

COMMITTEE SUBSTITUTE

FOR

## **H. B. 3231**

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(BY DELEGATES MOYE, STAGGERS, MANYPENNY, PERDUE,  
KOMINAR, HAMILTON AND CANN)

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(Originating in the Committee on the Judiciary)  
[February 28, 2011]

A BILL to amend and reenact §60A-4-410 of the Code of West Virginia, 1931, as amended, relating to the possession of multiple prescribed medications or prescriptions for controlled substances with the same or similar therapeutic medical purposes; exceptions; limitations; and criminal penalties.

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

That §60A-4-410 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. OFFENSES AND PENALTIES.**

**§60A-4-410. Prohibited acts -- Withholding information from practitioner; additional controlled substances; possession of multiple prescriptions of same or similar drug; penalties.**

1 (a) It is unlawful for a patient, in an attempt to obtain a  
2 prescription for a controlled substance, as defined in this  
3 chapter, to knowingly withhold from a practitioner that the  
4 patient has obtained a prescription for a controlled substance  
5 of the same or similar therapeutic use in a concurrent time  
6 period from another practitioner.

7 (b) For the purpose of this subsection, the word  
8 “prescription” means either: (1) A written prescription for a  
9 controlled substance; or (2) an amount of a controlled  
10 substance obtained as a result of a written prescription.

11 (c)(1) For the specific controlled substances listed in  
12 subparagraph (2) of this subsection, it is unlawful for a  
13 patient to possess more than one prescribed medication or  
14 current prescription of a particular controlled substance or  
15 any other controlled substance of the same or similar

16 therapeutic use if any of the prescriptions are filled within  
17 seventy-two hours of each other unless the patient can  
18 provide an affidavit from a practitioner explaining why the  
19 multiple prescriptions are medically necessary.

20 (2) Controlled substances prohibited by this section  
21 include all Schedules II, III and IV drugs.

22 ~~(b)~~ (d) ~~Any~~ A person who violates this section is guilty  
23 of a misdemeanor and, upon conviction thereof, may be  
24 confined in jail for not more than nine months, or fined not  
25 more than \$2,500, or both fined and confined.

26 ~~(c)~~ (e) ~~The~~ Each offense established by this section is in  
27 addition to and a separate and distinct offense from any other  
28 offense set forth in this code.

NOTE: The purpose of the bill is to establish prohibited acts relating to possession of controlled substances obtained from more than one health practitioner.

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