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2001 MAY -2 A 11: 14

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

## House Bill No. 3052

(By Delegates Border and Perdue)



*13*

Passed April 14, 2001

In Effect Ninety Days from Passage

FILED

2001 MAY -2 A 11: 19

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**H. B. 3052**

(BY DELEGATES BORDER AND PERDUE)

*ad  
Burgess in  
C. Ald. 8*

13

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact sections one-b, three and twelve-b, article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections five-b and sixteen-a, relating generally to pharmacies; codifying procedure to dispense prescribed substances more than one year after issuance of the prescription by internet pharmacies; providing for indirect supervision of registered pharmacy technicians during pharmacist's break; providing for maximum break period in which a registered pharmacy technician may be indirectly supervised; limiting the physical area a pharmacist may take a break; providing for certain functions a registered pharmacy technician may perform while being indirectly supervised; requiring certain communication vehicles be implemented between a registered pharmacy technician and a pharmacist while on break; providing for certain protocols to be established by

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individual pharmacies in the event of an emergency while a pharmacist is on break; redefining practitioner as it affects pharmacists; deleting obsolete definition; and prohibiting the dispensing of prescription orders in absence of practitioner-patient relationship.

*Be it enacted by the Legislature of West Virginia:*

That sections one-b, three and twelve-b, article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto two new sections, designated sections five-b and sixteen-a, all to read as follows:

**ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS AND PHARMACIES.**

**§30-5-1b. Definitions.**

1 The following words and phrases, as used in this article,  
2 shall have the following meanings, unless the context otherwise  
3 requires:

4 (a) "Administer" means the direct application of a drug to  
5 the body of a patient or research subject by injection, inhalation,  
6 ingestion or any other means.

7 (b) "Board of pharmacy" or "board" means the West  
8 Virginia state board of pharmacy.

9 (c) "Compounding" means:

10 (1) The preparation, mixing, assembling, packaging or  
11 labeling of a drug or device:

12 (A) As the result of a practitioner's prescription drug order  
13 or initiative based on the practitioner/patient/pharmacist  
14 relationship in the course of professional practice for sale or  
15 dispensing; or

16 (B) For the purpose of, or as an incident to, research,  
17 teaching or chemical analysis and not for sale or dispensing;

18 (2) The preparation of drugs or devices in anticipation of  
19 prescription drug orders based on routine, regularly observed  
20 prescribing patterns.

21 (d) "Confidential information" means information main-  
22 tained by the pharmacist in the patient record or which is  
23 communicated to the patient as part of patient counseling or  
24 which is communicated by the patient to the pharmacist. This  
25 information is privileged and may be released only to the  
26 patient or to other members of the health care team and other  
27 pharmacists where, in the pharmacist's professional judgment,  
28 the release is necessary to the patient's health and well-being;  
29 to other persons or governmental agencies authorized by law to  
30 receive the privileged information; as necessary for the limited  
31 purpose of peer review and utilization review; as authorized by  
32 the patient or required by court order.

33 (e) "Deliver" or "delivery" means the actual, constructive  
34 or attempted transfer of a drug or device from one person to  
35 another, whether or not for a consideration.

36 (f) "Device" means an instrument, apparatus, implement or  
37 machine, contrivance, implant or other similar or related article,  
38 including any component part or accessory, which is required  
39 under federal law to bear the label, "Caution: Federal or state  
40 law requires dispensing by or on the order of a physician."

41 (g) "Dispense" or "dispensing" means the preparation and  
42 delivery of a drug or device in an appropriately labeled and  
43 suitable container to a patient or patient's representative or  
44 surrogate pursuant to a lawful order of a practitioner for  
45 subsequent administration to, or use by, a patient.

46 (h) "Distribute" means the delivery of a drug or device  
47 other than by administering or dispensing.

48 (i) "Drug" means:

49 (1) Articles recognized as drugs in the USP-DI, facts and  
50 comparisons, physicians desk reference or supplements thereto,  
51 for use in the diagnosis, cure, mitigation, treatment or preven-  
52 tion of disease in human or other animals;

53 (2) Articles, other than food, intended to affect the structure  
54 or any function of the body of human or other animals; and

55 (3) Articles intended for use as a component of any articles  
56 specified in subsection (1) or (2) of this section.

57 (j) "Drug regimen review" includes, but is not limited to,  
58 the following activities:

59 (1) Evaluation of the prescription drug orders and patient  
60 records for:

61 (A) Known allergies;

62 (B) Rational therapy-contraindications;

63 (C) Reasonable dose and route of administration; and

64 (D) Reasonable directions for use.

65 (2) Evaluation of the prescription drug orders and patient  
66 records for duplication of therapy.

67 (3) Evaluation of the prescription drug for interactions  
68 and/or adverse effects which may include, but are not limited  
69 to, any of the following:

70 (A) Drug-drug;

71 (B) Drug-food;

72 (C) Drug-disease; and

73 (D) Adverse drug reactions.

74 (4) Evaluation of the prescription drug orders and patient  
75 records for proper use, including over use and under use and  
76 optimum therapeutic outcomes.

77 (k) "Intern" means an individual who is:

78 (1) Currently registered by this state to engage in the  
79 practice of pharmacy while under the supervision of a licensed  
80 pharmacist and is satisfactorily progressing toward meeting the  
81 requirements for licensure as a pharmacist; or

82 (2) A graduate of an approved college of pharmacy or a  
83 graduate who has established educational equivalency by  
84 obtaining a foreign pharmacy graduate examination committee  
85 (FPGEC) certificate, who is currently licensed by the board for  
86 the purpose of obtaining practical experience as a requirement  
87 for licensure as a pharmacist; or

88 (3) A qualified applicant awaiting examination for  
89 licensure; or

90 (4) An individual participating in a residency or fellowship  
91 program.

92 (l) "Labeling" means the process of preparing and affixing  
93 a label to a drug container exclusive, however, of a labeling by  
94 a manufacturer, packer or distributor of a nonprescription drug  
95 or commercially packaged legend drug or device. Any label  
96 shall include all information required by federal law or regula-  
97 tion and state law or rule.

98 (m) "Mail-order pharmacy" means a pharmacy, regardless  
99 of its location, which dispenses greater than ten percent  
100 prescription drugs via the mail.

101 (n) "Manufacturer" means a person engaged in the manu-  
102 facture of drugs or devices.

103 (o) "Manufacturing" means the production, preparation,  
104 propagation or processing of a drug or device, either directly or  
105 indirectly, by extraction from substances of natural origin or  
106 independently by means of chemical or biological synthesis and  
107 includes any packaging or repackaging of the substance(s) or  
108 labeling or relabeling of its contents and the promotion and  
109 marketing of the drugs or devices. Manufacturing also includes  
110 the preparation and promotion of commercially available  
111 products from bulk compounds for resale by pharmacies,  
112 practitioners or other persons.

113 (p) "Nonprescription drug" means a drug which may be  
114 sold without a prescription and which is labeled for use by the  
115 consumer in accordance with the requirements of the laws and  
116 rules of this state and the federal government.

117 (q) "Patient counseling" means the oral communication by  
118 the pharmacist of information, as defined in the rules of the  
119 board, to the patient to improve therapy by aiding in the proper  
120 use of drugs and devices.

121 (r) "Person" means an individual, corporation, partnership,  
122 association or any other legal entity, including government.

123 (s) "Pharmaceutical care" is the provision of drug therapy  
124 and other pharmaceutical patient care services intended to  
125 achieve outcomes related to the cure or prevention of a disease,  
126 elimination or reduction of a patient's symptoms or arresting or  
127 slowing of a disease process as defined in the rules of the board.

128 (t) "Pharmacist" or "registered pharmacist" means an  
129 individual currently licensed by this state to engage in the  
130 practice of pharmacy and pharmaceutical care.

131 (u) "Pharmacist-in-charge" means a pharmacist currently  
132 licensed in this state who accepts responsibility for the opera-  
133 tion of a pharmacy in conformance with all laws and rules  
134 pertinent to the practice of pharmacy and the distribution of  
135 drugs and who is personally in full and actual charge of the  
136 pharmacy and personnel.

137 (v) "Pharmacy" means any drugstore, apothecary or place  
138 within this state where drugs are dispensed and sold at retail or  
139 displayed for sale at retail and pharmaceutical care is provided  
140 and any place outside of this state where drugs are dispensed  
141 and pharmaceutical care is provided to residents of this state.

142 (w) "Pharmacy technician" means registered supportive  
143 personnel who work under the direct supervision of a pharma-  
144 cist who have passed an approved training program as described  
145 in this article.

146 (x) "Practitioner" means an individual currently licensed,  
147 registered or otherwise authorized by any state, territory or  
148 district of the United States to prescribe and administer drugs  
149 in the course of professional practices, including allopathic and  
150 osteopathic physicians, dentists, physician's assistants, optome-  
151 trists, veterinarians, podiatrists and nurse practitioners as  
152 allowed by law.

153 (y) "Preceptor" means an individual who is currently  
154 licensed as a pharmacist by the board, meets the qualifications  
155 as a preceptor under the rules of the board and participates in  
156 the instructional training of pharmacy interns.

157 (z) "Prescription drug" or "legend drug" means a drug  
158 which, under federal law, is required, prior to being dispensed  
159 or delivered, to be labeled with either of the following state-  
160 ments:

161 (1) "Caution: Federal law prohibits dispensing without  
162 prescription";



163 (2) “Caution: Federal law restricts this drug to use by, or on  
164 the order of, a licensed veterinarian”; or a drug which is  
165 required by any applicable federal or state law or rule to be  
166 dispensed pursuant only to a prescription drug order or is  
167 restricted to use by practitioners only.

168 (aa) “Prescription drug order” means a lawful order of a  
169 practitioner for a drug or device for a specific patient.

170 (bb) “Prospective drug use review” means a review of the  
171 patient’s drug therapy and prescription drug order, as defined  
172 in the rules of the board, prior to dispensing the drug as part of  
173 a drug regimen review.

174 (cc) “USP-DI” means the United States pharmaco-  
175 peia-dispensing information.

176 (dd) “Wholesale distributor” means any person engaged in  
177 wholesale distribution of drugs, including, but not limited to,  
178 manufacturers’ and distributors’ warehouses, chain drug  
179 warehouses and wholesale drug warehouses, independent  
180 wholesale drug trader and retail pharmacies that conduct  
181 wholesale distributions.

**§30-5-3. When licensed pharmacist required; person not licensed  
pharmacist, pharmacy technician or licensed  
intern not to compound prescriptions or dispense  
poisons or narcotics; licensure of interns; prohib-  
iting the dispensing of prescription orders in  
absence of practitioner-patient relationship.**

1 (a) It is unlawful for any person not a pharmacist, or who  
2 does not employ a pharmacist, to conduct any pharmacy or  
3 store for the purpose of retailing, compounding or dispensing  
4 prescription drugs or prescription devices.

5 (b) It is unlawful for the proprietor of any store or phar-  
6 macy to permit any person not a pharmacist to compound or

7 dispense prescriptions or prescription refills or to retail or  
8 dispense the poisons and narcotic drugs named in sections two,  
9 three and six, article eight, chapter sixteen of this code:  
10 *Provided*, That a licensed intern may compound and dispense  
11 prescriptions or prescription refills under the direct supervision  
12 of a pharmacist: *Provided, however*, That registered pharmacy  
13 technicians may assist in the preparation and dispensing of  
14 prescriptions or prescription refills including, but not limited to,  
15 reconstitution of liquid medications, typing and affixing labels  
16 under the direct supervision of a licensed pharmacist.

17 (c) It is the duty of a pharmacist or employer who employs  
18 an intern to license the intern with the board within ninety days  
19 after employment. The board shall furnish proper forms for this  
20 purpose and shall issue a certificate to the intern upon licensure.

21 (d) The experience requirement for licensure as a pharma-  
22 cist shall be computed from the date certified by the supervising  
23 pharmacist as the date of entering the internship. If the intern-  
24 ship is not registered with the board of pharmacy, then the  
25 intern shall receive no credit for such experience when he or  
26 she makes application for examination for licensure as a  
27 pharmacist: *Provided*, That credit may be given for such  
28 unregistered experience if an appeal is made and evidence  
29 produced showing experience was obtained but not registered  
30 and that failure to register the internship experience was not the  
31 fault of the intern.

32 (e) An intern having served part or all of his or her intern-  
33 ship in a pharmacy in another state or foreign country shall be  
34 given credit for the same when the affidavit of his or her  
35 internship is signed by the pharmacist under whom he or she  
36 served, and it shows the dates and number of hours served in  
37 the internship and when the affidavit is attested by the secretary  
38 of the state board of pharmacy of the state or country where the  
39 internship was served.

40 (f) Up to one third of the experience requirement for  
41 licensure as a pharmacist may be fulfilled by an internship in a  
42 foreign country.

43 (g) No pharmacist may compound or dispense any prescrip-  
44 tion order when he or she has knowledge that the prescription  
45 was issued by a practitioner without establishing an ongoing  
46 practitioner-patient relationship. An online or telephonic  
47 evaluation by questionnaire is inadequate to establish an  
48 appropriate practitioner-patient relationship: *Provided*, That this  
49 prohibition does not apply:

50 (1) In a documented emergency;

51 (2) In an on-call or cross-coverage situation; or

52 (3) Where patient care is rendered in consultation with  
53 another practitioner who has an ongoing relationship with the  
54 patient and who has agreed to supervise the patient's treatment,  
55 including the use of any prescribed medications.

**§30-5-5b. Indirect supervision of registered pharmacy technicians  
during pharmacist's break.**

1 (a) Indirect supervision of registered pharmacy technicians  
2 within a pharmacy may be permitted to allow pharmacists to  
3 take a break of no more than thirty minutes. The pharmacist  
4 may leave the pharmacy area but may not leave the building  
5 during the break.

6 (b) When a pharmacist is on break, pharmacy technicians  
7 may continue to prepare prescriptions for the pharmacist's  
8 verification. No prescription may be delivered until the pharma-  
9 cist has verified the accuracy of the prescription, and counsel-  
10 ing, if required, has been provided to or refused by the patient.

11 (c) A pharmacy that permits indirect supervision of  
12 registered pharmacy technicians during a pharmacist's break

13 shall have either an interactive voice response system or a voice  
14 mail system installed on the pharmacy phone line in order to  
15 receive new prescription orders and refill authorizations during  
16 the break.

17 (d) The pharmacy shall establish protocols that require a  
18 registered pharmacy technician to interrupt the pharmacist's  
19 break if an emergency arises.

**§30-5-12b. Definitions; selection of generic drug products; excep-  
tions; records; labels; manufacturing standards;  
rules; notice of substitution; complaints; notice  
and hearing; immunity.**

1 (a) As used in this section:

2 (1) "Brand name" means the proprietary or trade name  
3 selected by the manufacturer and placed upon a drug or drug  
4 product, its container, label or wrapping at the time of packag-  
5 ing.

6 (2) "Generic name" means the official title of a drug or  
7 drug combination for which a new drug application, or an  
8 abbreviated new drug application, has been approved by the  
9 United States food and drug administration and is in effect.

10 (3) "Substitute" means to dispense without the prescriber's  
11 express authorization a therapeutically equivalent generic drug  
12 product in the place of the drug ordered or prescribed.

13 (4) "Equivalent" means drugs or drug products which are  
14 the same amounts of identical active ingredients and same  
15 dosage form and which will provide the same therapeutic  
16 efficacy and toxicity when administered to an individual and is  
17 approved by the United States food and drug administration.

18 (b) A pharmacist who receives a prescription for a brand  
19 name drug or drug product shall substitute a less expensive

20 equivalent generic name drug or drug product unless in the  
21 exercise of his or her professional judgment the pharmacist  
22 believes that the less expensive drug is not suitable for the  
23 particular patient: *Provided*, That no substitution may be made  
24 by the pharmacist where the prescribing practitioner indicates  
25 that, in his or her professional judgment, a specific brand name  
26 drug is medically necessary for a particular patient.

27 (c) A written prescription order shall permit the pharmacist  
28 to substitute an equivalent generic name drug or drug product  
29 except where the prescribing practitioner has indicated in his or  
30 her own handwriting the words "Brand Medically Necessary".  
31 The following sentence shall be printed on the prescription  
32 form: "This prescription may be filled with a generically  
33 equivalent drug product unless the words 'Brand Medically  
34 Necessary' are written, in the practitioner's own handwriting,  
35 on this prescription form.": *Provided*, That "Brand Medically  
36 Necessary" may be indicated on the prescription order other  
37 than in the prescribing practitioner's own handwriting unless  
38 otherwise required by federal mandate.

39 (d) A verbal prescription order shall permit the pharmacist  
40 to substitute an equivalent generic name drug or drug product  
41 except where the prescribing practitioner shall indicate to the  
42 pharmacist that the prescription is "Brand Necessary" or "Brand  
43 Medically Necessary". The pharmacist shall note the instruc-  
44 tions on the file copy of the prescription or chart order form.

45 (e) No person may by trade rule, work rule, contract or in  
46 any other way prohibit, restrict, limit or attempt to prohibit,  
47 restrict or limit the making of a generic name substitution under  
48 the provisions of this section. No employer or his or her agent  
49 may use coercion or other means to interfere with the profes-  
50 sional judgment of the pharmacist in deciding which generic  
51 name drugs or drug products shall be stocked or substituted:  
52 *Provided*, That this section shall not be construed to permit the  
53 pharmacist to generally refuse to substitute less expensive

54 therapeutically equivalent generic drugs for brand name drugs  
55 and that any pharmacist so refusing shall be subject to the  
56 penalties prescribed in section twenty-two of this article.

57 (f) A pharmacist may substitute a drug pursuant to the  
58 provisions of this section only where there will be a savings to  
59 the buyer. Where substitution is proper, pursuant to this section,  
60 or where the practitioner prescribes the drug by generic name,  
61 the pharmacist shall, consistent with his or her professional  
62 judgment, dispense the lowest retail cost, effective brand which  
63 is in stock.

64 (g) All savings in the retail price of the prescription shall be  
65 passed on to the purchaser; these savings shall be equal to the  
66 difference between the retail price of the brand name product  
67 and the customary and usual price of the generic product  
68 substituted therefor: *Provided*, That in no event shall such  
69 savings be less than the difference in acquisition cost of the  
70 brand name product prescribed and the acquisition cost of the  
71 substituted product.

72 (h) Each pharmacy shall maintain a record of any substitu-  
73 tion of an equivalent generic name drug product for a pre-  
74 scribed brand name drug product on the file copy of a written  
75 or verbal prescription or chart order. Such record shall include  
76 the manufacturer and generic name of the drug product se-  
77 lected.

78 (i) All drugs shall be labeled in accordance with the  
79 instructions of the practitioner.

80 (j) Unless the practitioner directs otherwise, the prescription  
81 label on all drugs dispensed by the pharmacist shall indicate the  
82 generic name using abbreviations, if necessary, and either the  
83 name of the manufacturer or packager, whichever is applicable  
84 in the pharmacist's discretion. The same notation will be made  
85 on the original prescription retained by the pharmacist.

86 (k) A pharmacist may not dispense a product under the  
87 provisions of this section unless the manufacturer has shown  
88 that the drug has been manufactured with the following  
89 minimum good manufacturing standards and practices by:

90 (1) Labeling products with the name of the original  
91 manufacturer and control number;

92 (2) Maintaining quality control standards equal to or greater  
93 than those of the United States food and drug administration;

94 (3) Marking products with identification code or mono-  
95 gram; and

96 (4) Labeling products with an expiration date.

97 (l) The West Virginia board of pharmacy shall promulgate  
98 rules in accordance with the provisions of chapter twenty-nine-a  
99 of this code which establish a formulary of generic type and  
100 brand name drug products which are determined by the board  
101 to demonstrate significant biological or therapeutic  
102 inequivalence and which, if substituted, would pose a threat to  
103 the health and safety of patients receiving prescription medica-  
104 tion. The formulary shall be promulgated by the board within  
105 ninety days of the date of passage of this section and may be  
106 amended in accordance with the provisions of chapter twenty-  
107 nine-a of this code.

108 (m) No pharmacist shall substitute a generic named  
109 therapeutically equivalent drug product for a prescribed brand  
110 name drug product if the brand name drug product or the  
111 generic drug type is listed on the formulary established by the  
112 West Virginia board of pharmacy pursuant to this article or is  
113 found to be in violation of the requirements of the United States  
114 food and drug administration.

115 (n) Any pharmacist who substitutes any drug shall, either  
116 personally or through his or her agent, assistant or employee,  
117 notify the person presenting the prescription of such substitu-

118 tion. The person presenting the prescription shall have the right  
119 to refuse the substitution. Upon request the pharmacist shall  
120 relate the retail price difference between the brand name and the  
121 drug substituted for it.

122 (o) Every pharmacy shall post in a prominent place that is  
123 in clear and unobstructed public view, at or near the place  
124 where prescriptions are dispensed, a sign which shall read:  
125 "West Virginia law requires pharmacists to substitute a less  
126 expensive generic named therapeutically equivalent drug for a  
127 brand name drug, if available, unless you or your physician  
128 direct otherwise." The sign shall be printed with lettering of at  
129 least one and one-half inches in height with appropriate margins  
130 and spacing as prescribed by the West Virginia board of  
131 pharmacy.

132 (p) The West Virginia board of pharmacy shall promulgate  
133 rules in accordance with the provisions of chapter twenty-nine-a  
134 of this code setting standards for substituted drug products,  
135 obtaining compliance with the provisions of this section and  
136 enforcing the provisions of this section.

137 (q) Any person shall have the right to file a complaint with  
138 the West Virginia board of pharmacy regarding any violation of  
139 the provisions of this article. Such complaints shall be investi-  
140 gated by the board of pharmacy.

141 (r) Fifteen days after the board has notified, by registered  
142 mail, a person, firm, corporation or copartnership that such  
143 person, firm, corporation or copartnership is suspected of being  
144 in violation of a provision of this section, the board shall hold  
145 a hearing on the matter. If, as a result of the hearing, the board  
146 determines that a person, firm, corporation or copartnership is  
147 violating any of the provisions of this section, it may, in  
148 addition to any penalties prescribed by section twenty-two of  
149 this article, suspend or revoke the permit of any person, firm,  
150 corporation or copartnership to operate a pharmacy.



151 (s) No pharmacist complying with the provisions of this  
152 section shall be liable in any way for the dispensing of a generic  
153 named therapeutically equivalent drug, substituted under the  
154 provisions of this section, unless the generic named therapeuti-  
155 cally equivalent drug was incorrectly substituted.

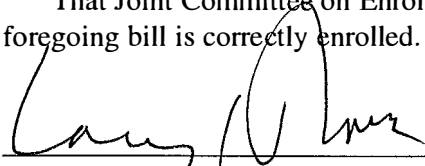
156 (t) In no event where the pharmacist substitutes a drug  
157 under the provisions of this section shall the prescribing  
158 physician be liable in any action for loss, damage, injury or  
159 death of any person occasioned by or arising from the use of the  
160 substitute drug unless the original drug was incorrectly pre-  
161 scribed.

162 (u) Failure of a practitioner to specify that a specific brand  
163 name is necessary for a particular patient shall not constitute  
164 evidence of negligence unless the practitioner had reasonable  
165 cause to believe that the health of the patient required the use of  
166 a certain product and no other.

**§30-5-16a. Filling of prescriptions more than one year after  
issuance.**

1 No prescription order may be dispensed after twelve  
2 months from the date of issuance by the practitioner. A pharmacia-  
3 cist may fill the prescription after twelve months if the  
4 prescriber confirms to the pharmacist that he or she still wants  
5 the prescription filled and the pharmacist documents upon the  
6 prescription that the confirmation was obtained.

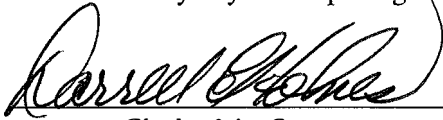
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

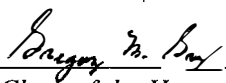
  
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Chairwoman Senate Committee

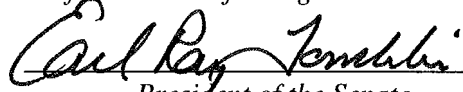
  
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Chairman House Committee

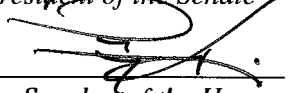
Originating in the House.

In effect ninety days from passage.

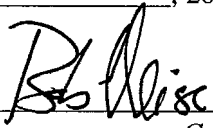
  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 1<sup>st</sup>  
day of May, 2001.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 5/1/01

Time 2:35 pm