

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 507

BY SENATORS CLINE, MAYNARD, OJEDA, RUCKER, SMITH,

SWOPE, TAKUBO AND STOLLINGS

[Introduced March 3, 2017; referred
to the Committee on Banking and Insurance; and then
to the Committee on the Judiciary]

1 A BILL to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §30-5-12c, all relating to
 3 permitting pharmacists to inform customers about lower cost alternatives to prescribed
 4 drugs; and limiting the ability of pharmacists and pharmacy benefit managers to charge
 5 retail prices for drugs in excess of the price paid for the drugs by said pharmacists or
 6 pharmacy benefit managers.

Be it enacted by the Legislature of West Virginia:

1 That §30-5-10 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; and to amend said code by adding thereto a new section, designated §30-5-12c, all
 3 to read as follows:

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

§30-5-10. Scope practice for licensed pharmacist;

- 1 (a) A licensed pharmacist may:
- 2 (1) Provide care related to the interpretation, evaluation, and implementation of medical
 - 3 orders;
 - 4 (2) Dispense of prescription drug orders; participate in drug and device selection;
 - 5 (3) Provide drug administration;
 - 6 (4) Provide drug regimen review;
 - 7 (5) Provide drug or drug-related research;
 - 8 (6) Perform patient counseling;
 - 9 (7) Provide pharmacy related primary care;
 - 10 (8) Provide pharmacist care in all areas of patient care, including collaborative pharmacy
 - 11 practice;
 - 12 (9) Compound and label drugs and drug devices;

- 13 (10) Proper and safe storage of drugs and devices;
- 14 (11) Maintain proper records;
- 15 (12) Provide patient counseling concerning the therapeutic value and proper use of drugs
- 16 and devices;
- 17 (13) Order laboratory tests in accordance with drug therapy management; ~~and~~
- 18 (14) Provide medication therapy management; and
- 19 (15) Inform customers about lower cost alternatives to the medication that the customers
- 20 have been prescribed, including, but not limited to biosimilar or generic drugs.
- 21 (b) A licensee meeting the requirements as promulgated by legislative rule may administer
- 22 immunizations.
- 23 (c) The sale of any medicine, if the contents of its container, or any part thereof, taken at
- 24 one time, are likely to prove poisonous, deleterious, or habit-forming is prohibited by any person
- 25 other than a registered pharmacist, who shall take precautions to acquaint the purchaser of the
- 26 nature of the medicine at the time of sale.

§30-5-12c. Pricing limitations.

1 Pharmacists and pharmacy benefit managers shall not sell drugs to customers at a retail
2 price in excess of the price that the pharmacist or pharmacy benefit manager paid to acquire said
3 drugs.

NOTE: The purpose of this bill is to permit pharmacists to inform customers about lower cost alternatives to prescribed drugs; and limit the ability of pharmacists and pharmacy benefit managers to charge retail prices for drugs in excess of the price paid for the drugs by said pharmacists or pharmacy benefit managers.

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