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127 as the longer-term strategy to include this in the program moving forward. Ms. Zell confirmed that WVA has  
128 determined that the statutory definition would not encompass Nirsevimab, and that WVA is working closely with the  
129 DOH and the State AG to effectuate the statutory change. She also discussed WVA's efforts to identify funding  
130 approaches for the upcoming season that could be presented to the Board of Directors on September 28 for  
131 consideration. She discussed in particular the potential for payers to commit to voluntarily fund Nirsevimab for this  
132 season, so that assessments do not begin until the legislation passes. She also discussed the potential for WVA to  
133 secure other appropriate funding to avoid use of its reserves before the legislation has passed. She noted that all of  
134 these options are subject to approval of the Board of Directors, which will meet on September 28. Kiran Griffith  
135 provided additional comments on legal risks to WVA with funding Nirsevimab before the legislation passes and what  
136 is being considered to mitigate these risks while supporting equitable access to the product.  
137

138 Dr. Marcuse proposed that the Vaccine Committee consider and vote on the following recommendations to the Board  
139 regarding Nirsevimab:  
140

- 141 1. WVA to Work with DOH to Make RSV Monoclonal Antibody Part of WA State Universal Vaccine Purchase  
142 Program this respiratory season.
- 143 2. WVA to Develop a Funding Mechanism to Protect Against Liability Pending Modification of Statute  
144 Governing WVA.
- 145 3. WVA to Collaborate with DOH, WCAAP, and Others to Modify Statute this Legislative Session to Update  
146 Definition of Vaccine.  
147

148 Dr. Marcuse then opened the meeting up for general discussion. Key questions and comments included the following:  
149

- 150 • What are the WVA's reserves and what are these amounts meant to be used for?
- 151 • What is the scope of WVA's authority to collect assessments under the statute? What is the legal risk to  
152 WVA to use reserves to pre-fund Nirsevimab before the statute is changed? What risk mitigation steps could  
153 be taken?
- 154 • Recognition that the Vaccine Committee's role is focused on clinical considerations and public health impact  
155 relating to a vaccine under proposed recommendations #1 and #3. Proposed recommendation #2 raises other  
156 legal and funding considerations beyond the focus of this Committee, but it is important context for the  
157 Committee to consider given the legal risks to the organization.  
158

#### 159 Next Steps 160

161 Upon motion duly made and seconded, it was unanimously:  
162

163 **VOTED: 11 in favor of proposed recommendations #1 and #3, no opposition. 10 in favor of proposed**  
164 **recommendation #2, no opposition.**  
165

#### 166 **IV. Public Comments** 167

168 No public comments.  
169

#### 170 **V. Closing** 171

172 The meeting adjourned at 7:57 a.m. PT.