

# WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

House Bill 2509

BY DELEGATES PACK, DEAN, WILSON AND ROHRBACH

[Passed March 6, 2019; in effect ninety days from  
passage.]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2019 MAR 26 P 5:59

FILED

HB 2509

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1 AN ACT to amend and reenact §60A-4-403 of the Code of West Virginia, 1931, as amended,  
2 relating to creating the felony offense of a theft of a controlled substance; and establishing  
3 penalties.

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

**ARTICLE 4. OFFENSES AND PENALTIES.**

**§60A-4-403. Prohibited acts C; penalties.**

1 (a) It is unlawful for any person knowingly or intentionally:

2 (1) To distribute as a registrant a controlled substance classified in Schedule I or II, except  
3 pursuant to an order form as required by section 307 of this act;

4 (2) To use in the course of the manufacture or distribution of a controlled substance a  
5 registration number which is fictitious, suspended, revoked, or issued to another person;

6 (3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud,  
7 forgery, theft, deception, or subterfuge;

8 (4) To furnish false or fraudulent material information in, or omit any material information  
9 from, any application, report, or other document required to be kept or filed under this act, or any  
10 record required to be kept by this act; or

11 (5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed  
12 to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or  
13 device of another or any likeness of any of the foregoing upon any drug or container or labeling  
14 thereof so as to render the drug a counterfeit substance.

15 (b) Any person who violates this section is guilty of a felony and, upon conviction, may be  
16 imprisoned in a correctional facility for not less than one year nor more than four years, or fined  
17 not more than \$30,000, or both.

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

*Rob Capito*  
.....  
Chairman, House Committee

*Paul S. Marshall*  
.....  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Steve Harris*  
.....  
Clerk of the House of Delegates

*Debra L. Linn*  
.....  
Clerk of the Senate

*Lee H. Frank*  
.....  
Speaker of the House of Delegates

*Matthew R. Cuccinelli*  
.....  
President of the Senate

FILED  
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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within *is approved* this the *26th*  
day of *March* ....., 2019.

*James E. Justice*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2019

Time 11:33am