WEST virginia legislature

2023 regular session

Introduced

**FISCAL NOTE**

Senate Bill 551

By Senator Tarr

[Introduced February 02, 2023; referred  
to the Committee on Health and Human Resources; and then to the Committee on Finance]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §9-3-7; and to amend and reenact §16-9G-1 of said code, all relating to a Medicaid state plan amendment; providing that the Bureau of Medical Services shall seek a state plan amendment; providing that the state plan amendment provide for cost sharing and/or premiums for certain populations; allowing that the state plan amendment may provide for a demonstration project; and providing for an effective date.

Be it enacted by the Legislature of West Virginia:

CHAPTER 9. HUMAN SERVICES.

ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSISTANCE.

**§9-3-7. Authority to charge premiums and provide for cost sharing.**

(a) Not later than ninety days after the effective date of this section, the Bureau for Medical Services shall file a state plan amendment, pursuant to Title XIX of the United States Social Security Act and any amendments thereto, to the United States Department of Health and Human Services to establish cost sharing and premiums for Medicaid recipients. Cost sharing and premiums shall be limited to individuals who sign and execute a acknowledgement that they are tobacco users which makes them at greater risk to of being medically vulnerable and potentially requiring greater medical care.

(b) The state plan amendment shall comply with the requirements of 42 CFR 435 *et seq.* and shall comply with all income limitations and other exclusions as required by federal law, rules, and regulations.

(c) The state plan amendment shall provide for a means to provide notice to current Medicaid recipients and shall provide a means for notification of new applicants at the time of the application. The notice shall place all recipients and applicants who would be subject to the cost sharing and premium provisions of these requirements. The notice shall include the amounts due, the manner in which they may make payments, and any consequences for non-payment. The notice may include any other information deemed necessary to effectively provide notice to appropriate recipients.

(d) If in the judgment of the Secretary of the Department of Health and Human Resources, in consultation with the Commissioner of the Bureau for Medical Services, a demonstration project would be more appropriate, such project shall meet the requirements of this section if it provides for cost sharing and premiums for recipients of services who are tobacco users.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 9G. TOBACCO CESSATION INITIATIVE.

§16-9G-1. Tobacco Use Prevention and Cessation Task Force.

(a) The West Virginia Tobacco Use Prevention and Cessation Task Force is created for the purpose of recommending and monitoring the establishment and management of programs that are found to be effective in the reduction of tobacco, tobacco products, alternative nicotine products, and vapor products use by all state citizens, with a strong focus on the prevention of children and young adults use of tobacco, tobacco products, alternative nicotine products, and vapor products.

(b) The task force shall have the following members:

(1) The Commissioner of the Bureau for Public Health or his or her designee, who shall serve as chair;

(2) The Superintendent of the Department of Education or his or her designee;

(3) Ten members to be appointed by the Governor:

(A) A representative of a nationwide nonprofit organization dedicated to the elimination of cancer;

(B) A representative of a nonprofit national organization that funds cardiovascular medical research;

(C) A dentist, licensed pursuant to §30-4-1 *et seq.*, with an expertise in oral health;

(D) A physician, licensed pursuant to either §30-3-1 *et seq.* or §30-14-1 *et seq.* with expertise in health impacts associated with tobacco, tobacco products, alternative nicotine products, or vapor products consumption;

(E) A representative of a national voluntary health organization whose mission is to save lives by improving lung health and preventing lung disease through education, advocacy, and research;

(F) A representative who is certified from one of the programs accredited by the Council for Tobacco Treatment Training Programs or has received a National Certificate in Tobacco Treatment Practice, who has advanced education in evidence-based tobacco treatment competencies, skills, and practices;

(G) A representative from a national youth tobacco, tobacco products, alternative nicotine products, or vapor products prevention organization;

(H) A representative from the West Virginia Prevention First Network within the West Virginia Bureau for Behavioral Health; and

(I) Two citizen members that through professional or medical experience or advocacy are committed to work and advocate for cessation of tobacco, tobacco products, alternative nicotine products, and vapor products consumption in all forms in the state.

(c) The task force shall meet quarterly at the call of the chair to study, monitor, and recommend funding and initiation of programs that reduce tobacco, tobacco products, alternative nicotine products, and vapor products consumption in West Virginia, and to initiate studies and processes to provide the most efficient and effective use of the funds dedicated for this purpose. The task force shall include a variety of persons in the health care field, including individuals certified from one of the programs accredited by the Council for Tobacco Treatment Training Programs or received a National Certificate in Tobacco Treatment Practice, advocates, and citizens, with the intention of the Legislature to create a dynamic and innovative group to focus, monitor, and facilitate state resources towards this goal.

(d) The Director of the Division of Tobacco Prevention shall attend each task force meeting and shall provide staff support services for the task force. The task force shall monitor the Division of Tobacco Prevention’s programs and make recommendations to the division on expenditures and programs which are being administered by that office. The task force shall report annually to the Legislative Oversight Committee on Health and Human Resources Accountability by December 1st, which shall include at a minimum, the following:

(1) An assessment of each program administered by the Division of Tobacco Prevention towards reducing tobacco, tobacco products, alternative nicotine products, and vapor products consumption and include an overview of its budget for the prior year and how state moneys and any other funding or grants received by the office are being expended that year;

(2) Review and analysis the types of tobacco, tobacco products, alternative nicotine products, and vapor products consumption practices in the state and identify emerging trends related to tobacco, tobacco products, alternative nicotine products, or vapor products delivery devices and related activities impacting tobacco, tobacco products, alternative nicotine products, and vapor products use, with particular emphasis on youth consumption trends and practices; and,

(3) Recommend for legislation or implementation of legislation, public policies; and funding of programs that can further facilitate a reduction in tobacco, tobacco products, alternative nicotine products, or vapor products usage in our state.

(e) The West Virginia Tobacco Use Prevention and Cessation Task Force shall develop and approve implementation of tobacco cessation programming from recommendations through the Division of Tobacco Prevention effective with any increase in funding received in the 2024 fiscal year budget.

NOTE: The purpose of this bill is to create a Medicaid state plan amendment. The bill provides that the Bureau of Medical Services shall seek a state plan amendment. The bill provides that the state plan amendment provides for cost sharing and/or premiums for certain populations. The bill allows that the state plan amendment may provide for a demonstration project. Finally, the bill provides for an effective date.

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