

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 518

SENATORS MARONEY, PLYMALE, STOLLINGS, TARR,

WOELFEL, TAKUBO, AND SWOPE, *original sponsors*

[Originating in the Committee on the Judiciary;

Reported on February 12, 2019]

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; 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) This section does not apply to a medication containing dextromethorphan that is sold
9 pursuant to a valid prescription.

10 (e) Any person violating the provisions of this section is guilty of a misdemeanor and shall
11 be fined not less than \$100 nor more than \$250.