

# HOUSE BILL REPORT

## HB 2587

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*As Reported By House Committee on:  
Health Care*

**Title:** An act relating to controlled substances.

**Brief Description:** Updating the schedules of drugs that the board of pharmacy has authority to control.

**Sponsor(s):** Representatives Braddock, Moyer, Prentice, Franklin, Edmondson, Paris, Morris, Sprenkle, Ballard, Casada, Mitchell, Chandler, J. Kohl, Winsley and Cantwell.

**Brief History:**

Reported by House Committee on:  
Health Care, February 6, 1992, DPS.

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**HOUSE COMMITTEE ON  
HEALTH CARE**

**Majority Report:** *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Morris; Paris; Prentice; and Sprenkle.

**Staff:** John Welsh (786-7133).

**Background:** The Board of Pharmacy is responsible for regulating the manufacture, labeling, delivery, dispensing, distribution, prescription and administering of controlled substances. Controlled substances are drugs with dangerous addictive properties and potentials for abuse, that are listed on five schedules in a decreasing order of addictive potential. Controlled substances on Schedule I have no recognized medical use, while drugs on the other schedules may be prescribed. Controlled substances on Schedule V do not necessarily require a prescription. The board has authority by rule to add controlled substances to the schedules. Additionally, the federal Drug Enforcement Administration (DEA) may determine drugs as controlled substances.

Currently, there are drugs which do not appear in the statutory schedules that have been determined by the rules of the board and the DEA to be controlled substances.

The board has no authority to classify analogs of controlled substances in Schedule I. An analog is a chemical convertible to a controlled substance.

If the DEA determines that a drug is a controlled substance, the board, prior to classifying it on the schedule, must make a finding that the drug has a high potential for abuse, has no accepted medical use, and cannot be used safely.

The board has no authority by rule to except from the schedules a compound containing a stimulant or depressant that vitiates the potential for abuse by its quantity or combinations.

The board is required to publish annually updated schedules of controlled substances.

There is a need for technical changes in language.

**Summary of Substitute Bill:** Anabolic steroids are included in Schedule III as a class of controlled substances. Other drugs are included in Schedules I, II, III, IV and V.

In addition, the board is authorized to classify controlled substance analogs as controlled substances under Schedule I upon the request of a prosecuting attorney.

Upon the determination by DEA that a drug is a controlled substance, the board may automatically place it on the schedule without making findings as to its potential for abuse.

The board may by rule except from the schedule any compound containing a stimulant or depressant if the quantity or combination vitiates the potential for abuse.

Failure of the board to publish updated schedules of controlled substances does not constitute a defense in any administrative or judicial proceedings.

Technical changes are made.

**Substitute Bill Compared to Original Bill:** A number of amendments were adopted that corrected spelling errors in drug nomenclature and made other technical corrections.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The purpose of this bill is principally to up-date the list of controlled substances on the schedules. These drugs have been determined by the federal Drug Enforcement Agency and by the state Board of Pharmacy as controlled substances with dangerous addictive properties. Other changes of a house-keeping nature should be made to reflect current needs.

**Testimony Against:** None.

**Witnesses:** None.