

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2422**

BY DELEGATES ROBINSON, STORCH, SOBONYA, PUSHKIN,

HORNBUCKLE, UPSON, BLAIR, BOGGS, LOVEJOY,

ELLINGTON AND ISNER

[Introduced February 14, 2017; Referred  
to the Committee on Prevention and Treatment of  
Substance Abuse then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §16-2A-1, §16-2A-2, §16-2A-3 and §16-2A-4, all relating to creating the Ryan  
 3 Brown Addiction Prevention and Recovery Fund Act; providing legislative findings,  
 4 purpose, rules proposed by the Director of the West Virginia Department of Health and  
 5 Human Resources; and establishing the Ryan Brown Addiction Prevention and Recovery  
 6 Fund to be administered by the West Virginia Department of Health and Human  
 7 Resources.

*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 article, designated §16-2A-1, §16-2A-2, §16-2A-3 and §16-2A-4, all to read as follows:

**ARTICLE 2A. THE RYAN BROWN ADDICTION PREVENTION AND RECOVERY  
 FUND ACT.**

**§16-2A-1. Short title.**

1 This article shall be known as the Ryan Brown Addiction Prevention and Recovery Fund  
 2 Act.

**§16-2A-2. Legislative findings; purpose.**

1 The Legislature finds that substance abuse is at a crisis stage in West Virginia, with this  
 2 state leading the nation in overdose deaths. Nationally, the Center for Disease Control reports  
 3 that in 2015 an average of one hundred forty-four individuals died from an overdose in the country  
 4 of any kind. One hundred forty-four a day are suffering due to the loss of this preventable problem,  
 5 overdose. The trend continues to increase year after year. Opioids, including prescription opioids  
 6 and heroin, have killed more than thirty-three thousand people in 2015, more than any year on  
 7 record. Ninety-one Americans die every day from an opioid overdose. From 2000 to 2015 more  
 8 than half a million people died from drug overdoses. In relation to the cause of death, overdose  
 9 deaths have now surpassed automobile deaths.

10           Drug abuse contributes to lost productivity in private jobs and industry, decreased hiring  
 11 capacity due to inability to pass drug screens, increased cost of medical treatment, increased  
 12 need for foster care, and increased court costs in criminal procedures.

13           The purpose of this article is to establish a fund to provide for drug addiction prevention  
 14 and treatment not otherwise covered by legislative appropriations, Medicare, Medicaid or private  
 15 insurance.

**§16-2A-3. Rules.**

1           The Director of the West Virginia Department of Health and Human Resources shall  
 2 propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of  
 3 this code, which rules shall include pertinent definitions for addiction and prevention and treatment  
 4 of drug and alcohol addiction and dependency applicable to the purposes of this article.

**§16-2A-4. Ryan Brown Addiction Prevention and Recovery Fund; administration of fund.**

1           (a) There is established in the treasury a separate, interest bearing, special revenue  
 2 account to be known as “The Ryan Brown Addiction Prevention and Recovery Fund” to make  
 3 available resources for prevention and recovery programs not otherwise covered under current  
 4 state or federal addiction prevention and recovery programs. Resources shall be made available  
 5 to nonprofit organizations for adult and child addiction prevention programs. Resources shall also  
 6 be made available to private and public addiction treatment facilities, health care providers for  
 7 inpatient or outpatient addiction treatment and sober living homes. At least twenty percent of the  
 8 fund’s resources must be spent on prevention. The special revenue account shall consist of funds  
 9 from federal Substance Abuse Prevention and Treatment Block Grants (SABG), gifts, income  
 10 from the investment of moneys held in the special revenue account and all other sums available  
 11 for deposit to the special revenue account from any source, public or private.

12           (b) The West Virginia Department of Health and Human Resources shall:

13           (1) Administer the Ryan Brown Addiction Prevention and Recovery Fund and allocate  
 14 moneys for prevention education and treatment, with at least twenty percent going towards

15 prevention.

16 (2) Establish guidelines for eligibility for funding consistent with this article, promote the  
17 availability of the funding statewide, provide technical assistance to applicants, evaluate  
18 applicants, determine allowable expenses and disburse funding.

19 (3) Establish monitoring and accountability mechanisms for programs and individuals  
20 receiving assistance.

21 (4) Ensure that funds are disbursed in accordance with the rules set out by Substance  
22 Abuse and Mental Health Services Administration for receiving SABG.

23 (5) Annually post on its website and report to the Legislature on the expenditure of the  
24 program fund, including the total amount distributed, the types of programs and individuals that  
25 received funding and the amount each received.

26 (c) The department shall create eligibility guidelines consistent with this article. To qualify  
27 for prevention education funding, the applicant may be a nonprofit trained and certified to provide  
28 addiction prevention education. Funds qualify only for addiction recovery not otherwise covered  
29 by Medicare, Medicaid, private insurance or any other state or federal funding sources.

30 (d) Addiction recovery funds will be paid directly to the treatment provider on behalf of the  
31 individual receiving treatment.

32 (e) For-profit treatment facilities are not eligible for addiction recovery funds.

33 (f) Medication assisted treatment will only qualify for recovery funds if the planned course  
34 of treatment is twenty-four months or less. Recovery funds are only available for three months of  
35 the medication assisted treatment.

36 (g) Priority for funding will be given to:

37 (1) Intravenous drug users;

38 (2). HIV+, AIDS or HCV+ individuals;

39 (3) Pregnant women and women with dependent children;

40 (4) Veterans;

- 41           (5) Persons with criminal justice involvement; and  
42           (6) Sober Living Entry fees for individuals.  
43           (7) Cost of transportation to recovery centers, sober living homes or other facilities used  
44 for addiction recovery.  
45           (8) Naloxone and other similar medications or similar overdose reversal pharmaceuticals  
46 that are used to block or reverse the effects of opioid medication, including extreme drowsiness,  
47 slowed breathing, or loss of consciousness or used to treat a narcotic overdose in an emergency  
48 situation, to be distributed by addiction awareness facilities, nonprofit recovery programs, sober  
49 living homes, prevention agencies or county health departments. This is limited to payment for  
50 naloxone or similar overdose reversal pharmaceuticals only.

NOTE: The purpose of this bill is to create the Ryan Brown Addiction Prevention and Recovery Fund Act. The bill provides legislative findings and purpose, requiring the Director of the West Virginia Department of Health and Human Resources to propose rules and definitions relating to the purpose of this article. The bill establishes the Ryan Brown Addiction Prevention and Recovery Fund to be administered by the West Virginia Department of Health and Human Resources which is to be funded from federal Substance Abuse Prevention and Treatment Block Grants (SABG), gifts, and income from the investment of moneys. The bill also provides how these funds are to be used.

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