

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

Introduced

### Senate Bill 459

FISCAL  
NOTE

BY SENATORS BALDWIN, PLYMALE, JEFFRIES, BEACH,  
AND HAMILTON

[Introduced January 29, 2019; Referred  
to the Committee on Health and Human Resources; and  
then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §60A-9A-1, §60A-9A-2, §60A-9A-3, §60A-9A-4, §60A-9A-5, and §60A-9A-6,  
 3 all relating to requiring wholesale drug distributors to report certain information to the West  
 4 Virginia Board of Pharmacy.

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

**ARTICLE 9A. REPORTING BY WHOLESALE DRUG DISTIBUTORS.**

**§ 60A-9A-1. Definitions.**

1 “ARCOS” means the Automation of Reports and Consolidated Orders System.

2 “Board” means the West Virginia Board of Pharmacy.

3 “Wholesale drug distributor” means the same as that term is defined in §60A-8-5 of this  
 4 code.

**§ 60A-9A-2. Wholesale drug distributors to submit information.**

1 Each wholesale drug distributor that delivers drugs to prescribers or terminal distributors  
 2 of drugs in this state shall submit to the board the following purchase information:

- 3 (1) Purchaser identification;
- 4 (2) Identification of the drug sold;
- 5 (3) Quantity of the drug sold;
- 6 (4) Date of sale;
- 7 (5) The wholesale distributor's license number issued by the board.

**§ 60A-9A-3. Reporting requirements.**

1 (a) The information shall be submitted electronically in the format specified by the board,  
 2 except that the board may grant a waiver allowing the distributor to submit the information in  
 3 another format.

4 (b) The information shall be submitted in accordance with any time limits specified by the  
 5 board, except that the board may grant an extension if either of the following occurs:

6 (1) The distributor suffers a mechanical or electronic failure or cannot meet the deadline  
7 for other reasons beyond the distributor's control.

8 (2) The board is unable to receive electronic submissions.

**§ 60A-9a-4. List of drugs to be reported.**

1 The following list of drugs sold at wholesale to a prescriber or a terminal distributor of  
2 dangerous drugs shall be submitted to the board:

3 (1) All schedule II controlled substances;

4 (2) All schedule III controlled substances;

5 (3) All schedule IV controlled substances; and

6 (4) All schedule V controlled substances.

**§ 60A-9a-5. Electronic format required for the transmission of wholesale drug sales.**

1 (a) All wholesale data required to be submitted to the board must be transmitted in the  
2 report format used when transmitting controlled substance data to the federal drug enforcement  
3 administration via ARCOS or other mutually accepted format.

4 (b) If a wholesale drug distributor cannot electronically transmit the required information  
5 the wholesale drug distributor must immediately contact the board to determine a mutually  
6 acceptable method of reporting. The wholesale drug distributor must document in writing to the  
7 board the reasons for their inability to submit the required information.

**§ 60A-9a-6. Rules.**

1 The board may propose rules pursuant to Chapter 29A of this code necessary to carry out  
2 the provisions of this article.

NOTE: The purpose of this bill is to require wholesale drug distributors to submit certain information to the West Virginia Board of Pharmacy.

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