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SB 142

FILED

2007 MAR -1 AM 10: 16

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**

**Senate Bill No. 142**

(BY SENATORS KESSLER, FOSTER, GREEN, JENKINS,  
MINARD, STOLLINGS, WELLS, WHITE, BARNES,  
CARUTH, DEEM, HALL, MCKENZIE AND YODER)

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[Passed February 16, 2007; in effect ninety days from passage.]

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AN ACT to amend and reenact §60A-10-15 of the Code of West Virginia, 1931, as amended, relating to providing a penalty for illegally possessing, possessing with intent to distribute or distributing an iodine matrix and/or iodine crystals; defining iodine matrix; and establishing exemption for household uses not intended for manufacture of a controlled substance.

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

That §60A-10-15 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 10. METHAMPHETAMINE LABORATORY ERADICATION ACT.**

**§60A-10-15. Iodine solution greater than two percent; prescription or permit required; offenses; penalties.**

1 (a) A person may offer to sell, sell or distribute an  
2 iodine matrix only:

3 (1) As a prescription drug, pursuant to a prescription  
4 issued by a veterinarian or physician licensed within the  
5 state; or .

6 (2) To a person who is actively engaged in the legal  
7 practice of animal husbandry of livestock.

8 (b) Prescriptions issued under this section:

9 (1) Shall provide for a specified number of refills;

10 (2) May be issued by any means authorized by the  
11 Board of Pharmacy; and

12 (3) May be filled by a person other than the  
13 veterinarian or physician issuing the prescription.

14 (c) A person offering iodine matrix for sale:

15 (1) Shall store the iodine matrix so that the public  
16 does not have access to the iodine matrix without the  
17 direct assistance or intervention of a retail employee;

18       (2) Shall keep a record, which may consist of sales  
19 receipts of each person purchasing iodine matrix; and

20       (3) Shall, if necessary to ascertain the identity of the  
21 purchaser, ask for proof of identification from the  
22 purchaser.

23       (d) A person engaging in a regulated transaction  
24 pursuant to the provisions of subsection (a) of this  
25 section shall not possess with intent to distribute or  
26 distribute an iodine matrix to a person who:

27       (1) Does not present a prescription or is not engaged  
28 in animal husbandry, as required under subsection (a)  
29 of this section; or

30       (2) Is not excepted under subsection (h) of this section.

31       (e) Any person who violates subsection (d) of this  
32 section is guilty of a misdemeanor and, upon conviction,  
33 shall be fined not more than ten thousand dollars.

34       (f) A person shall not:

35       (1) Possess iodine crystals and/or an iodine matrix  
36 without proof of obtaining the crystals and/or solution  
37 in compliance with subsection (a) of this section; or

38       (2) Possess with intent to distribute or distribute  
39 iodine crystals and/or an iodine matrix in violation of  
40 subsection (a) of this section.

41       (g) Any person who violates subsection (f) of this  
42 section is guilty of a misdemeanor and, upon conviction,  
43 shall be fined not more than ten thousand dollars.

44 (h) The provisions of subdivision (1), subsection (f) of  
45 this section do not apply to:

46 (1) A public or private regularly established primary  
47 or secondary school or a public or private institution of  
48 higher education that is accredited by a regional or  
49 national accrediting agency recognized by the United  
50 States Department of Education;

51 (2) A veterinarian licensed to practice pursuant to the  
52 provisions of article ten, chapter thirty of this code;

53 (3) A health care facility; or

54 (4) A veterinarian, physician, pharmacist, retail  
55 distributor, wholesaler, manufacturer, warehouseman  
56 or common carrier, or an agent of any of these persons,  
57 who possesses an iodine matrix in the regular course of  
58 lawful business activities.

59 (5) The transfer or receipt of any betadine or povidone  
60 solution with an iodine content not exceeding ten  
61 percent in containers of eight ounces or less, or any  
62 tincture of iodine not exceeding two percent in  
63 containers of one ounce or less that is sold over the  
64 counter and is employed solely for its intended common  
65 household use.

66 (i) As used in this section, "iodine matrix" means  
67 iodine at a concentration greater than two percent, by  
68 weight, in a matrix or solution.

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

*Clancy White*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Daniel Edwards*  
.....  
Clerk of the Senate

*Suzanne S. Smith*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this  
the *28th* Day of *February* ....., 2007.

*[Signature]*  
.....  
Governor

PRESENTED TO  
GOVERNOR

FEB 23 2001

Time 9:40 a.