

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 319**

By Senators Deeds and Hamilton

[Introduced January 12, 2024; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §46A-9-1, §46A-9-2, and §46A-9-3, all relating to defining terms; requiring  
 3 pharmacies in West Virginia to charge senior citizens the lowest national price for  
 4 prescription drugs; and granting enforcement powers to the Attorney General.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9. OLDER WEST VIRGINIANS' PRESCRIPTION DRUG PRICING**

**§46A-9-1. Definitions.**

1 For the purposes of this article:

2 (a) "Older individual" or "older West Virginian" or "senior" or "senior citizen" means an  
 3 individual who is sixty years of age or older;

4 (b) "Lowest national price" means the lowest price for which that prescription is sold  
 5 anywhere in the United States;

6 (c) "Personal representative" is a family member or caregiver who obtains from a  
 7 pharmacy the prescriptions filled for a senior citizen on behalf of that senior citizen.

**§46A-9-2. Prescription drug pricing for older West Virginians.**

1 (a) It shall be unlawful for any pharmacist; pharmacy; or employee of a pharmacy to sell or  
 2 offer to sell to any resident of West Virginia over the age of 60 or his or her personal representative  
 3 any prescription drug at a price that is higher than the lowest price for which that medication is  
 4 available in the United States.

5 (b) A pharmacist may require the person purchasing the medication to provide his or her  
 6 date of birth or show any state-issued identification that provides the date of birth and address of  
 7 the person for whom the prescription is written.

8 (c) In the event that a personal representative is obtaining the medications from the  
 9 pharmacy on behalf of the senior citizen, the pharmacy employee or pharmacist may:

10 (1) Call the prescriber to confirm the age and residence of the patient;

11 (2) Request the personal representative to provide any state or federally-issued form of

12 identification or proof of residency and age.

**§46A-9-3. Penalties, remedies, and enforcement.**

1 (a) A violation of this article is an unfair or deceptive act or practice within the meaning of  
2 section one hundred two, article six of this chapter and is subject to the enforcement provisions  
3 and remedies provided by this chapter.

4 (b) Any person violating the provisions of this article is guilty of a misdemeanor and, upon  
5 conviction thereof, shall be fined not more than \$1,000, or confined in the county or regional jail not  
6 more than one year, or both.

7 (c) The remedies and penalties provided by this article are cumulative, and do not prohibit  
8 any other remedy or punishment available under the laws of this state.

NOTE: The purpose of this bill is to limit the price of prescription drugs to older West Virginians to the lowest price that drug is available in the United States.

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