WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979

ENROLLED
Committee Substitute for
SENATE BILL NO. 366

(By Mr. Hunter)

PASSED March 10, 1979
In Effect ninety days from Passage
AN ACT to amend article five-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto five new sections, designated sections six, seven, eight, nine and ten, relating to establishing a system of strictly controlling research and therapeutic uses of marihuana for the alleviation of nausea and ill effects of cancer chemotherapy and the ill effects of glaucoma by the department of health; defining certain terms; establishing a controlled substance therapeutic research program in the department of health; establishing a patient qualification review board; appointment and reimbursement of members; and requiring a report of the effectiveness of the program to the governor and the Legislature.

Be it enacted by the Legislature of West Virginia:

That article five-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto five new sections, designated sections six, seven, eight, nine and ten, to read as follows:

ARTICLE 5A. CANCER CONTROL.


1 As used in this article:
2 (1) “Director” means the director of the department of health, or his designee;
3 (2) “Marihuana” means marihuana, tetrahydrocannabinols or a chemical derivative of tetrahydrocannabinol; and
§16-5A-7. Controlled substances therapeutic research program established; participation.

1. (a) There is established in the department of health the “controlled substances therapeutic research program.” The program shall be administered by the director. The department shall promulgate rules and regulations necessary for the proper administration of the provisions of this article. In such promulgation, the department shall take into consideration all pertinent rules and regulations promulgated by the state board of pharmacy, the drug enforcement administration, the food and drug administration, and the national institute on drug abuse.

2. (b) Except as provided in subsection (c), section eight of this article, the controlled substances therapeutic research program shall be limited to cancer chemotherapy patients and glaucoma patients who are certified to the patient qualification review board by a practitioner as being involved in a life-threatening or sense-threatening situation and who are not responding to conventional controlled substances or where the conventional controlled substances administered have proven to be effective, but where the patient has incurred severe side effects.

§16-5A-8. Patient qualification review board; composition; powers and duties.

1. (a) The director shall appoint a patient qualification review board to serve at his pleasure. The patient qualification review board shall be comprised of:

2. (1) A physician licensed to practice medicine in West Virginia and certified by the American board of ophthalmology;

3. (2) A physician licensed to practice medicine in West Virginia and certified by the American board of internal medicine and also certified in the subspeciality of medical oncology or hematology; and

4. (3) A physician licensed to practice medicine in West
Virginia and certified by the American board of psychiatry.

Members of the board may be reimbursed for their attendance at meetings at the rate of forty dollars per day.

(b) The patient qualification review board shall review all applicants for the controlled substances therapeutic research program and their licensed practitioners and certify their participation in the program. The board shall additionally certify practitioners and licensed pharmacies for participation regarding the distribution of marihuana pursuant to the provisions of section nine of this article.

(c) The patient qualification review board may include other disease groups for participation in the controlled substances therapeutic research program after pertinent medical data has been presented by a practitioner to both the administrator and the board.

§16-5A-9. Controlled substances therapeutic research program; distribution.

(a) The director shall apply to contract with the national institute on drug abuse or any federally registered distributor or manufacturer for receipt of marihuana pursuant to and in accordance with regulations promulgated by the national institute on drug abuse, the food and drug administration and the drug enforcement administration and pursuant to the provisions of this article.

(b) The director may cause such analyzed marihuana to be transferred to a certified licensed pharmacy for distribution to the certified patient upon the written prescription of the certified practitioner, pursuant to the provisions of this article.


The director, in conjunction with the patient qualification review board, shall report his findings and recommendations to the governor and the Legislature, regarding the effectiveness of the controlled substances therapeutic research program.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Clarence L. Chestnut  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

James L. Davis  
Clerk of the Senate

I. Alphonso  
Clerk of the House of Delegates

Clyde M. Lee, Jr.  
President of the Senate

Clyde M. Lee, Jr.  
Speaker House of Delegates

The within is approved this the 25

day of March, 1979.

John D. Boling  
Governor