

# WEST VIRGINIA LEGISLATURE

## 2018 REGULAR SESSION

**Introduced**

### **House Bill 4472**

**FISCAL  
NOTE**

BY DELEGATES SOBONYA, C. MILLER, ROWAN, WARD

ROHRBACH AND FRICH

[Introduced February 8, 2018; 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 section,  
 2 designated §27-1A-11a; and to amend and reenact §60-3-9 of said code, all relating to  
 3 the creation of the West Virginia Addictions Treatment and Recovery Fund by collecting  
 4 and transferring five cents per ounce of the uniform price of alcoholic liquors sold in this  
 5 state to the fund; setting forth the uses of the fund; and authorizing rule-making.

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

## **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 five cents per ounce designation, effective July 1, 2018,  
 2 as outlined in §60-3-9 of this code shall be deposited in a special account in the State Treasury  
 3 to be known as the "West Virginia Addictions Treatment and Recovery Fund." Expenditures from  
 4 the fund are for the purposes set forth in subsection (b) of this section and are not authorized from  
 5 collections but are to be made only in accordance with appropriation by the Legislature in  
 6 accordance with the provisions of §12-3-1 et seq. of this code and upon fulfillment of the  
 7 provisions of §11B-2-1 et seq. of this code. For the fiscal year ending June 30, 2019, expenditures  
 8 are authorized from collections rather than pursuant to appropriation by the Legislature. The fund  
 9 also includes all receipts from loans made by the fund, any moneys appropriated by the  
 10 Legislature, all income from the investment of moneys held in the fund and all other moneys  
 11 designated for deposit to the fund from any source, public or private.

12 (b) The fund, to the extent that money is available, shall be used for the development and  
 13 support of programs including, but not limited to, community-based support programs or  
 14 community-based corrections programs, or both. The funds may be used only for programs  
 15 relating to the prevention, intervention, treatment, and recovery from addictions such as those  
 16 related to drug or alcohol use, or both drug or alcohol use. Further, no more than three percent of

17 the total revenue generated pursuant to §60-3-9 of this code may be used to defray costs incurred  
18 by the department in administering the provisions of this subsection.

19 (c) The secretary shall propose rules for legislative approval, in accordance with the  
20 provisions of §29A-3-1 et seq. of this code, to govern the disbursement of moneys from the fund  
21 for development costs, operating costs, infrastructure and program support, establish criteria for  
22 eligibility to receive grants or loans from the fund and in cases where loans are issued, establish  
23 the terms and conditions of the loans, including interest rates and repayment 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, 2019, five  
4 cents 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 §27-1A-11a 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 §60-3-17 of this code.

NOTE: The purpose of this bill is to create the West Virginia Addictions Treatment and Recovery Fund by collecting and transferring 5¢ 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.

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