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**SUBSTITUTE HOUSE BILL 1254**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

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

Read first time 02/15/93.

1 AN ACT Relating to controlled substances definitions, standards,  
2 and schedules; amending RCW 69.50.201, 69.50.203, 69.50.204, 69.50.205,  
3 69.50.206, 69.50.207, 69.50.208, 69.50.209, 69.50.210, 69.50.211,  
4 69.50.212, 69.50.213, 69.50.301, 69.50.302, 69.50.303, 69.50.304,  
5 69.50.308, and 69.50.403; reenacting and amending RCW 69.50.101; adding  
6 new sections to chapter 69.50 RCW; creating a new section; and  
7 prescribing penalties.

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

9 ARTICLE I--DEFINITIONS

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

12 DEFINITIONS. ~~((As))~~ Unless the context clearly requires otherwise,  
13 definitions of terms shall be as indicated where used in this chapter:

14 (a) "Administer" ~~((means the direct application of a controlled~~  
15 ~~substance, whether by injection, inhalation, ingestion, or any other~~  
16 ~~means, to the body of a patient or research subject by:~~

1 (1) a practitioner, or)) means to apply a controlled substance,  
2 whether by injection, inhalation, ingestion, or any other means,  
3 directly to the body of a patient or research subject by:

4 (1) a practitioner authorized to prescribe (or, by the  
5 practitioner's authorized agent); or

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

8 (b) "Agent" means an authorized person who acts on behalf of or at  
9 the direction of a manufacturer, distributor, or dispenser. It does  
10 not include a common or contract carrier, public ((warehouseman))  
11 warehouseperson, or employee of the carrier or ((warehouseman))  
12 warehouseperson.

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

14 (d) "Controlled substance" means a drug, substance, or immediate  
15 precursor included in Schedules I through V as set forth in federal or  
16 state laws, or federal or board rules.

17 (e)(1) "Controlled substance analog" means a substance the chemical  
18 structure of which is substantially similar to the chemical structure  
19 of a controlled substance in Schedule I or II and:

20 (i) that has a stimulant, depressant, or hallucinogenic effect on  
21 the central nervous system substantially similar to the stimulant,  
22 depressant, or hallucinogenic effect on the central nervous system of  
23 a controlled substance included in Schedule I or II; or

24 (ii) with respect to a particular individual, that the individual  
25 represents or intends to have a stimulant, depressant, or  
26 hallucinogenic effect on the central nervous system substantially  
27 similar to the stimulant, depressant, or hallucinogenic effect on the  
28 central nervous system of a controlled substance included in Schedule  
29 I or II.

30 (2) The term does not include:

31 (i) a controlled substance;

32 (ii) a substance for which there is an approved new drug  
33 application;

34 (iii) a substance with respect to which an exemption is in effect  
35 for investigational use by a particular person under Section 505 of the  
36 federal Food, Drug and Cosmetic Act 21 U.S.C. Sec. 355 to the extent  
37 conduct with respect to the substance is pursuant to the exemption; or

38 (iv) any substance to the extent not intended for human consumption  
39 before an exemption takes effect with respect to the substance.

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

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

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

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

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

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

13       (l) "Drug" means (1) a controlled substance recognized as a drug in  
14 the official United States pharmacopoeia/national formulary or the  
15 official homeopathic pharmacopoeia of the United States, or any  
16 supplement to them; (2) controlled substances intended for use in the  
17 diagnosis, cure, mitigation, treatment, or prevention of disease in  
18 individuals or animals; (3) controlled substances (other than food)  
19 intended to affect the structure or any function of the body of  
20 individuals or animals; and (4) controlled substances intended for use  
21 as a component of any article specified in (1), (2), or (3) of this  
22 subsection. The term does not include devices or their components,  
23 parts, or accessories.

24       (m) "Drug enforcement administration" means the ((federal)) drug  
25 enforcement administration in the United States Department of Justice,  
26 or its successor agency.

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

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

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

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

1       ~~(h) "Dispense" means the interpretation of a prescription or order~~  
2 ~~for a controlled substance and, pursuant to that prescription or order,~~  
3 ~~the proper selection, measuring, compounding, labeling, or packaging~~  
4 ~~necessary to prepare that prescription or order for delivery.~~

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

6       ~~(j) "Distribute" means to deliver other than by administering or~~  
7 ~~dispensing a controlled substance.~~

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

9       ~~(l) "Receipt" means to receive a controlled substance either with~~  
10 ~~or without consideration.~~

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

21       (n) "Immediate precursor" means a substance ((which)):

22       (1) that the state board of pharmacy has found to be and by rule  
23 designates as being the principal compound commonly used, or produced  
24 primarily for use, ((and which)) in the manufacture of a controlled  
25 substance;

26       (2) that is an immediate chemical intermediary used or likely to be  
27 used in the manufacture of a controlled substance((7)); and

28       (3) the control of which is necessary to prevent, curtail, or limit  
29 the manufacture of the controlled substance.

30       (o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5),  
31 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any  
32 geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c)  
33 the term includes any positional isomer; and in RCW 69.50.204(a)(35),  
34 69.50.204(c), and 69.50.208(a) the term includes any positional or  
35 geometric isomer.

36       ((+o)) (p) "Manufacture" means the production, preparation,  
37 propagation, compounding, conversion, or processing of a controlled  
38 substance, either directly or indirectly or by extraction from  
39 substances of natural origin, or independently by means of chemical

1 synthesis, or by a combination of extraction and chemical synthesis,  
2 and includes any packaging or repackaging of the substance or labeling  
3 or relabeling of its container(~~(, except that this)~~). The term does  
4 not include the preparation (~~(or)~~), compounding, packaging,  
5 repackaging, labeling, or relabeling of a controlled substance (~~(by an~~  
6 ~~individual for his or her own use or the preparation, compounding,~~  
7 ~~packaging, or labeling of a controlled substance)~~):

8 (1) by a practitioner as an incident to the practitioner's  
9 administering or dispensing of a controlled substance in the course of  
10 (~~(his or her)~~) the practitioner's professional practice(~~(-)~~); or

11 (2) by a practitioner, or by (~~(an)~~) the practitioner's authorized  
12 agent under the practitioner's supervision, for the purpose of, or as  
13 an incident to, research, teaching, or chemical analysis and not for  
14 sale.

15 (~~(-p)~~) (q) "Marijuana" or "marihuana" means all parts of the plant  
16 (~~(of the genus)~~) Cannabis (~~(L.)~~), whether growing or not; the seeds  
17 thereof; the resin extracted from any part of the plant; and every  
18 compound, manufacture, salt, derivative, mixture, or preparation of the  
19 plant, its seeds or resin. (~~(It)~~) The term does not include the mature  
20 stalks of the plant, fiber produced from the stalks, oil or cake made  
21 from the seeds of the plant, any other compound, manufacture, salt,  
22 derivative, mixture, or preparation of the mature stalks (except the  
23 resin extracted therefrom), fiber, oil, or cake, or the sterilized seed  
24 of the plant which is incapable of germination.

25 (~~(-q)~~) (r) "Narcotic drug" means any of the following, whether  
26 produced directly or indirectly by extraction from substances of  
27 vegetable origin, or independently by means of chemical synthesis, or  
28 by a combination of extraction and chemical synthesis:

29 (~~(1) Opium and opiate, and any salt, compound, derivative, or~~  
30 ~~preparation of opium or opiate.~~

31 ~~(2) Any salt, compound, isomer, derivative, or preparation thereof~~  
32 ~~which is chemically equivalent or identical with any of the substances~~  
33 ~~referred to in clause 1, but not including the isoquinoline alkaloids~~  
34 ~~of opium.~~

35 ~~(3) Opium poppy and poppy straw.~~

36 ~~(4) Coca leaves and any salt, compound, derivative, or preparation~~  
37 ~~of coca leaves, and any salt, compound, isomer, derivative, or~~  
38 ~~preparation thereof which is chemically equivalent or identical with~~

1 ~~any of these substances, but not including decocainized coca leaves or~~  
2 ~~extractions of coca leaves which do not contain cocaine or ecgonine.)~~)

3 (1) Opium, opium derivative, and any derivative of opium or opium  
4 derivative, including their salts, isomers, and salts of isomers,  
5 whenever the existence of the salts, isomers, and salts of isomers is  
6 possible within the specific chemical designation. The term does not  
7 include the isoquinoline alkaloids of opium.

8 (2) Synthetic opiate and any derivative of synthetic opiate,  
9 including their isomers, esters, ethers, salts, and salts of isomers,  
10 esters, and ethers, whenever the existence of the isomers, esters,  
11 ethers, and salts is possible within the specific chemical designation.

12 (3) Poppy straw and concentrate of poppy straw.

13 (4) Coca leaves, except coca leaves and extracts of coca leaves  
14 from which cocaine, ecgonine, and derivatives or ecgonine or their  
15 salts have been removed.

16 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

17 (6) Cocaine base.

18 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
19 thereof.

20 (8) Any compound, mixture, or preparation containing any quantity  
21 of any substance referred to in subparagraphs (1) through (7).

22 ~~((+r))~~ (s) "Opiate" means any substance having an addiction-  
23 forming or addiction-sustaining liability similar to morphine or being  
24 capable of conversion into a drug having addiction-forming or  
25 addiction-sustaining liability. ~~((It))~~ The term includes opium,  
26 substances derived from opium (opium derivatives), and synthetic  
27 opiates. The term does not include, unless specifically designated as  
28 controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-  
29 n-methylmorphinan and its salts (dextromethorphan). ~~((It does))~~ The  
30 term includes ~~((its))~~ the racemic and levorotatory forms of  
31 dextromethorphan.

32 ~~((+s))~~ (t) "Opium poppy" means the plant of the ~~((genus))~~ species  
33 Papaver somniferum L., except its seeds~~((, capable of producing an~~  
34 opiate)).

35 ~~((+t))~~ (u) "Person" means individual, corporation, ~~((government or~~  
36 governmental subdivision or agency,) business trust, estate, trust,  
37 partnership ~~((or)),~~ association, joint venture, government,  
38 governmental subdivision or agency, or any other legal or commercial  
39 entity.

1       (~~(u)~~) (v) "Poppy straw" means all parts, except the seeds, of the  
2 opium poppy, after mowing.

3       (~~(v)~~) (w) "Practitioner" means:

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

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

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

26       (~~(w)~~) (x) Prescription" means an order for controlled substances  
27 issued by a practitioner duly authorized by law or rule in the state of  
28 Washington to prescribe controlled substances within the scope of his  
29 or her professional practice for a legitimate medical purpose.

30       (y) "Production" includes the (~~(manufacture)~~) manufacturing,  
31 planting, (~~(cultivation)~~) cultivating, growing, or harvesting of a  
32 controlled substance.

33       (~~(x)~~) (z) "Secretary" means the secretary of health or the  
34 secretary's designee.

35       (~~(y)~~) "~~State", when applied to a part of the United States,~~  
36 ~~includes any state, district, commonwealth, territory, insular~~  
37 ~~possession thereof, and any area subject to the legal authority of the~~  
38 ~~United States of America.~~

1 ~~(z)~~) (aa) "State," unless the context otherwise requires, means a  
2 state of the United States, the District of Columbia, the Commonwealth  
3 of Puerto Rico, or a territory or insular possession subject to the  
4 jurisdiction of the United States.

5 (bb) "Ultimate user" means ((a person)) an individual who lawfully  
6 possesses a controlled substance for ((his or her)) the individual's  
7 own use or for the use of a member of ((his or her)) the individual's  
8 household or for administering to an animal owned by ((him or her)) the  
9 individual or by a member of ((his or her)) the individual's household.

10 ~~((aa) "Board" means the state board of pharmacy.))~~

## 11 ARTICLE II--STANDARDS AND SCHEDULES

12 **Sec. 2.** RCW 69.50.201 and 1989 1st ex.s. c 9 s 430 are each  
13 amended to read as follows:

14 AUTHORITY TO CONTROL. (a) The state board of pharmacy shall  
15 enforce this chapter and may add substances to or delete or reschedule  
16 ~~((all))~~ substances ((enumerated in the schedules)) listed in RCW  
17 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to  
18 the ((rule-making)) procedures of chapter 34.05 RCW.

19 (1) In making a determination regarding a substance, the board  
20 shall consider the following:

21 ~~((1))~~ (i) the actual or relative potential for abuse;

22 ~~((2))~~ (ii) the scientific evidence of its pharmacological effect,  
23 if known;

24 ~~((3))~~ (iii) the state of current scientific knowledge regarding  
25 the substance;

26 ~~((4))~~ (iv) the history and current pattern of abuse;

27 ~~((5))~~ (v) the scope, duration, and significance of abuse;

28 ~~((6))~~ (vi) the risk to the public health;

29 ~~((7))~~ (vii) the potential of the substance to produce psychic or  
30 physiological dependence liability; and

31 ~~((8))~~ (viii) whether the substance is an immediate precursor of  
32 a ((substance already)) controlled ((under this Article)) substance.

33 ~~((b) After considering the factors enumerated in subsection (a)~~  
34 ~~the board may issue a rule controlling the substance if it finds the~~  
35 ~~substance has a potential for abuse.~~

36 ~~(c) If the board designates a substance as an immediate precursor,~~  
37 ~~substances which are precursors of the controlled precursor shall not~~



1 be subject to control solely because they are precursors of the  
2 controlled precursor.

3 (d) If any substance is designated, rescheduled, or deleted as a  
4 controlled substance under federal law and notice thereof is given to  
5 the board, the substance shall be similarly controlled under this  
6 chapter after the expiration of thirty days from publication in the  
7 Federal Register of a final order designating a substance as a  
8 controlled substance or rescheduling or deleting a substance, unless  
9 within that thirty day period, the board objects to inclusion,  
10 rescheduling, or deletion. In that case, the board shall proceed  
11 pursuant to the rule-making procedures of chapter 34.05 RCW.

12 (e) Authority to control under this section does not extend to  
13 distilled spirits, wine, malt beverages, or tobacco as those terms are  
14 defined or used in Title 66 RCW and Title 26 RCW.

15 (f) The board shall exclude any nonnarcotic substances from a  
16 schedule if such substances may, under the Federal Food, Drug and  
17 Cosmetic Act, and under regulations of the drug enforcement  
18 administration, and the laws of this state including RCW 18.64.250, be  
19 lawfully sold over the counter.)

20 (2) The board may consider findings of the federal Food and Drug  
21 Administration or the Drug Enforcement Administration as prima facie  
22 evidence relating to one or more of the determinative factors.

23 ((g)) (b) On or before December 1 of each year, the board shall  
24 inform the committees of reference of the legislature of the controlled  
25 substances added, deleted, or changed on the schedules specified in  
26 this chapter and which includes an explanation of these actions.

27 (c) After considering the factors enumerated in subsection (a) of  
28 this section, the board shall make findings with respect thereto and  
29 adopt and cause to be published a rule controlling the substance upon  
30 finding the substance has a potential for abuse.

31 (d) The board, without regard to the findings required by  
32 subsection (a) of this section or RCW 69.50.203, 69.50.205, 69.50.207,  
33 69.50.209, and 69.50.211 or the procedures prescribed by subsections  
34 (a) and (c) of this section, may place an immediate precursor in the  
35 same schedule in which the controlled substance of which it is an  
36 immediate precursor is placed or in any other schedule. If the board  
37 designates a substance as an immediate precursor, substances that are  
38 precursors of the controlled precursor are not subject to control  
39 solely because they are precursors of the controlled precursor.

1       (e) If a substance is designated, rescheduled, or deleted as a  
2 controlled substance under federal law, the board shall similarly  
3 control the substance under this chapter after the expiration of thirty  
4 days from the date of publication in the federal register of a final  
5 order designating the substance as a controlled substance or  
6 rescheduling or deleting the substance or from the date of issuance of  
7 an order of temporary scheduling under Section 508 of the federal  
8 Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. Sec. 811(h),  
9 unless within that thirty-day period, the board or an interested party  
10 objects to inclusion, rescheduling, temporary scheduling, or deletion.  
11 If no objection is made, the board shall adopt and cause to be  
12 published, without the necessity of making determinations or findings  
13 as required by subsection (a) of this section or RCW 69.50.203,  
14 69.50.205, 69.50.207, 69.50.209, and 69.50.211, a final rule, for which  
15 notice of proposed rulemaking is omitted, designating, rescheduling,  
16 temporarily scheduling, or deleting the substance. If an objection is  
17 made, the board shall make a determination with respect to the  
18 designation, rescheduling, or deletion of the substance as provided by  
19 subsection (a) of this section. Upon receipt of an objection to  
20 inclusion, rescheduling, or deletion under this chapter by the board,  
21 the board shall publish notice of the receipt of the objection, and  
22 control under this chapter is stayed until the board adopts a rule as  
23 provided by subsection (a) of this section.

24       (f) The board, by rule and without regard to the requirements of  
25 subsection (a) of this section, may schedule a substance in Schedule I  
26 regardless of whether the substance is substantially similar to a  
27 controlled substance in Schedule I or II if the board finds that  
28 scheduling of the substance on an emergency basis is necessary to avoid  
29 an imminent hazard to the public safety and the substance is not  
30 included in any other schedule or no exemption or approval is in effect  
31 for the substance under Section 505 of the federal Food, Drug, and  
32 Cosmetic Act, 21 U.S.C. Sec. 355. Upon receipt of notice under RCW  
33 69.50.--- (section 14 of this act), the board shall initiate scheduling  
34 of the controlled substance analog on an emergency basis pursuant to  
35 this subsection. The scheduling of a substance under this subsection  
36 expires one year after the adoption of the scheduling rule. With  
37 respect to the finding of an imminent hazard to the public safety, the  
38 board shall consider whether the substance has been scheduled on a  
39 temporary basis under federal law or factors set forth in subsection

1 (a)(1) (iv), (v), and (vi) of this section, and may also consider  
2 clandestine importation, manufacture, or distribution, and, if  
3 available, information concerning the other factors set forth in  
4 subsection (a)(1) of this section. A rule may not be adopted under  
5 this subsection until the board initiates a rule-making proceeding  
6 under subsection (a) of this section with respect to the substance. A  
7 rule adopted under this subsection must be vacated upon the conclusion  
8 of the rule-making proceeding initiated under subsection (a) of this  
9 section with respect to the substance.

10 (g) Authority to control under this section does not extend to  
11 distilled spirits, wine, malt beverages, or tobacco as those terms are  
12 defined or used in Titles 66 and 26 RCW.

13 **Sec. 3.** RCW 69.50.203 and 1971 ex.s. c 308 s 69.50.203 are each  
14 amended to read as follows:

15 SCHEDULE I TESTS. (a) The state board of pharmacy shall place a  
16 substance in Schedule I ((if it finds)) upon finding that the  
17 substance:

18 (1) has high potential for abuse; ((and))

19 (2) has no currently accepted medical use in treatment in the  
20 United States ((or)); and

21 (3) lacks accepted safety for use in treatment under medical  
22 supervision.

23 (b) The board may place a substance in Schedule I without making  
24 the findings required by subsection (a) of this section if the  
25 substance is controlled under Schedule I of the federal Controlled  
26 Substances Act by a federal agency as the result of an international  
27 treaty, convention, or protocol.

28 **Sec. 4.** RCW 69.50.204 and 1986 c 124 s 3 are each amended to read  
29 as follows:

30 SCHEDULE I. ~~((a) The controlled substances listed in this~~  
31 ~~section, by whatever official name, common or usual name, chemical~~  
32 ~~name, or brand name, are included in Schedule I.~~

33 ~~(b) Opiates. Unless specifically excepted or unless listed in~~  
34 ~~another schedule, any)) Unless specifically excepted by state or~~  
35 ~~federal law or regulation or more specifically included in another~~  
36 ~~schedule, the following controlled substances are listed in Schedule I:~~

1       (a) Any of the following opiates, including their isomers, esters,  
2 ethers, salts, and salts of isomers, esters, and ethers(~~(7)~~) whenever  
3 the existence of these isomers, esters, ethers, and salts is possible  
4 within the specific chemical designation:

5       (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-  
6 piperidinyl]-N-phenylacetamide;

7       (2) Acetylmethadol;

8       (~~(2)~~) ~~Alfentanil;~~

9       (3) Allylprodine;

10       (4) Alphacetylmethadol;

11       (5) Alphameprodine;

12       (6) Alphamethadol;

13       (7) Alpha-methylfentanyl (N-[1-alpha-methyl-beta-phenyl) ethyl-  
14 4-piperidyl] (~~(propionanilide)~~) propionanilide; 1-(1-methyl-2-  
15 phenylethyl)-4-(N-propanilido) piperidine);

16       (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-  
17 piperidinyl]-N-phenylpropanamide);

18       (9) Benzethidine;

19       (~~(9)~~) (10) Betacetylmethadol;

20       (~~(10)~~) (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-  
21 piperidinyl]-N-phenylpropanamide);

22       (12) Beta-hydroxy-3-methylfentanyl some trade or other names: N-  
23 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;

24       (13) Betameprodine;

25       (~~(11)~~) (14) Betamethadol;

26       (~~(12)~~) (15) Betaprodine;

27       (~~(13)~~) (16) Clonitazene;

28       (~~(14)~~) (17) Dextromoramide;

29       (~~(15)~~) (18) Diampromide;

30       (~~(16)~~) (19) Diethylthiambutene;

31       (~~(17)~~) (20) Difenoxin;

32       (~~(18)~~) (21) Dimenoxadol;

33       (~~(19)~~) (22) Dimepheptanol;

34       (~~(20)~~) (23) Dimethylthiambutene;

35       (~~(21)~~) (24) Dioxaphetyl butyrate;

36       (~~(22)~~) (25) Dipipanone;

37       (~~(23)~~) (26) Ethylmethylthiambutene;

38       (~~(24)~~) (27) Etonitazene;

39       (~~(25)~~) (28) Etoxeridine;

1        ~~((+26))~~ (29) Furethidine;  
2        ~~((+27))~~ (30) Hydroxypethidine;  
3        ~~((+28))~~ (31) Ketobemidone;  
4        ~~((+29))~~ (32) Levomoramide;  
5        ~~((+30))~~ (33) Levophenacymorphan;  
6        ~~((+31))~~ (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-  
7 piperidyl]-N-phenylprop anamide);  
8        (35) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-  
9 piperidinyl]-N-phenylpropanamide;  
10       (36) Morpheridine;  
11       ~~((+32))~~ (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);  
12       (38) Noracymethadol;  
13       ~~((+33))~~ (39) Norlevorphanol;  
14       ~~((+34))~~ (40) Normethadone;  
15       ~~((+35))~~ (41) Norpipanone;  
16       ~~((+36))~~ (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-  
17 phenethyl)-4-piperidinyl] propanamide;  
18       (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
19       (44) Phenadoxone;  
20       ~~((+37))~~ (45) Phenampromide;  
21       ~~((+38))~~ (46) Phenomorphan;  
22       ~~((+39))~~ (47) Phenoperidine;  
23       ~~((+40))~~ (48) Piritramide;  
24       ~~((+41) Propheptazine))~~ (49) Proheptazine;  
25       ~~((+42))~~ (50) Properidine;  
26       ~~((+43))~~ (51) Propiram;  
27       ~~((+44))~~ (52) Racemoramide;  
28       ~~((+45))~~ (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-  
29 piperidinyl]-propanamide;  
30       (54) Tilidine;  
31       ~~((+46))~~ (55) Trimeperidine.  
32       ~~((+e))~~ (b) Opium derivatives. Unless specifically excepted or  
33 unless listed in another schedule, any of the following opium  
34 derivatives, including their salts, isomers, and salts of isomers(~~((7))~~)  
35 whenever the existence of (~~((these))~~) those salts, isomers, and salts of  
36 isomers is possible within the specific chemical designation:  
37       (1) Acetorphine;  
38       (2) Acetyldihydrocodeine;  
39       (3) Benzylmorphine;

1 (4) Codeine methylbromide;  
2 (5) Codeine-N-Oxide;  
3 (6) Cyprenorphine;  
4 (7) Desomorphine;  
5 (8) 3,4-methylenedioxy-N-ethylamphetamine some trade or other  
6 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl  
7 MDA, MDE, MDEA;  
8 (9) N-hydroxy-3,4-methylenedioxyamphetamine some trade or other  
9 names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and  
10 N-hydroxy MDA;  
11 (10) Dihydromorphine;  
12 ~~((9))~~ (11) Drotebanol;  
13 ~~((10))~~ (12) Etorphine~~((+))~~, except hydrochloride salt~~((+))~~;  
14 ~~((11))~~ (13) Heroin;  
15 ~~((12))~~ (14) Hydromorphenol;  
16 ~~((13))~~ (15) Methyldesorphine;  
17 ~~((14))~~ (16) Methyldihydromorphine;  
18 ~~((15))~~ (17) Morphine methylbromide;  
19 ~~((16))~~ (18) Morphine methylsulfonate;  
20 ~~((17))~~ (19) Morphine-N-Oxide;  
21 ~~((18))~~ (20) Myrophine;  
22 ~~((19))~~ (21) Nicocodeine;  
23 ~~((20))~~ (22) Nicomorphine;  
24 ~~((21))~~ (23) Normorphine;  
25 ~~((22))~~ (24) Pholcodine;  
26 ~~((23))~~ (25) Thebacon.  
27 ~~((d))~~ (c) Hallucinogenic substances. Unless specifically  
28 excepted or unless listed in another schedule, any material, compound,  
29 mixture, or preparation which contains any quantity of the following  
30 hallucinogenic substances, ~~((or which contains any of its))~~ including  
31 their salts, isomers, and salts of isomers((~~7~~)) whenever the existence  
32 of ~~((such))~~ those salts, isomers, and salts of isomers is possible  
33 within the specific chemical designation ~~((For purposes of paragraph~~  
34 ~~(d) of this section, only, the term "isomer" includes the optical,~~  
35 ~~position, and geometric isomers.))~~;  
36 (1) ~~3,4-methylenedioxy amphetamine;~~  
37 (2) ~~5-methoxy-3,4-methylenedioxy amphetamine;~~  
38 (3) ~~3,4,5-trimethoxy amphetamine;~~

1 (4) 4-bromo-2,5-dimethoxy-amphetamine:—Some trade or other names:  
2 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;—4-bromo-2,5-DMA;  
3 (5) 2,5-dimethoxyamphetamine:—Some trade or other names:—2,5-  
4 dimethoxy-alpha-methylphenethylamine;—2,5-DMA;  
5 (6) 4-methoxyamphetamine:—Some trade or other names:—4-methoxy-  
6 alpha-methylphenethylamine;—paramethoxyamphetamine;—PMA;  
7 (7) 4-methyl-2,5-dimethoxyamphetamine:—Some trade or other names:  
8 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;—"DOM";—"STP";  
9 (8) ———— Bufotenine: ———— Some ———— trade ———— or ———— other ———— names:  
10 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;—3-(2-dimethylaminoethyl)-5-  
11 indololol;—N,N-dimethylserotonin;—5-hydroxy-N,N-dimethyltryptamine;  
12 mappine;  
13 (9) ———— Diethyltryptamine: ———— Some ———— trade ———— or ———— other ———— names:  
14 N,N-Diethyltryptamine;—DET;  
15 (10) Dimethyltryptamine:—Some trade or other names:—DMT;  
16 (11) ———— Ibogaine: ———— Some ———— trade ———— or ———— other ———— names:—7-Ethyl-6,6-  
17 beta,7,8,9,10,12,13, octahydro-2-methoxy-6,9-methano-5H-pyrido-(1',2'-1,2)-  
18 azepino-(5,4-b)-indole;—Tabernanthe iboga;  
19 (12) Lysergic acid diethylamide;  
20 (13) Marijuana;  
21 (14) Mescaline;  
22 (15) Parahexyl-7374;—some trade or other names:—3-Hexyl-1-hydroxy-  
23 7,—8,—9,—10-tetrahydro-6,—6,—9-trimethyl-6H-dibenzo[b,d]pyran;  
24 synhexyl;  
25 (16) Peyote, meaning all parts of the plant presently classified  
26 botanically as Lophophora Williamsii Lemaire, whether growing or not,  
27 the seeds thereof, any extract from any part of such plant, and every  
28 compound, manufacture, salts, derivative, mixture, or preparation of  
29 such plant, its seeds, or extracts (interprets 21 U.S.C. Sec. 812(c),  
30 Schedule I(c)(12));  
31 (17) N-ethyl-3-piperidyl benzilate;  
32 (18) N-methyl-3-piperidyl benzilate;  
33 (19) Psilocybin;  
34 (20) Psilocyn;  
35 (21) Tetrahydrocannabinols, synthetic equivalents of the substances  
36 contained in the plant, or in the resinous extractives of Cannabis,  
37 specifically, and/or synthetic substances, derivatives, and their  
38 isomers with similar chemical structure and pharmacological activity  
39 such as the following:

1       (i) ~~Delta 1 — cis — or trans tetrahydrocannabinol, and their~~  
2 ~~optical isomers;~~

3       (ii) ~~Delta 6 — cis — or trans tetrahydrocannabinol, and their~~  
4 ~~optical isomers;~~

5       (iii) ~~Delta 3.4 — cis — or trans tetrahydrocannabinol, and its~~  
6 ~~optical isomers;~~

7 ~~(Since nomenclature of these substances is not internationally~~  
8 ~~standardized, compounds of these structures, regardless of numerical~~  
9 ~~designation of atomic positions covered, are all included.)~~

10       (22) ~~Ethylamine analog of phencyclidine:— Some trade or other~~  
11 ~~names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine;~~  
12 ~~N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;~~

13       (23) ~~Pyrrolidine analog of phencyclidine:— Some trade or other~~  
14 ~~names:— 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;~~

15       (24) ~~Thiophene analog of phencyclidine:— Some trade or other names:~~  
16 ~~1-(1-[2-thienyl]-cyclohexyl)-piperidine;— 2-thienyl analog — of~~  
17 ~~phencyclidine; TPCP; TCP)).~~

18       ((e) ~~Depressants. — Unless specifically excepted or unless listed~~  
19 ~~in another schedule, any material compound, mixture, or preparation~~  
20 ~~which contains any quantity of mecloqualone having a depressant effect~~  
21 ~~on the central nervous system, including its salts, isomers, and salts~~  
22 ~~of isomers whenever the existence of such salts, isomers, and salts of~~  
23 ~~isomers is possible within the specific chemical designation.~~

24       (1) ~~Mecloqualone;~~

25       (2) ~~Methaqualone.~~

26       (f) ~~Stimulants. — Unless specifically excepted or unless listed in~~  
27 ~~another schedule, any material, compound, mixture, or preparation which~~  
28 ~~contains any quantity of the following substances having a stimulant~~  
29 ~~effect on the central nervous system, including its salts, isomers, and~~  
30 ~~salts of isomers:~~

31       (1) ~~Fenethyline;~~

32       (2) ~~N-ethylamphetamine;~~

33       (3) ~~3-methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-~~  
34 ~~phenylpropanamide), its optical and geometric isomers, salts and salts~~  
35 ~~of isomers;~~

36       (4) ~~3,4-methylenedioxymethamphetamine (MDMA), — its — optical,~~  
37 ~~positional and geometric isomers, salts and salts of isomers;~~

38       (5) ~~1-methyl-4-phenyl-4-propionoxy-piperidine (MPPP), its optical~~  
39 ~~isomers, salts, and salts of isomers;~~



1 ~~(6) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its~~  
2 ~~optical isomers, salts and salts of isomers)) (1) 4-bromo-2,5-~~  
3 ~~dimethoxy-amphetamine: Some trade or other names: 4-bromo-2,5-~~  
4 ~~dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;~~  
5 (2) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-  
6 dimethoxy-a-methylphenethylamine; 2,5-DMA;  
7 (3) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-  
8 methylphenethylamine; paramethoxyamphetamine, PMA;  
9 (4) 5-methoxy-3,4-methylenedioxy-amphetamine;  
10 (5) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other  
11 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and  
12 "STP";  
13 (6) 3,4-methylenedioxy amphetamine;  
14 (7) 3,4-methylenedioxymethamphetamine (MDMA);  
15 (8) 3,4,5-trimethoxy amphetamine;  
16 (9) Bufotenine: Some trade or other names: 3-(beta-  
17 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol;  
18 N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;  
19 (10) Diethyltryptamine: Some trade or other names: N,N-  
20 Diethyltryptamine; DET;  
21 (11) Dimethyltryptamine: Some trade or other names: DMT;  
22 (12) Ibogaine: Some trade or other names: 7-Ethyl-6,6  
23 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9methano-5H-pyndo (1',2'  
24 1,2) azepino (5,4-b) indole; Tabernanthe iboga;  
25 (13) Lysergic acid diethylamide;  
26 (14) Marihuana or marijuana;  
27 (15) Mescaline;  
28 (16) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-  
29 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran;  
30 synhexyl;  
31 (17) Peyote, meaning all parts of the plant presently classified  
32 botanically as Lophophora Williamsii Lemaire, whether growing or not,  
33 the seeds thereof, any extract from any part of such plant, and every  
34 compound, manufacture, salts, derivative, mixture, or preparation of  
35 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812 (c),  
36 Schedule I (c)(12))  
37 (18) N-ethyl-3-piperidyl benzilate;  
38 (19) N-methyl-3-piperidyl benzilate;  
39 (20) Psilocybin;

1       (21) Psilocyn;

2       (22) Tetrahydrocannabinols, synthetic equivalents of the substances  
3 contained in the plant, or in the resinous extractives of Cannabis,  
4 species, and/or synthetic substances, derivatives, and their isomers  
5 with similar chemical structure and pharmacological activity such as  
6 the following:

7       (i) Delta 1 - cis - or trans tetrahydrocannabinol, and their  
8 optical isomers, excluding tetrahydrocannabinol in sesame oil and  
9 encapsulated in a soft gelatin capsule in a drug product approved by  
10 the United States Food and Drug Administration;

11       (ii) Delta 6 - cis - or trans tetrahydrocannabinol, and their  
12 optical isomers;

13       (iii) Delta 3,4 - cis - or trans tetrahydrocannabinol, and its  
14 optical isomers;

15 (Since nomenclature of these substances is not internationally  
16 standardized, compounds of these structures, regardless of numerical  
17 designation of atomic positions covered.)

18       (23) Ethylamine analog of phencyclidine: Some trade or other  
19 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine;  
20 N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

21       (24) Pyrrolidine analog of phencyclidine: Some trade or other  
22 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

23       (25) Thiophene analog of phencyclidine: Some trade or other names:  
24 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of  
25 phencyclidine; TPCP; TCP;

26       (26) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other name  
27 is TCPy.

28       (d) Depressants. Unless specifically excepted or unless listed in  
29 another schedule, any material, compound, mixture, or preparation which  
30 contains any quantity of the following substances having a depressant  
31 effect on the central nervous system, including its salts, isomers, and  
32 salts of isomers whenever the existence of such salts, isomers, and  
33 salts of isomers is possible within the specific chemical designation.

34       (1) Mecloqualone.

35       (2) Methaqualone.

36       (e) Stimulants. Unless specifically excepted or unless listed in  
37 another schedule, any material, compound, mixture, or preparation which  
38 contains any quantity of the following substances having a stimulant

1 effect on the central nervous system, including its salts, isomers, and  
2 salts of isomers:

3 (1) Fenethylamine;

4 (2) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4-methyl-5-  
5 phenyl-2-oxazolamine);

6 (3) N-ethylamphetamine;

7 (4) N,N-dimethylamphetamine: some trade or other names: N,N-  
8 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

9 The controlled substances in this section may be rescheduled or  
10 deleted as provided for in RCW 69.50.201.

11 **Sec. 5.** RCW 69.50.205 and 1971 ex.s. c 308 s 69.50.205 are each  
12 amended to read as follows:

13 SCHEDULE II TESTS. (a) The state board of pharmacy shall place a  
14 substance in Schedule II ((if it finds)) upon finding that:

15 (1) the substance has high potential for abuse;

16 (2) the substance has currently accepted medical use in treatment  
17 in the United States, or currently accepted medical use with severe  
18 restrictions; and

19 (3) the abuse of the substance may lead to severe ((psychic))  
20 psychological or physical dependence.

21 (b) The state board of pharmacy may place a substance in Schedule  
22 II without making the findings required by subsection (a) of this  
23 section if the substance is controlled under Schedule II of the federal  
24 Controlled Substances Act by a federal agency as the result of an  
25 international treaty, convention, or protocol.

26 **Sec. 6.** RCW 69.50.206 and 1986 c 124 s 4 are each amended to read  
27 as follows:

28 SCHEDULE II. (a) The drugs and other substances listed in this  
29 section, by whatever official name, common or usual name, chemical  
30 name, or brand name designated, are included in Schedule II.

31 (b) Substances. (Vegetable origin or chemical synthesis.) Unless  
32 specifically excepted, any of the following substances, except those  
33 listed in other schedules, whether produced directly or indirectly by  
34 extraction from substances of vegetable origin, or independently by  
35 means of chemical synthesis, or by combination of extraction and  
36 chemical synthesis:

1 (1) Opium and opiate, and any salt, compound, derivative, or  
2 preparation of opium or opiate, excluding apomorphine, dextrorphan,  
3 nalbuphine, nalmeffene, naloxone, and naltrexone, and their respective  
4 salts, but including the following:

- 5 (i) Raw opium;
- 6 (ii) Opium extracts;
- 7 (iii) Opium fluid (~~((extracts))~~);
- 8 (iv) Powdered opium;
- 9 (v) Granulated opium;
- 10 (vi) Tincture of opium;
- 11 (vii) Codeine;
- 12 (viii) Ethylmorphine;
- 13 (ix) Etorphine hydrochloride;
- 14 (x) Hydrocodone;
- 15 (xi) Hydromorphone;
- 16 (xii) Metopon;
- 17 (xiii) Morphine;
- 18 (xiv) Oxycodone;
- 19 (xv) Oxymorphone; and
- 20 (xvi) Thebaine.

21 (2) Any salt, compound, isomer, derivative, or preparation thereof  
22 (~~((which))~~) that is chemically equivalent or identical with any of the  
23 substances referred to in (~~((paragraph))~~) subsection (b)(1) of this  
24 section, but not including the isoquinoline alkaloids of opium.

25 (3) Opium poppy and poppy straw.

26 (4) Coca leaves and any salt, compound, derivative, or preparation  
27 of coca leaves including cocaine and ecgonine, and their salts,  
28 isomers, derivatives, and salts of isomers and derivatives, and any  
29 salt, compound, derivative, or preparation thereof which is chemically  
30 equivalent or identical with any of these substances, but not including  
31 decocainized coca leaves or extractions of coca leaves which do not  
32 contain cocaine or ecgonine.

33 (5) Methylbenzoylecgonine (cocaine -- its salts, optical isomers,  
34 and salts of optical isomers).

35 (6) Concentrate of poppy straw (The crude extract of poppy straw in  
36 either liquid, solid, or powder form which contains the  
37 (~~((phenanthrine))~~) phenanthrene alkaloids of the opium poppy.)

38 (c) Opiates. Unless specifically excepted or unless in another  
39 schedule, any of the following synthetic opiates, including its

1 isomers, esters, ethers, salts, and salts of isomers, esters, and  
2 ethers, whenever the existence of such isomers, esters, ethers, and  
3 salts is possible within the specific chemical designation, dextrophan  
4 and levopropoxyphene excepted:

- 5 (1) Alfentanil;
- 6 (2) Alphaprodine;
- 7 ~~((+2))~~ (3) Anileridine;
- 8 ~~((+3))~~ (4) Bezitramide;
- 9 ~~((+4))~~ (5) Bulk dextropropoxyphene (nondosage forms);
- 10 (6) Carfentanil;
- 11 ~~((+5))~~ (7) Dihydrocodeine;
- 12 ~~((+6))~~ (8) Diphenoxylate;
- 13 ~~((+7))~~ (9) Fentanyl;
- 14 ~~((+8))~~ (10) Isomethadone;
- 15 ~~((+9))~~ (11) Levomethorphan;
- 16 ~~((+10))~~ (12) Levorphanol;
- 17 ~~((+11))~~ (13) Metazocine;
- 18 ~~((+12))~~ (14) Methadone;
- 19 ~~((+13))~~ (15) Methadone--Intermediate, 4-cyano-2-dimethylamino-4,  
20 4-diphenyl butane;
- 21 ~~((+14))~~ (16) Moramide--Intermediate, 2-methyl-3-morpholino-1, 1-  
22 diphenylpropane-carboxylic acid;
- 23 ~~((+15))~~ (17) Pethidine ~~((~~meperidene~~))~~ (meperidine);
- 24 ~~((+16))~~ (18) Pethidine--Intermediate((-))A, 4-cyano-1-methyl-4-  
25 phenylpiperidine;
- 26 ~~((+17))~~ (19) Pethidine--Intermediate((-))-B, ethyl-4-  
27 phenylpiperidine-4-carboxylate;
- 28 ~~((+18))~~ (20) Pethidine--Intermediate((-))-C, 1-methyl-4-  
29 phenylpiperidine-4-carboxylic acid;
- 30 ~~((+19))~~ (21) Phenazocine;
- 31 ~~((+20))~~ (22) Piminodine;
- 32 ~~((+21))~~ (23) Racemethorphan;
- 33 ~~((+22))~~ (24) Racemorphan;
- 34 ~~((+23))~~ (25) Sufentanil.

35 (d) Stimulants. Unless specifically excepted or unless listed in  
36 another schedule, any material, compound, mixture, or preparation which  
37 contains any quantity of the following substances having a stimulant  
38 effect on the central nervous system:

1 (1) Amphetamine, its salts, optical isomers, and salts of its  
2 optical isomers;

3 (2) Methamphetamine, its salts, isomers, and salts of its isomers;

4 (3) Phenmetrazine and its salts;

5 (4) Methylphenidate.

6 (e) Depressants. Unless specifically excepted or unless listed in  
7 another schedule, any material, compound, mixture, or preparation which  
8 contains any quantity of the following substances having a depressant  
9 effect on the central nervous system, including its salts, isomers, and  
10 salts of isomers whenever the existence of such salts, isomers, and  
11 salts of isomers is possible within the specific chemical designation:

12 (1) Amobarbital;

13 (2) Glutethimide;

14 (3) Pentobarbital;

15 ~~((+3))~~ (4) Phencyclidine;

16 ~~((+4))~~ (5) Secobarbital.

17 (f) Hallucinogenic substances.

18 (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft  
19 gelatin capsule in a United States Food and Drug Administration  
20 approved drug product. (Some other names for dronabinol [6aR-trans]-  
21 6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-i-  
22 ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

23 (2) Nabilone: Some trade or other names are ( æ )-trans3-(1,1-  
24 dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-  
25 dibenzol[b,d]pyran-9-one].

26 (g) Immediate precursors. Unless specifically excepted or unless  
27 listed in another schedule, any material, compound, mixture, or  
28 preparation which contains any quantity of the following substances:

29 (1) Immediate precursor to amphetamine and methamphetamine:

30 ~~((+2))~~ (i) Phenylacetone: Some trade or other names phenyl-2-  
31 propanone, P2P, benzyl methyl ketone, methyl benzyl ketone.

32 ~~((+3))~~ (2) Immediate precursors to phencyclidine (PCP):

33 (i) 1-phenylcyclohexylamine;

34 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

35 The controlled substances in this section may be rescheduled or  
36 deleted as provided for in RCW 69.50.201.

37 **Sec. 7.** RCW 69.50.207 and 1971 ex.s. c 308 s 69.50.207 are each  
38 amended to read as follows:

1 SCHEDULE III TESTS. (a) The state board of pharmacy shall place a  
2 substance in Schedule III (~~((if it finds))~~) upon finding that:

3 (1) the substance has a potential for abuse less than the  
4 substances (~~(listed)~~) included in Schedules I and II;

5 (2) the substance has currently accepted medical use in treatment  
6 in the United States; and

7 (3) abuse of the substance may lead to moderate or low physical  
8 dependence or high psychological dependence.

9 (b) The state board of pharmacy may place a substance in Schedule  
10 III without making the findings required by subsection (a) of this  
11 section if the substance is controlled under Schedule III of the  
12 federal Controlled Substances Act by a federal agency as the result of  
13 an international treaty, convention, or protocol.

14 **Sec. 8.** RCW 69.50.208 and 1986 c 124 s 5 are each amended to read  
15 as follows:

16 SCHEDULE III. (~~((a) The drugs and other substances listed in this~~  
17 ~~section, by whatever official name, common or usual name, chemical~~  
18 ~~name, or brand name designated, are included in Schedule III.~~

19 (b) ~~Stimulants. Unless specifically excepted or unless listed in~~  
20 ~~another schedule,))~~ Unless specifically excepted by state or federal  
21 law or regulation or more specifically included in another schedule,  
22 the following controlled substances are listed in Schedule III:

23 (a) Any material, compound, mixture, or preparation ((which  
24 contains)) containing any quantity of the following substances having  
25 a stimulant effect on the central nervous system, including ((its))  
26 their salts, isomers ((whether optical, position, or geometric)), and  
27 salts of ((such)) isomers whenever the existence of ((such)) those  
28 salts, isomers, and salts of isomers is possible within the specific  
29 chemical designation:

30 (1) (~~((Those compounds, mixtures, or preparations in dosage unit~~  
31 ~~form containing any stimulant substances listed in Schedule II which~~  
32 ~~compounds, mixtures, or preparations are referred to as excepted~~  
33 ~~compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of~~  
34 ~~April 1, 1985, and any other drug of the quantitative composition shown~~  
35 ~~in that list for those drugs or which is the same except that it~~  
36 ~~contains a lesser quantity of controlled substances))~~ Any compound,  
37 mixture, or preparation in dosage unit form containing any stimulant  
38 substance included in Schedule II and which was listed as an excepted

1 compound on August 25, 1971, pursuant to the federal controlled  
2 substances act, and any other drug of the quantitative composition  
3 shown in that list for those drugs or which is the same except for  
4 containing a lesser quantity of controlled substances;

- 5 (2) Benzphetamine;
- 6 (3) Chlorphentermine;
- 7 (4) Clortermine;
- 8 (5) Phendimetrazine.

9 ~~((e))~~ (b) Depressants. Unless specifically excepted or unless  
10 listed in another schedule, any material, compound, mixture, or  
11 preparation which contains any quantity of the following substances  
12 having a depressant effect on the central nervous system:

13 (1) Any compound, mixture, or preparation containing:

- 14 (i) Amobarbital;
- 15 (ii) Secobarbital;
- 16 (iii) Pentobarbital;

17 or any salt thereof and one or more other active medicinal ingredients  
18 which are not listed in any schedule;

19 (2) Any suppository dosage form containing:

- 20 (i) Amobarbital;
- 21 (ii) Secobarbital;
- 22 (iii) Pentobarbital;

23 or any salt of any of these drugs and approved by the Food and Drug  
24 Administration for marketing only as a suppository;

25 (3) Any substance which contains any quantity of a derivative of  
26 barbituric acid, or any salt of a derivative of barbituric acid;

27 (4) Chlorhexadol;

28 (5) ~~((Glutethimide;~~

29 ~~+6))~~ Lysergic acid;

30 ~~((+7))~~ (6) Lysergic acid amide;

31 ~~((+8))~~ (7) Methyprylon;

32 ~~((+9))~~ (8) Sulfondiethylmethane;

33 ~~((+10))~~ (9) Sulfonethylmethane;

34 ~~((+11))~~ (10) Sulfonmethane;

35 (11) Tiletamine and zolazepam or any of their salts--some trade or

36 other names for a tiletamine-zolazepam combination product: Telazol

37 some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)

38 cyclohexanone--some trade or other names for zolazepam: 4-(2-



1 fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-  
2 diazepin-7(1H)-one flupyrzapon.)  
3 (~~(d)~~) (c) Nalorphine.  
4 (d) Anabolic steroids. The term "anabolic steroid" means any drug  
5 or hormonal substance, chemically and pharmacologically related to  
6 testosterone (other than estrogens, progestins, and corticosteroids)  
7 that promotes muscle growth, and includes:  
8 (1) Boldenone;  
9 (2) Chlorotestosterone;  
10 (3) Clostebol;  
11 (4) Dehydrochlormethyltestosterone;  
12 (5) Dihydrotestosterone;  
13 (6) Drostanolone;  
14 (7) Ethylestrenol;  
15 (8) Fluoxymesterone;  
16 (9) Formebolone;  
17 (10) Mesterolone;  
18 (11) Methandienone;  
19 (12) Methandranone;  
20 (13) Methandriol;  
21 (14) Methandrostenolone;  
22 (15) Methenolone;  
23 (16) Methyltestosterone;  
24 (17) Mibolerone;  
25 (18) Nanrolone;  
26 (19) Norethandrolone;  
27 (20) Oxandrolone;  
28 (21) Oxymesterone;  
29 (22) Oxymetholone;  
30 (23) Stanolone;  
31 (24) Stanozolol;  
32 (25) Testolactone;  
33 (26) Testosterone;  
34 (27) Trenbolone; and  
35 (28) Any salt, ester, or isomer of a drug or substance described or  
36 listed in this subsection, if that salt, ester, or isomer promotes  
37 muscle growth. Except such term does not include an anabolic steroid  
38 which is expressly intended for administration through implants to  
39 cattle or other nonhuman species and which has been approved by the

1 secretary of health and human services for such administration. If any  
2 person prescribes, dispenses, or distributes such steroid for human use  
3 such person shall be considered to have prescribed, dispensed, or  
4 distributed an anabolic steroid within the meaning of this subsection.

5 (e) Narcotic drugs. Unless specifically excepted or unless listed  
6 in another schedule, any material, compound, mixture, or preparation  
7 containing limited quantities of any of the following narcotic drugs,  
8 or any salts thereof calculated as the free anhydrous base or alkaloid,  
9 in limited quantities as set forth in (~~paragraph (e) of this section~~)  
10 this subsection:

11 (1) Not more than 1.8 grams of codeine per 100 milliliters or not  
12 more than 90 milligrams per dosage unit, with an equal or greater  
13 quantity of an isoquinoline alkaloid of opium;

14 (2) Not more than 1.8 grams of codeine per 100 milliliters or not  
15 more than 90 milligrams per dosage unit, with one or more active,  
16 nonnarcotic ingredients in recognized therapeutic amounts;

17 (3) Not more than 300 milligrams of dihydrocodeinone per 100  
18 milliliters or not more than 15 milligrams per dosage unit, with a  
19 fourfold or greater quantity of an isoquinoline alkaloid of opium;

20 (4) Not more than 300 milligrams of dihydrocodeinone per 100  
21 milliliters or not more than 15 milligrams per dosage unit, with one or  
22 more active, nonnarcotic ingredients in recognized therapeutic amounts;

23 (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters  
24 or not more than 90 milligrams per dosage unit, with one or more  
25 active, nonnarcotic ingredients in recognized therapeutic amounts;

26 (6) Not more than 300 milligrams of ethylmorphine per 100  
27 milliliters or not more than 15 milligrams per dosage unit, with one or  
28 more active, nonnarcotic ingredients in recognized therapeutic amounts;

29 (7) Not more than 500 milligrams of opium per 100 milliliters or  
30 per 100 grams, or not more than 25 milligrams per dosage unit, with one  
31 or more active, nonnarcotic ingredients in recognized therapeutic  
32 amounts;

33 (8) Not more than 50 milligrams of morphine per 100 milliliters or  
34 per 100 grams with one or more active, nonnarcotic ingredients in  
35 recognized therapeutic amounts.

36 The state board of pharmacy may except by rule any compound,  
37 mixture, or preparation containing any stimulant or depressant  
38 substance listed in subsections (a)(1) and (2) of this section from the  
39 application of all or any part of this chapter if the compound,

1 mixture, or preparation contains one or more active medicinal  
2 ingredients not having a stimulant or depressant effect on the central  
3 nervous system, and if the admixtures are in combinations, quantity,  
4 proportion, or concentration that vitiate the potential for abuse of  
5 the substances having a stimulant or depressant effect on the central  
6 nervous system.

7 The controlled substances listed in this section may be rescheduled  
8 or deleted as provided for in RCW 69.50.201.

9 **Sec. 9.** RCW 69.50.209 and 1971 ex.s. c 308 s 69.50.209 are each  
10 amended to read as follows:

11 SCHEDULE IV TESTS. (a) The state board of pharmacy shall place a  
12 substance in Schedule IV ((if it finds)) upon finding that:

13 (1) the substance has a low potential for abuse relative to  
14 substances in Schedule III;

15 (2) the substance has currently accepted medical use in treatment  
16 in the United States; and

17 (3) abuse of the substance may lead to limited physical dependence  
18 or psychological dependence relative to the substances included in  
19 Schedule III.

20 (b) The state board of pharmacy may place a substance in Schedule  
21 IV without making the findings required by subsection (a) of this  
22 section if the substance is controlled under Schedule IV of the federal  
23 Controlled Substances Act by a federal agency as the result of an  
24 international treaty, convention, or protocol.

25 **Sec. 10.** RCW 69.50.210 and 1986 c 124 s 6 are each amended to read  
26 as follows:

27 ~~SCHEDULE IV. ((a) The drugs and other substances listed in this~~  
28 ~~section, by whatever official name, common or usual name, chemical~~  
29 ~~name, or brand name designated, are included in Schedule IV.~~

30 ~~(b) Narcotic drugs. Unless specifically excepted or unless listed~~  
31 ~~in another schedule,)) Unless specifically excepted by state or federal~~  
32 ~~law or regulation or more specifically included in another schedule,~~  
33 ~~the following controlled substances are listed in Schedule IV:~~

34 (a) Any material, compound, mixture, or preparation containing any  
35 of the following narcotic drugs, or their salts calculated as the free  
36 anhydrous base or alkaloid, in limited quantities as set forth below:

1 (1) Not more than 1 milligram of difenoxin and not less than 25  
2 micrograms of atropine sulfate per dosage unit.

3 (2) Dextropropoxyphene (alpha-(+)((-e))-4-dimethylamino-1,2-  
4 diphenyl-3-methyl-2-propionoxybutane).

5 ((-e)) (b) Depressants. Unless specifically excepted or unless  
6 listed in another schedule, any material, compound, mixture, or  
7 preparation ((which contains)) containing any quantity of the following  
8 substances having a depressant effect on the central nervous system,  
9 including ((its)) their salts, isomers, and salts of isomers whenever  
10 the existence of ((such)) those salts, isomers, and salts of isomers is  
11 possible within the specific chemical designation:

- 12 ~~((1) Alprazolam;~~
- 13 ~~(2) Barbital;~~
- 14 ~~(3) Chloral betaine;~~
- 15 ~~(4) Chloral hydrate;~~
- 16 ~~(5) Chlordiazepoxide;~~
- 17 ~~(6) Clonazepam;~~
- 18 ~~(7) Clorazepate;~~
- 19 ~~(8) Diazepam;~~
- 20 ~~(9) Ethchlorvynol;~~
- 21 ~~(10) Ethinamate;~~
- 22 ~~(11) Flurazepam;~~
- 23 ~~(12) Halazepam;~~
- 24 ~~(13) Lorazepam;~~
- 25 ~~(14) Mebutamate;~~
- 26 ~~(15) Meprobamate;~~
- 27 ~~(16) Methohexital;~~
- 28 ~~(17) Methylphenobarbital (mephobarbital);~~
- 29 ~~(18) Oxazepam;~~
- 30 ~~(19) Paraldehyde;~~
- 31 ~~(20) Petrichloral;~~
- 32 ~~(21) Phenobarbital;~~
- 33 ~~(22) Prazepam;~~
- 34 ~~(23) Temazepam;~~
- 35 ~~(24) Triazolam.~~
- 36 ~~(d) Fenfluramine.)~~
- 37 (1) Alprazolam;
- 38 (2) Barbital;
- 39 (3) Bromazepam;

- 1        (4) Camazepam;
- 2        (5) Chloral betaine;
- 3        (6) Chloral hydrate;
- 4        (7) Chlordiazepoxide;
- 5        (8) Clobazam;
- 6        (9) Clonazepam;
- 7        (10) Clorazepate;
- 8        (11) Clotiazepam;
- 9        (12) Cloxazolam;
- 10       (13) Delorazepam;
- 11       (14) Diazepam;
- 12       (15) Estazolam;
- 13       (16) Ethchlorvynol;
- 14       (17) Ethinamate;
- 15       (18) Ethyl loflazepate;
- 16       (19) Fludiazepam;
- 17       (20) Flunitrazepam;
- 18       (21) Flurazepam;
- 19       (22) Halazepam;
- 20       (23) Haloxazolam;
- 21       (24) Ketazolam;
- 22       (25) Loprazolam;
- 23       (26) Lorazepam;
- 24       (27) Lormetazepam;
- 25       (28) Mebutamate;
- 26       (29) Medazepam;
- 27       (30) Meprobamate;
- 28       (31) Methohexital;
- 29       (32) Methylphenobarbital (mephobarbital);
- 30       (33) Midazolam;
- 31       (34) Nimetazepam;
- 32       (35) Nitrazepam;
- 33       (36) Nordiazepam;
- 34       (37) Oxazepam;
- 35       (38) Oxazolam;
- 36       (39) Paraldehyde;
- 37       (40) Petrichloral;
- 38       (41) Phenobarbital;
- 39       (42) Pinazepam;

- 1        (43) Prazepam;
- 2        (44) Quazepam;
- 3        (45) Temazepam;
- 4        (46) Tetrazepam;
- 5        (47) Triazolam.

6        (c) Any material, compound, mixture, or preparation ((which  
7 contains)) containing any quantity of the following substance((s)),  
8 including its salts, isomers ((~~whether optical, position, or~~  
9 geometric)), and salts of such isomers, whenever the existence of such  
10 salts, isomers, and salts of isomers is possible((-)):

11        ((~~1~~)) Fenfluramine.

12        ((~~e~~)) (d) Stimulants. Unless specifically excepted or unless  
13 listed in another schedule, any material, compound, mixture, or  
14 preparation ((~~which contains~~)) containing any quantity of the following  
15 substances having a stimulant effect on the central nervous system,  
16 including ((its)) their salts, isomers ((~~whether optical, position, or~~  
17 geometric)), and salts of ((such)) isomers ((~~whenever the existence of~~  
18 such salts, isomers, and salts of isomers is possible within the  
19 specific chemical designation)):

20        (1) Cathine((+)norpseudoephedrine);

21        (2) Diethylpropion;

22        ((~~2~~)) (3) Fencamfamin;

23        (4) Fenproporex;

24        (5) Mazindol;

25        ((~~3~~)) (6) Mefenorex;

26        (7) Pemoline (including organometallic complexes and chelates  
27 thereof);

28        ((~~4~~)) (8) Phentermine;

29        ((~~5~~)) (9) Pipradrol;

30        ((~~6~~)) (10) SPA ((-)-1-dimethylamino-1, 2-dephenylethane).

31        ((~~f~~)) (e) Other substances. Unless specifically excepted or  
32 unless listed in another schedule, any material, compound, mixture, or  
33 preparation ((~~which contains~~)) containing any quantity of the following  
34 substance((s)), including its salts: (1) Pentazocine.

35        The state board of pharmacy may except by rule any compound,  
36 mixture, or preparation containing any depressant substance listed in  
37 subsection (b) of this section from the application of all or any part  
38 of this chapter if the compound, mixture, or preparation contains one  
39 or more active medicinal ingredients not having a depressant effect on

1 the central nervous system, and if the admixtures are in combinations,  
2 quantity, proportion, or concentration that vitiate the potential for  
3 abuse of the substances having a depressant effect on the central  
4 nervous system.

5 The controlled substances listed in this section may be rescheduled  
6 or deleted as provided for in RCW 69.50.201.

7 **Sec. 11.** RCW 69.50.211 and 1971 ex.s. c 308 s 69.50.211 are each  
8 amended to read as follows:

9 SCHEDULE V TESTS. (a) The state board of pharmacy shall place a  
10 substance in Schedule V ((if it finds)) upon finding that:

11 (1) the substance has low potential for abuse relative to the  
12 controlled substances ~~((listed))~~ included in Schedule IV;

13 (2) the substance has currently accepted medical use in treatment  
14 in the United States; and

15 (3) abuse of the substance ((has)) may lead to limited physical  
16 dependence or psychological dependence ((liability)) relative to the  
17 ((controlled)) substances ((listed)) included in Schedule IV.

18 (b) The state board of pharmacy may place a substance in Schedule  
19 V without being required to make the findings required by subsection  
20 (a) of this section if the substance is controlled under Schedule V of  
21 the federal Controlled Substances Act by a federal agency as the result  
22 of an international treaty, convention, or protocol.

23 **Sec. 12.** RCW 69.50.212 and 1986 c 124 s 7 are each amended to read  
24 as follows:

25 SCHEDULE V. ~~((a) The drugs and other substances listed in this~~  
26 ~~section, by whatever official name, common or usual name, chemical~~  
27 ~~name, or brand name designated, are included in Schedule V.~~

28 ~~(b) Narcotic drugs containing nonnarcotic active medicinal~~  
29 ~~ingredients.)) Unless specifically excepted by state or federal law or~~  
30 regulation or more specifically included in another schedule, the  
31 following controlled substances are listed in Schedule V:

32 (a) Any material, compound, mixture, or preparation containing any  
33 of the following narcotic drug and its salts: Buprenorphine.

34 (b) Any compound, mixture, or preparation containing any of the  
35 following narcotic drugs, or their salts calculated as the free  
36 anhydrous base or alkaloid, in limited quantities as set forth in this  
37 ((section)) subsection, which ((shall include)) also contains one or

1 more nonnarcotic active medicinal ingredients in sufficient proportion  
2 to confer upon the compound, mixture, or preparation, valuable  
3 medicinal qualities other than those possessed by the narcotic drug  
4 alone:

5 (1) Not more than 200 milligrams of codeine per 100 milliliters or  
6 per 100 grams;

7 (2) Not more than 100 milligrams of dihydrocodeine per 100  
8 milliliters or per 100 grams;

9 (3) Not more than 100 milligrams of ethylmorphine per 100  
10 milliliters or per 100 grams;

11 (4) Not more than 2.5 milligrams of diphenoxylate and not less than  
12 25 micrograms of atropine sulfate per dosage unit;

13 (5) Not more than 100 milligrams of opium per 100 milliliters or  
14 per 100 grams;

15 (6) Not more than 0.5 milligrams of difenoxin and not less than 25  
16 micrograms of atropine sulfate per dosage unit((+

17 ~~(c) Buprenorphine~~)).

18 (c) Any material, compound, mixture, or preparation containing any  
19 quantity of the following substances having a stimulant effect on the  
20 central nervous system, including their salts, isomers, and salts of  
21 isomers:

22 Pyrovalerone.

23 The controlled substances listed in this section may be rescheduled  
24 or deleted as provided for in RCW 69.50.201.

25 **Sec. 13.** RCW 69.50.213 and 1971 ex.s. c 308 s 69.50.213 are each  
26 amended to read as follows:

27 REUBLISHING OF SCHEDULES. The state board of pharmacy shall ((at  
28 ~~least semiannually for two years from May 21, 1971 and thereafter~~  
29 ~~annually consider the revision of the schedules published pursuant to~~  
30 ~~chapter 34.05 RCW~~)) publish updated schedules annually. Failure to  
31 publish updated schedules is not a defense in any administrative or  
32 judicial proceeding under this chapter.

33 NEW SECTION. **Sec. 14.** A new section is added to chapter 69.50 RCW  
34 to read as follows:

35 CONTROLLED SUBSTANCE ANALOG TREATED AS SCHEDULE I SUBSTANCE. A  
36 controlled substance analog, to the extent intended for human  
37 consumption, shall be treated, for the purposes of this chapter, as a



1 substance included in Schedule I. Within thirty days after the  
2 initiation of prosecution with respect to a controlled substance analog  
3 by indictment or information, the prosecuting attorney shall notify the  
4 state board of pharmacy of information relevant to emergency scheduling  
5 as provided for in RCW 69.50.201(f). After final determination that  
6 the controlled substance analog should not be scheduled, no prosecution  
7 relating to that substance as a controlled substance analog may  
8 continue or take place.

9 **Sec. 15.** RCW 69.50.301 and 1991 c 229 s 9 are each amended to read  
10 as follows:

11 RULES. The ~~((state))~~ board ~~((of pharmacy))~~ may ~~((promulgate))~~  
12 adopt rules and ~~((the secretary may set fees in accordance with RCW~~  
13 ~~43.70.250))~~ the department may charge reasonable fees, relating to the  
14 registration and control of the manufacture, distribution, and  
15 dispensing of controlled substances within this state.

16 **Sec. 16.** RCW 69.50.302 and 1989 1st ex.s. c 9 s 432 are each  
17 amended to read as follows:

18 REGISTRATION REQUIREMENTS. (a) Every person who manufactures,  
19 distributes, or dispenses any controlled substance within this state or  
20 who proposes to engage in the manufacture, distribution, or dispensing  
21 of any controlled substance within this state, ~~((must))~~ shall obtain  
22 annually a registration issued by the department in accordance with the  
23 board's rules.

24 (b) A person~~((s))~~ registered by the department under this chapter  
25 to manufacture, distribute, dispense, or conduct research with  
26 controlled substances may possess, manufacture, distribute, dispense,  
27 or conduct research with those substances to the extent authorized by  
28 ~~((their))~~ the registration and in conformity with ~~((the other~~  
29 ~~provisions of))~~ this Article.

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

32 (1) an agent or employee of any registered manufacturer,  
33 distributor, or dispenser of any controlled substance if ~~((he))~~ the  
34 agent or employee is acting in the usual course of ~~((his))~~ business or  
35 employment. This exemption shall not include any agent or employee  
36 distributing sample controlled substances to practitioners without an  
37 order;

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

4 (3) an ultimate user or a person in possession of any controlled  
5 substance pursuant to a lawful order of a practitioner or in lawful  
6 possession of a substance included in Schedule V (~~(substance)~~).

7 (d) The board may waive by rule the requirement for registration of  
8 certain manufacturers, distributors, or dispensers (~~(if it finds)~~) upon  
9 finding it consistent with the public health and safety. Personal  
10 practitioners licensed or registered in the state of Washington under  
11 the respective professional licensing acts shall not be required to be  
12 registered under this chapter unless the specific exemption is denied  
13 pursuant to RCW 69.50.305 for violation of any provisions of this  
14 chapter.

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

18 (f) The department may inspect the establishment of a registrant or  
19 applicant for registration in accordance with rules adopted by the  
20 (~~(board's rule)~~) board.

21 **Sec. 17.** RCW 69.50.303 and 1989 1st ex.s. c 9 s 433 are each  
22 amended to read as follows:

23 REGISTRATION. (a) The department shall register an applicant to  
24 manufacture or distribute controlled substances included in RCW  
25 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless the  
26 board determines that the issuance of that registration would be  
27 inconsistent with the public interest. In determining the public  
28 interest, the board shall consider the following factors:

29 (1) maintenance of effective controls against diversion of  
30 controlled substances into other than legitimate medical, scientific,  
31 research, or industrial channels;

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

33 (3) promotion of technical advances in the art of manufacturing  
34 controlled substances and the development of new substances;

35 (4) any convictions of the applicant under any laws of another  
36 country or federal (~~(and)~~) or state laws relating to any controlled  
37 substance;

1        ~~((4))~~ (5) past experience in the manufacture or distribution of  
2 controlled substances, and the existence in the applicant's  
3 establishment of effective controls against diversion of controlled  
4 substances into other than legitimate medical, scientific, research, or  
5 industrial channels;

6        ~~((5))~~ (6) furnishing by the applicant of false or fraudulent  
7 material in any application filed under this chapter;

8        ~~((6))~~ (7) suspension or revocation of the applicant's federal  
9 registration to manufacture, distribute, or dispense controlled  
10 substances as authorized by federal law; and

11        ~~((7))~~ (8) any other factors relevant to and consistent with the  
12 public health and safety.

13        (b) Registration under subsection (a) of this section does not  
14 entitle a registrant to manufacture ~~((and))~~ or distribute controlled  
15 substances included in Schedule I or II other than those specified in  
16 the registration.

17        (c) Practitioners must be registered, or exempted under RCW  
18 69.50.302(d), to dispense any controlled substances or to conduct  
19 research with controlled substances included in Schedules II through V  
20 if they are authorized to dispense or conduct research under the law of  
21 this state. The board need not require separate registration under  
22 this Article for practitioners engaging in research with nonnarcotic  
23 ~~((controlled))~~ substances included in Schedules II through V where the  
24 registrant is already registered under this Article in another  
25 capacity. Practitioners registered under federal law to conduct  
26 research with substances included in Schedule I ~~((substances))~~ may  
27 conduct research with substances included in Schedule I ~~((substances))~~  
28 within this state upon furnishing the board evidence of that federal  
29 registration.

30        (d) ~~((Compliance by manufacturers and distributors with the~~  
31 ~~provisions of the federal law respecting registration entitles them to~~  
32 ~~be registered under this chapter upon application and payment of the~~  
33 ~~required fee))~~ A manufacturer or distributor registered under the  
34 federal Controlled Substances Act 21 U.S.C. Sec. 801 et seq. may submit  
35 a copy of the federal application as an application for registration as  
36 a manufacturer or distributor under this section. The board may  
37 require a manufacturer or distributor to submit information in addition  
38 to the application for registration under the federal act.

1       **Sec. 18.** RCW 69.50.304 and 1989 1st ex.s. c 9 s 434 are each  
2 amended to read as follows:

3       REVOCATION AND SUSPENSION OF REGISTRATION. (a) A registration, or  
4 exemption from registration, under RCW 69.50.303 to manufacture,  
5 distribute, or dispense a controlled substance may be suspended or  
6 revoked by the state board of pharmacy upon ((a)) finding that the  
7 registrant has:

8       (1) ((has)) furnished false or fraudulent material information in  
9 any application filed under this chapter;

10       (2) ((has)) been ((found guilty)) convicted of a felony under any  
11 state or federal law relating to any controlled substance;

12       (3) ((has)) had ((his)) the registrant's federal registration  
13 suspended or revoked and is no longer authorized by federal law to  
14 manufacture, distribute, or dispense controlled substances; or

15       (4) ((has violated any state or federal rule or regulation  
16 regarding controlled substances)) committed acts that would render  
17 registration under RCW 69.50.303 inconsistent with the public interest  
18 as determined under that section.

19       (b) The board may limit revocation or suspension of a registration  
20 to the particular controlled substance or schedule of controlled  
21 substances, with respect to which grounds for revocation or suspension  
22 exist.

23       (c) If the board suspends or revokes a registration, all controlled  
24 substances owned or possessed by the registrant at the time of  
25 suspension or the effective date of the revocation order may be placed  
26 under seal. No disposition may be made of substances under seal until  
27 the time for taking an appeal has elapsed or until all appeals have  
28 been concluded unless a court, upon application ((therefor)), orders  
29 the sale of perishable substances and the deposit of the proceeds of  
30 the sale with the court. Upon a revocation order becoming final, all  
31 controlled substances may be forfeited to the state.

32       (d) The department may seize or place under seal any controlled  
33 substance owned or possessed by a registrant whose registration has  
34 expired or who has ceased to practice or do business in the manner  
35 contemplated by the registration. The controlled substance must be  
36 held for the benefit of the registrant or the registrant's successor in  
37 interest. The department shall notify a registrant, or the  
38 registrant's successor in interest, who has any controlled substance  
39 seized or placed under seal, of the procedures to be followed to secure

1 the return of the controlled substance and the conditions under which  
2 it will be returned. The department may not dispose of any controlled  
3 substance seized or placed under seal under this subsection until the  
4 expiration of one hundred eighty days after the controlled substance  
5 was seized or placed under seal. The costs incurred by the department  
6 in seizing, placing under seal, maintaining custody, and disposing of  
7 any controlled substance under this subsection may be recovered from  
8 the registrant, any proceeds obtained from the disposition of the  
9 controlled substance, or from both. Any balance remaining after the  
10 costs have been recovered from the proceeds of any disposition must be  
11 delivered to the registrant or the registrant's successor in interest.

12 (e) The department shall promptly notify the drug enforcement  
13 administration of all orders restricting, suspending, or revoking  
14 registration and all forfeitures of controlled substances.

15 **Sec. 19.** RCW 69.50.308 and 1971 ex.s. c 308 s 69.50.308 are each  
16 amended to read as follows:

17 PRESCRIPTIONS. (a) A controlled substance may be dispensed only as  
18 provided in this section.

19 (b) Except when dispensed directly by a practitioner authorized to  
20 prescribe or administer a controlled substance, other than a pharmacy,  
21 to an ultimate user, ((no controlled)) a substance included in Schedule  
22 II may not be dispensed without the written prescription of a  
23 practitioner.

24 ((b)) (c) In emergency situations, as defined by rule of the  
25 state board of pharmacy, a substance included in Schedule II ((drugs))  
26 may be dispensed upon oral prescription of a practitioner, reduced  
27 promptly to writing and filed by the pharmacy. Prescriptions shall be  
28 retained in conformity with the requirements of RCW 69.50.306. ((No))  
29 A prescription for a substance included in Schedule II ((substance))  
30 may not be refilled.

31 ((e)) (d) Except when dispensed directly by a practitioner  
32 authorized to prescribe or administer a controlled substance, other  
33 than a pharmacy, to an ultimate user, a ((controlled)) substance  
34 included in Schedule III or IV, which is a prescription drug as  
35 determined under RCW 69.04.560, ((shall)) may not be dispensed without  
36 a written or oral prescription of a practitioner. Any oral  
37 prescription must be promptly reduced to writing. The prescription  
38 shall not be filled or refilled more than six months after the date

1 thereof or be refilled more than five times, unless renewed by the  
2 practitioner.

3 ~~((d))~~ (e) A valid prescription or lawful order of a practitioner,  
4 in order to be effective in legalizing the possession of controlled  
5 substances, must be issued in good faith for a legitimate medical  
6 purpose by one authorized to prescribe the use of such controlled  
7 substance. An order purporting to be a prescription not in the course  
8 of professional treatment is not a valid prescription or lawful order  
9 of a practitioner within the meaning and intent of this chapter; and  
10 the person who knows or should know that ~~((he))~~ the person is filling  
11 such an order, as well as the person issuing it, can be charged with a  
12 violation of this chapter.

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

15 (f) A substance included in Schedule V must be distributed or  
16 dispensed only for a medical purpose.

17 (g) A practitioner may dispense or deliver a controlled substance  
18 to or for an individual or animal only for medical treatment or  
19 authorized research in the ordinary course of that practitioner's  
20 profession. Medical treatment includes dispensing or administering a  
21 narcotic drug for pain, including intractable pain.

22 (h) No administrative sanction, or civil or criminal liability,  
23 authorized or created by this chapter may be imposed on a pharmacist  
24 for action taken in reliance on a reasonable belief that an order  
25 purporting to be a prescription was issued by a practitioner in the  
26 usual course of professional treatment or in authorized research.

27 (i) An individual practitioner may not dispense a substance  
28 included in Schedule II, III, or IV for that individual practitioner's  
29 personal use.

30 NEW SECTION. Sec. 20. A new section is added to chapter 69.50 RCW  
31 to read as follows:

32 DIVERSION PREVENTION AND CONTROL. (a) As used in this section,  
33 "diversion" means the transfer of any controlled substance from a licit  
34 to an illicit channel of distribution or use.

35 (b) The department shall regularly prepare and make available to  
36 other state regulatory, licensing, and law enforcement agencies a  
37 report on the patterns and trends of actual distribution, diversion,  
38 and abuse of controlled substances.

1 (c) The department shall enter into written agreements with local,  
2 state, and federal agencies for the purpose of improving identification  
3 of sources of diversion and to improve enforcement of and compliance  
4 with this chapter and other laws and regulations pertaining to unlawful  
5 conduct involving controlled substances. An agreement must specify the  
6 roles and responsibilities of each agency that has information or  
7 authority to identify, prevent, and control drug diversion and drug  
8 abuse. The department shall convene periodic meetings to coordinate a  
9 state diversion prevention and control program. The department shall  
10 arrange for cooperation and exchange of information among agencies and  
11 with neighboring states and the federal government.

12 (d) The department shall report to the governor and to the  
13 presiding officer of each house of the legislature on the outcome of  
14 this program with respect to its effects on distribution and abuse of  
15 controlled substances, including recommendations for improving control  
16 and prevention of the diversion of controlled substances of this state.

17 ARTICLE IV

18 OFFENSES AND PENALTIES

19 **Sec. 21.** RCW 69.50.403 and 1971 ex.s. c 308 s 69.50.403 are each  
20 amended to read as follows:

21 PROHIBITED ACTS: C--PENALTIES. (a) It is unlawful for any person  
22 knowingly or intentionally:

23 (1) To distribute as a registrant a controlled substance classified  
24 in Schedules I or II, except pursuant to an order form as required by  
25 RCW 69.50.307;

26 (2) To use in the course of the manufacture ~~((or))~~, distribution,  
27 or dispensing of a controlled substance, or to use for the purpose of  
28 acquiring or obtaining a controlled substance, a registration number  
29 which is fictitious, revoked, suspended, or issued to another person;

30 (3) To obtain or attempt to obtain a controlled substance, or  
31 procure or attempt to procure the administration of a controlled  
32 substance, (i) by fraud, deceit, misrepresentation, or subterfuge; or  
33 (ii) by forgery or alteration of a prescription or any written order;  
34 or (iii) by the concealment of material fact; or (iv) by the use of a  
35 false name or the giving of a false address.

36 (4) To falsely assume the title of, or represent herself or himself  
37 to be, a manufacturer, wholesaler, pharmacist, physician, dentist,

1 veterinarian, or other authorized person for the purpose of obtaining  
2 a controlled substance.

3 (5) To make or utter any false or forged prescription or false or  
4 forged written order.

5 (6) To affix any false or forged label to a package or receptacle  
6 containing controlled substances.

7 (7) To furnish false or fraudulent material information in, or omit  
8 any material information from, any application, report, or other  
9 document required to be kept or filed under this chapter, or any record  
10 required to be kept by this chapter; or

11 (8) ~~((To make, distribute, or possess any punch, die, plate, stone,  
12 or other thing designed to print, imprint, or reproduce the trademark,  
13 trade name, or other identifying mark, imprint, or device of another or  
14 any likeness of any of the foregoing upon any drug or container or  
15 labeling thereof so as to render the drug a counterfeit substance.))~~  
16 To possess a false or fraudulent prescription with intent to obtain a  
17 controlled substance.

18 (b) Information communicated to a practitioner in an effort  
19 unlawfully to procure a controlled substance or unlawfully to procure  
20 the administration of such substance, shall not be deemed a privileged  
21 communication.

22 (c) ~~((Any))~~ A person who violates this section is guilty of a crime  
23 and upon conviction may be imprisoned for not more than two years, or  
24 fined not more than two thousand dollars, or both.

25 NEW SECTION. Sec. 22. A new section is added to chapter 69.50 RCW  
26 to read as follows:

27 COUNTERFEIT SUBSTANCES PROHIBITED--PENALTY. (a) It is unlawful for  
28 any person knowingly or intentionally to manufacture, deliver, or  
29 possess with intent to manufacture or deliver, a controlled substance  
30 which, or the container or labeling of which, without authorization,  
31 bears the trademark, trade name, or other identifying mark, imprint,  
32 number, or device, or any likeness thereof, of a manufacturer,  
33 distributor, or dispenser, other than the person who in fact  
34 manufactured, distributed, or dispensed the substance.

35 (b) It is unlawful for any person knowingly or intentionally to  
36 make, distribute, or possess a punch, die, plate, stone, or other thing  
37 designed to print, imprint, or reproduce the trademark, trade name, or



1 other identifying mark, imprint, or device of another or any likeness  
2 of any of the foregoing upon any drug or container or labeling thereof.

3 (c) A person who violates this section is guilty of a crime and  
4 upon conviction may be imprisoned for not more than two years, fined  
5 not more than two thousand dollars, or both.

6 NEW SECTION. **Sec. 23.** CAPTIONS NOT LAW. Section captions as used  
7 in this act constitute no part of the law.

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