



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 08, 2024

TIME: 8:15 AM

WSR 24-17-005

Agency: Department of Health

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) 9/30/2024 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: Creating licensing requirements for organ transport services and vehicles. Substitute House Bill (SHB) 1271 (chapter 290, Laws of 2023) Organ Transport Vehicles and Services directed the Department of Health to issue a license to organ transport services that meet minimum licensing standards. This adopted new rule establishes minimum requirements for vehicle and equipment standards, as well as establishes the licensing process to obtain an organ transport license. The law and the adopted rules will allow licensed organ transport vehicles to use lights and sirens, high occupancy vehicle (HOV) lanes, and signal preemptive devices to transport time critical organs and tissues within Washington State without compromising public health and safety.

Citation of rules affected by this order:

New: WAC 246-976-360

Repealed: None

Amended: None

Suspended: None

Statutory authority for adoption: RCW 18.73.081, RCW 43.70.040, and SHB 1271 (chapter 290, Laws of 2023) codified in RCW 18.73.290

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-11-155 on May 22, 2024.

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Jason Norris

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Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Date Adopted: 08/07/2024

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:



NEW SECTION

WAC 246-976-360 Organ transport service and vehicle license.

(1) The secretary licenses organ transport services and vehicles. To become licensed an applicant shall:

(a) Comply with RCW 18.73.290;

(b) Submit a completed application on forms provided by the department; and

(c) Meet the minimum organ transport vehicle standards in subsection (2) of this section.

(2) A licensed organ transport vehicle must meet the following standards:

(a) Essential equipment for driver and passenger safety and comfort must be in good working order;

(b) A paper copy of current state organ transport vehicle license must be made immediately available upon request;

(c) Tires must be in good condition;

(d) Electrical system. All regular and special electrical equipment must be functional at all times:

(i) Interior lighting in the driver compartment must be designed and located so that no glare is reflected from surrounding areas to the driver's eyes or line of vision from the instrument panel, switch panel, or other areas which may require illumination while the vehicle is in motion;

(ii) Exterior lights must be fully operational;

(iii) Emergency warning lights must be provided in accordance with RCW 46.37.190, as administered by the state patrol; and

(iv) Emergency audible warning signals may be used in accordance with RCW 46.37.380;

(e) Windshield wipers and washers must be dual, electric, multi-speed, and functional at all times;

(f) Battery system. The battery must be capable of sustaining all systems. It must be located in a ventilated area sealed off from the vehicle interior, and completely accessible for checking and removal;

(g) Vehicle brakes, heating and cooling units, and window glass, must be functional at all times;

(h) Equipment, organs, and tissue donors must be secured in the vehicle to prevent items from sliding, rolling, and vertical movement;

(i) Functioning seat belts that comply with Federal Motor Vehicle Safety Standards 207, 208, 209, and 210. Restraints must be provided in all seat positions in the vehicle;

(j) Mirrors on the left side and right side of the vehicle. The location of mounting must provide maximum rear vision from the driver's seated position;

(k) One 5-B:C fire extinguisher must be secured in a manner that prevents sliding, rolling, and vertical movement; and

(l) Exterior surfaces must be smooth, with appurtenances kept to a minimum.

(3) Drivers of organ transport vehicles must comply with RCW 18.73.290.

(4) Licenses for organ transport services and vehicles must be renewed every two years. To renew a license, an applicant shall submit an application to the department at least 30 days prior to expiration.