

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 129

BY SENATORS BALDWIN, OJEDA, BEACH, AND WOELFEL

[Introduced January 10, 2018; Referred

to the Committee on Health and Human Resources; and

then to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §60A-3-309, relating to placing limitations on length of time that prescriptions
 3 may be issued for Schedule II and Schedule III controlled substances; and defining a term.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING
 OF CONTROLLED SUBSTANCES.**

§60A-3-309. Limitation of length of prescriptions.

1 (a) “Acute pain” means pain, whether resulting from disease, accidental or intentional
 2 trauma, or other causes, that is reasonably expected to last only a short or finite period of time.
 3 The term does not include chronic pain, or pain being treated as part of cancer care, hospice or
 4 other end of life care.

5 (b) A practitioner may not prescribe more than a seven-day supply of a Schedule II or
 6 Schedule III controlled substance for a patient upon the initial consultation or treatment of the
 7 patient for acute pain. After issuing the initial prescription and evaluating the patient’s condition,
 8 the practitioner may issue any appropriate renewal, refill or new prescription for the controlled
 9 substance or another drug for the patient.

NOTE: The purpose of this bill is to place limitations on length of time that prescriptions may be issued for Schedule II and Schedule III controlled substances. The bill defines a term.

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