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**HOUSE BILL NO. 976**

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to amend the Code of Virginia by adding sections numbered 54.1-2971.02 and 54.1-3408.6, relating to prescriptions; unapproved use.*

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Patron—LaRock

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Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding sections numbered 54.1-2971.02 and 54.1-3408.6 as follows:**

**§ 54.1-2971.02. Prescription for unapproved use.**

A. Consistent with § 54.1-3408.6, any person licensed pursuant to this article with prescriptive authority may prescribe, administer, or dispense a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an unapproved use when the health care provider determines, in his professional judgement, that such unapproved use is appropriate for the care and treatment of the patient.

B. The Board shall not initiate any disciplinary proceeding against a licensed health care provider who prescribes, administers, or dispenses a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an unapproved use pursuant to this section, and no licensed health care provider who prescribes, administers, or dispenses a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an unapproved use pursuant to this section shall be subject to disciplinary action solely because of such prescribing, administering, or dispensing.

**§ 54.1-3408.6. Prescription of FDA-approved drug for unapproved use.**

A. A licensed health care provider with prescriptive authority may prescribe, administer, or dispense a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an unapproved use when the health care provider determines, in his professional judgement, that such unapproved use is appropriate for the care and treatment of the patient.

B. No pharmacist shall refuse to dispense a drug pursuant to a valid prescription for such drug issued in accordance with subsection A.

C. Nothing in this section shall be construed to grant any person immunity from investigation or disciplinary action for any other violation of this title.

INTRODUCED

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