

HOUSE BILL NO. 1514

Introduced by

Representatives Tveit, Fisher, Kasper, K. Koppelman, Paulson

Senators Clemens, O. Larsen, Luick

(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.~~for an Act to
6 create and enact a new section to chapter 43-12.1, a new section to chapter 43-15, and a new
7 section to chapter 43-17 of the North Dakota Century Code, relating to disciplinary actions by
8 the board of nursing, board of pharmacy, and board of medicine; and to provide an effective
9 date.

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

11 ~~— SECTION 1. A new section to chapter 23-16 of the North Dakota Century Code is created~~
12 ~~and enacted as follows:~~
13 ~~— **Right to try off-label use drugs – Ban on discrimination based on vaccine status.**~~
14 ~~— 1. If a patient is prescribed a United States food and drug administration approved drug~~
15 ~~for off-label use, a hospital shall honor that prescription.~~
16 ~~— 2. In providing health care, a hospital may not discriminate against a patient based on~~
17 ~~that patient's vaccine status.~~
18 ~~— SECTION 2. A new section to chapter 43-15 of the North Dakota Century Code is created~~
19 ~~and enacted as follows:~~
20 ~~— **Off-label use.**~~
21 ~~— If a pharmacist receives a United States food and drug administration approved drug~~
22 ~~prescription for the off-label treatment or prevention of a disease or medical condition, the~~
23 ~~pharmacist may not refuse to dispense the drug based on the pharmacist's professional~~

1 ~~judgment regarding the appropriateness of the prescription. This section does not prevent the~~
2 ~~pharmacist from contacting the prescriber regarding the prescription.~~

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

5 ~~— **COVID-19 - Limitations on disciplinary actions.**~~

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

12 ~~— **SECTION 4. EFFECTIVE DATE.** This Act becomes effective upon its filing with the~~
13 ~~secretary of state.~~

14 **SECTION 1.** A new section to chapter 43-12.1 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Limitations on disciplinary actions.**

17 The board may not take disciplinary action against an advanced practice registered nurse
18 based solely on the advanced practice registered nurse prescribing or dispensing ivermectin for
19 the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2
20 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2. This section does
21 not limit the board from taking a disciplinary action on another basis, such as unlicensed
22 practice, inappropriate documentation, or substandard care, or any basis that would in the
23 board's determination harm the patient.

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

26 **Limitations on disciplinary actions.**

27 The board may not take disciplinary action against a pharmacist based solely on the
28 pharmacist dispensing ivermectin for the off-label treatment or prevention of severe acute
29 respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral
30 fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action

1 on another basis, such as unlicensed practice, inappropriate documentation, or substandard
2 care, or any basis that would in the board's determination harm the patient.

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

5 **Limitations on disciplinary actions.**

6 The board may not take disciplinary action against a licensee based solely on the licensee
7 prescribing or dispensing ivermectin for the off-label treatment or prevention of severe acute
8 respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral
9 fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action
10 on another basis, such as unlicensed practice, inappropriate documentation, or substandard
11 care, or any basis that would in the board's determination harm the patient.

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