WSR 26-17-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Pharmacy Quality Assurance Commission)
[Filed August 14, 2026, 8:17 a.m.]

Subject of Possible Rule Making: Designating elemental mercury and methylmercury compounds as poisons per RCW 69.38.010. The pharmacy quality assurance commission (commission) is considering creating a new section of rule in chapter 246-945 WAC for the purpose of designating compounds and substances as "poisons," as defined in RCW 69.38.010(4). The new section would include elemental mercury and methylmercury compounds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 and 69.38.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission received a petition from an interested party on April 27, 2026, requesting that the commission designate elemental mercury and methylmercury compounds as "poisons" per the commission's regulatory authority in RCW 69.38.010. The petitioner stated that the compounds, used in certain dental amalgams, pose a public risk and are no longer necessary in current dental practice. The commission is granted statutory authority under RCW 69.38.010(4) to designate substances that, when introduced into the human body and, in quantities of 60 grains (approximately 3,888 milligrams) or less, cause violent sickness or death as poisons.

While anyone would still be able to purchase the compounds in question, the purchase would need to be recorded in ink in a register maintained by the seller, which the commission would have authority to inspect. Furthermore, those engaged in manufacturing or selling poisons in the state must be licensed with the commission under RCW 69.38.060. The commission already has a poison distributor license for which entities that wish to manufacture or sell poisons may apply.

Creating a new section of rule in chapter 246-945 WAC would allow the commission to create a section of rule that corresponds with chapter 69.38 RCW and allows the commission to more easily designate substances as poisons per its statutory authority. This section could be used to designate the identified mercury compounds as poisons and ensure those that wish to distribute those compounds are licensed with the commission.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua Munroe, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-502-5058, fax 360-236-2260, TTY 711, email PharmacyRules@doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department of health will conduct at least one rules workshop. Rule-making notices will be delivered via email list. To receive notices, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions" and then click again on "Pharmacy Commission Newsletter." You may also check

the box next to one or more of the other professions or facilities listed to receive information related to that specific topic.

August 14, 2026
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Pharmacy Quality Assurance Commission