

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4026

BY DELEGATES ELLINGTON, SUMMERS, HOUSEHOLDER,
ROHRBACH, SOBONYA, ATKINSON, HOLLEN, BUTLER,
DEAN, AND FRICH

[Introduced January 11, 2018; Referred
to the Committee on Health and Human Resources.]

1 A BILL to amend and reenact §30-5-29 of the Code of West Virginia, 1931, as amended, relating
2 to exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS,
AND PHARMACIES.**

§30-5-29. Limitations of article.

1 (a) This article may not be construed to prevent, restrict or in any manner interfere with
2 the sale of nonnarcotic nonprescription drugs which may be lawfully sold without a prescription in
3 accordance with the United States Food, Drug and Cosmetic Act or the laws of this state, nor may
4 any legislative rule be adopted by the board which shall require the sale of nonprescription drugs
5 by a licensed pharmacist or in a pharmacy or which shall prevent, restrict, or otherwise interfere
6 with the sale or distribution of such drugs by any retail merchant. The sale or distribution of
7 nonprescription drugs may not be deemed to be improperly engaging in the practice of pharmacist
8 care.

9 (b) This article may not be construed to interfere with any legally qualified practitioner of
10 medicine, dentistry, or veterinary medicine, who is not the proprietor of the store for the dispensing
11 or retailing of drugs and who is not in the employ of such proprietor, in the compounding of his or
12 her own prescriptions or to prevent him or her from supplying to his or her patients such medicines
13 as he or she may deem proper, if such supply is not made as a sale.

14 (c) The exception provided in subsection (b) of this section does not apply to an
15 ambulatory health care facility: *Provided*, That a legally licensed and qualified practitioner of
16 medicine or dentistry may supply medicines to patients that he or she treats in a free clinic and
17 that he or she deems appropriate.

18 (d) A person who handles a prescription drug only during the point of sale to provide the
19 prescription drug to a patient and accept payment is not subject to the licensure requirements of

20 this article. This handling process includes the cashier having access to the pharmacy's operating
21 system to verify unique information for each patient. A pharmacy may require an individual to
22 complete a criminal background check before he or she is hired.

NOTE: The purpose of this bill is to exempt cashiers from licensure under the Larry W. Border Pharmacy Practice Act.

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