

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 117

(By Mr. Booth)



PASSED Feb. 13, 1957

In Effect from Passage



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House Bill No. 117

(By MR. BOOTH)

[Passed February 13, 1957; in effect from passage.]

AN ACT to amend and reenact section six, article eight-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to prescriptions for narcotic drugs and compounds.

Be it enacted by the Legislature of West Virginia:

That section six, article eight-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 6. *Sales by Pharmacists upon Prescriptions or*
2 *by Legal Owner Discontinuing Business; Solutions Con-*
3 *taining Narcotic Drugs.*—(1) A pharmacist, in good faith,
4 may sell and dispense narcotic drugs to any person upon
5 a written prescription of a physician, dentist, or veteri-
6 narian: *Provided*, That such prescription is properly
7 executed, dated and signed by the person prescribing on

8 the day when issued, and bearing the full name and
9 address of the patient for whom, or of the owner of the
10 animal for which the drug is dispensed, and the full name,
11 address, and registry number under the federal narcotic
12 laws, of the person prescribing, if he is required by those
13 laws to be so registered. If the prescription be for an
14 animal, it shall state the species of animal for which the
15 drug is prescribed. The person filling the prescription
16 shall write the date of filling and his own signature on
17 the face of the prescription. The prescription shall be
18 retained on file by the proprietor of the pharmacy in which
19 it is filled for a period of five years, so as to be readily
20 accessible for inspection by any public officer or employee
21 engaged in the enforcement of this article. The prescrip-
22 tion shall not be refilled.

23 In lieu of a written prescription for such narcotic drugs
24 or compounds of a narcotic drug which the secretary of
25 the treasury of the United States shall find and by regu-
26 lation designate to possess relatively little or no addiction
27 liability, a pharmacist may sell or dispense such drugs to
28 a consumer upon the oral prescription of a physician,

29 dentist or veterinarian, which oral prescription shall be
30 reduced promptly to writing and the writing filed and
31 preserved by the pharmacist for a period of five years
32 from the date on which such prescription is filled in such
33 a way as to be readily accessible to inspection by any
34 public officer or employee engaged in the enforcement of
35 this act. In issuing an oral prescription, the prescriber
36 shall furnish the pharmacist with the same information
37 as is required by law or regulation in case of a written
38 prescription for narcotic drugs or compounds of a narcotic
39 drug except for the written signature of the prescriber,
40 and the pharmacist who fills such prescription shall be
41 required to inscribe such information on the written record
42 of the prescription made, filed and preserved by him, and
43 shall inscribe on the label of the container of the narcotic
44 drug or compound of a narcotic drug the same information
45 as is required in filling a written prescription. An oral
46 prescription shall not be refilled.

47 If the secretary of the treasury of the United States
48 shall subsequently determine that a narcotic drug or a
49 compound of a narcotic drug, to which the oral prescrip-

50 tion procedure has been made applicable, possesses a
51 degree of drug addiction liability that results in abusive
52 use of such procedure, the oral prescription procedure
53 shall cease to apply to the particular narcotic drug or to
54 the particular compound of a narcotic drug after the
55 expiration of a period of six months from the date of pub-
56 lication in the federal register.

57 (2) The legal owner of any stock of narcotic drugs in
58 pharmacy, upon discontinuance of dealing in said drugs,
59 may sell said stock to a manufacturer, wholesaler, phar-
60 macist or pharmacy owner, but only on an official written
61 order.

62 (3) A pharmacist, only upon an official written order,
63 may sell to a physician, dentist or veterinarian, in quanti-
64 ties not exceeding one ounce at any one time, aqueous or
65 oleaginous solutions of which the content of narcotic drug
66 does not exceed a proportion greater than twenty per cent
67 of the complete solution, to be used for legitimate office
68 practice. The original order form must be filed by the
69 pharmacist with his narcotic prescriptions. Each package
70 containing an aqueous or oleaginous solution so furnished

71 must bear a label showing the date and number of the
72 order form, the name and proportion of narcotic drug
73 contained in the solution, the name, address, and registry
74 number of the person furnishing the order, and the name,
75 address, and registry number of the pharmacist or phar-
76 macy owner filling the order.

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

Sam H. Marchand
Chairman Senate Committee

F. F. Deem
Chairman House Committee

Originated in the House of Delegates

Takes effect From passage.

Thomas Teyen
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Robert J. Beem
President of the Senate

W. B. Humphrey
Speaker, House of Delegates

The within approved this the 23rd
day of February, 1957.

Leif Thudum
Governor

Filed in the Office of the Secretary of State
of West Virginia **FEB 25 1957**
D. PITT O'BRIEN
SECRETARY OF STATE