
SENATE BILL 5469

State of Washington

52nd Legislature

1991 Regular Session

By Senator Niemi.

Read first time February 1, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to dispensing prescriptions for contact lenses by
2 licensed pharmacists; and amending RCW 18.64.011, 18.34.010, and
3 18.53.040.

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

5 **Sec. 1.** RCW 18.64.011 and 1989 1st ex.s. c 9 s 412 are each
6 amended to read as follows:

7 Unless the context clearly requires otherwise, definitions of terms
8 shall be as indicated when used in this chapter.

9 (1) "Person" means an individual, corporation, government,
10 governmental subdivision or agency, business trust, estate, trust,
11 partnership or association, or any other legal entity.

12 (2) "Board" means the Washington state board of pharmacy.

13 (3) "Drugs" means:

14 (a) Articles recognized in the official United States pharmacopoeia
15 or the official homeopathic pharmacopoeia of the United States;

1 (b) Substances intended for use in the diagnosis, cure, mitigation,
2 treatment, or prevention of disease in man or other animals;

3 (c) Substances (other than food) intended to affect the structure
4 or any function of the body of man or other animals; or

5 (d) Substances intended for use as a component of any substances
6 specified in (a), (b), or (c) of this subsection, but not including
7 devices or their component parts or accessories.

8 (4) "Device" means instruments, apparatus, and contrivances,
9 including their components, parts, and accessories, including, but not
10 limited to contact lenses, intended (a) for use in the diagnosis, cure,
11 mitigation, treatment, or prevention of disease in man or other
12 animals, or (b) to affect the structure or any function of the body of
13 man or other animals.

14 (5) "Nonlegend" or "nonprescription" drugs means any drugs which
15 may be lawfully sold without a prescription.

16 (6) "Legend drugs" means any drugs which are required by any
17 applicable federal or state law or regulation to be dispensed on
18 prescription only or are restricted to use by practitioners only.

19 (7) "Controlled substance" means a drug or substance, or an
20 immediate precursor of such drug or substance, so designated under or
21 pursuant to the provisions of chapter 69.50 RCW.

22 (8) "Prescription" means an order for drugs or devices issued by a
23 practitioner duly authorized by law or rule in the state of Washington
24 to prescribe drugs or devices in the course of his or her professional
25 practice for a legitimate medical purpose.

26 (9) "Practitioner" means a physician, dentist, veterinarian, nurse,
27 or other person duly authorized by law or rule in the state of
28 Washington to prescribe drugs.

29 (10) "Pharmacist" means a person duly licensed by the Washington
30 state board of pharmacy to engage in the practice of pharmacy.

1 (11) "Practice of pharmacy" includes the practice of and
2 responsibility for: Interpreting prescription orders; the compounding,
3 dispensing, labeling, administering, and distributing of drugs and
4 devices; the monitoring of drug therapy and use; the initiating or
5 modifying of drug therapy in accordance with written guidelines or
6 protocols previously established and approved for his or her practice
7 by a practitioner authorized to prescribe drugs; the participating in
8 drug utilization reviews and drug product selection; the proper and
9 safe storing and distributing of drugs and devices and maintenance of
10 proper records thereof; the providing of information on legend drugs
11 which may include, but is not limited to, the advising of therapeutic
12 values, hazards, and the uses of drugs and devices.

13 (12) "Pharmacy" means every place properly licensed by the board of
14 pharmacy where the practice of pharmacy is conducted.

15 (13) The words "drug" and "devices" shall not include surgical or
16 dental instruments or laboratory materials, gas and oxygen, therapy
17 equipment, X-ray apparatus or therapeutic equipment, their component
18 parts or accessories, or equipment, instruments, apparatus, or
19 contrivances used to render such articles effective in medical,
20 surgical, or dental treatment, or for use or consumption in or for
21 mechanical, industrial, manufacturing, or scientific applications or
22 purposes, nor shall the word "drug" include any article or mixture
23 covered by the Washington pesticide control act (chapter 15.58 RCW), as
24 enacted or hereafter amended, nor medicated feed intended for and used
25 exclusively as a feed for animals other than man.

26 (14) The word "poison" shall not include any article or mixture
27 covered by the Washington pesticide control act (chapter 15.58 RCW), as
28 enacted or hereafter amended.

1 (15) "Deliver" or "delivery" means the actual, constructive, or
2 attempted transfer from one person to another of a drug or device,
3 whether or not there is an agency relationship.

4 (16) "Dispense" means the interpretation of a prescription or order
5 for a drug, biological, or device and, pursuant to that prescription or
6 order, the proper selection, measuring, compounding, labeling, or
7 packaging necessary to prepare that prescription or order for delivery.

8 (17) "Distribute" means the delivery of a drug or device other than
9 by administering or dispensing.

10 (18) "Compounding" shall be the act of combining two or more
11 ingredients in the preparation of a prescription.

12 (19) "Wholesaler" shall mean a corporation, individual, or other
13 entity which buys drugs or devices for resale and distribution to
14 corporations, individuals, or entities other than consumers.

15 (20) "Manufacture" means the production, preparation, propagation,
16 compounding, or processing of a drug or other substance or device or
17 the packaging or repackaging of such substance or device, or the
18 labeling or relabeling of the commercial container of such substance or
19 device, but does not include the activities of a practitioner who, as
20 an incident to his or her administration or dispensing such substance
21 or device in the course of his or her professional practice, prepares,
22 compounds, packages, or labels such substance or device.

23 (21) "Manufacturer" shall mean a person, corporation, or other
24 entity engaged in the manufacture of drugs or devices.

25 (22) "Labeling" shall mean the process of preparing and affixing a
26 label to any drug or device container. The label must include all
27 information required by current federal and state law and pharmacy
28 rules.

1 (23) "Administer" means the direct application of a drug or device,
2 whether by injection, inhalation, ingestion, or any other means, to the
3 body of a patient or research subject.

4 (24) "Master license system" means the mechanism established by
5 chapter 19.02 RCW by which master licenses, endorsed for individual
6 state-issued licenses, are issued and renewed utilizing a master
7 application and a master license expiration date common to each
8 renewable license endorsement.

9 (25) "Department" means the department of health.

10 (26) "Secretary" means the secretary of health or the secretary's
11 designee.

12 **Sec. 2.** RCW 18.34.010 and 1957 c 43 s 1 are each amended to read
13 as follows:

14 Nothing in this chapter shall:

15 (1) Be construed to limit or restrict a duly licensed physician or
16 optometrist or employees working under the personal supervision of a
17 duly licensed physician or optometrist from the practices enumerated in
18 this chapter, and each such licensed physician and optometrist shall
19 have all the rights and privileges which may accrue under this chapter
20 to dispensing opticians licensed hereunder;

21 (2) Be construed to prohibit an unlicensed person from performing
22 mechanical work upon inert matter in an optical office, laboratory or
23 shop;

24 (3) Be construed to prohibit an unlicensed person from engaging in
25 the sale of spectacles, eyeglasses, magnifying glasses, goggles,
26 sunglasses, telescopes, binoculars, or any such articles which are
27 completely preassembled and sold only as merchandise;

28 (4) Be construed to authorize or permit a licensee hereunder to
29 hold himself out as being able to, or to offer to, or to undertake to

1 attempt, by any manner of means, to examine or exercise eyes, diagnose,
2 treat, correct, relieve, operate or prescribe for any human ailment,
3 deficiency, deformity, disease or injury;

4 (5) Be construed to prohibit a licensed pharmacist from dispensing
5 prescriptions for contact lenses as authorized under chapter 18.64 RCW.

6 **Sec. 3.** RCW 18.53.040 and 1975 1st ex.s. c 69 s 15 are each
7 amended to read as follows:

8 (1) Nothing in this chapter shall be construed to pertain in any
9 manner to the practice of any regularly qualified oculist or physician,
10 who is regularly licensed to practice medicine in the state of
11 Washington, or to any person who is regularly licensed to practice as
12 a dispensing optician in the state of Washington, nor to any person who
13 in the regular course of trade, sells or offers for sale, spectacles or
14 eyeglasses as regular merchandise without pretense of adapting them to
15 the eyes of the purchaser, and not in evasion of this chapter:
16 PROVIDED, That any such regularly qualified oculist or physician or
17 other person shall be subject to the provisions of subdivisions (10)
18 through (15) of RCW 18.53.140, in connection with the performance of
19 any function coming within the definition of the practice of optometry
20 as defined in this chapter: PROVIDED FURTHER, HOWEVER, That in no way
21 shall this section be construed to permit a dispensing optician to
22 practice optometry as defined in this 1975 amendatory act.

23 (2) Nothing in this chapter shall be construed to prohibit a
24 licensed pharmacist from dispensing prescriptions for contact lenses as
25 authorized under chapter 18.64 RCW.