

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 456

By Senator Chapman

[Introduced January 16, 2026; 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 a new article,
2 designated §46A-9-1, §46A-9-2, and §46A-9-3, relating to older West Virginians'
3 prescription drug pricing; defining terms; requiring pharmacies in West Virginia to charge
4 senior citizens the lowest national price for prescription drugs; and granting enforcement
5 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 "Older individual" or "older West Virginian" or "senior" or "senior citizen" means an
3 individual who is 60 years of age or older;

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

6 "Personal representative" is a family member or caregiver who obtains from a pharmacy
7 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 who is 60 years of age or older, or his or her personal
3 representative any prescription drug at a price that is higher than the lowest price for which that
4 medication is 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;

(2) Request the personal representative to provide any state or federally issued form of identification or proof of residency and age.

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

(a) A violation of this article is an unfair or deceptive act or practice within the meaning of §46A-6-102 of this code and is subject to the enforcement provisions and remedies provided by this chapter.

(b) Any resident of West Virginia who is 60 years of age or older who purchases prescription drugs at a price that is higher than the lowest price for which that medication is available in the United States may bring an action in the circuit court of the county in which the prescription was purchased to recover treble damages or \$500, whichever is greater, and attorney fees. The court may, in its discretion, provide such equitable relief it considers necessary and proper. Any party to an action for damages under this subsection has the right to demand a jury trial.

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.