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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL NO. 2494

(By ~~Mr.~~ Del Gallagher + Border)

— ● —

Passed March 9, 1991

In Effect 90 Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2494
(By DELEGATES GALLAGHER AND BORDER)

[Passed March 9, 1991; in effect ninety days from passage.]

AN ACT to amend article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six-a, relating to requiring mail-order houses which dispense drugs into or out of the state to register with the board of pharmacy prior to doing business; exempting mail-order houses which operate solely as wholesale distributors; and promulgation of rules and regulations by board of pharmacy.

Be it enacted by the Legislature of West Virginia:

That article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section six-a, to read as follows:

CHAPTER 30.
PROFESSIONS AND OCCUPATIONS.

ARTICLE 5. PHARMACISTS, ASSISTANT PHARMACISTS AND DRUGSTORES.

§30-5-6a. Permits for mail-order houses.

- 1 (a) Every mail-order house which dispenses drugs or
- 2 medicines through the United States mail or otherwise

3 from any point in the state of West Virginia to any point
4 outside of the state of West Virginia shall be registered
5 as a pharmacy or drugstore pursuant to the provisions
6 of section fourteen of this article: *Provided*, That the
7 provisions of this subsection do not apply to any mail-
8 order house which operates solely as a wholesale
9 distributor.

10 (b) Every mail-order house which dispenses drugs or
11 medicines through the United States mail or otherwise
12 from any point outside of the state of West Virginia to
13 any point within the state of West Virginia shall, as a
14 condition precedent to being qualified and authorized to
15 transact such business in the state of West Virginia,
16 annually register with the board of pharmacy to conduct
17 such business in this state. Every such business shall be
18 required to provide to the board of pharmacy satisfac-
19 tory evidence that it qualifies as a pharmacy or
20 drugstore and that such business is licensed or regis-
21 tered as a pharmacy or drugstore in the state where the
22 business dispenses prescriptions by mail order to
23 residents of this state. The board of pharmacy shall
24 promulgate rules, in accordance with the provisions of
25 article three, chapter twenty-nine-a of this code, for the
26 procedures of registration pursuant to this subsection:
27 *Provided*, That the provisions of this subsection do not
28 apply to any mail-order house which operates solely as
29 a wholesale distributor.

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

Somer Heck

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect from ninety days passage.

Darrell E. Bell

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Walter S. Burdette

President of the Senate

Robert C. Clark

Speaker of the House of Delegates

The within is approved this the 15th
day of April, 1991.

Yaston Caperton

Governor

PRESENTED TO THE
GOVERNOR

Date 3/20/91
Time 4:55 pm