

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6238

Chapter 150, Laws of 2016

64th Legislature
2016 Regular Session

SCHEDULE II CONTROLLED SUBSTANCES--PRESCRIPTIONS--ALLOWABLE
INDICATIONS

EFFECTIVE DATE: 6/9/2016

Passed by the Senate March 8, 2016
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2016
Yeas 94 Nays 3

FRANK CHOPP

Speaker of the House of Representatives

Approved March 31, 2016 4:55 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6238** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 1, 2016

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6238

AS AMENDED BY THE HOUSE

Passed Legislature - 2016 Regular Session

State of Washington 64th Legislature 2016 Regular Session

By Senate Health Care (originally sponsored by Senators Rivers, Keiser, Cleveland, Miloscia, and Chase)

READ FIRST TIME 01/26/16.

1 AN ACT Relating to the prescribing of schedule II controlled
2 substances; amending RCW 69.50.402; and prescribing penalties.

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

4 **Sec. 1.** RCW 69.50.402 and 2013 c 19 s 107 are each amended to
5 read as follows:

6 (1) It is unlawful for any person:

7 (a) Who is subject to Article III to distribute or dispense a
8 controlled substance in violation of RCW 69.50.308;

9 (b) Who is a registrant, to manufacture a controlled substance
10 not authorized by his or her registration, or to distribute or
11 dispense a controlled substance not authorized by his or her
12 registration to another registrant or other authorized person;

13 (c) Who is a practitioner, to prescribe, order, dispense,
14 administer, supply, or give to any person:

15 (i) Any amphetamine, including its salts, optical isomers, and
16 salts of optical isomers classified as a schedule II controlled
17 substance by the commission pursuant to chapter 34.05 RCW; or

18 (ii) Any nonnarcotic stimulant classified as a schedule II
19 controlled substance and designated as a nonnarcotic stimulant by the
20 commission pursuant to chapter 34.05 RCW;

1 except for the treatment of narcolepsy, or for the treatment of
2 hyperkinesia, or for the treatment of drug-induced brain dysfunction,
3 or for the treatment of epilepsy, or for the differential diagnostic
4 psychiatric evaluation of depression, or for the treatment of
5 depression shown to be refractory to other therapeutic modalities, or
6 for the treatment of multiple sclerosis, or for the treatment of any
7 other disease states or conditions for which the United States food
8 and drug administration has approved an indication, or for the
9 clinical investigation of the effects of such drugs or compounds, in
10 which case an investigative protocol therefor shall have been
11 submitted to and reviewed and approved by the commission before the
12 investigation has been begun: PROVIDED, That the commission, in
13 consultation with the medical quality assurance commission and the
14 osteopathic disciplinary board, may establish by rule, pursuant to
15 chapter 34.05 RCW, disease states or conditions in addition to those
16 listed in this subsection for the treatment of which Schedule II
17 nonnarcotic stimulants may be prescribed, ordered, dispensed,
18 administered, supplied, or given to patients by practitioners: AND
19 PROVIDED, FURTHER, That investigations by the commission of abuse of
20 prescriptive authority by physicians, licensed pursuant to chapter
21 18.71 RCW, pursuant to subsection (1)(c) of this section shall be
22 done in consultation with the medical quality assurance commission;

23 (d) To refuse or fail to make, keep or furnish any record,
24 notification, order form, statement, invoice, or information required
25 under this chapter;

26 (e) To refuse an entry into any premises for any inspection
27 authorized by this chapter; or

28 (f) Knowingly to keep or maintain any store, shop, warehouse,
29 dwelling, building, vehicle, boat, aircraft, or other structure or
30 place, which is resorted to by persons using controlled substances in
31 violation of this chapter for the purpose of using these substances,
32 or which is used for keeping or selling them in violation of this
33 chapter.

34 (2) Any person who violates this section is guilty of a class C
35 felony and upon conviction may be imprisoned for not more than two
36 years, fined not more than two thousand dollars, or both.

Passed by the Senate March 8, 2016.

Passed by the House March 3, 2016.

Approved by the Governor March 31, 2016.

Filed in Office of Secretary of State April 1, 2016.