be issued (except upon
6 compliance with administrative procedures, administrative requirements,
7 and fees determined as provided in RCW 18.64.043).

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.64 RCW
9 to read as follows:

10 The secretary shall by January 1, 2009, develop rules for granting
11 exceptions to the requirement to dispense all legally prescribed drugs
12 and devices in section 2 of this act based upon the nature and needs of
13 the population served by each pharmacy location.

14 **Sec. 4.** RCW 18.64.043 and 1996 c 191 s 43 are each amended to read
15 as follows:

16 (1) The owner of each pharmacy shall pay an original license fee to
17 be determined by the secretary, and annually thereafter, on or before
18 a date to be determined by the secretary, a fee to be determined by the
19 secretary, for which he or she shall receive a license of location,
20 which shall entitle the owner to operate such pharmacy at the location
21 specified, or such other temporary location as the secretary may
22 approve, for the period ending on a date to be determined by the
23 secretary as provided in RCW 43.70.250 and 43.70.280, and each such
24 owner shall at the time of filing proof of payment of such fee as
25 provided in RCW 18.64.045 as now or hereafter amended, file with the
26 department on a blank therefor provided, a declaration of ownership and
27 location, which declaration of ownership and location so filed as
28 aforesaid shall be deemed presumptive evidence of ownership of the
29 pharmacy mentioned therein. The pharmacy owner's declaration of
30 compliance with its duty to timely dispense all legally prescribed
31 drugs and devices, as required by section 2 of this act, must be filed
32 with the declaration of ownership and location and proof of payment of
33 the license fee.

34 (2) It shall be the duty of the owner to immediately notify the
35 department of any change of location (~~(or)~~), ownership, or ability to

1 dispense all legally prescribed drugs and devices and to keep the
2 license of location or the renewal thereof and declaration of
3 compliance properly exhibited in said pharmacy.

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

7 (4) In the event such license fee remains unpaid on the date due,
8 no renewal or new license shall be issued except upon compliance with
9 administrative procedures, administrative requirements, and fees
10 determined as provided in RCW 43.70.250 (~~and~~), 43.70.280, and
11 18.64.043.

--- END ---