

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED

SENATE BILL No. 106

(By Mr. Allen)

PASSED March 10th 1939

In Effect Twenty days after 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
2 be equipped with proper pharmaceutical utensils so that
3 prescriptions can be properly filled and United States
4 Pharmacopoeia and National Formulary preparations prop-
5 erly compounded. The board of pharmacy shall prescribe
6 the minimum of such professional and technical equipment
7 which a pharmacy or drug store shall at all times possess.

8 Any person violating this section, shall, upon conviction, be
9 deemed guilty of a misdemeanor and fined not more than
10 fifty dollars, and no permit shall be issued or continued for
11 the conducting of a pharmacy or drug store which has not
12 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
4 the personal and immediate supervision of a registered
5 pharmacist, or such other persons as may be approved by the
6 board of pharmacy, after an investigation and determination
7 by the said board that they are qualified by scientific or

8 technical training and/or experience to perform such duties
9 of supervision as may be necessary to protect the public
10 health and safety; and no person shall manufacture, make,
11 produce, pack, package or prepare any such articles without
12 first obtaining a permit so to do from the board of pharmacy.
13 Such permit shall be subject to such rules and regulations,
14 with respect to sanitation and/or equipment, as the said
15 board of pharmacy may from time to time adopt for the pro-
16 tection of the public health and safety.

17 The application for such permit shall be made on a form
18 to be prescribed and furnished by the said board of pharmacy
19 and shall be accompanied by the required fee of twenty-
20 five dollars which amount shall also be paid as the fee for
21 each renewal of such permit. Separate application shall be
22 made and separate permits issued for each separate place
23 of manufacture, making, producing, packing, packaging or
24 preparation.

25 Permits issued under the provisions of this section shall
26 be posted in a conspicuous place in the factory or place for
27 which issued; such permits shall not be transferable, and
28 shall expire on the thirtieth day of June following the date

29 of issue and shall be renewed annually. Nothing in this sec-
30 tion shall be construed to apply to those operating registered
31 retail pharmacies or drug stores.

32 Any person, firm or corporation violating any of the pro-
33 visions of this section, and any permittee hereunder shall
34 violate any of the conditions of this permit or any of the
35 rules and regulations adopted by the said board of pharmacy
36 in pursuance of the power hereby conferred, shall, upon con-
37 viction, be deemed guilty of a misdemeanor and fined not
38 more than fifty dollars for each offense, and each and every
39 day such violation continues shall constitute a separate and
40 distinct offense, and, upon conviction of a permittee, his
41 permit shall also forthwith be revoked and become null and
42 void.

43 Any person, firm, corporation, or any permittee hereunder
44 who shall have been convicted of two or more successive
45 violations of the provisions of this section or of the rules and
46 regulations adopted by the board of pharmacy in pursuance
47 of the power hereby conferred, shall at the discretion of the
48 board of pharmacy have such permit permanently revoked,
49 and the board of pharmacy is hereby authorized to refuse

50 the issuance of further permits to such person, firm, cor-
51 poration, or permittee.

Sec. 22. Any person aggrieved by the rules or regulations
2 promulgated by the said board of pharmacy under the pro-
3 visions of section twenty-one, shall be entitled to have his
4 complaint set down for hearing by said board. Requests for
5 such hearing shall be made in writing and shall specify in
6 detail the basis for the complaint, and the hearing shall be
7 held within ten days from the date of the receipt of said
8 request by the said board, unless postponed by mutual agree-
9 ment. The said board shall have the power to make such
10 rules and regulations with respect to the conduct of such
11 hearings as may be necessary.

FILED IN THE OFFICE OF THE CLERK OF THE SENATE
MAR 1 6 1938
Wm. S. O'BRIEN, Clerk
SENATE OF MICHIGAN

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. O. Wiseman

Chairman Senate Committee

DeB. Walter

Chairman House Committee

Originated in the *Senate*

Takes effect *Ninety days* passage.

Charles Wiley

Clerk of the Senate

Geo. S. Hance

Clerk of the House of Delegates

Wm. M. ...

President of the Senate

James T. ...

Speaker House of Delegates

The within *approved* this the *15th*

day of *March*, 1939.

James C. ...

Governor.



Filed in the office of the Secretary of State of West Virginia. **MAR 16 1939**

Wm. S. O'BRIEN, Secretary of State