WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED

SENATE BILL No. 106

(By Mr. Allen)

PASSED March 10th 1939

In Effect Upon Passage
ENROLLED

Senate Bill No. 106  
(By Mr. Allen)
[Passed March 10, 1939; in effect ninety days from passage.]

AN ACT to amend article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, by adding thereto sections twenty, twenty-one and twenty-two, relating to equipment of drug stores and pharmacies and to the manufacture of drugs, medicines, dentifrices and cosmetics.

Be it enacted by the Legislature of West Virginia:

That article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter thirty-seven, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, be amended by adding
thereto sections twenty, twenty-one, and twenty-two, to read as follows:

Section 20. Every registered drug store or pharmacy must be equipped with proper pharmaceutical utensils so that prescriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The board of pharmacy shall prescribe the minimum of such professional and technical equipment which a pharmacy or drug store shall at all times possess.

Any person violating this section, shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than fifty dollars, and no permit shall be issued or continued for the conducting of a pharmacy or drug store which has not complied with the provisions of this section.

Sec. 21. No drugs, or medicines, or toilet articles, denti-

2 frices, or cosmetics, shall be manufactured, made, produced,
3 packed, packaged or prepared within the state, except under the personal and immediate supervision of a registered pharmacist, or such other persons as may be approved by the board of pharmacy, after an investigation and determination by the said board that they are qualified by scientific or
technical training and/or experience to perform such duties
of supervision as may be necessary to protect the public
health and safety; and no person shall manufacture, make,
produce, pack, package or prepare any such articles without
first obtaining a permit so to do from the board of pharmacy.
Such permit shall be subject to such rules and regulations,
with respect to sanitation and/or equipment, as the said
board of pharmacy may from time to time adopt for the pro-
tection of the public health and safety.
The application for such permit shall be made on a form
to be prescribed and furnished by the said board of pharmacy
and shall be accompanied by the required fee of twenty-
five dollars which amount shall also be paid as the fee for
each renewal of such permit. Separate application shall be
made and separate permits issued for each separate place
of manufacture, making, producing, packing, packaging or
preparation.
Permits issued under the provisions of this section shall
be posted in a conspicuous place in the factory or place for
which issued; such permits shall not be transferable, and
shall expire on the thirtieth day of June following the date
of issue and shall be renewed annually. Nothing in this section shall be construed to apply to those operating registered retail pharmacies or drug stores.

Any person, firm or corporation violating any of the provisions of this section, and any permittee hereunder shall violate any of the conditions of this permit or any of the rules and regulations adopted by the said board of pharmacy in pursuance of the power hereby conferred, shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than fifty dollars for each offense, and each and every day such violation continues shall constitute a separate and distinct offense, and, upon conviction of a permittee, his permit shall also forthwith be revoked and become null and void.

Any person, firm, corporation, or any permittee hereunder who shall have been convicted of two or more successive violations of the provisions of this section or of the rules and regulations adopted by the board of pharmacy in pursuance of the power hereby conferred, shall at the discretion of the board of pharmacy have such permit permanently revoked, and the board of pharmacy is hereby authorized to refuse
Sec. 22. Any person aggrieved by the rules or regulations promulgated by the said board of pharmacy under the provisions of section twenty-one, shall be entitled to have his complaint set down for hearing by said board. Requests for such hearing shall be made in writing and shall specify in detail the basis for the complaint, and the hearing shall be held within ten days from the date of the receipt of said request by the said board, unless postponed by mutual agreement. The said board shall have the power to make such rules and regulations with respect to the conduct of such hearings as may be necessary.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect Ninety days after passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within paragraphed this the day of , 1939.

Governor.

Filed in the office of the Secretary of State of West Virginia, March 16, 1939.

Wm. S. O'Brien,
Secretary of State