

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5635

By Delegates Griffith and Summers

[Originating in the Committee on Health and Human
Resources; Reported on February 15, 2024]

1 A BILL amend and reenact §60A-3-308 of the Code of West Virginia, 1931, as amended, relating
2 to allowing patients to direct prescribers to list the illness or condition for which a
3 prescription is being issued on the label of the prescription.

Be it enacted by the Legislature of West Virginia:

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

§60A-3-308. Prescriptions.

1 (a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate
2 user, no controlled substance in Schedule II may be dispensed without the lawful prescription of a
3 practitioner.

4 (b) In emergency situations, as defined by rule of the said appropriate department, board
5 or agency, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced
6 promptly to writing and filed by the pharmacy. Prescription shall be retained in conformity with the
7 requirements of ~~section three hundred six of this article.~~ §60A-3-306. No prescription for a
8 Schedule II substance may be refilled.

9 (c) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate
10 user, a controlled substance included in Schedule III or IV, which is a prescription drug as
11 determined under appropriate state or federal statute, shall not be dispensed without a lawful
12 prescription of a practitioner. The prescription shall not be filled or refilled more than six months
13 after the date thereof or be refilled more than five times unless renewed by the practitioner.

14 (d) (1) A controlled substance included in Schedule V shall not be distributed or dispensed
15 other than for a medicinal purpose: *Provided*, That buprenorphine shall be dispensed only by
16 prescription pursuant to subsections (a), (b) and (c) of this section: *Provided, however*, That the
17 controlled substances included in ~~subsection (e), section two hundred twelve, article two of this~~

18 ~~chapter~~ §60A-2-212(e) shall be dispensed, sold or distributed only by a physician, in a pharmacy
19 by a pharmacist or pharmacy technician, or health care professional.

20 (2) If the substance described in ~~subsection (e), section two hundred twelve, article two~~
21 §60A-2-212(e) of this chapter is dispensed, sold or distributed in a pharmacy:

22 (A) The substance shall be dispensed, sold or distributed only by a pharmacist or a
23 pharmacy technician; ~~and~~

24 (B) Any person purchasing, receiving or otherwise acquiring any such substance shall
25 produce a photographic identification issued by a state or federal governmental entity reflecting
26 his or her date of birth; and

27 (e) If requested by the patient or authorized guardian, a prescriber issuing a new
28 prescription shall include the intended use for the medication or the medical condition for which the
29 medication was prescribed on the prescription bottle label.

NOTE: The purpose of this bill is to allow patients or subscribers of medications to direct prescribers to list the illness or condition for which a prescription is being issued on the label of the prescription.

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