
SENATE BILL 5675

State of Washington

58th Legislature

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By Senators Deccio, Thibaudeau, Prentice, Franklin, Keiser, Winsley, Brown, Kohl-Welles and B. Sheldon

Read first time 02/05/2003. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to prescriptive authority of advanced registered
2 nurse practitioners; and amending RCW 69.41.030 and 69.50.101.

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

4 **Sec. 1.** RCW 69.41.030 and 1996 c 178 s 17 are each amended to read
5 as follows:

6 It shall be unlawful for any person to sell, deliver, or possess
7 any legend drug except upon the order or prescription of a physician
8 under chapter 18.71 RCW, an osteopathic physician and surgeon under
9 chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric
10 physician and surgeon under chapter 18.22 RCW, a veterinarian under
11 chapter 18.92 RCW, a commissioned medical or dental officer in the
12 United States armed forces or public health service in the discharge of
13 his or her official duties, a duly licensed physician or dentist
14 employed by the veterans administration in the discharge of his or her
15 official duties, a registered nurse or advanced registered nurse
16 practitioner under chapter 18.79 RCW when authorized by the nursing
17 care quality assurance commission, an osteopathic physician assistant
18 under chapter 18.57A RCW when authorized by the board of osteopathic
19 medicine and surgery, a physician assistant under chapter 18.71A RCW

1 when authorized by the medical quality assurance commission, a
2 physician licensed to practice medicine and surgery or a physician
3 licensed to practice osteopathic medicine and surgery, a dentist
4 licensed to practice dentistry, a podiatric physician and surgeon
5 licensed to practice podiatric medicine and surgery, an advanced
6 registered nurse practitioner when prescribing within the scope of her
7 or his practice as determined by her or his state licensing authority,
8 or a veterinarian licensed to practice veterinary medicine, in any
9 province of Canada which shares a common border with the state of
10 Washington or in any state of the United States: PROVIDED, HOWEVER,
11 That the above provisions shall not apply to sale, delivery, or
12 possession by drug wholesalers or drug manufacturers, or their agents
13 or employees, or to any practitioner acting within the scope of his or
14 her license, or to a common or contract carrier or warehouseman, or any
15 employee thereof, whose possession of any legend drug is in the usual
16 course of business or employment: PROVIDED FURTHER, That nothing in
17 this chapter or chapter 18.64 RCW shall prevent a family planning
18 clinic that is under contract with the department of social and health
19 services from selling, delivering, possessing, and dispensing
20 commercially prepackaged oral contraceptives prescribed by authorized,
21 licensed health care practitioners.

22 **Sec. 2.** RCW 69.50.101 and 1998 c 222 s 3 are each amended to read
23 as follows:

24 Unless the context clearly requires otherwise, definitions of terms
25 shall be as indicated where used in this chapter:

26 (a) "Administer" means to apply a controlled substance, whether by
27 injection, inhalation, ingestion, or any other means, directly to the
28 body of a patient or research subject by:

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

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

33 (b) "Agent" means an authorized person who acts on behalf of or at
34 the direction of a manufacturer, distributor, or dispenser. It does
35 not include a common or contract carrier, public warehouseperson, or
36 employee of the carrier or warehouseperson.

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

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

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

7 (i) that has a stimulant, depressant, or hallucinogenic effect on
8 the central nervous system substantially similar to the stimulant,
9 depressant, or hallucinogenic effect on the central nervous system of
10 a controlled substance included in Schedule I or II; or

11 (ii) with respect to a particular individual, that the individual
12 represents or intends to have a stimulant, depressant, or
13 hallucinogenic effect on the central nervous system substantially
14 similar to the stimulant, depressant, or hallucinogenic effect on the
15 central nervous system of a controlled substance included in Schedule
16 I or II.

17 (2) The term does not include:

18 (i) a controlled substance;

19 (ii) a substance for which there is an approved new drug
20 application;

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

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

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

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

31 (h) "Dispense" means the interpretation of a prescription or order
32 for a controlled substance and, pursuant to that prescription or order,
33 the proper selection, measuring, compounding, labeling, or packaging
34 necessary to prepare that prescription or order for delivery.

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

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

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

1 (1) "Drug" means (1) a controlled substance recognized as a drug in
2 the official United States pharmacopoeia/national formulary or the
3 official homeopathic pharmacopoeia of the United States, or any
4 supplement to them; (2) controlled substances intended for use in the
5 diagnosis, cure, mitigation, treatment, or prevention of disease in
6 individuals or animals; (3) controlled substances (other than food)
7 intended to affect the structure or any function of the body of
8 individuals or animals; and (4) controlled substances intended for use
9 as a component of any article specified in (1), (2), or (3) of this
10 subsection. The term does not include devices or their components,
11 parts, or accessories.

12 (m) "Drug enforcement administration" means the drug enforcement
13 administration in the United States Department of Justice, or its
14 successor agency.

15 (n) "Immediate precursor" means a substance:

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

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

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

23 (o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5),
24 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any
25 geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c)
26 the term includes any positional isomer; and in RCW 69.50.204(a)(35),
27 69.50.204(c), and 69.50.208(a) the term includes any positional or
28 geometric isomer.

29 (p) "Manufacture" means the production, preparation, propagation,
30 compounding, conversion, or processing of a controlled substance,
31 either directly or indirectly or by extraction from substances of
32 natural origin, or independently by means of chemical synthesis, or by
33 a combination of extraction and chemical synthesis, and includes any
34 packaging or repackaging of the substance or labeling or relabeling of
35 its container. The term does not include the preparation, compounding,
36 packaging, repackaging, labeling, or relabeling of a controlled
37 substance:

1 (1) by a practitioner as an incident to the practitioner's
2 administering or dispensing of a controlled substance in the course of
3 the practitioner's professional practice; or

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

7 (q) "Marijuana" or "marihuana" means all parts of the plant
8 Cannabis, whether growing or not; the seeds thereof; the resin
9 extracted from any part of the plant; and every compound, manufacture,
10 salt, derivative, mixture, or preparation of the plant, its seeds or
11 resin. The term does not include the mature stalks of the plant, fiber
12 produced from the stalks, oil or cake made from the seeds of the plant,
13 any other compound, manufacture, salt, derivative, mixture, or
14 preparation of the mature stalks (except the resin extracted
15 therefrom), fiber, oil, or cake, or the sterilized seed of the plant
16 which is incapable of germination.

17 (r) "Narcotic drug" means any of the following, whether produced
18 directly or indirectly by extraction from substances of vegetable
19 origin, or independently by means of chemical synthesis, or by a
20 combination of extraction and chemical synthesis:

21 (1) Opium, opium derivative, and any derivative of opium or opium
22 derivative, including their salts, isomers, and salts of isomers,
23 whenever the existence of the salts, isomers, and salts of isomers is
24 possible within the specific chemical designation. The term does not
25 include the isoquinoline alkaloids of opium.

26 (2) Synthetic opiate and any derivative of synthetic opiate,
27 including their isomers, esters, ethers, salts, and salts of isomers,
28 esters, and ethers, whenever the existence of the isomers, esters,
29 ethers, and salts is possible within the specific chemical designation.

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

31 (4) Coca leaves, except coca leaves and extracts of coca leaves
32 from which cocaine, ecgonine, and derivatives or ecgonine or their
33 salts have been removed.

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

35 (6) Cocaine base.

36 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
37 thereof.

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

3 (s) "Opiate" means any substance having an addiction-forming or
4 addiction-sustaining liability similar to morphine or being capable of
5 conversion into a drug having addiction-forming or addiction-sustaining
6 liability. The term includes opium, substances derived from opium
7 (opium derivatives), and synthetic opiates. The term does not include,
8 unless specifically designated as controlled under RCW 69.50.201, the
9 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
10 (dextromethorphan). The term includes the racemic and levorotatory
11 forms of dextromethorphan.

12 (t) "Opium poppy" means the plant of the species *Papaver somniferum*
13 L., except its seeds.

14 (u) "Person" means individual, corporation, business trust, estate,
15 trust, partnership, association, joint venture, government,
16 governmental subdivision or agency, or any other legal or commercial
17 entity.

18 (v) "Poppy straw" means all parts, except the seeds, of the opium
19 poppy, after mowing.

20 (w) "Practitioner" means:

21 (1) A physician under chapter 18.71 RCW, a physician assistant
22 under chapter 18.71A RCW, an osteopathic physician and surgeon under
23 chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric
24 physician and surgeon under chapter 18.22 RCW, a veterinarian under
25 chapter 18.92 RCW, a registered nurse, advanced registered nurse
26 practitioner, or licensed practical nurse under chapter 18.79 RCW, a
27 pharmacist under chapter 18.64 RCW or a scientific investigator under
28 this chapter, licensed, registered or otherwise permitted insofar as is
29 consistent with those licensing laws to distribute, dispense, conduct
30 research with respect to or administer a controlled substance in the
31 course of their professional practice or research in this state.

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

36 (3) A physician licensed to practice medicine and surgery, a
37 physician licensed to practice osteopathic medicine and surgery, a
38 dentist licensed to practice dentistry, a podiatric physician and

1 surgeon licensed to practice podiatric medicine and surgery, an
2 advanced registered nurse practitioner when prescribing within the
3 scope of her or his practice as determined by her or his state
4 licensing authority, or a veterinarian licensed to practice veterinary
5 medicine in any state of the United States.

6 (x) "Prescription" means an order for controlled substances issued
7 by a practitioner duly authorized by law or rule in the state of
8 Washington to prescribe controlled substances within the scope of his
9 or her professional practice for a legitimate medical purpose.

10 (y) "Production" includes the manufacturing, planting, cultivating,
11 growing, or harvesting of a controlled substance.

12 (z) "Secretary" means the secretary of health or the secretary's
13 designee.

14 (aa) "State," unless the context otherwise requires, means a state
15 of the United States, the District of Columbia, the Commonwealth of
16 Puerto Rico, or a territory or insular possession subject to the
17 jurisdiction of the United States.

18 (bb) "Ultimate user" means an individual who lawfully possesses a
19 controlled substance for the individual's own use or for the use of a
20 member of the individual's household or for administering to an animal
21 owned by the individual or by a member of the individual's household.

22 (cc) "Electronic communication of prescription information" means
23 the communication of prescription information by computer, or the
24 transmission of an exact visual image of a prescription by facsimile,
25 or other electronic means for original prescription information or
26 prescription refill information for a Schedule III-V controlled
27 substance between an authorized practitioner and a pharmacy or the
28 transfer of prescription information for a controlled substance from
29 one pharmacy to another pharmacy.

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