
HOUSE BILL 2302

State of Washington

69th Legislature

2026 Regular Session

By Representatives Thai, Macri, Reed, Zahn, Thomas, Stonier, Ormsby, and Hill

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1 AN ACT Relating to expanding prescriptive authority for
2 pharmacists; amending RCW 69.41.030 and 69.41.030; reenacting and
3 amending RCW 18.64.011; creating a new section; providing an
4 effective date; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature is deeply concerned
7 about Washington's provider shortage, particularly in rural and
8 underserved communities. Pharmacists are highly trained health care
9 professionals who are uniquely qualified to prescribe medications and
10 devices that improve patient access and outcomes. They practice
11 across many health care settings and routinely prescribe and manage
12 therapies for chronic conditions, including behavioral health,
13 addiction, cardiovascular disease, diabetes, and autoimmune
14 disorders.

15 (2) The legislature recognizes that pharmacists earn a doctor of
16 pharmacy degree, the required standard since 2000, which includes
17 extensive education focused on medications and the conditions they
18 treat with a minimum of 1,740 hours of direct patient care in both
19 community and inpatient settings. Despite over 25 years of advanced
20 training, the scope of practice for pharmacists in Washington has
21 remained unchanged. Health care relies upon medications that have

1 grown in complexity and quantity. Pharmacists are highly trained
2 health care providers that are underutilized. Pharmacists have
3 extensive training to ensure that complex and expensive medications
4 are optimally used to improve outcomes.

5 (3) The legislature affirms that pharmacists in Washington have
6 been prescribing and diagnosing under collaborative drug therapy
7 agreements since 1979. The 2020 opinion of the Washington state
8 attorney general confirmed that pharmacists may diagnose pursuant to
9 these protocols. The Washington state pharmacy quality assurance
10 commission has no record of patient harm related to pharmacists
11 prescribing or diagnosing under collaborative drug therapy
12 agreements, and the legislature finds that pharmacists provide safe,
13 accessible care.

14 (4) However, the legislature finds that maintaining and filing
15 the collaborative drug therapy agreements have become an
16 administrative burden that does not improve oversight or patient
17 care. To expand access and fully leverage pharmacists' expertise, it
18 is the intent of the legislature to improve outcomes in both
19 behavioral and physical health by authorizing pharmacists to practice
20 to the full extent of their education, training, and experience.

21 **Sec. 2.** RCW 18.64.011 and 2024 c 121 s 30 are each reenacted and
22 amended to read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Administer" means the direct application of a drug or
26 device, whether by injection, inhalation, ingestion, or any other
27 means, to the body of a patient or research subject.

28 (2) "Business licensing system" means the mechanism established
29 by chapter 19.02 RCW by which business licenses, endorsed for
30 individual state-issued licenses, are issued and renewed utilizing a
31 business license application and a business license expiration date
32 common to each renewable license endorsement.

33 (3) "Chart order" means a lawful order for a drug or device
34 entered on the chart or medical record of an inpatient or resident of
35 an institutional facility by a practitioner or his or her designated
36 agent.

37 (4) "Closed door long-term care pharmacy" means a pharmacy that
38 provides pharmaceutical care to a defined and exclusive group of
39 patients who have access to the services of the pharmacy because they

1 are treated by or have an affiliation with a long-term care facility
2 or hospice program, and that is not a retailer of goods to the
3 general public.

4 (5) "Commission" means the pharmacy quality assurance commission.

5 (6) "Compounding" means the act of combining two or more
6 ingredients in the preparation of a prescription. Reconstitution and
7 mixing of (a) sterile products according to federal food and drug
8 administration-approved labeling does not constitute compounding if
9 prepared pursuant to a prescription and administered immediately or
10 in accordance with package labeling, and (b) nonsterile products
11 according to federal food and drug administration-approved labeling
12 does not constitute compounding if prepared pursuant to a
13 prescription.

14 (7) "Controlled substance" means a drug or substance, or an
15 immediate precursor of such drug or substance, so designated under or
16 pursuant to the provisions of chapter 69.50 RCW.

17 (8) "Deliver" or "delivery" means the actual, constructive, or
18 attempted transfer from one person to another of a drug or device,
19 whether or not there is an agency relationship.

20 (9) "Department" means the department of health.

21 (10) "Device" means instruments, apparatus, and contrivances,
22 including their components, parts, and accessories, intended (a) for
23 use in the diagnosis, cure, mitigation, treatment, or prevention of
24 disease in human beings or other animals, or (b) to affect the
25 structure or any function of the body of human beings or other
26 animals.

27 (11) "Directed plan of correction" means a plan devised by the
28 commission that includes specific actions that must be taken to
29 correct identified unresolved deficiencies with time frames to
30 complete them.

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

36 (13) "Distribute" means the delivery of a drug or device other
37 than by administering or dispensing.

38 (14) "Drug" and "devices" do not include surgical or dental
39 instruments or laboratory materials, gas and oxygen, therapy
40 equipment, X-ray apparatus or therapeutic equipment, their component

1 parts or accessories, or equipment, instruments, apparatus, or
2 contrivances used to render such articles effective in medical,
3 surgical, or dental treatment, or for use or consumption in or for
4 mechanical, industrial, manufacturing, or scientific applications or
5 purposes. "Drug" also does not include any article or mixture covered
6 by the Washington pesticide control act (chapter 15.58 RCW), as
7 enacted or hereafter amended, nor medicated feed intended for and
8 used exclusively as a feed for animals other than human beings.

9 (15) "Drugs" means:

10 (a) Articles recognized in the official United States
11 pharmacopoeia or the official homeopathic pharmacopoeia of the United
12 States;

13 (b) Substances intended for use in the diagnosis, cure,
14 mitigation, treatment, or prevention of disease in human beings or
15 other animals;

16 (c) Substances (other than food) intended to affect the structure
17 or any function of the body of human beings or other animals; or

18 (d) Substances intended for use as a component of any substances
19 specified in (a), (b), or (c) of this subsection, but not including
20 devices or their component parts or accessories.

21 (16) "Health care entity" means an organization that provides
22 health care services in a setting that is not otherwise licensed by
23 the state to acquire or possess legend drugs. Health care entity
24 includes a freestanding outpatient surgery center, a residential
25 treatment facility, and a freestanding cardiac care center. "Health
26 care entity" does not include an individual practitioner's office or
27 a multipractitioner clinic, regardless of ownership, unless the owner
28 elects licensure as a health care entity. "Health care entity" also
29 does not include an individual practitioner's office or
30 multipractitioner clinic identified by a hospital on a pharmacy
31 application or renewal pursuant to RCW 18.64.043.

32 (17) "Hospice program" means a hospice program certified or paid
33 by medicare under Title XVIII of the federal social security act, or
34 a hospice program licensed under chapter 70.127 RCW.

35 (18) "Immediate jeopardy" means a situation in which a licensee's
36 noncompliance with one or more statutory or regulatory requirements
37 has placed the health and safety of individuals or animals at risk
38 for serious injury, serious harm, serious impairment, or death.

39 (19) "Institutional facility" means any organization whose
40 primary purpose is to provide a physical environment for patients to

1 obtain health care services including, but not limited to, services
2 in a hospital, long-term care facility, hospice program, mental
3 health facility, drug abuse treatment center, residential
4 habilitation center, or a local, state, or federal correction
5 facility.

6 (20) "Labeling" means the process of preparing and affixing a
7 label to any drug or device container. The label must include all
8 information required by current federal and state law and pharmacy
9 rules.

10 (21) "Legend drugs" means any drugs which are required by any
11 applicable federal or state law or regulation to be dispensed on
12 prescription only or are restricted to use by practitioners only.

13 (22) "License," "licensing," and "licensure" shall be deemed
14 equivalent to the terms "approval," "credential," "certificate,"
15 "certification," "permit," and "registration" and an "exemption"
16 issued under chapter 69.50 RCW.

17 (23) "Long-term care facility" means a nursing home licensed
18 under chapter 18.51 RCW, an assisted living facility licensed under
19 chapter 18.20 RCW, or an adult family home licensed under chapter
20 70.128 RCW.

21 (24) "Manufacture" means the production, preparation,
22 propagation, compounding, or processing of a drug or other substance
23 or device or the packaging or repackaging of such substance or
24 device, or the labeling or relabeling of the commercial container of
25 such substance or device, but does not include the activities of a
26 practitioner who, as an incident to his or her administration or
27 dispensing such substance or device in the course of his or her
28 professional practice, personally prepares, compounds, packages, or
29 labels such substance or device. "Manufacture" includes the
30 distribution of a licensed pharmacy compounded drug product to other
31 state licensed persons or commercial entities for subsequent resale
32 or distribution, unless a specific product item has approval of the
33 commission. The term does not include:

34 (a) The activities of a licensed pharmacy that compounds a
35 product on or in anticipation of an order of a licensed practitioner
36 for use in the course of their professional practice to administer to
37 patients, either personally or under their direct supervision;

38 (b) The practice of a licensed pharmacy when repackaging
39 commercially available medication in small, reasonable quantities for

1 a practitioner legally authorized to prescribe the medication for
2 office use only;

3 (c) The distribution of a drug product that has been compounded
4 by a licensed pharmacy to other appropriately licensed entities under
5 common ownership or control of the facility in which the compounding
6 takes place; or

7 (d) The delivery of finished and appropriately labeled compounded
8 products dispensed pursuant to a valid prescription to alternate
9 delivery locations, other than the patient's residence, when
10 requested by the patient, or the prescriber to administer to the
11 patient, or to another licensed pharmacy to dispense to the patient.

12 (25) "Manufacturer" means a person, corporation, or other entity
13 engaged in the manufacture of drugs or devices.

14 (26) "Nonlegend" or "nonprescription" drugs means any drugs which
15 may be lawfully sold without a prescription.

16 (27) "Person" means an individual, corporation, government,
17 governmental subdivision or agency, business trust, estate, trust,
18 partnership or association, or any other legal entity.

19 (28) "Pharmacist" means a person duly licensed by the commission
20 to engage in the practice of pharmacy.

21 (29) "Pharmacy" means every place properly licensed by the
22 commission where the practice of pharmacy is conducted.

23 (30) "Plan of correction" means a proposal devised by the
24 applicant or licensee that includes specific actions that must be
25 taken to correct identified unresolved deficiencies with the time
26 frames to complete them.

27 (31) "Poison" does not include any article or mixture covered by
28 the Washington pesticide control act (chapter 15.58 RCW), as enacted
29 or hereafter amended.

30 (32) "Practice of pharmacy" includes the practice of and
31 responsibility for: Interpreting prescription orders; the
32 compounding, dispensing, labeling, administering, and distributing of
33 drugs and devices; the monitoring of drug therapy and use; the
34 initiating or modifying of drug therapy in accordance with written
35 guidelines or protocols previously established and approved for his
36 or her practice by a practitioner authorized to prescribe drugs;
37 diagnosing and the prescribing or ordering of drugs and devices based
38 on his or her education, training, and experience; the participating
39 in drug utilization reviews and drug product selection; the proper
40 and safe storing and distributing of drugs and devices and

1 maintenance of proper records thereof; the providing of information
2 on legend drugs which may include, but is not limited to, the
3 advising of therapeutic values, hazards, and the uses of drugs and
4 devices.

5 (33) "Practitioner" means a physician, dentist, veterinarian,
6 nurse, or other person duly authorized by law or rule in the state of
7 Washington to prescribe drugs.

8 (34) "Prescription" means an order for drugs or devices issued by
9 a practitioner duly authorized by law or rule in the state of
10 Washington to prescribe drugs or devices in the course of his or her
11 professional practice for a legitimate medical purpose.

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

14 (36) "Shared pharmacy services" means a system that allows a
15 participating pharmacist or pharmacy pursuant to a request from
16 another participating pharmacist or pharmacy to process or fill a
17 prescription or drug order, which may include but is not necessarily
18 limited to preparing, packaging, labeling, data entry, compounding
19 for specific patients, dispensing, performing drug utilization
20 reviews, conducting claims adjudication, obtaining refill
21 authorizations, reviewing therapeutic interventions, or reviewing
22 chart orders.

23 (37) "Statement of deficiency" means a written statement of the
24 deficiencies prepared by the commission, or its designee, identifying
25 one or more violations of law. The report clearly identifies the
26 specific law or rule that has been violated along with a description
27 of the reasons for noncompliance.

28 (38) "Wholesaler" means a corporation, individual, or other
29 entity which buys drugs or devices for resale and distribution to
30 corporations, individuals, or entities other than consumers.

31 **Sec. 3.** RCW 69.41.030 and 2024 c 102 s 2 are each amended to
32 read as follows:

33 (1) It shall be unlawful for any person to sell or deliver any
34 legend drug, or knowingly possess any legend drug, or knowingly use
35 any legend drug in a public place, except upon the order or
36 prescription of a physician under chapter 18.71 RCW, an osteopathic
37 physician and surgeon under chapter 18.57 RCW, an optometrist
38 licensed under chapter 18.53 RCW who is certified by the optometry
39 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a

1 podiatric physician and surgeon under chapter 18.22 RCW, a licensed
2 midwife to the extent authorized under chapter 18.50 RCW, a
3 veterinarian under chapter 18.92 RCW, a commissioned medical or
4 dental officer in the United States armed forces or public health
5 service in the discharge of his or her official duties, a duly
6 licensed physician or dentist employed by the veterans administration
7 in the discharge of his or her official duties, a registered nurse or
8 advanced registered nurse practitioner under chapter 18.79 RCW when
9 authorized by the board of nursing, a pharmacist licensed under
10 chapter 18.64 RCW (~~to the extent permitted by drug therapy~~
11 ~~guidelines or protocols established under RCW 18.64.011 and~~
12 ~~authorized by the commission and approved by a practitioner~~
13 ~~authorized to prescribe drugs)), a physician assistant under chapter
14 18.71A RCW when authorized by the Washington medical commission, or
15 any of the following professionals in any province of Canada that
16 shares a common border with the state of Washington or in any state
17 of the United States: A physician licensed to practice medicine and
18 surgery or a physician licensed to practice osteopathic medicine and
19 surgery, a dentist licensed to practice dentistry, a podiatric
20 physician and surgeon licensed to practice podiatric medicine and
21 surgery, a licensed advanced registered nurse practitioner, a
22 licensed physician assistant, or a veterinarian licensed to practice
23 veterinary medicine: PROVIDED, HOWEVER, That the above provisions
24 shall not apply to sale, delivery, or possession by drug wholesalers
25 or drug manufacturers, or their agents or employees, or to any
26 practitioner acting within the scope of his or her license, or to a
27 common or contract carrier or warehouse operator, or any employee
28 thereof, whose possession of any legend drug is in the usual course
29 of business or employment: PROVIDED FURTHER, That nothing in this
30 chapter or chapter 18.64 RCW shall prevent a family planning clinic
31 that is under contract with the health care authority from selling,
32 delivering, possessing, and dispensing commercially prepackaged oral
33 contraceptives prescribed by authorized, licensed health care
34 practitioners: PROVIDED FURTHER, That nothing in this chapter
35 prohibits possession or delivery of legend drugs by an authorized
36 collector or other person participating in the operation of a drug
37 take-back program authorized in chapter 69.48 RCW.~~

38 (2) (a) A violation of this section involving the sale, delivery,
39 or possession with intent to sell or deliver is a class B felony
40 punishable according to chapter 9A.20 RCW.

1 (b) A violation of this section involving knowing possession is a
2 misdemeanor. The prosecutor is encouraged to divert such cases for
3 assessment, treatment, or other services.

4 (c) A violation of this section involving knowing use in a public
5 place is a misdemeanor. The prosecutor is encouraged to divert such
6 cases for assessment, treatment, or other services.

7 (d) No person may be charged with both knowing possession and
8 knowing use in a public place under this section relating to the same
9 course of conduct.

10 (e) In lieu of jail booking and referral to the prosecutor for a
11 violation of this section involving knowing possession, or knowing
12 use in a public place, law enforcement is encouraged to offer a
13 referral to assessment and services available under RCW 10.31.110 or
14 other program or entity responsible for receiving referrals in lieu
15 of legal system involvement, which may include, but are not limited
16 to, arrest and jail alternative programs established under RCW
17 36.28A.450, law enforcement assisted diversion programs established
18 under RCW 71.24.589, and the recovery navigator program established
19 under RCW 71.24.115.

20 (3) For the purposes of this section, "public place" has the same
21 meaning as defined in RCW 66.04.010, but the exclusions in RCW
22 66.04.011 do not apply.

23 (4) For the purposes of this section, "use any legend drug" means
24 to introduce the drug into the human body by injection, inhalation,
25 ingestion, or any other means.

26 **Sec. 4.** RCW 69.41.030 and 2025 c 58 s 5123 are each amended to
27 read as follows:

28 (1) It shall be unlawful for any person to sell or deliver any
29 legend drug, or knowingly possess any legend drug, or knowingly use
30 any legend drug in a public place, except upon the order or
31 prescription of a physician under chapter 18.71 RCW, an osteopathic
32 physician and surgeon under chapter 18.57 RCW, an optometrist
33 licensed under chapter 18.53 RCW who is certified by the optometry
34 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a
35 podiatric physician and surgeon under chapter 18.22 RCW, a licensed
36 midwife to the extent authorized under chapter 18.50 RCW, a
37 veterinarian under chapter 18.92 RCW, a commissioned medical or
38 dental officer in the United States armed forces or public health
39 service in the discharge of his or her official duties, a duly

1 licensed physician or dentist employed by the veterans administration
2 in the discharge of his or her official duties, a registered nurse or
3 advanced practice registered nurse under chapter 18.79 RCW when
4 authorized by the board of nursing, a pharmacist licensed under
5 chapter 18.64 RCW (~~to the extent permitted by drug therapy~~
6 ~~guidelines or protocols established under RCW 18.64.011 and~~
7 ~~authorized by the commission and approved by a practitioner~~
8 ~~authorized to prescribe drugs)), a physician assistant under chapter
9 18.71A RCW when authorized by the Washington medical commission, or
10 any of the following professionals in any province of Canada that
11 shares a common border with the state of Washington or in any state
12 of the United States: A physician licensed to practice medicine and
13 surgery or a physician licensed to practice osteopathic medicine and
14 surgery, a dentist licensed to practice dentistry, a podiatric
15 physician and surgeon licensed to practice podiatric medicine and
16 surgery, a licensed advanced practice registered nurse, a licensed
17 physician assistant, or a veterinarian licensed to practice
18 veterinary medicine: PROVIDED, HOWEVER, That the above provisions
19 shall not apply to sale, delivery, or possession by drug wholesalers
20 or drug manufacturers, or their agents or employees, or to any
21 practitioner acting within the scope of his or her license, or to a
22 common or contract carrier or warehouse operator, or any employee
23 thereof, whose possession of any legend drug is in the usual course
24 of business or employment: PROVIDED FURTHER, That nothing in this
25 chapter or chapter 18.64 RCW shall prevent a family planning clinic
26 that is under contract with the health care authority from selling,
27 delivering, possessing, and dispensing commercially prepackaged oral
28 contraceptives prescribed by authorized, licensed health care
29 practitioners: PROVIDED FURTHER, That nothing in this chapter
30 prohibits possession or delivery of legend drugs by an authorized
31 collector or other person participating in the operation of a drug
32 take-back program authorized in chapter 69.48 RCW.~~

33 (2) (a) A violation of this section involving the sale, delivery,
34 or possession with intent to sell or deliver is a class B felony
35 punishable according to chapter 9A.20 RCW.

36 (b) A violation of this section involving knowing possession is a
37 misdemeanor. The prosecutor is encouraged to divert such cases for
38 assessment, treatment, or other services.

1 (c) A violation of this section involving knowing use in a public
2 place is a misdemeanor. The prosecutor is encouraged to divert such
3 cases for assessment, treatment, or other services.

4 (d) No person may be charged with both knowing possession and
5 knowing use in a public place under this section relating to the same
6 course of conduct.

7 (e) In lieu of jail booking and referral to the prosecutor for a
8 violation of this section involving knowing possession, or knowing
9 use in a public place, law enforcement is encouraged to offer a
10 referral to assessment and services available under RCW 10.31.110 or
11 other program or entity responsible for receiving referrals in lieu
12 of legal system involvement, which may include, but are not limited
13 to, arrest and jail alternative programs established under RCW
14 36.28A.450, law enforcement assisted diversion programs established
15 under RCW 71.24.589, and the recovery navigator program established
16 under RCW 71.24.115.

17 (3) For the purposes of this section, "public place" has the same
18 meaning as defined in RCW 66.04.010, but the exclusions in RCW
19 66.04.011 do not apply.

20 (4) For the purposes of this section, "use any legend drug" means
21 to introduce the drug into the human body by injection, inhalation,
22 ingestion, or any other means.

23 NEW SECTION. **Sec. 5.** Section 3 of this act expires June 30,
24 2027.

25 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect June
26 30, 2027.

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