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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0092.1/03  
ATTY/TYPIST: KT:ads  
BRIEF DESCRIPTION: Reorganizing criminal statutes within Title 18  
RCW.

1 AN ACT Relating to reorganizing criminal statutes; amending RCW  
2 18.04.370, 18.06.130, 18.06.140, 18.08.460, 18.32.675, 18.32.745,  
3 18.32.755, 18.39.215, 18.39.217, 18.39.220, 18.39.231, 18.57.160,  
4 18.64.045, 18.64.046, 18.64.047, 18.64.246, 18.64.270, 18.71.190,  
5 18.92.230, 18.130.075, and 18.130.190; reenacting and amending RCW  
6 18.64.245; repealing RCW 18.06.150 and 18.64.247; and prescribing  
7 penalties.

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

9 **Sec. 1.** RCW 18.04.370 and 2001 c 294 s 19 are each amended to read  
10 as follows:

11 (1) Any person who violates any provision of this chapter(~~7~~)  
12 shall be guilty of a crime, as follows:

13 (a) Any person who violates any provision of this chapter is guilty  
14 of a misdemeanor, and upon conviction thereof, shall be subject to a  
15 fine of not more than ten thousand dollars, or to imprisonment for not  
16 more than six months, or to both such fine and imprisonment.

17 (b) Notwithstanding (a) of this subsection, any person who uses a  
18 professional title intended to deceive the public, in violation of RCW

1 18.04.345, having previously entered into a stipulated agreement and  
2 order of assurance with the board, is guilty of a class C felony, and  
3 upon conviction thereof, is subject to a fine of not more than ten  
4 thousand dollars, or to imprisonment for not more than two years, or to  
5 both such fine and imprisonment.

6 (2) With the exception of first time violations of RCW 18.04.345,  
7 subject to subsection (3) of this section whenever the board has reason  
8 to believe that any person is violating the provisions of this chapter  
9 it shall certify the facts to the prosecuting attorney of the county in  
10 which such person resides or may be apprehended and the prosecuting  
11 attorney shall cause appropriate proceedings to be brought against such  
12 person.

13 (3) The board may elect to enter into a stipulated agreement and  
14 orders of assurance with persons in violation of RCW 18.04.345 who have  
15 not previously been found to have violated the provisions of this  
16 chapter. The board may order full restitution to injured parties as a  
17 condition of a stipulated agreement and order of assurance.

18 (4) Nothing herein contained shall be held to in any way affect the  
19 power of the courts to grant injunctive or other relief as above  
20 provided.

21 **Sec. 2.** RCW 18.06.130 and 1995 c 323 s 11 are each amended to read  
22 as follows:

23 (1) The secretary shall develop a form to be used by an  
24 acupuncturist to inform the patient of the acupuncturist's scope of  
25 practice and qualifications. All license holders shall bring the form  
26 to the attention of the patients in whatever manner the secretary, by  
27 rule, provides.

28 (2) A person violating this section is guilty of a misdemeanor.

29 **Sec. 3.** RCW 18.06.140 and 1995 c 323 s 12 are each amended to read  
30 as follows:

31 (1) Every licensed acupuncturist shall develop a written plan for  
32 consultation, emergency transfer, and referral to other health care  
33 practitioners operating within the scope of their authorized practices.  
34 The written plan shall be submitted with the initial application for  
35 licensure as well as annually thereafter with the license renewal fee

1 to the department. The department may withhold licensure or renewal of  
2 licensure if the plan fails to meet the standards contained in rules  
3 adopted by the secretary.

4 (2) When the acupuncturist sees patients with potentially serious  
5 disorders such as cardiac conditions, acute abdominal symptoms, and  
6 such other conditions, the acupuncturist shall immediately request a  
7 consultation or recent written diagnosis from a physician licensed  
8 under chapter 18.71 or 18.57 RCW. In the event that the patient with  
9 the disorder refuses to authorize such consultation or provide a recent  
10 diagnosis from such physician, acupuncture treatment shall not be  
11 continued.

12 (3) A person violating this section is guilty of a misdemeanor.

13 **Sec. 4.** RCW 18.08.460 and 1985 c 37 s 17 are each amended to read  
14 as follows:

15 (1) Any person who violates any provision of this chapter or any  
16 rule promulgated under it is guilty of a misdemeanor and may also be  
17 subject to a civil penalty in an amount not to exceed one thousand  
18 dollars for each offense.

19 ~~((1))~~ (2) It shall be the duty of all officers in the state or  
20 any political subdivision thereof to enforce this chapter. Any public  
21 officer may initiate an action before the board to enforce the  
22 provisions of this chapter.

23 ~~((2))~~ (3) The board may apply for relief by injunction without  
24 bond to restrain a person from committing any act that is prohibited by  
25 this chapter. In such proceedings, it is not necessary to allege or  
26 prove either that an adequate remedy at law does not exist or that  
27 substantial irreparable damage would result from the continued  
28 violation thereof. The members of the board shall not be personally  
29 liable for their actions in any such proceeding or in any other  
30 proceeding instituted by the board under this chapter. The board in  
31 any proper case shall cause prosecution to be instituted in any county  
32 or counties where any violation of this chapter occurs, and shall aid  
33 the prosecution of the violator.

34 ~~((3))~~ (4) No person practicing architecture is entitled to  
35 maintain a proceeding in any court of this state relating to services  
36 in the practice of architecture unless it is alleged and proved that

1 the person was registered or authorized under this chapter to practice  
2 or offer to practice architecture at the time the architecture services  
3 were offered or provided.

4 **Sec. 5.** RCW 18.32.675 and 1935 c 112 s 19 are each amended to read  
5 as follows:

6 (1) No corporation shall practice dentistry or shall solicit  
7 through itself, or its agent, officers, employees, directors or  
8 trustees, dental patronage for any dentists or dental surgeon employed  
9 by any corporation: PROVIDED, That nothing contained in this chapter  
10 shall prohibit a corporation from employing a dentist or dentists to  
11 render dental services to its employees: PROVIDED, FURTHER, That such  
12 dental services shall be rendered at no cost or charge to the  
13 employees; nor shall it apply to corporations or associations in which  
14 the dental services were originated and are being conducted upon a  
15 purely charitable basis for the worthy poor, nor shall it apply to  
16 corporations or associations furnishing information or clerical  
17 services which can be furnished by persons not licensed to practice  
18 dentistry, to any person lawfully engaged in the practice of dentistry,  
19 when such dentist assumes full responsibility for such information and  
20 services.

21 (2) Any corporation violating the provisions of this section is  
22 guilty of a gross misdemeanor, and each day that this chapter is  
23 violated shall be considered a separate offense.

24 **Sec. 6.** RCW 18.32.745 and 1994 sp.s. c 9 s 224 are each amended to  
25 read as follows:

26 (1) No manager, proprietor, partnership, or association owning,  
27 operating, or controlling any room, office, or dental parlors, where  
28 dental work is done, provided, or contracted for, shall employ or  
29 retain any unlicensed person or dentist as an operator; nor shall fail,  
30 within ten days after demand made by the secretary of health or the  
31 commission in writing sent by certified mail, addressed to any such  
32 manager, proprietor, partnership, or association at the room, office,  
33 or dental parlor, to furnish the secretary of health or the commission  
34 with the names and addresses of all persons practicing or assisting in  
35 the practice of dentistry in his or her place of business or under his

1 or her control, together with a sworn statement showing by what license  
2 or authority the persons are practicing dentistry.

3 The sworn statement shall not be used as evidence in any subsequent  
4 court proceedings, except in a prosecution for perjury connected with  
5 its execution.

6 (2) Any violation of the provisions of this section is improper,  
7 unprofessional, and dishonorable conduct (~~(, it also is)~~), and grounds  
8 for injunction proceedings as provided by this chapter (~~(, and in~~  
9 ~~addition is)~~).

10 (3) (a) Except as provided in (b) of this subsection, a violation of  
11 this section is also a gross misdemeanor (~~(, except that)~~).

12 (b) The failure to furnish the information as may be requested in  
13 accordance with this section is a misdemeanor.

14 **Sec. 7.** RCW 18.32.755 and 1994 sp.s. c 9 s 225 are each amended to  
15 read as follows:

16 (1) Any advertisement or announcement for dental services must  
17 include for each office location advertised the names of all persons  
18 practicing dentistry at that office location.

19 (2) Any violation of the provisions of this section is improper,  
20 unprofessional, and dishonorable conduct (~~(, it also is)~~), and grounds  
21 for injunction proceedings as provided by RCW 18.130.190(4) (~~(, and in~~  
22 ~~addition is)~~).

23 (3) A violation of this section is also a gross misdemeanor.

24 **Sec. 8.** RCW 18.39.215 and 1987 c 331 s 76 are each amended to read  
25 as follows:

26 (1) (a) No licensed embalmer shall embalm a deceased body without  
27 first having obtained authorization from a family member or  
28 representative of the deceased.

29 (b) Notwithstanding the above prohibition a licensee may embalm  
30 without such authority when after due diligence no authorized person  
31 can be contacted and embalming is in accordance with legal or accepted  
32 standards of care in the community, or the licensee has good reason to  
33 believe that the family wishes embalming. If embalming is performed  
34 under these circumstances, the licensee shall not be deemed to be in  
35 violation of the provisions of this subsection.

1        (c) The funeral director or embalmer shall inform the family member  
2 or representative of the deceased that embalming is not required by  
3 state law, except that embalming is required under certain conditions  
4 as determined by rule by the state board of health.

5        (2) (a) Any person authorized to dispose of human remains shall  
6 refrigerate or embalm the body within twenty-four hours upon receipt of  
7 the body, unless disposition of the body has been made. However,  
8 subsection (1) of this section and RCW 68.50.108 shall be complied with  
9 before a body is embalmed. Upon written authorization of the proper  
10 state or local authority, the provisions of this subsection may be  
11 waived for a specified period of time.

12        (b) Violation of this subsection is a gross misdemeanor.

13        **Sec. 9.** RCW 18.39.217 and 1985 c 402 s 7 are each amended to read  
14 as follows:

15        (1) A permit or endorsement issued by the board or under chapter  
16 68.05 RCW is required in order to operate a crematory or conduct a  
17 cremation.

18        (2) Conducting a cremation without a permit or endorsement is a  
19 misdemeanor. Each such cremation is a separate violation.

20        (3) Crematories owned or operated by or located on property  
21 licensed as a funeral establishment shall be regulated by the board of  
22 funeral directors and embalmers. Crematories not affiliated with a  
23 funeral establishment shall be regulated by the cemetery board.

24        **Sec. 10.** RCW 18.39.220 and 1981 c 43 s 16 are each amended to read  
25 as follows:

26        (1) Every funeral director or embalmer who pays, or causes to be  
27 paid, directly or indirectly, money, or other valuable consideration,  
28 for the securing of business, and every person who accepts money, or  
29 other valuable consideration, directly or indirectly, from a funeral  
30 director or from an embalmer, in order that the latter may obtain  
31 business is guilty of a gross misdemeanor.

32        (2) Every person who sells, or offers for sale, any share,  
33 certificate, or interest in the business of any funeral director or  
34 embalmer, or in any corporation, firm, or association owning or  
35 operating a funeral establishment, which promises or purports to give  
36 to the purchaser a right to the services of the funeral director,

1 embalmer, or corporation, firm, or association at a charge or cost less  
2 than that offered or given to the public, is guilty of a gross  
3 misdemeanor.

4 **Sec. 11.** RCW 18.39.231 and 1986 c 259 s 66 are each amended to  
5 read as follows:

6 (1) A funeral director or any person under the supervision of a  
7 funeral director shall not, in conjunction with any professional  
8 services performed for compensation under this chapter, provide  
9 financial or investment advice to any person other than a family  
10 member, represent any person in a real estate transaction, or act as an  
11 agent under a power of attorney for any person. However, this section  
12 shall not be deemed to prohibit a funeral establishment from entering  
13 into prearrangement funeral service contracts in accordance with this  
14 chapter or to prohibit a funeral director from providing advice about  
15 government or insurance benefits.

16 (2) A violation of this section is a gross misdemeanor and is  
17 grounds for disciplinary action.

18 (3) The board shall adopt such rules as the board deems reasonably  
19 necessary to prevent unethical financial dealings between funeral  
20 directors and their clients.

21 **Sec. 12.** RCW 18.57.160 and 1981 c 277 s 9 are each amended to read  
22 as follows:

23 Every person falsely claiming himself or herself to be the person  
24 named in a certificate issued to another, or falsely claiming himself  
25 or herself to be the person entitled to the same, (~~shall be~~) is  
26 guilty of (~~a felony, and, upon conviction thereof, shall be subject to~~  
27 ~~such penalties as are provided by the laws of this state for the crime~~  
28 ~~of~~) forgery under RCW 9A.60.020.

29 **Sec. 13.** RCW 18.64.045 and 1996 c 191 s 44 are each amended to  
30 read as follows:

31 (1) The owner of each and every place of business which  
32 manufactures drugs shall pay a license fee to be determined by the  
33 secretary, and thereafter, on or before a date to be determined by the  
34 secretary, a fee to be determined by the secretary as provided in RCW  
35 43.70.250 and 43.70.280, for which the owner shall receive a license of



1 location from the department, which shall entitle the owner to  
2 manufacture drugs at the location specified for the period ending on a  
3 date to be determined by the secretary, and each such owner shall at  
4 the time of payment of such fee file with the department, on a blank  
5 therefor provided, a declaration of ownership and location, which  
6 declaration of ownership and location so filed as aforesaid shall be  
7 deemed presumptive evidence of the ownership of such place of business  
8 mentioned therein. It shall be the duty of the owner to notify  
9 immediately the department of any change of location or ownership and  
10 to keep the license of location or the renewal thereof properly  
11 exhibited in such place of business.

12 (2) Failure to conform with this section (~~(shall be deemed)~~) is a  
13 misdemeanor, and each day that said failure continues (~~(shall be~~  
14 ~~deemed)~~) is a separate offense.

15 (3) In event (~~(such)~~) the license fee remains unpaid on the date  
16 due, no renewal or new license shall be issued except upon compliance  
17 with administrative procedures, administrative requirements, and fees  
18 determined as provided in RCW 43.70.250 and 43.70.280.

19 **Sec. 14.** RCW 18.64.046 and 1996 c 191 s 45 are each amended to  
20 read as follows:

21 (1) The owner of each place of business which sells legend drugs  
22 and nonprescription drugs, or nonprescription drugs at wholesale shall  
23 pay a license fee to be determined by the secretary, and thereafter, on  
24 or before a date to be determined by the secretary as provided in RCW  
25 43.70.250 and 43.70.280, a like fee to be determined by the secretary,  
26 for which the owner shall receive a license of location from the  
27 department, which shall entitle such owner to either sell legend drugs  
28 and nonprescription drugs or nonprescription drugs at wholesale at the  
29 location specified for the period ending on a date to be determined by  
30 the secretary, and each such owner shall at the time of payment of such  
31 fee file with the department, on a blank therefor provided, a  
32 declaration of ownership and location, which declaration of ownership  
33 and location so filed as aforesaid shall be deemed presumptive evidence  
34 of the ownership of such place of business mentioned therein. It shall  
35 be the duty of the owner to notify immediately the department of any  
36 change of location and ownership and to keep the license of location or  
37 the renewal thereof properly exhibited in such place of business.

1        (2) Failure to conform with this section (~~((shall be deemed))~~) is a  
2 misdemeanor, and each day that said failure continues (~~((shall be~~  
3 ~~deemed))~~) is a separate offense.

4        (3) In event (~~((such))~~) the license fee remains unpaid on the date  
5 due, no renewal or new license shall be issued except upon compliance  
6 with administrative procedures, administrative requirements, and fees  
7 determined as provided in RCW 43.70.250 and 43.70.280.

8        **Sec. 15.** RCW 18.64.047 and 1996 c 191 s 46 are each amended to  
9 read as follows:

10        (1) Any itinerant vendor or any peddler of any nonprescription drug  
11 or preparation for the treatment of disease or injury, shall pay a  
12 registration fee determined by the secretary on a date to be determined  
13 by the secretary as provided in RCW 43.70.250 and 43.70.280. The  
14 department may issue a registration to such vendor on an approved  
15 application made to the department.

16        (2) Any itinerant vendor or peddler who shall vend or sell, or  
17 offer to sell to the public any such nonprescription drug or  
18 preparation without having registered to do so as provided in this  
19 section, (~~((shall be))~~) is guilty of a misdemeanor and each sale or offer  
20 to sell shall constitute a separate offense.

21        (3) In event (~~((such))~~) the registration fee remains unpaid on the  
22 date due, no renewal or new registration shall be issued except upon  
23 compliance with administrative procedures, administrative requirements,  
24 and fees determined as provided in RCW 43.70.250 and 43.70.280. This  
25 registration shall not authorize the sale of legend drugs or controlled  
26 substances.

27        **Sec. 16.** RCW 18.64.245 and 1989 1st ex.s. c 9 s 402 and 1989 c 352  
28 s 2 are each reenacted and amended to read as follows:

29        (1) Every proprietor or manager of a pharmacy shall keep readily  
30 available a suitable record of prescriptions which shall preserve for  
31 a period of not less than two years the record of every prescription  
32 dispensed at such pharmacy which shall be numbered, dated, and filed,  
33 and shall produce the same in court or before any grand jury whenever  
34 lawfully required to do so. The record shall be maintained either  
35 separately from all other records of the pharmacy or in such form that  
36 the information required is readily retrievable from ordinary business

1 records of the pharmacy. All record-keeping requirements for  
2 controlled substances must be complied with. Such record of  
3 prescriptions shall be for confidential use in the pharmacy, only. The  
4 record of prescriptions shall be open for inspection by the board of  
5 pharmacy or any officer of the law, who is authorized to enforce  
6 chapter 18.64, 69.41, or 69.50 RCW.

7 (2) A person violating this section is guilty of a misdemeanor.

8 **Sec. 17.** RCW 18.64.246 and 2002 c 96 s 1 are each amended to read  
9 as follows:

10 (1) To every box, bottle, jar, tube or other container of a  
11 prescription which is dispensed there shall be fixed a label bearing  
12 the name and address of the dispensing pharmacy, the prescription  
13 number, the name of the prescriber, the prescriber's directions, the  
14 name and strength of the medication, the name of the patient, the date,  
15 and the expiration date. The security of the cover or cap on every  
16 bottle or jar shall meet safety standards adopted by the state board of  
17 pharmacy. At the prescriber's request, the name and strength of the  
18 medication need not be shown. If the prescription is for a combination  
19 medication product, the generic names of the medications combined or  
20 the trade name used by the manufacturer or distributor for the product  
21 shall be noted on the label. The identification of the licensed  
22 pharmacist responsible for each dispensing of medication must either be  
23 recorded in the pharmacy's record system or on the prescription label.  
24 This section shall not apply to the dispensing of medications to in-  
25 patients in hospitals.

26 (2) A person violating this section is guilty of a misdemeanor.

27 **Sec. 18.** RCW 18.64.270 and 1963 c 38 s 13 are each amended to read  
28 as follows:

29 (1) Every proprietor of a wholesale or retail drug store shall be  
30 held responsible for the quality of all drugs, chemicals or medicines  
31 sold or dispensed by him or her except those sold in original packages  
32 of the manufacturer and except those articles or preparations known as  
33 patent or proprietary medicines.

34 (2) Any person who shall knowingly, willfully or fraudulently  
35 falsify or adulterate any drug or medicinal substance or preparation  
36 authorized or recognized by an official compendium or used or intended

1 to be used in medical practice, or shall willfully, knowingly or  
2 fraudulently offer for sale, sell or cause the same to be sold for  
3 medicinal purposes, (~~shall be deemed~~) is guilty of a misdemeanor, and  
4 upon conviction thereof shall be punished by a fine in any sum not less  
5 than seventy-five nor more than one hundred and fifty dollars or by  
6 imprisonment in the county jail for a period of not less than one month  
7 nor more than three months, and any person convicted a third time for  
8 violation of any of the provisions of this section may suffer both fine  
9 and imprisonment. In any case he or she shall forfeit to the state of  
10 Washington all drugs or preparations so falsified or adulterated.

11 **Sec. 19.** RCW 18.71.190 and 1909 c 192 s 16 are each amended to  
12 read as follows:

13 Every person filing for record, or attempting to file for record,  
14 the certificate issued to another, falsely claiming himself or herself  
15 to be the person named in such certificate, or falsely claiming himself  
16 or herself to be the person entitled to the same, (~~shall be~~) is  
17 guilty of (~~a felony, and, upon conviction thereof, shall be subject to~~  
18 ~~such penalties as are provided by the laws of this state for the crime~~  
19 ~~of~~) forgery under RCW 9A.60.020.

20 **Sec. 20.** RCW 18.92.230 and 1941 c 71 s 23 are each amended to read  
21 as follows:

22 Any person filing or attempting to file, as his or her own, the  
23 diploma or license of another shall be deemed guilty of (~~a felony, and~~  
24 ~~upon conviction thereof, shall be subject to such fine and imprisonment~~  
25 ~~as is made and provided by the statutes of this state for the crime~~  
26 ~~of~~) forgery under RCW 9A.60.020.

27 **Sec. 21.** RCW 18.130.075 and 1991 c 332 s 2 are each amended to  
28 read as follows:

29 (1) If an individual licensed in another state(~~(7)~~) that has  
30 licensing standards substantially equivalent to Washington(~~(7)~~) applies  
31 for a license, the disciplining authority shall issue a temporary  
32 practice permit authorizing the applicant to practice the profession  
33 pending completion of documentation that the applicant meets the  
34 requirements for a license and is also not subject to denial of a  
35 license or issuance of a conditional license under this chapter. The

1 temporary permit may reflect statutory limitations on the scope of  
2 practice. The permit shall be issued only upon the disciplining  
3 authority receiving verification from the states in which the applicant  
4 is licensed that the applicant is currently licensed and is not subject  
5 to charges or disciplinary action for unprofessional conduct or  
6 impairment. Notwithstanding RCW 34.05.422(3), the disciplining  
7 authority shall establish, by rule, the duration of the temporary  
8 practice permits.

9 (2) Failure to surrender the temporary practice permit is a  
10 misdemeanor under RCW 9A.20.010 and shall be unprofessional conduct  
11 under this chapter.

12 (3) The issuance of temporary permits is subject to the provisions  
13 of this chapter, including summary suspensions.

14 **Sec. 22.** RCW 18.130.190 and 2001 c 207 s 2 are each amended to  
15 read as follows:

16 (1) The secretary shall investigate complaints concerning practice  
17 by unlicensed persons of a profession or business for which a license  
18 is required by the chapters specified in RCW 18.130.040. In the  
19 investigation of the complaints, the secretary shall have the same  
20 authority as provided the secretary under RCW 18.130.050.

21 (2) The secretary may issue a notice of intention to issue a cease  
22 and desist order to any person whom the secretary has reason to believe  
23 is engaged in the unlicensed practice of a profession or business for  
24 which a license is required by the chapters specified in RCW  
25 18.130.040. The person to whom such notice is issued may request an  
26 adjudicative proceeding to contest the charges. The request for  
27 hearing must be filed within twenty days after service of the notice of  
28 intention to issue a cease and desist order. The failure to request a  
29 hearing constitutes a default, whereupon the secretary may enter a  
30 permanent cease and desist order, which may include a civil fine. All  
31 proceedings shall be conducted in accordance with chapter 34.05 RCW.

32 (3) If the secretary makes a final determination that a person has  
33 engaged or is engaging in unlicensed practice, the secretary may issue  
34 a cease and desist order. In addition, the secretary may impose a  
35 civil fine in an amount not exceeding one thousand dollars for each day  
36 upon which the person engaged in unlicensed practice of a business or

1 profession for which a license is required by one or more of the  
2 chapters specified in RCW 18.130.040. The proceeds of such fines shall  
3 be deposited to the health professions account.

4 (4) If the secretary makes a written finding of fact that the  
5 public interest will be irreparably harmed by delay in issuing an  
6 order, the secretary may issue a temporary cease and desist order. The  
7 person receiving a temporary cease and desist order shall be provided  
8 an opportunity for a prompt hearing. The temporary cease and desist  
9 order shall remain in effect until further order of the secretary. The  
10 failure to request a prompt or regularly scheduled hearing constitutes  
11 a default, whereupon the secretary may enter a permanent cease and  
12 desist order, which may include a civil fine.

13 (5) Neither the issuance of a cease and desist order nor payment of  
14 a civil fine shall relieve the person so practicing or operating a  
15 business without a license from criminal prosecution therefor, but the  
16 remedy of a cease and desist order or civil fine shall be in addition  
17 to any criminal liability. The cease and desist order is conclusive  
18 proof of unlicensed practice and may be enforced under RCW 7.21.060.  
19 This method of enforcement of the cease and desist order or civil fine  
20 may be used in addition to, or as an alternative to, any provisions for  
21 enforcement of agency orders set out in chapter 34.05 RCW.

22 (6) The attorney general, a county prosecuting attorney, the  
23 secretary, a board, or any person may in accordance with the laws of  
24 this state governing injunctions, maintain an action in the name of  
25 this state to enjoin any person practicing a profession or business for  
26 which a license is required by the chapters specified in RCW 18.130.040  
27 without a license from engaging in such practice or operating such  
28 business until the required license is secured. However, the  
29 injunction shall not relieve the person so practicing or operating a  
30 business without a license from criminal prosecution therefor, but the  
31 remedy by injunction shall be in addition to any criminal liability.

32 (7) (a) Unlicensed practice of a profession or operating a business  
33 for which a license is required by the chapters specified in RCW  
34 18.130.040, unless otherwise exempted by law, constitutes a gross  
35 misdemeanor for a single violation.

36 (b) Each subsequent violation, whether alleged in the same or in  
37 subsequent prosecutions, is a class C felony punishable according to  
38 chapter 9A.20 RCW.

1       (8) All fees, fines, forfeitures, and penalties collected or  
2 assessed by a court because of a violation of this section shall be  
3 remitted to the health professions account.

4       NEW SECTION.   **Sec. 23.** The following acts or parts of acts are  
5 each repealed:

6       (1) RCW 18.06.150 (Violations of RCW 18.06.130 or 18.06.140--  
7 Penalty) and 1985 c 326 s 15; and

8       (2) RCW 18.64.247 (Penalty for violation of RCW 18.64.245,  
9 18.64.246) and 1939 c 28 s 3.

--- END ---