

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2088

(By Delegates Amores and Faircloth)

Passed March 13, 2004

In Effect Ninety Days from Passage

FILED

2001 APR -2 P 5:00

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

H. B. 2088

(BY DELEGATES AMORES AND FAIRCLOTH)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §60A-9-5 of the code of West Virginia, 1931, as amended, relating to authorizing local law-enforcement officers who are members of drug task forces to have access to prescription drug monitoring data.

Be it enacted by the Legislature of West Virginia:

That §60A-9-5 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. CONTROLLED SUBSTANCES MONITORING.

§60A-9-5. Confidentiality; limited access to records; period of retention; no civil liability for required reporting.

- 1 The information required by this article to be kept by the
- 2 state board of pharmacy is confidential and is open to inspec-
- 3 tion only by inspectors and agents of the state board of phar-

4 macy, members of the West Virginia state police expressly
5 authorized by the superintendent of the West Virginia state
6 police to have access to the information, authorized agents of
7 local law-enforcement agencies as a member of a drug task
8 force, authorized agents of the federal drug enforcement
9 agency, duly authorized agents of licensing boards of practitio-
10 ners in this state and other states authorized to prescribe
11 Schedules II, III and IV controlled substances, prescribing
12 practitioners and pharmacists and persons with an enforceable
13 court order or regulatory agency administrative subpoena:
14 *Provided*, That all information released by the state board of
15 pharmacy must be related to a specific patient or a specific
16 individual or entity under investigation by any of the above
17 parties except that practitioners who prescribe controlled
18 substances may request specific data related to their drug
19 enforcement administration controlled substance registration
20 number or for the purpose of providing treatment to a patient.
21 The board shall maintain the information required by this article
22 for a period of not less than five years. Notwithstanding any
23 other provisions of this code to the contrary, data obtained
24 under the provisions of this article may be used for compilation
25 of educational, scholarly or statistical purposes as long as the
26 identities of persons or entities remain confidential. No individ-
27 ual or entity required to report under section four of this article
28 may be subject to a claim for civil damages or other civil relief
29 for the reporting of information to the board of pharmacy as
30 required under and in accordance with the provisions of this
31 article.

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

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety 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 is approved this the 2nd
day of April 2004.

Governor

PRESENTED TO THE
GOVERNOR

DATE 3/26/04

TIME 3:30P