

House File 2266 - Introduced

HOUSE FILE 2266

BY JACOBSEN

A BILL FOR

1 An Act relating to the dispensing of hydroxychloroquine and
2 ivermectin through a standing order in the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 155A.3, Code 2022, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 10A. "*Department*" means the department of
4 public health.

5 NEW SUBSECTION. 45A. "*Standing order*" means a preauthorized
6 medication order with specific instructions from the medical
7 director of the department to dispense a medication under
8 clearly defined circumstances.

9 Sec. 2. NEW SECTION. 155A.49 **Pharmacist dispensing**
10 **of hydroxychloroquine and ivermectin — standing order —**
11 **requirements — limitations of liability.**

12 1. The medical director of the department shall establish a
13 standing order authorizing the dispensing of hydroxychloroquine
14 and ivermectin by a pharmacist.

15 2. *a.* Notwithstanding any provision of law to the contrary,
16 a pharmacist shall dispense hydroxychloroquine or ivermectin
17 to a patient who is at least eighteen years of age, upon the
18 request of a patient, pursuant to a standing order established
19 by the medical director of the department in accordance with
20 this section.

21 *b.* A pharmacist who dispenses hydroxychloroquine or
22 ivermectin in accordance with this section shall provide the
23 patient with the manufacturer's label instructions for the drug
24 at the time the drug is dispensed.

25 *c.* A pharmacist who dispenses hydroxychloroquine or
26 ivermectin in accordance with this section shall not do any of
27 the following:

28 (1) Require any other prescription drug order authorized
29 by a practitioner or require the scheduling of an appointment
30 with the pharmacist prior to the dispensing of the
31 hydroxychloroquine or ivermectin to a patient.

32 (2) Maintain a record of the pharmacist's encounter with the
33 patient.

34 3. A pharmacist who dispenses hydroxychloroquine or
35 ivermectin and the medical director of the department

1 who establishes a standing order in compliance with this
2 section shall be immune from criminal and civil liability
3 arising from any damages caused by the dispensing or use of
4 hydroxychloroquine or ivermectin or the establishment of the
5 standing order. The medical director of the department shall
6 be considered to be acting within the scope of the medical
7 director's office and employment for purposes of chapter 669 in
8 the establishment of a standing order in compliance with this
9 section.

10

EXPLANATION

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The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

13 This bill requires the medical director of the department
14 of public health to establish a standing order authorizing
15 the dispensing of hydroxychloroquine and ivermectin by a
16 pharmacist. The bill requires a pharmacist to dispense
17 hydroxychloroquine or ivermectin to a patient who is at least
18 18 years of age, upon the request of a patient, pursuant to
19 a standing order established by the medical director. The
20 pharmacist shall provide the patient with the manufacturer's
21 label instructions for the drug at the time the drug is
22 dispensed. A pharmacist who dispenses hydroxychloroquine or
23 ivermectin in accordance with the bill shall not require any
24 other prescription drug order authorized by a practitioner
25 or require a patient to schedule an appointment with the
26 pharmacist prior to the dispensing of the hydroxychloroquine
27 or ivermectin to the patient, or maintain a record of the
28 pharmacist's encounter with the patient. A pharmacist who
29 dispenses hydroxychloroquine or ivermectin and the medical
30 director of the department who establishes a standing order
31 in compliance with the bill shall be immune from criminal
32 and civil liability arising from any damages caused by the
33 dispensing or use of the hydroxychloroquine or ivermectin or
34 the establishment of the standing order. The medical director
35 of the department shall be considered to be acting within

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1 the scope of the medical director's office and employment
2 for purposes of Code chapter 669 (state tort claims) in the
3 establishment of a standing order in compliance with the bill.