

**WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Enrolled  
Committee Substitute**

**for**

**Senate Bill 668**

BY SENATOR TAKUBO

[Passed February 23, 2024; in effect 90 days from  
passage (May 23, 2024)]

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2024 MAR - 6 P 3:48

FILED

SB668



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1 AN ACT to amend and reenact §60A-10-4 of the Code of West Virginia, 1931, as amended,  
2 relating to increasing the amount of ephedrine, pseudoephedrine, or  
3 phenylpropanolamine a person may purchase annually.

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

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

**§60A-10-4. Purchase, receipt, acquisition and possession of substances to be used as  
precursor to manufacture of methamphetamine or another controlled substance;  
offenses; exceptions; penalties.**

1 (a) A pharmacy may not sell, transfer, or dispense to the same person, and a person may  
2 not purchase more than three and six-tenths grams per day, more than seven and two-tenths  
3 grams in a 30-day period, or more than 86 and four-tenths grams annually of ephedrine,  
4 pseudoephedrine, or phenylpropanolamine without a prescription. The limits shall apply to the  
5 total amount of ephedrine, pseudoephedrine, and phenylpropanolamine contained in the  
6 products, and not the overall weight of the products.

7 (1) Any person who knowingly purchases, receives, or otherwise possesses more than  
8 seven and two-tenths grams in a 30-day period of ephedrine, pseudoephedrine, or  
9 phenylpropanolamine in any form without a prescription is guilty of a misdemeanor and, upon  
10 conviction thereof, shall be confined in a jail for not more than one year, fined not more than  
11 \$1,000, or both fined and confined.

12 (2) Any pharmacy, wholesaler, or other entity operating the retail establishment which  
13 sells, transfers, or dispenses a product in violation of this section is guilty of a misdemeanor and,  
14 upon conviction thereof, shall be fined not more than \$1,000 for the first offense, or more than  
15 \$10,000 for each subsequent offense.

16 (b) Notwithstanding the provisions of subdivision (1), subsection (a), of this section, any  
17 person convicted of a second or subsequent violation of the provisions of said subdivision or a  
18 statute or ordinance of the United States or another state which contains the same essential

19 elements is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state  
20 correctional facility for not less than one nor more than five years, fined not more than \$25,000,  
21 or both imprisoned and fined.

22 (c) The provisions of subsection (a) of this section shall not apply to:

23 (1) Products dispensed pursuant to a valid prescription;

24 (2) Drug products which are for pediatric use primarily intended for administration to  
25 children under the age of 12;

26 (3) Drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine, their  
27 salts, or optical isomers, or salts of optical isomers, or other designated precursor which have  
28 been determined by the Board of Pharmacy to be in a form which is not feasible for being used  
29 for the manufacture of methamphetamine; or

30 (4) Persons lawfully possessing drug products in their capacities as distributors,  
31 wholesalers, manufacturers, pharmacists, pharmacy interns, pharmacy technicians, or health  
32 care professionals.

33 (d) Notwithstanding any provision of this code to the contrary, any person who knowingly  
34 possesses any amount of ephedrine, pseudoephedrine, phenylpropanolamine, or other  
35 designated precursor with the intent to use it in the manufacture of methamphetamine or who  
36 knowingly possesses a substance containing ephedrine, pseudoephedrine, or  
37 phenylpropanolamine or their salts, optical isomers, or salts of optical isomers in a state or form  
38 which is, or has been, altered or converted from the state or form in which these chemicals are,  
39 or were, commercially distributed is guilty of a felony and, upon conviction thereof, shall be  
40 imprisoned in a state correctional facility for not less than two nor more than 10 years, fined not  
41 more than \$25,000, or both imprisoned and fined.

42 (e) (1) Any pharmacy, wholesaler, manufacturer, or distributor of drug products containing  
43 ephedrine, pseudoephedrine, phenylpropanolamine, their salts, or optical isomers, or salts of  
44 optical isomers, or other designated precursor shall obtain a registration annually from the State

45 Board of Pharmacy as described in §60A-10-6 of this code. Any such pharmacy, wholesaler,  
46 manufacturer, or distributor shall keep complete records of all sales and transactions as provided  
47 in §60A-10-8 of this code. The records shall be gathered and maintained pursuant to legislative  
48 rule promulgated by the Board of Pharmacy.


49 (2) Any drug products possessed without a registration as provided in this section are  
50 subject to forfeiture upon conviction for a violation of this section.

51 (3) In addition to any administrative penalties provided by law, any violation of this  
52 subsection is a misdemeanor, punishable upon conviction by a fine in an amount not more than  
53 \$10,000.





The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

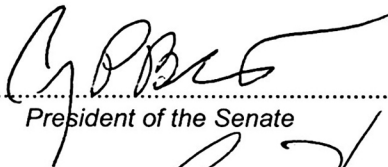
  
Clerk of the Senate

  
Clerk of the House of Delegates

FILED  
2024 MAR - 6 P 3:48  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Originated in the Senate.

In effect 90 days from passage.

  
President of the Senate

  
Speaker of the House of Delegates

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The within is approved this the 6th  
Day of March, 2024.

  
Governor



PRESENTED TO THE GOVERNOR

FEB 29 2024

~~Time~~ 11:59am