

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



## ENROLLED

*Committee Substitute for*  
HOUSE BILL No. 601

(By Mr. Johr)



PASSED March 11, 1965

In Effect twenty days from Passage



FILED IN THE OFFICE OF  
JOE F. PURDITT  
SECRETARY OF STATE  
THIS DATE 3-19-65

#601

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 601**  
(Originating in the Committee on the Judiciary.)

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[Passed March 11, 1965; in effect ninety days from passage.]

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AN ACT to amend and reenact sections two and seven, article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appointment, qualifications, authority, powers and duties of the West Virginia board of pharmacy, and its powers with respect to refusal to issue, suspend or revoke a license or certificate of registration.

*Be it enacted by the Legislature of West Virginia:*

That sections two and seven, article five, chapter thirty of the code of West Virginia, one thousand nine hundred

thirty-one, as amended, be amended and reenacted to read as follows:

**Article 5. Pharmacists and Drug Stores.**

**Section 2. Board of Pharmacy; Appointment; Quali-**

**2 cations; Powers.**—There shall be a state board of phar-  
**3 macy**, known as the “West Virginia Board of Pharmacy,”  
**4 which** shall consist of five practicing pharmacists, who  
**5 shall** be appointed by the governor by and with the ad-  
**6 vice** and consent of the senate. Each member of the board,  
**7 at** the time of his appointment, shall be a citizen and  
**8 registered** pharmacist of this state, and actively engaged  
**9 in** the practice of pharmacy.

**10** The members of the board in office on the date this  
**11 code** takes effect shall, unless sooner removed, continue  
**12 to** serve until their respective terms expire and until  
**13 their** successors have been appointed and have qualified.  
**14 On** or before the first day of July, one thousand nine  
**15 hundred** thirty-one, and on or before the first day of July  
**16 of** each year thereafter, the governor shall appoint one  
**17 member** to serve for a term of five years, commencing  
**18 on** said first day of July, and any member shall be eligible  
**19 for** reappointment.

20 The board, in addition to the authority, powers and  
 21 duties granted to the board by this chapter and chapter  
 22 sixteen of the code, shall have the authority to: (a)  
 23 Regulate the practice of the profession of pharmacy; (b)  
 24 regulate the employment of apprentices and interns in  
 25 pharmacy; (c) appoint, within the limit of appropriations,  
 26 inspectors who shall be registered pharmacists and who  
 27 shall act as agents of the board within the provisions of  
 28 this chapter and chapter sixteen of the code and such  
 29 rules and regulations as the board shall promulgate; and  
 30 (d) adopt rules of professional conduct appropriate to  
 31 the establishment and maintenance of high standards of  
 32 integrity and dignity in a profession.

**Sec. 7. Refusal to Issue; Suspension or Revocation of**

2 **Certificate of Registration.** — The board of pharmacy  
 3 shall have the power to withhold, revoke or suspend any  
 4 license or any certificate issued under this article after  
 5 giving reasonable notice and an opportunity to be heard  
 6 to any person who has:

7 (1) Become unfit or incompetent to practice pharmacy  
 8 by reason of: (a) Acts of gross immorality; (b) habitual

9 intoxication; (c) habitual use of narcotics or habit form-  
10 ing drugs; (d) insanity; (e) any abnormal physical or  
11 mental condition which threatens the safety of persons  
12 to whom such person might sell or dispense prescriptions,  
13 drugs, or devices, or for whom he might manufacture,  
14 prepare or package, or supervise the manufacturing,  
15 preparation, or packaging of prescriptions, drugs, or de-  
16 vices.

17 (2) Been convicted in any of the courts of this state,  
18 the United States of America, or any other state, of a  
19 felony or any crime involving moral turpitude.

20 (3) Violated any of the provisions of this chapter or  
21 chapter sixteen of the code.

22 (4) Failed to comply with the rules of professional  
23 conduct adopted pursuant to subparagraph (d) of sec-  
24 tion two of this article.

25 (5) Promoted to the public in any manner any one  
26 drug which may only be dispensed pursuant to a pre-  
27 scription over any other of such drugs.

28 (6) Solicited professional practice directly or indi-  
29 rectly by promoting professional ability, experience, in-  
30 tegrity, or professional qualifications.

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

*O. Ray Parker*  
Chairman Senate Committee

*James W. Loop*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard Gibson*  
President of the Senate

*H. Leban White*  
Speaker House of Delegates

The within *approved* this the *19*  
day of *March*, 1965.

*Stewart C. Smith*  
Governor



Presented to the Governor's Office  
March 19, 1965  
4:10 P.M.