

health care entity shall comply with all state and federal laws and rules relating to the dispensing of drugs and the practice of pharmacy; or

(2) In the absence of the pharmacist from the hospital pharmacy, to prohibit a registered nurse designated by the hospital and the responsible pharmacist from obtaining from the hospital pharmacy such drugs as are needed in an emergency: PROVIDED, That proper record is kept of such emergency, including the date, time, name of prescriber, the name of the nurse obtaining the drugs, and a list of what drugs and quantities of same were obtained; or

(3) To prevent shopkeepers, itinerant vendors, peddlers, or salesmen from dealing in and selling nonprescription drugs, if such drugs are sold in the original packages of the manufacturer, or in packages put up by a licensed pharmacist in the manner provided by the state board of pharmacy, if such shopkeeper, itinerant vendor, salesman, or peddler shall have obtained a registration.

Passed the House April 20, 1995.

Passed the Senate April 11, 1995.

Approved by the Governor May 11, 1995.

Filed in Office of Secretary of State May 11, 1995.

## CHAPTER 320

[Substitute House Bill 1273]

### INDIAN TRIBES—REFUND OF MOTOR VEHICLE AND SPECIAL FUEL TAXES TO

AN ACT Relating to refunding motor vehicle fuel and special fuel taxes to Indian tribes; adding a new section to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature recognizes that certain Indian tribes located on reservations within this state dispute the authority of the state to impose a tax upon the tribe, or upon tribal members, based upon the distribution, sale, or other transfer of motor vehicle and other fuels to the tribe or its members when that distribution, sale, or other transfer takes place upon that tribe's reservation. While the legislature believes it has the authority to impose state motor vehicle and other fuel taxes under such circumstances, it also recognizes that all of the state citizens may benefit from resolution of these disputes between the respective governments.

**NEW SECTION.** Sec. 2. A new section is added to chapter 82.36 RCW to read as follows:

The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's motor vehicle fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District

of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. CY-92-248-JLO.

**NEW SECTION.** Sec. 3. A new section is added to chapter 82.38 RCW to read as follows:

The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's special fuel tax, or the hudgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. CY-92-248-JLO.

**NEW SECTION.** Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 19, 1995.

Passed the Senate April 13, 1995.

Approved by the Governor May 11, 1995.

Filed in Office of Secretary of State May 11, 1995.

## CHAPTER 321

[Engrossed Substitute House Bill 1298]

### OPIATE SUBSTITUTION TREATMENT

AN ACT Relating to methadone treatment; and amending RCW 70.96A.400, 70.96A.410, and 70.96A.420.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 70.96A.400 and 1989 c 270 s 20 are each amended to read as follows:

The state of Washington declares that there is no fundamental right to ~~((methadone))~~ opiate substitution treatment. The state of Washington further declares that while methadone ~~((is an))~~ and other like pharmacological drugs, used in the treatment of opiate dependency are addictive substances, that ~~((it))~~ they nevertheless ((has)) have several legal, important, and justified uses and that one of ~~((its))~~ their appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the treatment of persons addicted to or habituated to opioids.

Because methadone ~~((is))~~ and other like pharmacological drugs, used in the treatment of opiate dependency are addictive and ~~((is))~~ are listed as a schedule II controlled substance in chapter 69.50 RCW, the state of Washington and authorizing counties on behalf of their citizens have the legal obligation and right