
SENATE BILL 5459

State of Washington

66th Legislature

2019 Regular Session

By Senators Cleveland, Frockt, Hasegawa, and Kuderer; by request of Department of Health

Read first time 01/21/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to nonresident pharmacies; and amending RCW
2 18.64.360.

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

4 **Sec. 1.** RCW 18.64.360 and 2013 c 19 s 22 are each amended to
5 read as follows:

6 (1) For the purposes of this chapter any pharmacy located outside
7 this state that ships, mails, or delivers, in any manner, except when
8 delivered in person to an individual, controlled substances, legend
9 drugs, or devices into this state is a nonresident pharmacy, and
10 shall be licensed by the department of health, and shall disclose to
11 the department the following:

12 (a) The location, names, and titles of all owners including
13 corporate officers and all pharmacists employed by the pharmacy who
14 are dispensing controlled substances, legend drugs, or devices to
15 residents of this state. A report containing this information shall
16 be made on an annual basis and within ninety days after a change of
17 location, corporate officer, or pharmacist;

18 (b) Proof of compliance with all lawful directions and requests
19 for information from the regulatory or licensing agency of the state
20 or Canadian province in which it is licensed as well as with all
21 requests for information made by the department of health under this

1 section. The nonresident pharmacy shall maintain, at all times, a
2 valid unexpired license, permit, or registration to operate the
3 pharmacy in compliance with the laws of the state or Canadian
4 province in which it is located. As a prerequisite (~~to be licensed~~
5 ~~by the department of health, the nonresident pharmacy shall submit a~~
6 ~~copy of the most recent inspection report issued by the regulatory~~
7 ~~licensing agency of the state or Canadian province in which it is~~
8 ~~located;~~) for initial licensure and renewal of a license by the
9 department of health, the nonresident pharmacy must submit a copy of
10 an inspection report:

11 (i) Conducted by an inspection program approved by the commission
12 as having substantially equivalent standards to those of the
13 commission; and

14 (ii) Issued within two years of application or renewal of a
15 license; and

16 (c) Proof that it maintains its records of controlled substances,
17 legend drugs, or devices dispensed to patients in this state so that
18 the records are readily retrievable from the records of other drugs
19 dispensed.

20 (2) Any pharmacy subject to this section shall, during its
21 regular hours of operation, provide a toll-free telephone service to
22 facilitate communication between patients in this state and a
23 pharmacist at the pharmacy who has access to the patient's records.
24 This toll-free number shall be disclosed on the label affixed to each
25 container of drugs dispensed to patients in this state.

26 (3) A pharmacy subject to this section shall comply with
27 commission rules regarding the maintenance and use of patient
28 medication record systems.

29 (4) A pharmacy subject to this section shall comply with
30 commission rules regarding the provision of drug information to the
31 patient. Drug information may be contained in written form setting
32 forth directions for use and any additional information necessary to
33 assure the proper utilization of the medication prescribed. A label
34 bearing the expiration date of the prescription must be affixed to
35 each box, bottle, jar, tube, or other container of a prescription
36 that is dispensed in this state by a pharmacy subject to this
37 section.

38 (5) A pharmacy subject to this section shall not dispense
39 medication in a quantity greater than authorized by the prescriber.

1 (6) The license fee specified by the secretary, in accordance
2 with the provisions of RCW 43.70.250, shall not exceed the fee
3 charged to a pharmacy located in this state.

4 (7) The license requirements of this section apply to nonresident
5 pharmacies that ship, mail, or deliver controlled substances, legend
6 drugs, and devices into this state only under a prescription. The
7 commission may grant an exemption from licensing under this section
8 upon application by an out-of-state pharmacy that restricts its
9 dispensing activity in Washington to isolated transactions.

10 (8) Each nonresident pharmacy that ships, mails, or delivers
11 legend drugs or devices into this state shall designate a resident
12 agent in Washington for service of process. The designation of such
13 an agent does not indicate that the nonresident pharmacy is a
14 resident of Washington for tax purposes.

15 (9) The commission shall attempt to develop a reciprocal
16 licensing agreement for licensure of nonresident pharmacies with
17 Health Canada or an applicable Canadian province. If the commission
18 is unable to develop such an agreement, the commission shall develop
19 a process to license participating Canadian nonresident pharmacies
20 through on-site inspection and certification.

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