WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5635

By Delegates Griffith, Summers, and Holstein

[Introduced February 12, 2024; Referred to the

Committee on Health and Human Resources]

A BILL amend and reenact §30-5-21 of the Code of West Virginia, 1931, as amended, relating to allowing patients or subscribers of medications to direct pharmacists to list the illness or condition for which a prescription is being issued be listed on the label of the prescription.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS AND PHARMACIES.

§30-5-21. Responsibility for quality of drugs dispensed; exception; falsification of labels; deviation from prescription; <u>listing medical condition on label.</u>

(a) All persons, whether licensed pharmacists or not, shall be responsible for the quality of all drugs, chemicals and medicines they may sell or dispense, with the exception of those sold in or dispensed unchanged from the original retail package of the manufacturer, in which event the manufacturer shall be responsible.

(b) Except as provided in section twelve-b of this article, the following acts shall be prohibited:

(1) The falsification of any label upon the immediate container, box and/or package containing a drug;

(2) The substitution or the dispensing of a different drug in lieu of any drug prescribed in a prescription without the approval of the practitioner authorizing the original prescription: *Provided,* That this may not be construed to interfere with the art of prescription compounding which does not alter the therapeutic properties of the prescription or appropriate generic substitute;

(3) The filling or refilling of any prescription for a greater quantity of any drug or drug product than that prescribed in the original prescription without a written or electronic order or an oral order reduced to writing, or the refilling of a prescription without the verbal, written or electronic consent of the practitioner authorizing the original prescription.

<u>(c) Prescribers issuing a new prescription shall ask the patient or authorized guardian if</u>

they wish to have the intended use for the medication or the medical condition included in the directions of the patient's prescription bottle label.

NOTE: The purpose of this bill is to allow patients or subscribers of mediations to direct pharmacists to list the illness or condition for which a prescription is being issued be listed on the label of the prescription.

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