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.]
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[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 prescription for a controlled substance, to knowingly 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 ......................... this the ......................... Day of ................................................., 2010.

Governor
PRESENTED TO THE GOVERNOR

MAR 29 2010

Time 3:45 PM