

Introduced by

Representative Tveit

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to create and enact a new section to chapter 23-16, a new section to chapter
2 43-15, and a new section to chapter 43-17 of the North Dakota Century Code, relating to a
3 hospital patient's right to try off-label use drugs, a hospital ban on discrimination based on
4 vaccine status, pharmacist fulfillment of off-label drug use prescriptions, and the board of
5 medicine's authority to bring disciplinary actions; and to provide an effective date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new section to chapter 23-16 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Right to try off-label use drugs - Ban on discrimination based on vaccine status.**

- 10 1. If a patient is prescribed a United States food and drug administration-approved drug
11 for off-label use, a hospital shall honor that prescription.
12 2. In providing health care, a hospital may not discriminate against a patient based on
13 that patient's vaccine status.

14 **SECTION 2.** A new section to chapter 43-15 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Off-label use.**

17 If a pharmacist receives a United States food and drug administration-approved drug
18 prescription for the off-label treatment or prevention of a disease or medical condition, the
19 pharmacist may not refuse to dispense the drug based on the pharmacist's professional
20 judgment regarding the appropriateness of the prescription. This section does not prevent the
21 pharmacist from contacting the prescriber regarding the prescription.

22 **SECTION 3.** A new section to chapter 43-17 of the North Dakota Century Code is created
23 and enacted as follows:

1 **COVID-19 - Limitations on disciplinary actions.**

2 The board may not take disciplinary action against a licensee based on the licensee
3 distributing documented medical information, providing information regarding the licensee's
4 professional experience or observations, or speaking against a public official. The board may
5 not bring a disciplinary action against a licensee based on the prescription of a drug for the
6 off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified
7 as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2.

8 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective upon its filing with the
9 secretary of state.