

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1741 Session of 2021

INTRODUCED BY KEEFER, COX, RYAN, KAUFFMAN, HERSHEY, BERNSTINE, ZIMMERMAN, ROWE, JONES, TWARDZIK, RAPP, BOROWICZ, DIAMOND AND GREINER, JULY 30, 2021

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 7, 2022

AN ACT

1 Providing for prescribing and dispensing drugs approved by the
2 United States Food and Drug Administration for off-label use
3 to treat coronavirus infections causing respiratory-syndrome-
4 related illnesses.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Coronavirus
9 Infection Medication Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Coronavirus." Any of the various RNA-containing spherical
15 viruses of the family coronaviridae.

16 "Dispense." The preparation of a prescription or
17 nonprescription drug in a suitable container appropriately
18 labeled for subsequent administration to or use by a patient or

1 other individual authorized to receive the drug.

2 "INFORMED CONSENT." THE CONSENT OF A PATIENT TO RECEIVE AND <--
3 TAKE A THERAPEUTIC DRUG AS PROVIDED UNDER THIS ACT.

4 "Licensing board or commission." An administrative board or
5 commission under the Bureau of Occupational and Professional
6 Affairs in the Department of State.

7 "Pharmacist." As defined in section 2(10) of the act of
8 September 27, 1961 (P.L.1700, No.699), known as the Pharmacy
9 Act.

10 "Prescriber." A person who is licensed, registered or
11 otherwise lawfully authorized to prescribe a controlled
12 substance or any other drug or device in the course of
13 professional practice or research in this Commonwealth.

14 Section 3. Drugs for off-label use to treat coronavirus
15 infections causing respiratory-syndrome-related
16 illnesses.

17 (a) Authorization.--A prescriber may prescribe, and a
18 pharmacist ~~shall~~ MAY dispense, in accordance with a prescription <--
19 drug order and with the informed consent of a patient, a
20 therapeutic drug approved by the United States Food and Drug
21 Administration, ~~including hydroxychloroquine sulfate and~~ <--
22 ~~ivermectin,~~ for off-label use to the patient for prophylaxis or
23 for at-home, early-stage outpatient or hospital inpatient
24 treatment of coronavirus infections causing respiratory-
25 syndrome-related illnesses.

26 (b) Exposure not required.--A patient's suspected exposure
27 to coronavirus infections causing respiratory-syndrome-related
28 illnesses shall not be required for a prescriber to prescribe,
29 and a pharmacist to dispense, a drug to the patient for
30 prophylaxis as authorized under subsection (a).

1 (c) Screening not required.--A patient's positive screening
2 results test shall not be required for a prescriber to
3 prescribe, and a pharmacist to dispense, a drug to the patient
4 for at-home, early-stage outpatient treatment as authorized
5 under subsection (a).

6 Section 4. Administrative or disciplinary actions.

7 An action taken by a prescriber or pharmacist in accordance
8 with section 3 shall not be considered unlawful, unethical,
9 unauthorized or unprofessional conduct by a licensing board or
10 commission. A licensing board or commission may not take an
11 administrative or disciplinary action against a prescriber or
12 pharmacist for an action taken in accordance with section 3
13 ABSENT A SHOWING OF RECKLESSNESS OR GROSS NEGLIGENCE. <--

14 Section 5. Effective date.

15 This act shall take effect immediately.