WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

SENATE BILL NO. 258

(By Mr. Davis)

PASSED March 3, 1983
In Effect July 1, 1983
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Senate Bill No. 258
(By Mr. Davis)

[Passed March 3, 1983; in effect July 1, 1983.]

AN ACT to amend and reenact sections two, five, six, nine and fourteen, article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section three hundred one, article three, chapter sixty-a of said code, all relating to eliminating requirement that investigators appointed by the board of pharmacy be registered pharmacists; increasing and setting certain fees connected with the operation of the state board of pharmacy; setting certain other fees connected with the manufacture, distribution and dispensing of controlled substances; and criminal penalties.

Be it enacted by the Legislature of West Virginia:
That sections two, five, six, nine and fourteen, article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section three hundred one, article three, chapter sixty-a of said code be amended and reenacted, all to read as follows:
CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 5. PHARMACISTS, ASSISTANT PHARMACISTS AND DRUGSTORES.

§30-5-2. Board of pharmacy; appointment, qualifications and terms of members; powers and duties generally.
There shall be a state board of pharmacy, known as the "West Virginia board of pharmacy," which shall consist of five practicing pharmacists, who shall be appointed by the governor by and with the advice and consent of the Senate. Each member of the board, at the time of his appointment, shall be a citizen and registered pharmacist of this state, and actively engaged in the practice of pharmacy.

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

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

§30-5-5. Qualifications for registration as pharmacist; certificates of registration.
In order to be registered as a pharmacist within the meaning of this article, a person shall be a citizen of the United States, not less than eighteen years of age, shall present to the board of pharmacy satisfactory evidence that he is a graduate of a recognized school of pharmacy as
defined by the board of pharmacy. In addition thereto, he shall have had at least nine months of practical experience in a pharmacy or drugstore under the instruction and supervision of a registered pharmacist and shall pass satisfactorily an examination by or under the direction of the board of pharmacy: Provided, That any registered pharmacist who has renewed his registration as such assistant pharmacist for each consecutive year since his original registration with the state board of pharmacy, may upon application to the board of pharmacy, be registered as a pharmacist within the meaning of this article. An applicant for examination shall forward to the secretary a fee of one hundred twenty-five dollars with his application. Every applicant for registration as a pharmacist shall present to the board of pharmacy satisfactory evidence that he is a person of good moral character and not addicted to drunkenness or the use of controlled substances. The board shall issue certificates of registration to all persons who successfully pass the required examination and are otherwise qualified and to all those whose certificates or licenses the board shall accept in lieu of an examination as provided in section six of this article.

§30-5-6. Registration of pharmacists from other states.

The board of pharmacy may register and admit to practice as pharmacists in this state, without examination, such persons as have been legally registered or licensed as pharmacists in other states: Provided, That the applicant for such registration shall appear personally before the board and shall present satisfactory evidence of qualification equal to that required of applicants for registration in this state, and that he was registered or licensed by examination in such other state, and that the standard of competence required in such other state is not lower than that required in this state: Provided, however, That the board is satisfied that such other state accords similar recognition to registered pharmacists of this state. Applicants for registration under this section shall, with their application, forward to the secretary of the board of pharmacy a fee of one hundred twenty-five dollars.

§30-5-9. Fees.

The board of pharmacy shall be entitled to charge and collect the following fees, in addition to those provided in
article one of this chapter and in section fourteen and
section sixteen of this article: For renewing the registration
of a pharmacist, thirty dollars; to register an intern
pharmacist, ten dollars; and to register a consultant
pharmacist, twenty dollars.

§30-5-14. Pharmacies or drugstores to be registered; permit to
operate; fees; registered pharmacist to conduct business.
The board of pharmacy shall require and provide for the
annual registration of every pharmacy or drugstore, as
defined, doing business in this state. Any person, firm,
corporation or partnership desiring to operate, maintain,
open or establish a pharmacy or drugstore, as defined, in
this state, shall apply to the board of pharmacy for a permit
to do so. The application for such permit or license shall be
made on a form prescribed and furnished by the board of
pharmacy, which when properly executed, shall indicate
the owner, manager, trustee, lessee, receiver, or other
person or persons desiring such permit, as well as the
location of such pharmacy or drugstore, including street
and number, and such other information as the board of
pharmacy may require. If it is desired to operate, maintain,
open or establish more than one pharmacy or drugstore,
separate application shall be made and separate permits or
licenses shall be issued for each. Every initial application
for a permit shall be accompanied by the required fee of one
hundred fifty dollars. The fee for renewal of such permit or
license shall be seventy-five dollars annually. If an
application is found satisfactory, the secretary of the board
of pharmacy shall issue to the applicant a permit or license
for each pharmacy or drugstore for which application is
made. Permits or licenses issued under this section shall not
be transferable and shall expire on the thirtieth day of June
of each calendar year, and if application for renewal of
permit or license is not made or a new one granted on or
before the first day of August, following, the old permit or
license shall lapse and become null and void. Every such
place of business so registered shall be in direct charge of a
registered pharmacist and operate in compliance with the
general provisions governing the practice of pharmacy and
the operation of a drugstore or pharmacy.
The provisions of this section shall have no application to the sale of patent or proprietary medicines which are not poisonous, deleterious or habit-forming nor to such ordinary drugs in original retail packages when such are not poisonous, deleterious or habit-forming nor to flavoring extracts or dyestuffs as are usually sold in a country store.

CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING OF CONTROLLED SUBSTANCES.

§60A-3-301. Rules; fees.
1. The state board of pharmacy shall promulgate rules and charge fees relating to the registration and control of the manufacture and distribution of controlled substances within this state, and each department, board, or agency of this state which licenses or registers practitioners authorized to dispense any controlled substance shall promulgate rules and charge fees relating to the registration and control of the dispensing of controlled substances within this state by those practitioners licensed or registered by such department, board, or agency.

The state board of pharmacy or the department, board or agency shall collect the following annual registration fees from persons who manufacture, distribute, dispense or conduct research with controlled substances: For registration of a manufacturer, fifty dollars; for registration of a wholesaler, fifty dollars; for registration of a retailer, fifteen dollars; for registration of a hospital or clinic, fifteen dollars; and for registration of a research institution, five dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect July 1, 1983.

[Signatures]

Clerk of the Senate

[Signatures]

Clerk of the House of Delegates

[Signatures]

President of the Senate

[Signatures]

Speaker House of Delegates

The within........is approved........this the......16........day of..........March..........., 1983.

[Signatures]

Governor