

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 518

SENATORS MARONEY, PLYMALE, STOLLINGS, TARR, WOELFEL,
TAKUBO, AND SWOPE, *original sponsors*

[Passed March 2, 2019; in effect 90 days from passage]

1 AN ACT 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) 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) Any person violating the provisions of this section is guilty of a misdemeanor and shall
15 be fined not less than \$100 nor more than \$250.

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

.....
Chairman, Senate Committee

.....
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

.....
President of the Senate

.....
Speaker of the House of Delegates

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

.....
Governor