

H. B. 2946

(By DELEGATES ELLEM, BORDER, PERDUE, MILEY,
ELLINGTON, HAMILTON, REYNOLDS,
KOMINAR AND C. MILLER)

[Introduced January 31, 2011; referred to the
Committee on Health and Human Resources then the Judiciary.]

A BILL to amend and reenact §60A-10-7 of the Code of West Virginia, 1931, as amended, relating to the Methamphetamine Laboratory Eradication Act and requiring a prescription dispensing of drug products that contain as an active ingredient containing ephedrine, pseudoephedrine, phenylpropanolamine and other chemical precursors of methamphetamine.

Be it enacted by the Legislature of West Virginia:

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

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

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

1 (a) ~~On or before July 1, 2005,~~ The Board of Pharmacy
2 shall promulgate emergency and legislative rules pursuant to
3 the provision of article three, chapter twenty-nine-a of this
4 code to implement a program wherein the Board of Pharmacy
5 ~~shall consult~~ consults with the Superintendent of the State
6 Police in identifying drug products which are a designated
7 precursor, in addition to those that contain as ~~their single~~ an
8 active ingredient ephedrine, pseudoephedrine or
9 phenylpropanolamine, that are commonly being used in the
10 production and distribution of methamphetamine. Those
11 drug products which the Superintendent of the State Police
12 have demonstrated by empirical evidence are commonly used
13 in the manufacture of methamphetamine shall be added to a
14 supplemental list and ~~shall be~~ are subject to all of the
15 restrictions of this article. ~~These~~ The rules established
16 pursuant to this section shall include (†) a process whereby
17 pharmacies are made aware of all drug products that contain
18 as ~~their single~~ an active ingredient ephedrine,

19 pseudoephedrine and phenylpropanolamine that will be listed
20 as a Schedule ~~V~~ III substance. ~~and must be sold, transferred~~
21 ~~or dispensed from behind a pharmacy counter;~~

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

27 ~~(b) At any time after July 1, 2005, the Board of~~
28 ~~Pharmacy, upon the recommendation of the superintendent~~
29 ~~of the State Police, shall promulgate emergency and~~
30 ~~legislative rules pursuant to the provision of article three,~~
31 ~~chapter twenty-nine-a of this code to implement an updated~~
32 ~~supplemental list of products containing the controlled~~
33 ~~substances ephedrine, pseudoephedrine or~~
34 ~~phenylpropanolamine as an active ingredient or any other~~
35 ~~drug used as a precursor in the manufacture of~~
36 ~~methamphetamine, which the superintendent of the State~~
37 ~~Police has demonstrated by empirical evidence is being used~~

38 ~~in the manufacture of methamphetamine. This listing process~~
39 ~~shall comport with the requirements of subsection (a) of this~~
40 ~~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.