

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2431**

By Delegate Rohrbach

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

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 Fund; disposition and allocation of funds to health  
 3 care facilities or offering health services for children under one year of age suffering from  
 4 Neonatal Abstinence Syndrome.

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

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

**§16-53-1. Establishment of substance use disorder treatment and recovery services.**

1 (a) The Secretary of the Department of Health and Human Resources shall ensure that  
 2 substance use disorder treatment or recovery services, or both, are made available in locations  
 3 throughout the state which the department determines to be the highest priority for serving the  
 4 needs of the state.

5 ~~(b) The secretary shall identify and allocate funds to appropriate facilities to provide~~  
 6 ~~substance use disorder treatment services, which shall be provided via an inpatient or outpatient~~  
 7 ~~service model. 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 treatment, based upon need;~~

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

14 ~~(5) Be licensed by this state to provide substance use disorder treatment services~~

15 (c) The secretary shall identify and allocate funds to appropriate facilities to provide  
 16 recovery services. Peer-led facilities shall follow standards set forth by the National Alliance for  
 17 Recovery Residences and offer access to peer support services.

18 (c) The secretary shall identify and allocate funds to health care facilities for offering health  
19 services for children under one year of age suffering from Neonatal Abstinence Syndrome.

20 ~~(d) Other programs or projects designed to address substance use disorder, and a study or~~  
21 ~~studies designed to evaluate substance use prevention education programs in schools, may be~~  
22 ~~eligible for funding at the secretary's discretion and as funds are available~~

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

1 (a) The Ryan Brown Addiction Prevention and Recovery Fund is hereby created in the  
2 state treasury as a special revenue account. The fund shall be administered by the Secretary of  
3 the Department of Health and Human Resources and shall consist of all moneys made available  
4 for the purposes of this article from any source, including, but not limited to, all grants, bequests or  
5 transfers from any source, any moneys that may be appropriated and designated for those  
6 purposes by the Legislature and all interest or other return earned from investment of the fund,  
7 gifts, and all other sums available for deposit to the special revenue account from any source,  
8 public or private. Expenditures from the fund shall be for the purposes set forth in this article and  
9 are not authorized from collections but are to be made only in accordance with appropriation by  
10 the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon the  
11 fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code.

12 (b) Upon the effective date of this section, the attorney general and any public official with  
13 custody or control of the proceeds recovered for the state pursuant to settlement agreement dated  
14 January 9, 2017, in that certain civil action then pending in Boone County, designated Civil Action  
15 No. 12-C-141, shall forthwith transfer, or cause the transfer, of those proceeds into the Ryan  
16 Brown Addiction Prevention and Recovery Fund in the manner directed by the state treasurer  
17 pursuant to §12-1-1 *et seq.* and §12-2-1 *et seq.* of this code and all other applicable law.

18 (c) The Attorney General shall deposit any monetary settlement or judgment received from  
19 a drug manufacturer, drug distributor, or pharmacy to settle a claim instigated by his or her office,  
20 after costs of any settlement or judgment have been provided to the effected state agencies, into  
21 the Ryan Brown Fund.

NOTE: The purpose of this bill is to require certain settlements to be deposited into the Ryan Brown Fund and to specify how the Department shall spend money in that 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.