

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

House Bill 4035

BY DELEGATES STANSBURY, HOUSEHOLDER, ELLINGTON,
SUMMERS, ROHRBACH, WELD, MILLER, HANSHAW,
WESTFALL, B. WHITE AND PERDUE

[Introduced January 18, 2016; referred to the
Committee on Health and Human Resources then the
Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §16-46-7; relating to permitting pharmacists to furnish naloxone hydrochloride
 3 in accordance with standardized procedures developed and approved by both the West
 4 Virginia Board of Pharmacy and the West Virginia Board of Medicine; and granting rule-
 5 making authority.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §16-46-7, to read as follows:

ARTICLE 46. ACCESS TO OPIOID ANTAGONISTS ACT.

§16-46-7. Over the counter sales of naloxone hydrochloride.

1 (a) Notwithstanding any other provision of this code to the contrary, a pharmacist may
 2 furnish naloxone hydrochloride in accordance with standardized procedures or protocols
 3 developed and approved by both the West Virginia Board of Pharmacy and the West Virginia
 4 Board of Medicine. In developing those standardized procedures or protocols, the boards shall
 5 include the following:

6 (1) Procedures to ensure education of the person to whom the drug is furnished, including,
 7 but not limited to, opioid overdose prevention, recognition, and response, safe administration of
 8 naloxone hydrochloride, potential side effects or adverse events, and the imperative to seek
 9 emergency medical care for the patient.

10 (2) Procedures to ensure the education of the person to whom the drug is furnished
 11 regarding the availability of drug treatment programs.

12 (3) Procedures for the notification of the patient's primary care provider with patient
 13 consent of any drugs or devices furnished to the patient, or entry of appropriate information in a

14 patient record system shared with the primary care provider, as permitted by that primary care
15 provider, and with patient consent.

16 (b) A pharmacist furnishing naloxone hydrochloride pursuant to this section may not permit
17 the person to whom the drug is furnished to waive any consultation required by the boards.

18 (c) Prior to performing a procedure authorized under this section, a pharmacist must have
19 completed a training program on the use of opioid antagonists that consists of at least one hour
20 of approved continuing education on the use of naloxone hydrochloride.

21 (d) The West Virginia Board of Pharmacy and the West Virginia Board of Medicine are
22 each authorized to ensure compliance with this section. Each board is specifically charged with
23 enforcing this section with respect to its respective licensees. This section does not expand the
24 authority of a pharmacist to prescribe any prescription medication.

25 (e) The boards shall propose legislative rules in accordance with article three, chapter
26 twenty-nine-a of this code to implement this section. Any rules promulgated before September 1,
27 2016, may be emergency rules.

NOTE: The purpose of this bill is to permit pharmacists to furnish naloxone hydrochloride in accordance with standardized procedures or protocols developed and approved by both the West Virginia Board of Pharmacy and the West Virginia Board of Medicine. The bill grants rule-making authority.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.