

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**ENROLLED**

## **House Bill 2509**

BY DELEGATES PACK, DEAN, WILSON AND ROHRBACH

[Passed March 6, 2019; in effect ninety days from  
passage.]



1 AN ACT to amend and reenact §60A-4-403 of the Code of West Virginia, 1931, as amended,  
2 relating to creating the felony offense of a theft of a controlled substance; and establishing  
3 penalties.

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

**ARTICLE 4. OFFENSES AND PENALTIES.**

**§60A-4-403. Prohibited acts C; penalties.**

1 (a) It is unlawful for any person knowingly or intentionally:

2 (1) To distribute as a registrant a controlled substance classified in Schedule I or II, except  
3 pursuant to an order form as required by section 307 of this act;

4 (2) To use in the course of the manufacture or distribution of a controlled substance a  
5 registration number which is fictitious, suspended, revoked, or issued to another person;

6 (3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud,  
7 forgery, theft, deception, or subterfuge;

8 (4) To furnish false or fraudulent material information in, or omit any material information  
9 from, any application, report, or other document required to be kept or filed under this act, or any  
10 record required to be kept by this act; or

11 (5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed  
12 to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or  
13 device of another or any likeness of any of the foregoing upon any drug or container or labeling  
14 thereof so as to render the drug a counterfeit substance.

15 (b) Any person who violates this section is guilty of a felony and, upon conviction, may be  
16 imprisoned in a correctional facility for not less than one year nor more than four years, or fined  
17 not more than \$30,000, or both.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2019.

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*Governor*