

SENATE BILL REPORT

SHB 1254

AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,
MARCH 19, 1993

Brief Description: Modifying controlled substances definitions, standards, and schedule.

SPONSORS: House Committee on Health Care (originally sponsored by Representatives Dellwo, Morris, Dyer, Springer and Wood; by request of Department of Health)

HOUSE COMMITTEE ON HEALTH CARE

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: Do pass.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Franklin, Fraser, McAuliffe, Moyer, Prentice, Quigley, and Winsley.

Staff: Martin Lovinger (786-7443)

Hearing Dates: March 19, 1993

BACKGROUND:

Illicit drug activity is generally governed by the state's version of the Uniform Controlled Substances Act (UCSA). This act is modeled in part after federal law, and is one of the uniform laws produced by the National Conference of Commissioners on Uniform State Laws. The commission periodically reviews uniform laws and makes recommendations to the states for updates and revisions. The commission has recommended various changes in UCSA.

Washington's UCSA is divided into articles dealing with definitions, standards and schedules, regulation of manufacturers, offense and penalties, and enforcement.

Generally, controlled substances cannot be possessed, manufactured, distributed, or sold except as provided in UCSA. The State Board of Pharmacy regulates the manufacture and distribution of controlled substances. Only registered persons may legally make, distribute or dispense controlled substances, and then only to the extent the act specifically allows.

SUMMARY:

Portions of the recommendations of the Uniform Law Commission for amendment to UCSA are adopted.

Several definitions are updated to conform to terminology used in federal legislation. All of the schedules of controlled substances are amended to include the latest substances listed under federal law, including anabolic steroids.

"Research" is added to medical, scientific or industrial uses as an acceptable form of dissemination of controlled substances to be considered when a manufacturer or distributor applies for registration. Convictions under drug laws of foreign nations are to be considered by the board when a person applies for registration as a manufacturer or distributor.

A new provision is added allowing for the seizure of controlled substances owned or possessed by a registrant whose registration has expired or who has stopped operations. Seizure is for the benefit of the registrant, or the registrant's successor in interest. Notice to the registrant is required, and the seized property must be held for at least 180 days before disposal. Costs of seizure, holding and disposition may be deducted, but otherwise proceeds from disposition go to the registrant.

Pharmacists are granted immunity from civil and criminal liability under UCSA when they fill a prescription reasonably believing that it is legitimate.

Possessing a false or fraudulent prescription with an intent to obtain a controlled substance is made an offense. An individual practitioner may not dispense a substance included in schedules II, III or IV for his or her use.

A program is established to track and prevent the diversion of drugs from legal to illegal channels of distribution or use.

The manufacture, delivery or possession of counterfeit controlled substances or the means to mark a counterfeit substance as a controlled substance is made an offense.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR: None

TESTIMONY AGAINST: None

TESTIFIED: No one