

SB 5112 -- Redline

Substitute to Bill -- Establishing a prescribing psychologist certification in Washington state.

Deletions ~~struck~~ · Insertions underlined

~~S-1712-2~~S-0228.1 ~~SUBSTITUTE~~ SENATE BILL 5112 State of Washington 69th Legislature 2025 Regular Session By ~~Senate Health & Long-Term Care (originally sponsored by~~ Senators Bateman, Harris, Shewmake, Trudeau, Conway, Nobles, Riccelli, C.

Wilson, Robinson, and ~~Hasegawa)~~Hasegawa ~~READ~~Prefiled ~~FIRST~~12/23/24. ~~TIME 02/21/25.~~

Read first time 01/13/25.

Referred to Committee on Health & Long-Term Care.

amending RCW 18.83.010, 18.83.035, 18.83.050, 18.83.050, 18.83.080, 18.83.080, 18.83.090, 18.79.260, 18.79.260, ~~60.50.101, 60.41.010, and 60.41.030;~~69.50.101;

and ~~p-~~(5) Washington residents will benefit from increased access and decreased costs by creating a new credential for prescribing psychology.

~~1p-~~SSB 5112 (5) Washington residents will benefit from increased access and decreased costs by creating a new credential for prescribing psychology.

1 SB 5112 Sec.

((2)) (5) "Prescribing psychologist" means a person who holds an active license to engage in the practice of psychology under this chapter and an active certificate as a prescribing psychologist under section 3 of this act, and is limited by the restrictions under section 4 of this act.

~~2 SSB~~SB 5112 ~~((2))~~(6) ~~(5)"Prescription" "Prescribinghas psychologist" means a person who holds an active license to engage in the practicesame ofmeaning psychology under this chapter and an active certificate as adefined prescribingin psychologistRCW under18.64.011. section 3 of this act, and is limited by the restrictions under section 4 of this act.~~

~~(6)(7) "Prescription" "Prescriptive hasauthority" means the sameauthority meaningof asa definedprescribing psychologist to prescribe, administer, discontinue, and distribute psychotropic medications recognized or customarily used in RCWthe 18.64.011 diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional, developmental, or behavioral disorders identified in the most recent edition of a widely accepted classification system of mental disorders, as identified by the secretary.~~

~~(7) "Prescriptive authority" means the authority of a prescribing psychologist to prescribe, administer, discontinue, and distribute psychotropic medications recognized or customarily used in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional, developmental, or behavioral disorders identified in the most recent edition of a widely accepted classification system of mental disorders, as identified by the board.~~

(d) Has successfully completed at least 80 hours of supervised clinical experience in physical assessment, including physical examinations with instruction in the proper use of instruments used in physical examination, supervised by a medical provider licensed to conduct independent physical assessments;

~~3 SSB~~SB 5112 ~~(d)(e) Has successfully completed ata leastclinical 80prescribing hoursfellowship ofunder supervisedthe clinicalsupervision experienceof ina physicalqualified assessment,supervisor including physicalclinical examinationsexperience withsufficient instructionto attain competency in the properpsychopharmacological usetreatment of instrumentsa useddiverse inpatient physicalpopulation, examination,to supervisedbe bycomprised aof medicalno providerless licensedthan to500 conducthours independentand physical100 assessments;individual patients.~~

~~(e)Qualified Has supervisors successfullyare completedlicensed ahealth clinicalcare prescribingproviders fellowshipwith underspecialized training and experience in the supervisionmanagement of apsychotropic qualifiedmedication supervisorwho includingare clinicallicensed experiencein sufficientWashington state or pursuant to attaining a competencysubstantially inequivalent thelicensing psychopharmacologicalprovision treatmentof the law of aanother diversestate, patientas population,established toby bethe comprisedboard, ofincluding nophysicians, lessosteopathic thanphysicians, 500psychiatric hoursnurse andpractitioners, 100or individualprescribing patients-psychologists;~~

~~Qualified supervisors are licensed health care providers with specialized training and experience in the management of psychotropic medication who are licensed in Washington state or pursuant to a substantially equivalent licensing provision of the law of another state, as established by the board, including physicians, physician assistants, osteopathic physicians, psychiatric nurse practitioners, or prescribing psychologists;~~

(d) Physical examinations, including the measurement and interpretation of vital signs and neurological, cardiovascular, respiratory, abdominal, eye, ear, nose, throat, gastrointestinal, genitourinary, integumentary, allergic and immunologic, and musculoskeletal examinations;

~~4 SSB 5112 (d)(e) Physical interpretation examinations, of including laboratory tests, measurement including and therapeutic interpretation drug of monitoring, vital blood signs and neurological, urine cardiovascular, tests, respiratory, radiology, abdominal, electrocardiogram, eye, brain ear, electrophysiology, nose, neuroimaging throat, techniques, gastrointestinal, genitourinary, integumentary, allergic and immunologic, applied and genetics; musculoskeletal examinations;~~
~~(e) Interpretation of laboratory tests, including therapeutic drug monitoring, blood and urine tests, radiology, electrocardiogram, brain electrophysiology, neuroimaging techniques, and applied genetics;~~
~~and p-(n) Professional, ethical, and legal issues, including conflicts of interest and relationships with the industry, scope of practice issues, diversity and equity issues related to treatment access and adherence, and documentation issues, including nomenclature, abbreviations, and prescription writing.~~
~~5 p-SSB 5112 (n) Professional, ethical, and legal issues, including conflicts of interest and relationships with the industry, scope of practice issues, diversity and equity issues related to treatment access and adherence, and documentation issues, including nomenclature, abbreviations, and prescription writing.~~

5 SB 5112 (4) The board may waive certain requirements for applicants who have obtained relevant training and experience, including psychologists who are dually licensed as physicians, nurse practitioners, or other health professionals with comparable prescriptive authority in Washington.

(1) The prescriptive authority of a prescribing psychologist is limited to prescribing, administering, discontinuing, and distributing psychotropic medications recognized or customarily used in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional, developmental, or p-behavioral disorders identified in the most recent edition of a widely accepted classification system of mental disorders, as identified by the secretary.

~~6 A SSB prescribing 5112 psychologist behavioral may disorders order identified and in obtain the necessary most laboratory recent tests, edition procedures, of imaging, a and widely diagnostic accepted examinations classification necessary system to of exercise mental this disorders, prescriptive asp- identified by the board.~~

~~A 6 prescribing SB psychologist 5112 may order and obtain necessary laboratory tests, procedures, imaging, and diagnostic examinations necessary to exercise this prescriptive authority.~~

~~The prescribing psychologist may not issue a new prescription for a psychotropic medication without agreement, in a form and manner determined by the board in rule by January 1, 2027, from the health care practitioner who oversees the patient's general medical care.~~

~~A prescribing psychologist may not prescribe any antipsychotic medication or mood stabilizer.~~

~~(7) A prescribing psychologist may not prescribe to any individual under the age of 25 or over the age of 65.~~

The board p-shall consist of nine psychologists, one expert on psychiatric prescribing, and two public members, all appointed by the governor.

~~7 SSB 5112 shall consist of nine psychologists, one expert on psychiatric prescribing, and two public members, all appointed by the governor.~~

Each psychologist member of the board shall have actively practiced psychology in the state of Washington for at least three years immediately preceding appointment and ((who is)) be licensed p-under this chapter.

7 SB 5112 licensed under this chapter.

RCW 18.83.050 and ~~2004~~2024 c ~~262~~371 s ~~83~~ are each amended to read as follows:

p-(4) The board shall:

~~8 SSB 5112 (4) The board shall:~~

~~The board may require remediation of any deficiencies in the training or practice pattern p-of the prescribing psychologist when, in the judgment of the board, such deficiencies could reasonably be expected to jeopardize the health, safety, or welfare of the public.~~

8 SB 5112 pattern of the prescribing psychologist when, in the judgment of the board, such deficiencies could reasonably be expected to jeopardize the health, safety, or welfare of the public.

(6) The board shall keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all applicants, and the names and addresses of all licensed psychologists, psychologists and licensed psychological associates.

((5)) (7) The board shall, by rule, adopt a code of ethics for psychologists and licensed psychological associates which is designed to protect the public interest.

((6)) (8) The board may require that persons licensed under this chapter as psychologists or licensed psychological associates obtain and maintain professional liability insurance in amounts determined by the board to be practicable and reasonably available.

The board shall determine the subject matter and scope of the examination, except as provided in p-RCW 18.83.170.

~~9 SSB 5112 RCW 18.83.170.~~

(b) Adopt rules, in consultation with the Washington medical commission, to establish standards for the certification of prescribing psychologists in accordance with section 3 of this act ~~and p. for their exercise of prescriptive authority under this chapter;~~

9 SB 5112 and for their exercise of prescriptive authority under this chapter;

(6) The board shall keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all applicants, and the names and addresses of all licensed ~~psychologists~~ psychologists. ~~and licensed psychological associates.~~

((5)) (7) The board shall, by rule, adopt a code of ethics for psychologists ~~and licensed psychological associates~~ which is designed to protect the public interest.

((6)) (8) The board may require that persons licensed under this chapter as psychologists ~~or licensed psychological associates~~ obtain and maintain professional liability insurance in amounts determined by the board to be practicable and reasonably available.

The secretary shall promptly issue to such applicant a license authorizing such applicant to use the title "psychologist" ~~((.))~~ or a ~~p. certificate authorizing the applicant to use the title "prescribing psychologist."~~ Each licensed psychologist shall keep his or her license and, if applicable, prescribing psychologist certificate displayed in a conspicuous place in his or her principal place of business.

~~10 SSB 5112 certificate authorizing the applicant to use the title "prescribing psychologist." Each licensed psychologist shall keep his or her license and, if applicable, prescribing psychologist certificate displayed in a conspicuous place in his or her principal place of business.~~

The secretary shall promptly issue to such applicant a license authorizing such applicant to use the title "psychologist" or ~~"licensed p. psychological associate((.))"~~ or a ~~certificate authorizing the applicant to use the title "prescribing psychologist."~~ Each licensed psychologist or licensed psychological associate shall keep his or her license and, if applicable, prescribing psychologist certificate displayed in a conspicuous place in his or her principal place of business.

10 SB 5112 "licensed psychological associate((.))" or a certificate authorizing the applicant to use the title "prescribing psychologist." Each licensed psychologist or licensed psychological associate shall keep his or her license and, if applicable, prescribing psychologist certificate displayed in a conspicuous place in his or her principal place of business.

~~p. (4)(a) The board shall establish rules for the renewal of a prescribing psychologist certificate issued under section 3 of this act at the time of the renewal of the psychologist's license to practice psychology.~~

~~11 SSB 5112 (4)(a) The board shall establish rules for the renewal of a prescribing psychologist certificate issued under section 3 of this act at the time of the renewal of the psychologist's license to practice psychology.~~

~~The p. definitions in this section apply throughout this chapter unless the context clearly requires otherwise.~~

11 SB 5112 The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

Reconstitution and mixing of (a) sterile products according to federal food and drug administration-approved labeling does not constitute compounding if prepared pursuant to a prescription and administered immediately or in accordance with package labeling, and (b) nonsterile products according to federal food and drug administration-approved labeling ~~p. does not constitute compounding if prepared pursuant to a prescription.~~

~~12 SSB 5112 does not constitute compounding if prepared pursuant to a prescription.~~

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

12 SB 5112 disease in human beings or other animals, or (b) to affect the structure or any function of the body of human beings or other animals.

~~p. (a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;~~

~~13 SSB 5112 (a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;~~

Health care entity includes ~~p. a freestanding outpatient surgery center, a residential treatment facility, and a freestanding cardiac care center.~~

13 SB 5112 includes a freestanding outpatient surgery center, a residential treatment facility, and a freestanding cardiac care center.

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

~~14 SSB 5112 (21) "Legend drugs" means any drugs which are required by any applicable federal or state~~

~~law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.~~

(24) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or ~~device, p., or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, personally prepares, compounds, packages, or labels such substance or device.~~

14 SB 5112 device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, personally prepares, compounds, packages, or labels such substance or device.

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

~~15 SSB 5112 requested by the patient, or the prescriber to administer to the patient, or to another licensed pharmacy to dispense to the patient.~~

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

15 SB 5112 taken to correct identified unresolved deficiencies with the time frames to complete them.

(33) "Practitioner" means a physician, dentist, veterinarian, ~~advanced practice registered nurse,~~ prescribing psychologist, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

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

~~16 SSB 5112 Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.~~

The report clearly identifies the ~~specific p. law or rule that has been violated along with a description of the reasons for noncompliance.~~

16 SB 5112 specific law or rule that has been violated along with a description of the reasons for noncompliance.

p-(a) The delegating nurse shall:

~~17 SSB 5112 (a) The delegating nurse shall:~~

Except as authorized in (e) or (f) of this subsection, a registered nurse may not delegate acts requiring substantial skill, and may not ~~delegate p. piercing or severing of tissues.~~

17 SB 5112 delegate piercing or severing of tissues.

p-Community-based care settings do not include acute care or skilled nursing facilities.

~~18 SSB 5112 Community-based care settings do not include acute care or skilled nursing facilities.~~

Other than delegation of the administration of insulin by injection for the purpose of caring for individuals with diabetes, the administration ~~of p. medications by injection, sterile procedures, and central line maintenance may never be delegated.~~

18 SB 5112 of medications by injection, sterile procedures, and central line maintenance may never be delegated.

(viii) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur, but are intended p-to ensure that nursing care services have a consistent standard of practice upon which the public and the profession may rely, and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.

~~19 SSB 5112 to ensure that nursing care services have a consistent standard of practice upon which the public and the profession may rely, and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.~~

Sec. p.

19 SB 5112 Sec.

and p-(iv) Delegate only those tasks that are within the registered nurse's scope of practice.

~~20 SSB 5112 (iv) Delegate only those tasks that are within the registered nurse's scope of practice.~~

Nurses shall not be subject to any employer reprisal or disciplinary action by the board for refusing to delegate ~~tasks p. or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.~~

20 SB 5112 tasks or refusing to provide the required training for delegation if the nurse determines

delegation may compromise patient safety.

"Stable and predictable p-condition" means a situation in which the individual's clinical and behavioral status is known and does not require the frequent presence and evaluation of a registered nurse.

~~21 SSB 5112 condition" means a situation in which the individual's clinical and behavioral status is known and does not require the frequent presence and evaluation of a registered nurse.~~

If the registered nurse delegator determines that the individual is competent to perform the injection properly and safely, supervisionp. ~~and evaluation shall occur at an interval determined by the board by rule.~~

21 SB 5112 supervision and evaluation shall occur at an interval determined by the board by rule.

p-(4) Only a person licensed as a registered nurse may instruct nurses in technical subjects pertaining to nursing.

~~22 SSB 5112 (4) Only a person licensed as a registered nurse may instruct nurses in technical subjects pertaining to nursing.~~

~~or (b)p. the patient or research subject at the direction and in the presence of the practitioner.~~

22 SB 5112 (b) the patient or research subject at the direction and in the presence of the practitioner.

p-(8)(a) "Cannabis products" means useable cannabis, cannabis concentrates, and cannabis-infused products as defined in this section, including any product intended to be consumed or absorbed inside the body by any means including inhalation, ingestion, or insertion, with any detectable amount of THC.

~~23 SSB 5112 (8)(a) "Cannabis products" means useable cannabis, cannabis concentrates, and cannabis-infused products as defined in this section, including any product intended to be consumed or absorbed inside the body by any means including inhalation, ingestion, or insertion, with any detectable amount of THC.~~

~~(10)p. "Cannabis retailer" means a person licensed by the board to sell cannabis concentrates, useable cannabis, and cannabis-infused products in a retail outlet.~~

23 SB 5112 (10) "Cannabis retailer" means a person licensed by the board to sell cannabis concentrates, useable cannabis, and cannabis-infused products in a retail outlet.

or p-(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

~~24 SSB 5112 (ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.~~

~~355, or chapterp. 69.77 RCW to the extent conduct with respect to the substance is pursuant to the exemption;~~

24 SB 5112 chapter 69.77 RCW to the extent conduct with respect to the substance is pursuant to the exemption;

(c) controlled substances (other than food) intended to affect the structure or any function of the body of p-individuals or animals;

~~25 SSB 5112 individuals or animals;~~

~~(27)p. "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.~~

25 SB 5112 (27) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(32) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled p-substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

~~26 SSB 5112 substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.~~

or (b) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incidentp. to, research, teaching, or chemical analysis and not for sale.

26 SB 5112 incident to, research, teaching, or chemical analysis and not for sale.

(34) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable p-of conversion into a drug having addiction-forming or addiction-sustaining liability.

~~27 SSB 5112 of conversion into a drug having addiction-forming or addiction-sustaining liability.~~
~~(37)p. "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.~~
27 SB 5112 (37) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(b) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct ~~p-~~research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

~~28(c) SSB 5112 physician research licensed with to respect practice medicine and surgery, a physician licensed to or practice osteopathic medicine and surgery, a dentist licensed to administer practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances substances in by the his course or other professional state's practice medical commission or research equivalent and his or her participating physician as defined in this RCW state-18.71A.010, an advanced practice registered nurse ((practitioner)) licensed to prescribe p.~~

~~(c)28 ASB physician5112 licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical commission or equivalent and his or her participating physician as defined in RCW 18.71A.010, an advanced practice registered nurse ((practitioner)) licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.~~

and ~~p-~~(d) Business plans involving partnerships or assistance to organizations or residents with connections to populations with a history of high rates of enforcement of cannabis prohibition.

~~29 SSB 5112 (d) Business plans involving partnerships or assistance to organizations or residents with connections to populations with a history of high rates of enforcement of cannabis prohibition.~~

~~(50)p. "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.~~

29 SB 5112 (50) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

~~Sec-~~

~~15-~~

~~RCW 69.41.010 and 2024 c 102 s 1 are each amended to read as follows:~~

~~As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:~~

~~(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:~~

~~(a) A practitioner;~~

~~or (b) The patient or research subject at the direction of the practitioner.~~

~~(2) "Commission" means the pharmacy quality assurance commission.~~

~~p-~~

~~30 SSB 5112 (3) "Community-based care settings" include:~~

~~Community residential programs for persons with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW;~~

~~adult family homes licensed under chapter 70.128 RCW;~~

~~and assisted living facilities licensed under chapter 18.20 RCW.~~

~~Community-based care settings do not include acute care or skilled nursing facilities.~~

~~(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.~~

~~(5) "Department" means the department of health.~~

~~(6) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.~~

~~(7) "Dispenser" means a practitioner who dispenses.~~

~~(8) "Distribute" means to deliver other than by administering or dispensing a legend drug.~~

~~(9) "Distributor" means a person who distributes.~~

~~(10) "Drug" means:~~

~~(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;~~

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

~~(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of human beings or animals;~~

~~and (d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection.~~

~~It does not include devices or their components, parts, or accessories.~~

~~(11) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems.~~

~~The term does not include a prescription or refill authorization transmitted verbally by telephone nor a facsimile manually signed by the practitioner.~~

~~(12) "In-home care settings" include an individual's place of temporary and permanent residence, but does not include acute care or p-~~

~~31 SSB 5112 skilled nursing facilities, and does not include community-based care settings.~~

~~(13) "Legend drugs" means any drugs which are required by state law or regulation of the pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.~~

~~(14) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order.~~

~~A prescription must be hand printed, typewritten, or electronically generated.~~

~~(15) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance.~~

~~It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department.~~

~~A nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate.~~

~~Medication assistance shall not include assistance with intravenous medications or injectable medications, except prefilled insulin syringes.~~

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

~~(17) "Practitioner" means:~~

~~(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern medicine practitioner to the extent authorized under chapter 18.06 RCW and the rules adopted under RCW 18.06.010(1)(m), a veterinarian under chapter 18.02 RCW, a registered nurse, advanced practice registered nurse ((practitioner)), or licensed practical nurse under chapter 18.70 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a physician p-~~

~~32 SSB 5112 assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a licensed athletic trainer to the extent authorized under chapter 18.250 RCW, a pharmacist under chapter 18.64 RCW, a psychologist under chapter 18.83 RCW who is certified as a prescribing psychologist under section 3 of this act, when acting under the required supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.20 RCW, a licensed dental therapist to the extent authorized under chapter 18.265 RCW, or a licensed midwife to the extent authorized under chapter 18.50 RCW;~~

~~(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state;~~

~~and (c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.~~

~~(18) "Secretary" means the secretary of health or the secretary's designee.~~

~~Sec.~~

~~16.~~

~~RCW 69.41.030 and 2024 c 102 s 2 are each amended to read as follows:~~

~~(1) It shall be unlawful for any person to sell or deliver any legend drug, or knowingly possess any legend drug, or knowingly use any legend drug in a public place, except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a licensed midwife to the extent authorized under chapter 18.50 RCW, a veterinarian under chapter 18.02 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced practice registered nurse ((practitioner)) under chapter 18.70 RCW when authorized by the board of nursing, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug p.~~

~~33 SSB 5112 therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, a psychologist under chapter 18.83 RCW who is certified as a prescribing psychologist under section 3 of this act, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States:~~

~~A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced practice registered nurse ((practitioner)), a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine:~~

~~PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment:~~

~~PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners:~~

~~PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.~~

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

~~(b) A violation of this section involving knowing possession is a misdemeanor.~~

~~The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.~~

~~(c) A violation of this section involving knowing use in a public place is a misdemeanor.~~

~~The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.~~

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~~34 SSB 5112 (d) No person may be charged with both knowing possession and knowing use in a public place under this section relating to the same course of conduct.~~

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

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

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

~~17.15.~~

~~18.16.~~

~~19.17.~~

~~20.18.~~

~~35~~30 ~~SSB~~SB 5112

