

H. B. 2806

(By Delegates Householder, Ellington, Arvon, Cooper, Gearheart, Hill,
Kurcaba, Rohrbach, Stansbury, Summers and Westfall)

[Introduced February 18, 2015; referred to the
Committee on Health and Human Resources.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-12A-1, §15-12A-2 and §15-12A-3, all relating to establishing a registry; requiring that certain persons be added to registry; requiring certain drug products be obtained by prescription only; preventing certain registered persons from obtaining drug products.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §15-12A-1, §15-12A-2 and §15-12A-3, all to read as follows:

ARTICLE 12A. REGISTRY OF CONVICTIONS FOR OPERATING A CLANDESTINE DRUG LABORATORY.

§15-12A-1. Registry of convictions for operating a clandestine drug laboratory and methamphetamine offenses; required information; procedures.

(a) The Criminal Identification Bureau of the West Virginia State Police shall input into the Multi-State Real Time Tracking System information relating to a final criminal conviction of

1 persons under the provisions of section four hundred eleven, article four, chapter sixty-a and section
2 four, article ten, chapter sixty-a of this code.

3 (b) The registry shall contain, at a minimum, the following information:

4 (1) The convicted person's full name;

5 (2) Conviction date;

6 (4) Identification of the criminal offense to the extent the date of conviction and the county
7 of conviction.

8 (c) An individual convicted under the provisions of section four hundred eleven, article four,
9 chapter sixty-a and section four, article ten, chapter sixty-a of this code shall be placed on the registry
10 for five years.

11 (d) The bureau shall contact the Multi-State Real Time Tracking System to remove a person
12 from the system five years after the conviction.

13 (e) If a person believes he or she has been mistakenly blocked from purchasing by the
14 MSRTTS, that person shall contact the bureau. The bureau shall ascertain and verify the identity of
15 the individual and if proper remove that individual from the MSRTTS.

16 **§15-12A-2. Reports of certain convictions by prosecuting attorneys; providing website**
17 **information; superintendent to propose rules.**

18 (a) Upon conviction of a person for violating the provisions of section four hundred eleven,
19 article four, chapter sixty-a of this code, a prosecuting attorney shall report the conviction to the
20 bureau on a form provided by the bureau.

21 (b) Reporting procedures shall be developed by the bureau in conjunction with the
22 prosecuting attorneys' institute and the Office of the Administrator of the Supreme Court of Appeals.

1 (c) Convictions prior to the effective date of this section shall, to the extent feasible and
2 practicable, be placed on the registry.

3 **§15-12A-3. Restrictions on the sale to individuals on the methamphetamine registry.**

4 (a) Before completing a sale of a product containing ephedrine, pseudoephedrine or
5 phenylpropanolamine, an owner or employee of a pharmacy or retail establishment shall use the
6 driver's license or nondriver identification card of the person attempting to purchase the product to
7 electronically submit information on the multi-state real time tracking system.

8 (b) If the person attempting to purchase a product containing ephedrine, pseudoephedrine
9 or phenylpropanolamine is listed on the multi-state real time tracking system, the owner or employee
10 processing the transaction shall not sell to that person.

NOTE: The purpose of this bill is to create a methamphetamine registry.

This article is new; therefore, it has been completely underscored.