
HOUSE BILL 1163

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Cole, Prentice, Braddock, Jacobsen, Winsley, Brekke,
R. King, Leonard, Valle and Sprenkle

Read first time 01/21/91. Referred to Committee on Health Care.

1 AN ACT Relating to controlled substances; amending RCW 69.50.302,
2 69.50.303, 69.50.308, and 42.17.310; reenacting and amending RCW
3 69.50.101; adding new sections to chapter 69.50 RCW; creating a new
4 section; prescribing penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** (a) Beginning January 1, 1992, the
7 dispenser of a Schedule II controlled dangerous substance shall
8 transmit to a central repository designated by the board the following
9 information for each dispensation:

- 10 (1) Recipient's name, when feasible to submit;
11 (2) Recipient's identification number;
12 (3) National drug code number of the substance dispensed;
13 (4) Date of the dispensation;
14 (5) Quantity of the substance dispensed;

1 (6) Prescriber's United States drug enforcement agency registration
2 number; and

3 (7) Registration number.

4 (b) The information required by this section shall be transmitted:

5 (1) On an electronic device which is compatible with the receiving
6 device of the central repository or by computer diskette, magnetic
7 tape, or pharmacy universal claim form, which meets the specifications
8 provided by rules of the board; and

9 (2) Within fifteen days of the time the substance is dispensed.

10 (c) Willful failure to transmit information as required by this
11 section is a misdemeanor.

12 NEW SECTION. **Sec. 2.** (a) The information collected at the
13 central repository pursuant to section 1 of this act is confidential
14 and shall not be open to the public. Access to the information shall
15 be limited to:

16 (1) Employees of the department of health, designated by the board
17 as enforcement officers pursuant to RCW 69.50.500(b);

18 (2) Drug enforcement administration division group supervisors; and

19 (3) The executive director or chief investigator, as designated by
20 each board, of the state boards of podiatry, dental examiners, medical
21 examiners, and governors of veterinary; provided, however, that the
22 executive director or chief investigator of each of these boards shall
23 be limited in access to information relevant to licensees of his or her
24 employing board.

25 (b) This section shall not prevent disclosure, at the discretion of
26 the director of the board, to investigative agents of federal, state,
27 county, or municipal law enforcement agencies, district attorneys, and
28 the attorney general in the furtherance of criminal investigations or
29 prosecutions within their respective jurisdictions.

1 (c) Unauthorized disclosure of information collected at the central
2 repository provided by section 1 of this act is a misdemeanor.
3 Violation of the provisions of this section is deemed willful neglect
4 of duty and is grounds for removal from office.

5 NEW SECTION. **Sec. 3.** The board shall develop criteria for the
6 production of exception reports from the information collected at the
7 central repository. The board shall consult the state boards of
8 podiatry, dental examiners, medical examiners, and governors of
9 veterinary in developing these criteria.

10 NEW SECTION. **Sec. 4.** (a) The central repository provided by
11 section 1 of this act shall:

12 (1) Be capable of providing the collected information in forms
13 required by the board, including but not limited to, dispensations by
14 prescriber name or registration number, dispenser name or registration
15 number, recipient name or identification number, type of substance,
16 frequency, quantity, and location of dispensation;

17 (2) Provide the board with continual, twenty-four-hour per day, on-
18 line access to the collected information;

19 (3) Secure the collected information against access by unauthorized
20 persons;

21 (4) Provide the board in a reasonable time, with all collected
22 information in a format readily usable by the board, in the event the
23 relationship between the state and central repository is terminated;
24 and

25 (5) Not withhold access to the collected information for any reason
26 other than failure of the board to timely pay agreed fees and charges
27 for use of the central repository.

1 (b) The board is authorized to enter into a contract with a vendor
2 to serve as the central repository provided for in section 1 of this
3 act or to purchase the necessary equipment to create the central
4 repository within the board.

5 **Sec. 5.** RCW 69.50.101 and 1990 c 248 s 1, 1990 c 219 s 3, and 1990
6 c 196 s 8 are each reenacted and amended to read as follows:

7 As used in this chapter:

8 (a) "Administer" means the direct application of a controlled
9 substance, whether by injection, inhalation, ingestion, or any other
10 means, to the body of a patient or research subject by:

11 (1) a practitioner, or

12 (2) the patient or research subject at the direction and in the
13 presence of the practitioner.

14 (b) "Agent" means an authorized person who acts on behalf of or at
15 the direction of a manufacturer, distributor, or dispenser. It does
16 not include a common or contract carrier, public warehouseman, or
17 employee of the carrier or warehouseman.

18 (c) "Board" means the state board of pharmacy.

19 (d) "Drug enforcement administration" means the federal drug
20 enforcement administration in the United States Department of Justice,
21 or its successor agency.

22 ~~((d))~~ (e) "Controlled substance" means a drug, substance, or
23 immediate precursor in Schedules I through V of Article II.

24 ~~((e))~~ (f) "Counterfeit substance" means a controlled substance
25 which, or the container or labeling of which, without authorization,
26 bears the trademark, trade name, or other identifying mark, imprint,
27 number or device, or any likeness thereof, of a manufacturer,
28 distributor, or dispenser other than the person who in fact
29 manufactured, distributed, or dispensed the substance.

1 ~~((f))~~ (g) "Deliver" or "delivery" means the actual, constructive,
2 or attempted transfer from one person to another of a controlled
3 substance, whether or not there is an agency relationship.

4 ~~((g))~~ (h) "Department" means the department of health.

5 ~~((h))~~ (i) "Dispense" means the interpretation of a prescription
6 or order for a controlled substance and, pursuant to that prescription
7 or order, the proper selection, measuring, compounding, labeling, or
8 packaging necessary to prepare that prescription or order for delivery.

9 ~~((i))~~ (j) "Dispenser" means a practitioner who dispenses.

10 ~~((j))~~ (k) "Distribute" means to deliver other than by
11 administering or dispensing a controlled substance.

12 ~~((k))~~ (l) "Distributor" means a person who distributes.

13 ~~((l))~~ (m) "Receipt" means to receive a controlled substance
14 either with or without consideration.

15 ~~((m))~~ (n) "Drug" means (1) substances recognized as drugs in the
16 official United States Pharmacopoeia, official Homeopathic
17 Pharmacopoeia of the United States, or Official National Formulary, or
18 any supplement to any of them; (2) substances intended for use in the
19 diagnosis, cure, mitigation, treatment, or prevention of disease in man
20 or animals; (3) substances (other than food) intended to affect the
21 structure or any function of the body of man or animals; and (4)
22 substances intended for use as a component of any article specified in
23 clause (1), (2), or (3) of this subsection. It does not include
24 devices or their components, parts, or accessories.

25 ~~((n))~~ (o) "Exception report" means an output of data indicating
26 Schedule II controlled dangerous substance dispensation which is
27 outside expected norms for a prescriber practicing a particular
28 specialty or field of health care, for a dispenser doing business in a
29 particular location, or for a recipient.

1 (p) "Immediate precursor" means a substance which the state board
2 of pharmacy has found to be and by rule designates as being the
3 principal compound commonly used or produced primarily for use, and
4 which is an immediate chemical intermediary used or likely to be used
5 in the manufacture of a controlled substance, the control of which is
6 necessary to prevent, curtail, or limit manufacture.

7 ~~((+o+))~~ (q) "Manufacture" means the production, preparation,
8 propagation, compounding, conversion or processing of a controlled
9 substance, either directly or indirectly by extraction from substances
10 of natural origin, or independently by means of chemical synthesis, or
11 by a combination of extraction and chemical synthesis, and includes any
12 packaging or repackaging of the substance or labeling or relabeling of
13 its container, except that this term does not include the preparation
14 or compounding of a controlled substance by an individual for his or
15 her own use or the preparation, compounding, packaging, or labeling of
16 a controlled substance:

17 (1) by a practitioner as an incident to administering or dispensing
18 of a controlled substance in the course of his or her professional
19 practice, or

20 (2) by a practitioner, or by an authorized agent under the
21 practitioner's supervision, for the purpose of, or as an incident to,
22 research, teaching, or chemical analysis and not for sale.

23 ~~((+p+))~~ (r) "Marijuana" or "marihuana" means all parts of the plant
24 of the genus Cannabis L., whether growing or not; the seeds thereof;
25 the resin extracted from any part of the plant; and every compound,
26 manufacture, salt, derivative, mixture, or preparation of the plant,
27 its seeds or resin. It does not include the mature stalks of the
28 plant, fiber produced from the stalks, oil or cake made from the seeds
29 of the plant, any other compound, manufacture, salt, derivative,
30 mixture, or preparation of the mature stalks (except the resin

1 extracted therefrom), fiber, oil, or cake, or the sterilized seed of
2 the plant which is incapable of germination.

3 ~~((q))~~ (s) "Narcotic drug" means any of the following, whether
4 produced directly or indirectly by extraction from substances of
5 vegetable origin, or independently by means of chemical synthesis, or
6 by a combination of extraction and chemical synthesis:

7 (1) Opium and opiate, and any salt, compound, derivative, or
8 preparation of opium or opiate.

9 (2) Any salt, compound, isomer, derivative, or preparation thereof
10 which is chemically equivalent or identical with any of the substances
11 referred to in clause 1, but not including the isoquinoline alkaloids
12 of opium.

13 (3) Opium poppy and poppy straw.

14 (4) Coca leaves and any salt, compound, derivative, or preparation
15 of coca leaves, and any salt, compound, isomer, derivative, or
16 preparation thereof which is chemically equivalent or identical with
17 any of these substances, but not including decocainized coca leaves or
18 extractions of coca leaves which do not contain cocaine or ecgonine.

19 ~~((r))~~ (t) "Opiate" means any substance having an
20 addiction-forming or addiction-sustaining liability similar to morphine
21 or being capable of conversion into a drug having addiction-forming or
22 addiction-sustaining liability. It does not include, unless
23 specifically designated as controlled under RCW 69.50.201, the
24 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
25 (dextromethorphan). It does include its racemic and levorotatory
26 forms.

27 ~~((s))~~ (u) "Opium poppy" means the plant of the genus *Papaver* L.,
28 except its seeds, capable of producing an opiate.

1 (~~(t)~~) (v) "Person" means individual, corporation, government or
2 governmental subdivision or agency, business trust, estate, trust,
3 partnership or association, or any other legal entity.

4 (~~(u)~~) (w) "Poppy straw" means all parts, except the seeds, of the
5 opium poppy, after mowing.

6 (~~(v)~~) (x) "Practitioner" means:

7 (1) A physician under chapter 18.71 RCW, a physician assistant
8 under chapter 18.71A RCW, an osteopathic physician or an osteopathic
9 physician and surgeon under chapter 18.57 RCW, a dentist under chapter
10 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under
11 chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a
12 licensed practical nurse under chapter 18.78 RCW, a pharmacist under
13 chapter 18.64 RCW or a scientific investigator under this chapter,
14 licensed, registered or otherwise permitted insofar as is consistent
15 with those licensing laws to distribute, dispense, conduct research
16 with respect to or administer a controlled substance in the course of
17 their professional practice or research in this state.

18 (2) A pharmacy, hospital or other institution licensed, registered,
19 or otherwise permitted to distribute, dispense, conduct research with
20 respect to or to administer a controlled substance in the course of
21 professional practice or research in this state.

22 (3) A physician licensed to practice medicine and surgery, a
23 physician licensed to practice osteopathy and surgery, a dentist
24 licensed to practice dentistry, a podiatrist licensed to practice
25 podiatry, or a veterinarian licensed to practice veterinary medicine in
26 any state of the United States.

27 (~~(w)~~) (y) "Production" includes the manufacture, planting,
28 cultivation, growing, or harvesting of a controlled substance.

29 (~~(x)~~) (z) "Recipient's identification number" means the unique
30 number contained on a Schedule II controlled dangerous substance

1 recipient's valid driver's license, valid military identification card,
2 or valid identicard issued pursuant to RCW 46.20.117 or a similar
3 statute of another state if the recipient is not a resident of the
4 state of Washington, or, if the recipient is less than eighteen years
5 old and has no such identification, the unique number contained on the
6 recipient's, parent's or guardian's valid driver's license, valid
7 military identification card, or valid identicard issued pursuant to
8 RCW 46.20.117 or a similar statute of another state if the parent or
9 guardian is not a resident of the state of Washington, or, if the
10 controlled dangerous substance is obtained for an animal, the unique
11 number contained on the animal owner's valid driver's license, valid
12 military identification card, or valid identicard issued pursuant to
13 RCW 46.20.117 or a similar statute of another state if the owner is not
14 a resident of the state of Washington.

15 (aa) "Registration number" means the number issued pursuant to the
16 registration requirements of RCW 69.50.302 and 69.50.303.

17 (bb) "Secretary" means the secretary of health or the secretary's
18 designee.

19 ((y)) (cc) "State", when applied to a part of the United States,
20 includes any state, district, commonwealth, territory, insular
21 possession thereof, and any area subject to the legal authority of the
22 United States of America.

23 ((z)) (dd) "Ultimate user" means a person who lawfully possesses
24 a controlled substance for his or her own use or for the use of a
25 member of his or her household or for administering to an animal owned
26 by him or her or by a member of his or her household.

27 **Sec. 6.** RCW 69.50.302 and 1989 1st ex.s. c 9 s 432 are each
28 amended to read as follows:

1 (a) Every person who manufactures, distributes, or dispenses any
2 controlled substance within this state or who proposes to engage in the
3 manufacture, distribution, or dispensing of any controlled substance
4 within this state, must obtain annually a registration including a
5 registration number issued by the department in accordance with the
6 board's rules.

7 (b) Persons registered by the department under this chapter to
8 manufacture, distribute, dispense, or conduct research with controlled
9 substances may possess, manufacture, distribute, dispense, or conduct
10 research with those substances to the extent authorized by their
11 registration and in conformity with the other provisions of this
12 Article.

13 (c) The following persons need not register and may lawfully
14 possess controlled substances under this chapter:

15 (1) an agent or employee of any registered manufacturer,
16 distributor, or dispenser of any controlled substance if he is acting
17 in the usual course of his business or employment. This exemption
18 shall not include any agent or employee distributing sample controlled
19 substances to practitioners without an order;

20 (2) a common or contract carrier or warehouseman, or an employee
21 thereof, whose possession of any controlled substance is in the usual
22 course of business or employment;

23 (3) an ultimate user or a person in possession of any controlled
24 substance pursuant to a lawful order of a practitioner or in lawful
25 possession of a Schedule V substance.

26 (d) The board may waive by rule the requirement for registration of
27 certain manufacturers, distributors, or dispensers if it finds it
28 consistent with the public health and safety. (~~Personal practitioners~~
29 ~~licensed or registered in the state of Washington under the respective~~
30 ~~professional licensing acts shall not be required to be registered~~

1 ~~under this chapter unless the specific exemption is denied pursuant to~~
2 ~~RCW 69.50.305 for violation of any provisions of this chapter.))~~

3 (e) A separate registration is required at each principal place of
4 business or professional practice where the applicant manufactures,
5 distributes, or dispenses controlled substances.

6 (f) The department may inspect the establishment of a registrant or
7 applicant for registration in accordance with the board's rule.

8 **Sec. 7.** RCW 69.50.303 and 1989 1st ex.s. c 9 s 433 are each
9 amended to read as follows:

10 (a) The department shall register an applicant to manufacture or
11 distribute controlled substances included in RCW 69.50.204, 69.50.206,
12 69.50.208, 69.50.210, and 69.50.212 unless the board determines that
13 the issuance of that registration would be inconsistent with the public
14 interest. In determining the public interest, the board shall consider
15 the following factors:

16 (1) maintenance of effective controls against diversion of
17 controlled substances into other than legitimate medical, scientific,
18 or industrial channels;

19 (2) compliance with applicable state and local law;

20 (3) any convictions of the applicant under any federal and state
21 laws relating to any controlled substance;

22 (4) past experience in the manufacture or distribution of
23 controlled substances, and the existence in the applicant's
24 establishment of effective controls against diversion;

25 (5) furnishing by the applicant of false or fraudulent material in
26 any application filed under this chapter;

27 (6) suspension or revocation of the applicant's federal
28 registration to manufacture, distribute, or dispense controlled
29 substances as authorized by federal law; and

1 (7) any other factors relevant to and consistent with the public
2 health and safety.

3 (b) Registration under subsection (a) does not entitle a registrant
4 to manufacture and distribute controlled substances in Schedule I or II
5 other than those specified in the registration.

6 (c) Practitioners must be registered(~~(, or exempted under RCW~~
7 ~~69.50.302(d),)~~) to dispense any controlled substances or to conduct
8 research with controlled substances in Schedules II through V if they
9 are authorized to dispense or conduct research under the law of this
10 state. The board need not require separate registration under this
11 Article for practitioners engaging in research with nonnarcotic
12 controlled substances in Schedules II through V where the registrant is
13 already registered under this Article in another capacity.
14 Practitioners registered under federal law to conduct research with
15 Schedule I substances may conduct research with Schedule I substances
16 within this state upon furnishing the board evidence of that federal
17 registration.

18 (d) Compliance by manufacturers and distributors with the
19 provisions of the federal law respecting registration entitles them to
20 be registered under this chapter upon application and payment of the
21 required fee.

22 **Sec. 8.** RCW 69.50.308 and 1971 ex.s. c 308 s 69.50.308 are each
23 amended to read as follows:

24 (a) Except when dispensed directly by a practitioner authorized to
25 prescribe or administer a controlled substance to an ultimate user, no
26 controlled substance in Schedule II may be dispensed without the
27 written prescription of a practitioner.

28 (b) In emergency situations, as defined by rule of the state board
29 of pharmacy, Schedule II drugs may be dispensed upon oral prescription

1 of a practitioner, reduced promptly to writing and filed by the
2 pharmacy. Prescriptions shall be retained in conformity with the
3 requirements of RCW 69.50.306. No prescription for a Schedule II
4 substance may be refilled.

5 (c) Except when dispensed directly by a practitioner authorized to
6 prescribe or administer a controlled substance to an ultimate user, a
7 controlled substance included in Schedule III or IV, which is a
8 prescription drug as determined under RCW 69.04.560, shall not be
9 dispensed without a written or oral prescription of a practitioner.
10 Any oral prescription must be promptly reduced to writing. The
11 prescription shall not be filled or refilled more than six months after
12 the date thereof or be refilled more than five times, unless renewed by
13 the practitioner. Except the refilling of a prescription for tincture
14 opium camphorated, commonly known as paregoric is unlawful, unless
15 permission (either written or oral) is granted by the prescriber.

16 (d) A valid prescription or lawful order of a practitioner, in
17 order to be effective in legalizing the possession of controlled
18 substances, must be issued in good faith for a legitimate medical
19 purpose by one authorized to prescribe the use of such controlled
20 substance. An order purporting to be a prescription not in the course
21 of professional treatment is not a valid prescription or lawful order
22 of a practitioner within the meaning and intent of this chapter; and
23 the person who knows or should know that he is filling such an order,
24 as well as the person issuing it, can be charged with a violation of
25 this chapter.

26 (e) A controlled substance included in Schedule V shall not be
27 distributed or dispensed other than for a medical purpose.

28 **Sec. 9.** RCW 42.17.310 and 1990 2nd ex.s. c 1 s 1103 are each
29 amended to read as follows:

1 (1) The following are exempt from public inspection and copying:

2 (a) Personal information in any files maintained for students in
3 public schools, patients or clients of public institutions or public
4 health agencies, or welfare recipients.

5 (b) Personal information in files maintained for employees,
6 appointees, or elected officials of any public agency to the extent
7 that disclosure would violate their right to privacy.

8 (c) Information required of any taxpayer in connection with the
9 assessment or collection of any tax if the disclosure of the
10 information to other persons would (i) be prohibited to such persons by
11 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
12 in unfair competitive disadvantage to the taxpayer.

13 (d) Specific intelligence information and specific investigative
14 records compiled by investigative, law enforcement, and penology
15 agencies, and state agencies vested with the responsibility to
16 discipline members of any profession, the nondisclosure of which is
17 essential to effective law enforcement or for the protection of any
18 person's right to privacy.

19 (e) Information revealing the identity of persons who file
20 complaints with investigative, law enforcement, or penology agencies,
21 other than the public disclosure commission, if disclosure would
22 endanger any person's life, physical safety, or property. If at the
23 time the complaint is filed the complainant indicates a desire for
24 disclosure or nondisclosure, such desire shall govern. However, all
25 complaints filed with the public disclosure commission about any
26 elected official or candidate for public office must be made in writing
27 and signed by the complainant under oath.

28 (f) Test questions, scoring keys, and other examination data used
29 to administer a license, employment, or academic examination.

1 (g) Except as provided by chapter 8.26 RCW, the contents of real
2 estate appraisals, made for or by any agency relative to the
3 acquisition or sale of property, until the project or prospective sale
4 is abandoned or until such time as all of the property has been
5 acquired or the property to which the sale appraisal relates is sold,
6 but in no event shall disclosure be denied for more than three years
7 after the appraisal.

8 (h) Valuable formulae, designs, drawings, and research data
9 obtained by any agency within five years of the request for disclosure
10 when disclosure would produce private gain and public loss.

11 (i) Preliminary drafts, notes, recommendations, and intra-agency
12 memorandums in which opinions are expressed or policies formulated or
13 recommended except that a specific record shall not be exempt when
14 publicly cited by an agency in connection with any agency action.

15 (j) Records which are relevant to a controversy to which an agency
16 is a party but which records would not be available to another party
17 under the rules of pretrial discovery for causes pending in the
18 superior courts.

19 (k) Records, maps, or other information identifying the location of
20 archaeological sites in order to avoid the looting or depredation of
21 such sites.

22 (l) Any library record, the primary purpose of which is to maintain
23 control of library materials, or to gain access to information, which
24 discloses or could be used to disclose the identity of a library user.

25 (m) Financial information supplied by or on behalf of a person,
26 firm, or corporation for the purpose of qualifying to submit a bid or
27 proposal for (a) a ferry system construction or repair contract as
28 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
29 or improvement as required by RCW 47.28.070.

1 (n) Railroad company contracts filed with the utilities and
2 transportation commission under RCW 81.34.070, except that the
3 summaries of the contracts are open to public inspection and copying as
4 otherwise provided by this chapter.

5 (o) Financial and commercial information and records supplied by
6 private persons pertaining to export services provided pursuant to
7 chapter 43.163 RCW and chapter 53.31 RCW.

8 (p) Financial disclosures filed by private vocational schools under
9 chapter 28C.10 RCW.

10 (q) Records filed with the utilities and transportation commission
11 or attorney general under RCW 80.04.095 that a court has determined are
12 confidential under RCW 80.04.095.

13 (r) Financial and commercial information and records supplied by
14 businesses during application for loans or program services provided by
15 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

16 (s) Membership lists or lists of members or owners of interests of
17 units in timeshare projects, subdivisions, camping resorts,
18 condominiums, land developments, or common-interest communities
19 affiliated with such projects, regulated by the department of
20 licensing, in the files or possession of the department.

21 (t) All applications for public employment, including the names of
22 applicants, resumes, and other related materials submitted with respect
23 to an applicant.

24 (u) The residential addresses and residential telephone numbers of
25 employees or volunteers of a public agency which are held by the agency
26 in personnel records, employment or volunteer rosters, or mailing lists
27 of employees or volunteers.

28 (v) The residential addresses and residential telephone numbers of
29 the customers of a public utility contained in the records or lists
30 held by the public utility of which they are customers.

1 (w) Information obtained by the board of pharmacy as provided in
2 RCW 69.45.090 and section 1 of this act.

3 (x) Information obtained by the board of pharmacy and its
4 representatives as provided in RCW 69.41.044 and 69.41.280.

5 (y) Financial information, business plans, examination reports, and
6 any information produced or obtained in evaluating or examining a
7 business and industrial development corporation organized or seeking
8 certification under chapter 31.24 RCW.

9 (z) Financial and commercial information supplied to the state
10 investment board by any person when the information relates to the
11 investment of public trust or retirement funds and when disclosure
12 would result in loss to such funds or in private loss to the providers
13 of this information.

14 (aa) Financial and valuable trade information under RCW 51.36.120.

15 (bb) Effective March 1, 1991, the work and home addresses, other
16 than the city of residence, of a person shall remain undisclosed or be
17 omitted from all documents made available for public review if that
18 person requests in writing, under oath, that these addresses be kept
19 private because disclosure would endanger his or her life, physical
20 safety, or property. This provision does not in any way restrict the
21 sharing or collection of information by state and local governmental
22 agencies required for the daily administration of their duties. The
23 secretary of state shall administer this provision and establish the
24 procedures and rules that are necessary for its operation. An agency
25 that has not been furnished with a request for confidentiality of
26 address information is not liable for damages resulting from its
27 disclosure of the information. For purpose of service of process, the
28 secretary of state shall serve as agent for each person who submits a
29 request under this subsection. A request shall be of no force or
30 effect if the requester does not include a statement, along with or

1 part of the request, designating the secretary of state as agent of the
2 requester for purposes of service of process.

3 (2) Except for information described in subsection (1)(c)(i) of
4 this section and confidential income data exempted from public
5 inspection pursuant to RCW 84.40.020, the exemptions of this section
6 are inapplicable to the extent that information, the disclosure of
7 which would violate personal privacy or vital governmental interests,
8 can be deleted from the specific records sought. No exemption may be
9 construed to permit the nondisclosure of statistical information not
10 descriptive of any readily identifiable person or persons.

11 (3) Inspection or copying of any specific records exempt under the
12 provisions of this section may be permitted if the superior court in
13 the county in which the record is maintained finds, after a hearing
14 with notice thereof to every person in interest and the agency, that
15 the exemption of such records is clearly unnecessary to protect any
16 individual's right of privacy or any vital governmental function.

17 (4) Agency responses refusing, in whole or in part, inspection of
18 any public record shall include a statement of the specific exemption
19 authorizing the withholding of the record (or part) and a brief
20 explanation of how the exemption applies to the record withheld.

21 NEW SECTION. **Sec. 10.** This act shall take effect January 1,
22 1992, and shall be effective for all Schedule II prescriptions written
23 on or after January 1, 1989.

24 NEW SECTION. **Sec. 11.** The board of pharmacy is authorized to
25 adopt rules to implement the requirements of this act.

26 NEW SECTION. **Sec. 12.** Sections 1 through 4 of this act are
27 each added to chapter 69.50 RCW.