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**SENATE BILL 6095**

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**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.

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

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

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

32 (7) For purposes of this section:

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

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

39 (i) A virus;

40 (ii) A therapeutic serum;

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

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

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

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

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

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

23 (f) "Drug" means:

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

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

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

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

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

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

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

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