

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3306

By Delegate Browning

[Introduced March 11, 2025; referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article
2 designated §27-5A-1, relating to creating The Matthew Casey Wethington Act for
3 Substance Abuse Intervention; stating legislative findings; setting forth a procedure for
4 involuntary substance abuse intervention and treatment.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5A. INVOLUNTARY SUBSTANCE ABUSE INTERVENTION.

§27-5A-1. Involuntary substance abuse intervention.

1 (a) Title. This article may be cited as "The Matthew Casey Wethington Act for Substance
2 Abuse Intervention".

3 (b) Legislative Findings. The Legislature finds that:

4 (1) There is a need to strengthen existing law related to individuals who have a substance
5 use or abuse disorder but, otherwise, do not meet the criteria for involuntary hospitalization as
6 prescribed in §27-5-2 and §27-5-3 of this code;

7 (2) West Virginia families should not have to wait for the arrest of an individual who has a
8 substance use disorder and who commits a crime while substance-abuse impaired before seeking
9 court-ordered treatment;

10 (3) Denial and distorted thinking impede the ability of an individual with a substance use
11 disorder to make rational decisions. Because addiction is a progressive, life-threatening disease,
12 the best hope of survival for an individual who is substance-abuse impaired is intervention; and

13 (4) Studies show that involuntary substance abuse treatment can be as successful as
14 voluntary treatment. Court-ordered treatment can be effective regardless of who initiates it.

15 (c) Verified Application for Involuntary Treatment (Alcohol/Drug Abuse); Procedure.

16 (1) Notwithstanding any provision of this code to the contrary, an adult spouse, parent,
17 near relative, friend, or legal guardian of a substance-abuse impaired person may make an
18 application for involuntary treatment of an individual with a substance use disorder. Application for
19 involuntary treatment may be made to the circuit court or magistrate court of the county in which

the respondent individual resides, or of the county in which he or she may be found.

(A) The applicant shall verify that the individual respondent is a person suffering from alcohol or other substance use disorder and that the respondent presents a danger or threat of danger to self, family, or others because of substance-abuse impairment.

(B) The applicant shall request that the respondent be detained for examination, evaluation and hospitalization/admittance to a substance use disorder treatment facility if he/she meets the criteria for: (i) involuntary treatment for not more than 60 consecutive days; or (ii) involuntary treatment for not more than 360 consecutive days.

(C) The applicant shall sign the verified application and state that applicant shall assume responsibility for and does guarantee payment for all costs incurred on behalf of respondent for all alcohol and other substance use disorder treatment, including but not limited to, initial examination and transportation costs, as ordered by the court. Applicant shall provide his/her billing address on the application.

(2) Upon receipt of the verified application, the court shall examine the applicant under oath as to the contents of the application for involuntary treatment.

(3) If, after reviewing the allegations contained in the verified application and examining the applicant under oath, it appears to the court that there is probable cause to believe the respondent individual should be ordered to undergo involuntary treatment, the court shall:

(A) Set a date for a hearing within 10 days to determine if the respondent should be ordered to undergo involuntary treatment for an alcohol or other substance abuse disorder;

(B) Notify respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the application and the date and purpose of the hearing; and the name, address, and telephone number of an attorney appointed to represent the respondent; and

(C) Cause the respondent to be examined no later than 24 hours before the hearing date by a qualified health professional. The qualified health professional: (i) Shall certify their findings

46 to the court within 24 hours of the examinations; and (ii) may be subject to subpoena for cross-
47 examination at the hearing, either in person, by telephone, or by videoconference.

48 (D) If, upon completion of the hearing, the court finds by proof beyond a reasonable doubt
49 that the respondent should be ordered to undergo treatment, then the court shall order such
50 treatment for a period not to exceed 60 consecutive days from the date of the court order or a
51 period not to exceed 360 consecutive days from the date of the court order, whatever was the
52 period of time that was requested in the verified application or otherwise agreed to at the hearing.
53 Failure of respondent to undergo treatment ordered pursuant to this section may place the
54 respondent in contempt of court.

55 (E) If, at any time after the petition is filed, the court finds that there is no probable cause to
56 continue treatment or if the applicant withdraws the verified application, then the proceedings
57 against the respondent shall be dismissed.

NOTE: The purpose of this bill is to create The Matthew Casey Wethington Act for Substance Abuse Intervention. The bill states legislative findings; and sets forth a procedure for involuntary substance abuse intervention and treatment.

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