
HOUSE BILL 2266

State of Washington

59th Legislature

2005 Regular Session

By Representatives Campbell, Morrell, Green, Moeller, Lantz, Cody, McCune, Haler, Lovick, McDonald and Ahern

Read first time 03/01/2005. Referred to Committee on Health Care.

1 AN ACT Relating to the sale of ephedrine, pseudoephedrine, and
2 phenylpropanolamine; adding a new section to chapter 69.43 RCW;
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** Restricting access to certain precursor
6 drugs used to manufacture methamphetamine to ensure that they are only
7 sold at retail to individuals who will use them for legitimate purposes
8 upon production of proper identification is an essential step to
9 controlling the manufacture of methamphetamine.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 69.43 RCW
11 to read as follows:

12 (1) For purposes of this section, "traditional Chinese herbal
13 practitioner" means a person who is certified as a diplomate in Chinese
14 herbology from the national certification commission for acupuncture
15 and oriental medicine or who has received a certificate in Chinese
16 herbology from a school accredited by the accreditation council on
17 acupuncture and oriental medicine.

1 (2) A pharmacy licensed by, or shopkeeper or itinerant vendor
2 registered with, the department of health under chapter 18.64 RCW, or
3 an employee thereof, a practitioner as defined in RCW 18.64.011, or a
4 traditional Chinese herbal practitioner may not knowingly sell,
5 transfer, or otherwise furnish to any person a product at retail that
6 he or she knows to contain ephedrine, pseudoephedrine, or
7 phenylpropanolamine, or their salts, isomers, or salts of isomers,
8 without first obtaining photo identification of the person that shows
9 the date of birth of the person, and having the person sign a written
10 log or receipt showing the date of the transaction, the name of the
11 person, and the amount of the product being sold, transferred, or
12 otherwise furnished.

13 (3) A person buying or receiving a product at retail containing
14 ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts,
15 isomers, or salts of isomers, from a pharmacy licensed by, or
16 shopkeeper or itinerant vendor registered with, the department of
17 health under chapter 18.64 RCW, or an employee thereof, a practitioner
18 as defined in RCW 18.64.011, or a traditional Chinese herbal
19 practitioner must first produce photo identification of the person that
20 shows the date of birth of the person, and sign a written log or
21 receipt showing the date of the transaction, the name of the person,
22 and the amount of the product being sold, transferred, or otherwise
23 furnished.

24 (4) Any product containing any amount of ephedrine,
25 pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or
26 salts of isomers, whether it is the product's only active ingredient or
27 in combination with another active ingredient, shall be kept in a
28 location that is not accessible by customers without assistance of an
29 employee of the merchant.

30 (5) The following products are exempt from the requirements of this
31 section:

32 (a) Any product containing ephedrine, pseudoephedrine, or
33 phenylpropanolamine, or their salts, isomers, or salts of isomers that
34 is not the only active ingredient and that is in liquid, liquid
35 capsule, or gel capsule form;

36 (b) Any product containing ephedrine, pseudoephedrine, or
37 phenylpropanolamine, or their salts, isomers, or salts of isomers, that

1 consists of a glycerin matrix that inhibits conversion into a
2 controlled substance; or

3 (c) Any compounds, mixtures, or preparations containing ephedrine,
4 pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or
5 salts of isomers, that the state board of pharmacy, by rule, has
6 determined to have been formulated in such a way as to effectively
7 prevent conversion of the active ingredient in methamphetamine.

8 (6) A pharmacy licensed by, or shopkeeper or itinerant vendor
9 registered with, the department of health under chapter 18.64 RCW, or
10 an employee thereof, a practitioner as defined in RCW 18.64.011, or a
11 traditional Chinese herbal practitioner shall provide access to the
12 written log to the board of pharmacy, department of health, or law
13 enforcement officials if necessary for regulatory or law enforcement
14 activities.

15 (7) Nothing in this section applies:

16 (a) To the sale of a product that may only be sold upon the
17 presentation of a prescription; or

18 (b) When the details of the transaction are recorded in a pharmacy
19 profile individually identified with the recipient and maintained by a
20 licensed pharmacy or registered shopkeeper or itinerant vendor.

21 (8)(a) No pharmacy licensed by, or shopkeeper or itinerant vendor
22 registered with, the department of health under chapter 18.64 RCW, a
23 practitioner as defined in RCW 18.64.011, or a traditional Chinese
24 herbal practitioner may retaliate against any employee that has made a
25 good faith attempt to comply with the requirements of this section by
26 requesting that a customer present photo identification and documenting
27 the transaction in the written log.

28 (b) No pharmacy licensed by, or shopkeeper or itinerant vendor
29 registered with, the department of health under chapter 18.64 RCW, a
30 practitioner as defined in RCW 18.64.011, or a traditional Chinese
31 herbal practitioner is subject to prosecution under subsection (9) of
32 this section if they made a good faith attempt to comply with the
33 requirements of this section by requesting that a customer present
34 photo identification and documenting the transaction in the written
35 log.

36 (9) A violation of this section is a gross misdemeanor.

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