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SENATE BILL 5826

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State of Washington

61st Legislature

2009 Regular Session

By Senators Keiser and Parlette

Read first time 02/03/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to tamper-resistant prescription pads; and adding  
2 a new section to chapter 18.64 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.64 RCW  
5 to read as follows:

6 (1) Effective January 1, 2010, every prescription written in this  
7 state by a licensed practitioner must be written on a tamper-resistant  
8 prescription pad or paper approved by the board.

9 (2) A pharmacist may not fill a written prescription from a  
10 licensed practitioner unless it is written on an approved tamper-  
11 resistant prescription pad or paper, except that a pharmacist may  
12 provide emergency supplies in accordance with the board and other  
13 insurance contract requirements.

14 (3) If a hard copy of an electronic prescription is given directly  
15 to the patient, the manually signed hard copy prescription must be on  
16 approved tamper-resistant paper that meets the requirements of this  
17 section.

18 (4) For the purposes of this section, "tamper-resistant

1 prescription pads or paper" means a prescription pad or paper that has  
2 been approved by the board for use and contains the following  
3 characteristics:

4 (a) One or more industry-recognized features designed to prevent  
5 unauthorized copying of a completed or blank prescription form;

6 (b) One or more industry-recognized features designed to prevent  
7 the erasure or modification of information written on the prescription  
8 form by the practitioner; and

9 (c) One or more industry-recognized features designed to prevent  
10 the use of counterfeit prescription forms.

11 (5) Practitioners shall employ reasonable safeguards to assure  
12 against theft or unauthorized use of prescriptions.

13 (6) All vendors must have their tamper-resistant prescription pads  
14 or paper approved by the board prior to the marketing or sale of pads  
15 or paper in Washington state.

16 (7) The board shall create a seal of approval that confirms that a  
17 pad or paper contains all three industry-recognized characteristics  
18 required by this section. The seal must be affixed to all prescription  
19 pads or paper used in this state.

20 (8) The board may adopt rules necessary for the administration of  
21 this act.

22 (9) The tamper-resistant prescription pad or paper requirements in  
23 this section shall not apply to:

24 (a) Prescriptions that are transmitted to the pharmacy by  
25 telephone, facsimile, or electronic means; or

26 (b) Prescriptions written for inpatients of a hospital, outpatients  
27 of a hospital, residents of a nursing home, inpatients or residents of  
28 a mental health facility, or individuals incarcerated in a local,  
29 state, or federal correction facility, when the health care  
30 practitioner authorized to write prescriptions writes the order into  
31 the patient's medical or clinical record, the order is given directly  
32 to the pharmacy, and the patient never has the opportunity to handle  
33 the written order.

34 (10) All acts related to the prescribing, dispensing, and records  
35 maintenance of all prescriptions shall be in compliance with applicable  
36 federal and state laws, rules, and regulations.

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