

RCW 43.70.183 Disease or public health threat control—

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

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

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

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

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

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

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

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

(7) For purposes of this section:

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

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

(i) A virus;

- (ii) A therapeutic serum;
- (iii) A toxin;
- (iv) An antitoxin;
- (v) A vaccine;
- (vi) Blood, blood component, or derivative;
- (vii) An allergenic product;
- (viii) A protein or an analogous product; or
- (ix) Arsphenamine, a derivative of arsphenamine, or any trivalent organic arsenic compound.

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

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

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

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

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

(f) "Drug" means:

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

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

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

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

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

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

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

(10) Nothing in this section shall be construed to allow the secretary or the secretary's designee to issue a standing order to require a person to take a drug or biological product or withhold a drug or biological product from a person. [2024 c 100 s 1.]