

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6238**

64th Legislature  
2016 Regular Session

Passed by the Senate March 8, 2016  
Yeas 46 Nays 0

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**President of the Senate**

Passed by the House March 3, 2016  
Yeas 94 Nays 3

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6238** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6238**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2016 Regular Session

**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; amending RCW 69.50.402; and prescribing penalties.

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

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

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

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

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

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