WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 539

(By Mrs. [Signature])

PASSED April 14, 1973

In Effect Ninety days from Passage

539
ENROLLED

House Bill No. 539
(By Mrs. Withrow)

[Passed April 14, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section five hundred four, article five, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to treatment by physicians of minors without parental consent for drug addiction; no liability on part of treating physician except for negligence or willful acts.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS.

§60A-5-504. Cooperative arrangements; confidentiality.

1 (a) The state board of pharmacy and the appropriate departments, boards, and agencies, as specified in section three hundred one, shall cooperate with federal and other state agencies in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, they may:

7 (1) Arrange for the exchange of information among governmental officials concerning the use and abuse of controlled substances;

10 (2) Coordinate and cooperate in training programs concerning controlled substance law enforcement at local and
Enr. H. B. No. 539] 2

state levels;
(3) Cooperate with the bureau by establishing a cen-
tralized unit to accept, catalogue, file, and collect statistics,
including records of drug dependent persons and other con-
trolled substance law offenders within the state, and make the
information available for federal, state, and local law en-
forcement purposes. They shall not furnish the name or
identity of a patient or research subject whose identity could
not be obtained under subsection (c); and
(4) Conduct programs of eradication aimed at destroying
wild or illicit growth of plant species from which controlled
substances may be extracted.
(b) Results, information, and evidence received from the
bureau relating to the regulatory functions of this chapter,
including results of inspections conducted by it may be relied
and acted upon by the state board of pharmacy in the exercise
of its regulatory functions under this chapter.
(c) A practitioner engaged in medical practice or research
is not required or compelled to furnish the name or identity of
a patient or research subject to the state board of pharmacy or
to the appropriate department, board, or agency by which he is
licensed or registered, as specified in section three hundred one,
nor may he be compelled in any state or local civil, criminal,
administrative, legislative, or other proceedings to furnish the
name or identity of an individual that the practitioner is ob-
ligated to keep confidential.
(d) No mental health organization or hospital shall be com-
pelled in any state or local civil, criminal, administrative,
legislative or other proceeding to furnish the name or identity
of any person voluntarily requesting treatment for or rehabilita-
tion from addiction to or dependency upon the use of a con-
trolled substance as defined in article one of this chapter.
(e) Notwithstanding any other provision of law, any
licensed physician or competent medically trained person under
his direction may examine, diagnose, and treat any minor at his
or her request for any addiction to or dependency upon the
use of a controlled substance as defined in article one of this
chapter without the knowledge or consent of the minor's
parent or guardian. Such physician and such other persons
shall not incur any civil or criminal liability in connection there-
with except for negligence or willful injury.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within appeared this the 24th day of April, 1973.

[Signature]
Governor
PRESENTED TO THE GOVERNOR

Date 4/24/73
Time 2:34 p.m.