

1 **Senate Bill No. 9**

2 (By Senator Foster)

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4 [Introduced January 12, 2011; referred to the Committee on Health  
5 and Human Resources; and then to the Committee on the Judiciary.]

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10 A BILL to amend and reenact §30-5-14 of the Code of West Virginia,  
11 1931, as amended, relating to the registration and permits for  
12 operation of pharmacies; and forbidding the sale of tobacco  
13 products in licensed pharmacies.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §30-5-14 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS**  
18 **AND PHARMACIES.**

19 **§30-5-14. Pharmacies to be registered; permit to operate; fees;**  
20 **pharmacist to conduct business.**

21 (a) The Board of Pharmacy shall require and provide for the  
22 annual registration of every pharmacy doing business in this state,

1 including an ambulatory health care facility, as that term is  
2 defined in section one, article five-b, chapter sixteen of this  
3 code, who offers pharmaceutical care, and a facility operated to  
4 provide health care or mental health care services free of charge  
5 or at a reduced rate and who operates charitable clinic pharmacy.  
6 Any person, firm, corporation or partnership desiring to operate,  
7 maintain, open or establish a pharmacy in this state shall apply to  
8 the Board of Pharmacy for a permit to do so. The application for  
9 such permit shall be made on a form prescribed and furnished by the  
10 Board of Pharmacy, which, when properly executed, shall indicate  
11 the owner, manager, trustee, lessee, receiver or other person or  
12 persons desiring such permit, as well as the location of such  
13 pharmacy, including street and number, and any other information as  
14 the Board of Pharmacy may require. If it is desired to operate,  
15 maintain, open or establish more than one pharmacy, separate  
16 application shall be made and separate permits or licenses shall be  
17 issued for each.

18 (b) Every initial application for a permit shall be  
19 accompanied by the required fee of \$150. The fee for renewal of  
20 such permit or license shall be \$100 annually.

21 © If an application is approved, the Secretary of the Board of  
22 Pharmacy shall issue to the applicant a permit or license for each  
23 pharmacy for which application is made. Permits or licenses issued

1 under this section shall not be transferable and shall expire on  
2 June 30 of each calendar year and if application for renewal of  
3 permit or license is not made on or before that date, or a new one  
4 granted on August 1 following, the old permit or license shall  
5 lapse and become ~~null and~~ void and shall require an inspection of  
6 the pharmacy and a fee of \$150 plus \$150 for the inspection.

7 (d) Every place of business so registered shall employ a  
8 pharmacist in charge and operate in compliance with the general  
9 provisions governing the practice of pharmacy and the operation of  
10 a pharmacy.

11 (e) ~~The provisions of~~ This section shall have no application  
12 to the sale of nonprescription drugs which are not required to be  
13 dispensed pursuant to a practitioner's prescription.

14 (f) After June 30, 2011, no entity holding a permit or license  
15 to operate a pharmacy under this section may sell any tobacco  
16 products. For the purposes of this section "tobacco products"  
17 means cigars, cigarettes, cigarette paper, chewing tobacco, snuff,  
18 bidis, tobacco of any other description or any of the products made  
19 from tobacco. If "tobacco products" are sold by any entity holding  
20 a permit or license to operate a pharmacy under this section, the  
21 renewal of such permit or license to operate a pharmacy is  
22 prohibited.

NOTE: The purpose of this bill is to forbid the sale of tobacco products in licensed pharmacies.

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