

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 5168

By Delegates Statler, G. Howell, Toney, Linville, Hott,
and Hillenbrand

[Originating in the Committee on Finance, February
17, 2026]

1 A BILL to amend the West Virginia Code, 1931, as amended, by adding a new article, designated
2 §7-5C-1 and §7-5C-2; to amend and reenact §16-4-25 of said code; and to amend said
3 code by adding a new section, designated §29-22-18h, all relating to providing funds for
4 certain emergency medical services; creating a special revenue fund administered by the
5 Director of the West Virginia Office of Emergency Medical Services for the benefit of
6 emergency medical services in counties with excess levies or dedicated fees related to
7 emergency medical services, designated the County Emergency Medical Services Fund;
8 creating a special revenue fund administered by the Director of the West Virginia Office of
9 Emergency Medical Services for the benefit of emergency medical services in all counties,
10 designated the All County Emergency Medical Services Fund; granting rulemaking
11 authority; changing name of an existing special revenue fund to Emergency Medical
12 Services Salary Enhancement, Crisis Response, and Mental Health Treatment Fund;
13 expanding purposes for which expenditures from fund may be made; limiting purposes for
14 expenditures of certain moneys transferred into fund; requiring annual reporting;
15 transferring, after the end of each fiscal year from any remaining and available net profits in
16 the State Lottery Fund, the sum of \$6 million to the Emergency Medical Services Salary
17 Enhancement, Crisis Response, and Mental Health Treatment Fund, the sum of \$3 million
18 to the County Emergency Medical Services Fund, and the sum of \$3 million to the All
19 County Emergency Medical Services; and providing reduced pro rata distribution in the
20 event of insufficient remaining and available net profits.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 5C. FUNDS FOR PROVIDING EMERGENCY MEDICAL SERVICES.

§7-5C-1. Funds for use of emergency medical services departments in counties

with excess levy or dedicated fee.

1 (a) There is hereby created in the State Treasury a special revenue fund designated and
2 known as the County Emergency Medical Services Fund which is an interest-and-earnings
3 accumulating account. The fund shall receive legislative appropriations, grants, gifts, devises, and
4 donations from any public or private source. All interest and other returns derived from the deposit
5 and investment of moneys in the County Emergency Medical Services Fund shall be credited to
6 the fund. Any balance, including accrued interest and other returns, remaining in the fund at the
7 end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund
8 and be expended as provided in this section. The fund shall be administered by the Director of the
9 West Virginia Office of Emergency Medical Services and distributed by the director to certain
10 county commissions and distributed by those county commissions to emergency medical services
11 departments in those counties for the exclusive benefit of providing emergency medical services
12 in the county. Distributions from the fund shall be distributed only to the county commissions of
13 counties which have in place a countywide excess levy, or a countywide fee, dedicated to
14 emergency medical services. Among those counties, distributions shall be in relative proportion to
15 each county's population's percentage of the aggregate population of all such counties combined.

16 (b) The Director of the West Virginia Office of Emergency Medical Services may propose
17 legislative rules, including emergency rules, for promulgation in accordance with §29A-3-1 et seq.
18 of this code to implement this section.

§7-5C-2. Funds for use of emergency medical services departments in counties.

1 (a) There is hereby created in the State Treasury a special revenue fund designated and
2 known as the All County Emergency Medical Services Fund which is an interest-and-earnings
3 accumulating account. The fund shall receive legislative appropriations, grants, gifts, devises, and
4 donations from any public or private source. All interest and other returns derived from the deposit
5 and investment of moneys in the All County Emergency Medical Services Fund shall be credited to
6 the fund. Any balance, including accrued interest and other returns, remaining in the fund at the
7 end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund

8 and be expended as provided in this section. The fund shall be administered by the Director of the
9 West Virginia Office of Emergency Medical Services and distributed by the director to county
10 commissions and distributed by those county commissions to emergency medical services
11 departments in those counties for the exclusive benefit of providing emergency medical services
12 in the county. Among those counties, distributions shall be in relative proportion to each county's
13 population's percentage of the aggregate population of all such counties combined.

14 (b) The Director of the West Virginia Office of Emergency Medical Services may propose
15 legislative rules, including emergency rules, for promulgation in accordance with §29A-3-1 et seq.
16 of this code to implement this section.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-25. Emergency Medical Services Salary Enhancement, Crisis Response, and Mental Health Treatment Fund.

1 (a) There is hereby ~~created~~ continued in the State Treasury a special revenue fund
2 designated and known as the Emergency Medical Services Salary Enhancement Fund, hereafter
3 to be known as the Emergency Medical Services Salary Enhancement, Crisis Response, and
4 Mental Health Treatment Fund. ~~which is an interest- and earnings-accumulating account~~ The fund
5 ~~is established to support~~ Expenditures from the fund shall be for the purposes set forth in this
6 section, including supplementing the salaries of, and providing crisis response for, county
7 emergency medical service personnel as that term is defined in §16-4C-3(g) of this code or a
8 county designated or contracted emergency medical service provider. ~~and all moneys must be~~
9 ~~spent to support increasing salaries of emergency medical service workers and providing crisis~~
10 ~~response to encourage retention~~ The fund consists of moneys appropriated by the Legislature,
11 grants, gifts, devises, and donations from any public or private source. All interest and other
12 returns derived from the deposit and investment of moneys in the ~~Emergency Medical Services~~

13 ~~Salary Enhancement Fund~~ fund shall be credited to the fund. Any balance, including accrued
14 interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the
15 General Revenue Fund but shall remain in the fund and be expended as provided in this section.
16 The Director of the West Virginia Office of Emergency Medical Services shall administer the fund.

17 (b) Notwithstanding the provisions of subsection (a) of this section to the contrary, any
18 funds transferred into the fund from the State Lottery Fund pursuant to the provisions of §29-22-
19 18h of this code shall be distributed to counties subject to the following conditions:

20 (1) The first \$1 million transferred shall be used by the Office of Emergency Medical
21 Services for mental health treatment for emergency medical service personnel: *Provided*, That
22 any funds not used in any fiscal year may be redistributed to the counties according to the
23 distribution authorized by this section.

24 (2) Any money awarded to a county from funds transferred from the State Lottery pursuant
25 to §29-22-18h of this code must be equally matched by county funds or funds received by the
26 counties from other sources to serve as a match for these funds.

27 (3) None of the funds transferred from the State Lottery pursuant to §29-22-18h of this
28 code may be used for salary increases of emergency medical services personnel.

29 (c) The Director of the Office of Emergency Medical Services shall propose legislative rules
30 for promulgation and promulgate emergency rules pursuant to the provisions of §29A-3-15 of this
31 code. These rules shall include a means of distributing any available funds to counties to
32 accomplish the purpose of this section with an emphasis on the following factors:

- 33 (1) Counties who may demonstrate the most need;
- 34 (2) Counties that have a special levy for emergency medical services;
- 35 (3) Counties that have reached the maximum allowable rate on regular levies; and/or
- 36 (4) Counties that have a challenge recruiting and retaining emergency medical services
- 37 personnel due to interstate competition.

38 ~~(e)~~ (d) The Office of Emergency Medical Services shall prepare an annual report to the

39 Legislative Oversight Commission on Health and Human Resources Accountability. The report
40 shall provide:

41 (1) A county-by-county accounting of how the funds were distributed;

42 (2) An accounting by county of the number of emergency medical service workers
43 receiving a salary enhancement; and

44 (3) Recommendations for continued funding.

45 The first report is due by July 1, ~~2024~~, and annually thereafter.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 22. STATE LOTTERY ACT.

§29-22-18h. Additional allocation of net profits from the State Lottery Fund to the Emergency Medical Services Salary Enhancement, Crisis Response, and Mental

Health Treatment Fund.

1 (a) Notwithstanding any other provision of this code to the contrary, following the end of
2 each fiscal year, after the Lottery Commission has met the requirements for the allocation of net
3 profits from the State Lottery Fund as required under §29-22-18 of this code and any other
4 provisions of this code, and after satisfying the requirements for funds dedicated to pay debt
5 service in accordance with bonds payable from the State Lottery Fund and for other purposes as
6 required by §29-22-18, 29-22-18f and §29-22-18g of this code, the Lottery Commission shall
7 annually allocate and transfer from any remaining and available net profits for the fiscal year in the
8 State Lottery Fund the the following:

9 (1) The sum of \$6 million, or the sum of the remaining and available net profits, whichever
10 is less, to the Emergency Medical Services Salary Enhancement, Crisis Response, and Mental
11 Health Treatment Fund established in §16-4C-25 of this code, which sum transferred shall be
12 distributed in accordance with the provisions of that section;

13 (2) The sum of \$3 million, or the sum of the remaining and available net profits, whichever

14 is less, to the County Emergency Medical Services Fund created in §7-5C-1 of this code, which
15 sum transferred shall be distributed in accordance with the provisions of that section; and

16 (3) The sum of \$3 million, or the sum of the remaining and available net profits, whichever
17 is less, to the All County Emergency Medical Services Fund created in §7-5C-2 of this code, which
18 sum transferred shall be distributed in accordance with the provisions of that section.

19 (b) In the event that remaining and available net profits for the fiscal year in the State
20 Lottery Fund are not sufficient to meet the allocation and transfer of net profits as directed under
21 subsection (a) of this section, then the amounts allocated and transferred under subsection (a) of
22 this section from any remaining and available net profits for the fiscal year shall be reduced on a
23 pro rata basis.