



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Health- Board of Pharmacy

Subject of possible rule making: Chapter 246-889 WAC Pharmaceutical - Precursor Substance Control. The Board of Pharmacy (Board) is proposing to create new sections and amend WAC 246-889-070 through -110 as necessary to adopt procedures and enforceable standards for a statewide electronic sales tracking system for nonprescription sales of ephedrine (EPH), pseudoephedrine (PSE), and phenylpropanolamine (PPA).

Statutes authorizing the agency to adopt rules on this subject: Engrossed Second Substitute House Bill 2961, Chapter 182 Laws of 2010

Reasons why rules on this subject may be needed and what they might accomplish: ESSHB2961 requires the Board to adopt rules to implement a real-time electronic stop-sale tracking system of nonprescription products containing any detectable quantity of EPH, PSE, or PPA. The Board will enter into a public-private partnership to provide the tracking system to required entities. Rules will establish criteria and duration of exemptions from participation in the electronic stop-sale tracking program; institute safeguards to protect purchasers' privacy, and update product purchase limits to comply with the law. Rules are needed to implement the law and establish the tracking system to reduce the impact of methamphetamine on public health and safety.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
The Board of Pharmacy will coordinate participation with law enforcement, Washington State Sheriffs and Police Chiefs (WASPC), and the federal Drug Enforcement Administration (DEA). Law enforcement and WASPC monitor and enforce against the criminal activities associated with the illegal purchase of products used in methamphetamine production, for which the rules will regulate. All parties will be invited to participate in the rule/stakeholder process.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Parties interested in participating and receiving additional information regarding the development of rules in this matter may join an interested parties list. Please send your email request to the Department of Health, Board of Pharmacy, PO Box 47863, Olympia WA 98504, by fax to (360) 236-2901 or via email to wsbop@doh.wa.gov. If you have any questions, please contact Doreen Beebe at (360) 236-4834.

DATE
June 22, 2010

NAME (TYPE OR PRINT)
Susan T. Boyer

SIGNATURE

TITLE
Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 23, 2010
TIME: 9:39 AM

WSR 10-13-174