JAY INSLEE
Governor

STATE OF WASHINGTON
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PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING
PROCLAMATIONS 20-05 and 20-36, et seq.

20-36.8
Department of Health– Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to increase its spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, several vaccines have now been developed for use against the virus that causes COVID-19, and the need for rapid inoculation of health care workers, particularly vulnerable individuals, and ultimately the general public, requires the waiver and suspension of additional rules that regulate pharmacies, and requires an amendment to the existing prohibition contained in Proclamation 20-36 et seq., to allow pharmacies the flexibility to store the vaccines and other treatments outside of the main pharmacy location and to relax the requirements for supervision of non-pharmacy staff who need to access the storage areas where the vaccines and treatments are stored; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged

and similarly extended the prohibitions and waivers and suspension of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-36, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules in Proclamations 20-36, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-36, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or January 19, 2021, whichever occurs first; (2) similarly extend the prohibitions and waiver and suspension of rules therein until 11:59 p.m. on January 19, 2021; (3) waive and suspend additional rules as set out below, and (4) amend a prohibition herein as set out below.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220 (2)(g), I also find that strict compliance with the following regulatory obligations or limitations will prevent the health care system in Washington State from meeting the demands of the COVID-19 State of Emergency under Proclamation 20-05, and that the following language of each regulatory provision specified below is now hereby waived and suspended, until 11:59 p.m. on January 8, 2021:

- WAC 246-945-230(3)(a), (b), and (d), in their entirety; and (4) – the following language only: "is issued to a location and"

  Pursuant to RCW 43.06.220(1)(h) this waiver and suspension does not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, which must comply with these statutory and regulatory provisions after the expiration of this waiver, and to the possession and storage at locations other than a pharmacy's main location of COVID-19 vaccines and drugs for the treatment of COVID-19 for which the U.S. Food & Drug Administration has issued an emergency use authorization, license, or other approval.

- WAC 246-945-410(10)(b) – the following language only: "under the immediate supervision of the pharmacist"

  Pursuant to RCW 43.06.220(1)(h) this waiver and suspension does not apply except to the possession and storage at locations other than a pharmacy's main location of COVID-19 vaccines and drugs for the treatment of COVID-19 for which the U.S. Food & Drug Administration has issued an emergency use authorization, license, or other approval.

FURTHERMORE, the prohibition issued pursuant to RCW 43.06.220(1)(h) provides that the waivers and suspensions of the statutory language below:

- RCW 18.64.043(1) - the following language only: "of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve,"
- RCW 18.64.043(2)(a) - the following language only: "of location" in the first sentence.
- RCW 18.64.043(3) – the following language only: "and to keep the license of location or the renewal thereof properly exhibited in said pharmacy"

do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, which must comply with these statutory and regulatory provisions after the expiration of this waiver, is hereby amended to provide that the waivers and suspensions also apply to the possession and storage at locations other than a pharmacy's main location of COVID-19 vaccines and drugs for the treatment of COVID-19 for which the U.S. Food & Drug Administration has issued an emergency use authorization, license, or other approval.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 9th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State