

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-25-79

Time 4:10 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979

ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 366

(By Mr. Hendon)

PASSED March 10, 1979

In Effect ninety days from Passage



No. 366

# ENROLLED

## COMMITTEE SUBSTITUTE

### FOR

## Senate Bill No. 366

(MR. HANLON, *original sponsor*)

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[Passed March 10, 1979; in effect ninety days from passage.]

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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.

##### §16-5A-6. Definitions.

- 1 As used in this article:
- 2 (1) "Director" means the director of the department of
- 3 health, or his designee;
- 4 (2) "Marihuana" means marihuana, tetrahydrocan-
- 5 nabinols or a chemical derivative of tetrahydrocannabi-
- 6 nol; and

7 (3) "Practitioner" means a physician licensed to pre-  
8 scribe and administer drugs which are subject to the  
9 controlled substances act.

**§16-5A-7. Controlled substances therapeutic research program  
established; participation.**

1 (a) There is established in the department of health  
2 the "controlled substances therapeutic research pro-  
3 gram." The program shall be administered by the direc-  
4 tor. The department shall promulgate rules and regula-  
5 tions necessary for the proper administration of the pro-  
6 visions of this article. In such promulgation, the depart-  
7 ment shall take into consideration all pertinent rules and  
8 regulations promulgated by the state board of pharmacy,  
9 the drug enforcement administration, the food and drug  
10 administration, and the national institute on drug abuse.

11 (b) Except as provided in subsection (c), section eight  
12 of this article, the controlled substances therapeutic re-  
13 search program shall be limited to cancer chemotherapy  
14 patients and glaucoma patients who are certified to the  
15 patient qualification review board by a practitioner as  
16 being involved in a life-threatening or sense-threatening  
17 situation and who are not responding to conventional  
18 controlled substances or where the conventional con-  
19 trolled substances administered have proven to be effec-  
20 tive, 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  
2 review board to serve at his pleasure. The patient qualifi-  
3 cation review board shall be comprised of:

4 (1) A physician licensed to practice medicine in West  
5 Virginia and certified by the American board of ophthal-  
6 mology;

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

11 (3) A physician licensed to practice medicine in West

12 Virginia and certified by the American board of psychia-  
13 try.

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

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

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

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

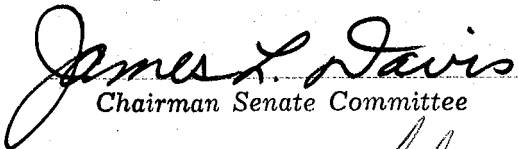
1 (a) The director shall apply to contract with the  
2 national institute on drug abuse or any federally regis-  
3 tered distributor or manufacturer for receipt of marihua-  
4 na pursuant to and in accordance with regulations prom-  
5 ulgated by the national institute on drug abuse, the food  
6 and drug administration and the drug enforcement ad-  
7 ministration and pursuant to the provisions of this article.

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

**§16-5A-10. Report.**

1 The director, in conjunction with the patient qualifica-  
2 tion review board, shall report his findings and recom-  
3 mendations to the governor and the Legislature, re-  
4 garding the effectiveness of the controlled substances  
5 therapeutic research program.


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

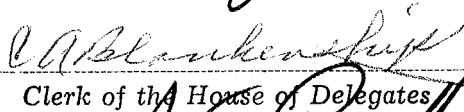
  
Chairman Senate Committee

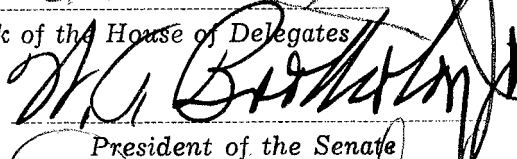
  
Chairman House Committee

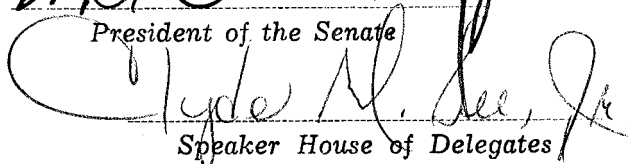
Originated in the Senate.

To take effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within is approved this the 25  
day of March, 1979.

  
Governor





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