

1 **H. B. 4212**

2  
3 (By Delegates Perdue, Fleischauer, Eldridge,  
4 Guthrie, Kinsey, Marshall, Moore, Anderson,  
5 Azinger, Border and Ellem)

6 [Introduced January 17, 2014; referred to the  
7 Committee on Health and Human Resources then the  
8 Judiciary.]

**FISCAL  
NOTE**

9  
10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new article, designated §15-12A-1 and  
12 §15-12A-2; and to amend said code by adding thereto a new  
13 section, designated §60A-10-5a, all relating to establishing  
14 a methamphetamine registry; requiring that certain persons be  
15 added to registry; requiring certain drug products be obtained  
16 by prescription only; preventing certain registered persons  
17 from obtaining drug products.

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

19 That the Code of West Virginia, 1931, as amended, be amended  
20 by adding thereto a new article, designated §15-12A-1 and  
21 §15-12A-2; and that said code be amended by adding thereto a new  
22 section, designated §60A-10-5a, all to read as follows:

23 **CHAPTER 15. PUBLIC SAFETY.**

24 **ARTICLE 12A. REGISTRY OF CONVICTIONS FOR OPERATING A CLANDESTINE**

1 DRUG LABORATORY.

2 §15-12A-1. Registry of convictions for operating a clandestine  
3 drug laboratory and methamphetamine offenses;  
4 required information; procedures.

5 (a) There is created within the Criminal Identification Bureau  
6 of the West Virginia State Police a methamphetamine registry of  
7 persons convicted of a violation of either of the following  
8 provisions of this code:

9 (1) Section four hundred eleven, article four, chapter  
10 sixty-a; and

11 (2) Section four, article ten, chapter sixty-a of this code.

12 (b) The registry shall consist of the person's name, date of  
13 birth, offense or offenses requiring the person's inclusion on the  
14 registry, the conviction date and county of those offenses, and any  
15 other available information the bureau deems important. Under no  
16 circumstance may the registry make available to the public the  
17 person's social security number, driver's license number, or any  
18 other state or federal identification number.

19 §15-12A-2. Reports of certain convictions by prosecuting  
20 attorneys; providing website information;  
21 superintendent to propose rules.

22 (a) A prosecuting attorney, upon conviction of a person for  
23 violating the provisions of section four hundred eleven, article

1 four, chapter sixty-a of this code or section four, article ten,  
2 chapter sixty-a of this code, shall report the conviction to the  
3 registry, provided in a form furnished by the bureau for registry  
4 purposes. Reporting procedures shall be developed by the bureau in  
5 conjunction with the West Virginia Prosecuting Attorneys Institute  
6 and the Administrator of the Supreme Court of Appeals.

7 (b) Information relating to convictions prior to the effective  
8 date of this section shall, to the extent feasible and practicable,  
9 be placed on the registry.

10 (c) The registry shall be accessible through a website  
11 maintained under the direction of the State Police.

12 (d) The Superintendent of the State Police shall propose  
13 legislative rules in accordance with the provisions of article  
14 three, chapter twenty-nine-a of this code designed to implement the  
15 provisions of this article.

16 **CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.**

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

18 **§60A-10-5a. Restrictions on the sale to individuals on the**  
19 **methamphetamine registry.**

20 (a) Before completing a sale of a product containing  
21 ephedrine, pseudoephedrine or phenylpropanolamine, an owner or  
22 employee of a pharmacy or retail establishment shall use the  
23 driver's license or nondriver identification card of the person

1 attempting to purchase the product to electronically submit  
2 information on the person to the methamphetamine registry  
3 established under section one, article twelve-a, chapter fifteen of  
4 this code.

5 (b) If the person attempting to purchase a product containing  
6 ephedrine, pseudoephedrine or phenylpropanolamine is on the  
7 methamphetamine registry, the owner or employee processing the  
8 transaction shall not sell to that person.

9 (c) If a pharmacy or retail establishment selling a  
10 nonprescription product containing ephedrine, pseudoephedrine or  
11 phenylpropanolamine experiences mechanical or electronic failure  
12 and is unable to comply with this requirement, the pharmacy or  
13 retail establishment shall follow the same procedure it uses if the  
14 MSRTTS would fail.

NOTE: The purpose of this bill is to create a methamphetamine registry, and to restrict the sale of products containing ephedrine, pseudoephedrine and phenylpropanolamine to individuals on the registry.

These sections are new; therefore, they has been completely underscored.