WEST virginia legislature

2021 regular session

Introduced

Senate Bill 120

By Senators Baldwin, Ihlenfeld, Lindsay, Woelfel, and Romano

[Introduced February 10, 2021; referred  
to the Committee on Health and Human Resources; and then to the Committee on Government Organization]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60A-9A-1, §60A-9A-2, §60A-9A-3, §60A-9A-4, §60A-9A-5, and §60A-9A-6, all relating to requiring wholesale drug distributors to report certain information to the West Virginia Board of Pharmacy.

Be it enacted by the Legislature of West Virginia:

article 9a. REporting by wholesale drug distRibutors.

§60A-9A-1. Definitions.

“ARCOS” means the Automation of Reports and Consolidated Orders System.

“Board” means the West Virginia Board of Pharmacy.

“Wholesale drug distributor” means the same as that term is defined in §60A-8-5 of this code.

§60A-9A-2. Wholesale drug distributors to submit information.

Each wholesale drug distributor that delivers drugs to prescribers or terminal distributors of drugs in this state shall submit to the board the following purchase information:

(1) Purchaser identification;

(2) Identification of the drug sold;

(3) Quantity of the drug sold;

(4) Date of sale;

(5) The wholesale distributor’s license number issued by the board.

§60A-9A-3. Reporting requirements.

(a) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the distributor to submit the information in another format.

(b) The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:

(1) The distributor suffers a mechanical or electronic failure or cannot meet the deadline for other reasons beyond the distributor’s control; or

(2) The board is unable to receive electronic submissions.

§60A-9A-4. List of drugs to be reported.

The following list of drugs sold at wholesale to a prescriber or a terminal distributor of dangerous drugs shall be submitted to the board:

(1) All schedule II controlled substances;

(2) All schedule III controlled substances;

(3) All schedule IV controlled substances; and

(4) All schedule V controlled substances.

§60A-9A-5. Electronic format required for the transmission of wholesale drug sales.

(a) All wholesale data required to be submitted to the board shall be transmitted in the report format used when transmitting controlled substance data to the federal drug enforcement administration via ARCOS or other mutually accepted format.

(b) If a wholesale drug distributor cannot electronically transmit the required information, the wholesale drug distributor shall immediately contact the board to determine a mutually acceptable method of reporting. The wholesale drug distributor shall document in writing to the board the reasons for their inability to submit the required information.

§60A-9A-6. Rules.

The board may propose rules for legislative approval in accordance with §29A-2-1 *et seq.* of this code.

NOTE: The purpose of this bill is to require wholesale drug distributors to submit certain information to the West Virginia Board of Pharmacy.

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