

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4412

BY DELEGATES HORNBUCKLE

[Introduced January 26, 2022; Referred to the
Committee on Health and Human Resources then
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
 3 selling opium and opiate drugs and their derivatives and substances included as Schedule
 4 II drugs in this state for funding 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 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 of 10 cents on each pill purchased by or for any
 2 licensed pharmacy in this state for all opium and opiate drugs and their derivatives and
 3 substances included as Schedule II drugs, as defined in §60A-2-206 of this code. The tax is
 4 imposed on every pharmaceutical manufacturer or distributor selling Schedule II drugs to licensed
 5 pharmacies in this state. The pharmacies licensed and doing business in the State of West
 6 Virginia shall collect and remit the tax to the Tax Commissioner. No pharmaceutical manufacturer,
 7 distributor or pharmacy may pass on as a cost or otherwise collect this excise tax from the patient.
 8 Each pharmacy shall periodically remit the tax collected to the Tax Commissioner pursuant to
 9 legislative or interpretative rules as promulgated for the tax collection by the commissioner
 10 pursuant to §29A-3-1 et seq. of this code, to be deposited by the commissioner upon collection
 11 into the Ryan Brown Addiction Prevention and Recovery Fund established pursuant to §16-53-2
 12 of this code.

NOTE: The purpose of this bill is to create a 10 cent tax on each opium, opiate and Schedule II drug sold to pharmacies in this state to fund drug treatment programs through the Ryan Brown Addiction Prevention and Recovery 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.