

Senate Bill No. 440

(By Senators Foster, Unger and Miller)

[Introduced February 7, 2011; referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.]

A BILL to amend and reenact §60A-10-7 of the Code of West Virginia, 1931, as amended, relating to the Methamphetamine Laboratory Eradication Act; and requiring a prescription for drug products that contain as an active ingredient ephedrine, pseudoephedrine, phenylpropanolamine or other chemical precursors of methamphetamine.

Be it enacted by the Legislature of West Virginia:

That §60A-10-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 10. METHAMPHETAMINE LABORATORY ERADICATION ACT.

§60A-10-7. Restricted products; rule-making authority.

~~(a) On or before July 1, 2005,~~ The Board of Pharmacy shall promulgate emergency and legislative rules pursuant to the provision of article three, chapter twenty-nine-a of this code to implement a program wherein the Board of Pharmacy ~~shall consult~~ consults with the Superintendent of the State Police in identifying drug products which are a designated

precursor, in addition to those that contain as ~~their single~~ an active ingredient ephedrine, pseudoephedrine or phenylpropanolamine, that are commonly being used in the production and distribution of methamphetamine. Those drug products which the superintendent of the State Police have demonstrated by empirical evidence are commonly used in the manufacture of methamphetamine shall be added to a supplemental list and ~~shall be~~ are subject to all of the restrictions of this article. ~~These~~ The rules established pursuant to this section shall include ~~(1)~~ a process whereby pharmacies are made aware of all drug products that contain as ~~their single~~ an active ingredient ephedrine, pseudoephedrine and phenylpropanolamine that will be listed as a Schedule ~~V~~ III substance. ~~and must be sold, transferred or dispensed from behind a pharmacy counter;~~

~~(2) A process whereby pharmacies and retail establishments are made aware of additional drug products added to Schedule V that are required to be placed behind the pharmacy counter for sale, transfer or distribution can be periodically reviewed and updated.~~

~~(b) At any time after July 1, 2005, the Board of Pharmacy, upon the recommendation of the superintendent of the State Police, shall promulgate emergency and legislative rules pursuant to the provision of article three, chapter twenty-nine-a of this code to implement an updated supplemental list of products containing the controlled substances ephedrine, pseudoephedrine or phenylpropanolamine as an active ingredient or any other drug used as a precursor in the manufacture of methamphetamine, which the superintendent of the State Police has demonstrated by empirical evidence is being used in the manufacture of methamphetamine. This listing process shall comport with the requirements of subsection (a) of this section.~~

NOTE: The purpose of this bill is to add language to West Virginia Code §60A-10-7 requiring the issuance of a lawful prescription for dispensing drug products containing as an active ingredient ephedrine, pseudoephedrine, phenylpropanolamine and other chemical precursors of methamphetamine.

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