
SUBSTITUTE HOUSE BILL 1789

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Braddock, Paris and Prentice).

Read first time February 18, 1991.

1 AN ACT Relating to limitations on filling prescriptions written by
2 authorized prescribers not licensed in this state; amending RCW
3 69.41.030; and declaring an emergency.

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

5 **Sec. 1.** RCW 69.41.030 and 1990 c 219 s 2 are each amended to read
6 as follows:

7 It shall be unlawful for any person to sell, deliver, or possess
8 any legend drug except upon the order or prescription of a physician
9 under chapter 18.71 RCW, an osteopathic physician or an osteopathic
10 physician and surgeon under chapter 18.57 RCW, a dentist under chapter
11 18.32 RCW, a ((~~podiatrist~~)) podiatric physician and surgeon under
12 chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
13 commissioned medical or dental officer in the United States armed
14 forces((~~, marine hospital service,~~)) or public health service in the
15 discharge of his or her official duties, a duly licensed physician or

1 dentist employed by the veterans administration in the discharge of his
2 or her official duties, a registered nurse under chapter 18.88 RCW when
3 authorized by the board of nursing, an osteopathic physician's
4 assistant under chapter 18.57A RCW when authorized by the committee of
5 osteopathic examiners, a physician((~~'s~~)) assistant under chapter 18.71A
6 RCW when authorized by the board of medical examiners, a physician
7 licensed to practice medicine and surgery or a physician licensed to
8 practice osteopathy and surgery, a dentist licensed to practice
9 dentistry, a ((~~podiatrist~~)) podiatric physician and surgeon licensed to
10 practice ((~~podiatry~~)) podiatric medicine and surgery, or a veterinarian
11 licensed to practice veterinary medicine, in any province of Canada
12 which shares a common border with the state of Washington or in any
13 state of the United States: PROVIDED, HOWEVER, That the above
14 provisions shall not apply to sale, delivery, or possession by drug
15 wholesalers or drug manufacturers, or their agents or employees, or to
16 any practitioner acting within the scope of his or her license, or to
17 a common or contract carrier or warehouseman, or any employee thereof,
18 whose possession of any legend drug is in the usual course of business
19 or employment: PROVIDED FURTHER, That nothing in this chapter or
20 chapter 18.64 RCW shall prevent a family planning clinic that is under
21 contract with the department of social and health services from
22 selling, delivering, possessing, and dispensing commercially
23 prepackaged oral contraceptives prescribed by authorized, licensed
24 health care practitioners((~~:—PROVIDED FURTHER, That it shall be~~
25 ~~unlawful to fill a prescription written by an authorized prescriber who~~
26 ~~is not licensed in this state if more than six months has passed since~~
27 ~~the date of the issuance of the original prescription~~)).

28 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect immediately.