

H. B. 2501

(By Delegates Sobonya and Border)
[Introduced February 15, 2013; referred to the
Committee on Health and Human Resources then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §27-1A-11a; and to
amend and reenact §60-3-9, all relating to the creation of the
West Virginia Addictions Treatment and Recovery Fund by
dedicating \$.05 per ounce of the uniform price of alcoholic
liquors sold in this state to the fund.

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 section, designated §27-1A-11a; and that
§60-3-9 of said code be amended and reenacted, all to read as
follows:

CHAPTER 27. MENTALLY ILL PERSONS.

ARTICLE 1A. DEPARTMENT OF HEALTH.

§27-1A-11a. West Virginia Addictions Treatment and Recovery Fund.

1 (a) All moneys collected from the \$.05 per ounce designation,
2 effective July 1, 2013, as outlined in section nine, article three,
3 chapter sixty of this code shall be deposited in a special account
4 in the State Treasury to be known as the "West Virginia Addictions
5 Treatment and Recovery Fund." Expenditures from the fund are for
6 the purposes set forth in subsection (b) of this section and are
7 not authorized from collections but are to be made only in
8 accordance with appropriation by the Legislature in accordance with
9 the provisions of article three, chapter twelve of this code and
10 upon fulfillment of the provisions of article two, chapter eleven-b
11 of this code. For the fiscal year ending June 30, 2014,
12 expenditures are authorized from collections rather than pursuant
13 to appropriation by the Legislature. The fund shall also include
14 all receipts from loans made by the fund, any moneys appropriated
15 by the Legislature, all income from the investment of moneys held
16 in the fund and all other moneys designated for deposit to the fund
17 from any source, public or private.

18 (b) The fund, to the extent that money is available, shall be
19 used for the development and support of programs including, but
20 not limited to, community-based support programs or community-based
21 corrections programs, or both. The funds shall be used only for
22 programs relating to the prevention, intervention, treatment, and
23 recovery from addictions such as those related to drug or alcohol
24 use, or both drug or alcohol use. Further, no more than three

1 percent of the total revenue generated pursuant to section nine,
2 article three, chapter sixty of this code may be used to defray
3 costs incurred by the department in administering the provisions of
4 this subsection.

5 (c) The secretary shall propose rules for legislative
6 approval, in accordance with the provisions of article three,
7 chapter twenty-nine-a of this code, to govern the disbursement of
8 moneys from the fund for development costs, operating costs,
9 infrastructure and program support, establish criteria for
10 eligibility to receive grants or loans from the fund and in cases
11 where loans are issued, establish the terms and conditions of the
12 loans, including interest rates and repayment of terms.

13 **CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.**

14 **ARTICLE 3. SALES BY COMMISSIONER.**

15 **§60-3-9. Uniform prices; posting and distribution of price lists;**
16 **continuation of price increase on alcoholic liquors.**

17 The commissioner shall, from time to time, fix uniform prices
18 for each variety, class and brand of alcoholic liquors offered for
19 sale in state stores. Alcoholic liquors shall be sold in state
20 stores and agencies only at the uniform prices fixed by the
21 commissioner. As of July 1, 2013, \$.05 per ounce of the uniform
22 price for each variety, class and brand of alcoholic liquors
23 offered for sale in state stores shall be deposited into the West

1 Virginia Addictions Treatment and Recovery Fund established in
2 section eleven-a, article one-a, chapter twenty-seven of this code.

3 The commissioner shall prepare price lists showing the price
4 of each variety, class or brand. Price lists shall be posted
5 prominently in each store and shall be available for distribution
6 and inspection in every state store and agency.

7 The commissioner, in the exercise of his or her authority
8 under this section, is hereby directed to continue the increase in
9 the price of alcoholic liquors, heretofore effected pursuant to the
10 provisions of this section as amended by chapter six, Acts of the
11 Legislature of West Virginia, regular session, 1951, which is
12 presently producing an additional annual revenue of \$1,600,000 on
13 an annual volume of business equal to the average for the past
14 three years.

15 The revenue derived from the increase in the price of
16 alcoholic liquors shall be deposited into the General Revenue Fund
17 in the manner hereinafter provided in section seventeen of this
18 article.

NOTE: The purpose of this bill is to create the West Virginia Addictions Treatment and Recovery Fund by dedicating \$.05 per ounce of the uniform price of alcoholic liquors sold in this state to the fund.

§27-1A-11a is new; therefore, it has been completely underscored.

Strike-throughs indicate language that would be stricken from

the present law, and underscoring indicates new language that would be added.