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**HOUSE BILL NO. 875**

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact § 54.1-3301 of the Code of Virginia, relating to veterinarians; compounding of drugs.*

Patrons—Orrock, Fariss and Helsel

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-3301 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-3301. Exceptions.**

This chapter shall not be construed to:

1. Interfere with any legally qualified practitioner of dentistry, or veterinary medicine or any physician acting on behalf of the Virginia Department of Health or local health departments, in the compounding of his prescriptions or the purchase and possession of drugs as he may require;

2. Prevent any legally qualified practitioner of dentistry, or veterinary medicine or any prescriber, as defined in § 54.1-3401, acting on behalf of the Virginia Department of Health or local health departments, from administering or supplying to his patients the medicines that he deems proper under the conditions of § 54.1-3303 or from causing drugs to be administered or dispensed pursuant to §§ 32.1-42.1 and 54.1-3408, except that a veterinarian shall only be authorized to dispense a compounded drug, distributed from a pharmacy, when (i) the animal is his own patient, (ii) the animal is a companion animal as defined in regulations promulgated by the Board of Veterinary Medicine, (iii) the quantity dispensed is no more than a ~~72-hour~~ seven-day supply, (iv) the compounded drug is for the treatment of an emergency condition, and (v) timely access to a compounding pharmacy is not available, as determined by the prescribing veterinarian;

3. Prohibit the sale by merchants and retail dealers of proprietary medicines as defined in Chapter 34 (§ 54.1-3400 et seq.) of this title;

4. Prevent the operation of automated drug dispensing systems in hospitals pursuant to Chapter 34 (§ 54.1-3400 et seq.) of this title;

5. Prohibit the employment of ancillary personnel to assist a pharmacist as provided in the regulations of the Board;

6. Interfere with any legally qualified practitioner of medicine, osteopathy, or podiatry from purchasing, possessing or administering controlled substances to his own patients or providing controlled substances to his own patients in a bona fide medical emergency or providing manufacturers' professional samples to his own patients;

7. Interfere with any legally qualified practitioner of optometry, certified or licensed to use diagnostic pharmaceutical agents, from purchasing, possessing or administering those controlled substances as specified in § 54.1-3221 or interfere with any legally qualified practitioner of optometry certified to prescribe therapeutic pharmaceutical agents from purchasing, possessing, or administering to his own patients those controlled substances as specified in § 54.1-3222 and the TPA formulary, providing manufacturers' samples of these drugs to his own patients, or dispensing, administering, or selling ophthalmic devices as authorized in § 54.1-3204;

8. Interfere with any physician assistant with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2952.1, to prescribe according to his practice setting and a written agreement with a physician or podiatrist;

9. Interfere with any licensed nurse practitioner with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2957.01, to prescribe according to his practice setting and a written or electronic agreement with a physician;

10. Interfere with any legally qualified practitioner of medicine or osteopathy participating in an indigent patient program offered by a pharmaceutical manufacturer in which the practitioner sends a prescription for one of his own patients to the manufacturer, and the manufacturer donates a stock bottle of the prescription drug ordered at no cost to the practitioner or patient. The practitioner may dispense such medication at no cost to the patient without holding a license to dispense from the Board of Pharmacy. However, the container in which the drug is dispensed shall be labeled in accordance with the requirements of § 54.1-3410, and, unless directed otherwise by the practitioner or the patient, shall

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59 meet standards for special packaging as set forth in § 54.1-3426 and Board of Pharmacy regulations. In  
60 lieu of dispensing directly to the patient, a practitioner may transfer the donated drug with a valid  
61 prescription to a pharmacy for dispensing to the patient. The practitioner or pharmacy participating in  
62 the program shall not use the donated drug for any purpose other than dispensing to the patient for  
63 whom it was originally donated, except as authorized by the donating manufacturer for another patient  
64 meeting that manufacturer's requirements for the indigent patient program. Neither the practitioner nor  
65 the pharmacy shall charge the patient for any medication provided through a manufacturer's indigent  
66 patient program pursuant to this subdivision. A participating pharmacy, including a pharmacy  
67 participating in bulk donation programs, may charge a reasonable dispensing or administrative fee to  
68 offset the cost of dispensing, not to exceed the actual costs of such dispensing. However, if the patient  
69 is unable to pay such fee, the dispensing or administrative fee shall be waived;

70 11. Interfere with any legally qualified practitioner of medicine or osteopathy from providing  
71 controlled substances to his own patients in a free clinic without charge when such controlled substances  
72 are donated by an entity other than a pharmaceutical manufacturer as authorized by subdivision 10. The  
73 practitioner shall first obtain a controlled substances registration from the Board and shall comply with  
74 the labeling and packaging requirements of this chapter and the Board's regulations; or

75 12. Prevent any pharmacist from providing free health care to an underserved population in Virginia  
76 who (i) does not regularly practice pharmacy in Virginia, (ii) holds a current valid license or certificate  
77 to practice pharmacy in another state, territory, district or possession of the United States, (iii) volunteers  
78 to provide free health care to an underserved area of this Commonwealth under the auspices of a  
79 publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to  
80 populations of underserved people, (iv) files a copy of the license or certificate issued in such other  
81 jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary  
82 provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that  
83 such licensure exemption shall only be valid, in compliance with the Board's regulations, during the  
84 limited period that such free health care is made available through the volunteer, nonprofit organization  
85 on the dates and at the location filed with the Board. The Board may deny the right to practice in  
86 Virginia to any pharmacist whose license has been previously suspended or revoked, who has been  
87 convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations.  
88 However, the Board shall allow a pharmacist who meets the above criteria to provide volunteer services  
89 without prior notice for a period of up to three days, provided the nonprofit organization verifies that the  
90 practitioner has a valid, unrestricted license in another state.

91 This section shall not be construed as exempting any person from the licensure, registration,  
92 permitting and record keeping requirements of this chapter or Chapter 34 of this title.