WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED

SENATE BILL NO. 423

(By Mr. Blumbo)

PASSED April 4, 1985

In Effect ninety days from Passage
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Senate Bill No. 423
(BY MR. PALUMBO)

[Passed April 4, 1985; in effect ninety days from passage.]

AN ACT to amend and reenact sections five and sixteen, article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the powers and duties of the West Virginia board of pharmacy; removing the requirement that a registered pharmacist be a citizen of the United States; requiring a permit for the distribution of any legend drug; extending the requirement of obtaining a permit to manufacture, package, make or prepare or distribute certain products to include partnerships, companies, cooperative societies or organizations; and providing penalties for the violation of such section sixteen.

Be it enacted by the Legislature of West Virginia:

That sections five and sixteen, article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. PHARMACISTS, ASSISTANT PHARMACISTS AND DRUGSTORES.

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

1 In order to be registered as a pharmacist within the meaning of this article, a person shall be not less than eighteen years of age, shall present to the board of pharmacy satisfactory evidence that he or she is a graduate of a recognized school of pharmacy as defined by the board
of pharmacy. In addition thereto, he or she 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 or her registration as such assistant phar-
macist for each consecutive year since his or her 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 appli-
cant for examination shall forward to the secretary a fee
of one hundred twenty-five dollars with his or her appli-
cation.

Every applicant for registration as a pharmacist shall
present to the board of pharmacy satisfactory evidence
that he or she is a person of good moral character and
not addicted to drunkenness or the use of controlled sub-
stances. The board shall issue certificates of registration
to all persons who successfully pass the required exami-
nation 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.

§30-5-16. Permit for manufacture, packaging, etc., of drugs,
medicines, cosmetics, distribution of legend drugs,
etc.; regulations as to sanitation and equipment;
penalties; revocation of permit.

No drugs or medicines, or toilet articles, dentifrices,
or cosmetics, shall be manufactured, made, produced,
packed, packaged or prepared within the state, except
under the personal and immediate supervision of a regis-
tered pharmacist or such other person as may be approved
by the board of pharmacy, after an investigation and
determination by the said board that they are qualified
by scientific or technical training and/or experience to
perform such duties of supervision as may be necessary to
protect the public health and safety; and no person shall
manufacture, make, produce, pack, package or prepare
any such articles without first obtaining a permit to do so
from the board of pharmacy. Such permit shall be sub-
ject to such rules and regulations, with respect to san-
tation and/or equipment, as the said board of pharmacy
may from time to time adopt for the protection of the
public health and safety.

Any person, firm, corporation, partnership, company,
cooperative society or organization who offers for sale,
sells, offers or exposes for sale through the method of
distribution any legend drug shall be subject to this ar-
ticle.

The application for such permit shall be made on a
form to be prescribed and furnished by the said board of
pharmacy and shall be accompanied by the required fee
of fifty dollars which amount shall also be paid as the fee
for each annual renewal of such permit. Separate appli-
cations shall be made and separate permits issued for
each separate place of manufacture, distribution, making,
producing, packing, packaging or preparation.

Permits issued under the provisions of this section
shall be posted in a conspicuous place in the factory or
place for which issued; such permits shall not be trans-
ferable, and shall expire on the thirtieth day of June
following the day of issue and shall be renewed annually.
Nothing in this section shall be construed to apply to
those operating registered pharmacies or drugstores.

Any person, firm, or corporation, partnership, company,
cooperative society or organization violating any of the
provisions of this section and any permittee hereunder
who shall violate any of the conditions of this permit or
any of the rules and regulations adopted by the said board
of pharmacy in pursuance of the power hereby conferred,
shall, upon conviction, be deemed guilty of a misdemean-
or and fined not more than fifty dollars for each offense,
and each and every day such violation continues shall
constitute a separate and distinct offense, and upon con-
viction of a permittee, his permit shall also forthwith be
revoked and become null and void.

Any person, firm, corporation, partnership, company,
cooperative society or organization or any permittee
hereunder who shall have been convicted of two or more
successive violations of the provisions of this section or of the rules and regulations adopted by the board of pharmacy in pursuance of the powers hereby conferred, shall at the discretion of the board of pharmacy have such permit permanently revoked, and the board of pharmacy is hereby authorized to refuse the issuance of further permits to such person, firm, corporation, partnership, company, cooperative society or organization or permittee.
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.

In 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 _______ day of _______ month _______ year _______.

Governor
PRESENTED TO THE
GOVERNOR

Date 14/19/85
Time 4:11 P.M.