

SENATE BILL REPORT

SB 5302

As Reported by Senate Committee On:
Health & Long Term Care, January 29, 2021

Title: An act relating to establishing a personal protective equipment vendor database.

Brief Description: Establishing a personal protective equipment vendor database.

Sponsors: Senators Cleveland, Conway and Wilson, C..

Brief History:

Committee Activity: Health & Long Term Care: 1/25/21, 1/29/21 [DPS-WM, w/oRec].

Brief Summary of First Substitute Bill

- Creates a personal protective equipment vendor database managed by the Department of Enterprise Services.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: That Substitute Senate Bill No. 5302 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Keiser, Padden, Randall, Robinson, Van De Wege and Wilson, J.

Minority Report: That it be referred without recommendation.

Signed by Senator Holy.

Staff: Ricci Crinzi (786-7253)

Background: Personal protective equipment (PPE) refers to protective clothing, helmets, gloves, face shields, goggles, respirators, masks, or other equipment designed to protect the wearer from injury or the spread of infection or illness. The demand for PPE in healthcare facilities has surged since the onset of the COVID-19 pandemic. This resulted in PPE

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shortages and price increases.

The Washington State Department of Enterprise Services (DES) responded to the need for PPE by creating an online list of PPE vendors who DES purchased PPE from. This is not an endorsement and provides information about who the vendor is and what type of PPE was purchased.

The U.S. Food & Drug Administration (FDA) approves all PPE that is intended to be used as a medical device. This includes, but is not limited to, surgical masks, N95 respirators, medical gloves, and gowns. A vendor who wishes to sell PPE devices regulated by the FDA must apply to the FDA and provide specific information about the device before approval is granted. The FDA maintains a list of approved PPE vendors online.

Summary of Bill (First Substitute): DES must develop a PPE database of vendors from which DES or other public entities in Washington State have purchased or contracted for PPE. Before a vendor is added to the PPE vendor database, DES must have either purchased PPE from the vendor or received documentation adequate to demonstrate the vendor sold such equipment to at least one other public entity in Washington State.

DES may check a vendor's state business license and FDA registrations, or any other source prior to including the vendor in the database. DES has the authority to approve or deny any request to be included in the database or to remove a vendor from the database.

DES may require vendors to notify the department with any information they deem necessary to ensure the information listed on the database remains accurate. At least once a quarter, DES must publish the PPE database listed by product type on a website accessible to the public, and make any necessary updates to the vendor list.

Inclusion in the database does not constitute an express or implied warranty, guarantee, or approval of any product or any vendor and neither the DES nor the state of Washington may be held liable by any person or entity for any purchase from any vendor included in the database or for the use of any product or the information included in the database.

EFFECT OF CHANGES MADE BY HEALTH & LONG TERM CARE COMMITTEE (First Substitute):

- Requires DES to develop a PPE vendor database and list vendors that have sold PPE to DES or other public entities in Washington State.
- Allows DES to check a vendor's state business license and other registration sources before adding a vendor to the database.
- Requires DES to publish and update the public vendor database list at least once a quarter.
- Clarifies that inclusion on the database is not an endorsement by DES or the state of

Washington and a vendor may not hold DES or the state liable for any purchases made from a vendor on the list.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* OTHER: PPE was hard for every industry during the onset of the COVID-19 pandemic. This presented an unprecedented problem. This legislation proposes a database where anyone could find information out about PPE vendors. There are some proposed changes to this legislation.

Persons Testifying: OTHER: Jaime Rossman, Department of Enterprise Services.

Persons Signed In To Testify But Not Testifying: No one.