WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2023 REGULAR SESSION

Introduced

House Bill 2360

By Delegate Hornbuckle

[Introduced January 11, 2023; Referred to the Committee on Health and Human Resources then Finance]

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

There is hereby imposed an excise tax of 10 cents on each pill purchased by or for any licensed pharmacy in this state for all opioid substances and their derivatives, and opioid drugs, included in Schedule II, as defined in §60A-2-206 of this code. The tax is imposed on every pharmaceutical manufacturer or distributor selling Schedule II drugs to licensed pharmacies in this state. The pharmacies licensed and doing business in the State of West Virginia shall collect and remit the tax to the Tax Commissioner. No pharmaceutical manufacturer, distributor or pharmacy may pass on as a cost or otherwise collect this excise tax from the patient. Each pharmacy shall periodically remit the tax collected to the Tax Commissioner pursuant to legislative or interpretative rules as promulgated for the collection of this tax by the commissioner, pursuant to §29A-3-1 *et seq.* of this code, to be deposited by the commissioner upon collection into the Ryan Brown Addiction Prevention and Recovery Fund established pursuant to §16-53-2 of this code.

NOTE: The purpose of this bill is to impose and collect a tax on opioid drugs or substances in order to fund substance addiction prevention and treatment.

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