
ENGROSSED SENATE BILL 6095

State of Washington

68th Legislature

2024 Regular Session

By Senators Robinson and Valdez; by request of Department of Health

Read first time 01/09/24. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to establishing clear authority for the secretary
2 of health to issue standing orders; and adding a new section to
3 chapter 43.70 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.70
6 RCW to read as follows:

7 (1) The secretary or the secretary's designee, who must be a
8 department employee, may issue a prescription or standing order for
9 any biological product, device, or drug for purposes of controlling
10 and preventing the spread of, mitigating, or treating any infectious
11 or noninfectious disease or threat to the public health. Any such
12 prescription or standing order is issued for a legitimate medical
13 purpose.

14 (2) To issue a prescription or standing order pursuant to this
15 section, the secretary or secretary's designee must:

16 (a) Hold a valid, unexpired, unrevoked, and unsuspended license
17 in this state that authorizes the issuance of the prescription or
18 standing order; and

19 (b) Comply with applicable licensing requirements not in conflict
20 with this section.

1 (3) The secretary or the secretary's designee has sole discretion
2 and owes no duty to any person to issue a prescription or standing
3 order pursuant to this section. This section does not create a
4 private cause of action. Notwithstanding any other provision of law,
5 neither the state nor the secretary nor the secretary's designee
6 shall be liable for any civil or criminal damages or any professional
7 disciplinary action related to the issuance of prescriptions or
8 standing orders pursuant to this section, other than for acts or
9 omissions constituting gross negligence or willful or wanton
10 misconduct.

11 (4) The secretary or the secretary's designee may place
12 limitations on the use of a prescription or standing order issued
13 pursuant to this section and should include appropriate
14 recommendations for follow-up care.

15 (5) Before issuing a standing order pursuant to this section,
16 unless the secretary or the secretary's designee determines that
17 doing so would result in a delay that is likely to endanger the
18 public health, the secretary or the secretary's designee shall
19 solicit and consider the recommendations of the local health officers
20 for the geographic areas to which the standing order will apply and,
21 in the discretion of the secretary or the secretary's designee,
22 stakeholders and persons with relevant knowledge.

23 (6) The secretary, the secretary's designee, and department
24 employees may acquire, possess, deliver, dispense, and administer a
25 biological product, device, or drug pursuant to a prescription or
26 standing order issued under this section provided that the individual
27 holds a valid, unexpired, unrevoked, and unsuspended license in this
28 state that authorizes such activity, as applicable, and complies with
29 applicable licensing requirements not in conflict with this section.
30 Other persons may acquire, possess, deliver, dispense, and administer
31 a biological product, device, or drug pursuant to a prescription or
32 standing order issued under this section as otherwise provided by
33 law.

34 (7) For purposes of this section:

35 (a) "Administer" means to directly apply a biological product,
36 device, or drug, whether by injection, inhalation, ingestion, or any
37 other means, to the body of a patient.

38 (b) "Biological product" means any of the following, when applied
39 to the prevention, treatment, or cure of a disease or condition of
40 human beings:

1 (i) A virus;
2 (ii) A therapeutic serum;
3 (iii) A toxin;
4 (iv) An antitoxin;
5 (v) A vaccine;
6 (vi) Blood, blood component, or derivative;
7 (vii) An allergenic product;
8 (viii) A protein or an analogous product; or
9 (ix) Arsphenamine, a derivative of arsphenamine, or any trivalent
10 organic arsenic compound.

11 (c) "Deliver" means to actually, constructively, or attempt to
12 transfer from one person to another a biological product, device, or
13 drug, whether or not there is an agency relationship.

14 (d) "Device" means any instrument, apparatus, or contrivance,
15 including their components, parts, and accessories, intended:

16 (i) For use in the diagnosis, cure, mitigation, treatment, or
17 prevention of disease in human beings or other animals; or

18 (ii) To affect the structure or any function of the body of human
19 beings or other animals.

20 (e) "Dispense" means the interpretation of a prescription or
21 order for a biological product, device, or drug and, pursuant to that
22 prescription or order, the proper selection, measuring, compounding,
23 labeling, or packaging necessary to prepare that prescription or
24 order for delivery.

25 (f) "Drug" means:

26 (i) Substances recognized as drugs in the official United States
27 pharmacopoeia, official homeopathic pharmacopoeia of the United
28 States, or official national formulary, or any supplement to any of
29 them;

30 (ii) Substances intended for use in the diagnosis, cure,
31 mitigation, treatment, or prevention of disease in human beings or
32 animals;

33 (iii) Substances, other than food, intended to affect the
34 structure or any function of the body of human beings or animals; and

35 (iv) Substances intended for use as a component of any article
36 specified in (f) (i), (ii), or (iii) of this subsection. It does not
37 include devices or their components, parts, or accessories.

38 (g) "Person" means any individual, corporation, government or
39 governmental subdivision or agency, business trust, estate, trust,
40 partnership or association, or any other legal entity.

1 (8) The secretary may adopt rules to implement this section.

2 (9) Nothing in this section shall limit or modify the authority
3 of a local health officer to issue a prescription or standing order
4 under any other provision of law.

5 (10) Nothing in this section shall be construed to allow the
6 secretary or the secretary's designee to issue a standing order to
7 require a person to take a drug or biological product or withhold a
8 drug or biological product from a person.

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