

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**House Bill 2991**

BY DELEGATES ROHRBACH, ELLINGTON AND BATES

[Originating in the Committee on Finance; Reported

on February 20, 2019.]



1 A BILL to amend and reenact §16-53-1 and §16-53-2 of the Code of West Virginia, 1931, as  
2 amended, relating to the Ryan Brown Addiction Prevention and Recovery Fund; requiring  
3 an assessment; requiring a presentation of that assessment; and requiring future  
4 settlements to be directed to the fund.

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

**ARTICLE 53. ESTABLISHING ADDITIONAL SUBSTANCE ABUSE TREATMENT  
FACILITIES.**

**§16-53-1. Establishment of substance abuse treatment facilities.**

1 (a) The Secretary of the Department of Health and Human Resources shall ensure that  
2 beds for purposes of providing substance abuse treatment and/or recovery services in existing or  
3 newly constructed facilities are made available in locations throughout the state which the  
4 department determines to be the highest priority for serving the needs of the citizens of the state.

5 (b) The secretary shall identify and allocate the beds to privately owned facilities to provide  
6 substance abuse treatment services.

7 (c) These facilities shall:

8 (1) Give preference to West Virginia residents;

9 (2) Accept payment from private pay patients, third person payors or patients covered by  
10 Medicaid;

11 (3) Offer long-term treatment, based upon need, of up to one year; and

12 (4) Work closely with the Adult Drug Court Program, provided for in §62-15-1 *et seq.* of  
13 this code.

14 (d) Any facility subject to the provisions of this article must:

15 (1) Be licensed by this state to provide addiction and substance abuse services; or

16 (2) Be a peer-led facility that follows standards set forth by the National Alliance for  
17 Recovery Residences and offers access to peer support services.

18           (e) The Office of Drug Control Policy within the Department of Health and Human  
19 Resources shall conduct an ongoing assessment of West Virginia's system of care for treatment  
20 and recovery services for substance use disorders. This assessment shall identify gaps in the  
21 system for treatment and recovery services for substance use disorders. The Office of Drug  
22 Control Policy shall share its recommendations with the Governor's Council on Substance Abuse  
23 Prevention and Treatment, established by Executive Order 22-18, for review. The council shall  
24 prioritize the type and location of treatment and recovery services. The council shall present the  
25 prioritized list to the Joint Committee on Government and Finance, before the Office may provide  
26 funding.

**§16-53-2. Establishing the Ryan Brown Addiction Prevention and Recovery Fund.**

1           The Ryan Brown Addiction Prevention and Recovery Fund is ~~hereby created~~ continued in  
2 the state treasury as a special revenue account. The fund shall be administered by the Secretary  
3 of the Department of Health and Human Resources and shall consist of all moneys made  
4 available for the purposes of this article from any source, including, but not limited to, all grants,  
5 bequests or transfers from any source, any moneys that may be appropriated and designated for  
6 those purposes by the Legislature and all interest or other return earned from investment of the  
7 fund, gifts, and all other sums available for deposit to the special revenue account from any  
8 source, public or private. Expenditures from the fund shall be for the purposes set forth in this  
9 article and are not authorized from collections but are to be made only in accordance with  
10 appropriation by the Legislature and in accordance with the provisions of §12-3-1 and upon the  
11 fulfillment of the provisions set forth §11B-2-1. Upon the effective date of this section, the attorney  
12 general and any public official with custody or control of the proceeds recovered for the state  
13 pursuant to settlement agreement dated January 9, 2017, in that certain civil action then pending  
14 in Boone County, designated Civil Action No. 12-C-141, shall forthwith transfer, or cause the  
15 transfer, of those proceeds into the Ryan Brown Addiction Prevention and Recovery Fund in the  
16 manner directed by the state treasurer pursuant to articles one and two, chapter twelve of this  
17 code and all other applicable law. Additionally, any settlement or judgement with a drug

18 manufacturer, a drug wholesaler or a retailer with the Attorney General, on behalf of his or her  
19 office, or on behalf of any state agency is required to have any proceeds recovered for the state  
20 to be placed in the Ryan Brown Addiction Prevention and Recovery Fund: *Provided*, however,  
21 that state agencies may recover any reasonable administrative costs, contractual damages, or  
22 expenses incurred in the pursuit of the litigation prior to the proceeds being transferred to the  
23 Fund.

NOTE: The purpose of this bill is to expand the ways the Office of Drug Control Policy may fund substance use treatment and recovery services.

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