
HOUSE BILL 2431

State of Washington 64th Legislature 2016 Regular Session

By Representatives Harris, Moeller, Riccelli, and Schmick

Read first time 01/13/16. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the prescribing of schedule II controlled
2 substances; and amending RCW 69.50.402.

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

4 **Sec. 1.** RCW 69.50.402 and 2013 c 19 s 107 are each amended to
5 read as follows:

6 (1) It is unlawful for any person:

7 (a) Who is subject to Article III to distribute or dispense a
8 controlled substance in violation of RCW 69.50.308;

9 (b) Who is a registrant, to manufacture a controlled substance
10 not authorized by his or her registration, or to distribute or
11 dispense a controlled substance not authorized by his or her
12 registration to another registrant or other authorized person;

13 (c) Who is a practitioner, to prescribe, order, dispense,
14 administer, supply, or give to any person:

15 (i) Any amphetamine, including its salts, optical isomers, and
16 salts of optical isomers classified as a schedule II controlled
17 substance by the commission pursuant to chapter 34.05 RCW; or

18 (ii) Any nonnarcotic stimulant classified as a schedule II
19 controlled substance and designated as a nonnarcotic stimulant by the
20 commission pursuant to chapter 34.05 RCW;

1 except for the treatment of binge eating disorder, or for the
2 treatment of narcolepsy, or for the treatment of hyperkinesis, or for
3 the treatment of drug-induced brain dysfunction, or for the treatment
4 of epilepsy, or for the differential diagnostic psychiatric
5 evaluation of depression, or for the treatment of depression shown to
6 be refractory to other therapeutic modalities, or for the treatment
7 of multiple sclerosis, or for the treatment of any other disease
8 states or conditions for which the United States food and drug
9 administration has approved an indication, or for the clinical
10 investigation of the effects of such drugs or compounds, in which
11 case an investigative protocol therefor shall have been submitted to
12 and reviewed and approved by the commission before the investigation
13 has been begun: PROVIDED, That the commission, in consultation with
14 the medical quality assurance commission and the osteopathic
15 disciplinary board, may establish by rule, pursuant to chapter 34.05
16 RCW, disease states or conditions in addition to those listed in this
17 subsection for the treatment of which Schedule II nonnarcotic
18 stimulants may be prescribed, ordered, dispensed, administered,
19 supplied, or given to patients by practitioners: AND PROVIDED,
20 FURTHER, That investigations by the commission of abuse of
21 prescriptive authority by physicians, licensed pursuant to chapter
22 18.71 RCW, pursuant to subsection (1)(c) of this section shall be
23 done in consultation with the medical quality assurance commission;

24 (d) To refuse or fail to make, keep or furnish any record,
25 notification, order form, statement, invoice, or information required
26 under this chapter;

27 (e) To refuse an entry into any premises for any inspection
28 authorized by this chapter; or

29 (f) Knowingly to keep or maintain any store, shop, warehouse,
30 dwelling, building, vehicle, boat, aircraft, or other structure or
31 place, which is resorted to by persons using controlled substances in
32 violation of this chapter for the purpose of using these substances,
33 or which is used for keeping or selling them in violation of this
34 chapter.

35 (2) Any person who violates this section is guilty of a class C
36 felony and upon conviction may be imprisoned for not more than two
37 years, fined not more than two thousand dollars, or both.

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