

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5635

By Delegates Griffith and Summers

[Originating in the Committee on Health and Human

Resources; Reported on February 15, 2024]

1 A BILL to amend and reenact §60A-3-308 of the Code of West Virginia, 1931, as amended,
2 relating to allowing patients to direct prescribers to list the illness or condition for which a
3 prescription is being issued on the label of the prescription.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3: REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING
OF CONTROLLED SUBSTANCES.**

§60A-3-308. Prescriptions.

1 (a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate
2 user, no controlled substance in Schedule II may be dispensed without the lawful prescription of a
3 practitioner.

4 (b) In emergency situations, as defined by rule of the said appropriate department, board
5 or agency, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced
6 promptly to writing and filed by the pharmacy. Prescription shall be retained in conformity with the
7 requirements of ~~section three hundred six of this article: §60A-3-306.~~ No prescription for a
8 Schedule II substance may be refilled.

9 (c) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate
10 user, a controlled substance included in Schedule III or IV, which is a prescription drug as
11 determined under appropriate state or federal statute, shall not be dispensed without a lawful
12 prescription of a practitioner. The prescription shall not be filled or refilled more than six months
13 after the date thereof or be refilled more than five times unless renewed by the practitioner.

14 (d) (1) A controlled substance included in Schedule V shall not be distributed or dispensed
15 other than for a medicinal purpose: *Provided*, That buprenorphine shall be dispensed only by
16 prescription pursuant to subsections (a), (b) and (c) of this section: *Provided, however*, That the
17 controlled substances included in ~~subsection (e), section two hundred twelve, article two of this~~

18 ~~chapter §60A-2-212(e)~~ shall be dispensed, sold or distributed only by a physician, in a pharmacy
19 by a pharmacist or pharmacy technician, or health care professional.

20 (2) If the substance described in ~~subsection (e), section two hundred twelve, article two~~
21 §60A-2-212(e) of this chapter is dispensed, sold or distributed in a pharmacy:

22 (A) The substance shall be dispensed, sold or distributed only by a pharmacist or a
23 pharmacy technician; ~~and~~

24 (B) Any person purchasing, receiving or otherwise acquiring any such substance shall
25 produce a photographic identification issued by a state or federal governmental entity reflecting
26 his or her date of birth; and

27 (e) A prescriber issuing a new prescription shall ask the patient or authorized guardian if
28 the patient wishes to have the intended use for the medication or the medical condition included in
29 the directions of the patient's prescription container label.