WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2088
(By Delegates Amores and Faircloth)

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Passed March 13, 2004
In Effect Ninety Days from Passage
AN ACT to amend and reenact §60A-9-5 of the code of West Virginia, 1931, as amended, relating to authorizing local law-enforcement officers who are members of drug task forces to have access to prescription drug monitoring data.

Be it enacted by the Legislature of West Virginia:

That §60A-9-5 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. CONTROLLED SUBSTANCES MONITORING.

§60A-9-5. Confidentiality; limited access to records; period of retention; no civil liability for required reporting.

1 The information required by this article to be kept by the state board of pharmacy is confidential and is open to inspection only by inspectors and agents of the state board of phar-
macy, members of the West Virginia state police expressly
authorized by the superintendent of the West Virginia state
police to have access to the information, authorized agents of
local law-enforcement agencies as a member of a drug task
force, authorized agents of the federal drug enforcement
agency, duly authorized agents of licensing boards of practitio-
ners in this state and other states authorized to prescribe
Schedules II, III and IV controlled substances, prescribing
practitioners and pharmacists and persons with an enforceable
court order or regulatory agency administrative subpoena:
Provided, That all information released by the state board of
pharmacy must be related to a specific patient or a specific
individual or entity under investigation by any of the above
parties except that practitioners who prescribe controlled
substances may request specific data related to their drug
enforcement administration controlled substance registration
number or for the purpose of providing treatment to a patient.
The board shall maintain the information required by this article
for a period of not less than five years. Notwithstanding any
other provisions of this code to the contrary, data obtained
under the provisions of this article may be used for compilation
of educational, scholarly or statistical purposes as long as the
identities of persons or entities remain confidential. No individ-
ual or entity required to report under section four of this article
may be subject to a claim for civil damages or other civil relief
for the reporting of information to the board of pharmacy as
required under and in accordance with the provisions of this
article.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

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 2nd day of April 2004

Governor
PRESENTED TO THE
GOVERNOR
DATE 3/26/04
TIME 3:30P