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**SENATE BILL 5411**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Short, Randall, Robinson, Shewmake, Valdez, Warnick, C. Wilson, and L. Wilson

Read first time 01/17/23. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to addressing a shortage of primary care services  
2 by increasing the scope of practice of naturopathic physicians;  
3 amending RCW 18.36A.020, 18.36A.040, and 69.41.030; reenacting and  
4 amending RCW 69.50.101; adding new sections to chapter 18.36A RCW;  
5 and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) Naturopathic physicians, licensed under chapter 18.36A RCW  
9 since 1987 and chapter 18.36 RCW since 1919, are recognized as  
10 primary care providers in both statute and rule, and have served in  
11 this role for many years through private health plans, in apple  
12 health (medicaid), and with the Indian health service systems.

13 (2) Washington has a shortage of primary care services that poses  
14 a significant risk to public health resulting in increased human  
15 suffering and increased costs. The coronavirus pandemic has added  
16 strain on an already overburdened health care system, further  
17 exposing the need to empower primary care providers to practice to  
18 the full scope of their training.

19 (3) In some areas, naturopathic physicians are the only available  
20 health care providers. As such, they need authority for all  
21 appropriate primary care services consistent with their education and

1 patient populations. This act supports better patient care, prevents  
2 duplication of services, reduces emergency department visits, and is  
3 more cost-effective for patients, health plans, and state agencies.

4 (4) Naturopathic medical training emphasizes behavioral health,  
5 counseling, and lifestyle medicine in addition to conventional  
6 medical diagnostics and treatments, including pharmaceutical  
7 prescriptions. Many patients seek care with naturopathic physicians  
8 in order to stop taking or lower their doses of prescription  
9 medications. Most controlled substances cannot be stopped without a  
10 careful dosage taper. Enabling naturopathic physicians to practice to  
11 the full extent of their training, to include authority to prescribe  
12 and deprescribe controlled substances, allows them to play a more  
13 significant role in addressing the ongoing opioid and benzodiazepine  
14 crises facing our communities.

15 (5) The legislature first granted naturopathic physicians limited  
16 prescriptive authority in 1987 and expanded this in 2005 to include  
17 all legend drugs and limited controlled substances in Schedules III  
18 through V of the uniform controlled substances act. Licensed  
19 naturopathic physicians in neighboring states currently have  
20 prescriptive authority beyond what those in Washington have. Licensed  
21 naturopathic physicians have demonstrated competence and safety in  
22 prescribing controlled substances both here and in surrounding  
23 states.

24 (6) This act recognizes the board of naturopathy (established by  
25 the legislature in 2011), and its role in rule making for  
26 determination of specific clinical parameters and educational  
27 requirements in the same manner as other boards and commissions with  
28 primary care authority.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.36A  
30 RCW to read as follows:

31 (1) Subject to the requirements of this section, a naturopathic  
32 physician may prescribe and administer legend drugs and controlled  
33 substances contained in Schedules II through V of the uniform  
34 controlled substances act, chapter 69.50 RCW, as necessary in the  
35 practice of naturopathy.

36 (2) A naturopathic physician who prescribes controlled substances  
37 shall register with the department to access the prescription  
38 monitoring program established in chapter 70.225 RCW.

1 (3) By rule, the board shall establish education and training  
2 requirements related to prescribing legend drugs and controlled  
3 substances. A naturopathic physician may prescribe and administer  
4 drugs pursuant to subsection (1) of this section only if he or she  
5 satisfies the education and training requirements established by the  
6 board.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.36A  
8 RCW to read as follows:

9 A naturopathic physician may sign and attest to any certificates,  
10 cards, forms, or other required documentation that a physician may  
11 sign, so long as it is within the naturopathic physician's scope of  
12 practice. This includes, but is not limited to, disability  
13 determinations, physician orders for life-sustaining treatment,  
14 hospice orders, student athletic forms, guardianships, powers of  
15 attorney, and similar legal documents.

16 **Sec. 4.** RCW 18.36A.020 and 2021 c 179 s 21 are each amended to  
17 read as follows:

18 Unless the context clearly requires otherwise, the definitions in  
19 this section apply throughout this chapter.

20 (1) "Board" means the board of naturopathy created in RCW  
21 18.36A.150.

22 (2) "Colon hydrotherapist" means a person certified under this  
23 chapter to perform colon hydrotherapy pursuant to an affiliation with  
24 one or more naturopaths.

25 (3) "Colon hydrotherapy" means the performance of enemas or  
26 colonic irrigation.

27 (4) "Common diagnostic procedures" means the use of venipuncture  
28 consistent with the practice of naturopathic medicine, commonly used  
29 diagnostic modalities consistent with naturopathic practice, health  
30 history taking, physical examination, radiography, examination of  
31 body orifices excluding endoscopy, laboratory medicine, and obtaining  
32 samples of human tissues, but excluding incision or excision beyond  
33 that which is authorized as a minor office procedure.

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

35 (6) "Educational program" means an accredited program preparing  
36 persons for the practice of naturopathic medicine.

37 (7) "Homeopathy" means a system of medicine based on the use of  
38 infinitesimal doses of medicines capable of producing symptoms

1 similar to those of the disease treated, as listed in the homeopathic  
2 pharmacopeia of the United States.

3 (8) "Hygiene and immunization" means the use of such preventative  
4 techniques as personal hygiene, asepsis, public health, and  
5 immunizations, to the extent allowed by rule.

6 (9) "Manual manipulation" or "mechanotherapy" means manipulation  
7 of a part or the whole of the body by hand or by mechanical means.

8 (10) "Minor office procedures" means primary care ~~((and))~~  
9 services; procedures incident thereto of superficial lacerations,  
10 lesions, ~~((and abrasions))~~ minor injuries, and the removal of foreign  
11 bodies located in superficial structures, not to include the eye; and  
12 the use of antiseptics and topical or local anesthetics in connection  
13 therewith. "Minor office procedures" also includes ~~((intramuscular,~~  
14 ~~intravenous, subcutaneous, and intradermal))~~ injections and topical  
15 applications of substances consistent with the practice of  
16 naturopathic medicine and in accordance with rules established by the  
17 ~~((secretary))~~ board.

18 (11) "Naturopath" ~~((means))~~ or "naturopathic physician" mean an  
19 individual licensed under this chapter.

20 (12) "Naturopathic medicines" means vitamins; minerals; botanical  
21 medicines; homeopathic medicines; hormones; and ~~((those legend drugs~~  
22 ~~and controlled))~~ other nutrients, compounds, and natural substances  
23 consistent with naturopathic medical practice ~~((in accordance with~~  
24 ~~rules established by the board. Controlled substances are limited to~~  
25 ~~codeine and testosterone products that are contained in Schedules~~  
26 ~~III, IV, and V in chapter 69.50 RCW))~~.

27 (13) "Nutrition and food science" means the prevention and  
28 treatment of disease or other human conditions through the use of  
29 foods, water, herbs, roots, bark, or natural food elements.

30 (14) "Physical modalities" means use of physical, chemical,  
31 electrical, and other modalities ~~((that do not exceed those used as~~  
32 ~~of July 22, 2011, in minor office procedures or common diagnostic~~  
33 ~~procedures,))~~ including, but not limited to, heat, cold, air, light,  
34 water in any of its forms, sound, massage, durable medical equipment,  
35 and therapeutic exercise.

36 (15) "Radiography" means the ordering, but not the  
37 interpretation, of radiographic diagnostic and other imaging studies  
38 and the taking and interpretation of standard radiographs.

39 (16) ~~(( "Secretary" means the secretary of health or the~~  
40 ~~secretary's designee.~~

1       ~~(17))~~) "Suggestion" means techniques including but not limited to  
2 counseling, biofeedback, and hypnosis.

3       **Sec. 5.** RCW 18.36A.040 and 2011 c 40 s 2 are each amended to  
4 read as follows:

5       Naturopathic medicine is the practice by ~~((naturopaths))~~  
6 naturopathic physicians of the art and science of the diagnosis,  
7 prevention, and treatment of disorders of the body by stimulation or  
8 support, or both, of the natural processes of the human body. A  
9 ~~((naturopath))~~ naturopathic physician is responsible and accountable  
10 to the consumer for the quality of naturopathic care rendered.

11       The practice of naturopathic medicine includes manual  
12 manipulation (mechanotherapy), the prescription, administration,  
13 dispensing, and use, except for the treatment of malignancies, of  
14 nutrition and food science, physical modalities, minor office  
15 procedures, homeopathy, naturopathic medicines, legend and nonlegend  
16 drugs and controlled substances contained in Schedules II through V  
17 of the uniform controlled substances act, chapter 69.50 RCW, hygiene  
18 and immunization, contraceptive devices, common diagnostic  
19 procedures, and suggestion; however, nothing in this chapter shall  
20 prohibit consultation and treatment of a patient in concert with a  
21 practitioner licensed under chapter 18.57 or 18.71 RCW. No person  
22 licensed under this chapter may employ the term "chiropractic" to  
23 describe any services provided by a ~~((naturopath))~~ naturopathic  
24 physician under this chapter.

25       **Sec. 6.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to  
26 read as follows:

27       (1) It shall be unlawful for any person to sell, deliver, or  
28 possess any legend drug except upon the order or prescription of a  
29 physician under chapter 18.71 RCW, an osteopathic physician and  
30 surgeon under chapter 18.57 RCW, an optometrist licensed under  
31 chapter 18.53 RCW who is certified by the optometry board under RCW  
32 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician  
33 and surgeon under chapter 18.22 RCW, a naturopathic physician under  
34 chapter 18.36A RCW, a veterinarian under chapter 18.92 RCW, a  
35 commissioned medical or dental officer in the United States armed  
36 forces or public health service in the discharge of his or her  
37 official duties, a duly licensed physician or dentist employed by the  
38 veterans administration in the discharge of his or her official

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

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

35 (b) A violation of this section involving possession is a  
36 misdemeanor.

37 **Sec. 7.** RCW 69.50.101 and 2022 c 16 s 51 are each reenacted and  
38 amended to read as follows:

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (a) "Administer" means to apply a controlled substance, whether  
4 by injection, inhalation, ingestion, or any other means, directly to  
5 the body of a patient or research subject by:

6 (1) a practitioner authorized to prescribe (or, by the  
7 practitioner's authorized agent); or

8 (2) the patient or research subject at the direction and in the  
9 presence of the practitioner.

10 (b) "Agent" means an authorized person who acts on behalf of or  
11 at the direction of a manufacturer, distributor, or dispenser. It  
12 does not include a common or contract carrier, public  
13 warehouseperson, or employee of the carrier or warehouseperson.

14 (c) "Board" means the Washington state liquor and cannabis board.

15 (d) "Cannabis" means all parts of the plant *Cannabis*, whether  
16 growing or not, with a THC concentration greater than 0.3 percent on  
17 a dry weight basis; the seeds thereof; the resin extracted from any  
18 part of the plant; and every compound, manufacture, salt, derivative,  
19 mixture, or preparation of the plant, its seeds or resin. The term  
20 does not include:

21 (1) The mature stalks of the plant, fiber produced from the  
22 stalks, oil or cake made from the seeds of the plant, any other  
23 compound, manufacture, salt, derivative, mixture, or preparation of  
24 the mature stalks (except the resin extracted therefrom), fiber, oil,  
25 or cake, or the sterilized seed of the plant which is incapable of  
26 germination; or

27 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds  
28 used for licensed hemp production under chapter 15.140 RCW.

29 (e) "Cannabis concentrates" means products consisting wholly or  
30 in part of the resin extracted from any part of the plant *Cannabis*  
31 and having a THC concentration greater than ten percent.

32 (f) "Cannabis processor" means a person licensed by the board to  
33 process cannabis into cannabis concentrates, useable cannabis, and  
34 cannabis-infused products, package and label cannabis concentrates,  
35 useable cannabis, and cannabis-infused products for sale in retail  
36 outlets, and sell cannabis concentrates, useable cannabis, and  
37 cannabis-infused products at wholesale to cannabis retailers.

38 (g) "Cannabis producer" means a person licensed by the board to  
39 produce and sell cannabis at wholesale to cannabis processors and  
40 other cannabis producers.

1 (h) "Cannabis products" means useable cannabis, cannabis  
2 concentrates, and cannabis-infused products as defined in this  
3 section.

4 (i) "Cannabis researcher" means a person licensed by the board to  
5 produce, process, and possess cannabis for the purposes of conducting  
6 research on cannabis and cannabis-derived drug products.

7 (j) "Cannabis retailer" means a person licensed by the board to  
8 sell cannabis concentrates, useable cannabis, and cannabis-infused  
9 products in a retail outlet.

10 (k) "Cannabis-infused products" means products that contain  
11 cannabis or cannabis extracts, are intended for human use, are  
12 derived from cannabis as defined in subsection (d) of this section,  
13 and have a THC concentration no greater than ten percent. The term  
14 "cannabis-infused products" does not include either useable cannabis  
15 or cannabis concentrates.

16 (l) "CBD concentration" has the meaning provided in RCW  
17 69.51A.010.

18 (m) "CBD product" means any product containing or consisting of  
19 cannabidiol.

20 (n) "Commission" means the pharmacy quality assurance commission.

21 (o) "Controlled substance" means a drug, substance, or immediate  
22 precursor included in Schedules I through V as set forth in federal  
23 or state laws, or federal or commission rules, but does not include  
24 hemp or industrial hemp as defined in RCW 15.140.020.

25 (p)(1) "Controlled substance analog" means a substance the  
26 chemical structure of which is substantially similar to the chemical  
27 structure of a controlled substance in Schedule I or II and:

28 (i) that has a stimulant, depressant, or hallucinogenic effect on  
29 the central nervous system substantially similar to the stimulant,  
30 depressant, or hallucinogenic effect on the central nervous system of  
31 a controlled substance included in Schedule I or II; or

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

38 (2) The term does not include:

39 (i) a controlled substance;



1 (ii) a substance for which there is an approved new drug  
2 application;

3 (iii) a substance with respect to which an exemption is in effect  
4 for investigational use by a particular person under Section 505 of  
5 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or  
6 chapter 69.77 RCW to the extent conduct with respect to the substance  
7 is pursuant to the exemption; or

8 (iv) any substance to the extent not intended for human  
9 consumption before an exemption takes effect with respect to the  
10 substance.

11 (q) "Deliver" or "delivery" means the actual or constructive  
12 transfer from one person to another of a substance, whether or not  
13 there is an agency relationship.

14 (r) "Department" means the department of health.

15 (s) "Designated provider" has the meaning provided in RCW  
16 69.51A.010.

17 (t) "Dispense" means the interpretation of a prescription or  
18 order for a controlled substance and, pursuant to that prescription  
19 or order, the proper selection, measuring, compounding, labeling, or  
20 packaging necessary to prepare that prescription or order for  
21 delivery.

22 (u) "Dispenser" means a practitioner who dispenses.

23 (v) "Distribute" means to deliver other than by administering or  
24 dispensing a controlled substance.

25 (w) "Distributor" means a person who distributes.

26 (x) "Drug" means (1) a controlled substance recognized as a drug  
27 in the official United States pharmacopoeia/national formulary or the  
28 official homeopathic pharmacopoeia of the United States, or any  
29 supplement to them; (2) controlled substances intended for use in the  
30 diagnosis, cure, mitigation, treatment, or prevention of disease in  
31 individuals or animals; (3) controlled substances (other than food)  
32 intended to affect the structure or any function of the body of  
33 individuals or animals; and (4) controlled substances intended for  
34 use as a component of any article specified in (1), (2), or (3) of  
35 this subsection. The term does not include devices or their  
36 components, parts, or accessories.

37 (y) "Drug enforcement administration" means the drug enforcement  
38 administration in the United States Department of Justice, or its  
39 successor agency.

1 (z) "Electronic communication of prescription information" means  
2 the transmission of a prescription or refill authorization for a drug  
3 of a practitioner using computer systems. The term does not include a  
4 prescription or refill authorization verbally transmitted by  
5 telephone nor a facsimile manually signed by the practitioner.

6 (aa) "Immature plant or clone" means a plant or clone that has no  
7 flowers, is less than twelve inches in height, and is less than  
8 twelve inches in diameter.

9 (bb) "Immediate precursor" means a substance:

10 (1) that the commission has found to be and by rule designates as  
11 being the principal compound commonly used, or produced primarily for  
12 use, in the manufacture of a controlled substance;

13 (2) that is an immediate chemical intermediary used or likely to  
14 be used in the manufacture of a controlled substance; and

15 (3) the control of which is necessary to prevent, curtail, or  
16 limit the manufacture of the controlled substance.

17 (cc) "Isomer" means an optical isomer, but in subsection (gg)(5)  
18 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
19 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
20 (42), and 69.50.210(c) the term includes any positional isomer; and  
21 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
22 includes any positional or geometric isomer.

23 (dd) "Lot" means a definite quantity of cannabis, cannabis  
24 concentrates, useable cannabis, or cannabis-infused product  
25 identified by a lot number, every portion or package of which is  
26 uniform within recognized tolerances for the factors that appear in  
27 the labeling.

28 (ee) "Lot number" must identify the licensee by business or trade  
29 name and Washington state unified business identifier number, and the  
30 date of harvest or processing for each lot of cannabis, cannabis  
31 concentrates, useable cannabis, or cannabis-infused product.

32 (ff) "Manufacture" means the production, preparation,  
33 propagation, compounding, conversion, or processing of a controlled  
34 substance, either directly or indirectly or by extraction from  
35 substances of natural origin, or independently by means of chemical  
36 synthesis, or by a combination of extraction and chemical synthesis,  
37 and includes any packaging or repackaging of the substance or  
38 labeling or relabeling of its container. The term does not include  
39 the preparation, compounding, packaging, repackaging, labeling, or  
40 relabeling of a controlled substance:

1 (1) by a practitioner as an incident to the practitioner's  
2 administering or dispensing of a controlled substance in the course  
3 of the practitioner's professional practice; or

4 (2) by a practitioner, or by the practitioner's authorized agent  
5 under the practitioner's supervision, for the purpose of, or as an  
6 incident to, research, teaching, or chemical analysis and not for  
7 sale.

8 (gg) "Narcotic drug" means any of the following, whether produced  
9 directly or indirectly by extraction from substances of vegetable  
10 origin, or independently by means of chemical synthesis, or by a  
11 combination of extraction and chemical synthesis:

12 (1) Opium, opium derivative, and any derivative of opium or opium  
13 derivative, including their salts, isomers, and salts of isomers,  
14 whenever the existence of the salts, isomers, and salts of isomers is  
15 possible within the specific chemical designation. The term does not  
16 include the isoquinoline alkaloids of opium.

17 (2) Synthetic opiate and any derivative of synthetic opiate,  
18 including their isomers, esters, ethers, salts, and salts of isomers,  
19 esters, and ethers, whenever the existence of the isomers, esters,  
20 ethers, and salts is possible within the specific chemical  
21 designation.

22 (3) Poppy straw and concentrate of poppy straw.

23 (4) Coca leaves, except coca leaves and extracts of coca leaves  
24 from which cocaine, ecgonine, and derivatives or ecgonine or their  
25 salts have been removed.

26 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

27 (6) Cocaine base.

28 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
29 thereof.

30 (8) Any compound, mixture, or preparation containing any quantity  
31 of any substance referred to in (1) through (7) of this subsection.

32 (hh) "Opiate" means any substance having an addiction-forming or  
33 addiction-sustaining liability similar to morphine or being capable  
34 of conversion into a drug having addiction-forming or addiction-  
35 sustaining liability. The term includes opium, substances derived  
36 from opium (opium derivatives), and synthetic opiates. The term does  
37 not include, unless specifically designated as controlled under RCW  
38 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
39 and its salts (dextromethorphan). The term includes the racemic and  
40 levorotatory forms of dextromethorphan.

1 (ii) "Opium poppy" means the plant of the species *Papaver*  
2 *somniferum* L., except its seeds.

3 (jj) "Person" means individual, corporation, business trust,  
4 estate, trust, partnership, association, joint venture, government,  
5 governmental subdivision or agency, or any other legal or commercial  
6 entity.

7 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

8 (ll) "Poppy straw" means all parts, except the seeds, of the  
9 opium poppy, after mowing.

10 (mm) "Practitioner" means:

11 (1) A physician under chapter 18.71 RCW; a physician assistant  
12 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
13 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW  
14 who is certified by the optometry board under RCW 18.53.010 subject  
15 to any limitations in RCW 18.53.010; a dentist under chapter 18.32  
16 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a  
17 veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
18 registered nurse practitioner, or licensed practical nurse under  
19 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
20 who is licensed under RCW 18.36A.030 subject to any limitations in  
21 RCW 18.36A.040 and section 2 of this act; a pharmacist under chapter  
22 18.64 RCW or a scientific investigator under this chapter, licensed,  
23 registered or otherwise permitted insofar as is consistent with those  
24 licensing laws to distribute, dispense, conduct research with respect  
25 to or administer a controlled substance in the course of their  
26 professional practice or research in this state.

27 (2) A pharmacy, hospital or other institution licensed,  
28 registered, or otherwise permitted to distribute, dispense, conduct  
29 research with respect to or to administer a controlled substance in  
30 the course of professional practice or research in this state.

31 (3) A physician licensed to practice medicine and surgery, a  
32 physician licensed to practice osteopathic medicine and surgery, a  
33 dentist licensed to practice dentistry, a podiatric physician and  
34 surgeon licensed to practice podiatric medicine and surgery, a  
35 licensed physician assistant or a licensed osteopathic physician  
36 assistant specifically approved to prescribe controlled substances by  
37 his or her state's medical commission or equivalent and his or her  
38 supervising physician, an advanced registered nurse practitioner  
39 licensed to prescribe controlled substances, a naturopathic physician  
40 licensed to prescribe controlled substances, or a veterinarian

1 licensed to practice veterinary medicine in any state of the United  
2 States.

3 (nn) "Prescription" means an order for controlled substances  
4 issued by a practitioner duly authorized by law or rule in the state  
5 of Washington to prescribe controlled substances within the scope of  
6 his or her professional practice for a legitimate medical purpose.

7 (oo) "Production" includes the manufacturing, planting,  
8 cultivating, growing, or harvesting of a controlled substance.

9 (pp) "Qualifying patient" has the meaning provided in RCW  
10 69.51A.010.

11 (qq) "Recognition card" has the meaning provided in RCW  
12 69.51A.010.

13 (rr) "Retail outlet" means a location licensed by the board for  
14 the retail sale of cannabis concentrates, useable cannabis, and  
15 cannabis-infused products.

16 (ss) "Secretary" means the secretary of health or the secretary's  
17 designee.

18 (tt) "State," unless the context otherwise requires, means a  
19 state of the United States, the District of Columbia, the  
20 Commonwealth of Puerto Rico, or a territory or insular possession  
21 subject to the jurisdiction of the United States.

22 (uu) "THC concentration" means percent of delta-9  
23 tetrahydrocannabinol content per dry weight of any part of the plant  
24 *Cannabis*, or per volume or weight of cannabis product, or the  
25 combined percent of delta-9 tetrahydrocannabinol and  
26 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
27 regardless of moisture content.

28 (vv) "Ultimate user" means an individual who lawfully possesses a  
29 controlled substance for the individual's own use or for the use of a  
30 member of the individual's household or for administering to an  
31 animal owned by the individual or by a member of the individual's  
32 household.

33 (ww) "Useable cannabis" means dried cannabis flowers. The term  
34 "useable cannabis" does not include either cannabis-infused products  
35 or cannabis concentrates.

36 (xx) "Youth access" means the level of interest persons under the  
37 age of twenty-one may have in a vapor product, as well as the degree  
38 to which the product is available or appealing to such persons, and

1 the likelihood of initiation, use, or addiction by adolescents and  
2 young adults.

--- END ---