

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5168

**FISCAL
NOTE**

By Delegates Statler, Hillenbrand, Hott, G. Howell,

Linville, and Toney

[Introduced February 04, 2026; referred to the

Committee on Finance

1 A BILL to amend and reenact §16-4-25 of the West Virginia Code, 1931, as amended; and to
 2 amend said code by adding a new section, designated §29-22-18h, all relating to providing
 3 funds for certain emergency medical services, authorizing certain funds be transferred
 4 from the State Lottery Fund, and authorizing certain funds be used for mental health
 5 treatment for emergency services personnel.

Be it enacted by the Legislature of West Virginia:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

**§16-4C-25. Emergency Medical Services Salary Enhancement Fund, 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, Crisis
 3 Response, and Mental Health Treatment Fund ~~which is an interest- and earnings-accumulating~~
 4 ~~account. The fund is established to support~~ Expenditures from the fund shall be for the purposes
 5 set forth in this section, including supplementing the salaries of, and providing crisis response for,
 6 county emergency medical service personnel as that term is defined in §16-4C-3(g) of this code or
 7 a county designated or contracted emergency medical service provider ~~and all moneys must be~~
 8 ~~spent to support increasing salaries of emergency medical service workers and providing crisis~~
 9 ~~response to encourage retention.~~ The fund consists of moneys appropriated by the Legislature,
 10 grants, gifts, devises, and donations from any public or private source. All interest and other
 11 returns derived from the deposit and investment of moneys in the ~~Emergency Medical Services~~
 12 ~~Salary Enhancement Fund~~ fund shall be credited to the fund. Any balance, including accrued
 13 interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the
 14 General Revenue Fund but shall remain in the fund and be expended as provided in this section.
 15 The Director of the West Virginia Office of Emergency Medical Services shall administer the fund.

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

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

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

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

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

32 (1) Counties who may demonstrate the most need;

33 (2) Counties that have a special levy for emergency medical services;

34 (3) Counties that have reached the maximum allowable rate on regular levies; and/or

35 (4) Counties that have a challenge recruiting and retaining emergency medical services
36 personnel due to interstate competition.

37 ~~(e)~~ (d) The Office of Emergency Medical Services shall prepare an annual report to the
38 Legislative Oversight Commission on Health and Human Resources Accountability. The report
39 shall provide:

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

41 (2) An accounting by county of the number of emergency medical service workers

42 receiving a salary enhancement; and

43 (3) Recommendations for continued funding.

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

NOTE: The purpose of this bill is to transfer, after the end of each fiscal year from any remaining and available net profits in the State Lottery Fund, the sum of \$12 million to the Emergency Medical Services Salary Enhancement Fund.

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