WEST virginia legislature

2024 regular session

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]

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

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

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

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

(d) (1) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medicinal purpose*: Provided,* That buprenorphine shall be dispensed only by prescription pursuant to subsections (a), (b) and (c) of this section: *Provided, however,* That the controlled substances included in ~~subsection (e), section two hundred twelve, article two of this chapter~~ §60A-2-212(e) shall be dispensed, sold or distributed only by a physician, in a pharmacy by a pharmacist or pharmacy technician, or health care professional.

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

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

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

(e) If requested by the patient or authorized guardian, a prescriber issuing a new prescription shall include the intended use for the medication or the medical condition for which the medication was prescribed on the prescription bottle label.

NOTE: The purpose of this bill is to allow patients or subscribers of medications to direct prescribers to list the illness or condition for which a prescription is being issued on the label of the prescription.

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