
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1091 Session of
2022

INTRODUCED BY MASTRIANO, PHILLIPS-HILL, J. WARD AND STEFANO,
FEBRUARY 23, 2022

REFERRED TO HEALTH AND HUMAN SERVICES, FEBRUARY 23, 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
19 other individual authorized to receive the drug.

1 "Informed consent." The consent of a patient to receive and
2 take a therapeutic drug as provided under this act.

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

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

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

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

16 (a) Authorization.--A prescriber may prescribe, and a
17 pharmacist shall dispense, in accordance with a prescription
18 drug order and with the informed consent of a patient, a
19 therapeutic drug approved by the United States Food and Drug
20 Administration, including, but not limited to,
21 hydroxychloroquine sulfate and ivermectin, for off-label use to
22 the patient for prophylaxis or for at-home, early-stage
23 outpatient or hospital inpatient treatment of coronavirus
24 infections causing respiratory-syndrome-related illnesses.

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

30 (c) Screening not required.--A patient's positive screening

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

5 Section 4. Administrative or disciplinary actions.

6 An action taken by a prescriber or pharmacist in accordance
7 with section 3 shall not be considered unlawful, unethical,
8 unauthorized or unprofessional conduct by a licensing board or
9 commission. A licensing board or commission may not take an
10 administrative or disciplinary action against a prescriber or
11 pharmacist for an action taken in accordance with section 3
12 absent a showing of recklessness or gross negligence.

13 Section 5. Effective date.

14 This act shall take effect immediately.