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SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 539

(By Mrs. Withrow)



PASSED April 14, 1973

In Effect Ninety days from Passage



FILED IN THE OFFICE
EDGAR F. BRICKELL III
SECRETARY OF STATE
THIS DATE 5/2/73

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
2 departments, boards, and agencies, as specified in section three
3 hundred one, shall cooperate with federal and other state
4 agencies in discharging their responsibilities concerning traffic
5 in controlled substances and in suppressing the abuse of
6 controlled substances. To this end, they may:

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

10 (2) Coordinate and cooperate in training programs con-
11 cerning controlled substance law enforcement at local and

12 state levels;

13 (3) Cooperate with the bureau by establishing a cen-
14 tralized unit to accept, catalogue, file, and collect statistics,
15 including records of drug dependent persons and other con-
16 trolled substance law offenders within the state, and make the
17 information available for federal, state, and local law en-
18 forcement purposes. They shall not furnish the name or
19 identity of a patient or research subject whose identity could
20 not be obtained under subsection (c); and

21 (4) Conduct programs of eradication aimed at destroying
22 wild or illicit growth of plant species from which controlled
23 substances may be extracted.

24 (b) Results, information, and evidence received from the
25 bureau relating to the regulatory functions of this chapter,
26 including results of inspections conducted by it may be relied
27 and acted upon by the state board of pharmacy in the exercise
28 of its regulatory functions under this chapter.

29 (c) A practitioner engaged in medical practice or research
30 is not required or compelled to furnish the name or identity of
31 a patient or research subject to the state board of pharmacy or
32 to the appropriate department, board, or agency by which he is
33 licensed or registered, as specified in section three hundred one,
34 nor may he be compelled in any state or local civil, criminal,
35 administrative, legislative, or other proceedings to furnish the
36 name or identity of an individual that the practitioner is ob-
37 ligated to keep confidential.

38 (d) No mental health organization or hospital shall be com-
39 pelled in any state or local civil, criminal, administrative,
40 legislative or other proceeding to furnish the name or identity
41 of any person voluntarily requesting treatment for or rehabilita-
42 tion from addiction to or dependency upon the use of a con-
43 trolled substance as defined in article one of this chapter.

44 (e) Notwithstanding any other provision of law, any
45 licensed physician or competent medically trained person under
46 his direction may examine, diagnose, and treat any minor at his
47 or her request for any addiction to or dependency upon the
48 use of a controlled substance as defined in article one of this
49 chapter without the knowledge or consent of the minor's
50 parent or guardian. Such physician and such other persons
51 shall not incur any civil or criminal liability in connection there-
52 with except for negligence or willful injury.

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

H. Darrel Darty
Chairman Senate Committee

Clarence G. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. J. Bodner
President of the Senate

Lewis J. Thomas
Speaker House of Delegates

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

Arch A. Shaver Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/24/73

Time 2:34 p.m.