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Date 3-16-83

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

SENATE BILL NO. 258

(By Mr. Davis)

—•—
PASSED March 3, 1983

In Effect July 1, 1983 ~~Range~~



ENROLLED
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.**

1 There shall be a state board of pharmacy, known as the
2 "West Virginia board of pharmacy," which shall consist of
3 five practicing pharmacists, who shall be appointed by the
4 governor by and with the advice and consent of the Senate.
5 Each member of the board, at the time of his appointment,
6 shall be a citizen and registered pharmacist of this state,
7 and actively engaged in the practice of pharmacy.

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

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

§30-5-5. Qualifications for registration as pharmacist; certificates of registration.

1 In order to be registered as a pharmacist within the
2 meaning of this article, a person shall be a citizen of the
3 United States, not less than eighteen years of age, shall
4 present to the board of pharmacy satisfactory evidence that
5 he is a graduate of a recognized school of pharmacy as

6 defined by the board of pharmacy. In addition thereto, he
7 shall have had at least nine months of practical experience
8 in a pharmacy or drugstore under the instruction and
9 supervision of a registered pharmacist and shall pass
10 satisfactorily an examination by or under the direction of
11 the board of pharmacy: *Provided*, That any registered
12 pharmacist who has renewed his registration as such
13 assistant pharmacist for each consecutive year since his
14 original registration with the state board of pharmacy, may
15 upon application to the board of pharmacy, be registered as
16 a pharmacist within the meaning of this article. An
17 applicant for examination shall forward to the secretary a
18 fee of one hundred twenty-five dollars with his application.

19 Every applicant for registration as a pharmacist shall
20 present to the board of pharmacy satisfactory evidence that
21 he is a person of good moral character and not addicted to
22 drunkenness or the use of controlled substances. The board
23 shall issue certificates of registration to all persons who
24 successfully pass the required examination and are
25 otherwise qualified and to all those whose certificates or
26 licenses the board shall accept in lieu of an examination as
27 provided in section six of this article.

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

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

§30-5-9. Fees.

1 The board of pharmacy shall be entitled to charge and
2 collect the following fees, in addition to those provided in

3 article one of this chapter and in section fourteen and
4 section sixteen of this article: For renewing the registration
5 of a pharmacist, thirty dollars; to register an intern
6 pharmacist, ten dollars; and to register a consultant
7 pharmacist, twenty dollars.

**§30-5-14. Pharmacies or drugstores to be registered; permit to
operate; fees; registered pharmacist to conduct
business.**

1 The board of pharmacy shall require and provide for the
2 annual registration of every pharmacy or drugstore, as
3 defined, doing business in this state. Any person, firm,
4 corporation or partnership desiring to operate, maintain,
5 open or establish a pharmacy or drugstore, as defined, in
6 this state, shall apply to the board of pharmacy for a permit
7 to do so. The application for such permit or license shall be
8 made on a form prescribed and furnished by the board of
9 pharmacy, which when properly executed, shall indicate
10 the owner, manager, trustee, lessee, receiver, or other
11 person or persons desiring such permit, as well as the
12 location of such pharmacy or drugstore, including street
13 and number, and such other information as the board of
14 pharmacy may require. If it is desired to operate, maintain,
15 open or establish more than one pharmacy or drugstore,
16 separate application shall be made and separate permits or
17 licenses shall be issued for each. Every initial application
18 for a permit shall be accompanied by the required fee of one
19 hundred fifty dollars. The fee for renewal of such permit or
20 license shall be seventy-five dollars annually. If an
21 application is found satisfactory, the secretary of the board
22 of pharmacy shall issue to the applicant a permit or license
23 for each pharmacy or drugstore for which application is
24 made. Permits or licenses issued under this section shall not
25 be transferable and shall expire on the thirtieth day of June
26 of each calendar year, and if application for renewal of
27 permit or license is not made or a new one granted on or
28 before the first day of August, following, the old permit or
29 license shall lapse and become null and void. Every such
30 place of business so registered shall be in direct charge of a
31 registered pharmacist and operate in compliance with the
32 general provisions governing the practice of pharmacy and
33 the operation of a drugstore or pharmacy.

34 The provisions of this section shall have no application to
35 the sale of patent or proprietary medicines which are not
36 poisonous, deleterious or habit-forming nor to such
37 ordinary drugs in original retail packages when such are
38 not poisonous, deleterious or habit-forming nor to flavoring
39 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
2 charge fees relating to the registration and control of the
3 manufacture and distribution of controlled substances
4 within this state, and each department, board, or agency of
5 this state which licenses or registers practitioners
6 authorized to dispense any controlled substance shall
7 promulgate rules and charge fees relating to the
8 registration and control of the dispensing of controlled
9 substances within this state by those practitioners licensed
10 or registered by such department, board, or agency.

11 The state board of pharmacy or the department, board or
12 agency shall collect the following annual registration fees
13 from persons who manufacture, distribute, dispense or
14 conduct research with controlled substances: For
15 registration of a manufacturer, fifty dollars; for
16 registration of a wholesaler, fifty dollars; for registration of
17 a retailer, fifteen dollars; for registration of a hospital or
18 clinic, fifteen dollars; and for registration of a research
19 institution, five dollars.

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

James L. Davis
.....
Chairman Senate Committee

Samuel Chubb
.....
Chairman House Committee

Originated in the Senate.

In effect July 1, 1983.

Jedd C. Smith
.....
Clerk of the Senate

Donald L. Hogg
.....
Clerk of the House of Delegates

Harold S. McHew
.....
President of the Senate

W. M. Seelye, Jr.
.....
Speaker House of Delegates

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

..... *John A. Relyea*
Governor

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