

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4035

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

[Originating in the Committee on the Judiciary;

February 27, 2016.]

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 opioid antagonists in
3 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. Sales of an opioid antagonist.

1 (a) Notwithstanding any other provision of this code to the contrary, a pharmacist may
2 furnish an opioid antagonist in accordance with standardized procedures or protocols developed
3 and approved by both the West Virginia Board of Pharmacy and the West Virginia Board of
4 Medicine. In developing those standardized procedures or protocols, the boards shall include,
5 but are not limited to, the following:

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

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

12 (3) Procedures to notify the patient's primary care provider, with patient consent, of any
13 drugs or devices furnished to the patient, or procedures to enter 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 an opioid antagonist pursuant to this section may not permit
17 the person to whom the drug is furnished to waive any consultation required by this section or by
18 legislative rule.

19 (c) Prior to performing a procedure or protocol authorized under this section, a pharmacist
20 shall complete a training program of at least one hour of approved continuing education on the
21 use of an opioid antagonists.

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

26 (e) The boards shall propose emergency rules by July 1, 2016, in accordance with article
27 three, chapter twenty-nine-a of this code to implement the provisions of this section.

NOTE: The purpose of this bill is to permit pharmacists to furnish opioid antagonists 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.