

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3406

By Delegate Williams

[Introduced March 17, 2025; referred to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §11-29-1, relating to collecting a tax from all manufacturers and distributors of
 3 opioid drugs and their derivatives and substances included as Schedule II drugs in this
 4 state collected by pharmacies to fund drug addiction and prevention programs.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. EXCISE TAX ON SCHEDULE II DRUGS TO DRUG ABUSE.

§11-29-1. Collection of tax for sales of opioid derived Schedule II controlled substances to state pharmacies; proceeds of tax to fund substance abuse and prevention programs.

1 There is hereby imposed an excise tax on pills purchased by or for any licensed pharmacy
 2 in this state for all opioid substances and their derivatives, and opioid drugs included in Schedule
 3 II, as defined in §60A-2-206 of this code. The excise tax shall be 1 cent multiplied by the number of
 4 overdose deaths in West Virginia published for the most recent year available by the Department
 5 of Health's Epidemiology Division. The Department of Health shall provide the most recent years
 6 data on or before December 1st of each year and the Tax Commission shall determine the amount
 7 of tax and notify each pharmacy in the state the appropriate amount of tax to assess of one cent
 8 per state drug overdose death on each 100 pills sold, effective each January 1st of each year. The
 9 tax is imposed on every pharmaceutical manufacturer or distributor selling Schedule II drugs to
 10 licensed pharmacies in this state. The pharmacies licensed and doing business in the State of
 11 West Virginia shall collect and remit the tax to the Tax Commissioner. No pharmaceutical
 12 manufacturer, distributor or pharmacy may pass on as a cost or otherwise collect this excise tax
 13 from the patient. Each pharmacy shall periodically remit the tax collected to the Tax Commissioner
 14 pursuant to legislative or interpretative rules promulgated for the collection of this tax by the
 15 commissioner, pursuant to §29A-3-1 et seq. of this code, to be deposited by the commissioner
 16 upon collection into the Ryan Brown Addiction Prevention and Recovery Fund established
 17 pursuant to §16-53-2 of this code.

NOTE: The purpose of this bill is to collect a state excise tax against opioid sales calculated at one cent for 100 pills multiplied by the number of overdose deaths in the most recent year based on Health Department's death certificates. The tax shall be used to fund addiction prevention and recovery from opioid use.

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