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SENATE BILL 6441

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State of Washington

54th Legislature

1996 Regular Session

By Senators Moyer, Franklin, Schow, Wojahn, Zarelli, Quigley, Wood, Winsley, Fairley, Deccio, Oke and Kohl

Read first time 01/15/96. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to expiration dates on prescriptions dispensed by  
2 nonresident pharmacies; and amending RCW 18.64.360.

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

4 **Sec. 1.** RCW 18.64.360 and 1991 c 87 s 2 are each amended to read  
5 as follows:

6 (1) For the purposes of this chapter any pharmacy located outside  
7 this state that ships, mails, or delivers, in any manner, except when  
8 delivered in person to an individual, controlled substances, legend  
9 drugs, or devices into this state is a nonresident pharmacy, and shall  
10 be licensed by the department of health, and shall disclose to the  
11 department the following:

12 (a) The location, names, and titles of all owners including  
13 corporate officers and all pharmacists employed by the pharmacy who are  
14 dispensing controlled substances, legend drugs, or devices to residents  
15 of this state. A report containing this information shall be made on  
16 an annual basis and within ninety days after a change of location,  
17 corporate officer, or pharmacist;

18 (b) Proof of compliance with all lawful directions and requests for  
19 information from the regulatory or licensing agency of the state in

1 which it is licensed as well as with all requests for information made  
2 by the department of health under this section. The nonresident  
3 pharmacy shall maintain, at all times, a valid unexpired license,  
4 permit, or registration to operate the pharmacy in compliance with the  
5 laws of the state in which it is located. As a prerequisite to be  
6 licensed by the department of health, the nonresident pharmacy shall  
7 submit a copy of the most recent inspection report issued by the  
8 regulatory licensing agency of the state in which it is located;

9 (c) Proof that it maintains its records of controlled substances,  
10 legend drugs, or devices dispensed to patients in this state so that  
11 the records are readily retrievable from the records of other drugs  
12 dispensed.

13 (2) Any pharmacy subject to this section shall, during its regular  
14 hours of operation, provide a toll-free telephone service to facilitate  
15 communication between patients in this state and a pharmacist at the  
16 pharmacy who has access to the patient's records. This toll-free  
17 number shall be disclosed on the label affixed to each container of  
18 drugs dispensed to patients in this state.

19 (3) A pharmacy subject to this section shall comply with board  
20 rules regarding the maintenance and use of patient medication record  
21 systems.

22 (4) A pharmacy subject to this section shall comply with board of  
23 pharmacy rules regarding the provision of drug information to the  
24 patient. Drug information may be contained in written form setting  
25 forth directions for use and any additional information necessary to  
26 assure the proper utilization of the medication prescribed. A label  
27 bearing the expiration date of the prescription must be affixed to each  
28 box, bottle, jar, tube, or other container of a prescription that is  
29 dispensed in this state by a pharmacy subject to this section.

30 (5) A pharmacy subject to this section shall not dispense  
31 medication in a quantity greater than authorized by the prescriber.

32 (6) The license fee specified by the secretary, in accordance with  
33 the provisions of RCW 43.70.250, shall not exceed the fee charged to a  
34 pharmacy located in this state.

35 (7) The license requirements of this section apply to nonresident  
36 pharmacies that ship, mail, or deliver controlled substances, legend  
37 drugs, and devices into this state only under a prescription. The  
38 board of pharmacy may grant an exemption from licensing under this

1 section upon application by an out-of-state pharmacy that restricts its  
2 dispensing activity in Washington to isolated transactions.

3 (8) Each nonresident pharmacy that ships, mails, or delivers legend  
4 drugs or devices into this state shall designate a resident agent in  
5 Washington for service of process. The designation of such an agent  
6 does not indicate that the nonresident pharmacy is a resident of  
7 Washington for tax purposes.

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