

1 **H. B. 2946**

2
3 (By Delegates Ellem, Border, Perdue, Miley,
4 Ellington, Hamilton, Reynolds,
5 Kominar and C. Miller)
6

7 [Introduced January 31, 2011; referred to the
8 Committee on Health and Human Resources then the
9 Judiciary.]
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11 A BILL to amend and reenact §60A-10-7 of the Code of West Virginia,
12 1931, as amended, relating to the Methamphetamine Laboratory
13 Eradication Act and requiring a prescription dispensing of
14 drug products that contain as an active ingredient containing
15 ephedrine, pseudoephedrine, phenylpropanolamine and other
16 chemical precursors of methamphetamine.

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

18 That §60A-10-7 of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted to read as follows:

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

21 **§60A-10-7. Restricted products; rule-making authority.**

22 ~~(a) On or before July 1, 2005,~~ The Board of Pharmacy shall
23 promulgate emergency and legislative rules pursuant to the
24 provision of article three, chapter twenty-nine-a of this code to
25 implement a program wherein the Board of Pharmacy ~~shall consult~~
26 consults with the Superintendent of the State Police in identifying

1 drug products which are a designated precursor, in addition to
2 those that contain as ~~their single~~ an active ingredient ephedrine,
3 pseudoephedrine or phenylpropanolamine, that are commonly being
4 used in the production and distribution of methamphetamine. Those
5 drug products which the Superintendent of the State Police have
6 demonstrated by empirical evidence are commonly used in the
7 manufacture of methamphetamine shall be added to a supplemental
8 list and ~~shall be~~ are subject to all of the restrictions of this
9 article. ~~These~~ The rules established pursuant to this section
10 shall include ~~(1)~~ a process whereby pharmacies are made aware of
11 all drug products that contain as ~~their single~~ an active ingredient
12 ephedrine, pseudoephedrine and phenylpropanolamine that will be
13 listed as a Schedule ~~V~~ III substance. ~~and must be sold, transferred~~
14 ~~or dispensed from behind a pharmacy counter;~~

15 ~~(2) A process whereby pharmacies and retail establishments are~~
16 ~~made aware of additional drug products added to Schedule V that are~~
17 ~~required to be placed behind the pharmacy counter for sale,~~
18 ~~transfer or distribution can be periodically reviewed and updated.~~

19 ~~(b) At any time after July 1, 2005, the Board of Pharmacy,~~
20 ~~upon the recommendation of the superintendent of the State Police,~~
21 ~~shall promulgate emergency and legislative rules pursuant to the~~
22 ~~provision of article three, chapter twenty-nine-a of this code to~~
23 ~~implement an updated supplemental list of products containing the~~
24 ~~controlled substances ephedrine, pseudoephedrine or~~
25 ~~phenylpropanolamine as an active ingredient or any other drug used~~

1 ~~as a precursor in the manufacture of methamphetamine, which the~~
2 ~~superintendent of the State Police has demonstrated by empirical~~
3 ~~evidence is being used in the manufacture of methamphetamine. This~~
4 ~~listing process shall comport with the requirements of subsection~~
5 ~~(a) of this section.~~

NOTE: The purpose of this bill is to add language to West Virginia Code §60A-10-7 requiring the issuance of a lawful prescription for dispensing drug products containing as an active ingredient ephedrine, pseudoephedrine, phenylpropanolamine and other chemical precursors of methamphetamine.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.