

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 3004**

**FISCAL  
NOTE**

**2015 Carryover**

(BY DELEGATES SOBONYA, MILLER, ROHRBACH AND  
ELLINGTON)

[Introduced January 13, 2016; referred to the  
Committee on Health and Human Resources then  
Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §27-1A-11a; and to amend and reenact §60-3-9, all relating to the creation of  
 3 the West Virginia Addictions Treatment and Recovery Fund by collecting and transferring  
 4 \$.05 per ounce of the uniform price of alcoholic liquors sold in this state to the fund; setting  
 5 forth the uses of the fund; and authorizing rule-making.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §27-1A-11a; and that §60-3-9 of said code be amended and reenacted, all to  
 3 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, effective July 1, 2015, as  
 2 outlined in section nine, article three, chapter sixty of this code shall be deposited in a special  
 3 account in the State Treasury to be known as the “West Virginia Addictions Treatment and  
 4 Recovery Fund.” Expenditures from the fund are for the purposes set forth in subsection (b) of  
 5 this section and are not authorized from collections but are to be made only in accordance with  
 6 appropriation by the Legislature in accordance with the provisions of article three, chapter twelve  
 7 of this code and upon fulfillment of the provisions of article two, chapter eleven-b of this code.  
 8 For the fiscal year ending June 30, 2016, expenditures are authorized from collections rather than  
 9 pursuant to appropriation by the Legislature. The fund shall also include all receipts from loans  
 10 made by the fund, any moneys appropriated by the Legislature, all income from the investment  
 11 of moneys held in the fund and all other moneys designated for deposit to the fund from any

12 source, public or private.

13 (b) The fund, to the extent that money is available, shall be used for the development and  
14 support of programs including, but not limited to, community-based support programs or  
15 community-based corrections programs, or both. The funds shall be used only for programs  
16 relating to the prevention, intervention, treatment, and recovery from addictions such as those  
17 related to drug or alcohol use, or both drug or alcohol use. Further, no more than three percent  
18 of the total revenue generated pursuant to section nine, article three, chapter sixty of this code  
19 may be used to defray costs incurred by the department in administering the provisions of this  
20 subsection.

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

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

### **ARTICLE 3. SALES BY COMMISSIONER.**

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

1 The commissioner shall, from time to time, fix uniform prices for each variety, class and  
2 brand of alcoholic liquors offered for sale in state stores. Alcoholic liquors shall be sold in state  
3 stores and agencies only at the uniform prices fixed by the commissioner. As of July 1, 2016,  
4 \$.05 per ounce of the uniform price for each variety, class and brand of alcoholic liquors offered

5 for sale in state stores shall be deposited into the West Virginia Addictions Treatment and  
6 Recovery Fund established in section eleven-a, article one-a, chapter twenty-seven of this code.

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

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

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

NOTE: The purpose of this bill is to create the West Virginia Addictions Treatment and Recovery Fund by collecting and transferring \$.05 per ounce of the uniform price of alcoholic liquors sold in this state to the fund. The bill sets forth how the fund may be used. The bill authorizes rule-making.

§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.