

RCW 72.09.780 Abortion medications—Practice of pharmacy and wholesale distribution.

(1) The department is authorized to acquire, receive, possess, sell, resell, deliver, dispense, distribute, and engage in any activity constituting the practice of pharmacy or wholesale distribution with respect to abortion medications.

(2) The department may exercise the authority granted in this section for the benefit of any person, whether or not the person is in the custody or under the supervision of the department.

(3) The department shall exercise the authority granted in this section in accordance with any applicable law including, but not limited to, any applicable licensing requirements, except that the department is exempt from obtaining a wholesaler's license for any actions taken pursuant to chapter 195, Laws of 2023 as provided in RCW 18.64.046.

(4) (a) The department shall establish and operate a program to deliver, dispense, and distribute abortion medications described in this section. In circumstances in which the department is selling, delivering, or distributing abortion medications to a health care provider or health care entity, it may only sell, distribute, or deliver abortion medications to health care providers and health care entities that will only use the medications for the purposes of providing abortion care or medical management of early pregnancy loss.

(b) Any abortion medications sold, resold, delivered, dispensed, or distributed whether individually or wholesale shall be conducted at cost not to exceed list price, plus a fee of \$5 per dose to offset the cost of secure storage and delivery of medication. Revenues generated pursuant to chapter 195, Laws of 2023 shall be deposited to the general fund.

(5) Nothing in this section shall diminish any existing authority of the department.

(6) For the purposes of this section, the following definitions apply:

(a) "Abortion medications" means substances used in the course of medical treatment intended to induce the termination of a pregnancy including, but not limited to, mifepristone.

(b) "Deliver" has the same meaning as in RCW 18.64.011.

(c) "Dispense" has the same meaning as in RCW 18.64.011.

(d) "Distribute" has the same meaning as in RCW 18.64.011.

(e) "Health care entity" means a hospital, clinic, pharmacy, office, or similar setting where a health care provider provides health care to patients.

(f) "Health care provider" has the same meaning as in RCW 70.02.010.

(g) "Person" has the same meaning as in RCW 18.64.011.

(h) "Practice of pharmacy" has the same meaning as in RCW 18.64.011.

(i) "Wholesale distribution" has the same meaning as in WAC 246-945-001. [2023 c 195 § 2.]

Finding—Intent—2023 c 195: "(1) It is the longstanding public policy of this state to promote access to affordable, high quality sexual and reproductive health care, including abortion care, without unnecessary burdens or restrictions on patients or providers. In 1970 Washington was one of the first states to decriminalize abortion before Roe v. Wade; and in 1991 the people of Washington passed Initiative Measure 120, the reproductive privacy act, further

protecting access to abortion services. It is the public policy of the state of Washington to continue to protect and advance equal rights to access abortion care that meets each individual's needs, including access to abortion medications.

(2) The legislature finds that the continued attack on reproductive freedoms across the country require immediate action to protect the right to abortion access in Washington. Therefore, it is the intent of the legislature to ensure access to abortion medications for individuals seeking abortion care." [2023 c 195 § 1.]

Retroactive application—2023 c 195: "This act applies retroactively and prospectively." [2023 c 195 § 4.]

Construction—2023 c 195: "The provision of this act shall be liberally construed to give effect to the policies and purposes of this act." [2023 c 195 § 5.]

Effective date—2023 c 195: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 27, 2023]." [2023 c 195 § 6.]