

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6366**

Chapter 63, Laws of 2006

59th Legislature  
2006 Regular Session

PANDEMIC INFLUENZA--PREPAREDNESS

EFFECTIVE DATE: 6/7/06

Passed by the Senate March 8, 2006  
YEAS 44 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House March 8, 2006  
YEAS 98 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6366** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

Approved March 15, 2006.

FILED

March 15, 2006 - 2:27 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 6366

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AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

**State of Washington**                      **59th Legislature**                      **2006 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by  
Senators Keiser, Thibaudeau and Kline)

READ FIRST TIME 02/7/06.

1            AN ACT Relating to preparation and response to pandemic influenza;  
2 and adding a new chapter to Title 70 RCW.

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

4            NEW SECTION.    **Sec. 1.** The legislature finds that:

5            (1) Pandemic influenza is a global outbreak of disease that occurs  
6 when a new virus appears in the human population, causes serious  
7 illness, and then spreads easily from person to person.

8            (2) Historically, pandemic influenza has occurred on average every  
9 thirty years. Most recently, the Asian flu in 1957-58 and the Hong  
10 Kong flu in 1968-69 killed seventy thousand and thirty-four thousand,  
11 respectively, in the United States.

12            (3) Another influenza pandemic could emerge with little warning,  
13 affecting a large number of people. Estimates are that another  
14 pandemic influenza would cause more than two hundred thousand deaths in  
15 our country, with as many as five thousand in Washington. Our state  
16 could also expect ten thousand to twenty-four thousand people needing  
17 hospital stays, and as many as a million people requiring outpatient  
18 visits. During a severe pandemic these numbers could be much higher.  
19 The economic losses could also be substantial.

1 (4) The current Avian or bird flu that is spreading around the  
2 world has the potential to start a pandemic. There is yet no proven  
3 vaccine, and antiviral medication supplies are limited and of unknown  
4 effectiveness against a human version of the virus, leaving traditional  
5 public health measures as the only means to slow the spread of the  
6 disease. Given the global nature of a pandemic, as much as possible,  
7 the state must be able to respond assuming only limited outside  
8 resources and assistance will be available.

9 (5) An effective response to pandemic influenza in Washington must  
10 focus at the local level and will depend on preestablished partnerships  
11 and collaborative planning on a range of best-case and worst-case  
12 scenarios. It will require flexibility and real-time decision making,  
13 guided by accurate information. It will also depend on a well-informed  
14 public that understands the dangers of pandemic influenza and the steps  
15 necessary to prevent the spread of the disease.

16 (6) Avian flu is but one example of an infectious disease that,  
17 were an outbreak to occur, could pose a significant statewide health  
18 hazard. As such, preparation for pandemic flu will also enhance the  
19 capacity of local public health jurisdictions to respond to other  
20 emergencies.

21 It is therefore the intent of the legislature that adequate  
22 pandemic flu preparedness and response plans be developed and  
23 implemented by local public health jurisdictions statewide in order to  
24 limit the number of illnesses and deaths, preserve the continuity of  
25 essential government and other community services, and minimize social  
26 disruption and economic loss in the event of an influenza pandemic.

27 NEW SECTION. **Sec. 2.** The definitions in this section apply  
28 throughout this chapter unless the context clearly requires otherwise.

29 (1) "Department" means the department of health.

30 (2) "Local health jurisdiction" means a local health department as  
31 established under chapter 70.05 RCW, a combined city-county health  
32 department as established under chapter 70.08 RCW, or a health district  
33 established under chapter 70.05 or 70.46 RCW.

34 (3) "Secretary" means the secretary of the department of health.

35 NEW SECTION. **Sec. 3.** (1) The secretary shall establish  
36 requirements and performance standards, consistent with any

1 requirements or standards established by the United States department  
2 of health and human services, regarding the development and  
3 implementation of local pandemic flu preparedness and response plans.

4 (2) To the extent state or federal funds are provided for this  
5 purpose, by November 1, 2006, each local health jurisdiction shall  
6 develop a pandemic flu preparedness and response plan, consistent with  
7 requirements and performance standards established in subsection (1) of  
8 this section, for the purpose of:

9 (a) Defining preparedness activities that should be undertaken  
10 before a pandemic occurs that will enhance the effectiveness of  
11 response measures;

12 (b) Describing the response, coordination, and decision-making  
13 structure that will incorporate the local health jurisdiction, the  
14 local health care system, other local response agencies, and state and  
15 federal agencies during the pandemic;

16 (c) Defining the roles and responsibilities for the local health  
17 jurisdiction, local health care partners, and local response agencies  
18 during all phases of a pandemic;

19 (d) Describing public health interventions in a pandemic response  
20 and the timing of such interventions;

21 (e) Serving as a guide for local health care system partners,  
22 response agencies, and businesses in the development of pandemic  
23 influenza response plans; and

24 (f) Providing technical support and information on which  
25 preparedness and response actions are based.

26 Each plan shall be developed based on an assessment by the local  
27 health jurisdiction of its current capacity to respond to pandemic flu  
28 and otherwise meet department outcome measures related to infectious  
29 disease outbreaks of statewide significance.

30 NEW SECTION. **Sec. 4.** (1) Each local health jurisdiction shall  
31 develop its pandemic flu preparedness and response plan based on the  
32 requirements and performance standards established under section 3(1)  
33 of this act and an assessment of the jurisdiction's current capacity to  
34 respond to pandemic flu. The plan shall be developed in consultation  
35 with appropriate public and private sector partners, including  
36 departments of emergency management, law enforcement, school districts,

1 hospitals and medical professionals, tribal governments, and business  
2 organizations. At a minimum, each plan shall address:

3 (a) Strategies to educate the public about the consequences of  
4 influenza pandemic and what each person can do to prepare, including  
5 the adoption of universal infectious disease prevention practices and  
6 maintaining appropriate emergency supplies;

7 (b) Jurisdiction-wide disease surveillance programs, coordinated  
8 with state and federal efforts, to detect pandemic influenza strains in  
9 humans and animals, including health care provider compliance with  
10 reportable conditions requirements, and investigation and analysis of  
11 reported illness or outbreaks;

12 (c) Communication systems, including the availability of and access  
13 to specialized communications equipment by health officials and  
14 community leaders, and the use of mass media outlets;

15 (d) Mass vaccination plans and protocols to rapidly administer  
16 vaccine and monitor vaccine effectiveness and safety;

17 (e) Guidelines for the utilization of antiviral medications for the  
18 treatment and prevention of influenza;

19 (f) Implementation of nonmedical measures to decrease the spread of  
20 the disease as guided by the epidemiology of the pandemic, including  
21 increasing adherence to public health advisories, voluntary social  
22 isolation during outbreaks, and health officer orders related to  
23 quarantines;

24 (g) Medical system mobilization, including improving the linkages  
25 and coordination of emergency responses across health care  
26 organizations, and assuring the availability of adequate facilities and  
27 trained personnel;

28 (h) Strategies for maintaining social order and essential community  
29 services while limiting the spread of disease throughout the duration  
30 of the pandemic; and

31 (i) The jurisdiction's relative priorities related to  
32 implementation of the above activities, based on available funding.

33 (2) To the extent state or federal funds are provided for this  
34 purpose, the department, in consultation with the state director of  
35 emergency management, shall provide technical assistance and disburse  
36 funds as needed, based on the formula developed under section 6 of this  
37 act, to support local health jurisdictions in developing their pandemic  
38 flu preparedness and response plans.

1        NEW SECTION.    **Sec. 5.** Local health jurisdictions shall submit  
2 their pandemic flu preparedness and response plans to the secretary by  
3 November 1, 2006. Upon receipt of a plan, the secretary shall approve  
4 or reject the plan. When the plan is determined by the department to  
5 comply with the requirements and integrate the performance standards  
6 established under section 3(1) of this act, any additional state or  
7 federal funding appropriated in the budget shall be provided to the  
8 local health jurisdiction to support the preparedness response  
9 activities identified in the plan, based upon a formula developed by  
10 the secretary under section 6 of this act. Preparedness and response  
11 activities include but are not limited to:

12        (1) Education, information, and outreach, in multiple languages, to  
13 increase community preparedness and reduce the spread of the disease  
14 should it occur;

15        (2) Development of materials and systems to be used in the event of  
16 a pandemic to keep the public informed about the influenza, the course  
17 of the pandemic, and response activities;

18        (3) Development of the legal documents necessary to facilitate and  
19 support the necessary government response;

20        (4) Training and response drills for local health jurisdiction  
21 staff, law enforcement, health care providers, and others with  
22 responsibilities identified in the plan;

23        (5) Enhancement of the communicable disease surveillance system;  
24 and

25        (6) Development of coordination and communication systems among  
26 responding agencies.

27        Where appropriate, these activities shall be coordinated and funded  
28 on a regional or statewide basis. The secretary, in consultation with  
29 the state director of emergency management, shall provide  
30 implementation support and assistance to a local health jurisdiction  
31 when the secretary or the local health jurisdiction has concerns  
32 regarding a jurisdiction's progress toward implementing its plan.

33        NEW SECTION.    **Sec. 6.** The secretary shall develop a formula for  
34 distribution of any federal and state funds appropriated in the omnibus  
35 appropriations act on or before July 1, 2006, to local health  
36 jurisdictions for development and implementation of their pandemic flu  
37 preparedness and response plans. The formula developed by the

1 secretary shall ensure that each local health jurisdiction receives a  
2 minimum amount of funds for plan development and that any additional  
3 funds for plan development be distributed equitably, including  
4 consideration of population and factors that increase susceptibility to  
5 an outbreak, upon soliciting the advice of the local health  
6 jurisdictions.

7 NEW SECTION. **Sec. 7.** The secretary shall:

8 (1) Develop a process for assessing the compliance of each local  
9 health jurisdiction with the requirements and performance standards  
10 developed under section 3(1) of this act at least biannually;

11 (2) By November 15, 2008, report to the legislature on the level of  
12 compliance with the performance standards established under section  
13 3(1) of this act. The report shall consider the extent to which local  
14 health jurisdictions comply with each performance standard and any  
15 impediments to meeting the expected level of performance.

16 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute  
17 a new chapter in Title 70 RCW.

Passed by the Senate March 8, 2006.

Passed by the House March 8, 2006.

Approved by the Governor March 15, 2006.

Filed in Office of Secretary of State March 15, 2006.