WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4309

By Delegates G. Ward, McGeehan, Mazzocchi, Kimble, Fast, Longanacre, Booth, Sypolt, Jennings, Barnhart, and Phillips

[Introduced January 20, 2022; Referred to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §30-3-16a; and §30-5-10a, all relating to authorizing physicians and pharmacists to fill and dispense prescriptions for the anti-malarial drugs hydroxychloroquine or chloroquine, or the drug ivermectin for off-label use as a therapeutic drug to provide a prophylaxis for an outpatient (at-home) or an inpatient (hospital) with COVID-19; providing fines for pharmacists who refuse to fill these prescriptions; providing fine for refusal to fill prescription; and providing that pharmacists are not liable for adverse reactions from the prescription.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-16a. Authority to prescribe therapeutic drugs for patients with Covid-19.

A physician, physician assistant, or advanced practice registered nurse with prescriptive authority may prescribe or administer the anti-malarial drugs hydroxychloroquine or chloroquine, or the drug ivermectin for off-label use as a therapeutic drug to provide a prophylaxis for an outpatient (at-home) or an inpatient (hospital) with COVID-19.

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

§30-5-10a. Pharmacist required to fill therapeutic drugs for patients with Covid-19; fine; exempt from liability.

(a) Any individual currently licensed by this state to engage in the practice of pharmacist as or pharmacy, as defined in §30-5-4 of this code, shall fill, if drugs are available, and dispense prescriptions for drugs prescribed under §30-3-16a of this code. Failure to fill or dispensed these prescriptions in a fine of $5,000 for each such failure, unless the drugs are not available.

(b) Filling and dispensing drugs described in this section does not constitute unprofessional conduct or otherwise grounds for discipline, and any individual or pharmacist that fills and dispenses these drugs is not subject to any liability for an adverse reaction by a patient to these drugs.

NOTE: The purpose of this bill is to authorize physicians and pharmacists to fill and dispense prescriptions for the anti-malarial drugs hydroxychloroquine or chloroquine, or the drug ivermectin for off-label use as a therapeutic drug to provide a prophylaxis for an outpatient (at-home) or an inpatient (hospital) with COVID-19. The bill also provides a fine for refusal to fill prescription; and that pharmacists are not liable for adverse reactions from 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.