

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 518

BY SENATORS MARONEY, PLYMALE, STOLLINGS, TARR,

WOELFEL, TAKUBO, AND SWOPE

[Introduced February 4, 2019; Referred

to the Committee on Health and Human Resources; and

then to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §60A-4-417, relating to restricting the sale and trade of dextromethorphan;
3 defining terms; setting age limits; requiring proof of age from a purchaser unless from the
4 purchaser's outward appearance the person making the sale would reasonably presume
5 the purchaser to be at least 25 years of age; and providing for a misdemeanor penalty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-417. Sale of dextromethorphan.

1 (a) As used in this section "finished drug product" means a drug legally marketed under
2 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §321 et seq.) that is in finished dosage
3 form.

4 (b) A person may not knowingly or willfully sell or trade a finished drug product containing
5 any quantity of dextromethorphan to a person under 18 years of age.

6 (c) A person under 18 years of age, unless an emancipated minor, may not purchase a
7 finished drug product containing any quantity of dextromethorphan.

8 (d) A person making a retail sale of a finished drug product containing any quantity of
9 dextromethorphan shall require and obtain proof of age from the purchaser before completing the
10 sale, unless from the purchaser's outward appearance the person making the sale would
11 reasonably presume the purchaser to be at least 25 years of age.

12 (e) This section does not apply to a medication containing dextromethorphan that is sold
13 pursuant to a valid prescription.

14 (f) A person that violates the provisions of this section is guilty of a misdemeanor and shall
15 be fined \$100.

NOTE: The purpose of this bill is to restrict the sale and trade of dextromethorphan. The bill sets age limits. The bill defines a term. The bill establishes a penalty.

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