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HOUSE BILL 2688

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Slatter, DeBolt, Cody, and Jinkins; by request of Department of Health

Read first time 01/12/18. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to nonresident pharmacies; and amending RCW  
2 18.64.360.

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

4 **Sec. 1.** RCW 18.64.360 and 2013 c 19 s 22 are each amended to  
5 read 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  
10 shall be licensed by the department of health, and shall disclose to  
11 the 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  
14 are dispensing controlled substances, legend drugs, or devices to  
15 residents of this state. A report containing this information shall  
16 be made on an annual basis and within ninety days after a change of  
17 location, corporate officer, or pharmacist;

18 (b) Proof of compliance with all lawful directions and requests  
19 for information from the regulatory or licensing agency of the state  
20 or Canadian province in which it is licensed as well as with all  
21 requests for information made by the department of health under this

1 section. The nonresident pharmacy shall maintain, at all times, a  
2 valid unexpired license, permit, or registration to operate the  
3 pharmacy in compliance with the laws of the state or Canadian  
4 province in which it is located. As a prerequisite (~~to be licensed~~  
5 ~~by the department of health, the nonresident pharmacy shall submit a~~  
6 ~~copy of the most recent inspection report issued by the regulatory~~  
7 ~~licensing agency of the state or Canadian province in which it is~~  
8 ~~located~~) for initial licensure and renewal of a license by the  
9 department of health, the nonresident pharmacy must submit a copy of  
10 an inspection report conducted by an inspection program approved by  
11 the commission and issued within two years of application or renewal  
12 of a license;

13 (c) Proof that it maintains its records of controlled substances,  
14 legend drugs, or devices dispensed to patients in this state so that  
15 the records are readily retrievable from the records of other drugs  
16 dispensed.

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

23 (3) A pharmacy subject to this section shall comply with  
24 commission rules regarding the maintenance and use of patient  
25 medication record systems.

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

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

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

1           (7) The license requirements of this section apply to nonresident  
2 pharmacies that ship, mail, or deliver controlled substances, legend  
3 drugs, and devices into this state only under a prescription. The  
4 commission may grant an exemption from licensing under this section  
5 upon application by an out-of-state pharmacy that restricts its  
6 dispensing activity in Washington to isolated transactions.

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

12          (9) The commission shall attempt to develop a reciprocal  
13 licensing agreement for licensure of nonresident pharmacies with  
14 Health Canada or an applicable Canadian province. If the commission  
15 is unable to develop such an agreement, the commission shall develop  
16 a process to license participating Canadian nonresident pharmacies  
17 through on-site inspection and certification.

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