

# **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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new  
 2 sections, designated §30-3-16a; and §30-5-10a, all relating to authorizing physicians and  
 3 pharmacists to fill and dispense prescriptions for the anti-malarial drugs  
 4 hydroxychloroquine or chloroquine, or the drug ivermectin for off-label use as a therapeutic  
 5 drug to provide a prophylaxis for an outpatient (at-home) or an inpatient (hospital) with  
 6 COVID-19; providing fines for pharmacists who refuse to fill these prescriptions; providing  
 7 fine for refusal to fill prescription; and providing that pharmacists are not liable for adverse  
 8 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.**

1 A physician, physician assistant, or advanced practice registered nurse with prescriptive  
 2 authority may prescribe or administer the anti-malarial drugs hydroxychloroquine or chloroquine,  
 3 or the drug ivermectin for off-label use as a therapeutic drug to provide a prophylaxis for an  
 4 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.**

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

5 (b) Filling and dispensing drugs described in this section does not constitute  
 6 unprofessional conduct or otherwise grounds for discipline, and any individual or pharmacist that

- 7 fills and dispenses these drugs is not subject to any liability for an adverse reaction by a patient
- 8 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.