
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1123 Session of
2023

INTRODUCED BY KEEFER, HAMM, KAUFFMAN, D'ORSIE, ROWE, ZIMMERMAN,
GLEIM AND LEADBETER, MAY 5, 2023

REFERRED TO COMMITTEE ON HEALTH, MAY 5, 2023

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 Professional and Occupational
5 Affairs in the Department of State.

6 "Off-label use." The use of a therapeutic drug for a
7 treatment other than a treatment specified in the labeling
8 approved by the United States Food and Drug Administration.

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

12 "Prescriber." A person who is licensed, registered or
13 otherwise lawfully authorized to prescribe a controlled
14 substance or any other drug or device in the course of
15 professional practice or research in this Commonwealth.
16 Section 3. Drugs for off-label use to treat coronavirus
17 infections causing respiratory-syndrome-related
18 illnesses.

19 (a) Authorization.--If a prescriber determines that the
20 prescribing of a therapeutic drug for off-label use is in the
21 best interest of a patient for the treatment of coronavirus due
22 to the patient's individual medical condition, the prescriber
23 may prescribe, and a pharmacist may dispense, in accordance with
24 a prescription drug order and with the informed consent of the
25 patient, a therapeutic drug approved by the United States Food
26 and Drug Administration for off-label use to the patient for
27 prophylaxis or for at-home, early-stage outpatient or hospital
28 inpatient treatment of coronavirus infections causing
29 respiratory-syndrome-related illnesses.

30 (b) Screenings and exposure.--A patient shall not be

1 required to show a positive screening results test or have a
2 suspected exposure to coronavirus for a prescriber to prescribe,
3 and a pharmacist to dispense, a therapeutic drug for off-label
4 use to the patient for treatment of coronavirus infections as
5 authorized 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.