

HB 4018

2010 APR -1 PM 4: 24
WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4018**

(By Delegates D. Poling, Swartzmiller
and Manypenny)



Passed March 12, 2010

In Effect Ninety Days From Passage

E N R O L L E D

FILED
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COMMITTEE SUBSTITUTE

FOR

OFFICE OF THE CLERK OF THE SENATE
SECRETARY OF STATE

H. B. 4018

(BY DELEGATES D. POLING, SWARTZMILLER
AND MANYPENNY)

[Passed March 12, 2010; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-413, relating to establishing that the manufacture or possession of an extract or compound intended for human consumption containing *Salvia divinorum* is unlawful; and creating criminal penalties.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, be amended, by adding thereto a new section, designated §60A-4-413, to read as follows:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-413. Unlawful production, manufacture or possession of *Salvia divinorum*.

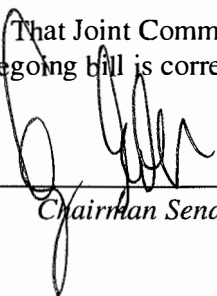
- 1 (a) For purposes of this section, “*Salvia divinorum*”
- 2 means an herb belonging to the Lamiaceae family, genus of
- 3 *Salvia*, species of *divinorum*, with common names including,
- 4 but not limited to, “*Salvia*,” “*Ska Pastora*,” “*Shepherdess’s*”

5 Herb,” “Maria Pastora,” “yerba de Maria,” “Purple Sticky”
6 and “Sally-D.”

7 (b) It is unlawful for any person to knowingly or
8 intentionally manufacture or possess an extract, compound,
9 concentrate, or other processed substance intended for human
10 consumption which contains *Salvia divinorum*, unless the
11 substance was obtained directly from, or pursuant to, a valid
12 prescription or order of a licensed physician or dispensed by
13 a pharmacist for a recommended or medically necessary
14 therapeutic use. Any person who violates this subsection is
15 guilty of a misdemeanor, and disposition may be made under
16 section four hundred seven of this article, subject to the
17 limitations specified in said section, or upon conviction, such
18 person may be confined in jail not more than six months, or
19 fined not more than \$1,000, or both. Notwithstanding any
20 other provision of this code to the contrary, any first offense
21 for possession of *Salvia divinorum* shall be disposed of under
22 section four hundred seven of this article.

23 (c) The provisions of this section shall not apply to
24 licensed physicians, pharmacists, and accredited hospitals
25 and teaching facilities engaged in the research or study of
26 *Salvia divinorum*, and shall not include any person
27 participating in clinical trials involving the use of *Salvia*
28 *divinorum*.

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



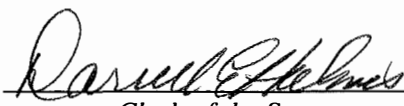
Chairman Senate Committee



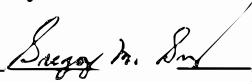
Chairman House Committee

Originating in the House.

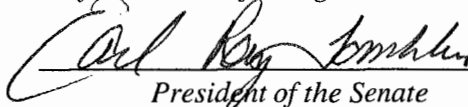
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



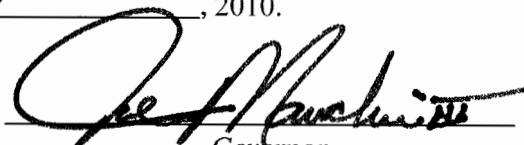
President of the Senate



Speaker of the House of Delegates

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OFFICE OF THE CLERK
SECRETARY OF STATE

The within is approved this the 1st
day of April, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 30 2010

Time 10:30am