



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Pharmacy TITLE-SERIES: 15-06
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: MAIL-ORDER AND NON-RESIDENT
PHARMACIES
CITE STATUTORY AUTHORITY: §30-5-7

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/19/2025 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Krista Capehart
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Charleston WV 25301
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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Provides rules for both Mail order and non-resident pharmacies

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Updates rule to require an inspection report from the pharmacy's home state

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

0

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2025 Increase/Decrease (use "-")	2026 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

0

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Krista Capehart -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 15
LEGISLATIVE RULE
BOARD OF PHARMACY**

**SERIES 6
MAIL-ORDER AND NON-RESIDENT PHARMACIES**

§15-6-1. General.

1.1. Scope. -- To establish rules for the Mail-order pharmacy and non-resident pharmacies.

1.2. Authority. -- W. Va. Code §30-5-7.

1.3. Filing Date. -- ~~April 28, 2017.~~

1.4. Effective Date. -- ~~April 28, 2017.~~

1.5. Sunset Date -- This rule shall terminate and have no further force or effect on ~~April 28, 2027~~ August 1, 2036.

§15-6-2. Definitions.

2.1. "Mail-order pharmacy" means a pharmacy, regardless of its location, which dispenses greater than twenty-five percent prescription drugs via the mail or other delivery services.

2.2. "Non-resident pharmacy" means a pharmacy outside of this state where drugs are dispensed and pharmacist care is provided to residents into this state.

2.3. "Pharmacy" means a place within this state where drugs are dispensed and pharmacist care is provided and a place outside of this state where drugs are dispensed and pharmacist care is provided to residents of this state.

2.4. "Prescription or prescription drug order" means a lawful order from a practitioner for a drug or device for a specific patient, including orders derived from collaborative pharmacy practice, where a valid patient-practitioner relationship exists, that is communicated to a pharmacist in a pharmacy.

§15-6-3. Registrations for Mail-Order Pharmacies.

3.1. A mail-order pharmacy shall apply for a registration for authorization to dispense prescription drugs or medicines in West Virginia. A non-resident pharmacy shall be registered in this state in the same manner as a mail-order pharmacy pursuant to this Series by issuance of a mail order registration.

3.2. A mail-order pharmacy or non-resident pharmacy shall submit the application for the registration to the West Virginia Board of Pharmacy. The application shall contain the following information:

3.2.a. The owner of the mail-order pharmacy or non-resident pharmacy, whether an individual, a partnership, or a corporation.

3.2.b. The names and titles of all individual owners, partners or corporate officers.

3.2.c. The pharmacy manager.

3.2.d. The pharmacist-in-charge.

3.2.e. The complete address, telephone number and fax number of the mail-order pharmacy or non-resident pharmacy.

3.2.f. The most current valid inspection report from the home state.

3.3. The mail-order pharmacy or non-resident pharmacy shall obtain separate registrations if it operates more than one pharmacy.

3.4. The mail-order pharmacy or non-resident pharmacy shall maintain a permit, registration, or license as required by the state where located.

3.5. The pharmacist-in-charge shall certify that the mail-order pharmacy or non-resident pharmacy is in compliance with the standards of care relative to the dispensing of prescription drug orders as required by the state where located.

3.6. The pharmacist in charge shall submit the names of all pharmacists employed at the mail-order pharmacy or non-resident pharmacy.

§15-6-4. Prescription record and reporting.

The mail-order pharmacy or non-resident pharmacy shall maintain prescription records which are available for review if required by the Board. The mail order pharmacy shall comply with the reporting requirements of the West Virginia Controlled Substances Monitoring Program as set forth in West Virginia Code § 60A-9-1 and the rules enacted in support thereof.

§15-6-5.

Mail-order pharmacies or non-resident pharmacies shall have a toll-free accessible telephone for consumers to obtain counseling with a licensed pharmacist during regular working hours and the telephone number shall be prominently identified on the prescription container or on the prescription container label.

§15-6-6. Doing Business in West Virginia

Mail-order pharmacies or non-resident pharmacies soliciting, receiving, and dispensing and delivering orders comprising prescription drugs and scheduled controlled drug substances as defined in 21 USC 1 et seq., and 21 CFR 1 et seq., and delivered to ultimate consumers in West Virginia constitutes doing business in West Virginia.

§15-6-7. Resident Agent

Mail-order pharmacies or non-resident pharmacies doing business in West Virginia by dispensing and delivering prescription orders to West Virginia consumers shall designate a resident agent for purposes of service of process and notice.

§15-6-8. Pharmacist-In-Charge Licensure requirement

The pharmacist in charge or at least one designated pharmacist of the out-of-state mail order pharmacy or non-resident pharmacy shall be licensed to practice pharmacist care in West Virginia and act as the PIC of the registration, and any other pharmacist providing pharmacist care from the out-of-state mail order pharmacy or non-resident pharmacy shall be licensed in the state where the pharmacy is located.