

HB127 INTRODUCED



1 HB127
2 CXSZUJQ-1
3 By Representatives Brown, Oliver, Moore (P), Fidler, Lamb,
4 DuBose, Rehm, Bolton, Estes, Barnes, Sells, Standridge,
5 Marques, Mooney, Yarbrough
6 RFD: Health
7 First Read: 13-Jan-26
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4 SYNOPSIS:

5 Existing law prohibits the State Board of
6 Medical Examiners and the Medical Licensure Commission
7 from taking action against the license of a physician
8 when the physician recommends or prescribes a medical
9 treatment that is off-label.

10 This bill would give pharmacists the same
11 protection by prohibiting the Board of Pharmacy from
12 suspending, revoking, or refusing to renew the license
13 of a pharmacist who either recommends the off-label use
14 of a drug or fills a prescription for the off-label use
15 of a drug.

16 This bill would prohibit any entity that
17 furnishes pharmacy services from terminating or taking
18 adverse action against a pharmacist for recommending
19 the off-label use of a drug or filling a prescription
20 for the off-label use of a drug, and would provide a
21 civil action for a pharmacist who is so terminated or
22 disciplined.

23 This bill would prohibit a pharmacy benefits
24 manager from taking any action against a pharmacist or
25 his or her employing pharmacy in retaliation for
26 recommending, or filling a prescription for, the
27 off-label use of a drug.

28 This bill would also permit over-the-counter



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sale of both Ivermectin and Hydroxychloroquine.

A BILL
TO BE ENTITLED
AN ACT

Relating to drug dispensing; to prohibit the State Board of Pharmacy or an employer from taking action against a pharmacist who recommends the off-label use of a drug or who dispenses a drug for off-label use on the prescription of a health care professional; to provide a cause of action against an employer who takes action against a pharmacist for recommending or dispensing a drug for off-label use; to provide an exception; to prohibit a pharmacy benefits manager from retaliating against a pharmacist or the employing pharmacy for recommending or dispensing a drug for off-label use; and to permit the sale of Ivermectin and Hydroxychloroquine without a prescription.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms have the following meanings:

(1) BOARD. The State Board of Pharmacy.

(2) EMPLOYER. Any person that owns or manages a pharmacy as defined in Section 34-23-1, Code of Alabama 1975, and which retains, supervises, or terminates pharmacists.

(3) HEALTH CARE PROFESSIONAL. Any of the following individuals:



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57 a. A physician licensed to practice medicine in this
58 state.

59 b. A physician assistant licensed by the State Board of
60 Medical Examiners of the State of Alabama.

61 c. A certified registered nurse practitioner or a
62 certified nurse midwife certified by the Board of Nursing.

63 (4) LICENSE. The same meaning as defined in Section
64 34-23-1, Code of Alabama 1975.

65 (5) OFF-LABEL MEDICATION. The use of a drug, biological
66 product, or device approved by the United States Food and Drug
67 Administration (FDA) in any manner other than the use approved
68 by the FDA.

69 (b) The board may not revoke, suspend, fail to renew,
70 or take any other adverse action against a pharmacist's
71 license based solely on either of the following:

72 (1) The pharmacist's recommendation of an off-label
73 medication for the treatment of a disease, condition, or
74 symptom.

75 (2) The pharmacist's dispensing of a prescription of an
76 off-label medication which is ordered by a health care
77 professional.

78 (c) (1) An employer may not terminate, discipline, or
79 take any other adverse action against an employee pharmacist
80 based solely on either of the following:

81 a. The pharmacist's recommendation of an off-label
82 medication for the treatment of a disease, condition, or
83 symptom.

84 b. The pharmacist's dispensing of a prescription of an



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85 off-label medication which is ordered by a health care
86 professional.

87 (2)a. A pharmacist who is terminated or suffers adverse
88 action by his or her employer for recommending or dispensing
89 an off-label medication under subdivision (1) may bring an
90 action for injunctive relief against the employer in the
91 circuit court of the county in which the off-label medication
92 was recommended or dispensed.

93 b. The court in such an action may award injunctive
94 relief, including ordering reinstatement of the pharmacist to
95 his or her job position, back pay, costs of the action, and
96 reasonable attorney fees.

97 (d) Notwithstanding subsections (b) and (c), a
98 pharmacist may not dispense a prescription for an off-label
99 medication when the off-label use has not been adequately
100 tested on humans and the potential harm has not been
101 determined.

102 (e) This section shall not apply to the prescribing,
103 administration, or dispensing of any controlled substances, as
104 defined in Section 20-2-2, Code of Alabama 1975.

105 Section 2. (a) A pharmacy benefits manager (PBM) or a
106 PBM affiliate, both as defined in Section 27-45A-3, Code of
107 Alabama 1975, may not penalize or retaliate against a
108 pharmacist or a pharmacist's employing pharmacy for
109 recommending or dispensing a prescription of an off-label
110 medication as defined in, and in accordance with, Section 1,
111 including, but not limited to, any of the following:

112 (1) Canceling or refusing to renew a contract.



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113 (2) Taking legal action for breach of contract.

114 (3) Taking any action otherwise prohibited under
115 Chapter 45A of Title 27, Code of Alabama 1975.

116 (4) Initiating an audit under The Pharmacy Audit
117 Integrity Act, Article 8, Chapter 23, Title 34, Code of
118 Alabama 1975.

119 (b) This section shall not apply to the prescribing,
120 administration, or dispensing of any controlled substances, as
121 defined in Section 20-2-2, Code of Alabama 1975.

122 Section 3. Notwithstanding any other provision of law
123 to the contrary, the following drugs are authorized for sale
124 or purchase in this state without a prescription or
125 consultation with a health care professional:

126 (1) Ivermectin suitable for human use.

127 (2) Hydroxychloroquine.

128 Section 4. This act shall become effective on October
129 1, 2026.