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]

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

For the purposes of this article:

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

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

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

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

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

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

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

(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 section one hundred two, article six of this chapter and is subject to the enforcement provisions and remedies provided by this chapter.

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

(c) The remedies and penalties provided by this article are cumulative, and do not prohibit 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.