

No. 423

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SECRETARY OF STATE

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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SECRETARY OF STATE

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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
2 meaning of this article, a person shall be not less than
3 eighteen years of age, shall present to the board of phar-
4 macy satisfactory evidence that he or she is a graduate of
5 a recognized school of pharmacy as defined by the board

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

20 Every applicant for registration as a pharmacist shall
21 present to the board of pharmacy satisfactory evidence
22 that he or she is a person of good moral character and
23 not addicted to drunkenness or the use of controlled sub-
24 stances. The board shall issue certificates of registration
25 to all persons who successfully pass the required exami-
26 nation and are otherwise qualified and to all those whose
27 certificates or licenses the board shall accept in lieu of an
28 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.**

1 No drugs or medicines, or toilet articles, dentifrices,
2 or cosmetics, shall be manufactured, made, produced,
3 packed, packaged or prepared within the state, except
4 under the personal and immediate supervision of a regis-
5 tered pharmacist or such other person as may be approved
6 by the board of pharmacy, after an investigation and
7 determination by the said board that they are qualified
8 by scientific or technical training and/or experience to
9 perform such duties of supervision as may be necessary to
10 protect the public health and safety; and no person shall
11 manufacture, make, produce, pack, package or prepare
12 any such articles without first obtaining a permit to do so

13 from the board of pharmacy. Such permit shall be sub-
14 ject to such rules and regulations, with respect to sani-
15 tation and/or equipment, as the said board of pharmacy
16 may from time to time adopt for the protection of the
17 public health and safety.

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

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

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

38 Any person, firm, or corporation, partnership, company,
39 cooperative society or organization violating any of the
40 provisions of this section and any permittee hereunder
41 who shall violate any of the conditions of this permit or
42 any of the rules and regulations adopted by the said board
43 of pharmacy in pursuance of the power hereby conferred,
44 shall, upon conviction, be deemed guilty of a misdemea-
45 nor and fined not more than fifty dollars for each offense,
46 and each and every day such violation continues shall
47 constitute a separate and distinct offense, and upon con-
48 viction of a permittee, his permit shall also forthwith be
49 revoked and become null and void.

50 Any person, firm, corporation, partnership, company,
51 cooperative society or organization or any permittee
52 hereunder who shall have been convicted of two or more

53 successive violations of the provisions of this section or
54 of the rules and regulations adopted by the board of
55 pharmacy in pursuance of the powers hereby conferred,
56 shall at the discretion of the board of pharmacy have such
57 permit permanently revoked, and the board of pharmacy
58 is hereby authorized to refuse the issuance of further
59 permits to such person, firm, corporation, partnership,
60 company, cooperative society or organization or permit-
61 tee.

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

Bruce O. Williams

Chairman Senate Committee

Floyd Fuller

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Welch

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Dan Tomkowiak

President of the Senate

Joseph Albright

Speaker House of Delegates

The within *approved* this the *17th* day of *April*, 1985.

Arthur Shaffer, Jr.

Governor

PRESENTED TO THE

GOVERNOR

Date 4/9/85

Time 4:16 p.m.