
SUBSTITUTE SENATE BILL 6238

State of Washington

64th Legislature

2016 Regular Session

By Senate Health Care (originally sponsored by Senators Rivers, Keiser, Cleveland, Miloscia, and Chase)

READ FIRST TIME 01/26/16.

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 clinical investigation of the
8 effects of such drugs or compounds, in which case an investigative
9 protocol therefor shall have been submitted to and reviewed and
10 approved by the commission before the investigation has been begun:
11 PROVIDED, That the commission, in consultation with the medical
12 quality assurance commission and the osteopathic disciplinary board,
13 may establish by rule, pursuant to chapter 34.05 RCW, disease states
14 or conditions in addition to those listed in this subsection for the
15 treatment of which Schedule II nonnarcotic stimulants may be
16 prescribed, ordered, dispensed, administered, supplied, or given to
17 patients by practitioners: AND PROVIDED, FURTHER, That investigations
18 by the commission of abuse of prescriptive authority by physicians,
19 licensed pursuant to chapter 18.71 RCW, pursuant to subsection (1)(c)
20 of this section shall be done in consultation with the medical
21 quality assurance commission;

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

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

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

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

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