

SB 362

FILED

2010 MAR 31 PM 4:52

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-NINTH LEGISLATURE**  
**REGULAR SESSION, 2010**

---

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 362**

(SENATORS JENKINS, STOLLINGS,  
TOMBLIN (MR. PRESIDENT), BARNES, EDGELL,  
FOSTER, LAIRD, PLYMALE, PREZIOSO AND  
PALUMBO, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

FILED

2010 MAR 31 PM 4:52

OFFICE OF THE CLERK OF THE SENATE  
SECRETARY OF STATE

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 362**

(SENATORS JENKINS, STOLLINGS, TOMBLIN (MR. PRESIDENT),  
BARNES, EDGELL, FOSTER, LAIRD, PLYMALE, PREZIOSO  
AND PALUMBO, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §60A-4-410 of the Code of West Virginia, 1931, as amended, relating to unlawfully withholding information from a medical practitioner in order to obtain a prescription for a controlled substance; clarifying language; and increasing penalties.

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

That §60A-4-410 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. OFFENSES AND PENALTIES.**

**§60A-4-410. Prohibited acts – Withholding information from practitioner; additional controlled substances; penalties.**

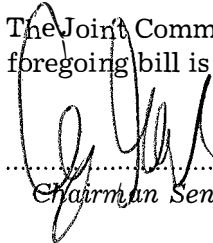
- 1 (a) It is unlawful for a patient, in an attempt to obtain a
- 2 prescription for a controlled substance, to knowingly
- 3 withhold from a practitioner, that the patient has obtained

4 a prescription for a controlled substance of the same or  
5 similar therapeutic use in a concurrent time period from  
6 another practitioner.

7 (b) Any person who violates this section is guilty of a  
8 misdemeanor and, upon conviction thereof, may be  
9 confined in jail for not more than nine months, or fined  
10 not more than \$2,500, or both fined and confined.

11 (c) The offense established by this section is in addition  
12 to and a separate and distinct offense from any other  
13 offense set forth in this code.

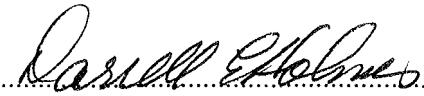
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

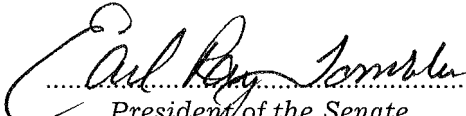
  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *31<sup>st</sup>*  
*Jan*  
Day of ....., 2010.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 29 2010

Time 3:45 pm