1	н. в. 3231
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3 4	(By Delegates Moye, Staggers, Manypenny, Perdue, Kominar, Hamilton and Cann)
5	[Introduced February 21, 2011; referred to the
6	Committee on the Judiciary.]
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10	A BILL to amend and reenact $\$60A-4-410$ of the Code of West
11	Virginia, 1931, as amended, relating to doctor shopping and
12	penalties in addition to clarifying allowable possession of
13	controlled substances.
14	Be it enacted by the Legislature of West Virginia:
15	That §60A-4-410 of the Code of West Virginia, 1931, as
16	amended, be amended and reenacted to read as follows:
17	ARTICLE 4. OFFENSES AND PENALTIES.
18	§60A-4-410. Prohibited acts Withholding information from
19	<pre>practitioner; additional controlled substances;</pre>
20	possession of multiple prescriptions of same or
21	<pre>similar drug; penalties.</pre>
22	(a) It is unlawful for a patient, in an attempt to obtain a
23	prescription for a controlled substance, as defined in this
24	chapter, to knowingly withhold from a practitioner that the patient

- 1 has obtained a prescription for a controlled substance of the same
- 2 or similar therapeutic use in a concurrent time period from another
- 3 practitioner.
- 4 (b) For the purpose of this subsection, the word
- 5 "prescription" means either: (1) A written prescription for a
- 6 controlled substance; or (2) an amount of a controlled substance
- 7 obtained as a result of a written prescription.
- 8 (c)(1) For the specific controlled substances listed in
- 9 subparagraph (2) of this subsection, it is unlawful for a patient
- 10 to possess more than one current prescription of a particular
- 11 controlled substance or any other controlled substance of the same
- 12 or similar therapeutic use if any of the prescriptions are filled
- 13 within seventy-two hours of each other unless the patient can
- 14 provide an affidavit from a practitioner explaining why the
- 15 multiple prescriptions are medically necessary.
- 16 (2) Controlled substances prohibited by this section include
- 17 all Schedules II, III and IV drugs.
- 18 (b) (d) Any A person who violates this section is guilty of a
- 19 misdemeanor and, upon conviction thereof, may be confined in jail
- 20 for not more than nine months, or fined not more than \$2,500, or
- 21 both fined and confined.
- 22 (c) (e) The Each offense established by this section is in
- 23 addition to and a separate and distinct offense from any other
- 24 offense set forth in this code.

NOTE: The purpose of the bill is to establish prohibited acts relating to possession of controlled substances obtained from more than one heath practitioner.

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