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HOUSE BILL 2512

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Harris, Kelley, Rivers, Appleton, Dahlquist, Cody,  
and Buys

1 AN ACT Relating to including pharmacists in the legend drug act;  
2 and reenacting and amending RCW 69.41.030.

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

4 **Sec. 1.** RCW 69.41.030 and 2011 1st sp.s. c 15 s 79 and 2011 c 336  
5 s 837 are each reenacted and amended to read as follows:

6 (1) It shall be unlawful for any person to sell, deliver, or  
7 possess any legend drug except upon the order or prescription of a  
8 physician under chapter 18.71 RCW, an osteopathic physician and surgeon  
9 under chapter 18.57 RCW, an optometrist licensed under chapter 18.53  
10 RCW who is certified by the optometry board under RCW 18.53.010, a  
11 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
12 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a  
13 commissioned medical or dental officer in the United States armed  
14 forces or public health service in the discharge of his or her official  
15 duties, a duly licensed physician or dentist employed by the veterans  
16 administration in the discharge of his or her official duties, a  
17 registered nurse or advanced registered nurse practitioner under  
18 chapter 18.79 RCW when authorized by the nursing care quality assurance  
19 commission, a licensed pharmacist under chapter 18.64 RCW when

1 authorized by the board of pharmacy, an osteopathic physician assistant  
2 under chapter 18.57A RCW when authorized by the board of osteopathic  
3 medicine and surgery, a physician assistant under chapter 18.71A RCW  
4 when authorized by the medical quality assurance commission, or any of  
5 the following professionals in any province of Canada that shares a  
6 common border with the state of Washington or in any state of the  
7 United States: A physician licensed to practice medicine and surgery  
8 or a physician licensed to practice osteopathic medicine and surgery,  
9 a dentist licensed to practice dentistry, a podiatric physician and  
10 surgeon licensed to practice podiatric medicine and surgery, a licensed  
11 advanced registered nurse practitioner, or a veterinarian licensed to  
12 practice veterinary medicine: PROVIDED, HOWEVER, That the above  
13 provisions shall not apply to sale, delivery, or possession by drug  
14 wholesalers or drug manufacturers, or their agents or employees, or to  
15 any practitioner acting within the scope of his or her license, or to  
16 a common or contract carrier or warehouse operator, or any employee  
17 thereof, whose possession of any legend drug is in the usual course of  
18 business or employment: PROVIDED FURTHER, That nothing in this chapter  
19 or chapter 18.64 RCW shall prevent a family planning clinic that is  
20 under contract with the health care authority from selling, delivering,  
21 possessing, and dispensing commercially prepackaged oral contraceptives  
22 prescribed by authorized, licensed health care practitioners.

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

26 (b) A violation of this section involving possession is a  
27 misdemeanor.

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