

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5178**

67th Legislature  
2021 Regular Session

Passed by the Senate April 14, 2021  
Yeas 43 Nays 5

---

**President of the Senate**

Passed by the House April 9, 2021  
Yeas 91 Nays 6

---

**Speaker of the House of  
Representatives**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5178** as passed by the Senate and the House of Representatives on the dates hereon set forth.

---

**Secretary**

FILED

**Secretary of State  
State of Washington**

---

**ENGROSSED SUBSTITUTE SENATE BILL 5178**

---

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

**State of Washington                      67th Legislature                      2021 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Cleveland, Muzzall, and Wilson, C.)

READ FIRST TIME 02/01/21.

1            AN ACT Relating to establishing timely considerations of waivers  
2 of select state health care laws to enable timely response by the  
3 health care system during a governor-declared statewide state of  
4 emergency; and adding a new section to chapter 43.06 RCW.

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

6            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 43.06  
7 RCW to read as follows:

8            (1)(a) If when declaring or amending a statewide state of  
9 emergency pursuant to RCW 43.06.010, the governor determines that the  
10 emergency demands immediate action by hospitals to prevent critical  
11 health system failures and ensure hospitals' ability to work with  
12 emergency management in responding to the emergency, the governor  
13 shall, either simultaneously or within five days of that  
14 determination, specify within the emergency order or amended  
15 emergency order which of the following health care related statutes  
16 and substantially equivalent regulations shall be waived or suspended  
17 based on the nature of the declared emergency:

- 18            (i) RCW 70.38.105(4) (a), (e), and (h);  
19            (ii) RCW 70.41.110, the following language only: "premises and";  
20            (iii) RCW 70.41.230;  
21            (iv) RCW 70.41.090 (3), (4), and (5);

1 (v) RCW 18.64.043(1), the following language only: "of location,  
2 which shall entitle the owner to operate such pharmacy at the  
3 location specified, or such other temporary location as the secretary  
4 may approve,";

5 (vi) RCW 18.64.043(2)(a), the following language only: "of  
6 location";

7 (vii) RCW 18.64.043(3), the following language only: "and to keep  
8 the license of location or the renewal thereof properly exhibited in  
9 said pharmacy.";

10 (viii) RCW 43.70.280(2), the following language only: "Such  
11 extension, reduction, or other modification of a licensing,  
12 certification, or registration period shall be by rule or regulation  
13 of the department of health adopted in accordance with the provisions  
14 of chapter 34.05 RCW. Such rules and regulations may provide a method  
15 for imposing and collecting such additional proportional fee as may  
16 be required for the extended or modified period."; and

17 (ix) RCW 18.360.010(11), the following language only: "physically  
18 present and is" and "in the facility. The health care practitioner  
19 does not need to be present during procedures to withdraw blood, but  
20 must be immediately available.".

21 (b) Hospitals that rely on waiver or suspension under (a) of this  
22 subsection shall notify the department within 14 days of initiating  
23 such reliance.

24 (c) Nothing in this section prevents the governor from waiving or  
25 suspending any statutes and substantially equivalent regulations  
26 outside the time frames established in this section. Additionally,  
27 the governor may waive or suspend any additional statutes, without  
28 limitation, as the governor deems necessary to address the emergency.

29 (2) Waivers and suspensions in subsection (1) of this section do  
30 not apply except to projects undertaken to provide or respond to  
31 surge capacity, including temporary increases in bed capacity, during  
32 the governor's declaration of a statewide state of emergency. Such  
33 projects and increases in bed capacity must comply with these  
34 statutory and regulatory provisions after the termination of the  
35 state of emergency.

--- END ---