

H. B. 3139

(By Delegates Staggers and Perry)
[Introduced February 15, 2011; referred to the
Committee on Health and Human Resources then the
Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §60A-3-309, relating
to prohibiting the prescription of oxycontin extended release
or fentanyl patches unless those items contain naloxone to be
released only on alteration of the delivery vehicle; requiring
those substances be directly prescribed by a licensed
practitioner with Schedule II privileges and directly
monitored by a licensed physician or nurse at least monthly;
and providing penalties, including being a felony for a third
offense.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §60A-3-309, to read as
follows:

ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING

1 **OF CONTROLLED SUBSTANCES.**2 **§60A-3-309. Restrictions on dispensing oxycontin and fentanyl**
3 **patches; penalties; felony for third conviction.**4 (a) No person may prescribe, nor may a person possess,
5 oxycontin extended release or fentanyl patches unless those items
6 contain naloxone to be released only on alteration of the delivery
7 vehicle. These two items must be directly prescribed by a licensed
8 practitioner with Schedule II privileges and directly monitored by
9 a licensed physician or nurse at least monthly.10 (b) Any person that violates this section is guilty of a
11 misdemeanor and, upon conviction thereof, shall be confined in jail
12 for not less than ten days nor more than sixty days. If a person
13 violates this section for a second offense, the person is guilty of
14 a misdemeanor and, upon conviction thereof, shall be confined in
15 jail for not less than thirty days nor more than six months. Any
16 person violating this section for a subsequent offense, the person
17 is guilty of a felony and, upon conviction thereof, shall be
18 confined in a correctional facility for not less than one year nor
19 more than two years.

NOTE: The purpose of this bill is to prevent the abuse of oxycontin extended release and fentanyl by requiring those substances contain naloxone to be released only on alteration of the delivery vehicle. The bill requires those substances be directly prescribed by a licensed practitioner with Schedule II privileges and directly monitored by a licensed physician or nurse at least monthly. The bill also provides for penalties, including being a felony for third and subsequent convictions.

This section is new; therefore, it has been completely underscored.