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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. If a patient is prescribed a United States food and drug administration-approved drug for off-label use, a hospital shall honor that prescription.

2. In providing health care, a hospital may not discriminate against a patient based on that patient's vaccine status.

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

Off-label use.

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

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

COVID-19 – Limitations on disciplinary actions.

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

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

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

Limitations on disciplinary actions.

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

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

Limitations on disciplinary actions.

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

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

**Limitations on disciplinary actions.**

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

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