

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### Senate Bill 626

FISCAL  
NOTE

By Senators Tarr and Takubo

[Introduced February 2, 2024; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §11-18-1, §11-18-2, §11-18-3, and §11-18-4; and to amend said code by  
 3 adding thereto a new article, designated §15-1L-1, §15-1L-2, §15-1L-3, §15-1L-4, §15-1L-  
 4 5, §15-1L-6, §15-1L-7, and §15-1L-8, all relating to creating a program to reward citizens  
 5 for information on drug trafficking; providing findings and intent; defining terms; creating an  
 6 excise tax on opioid antagonists and test strips; creating a special revenue account;  
 7 providing a short title; setting out a purpose; establishing a program for providing rewards  
 8 for pertinent information; placing the program with the State Police; giving the Secretary of  
 9 Homeland Security jurisdiction over the program; setting out privacy requirements;  
 10 providing for exclusions; authorizing funding; requiring an application; exempting the  
 11 reward from taxation and other legal processes; and providing for rulemaking.

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

**CHAPTER 11. TAXATION.**

**ARTICLE 18. EXCISE TAX ON OPIOID ANTAGONISTS AND TEST STRIPS.**

**§11-18-1. Legislative findings and intent.**

1 (a) The Legislature finds that substance use is unquestionably a significant social problem  
 2 throughout the entire country but is particularly pervasive in Appalachia. It is made all the more  
 3 significant because of the related complications substance use causes. It is linked to rising  
 4 healthcare costs, increases in crime, and greater incidents of infectious diseases such as  
 5 HIV/AIDS and both Hepatitis B and Hepatitis C.

6 (b) Because substance use crosses all ages, races, genders, and socio-economic levels it  
 7 creates an enormous drain on the resources of the state. It further creates a constant struggle for  
 8 individuals, families, communities, and the entirety of West Virginia.

9 (c) West Virginia needs to develop a framework that will address solutions to the substance  
 10 abuse issues facing this state. It is not a problem that can be solved solely by policymakers. The

11 answers must come from all sectors of the state acting in tandem. This would include education,  
12 law enforcement, health care, and the public in general.

13 (d) Solutions must be innovative, comprehensive, and focused on all aspects of the  
14 problem from prevention to treatment and recovery.

15 (e) It is the intention of the Legislature to provide funds as a means of encouraging the  
16 citizens of this state to partner with law enforcement and participate in the solution to the trafficking  
17 of illicit substances through a minimal excise tax on certain drug testing paraphernalia and opioid  
18 antagonists.

**§11-18-2. Definitions.**

1 (a) "Commissioner" shall mean the West Virginia Tax Commissioner.

2 (b) "Opioid antagonist" means a federal Food and Drug Administration-approved drug for  
3 the treatment of an opiate-related overdose, such as naloxone hydrochloride or other substance,  
4 that, when administered, negates, or neutralizes, in whole or in part, the pharmacological effects of  
5 an opioid in the body. For purposes of this article, an opioid antagonist does not include  
6 methadone.

7 (c) "Test Strips" are a harm reduction strategy designed to detect the presence of fentanyl  
8 in all different kinds of drugs including marijuana/cannabis, cocaine, methamphetamine, heroin,  
9 and in various drug forms pills, powder, and injectables.

**§11-18-3. Excise tax on opioid antagonists and test strips.**

1 (a) For the purpose of funding the special revenue account created in this article, an excise  
2 tax is levied and imposed on the sale of opioid antagonists and test strips as those terms are  
3 defined in this article.

4 (b) In addition to the sales tax imposed by West Virginia Code §11-15-1 et seq. and the use  
5 tax imposed by §11-15A-1 et seq. of this code there shall be an additional tax of one cent on each  
6 purchase of an opioid antagonist, an opioid antagonist kit, or test strips used to test for opioids.

7 (c) All revenue collected by the Commissioner pursuant to the provisions of this article shall

8 be paid by him or her into the special revenue account created by this article for the purpose of  
 9 providing funding for marketing of the program, administration, and payments to individuals in this  
 10 state who provide assistance to law enforcement the result in the arrest or prosecution of the  
 11 unlawful manufacture, delivery, or possession with intent to manufacture or deliver a controlled  
 12 substance pursuant to the provisions of §60A-4-401 et seq. of this code.

**§11-18-4. Special revenue account.**

1 (a) All monies collected pursuant to the provisions of this article shall be deposited into a  
 2 special revenue account in the State Treasury to be known as the "Neighborhood Assistance and  
 3 Rejuvenation Compact Fund". Expenditures from the fund shall be for the purposes set forth in  
 4 article §15-1L-1 et seq. of this code and are authorized from collections.

**CHAPTER 15. PUBLIC SAFETY.**

**ARTICLE 1L. NEIGHBORHOOD ASSISTANCE AND REJUVENATION COMPACT.**

**§15-1L-1. Short Title.**

1 This article may be cited as the "Neighborhood Assistance and Rejuvenation Compact  
 2 Act".

**§15-1L-2. Purpose.**

1 The purpose of this article is to provide a rewards program designed to assist in the  
 2 prevention of narcotics trafficking by creating a partnership between the public and law  
 3 enforcement. The program shall be administered by the West Virginia State Police under the  
 4 direction of the Secretary of the Department of Homeland Security.

**§15-1L-3. Definitions.**

1 As used in this article, unless the context otherwise requires, the following terms have the  
 2 following meanings:

3 "Controlled substance" shall mean any drugs or other substances listed on Schedule I set  
 4 forth in §60A-2-204 of this code and Schedule II as set forth in §60A-2-205 of this code.

5 "Drug paraphernalia" shall mean the same as that term is used §60A-4-403a of this code.

6 "Fund" means the "Neighborhood Assistance and Rejuvenation Compact" established in  
7 §11-18-4 of this code.

8 "Individual " means a natural person who provides credible information to the West Virginia  
9 State Police that leads to the arrest or conviction of a person in violation of §60A-4-401 et seq. of  
10 this code.

11 "Reward" shall mean a monetary amount provided to an individual as set forth in this  
12 article.

13 "Secretary" shall mean the Secretary of the Department of Homeland Security.

14 "West Virginia State Police" or "state police" shall mean the same as those terms are used  
15 in §15-2-1 et seq. of this code.

**§15-1L-4. Authorization for rewards.**

1 (a) The West Virginia State Police in consultation with and under the direction of the  
2 secretary are authorized and may pay a reward as provided in this article to combat the  
3 transportation, manufacturing, delivery, and possession with intent to transport, manufacture, or  
4 deliver controlled substances or drug paraphernalia as defined in this article.

5 (b) The secretary has the jurisdiction to approve a reward in accordance with the  
6 provisions of this article.

7 (c) A reward may not be given to any individual for information that was provided to the  
8 state police prior to the enactment of this section.

9 (d) An individual who furnishes to the West Virginia State Police information that leads to  
10 the arrest and conviction of any person for a violation of the provisions of the §60A-4-401 et seq. of  
11 this code may be eligible for a reward as set forth in this article.

12 (e) The information must be credible that the person has engaged in criminal activity or has  
13 committed a crime and must have a direct connection to such person's indictment, arrest, and/or  
14 conviction.

**§15-1L-5. Privacy; exclusions.**

1 (a) The state police and the secretary shall develop a procedure to allow information to be  
2 reported anonymously to protect a person's identity to avoid retribution for providing the  
3 information. The process shall provide for issuing individuals a confidential identification number  
4 used to report credible information and then to issue the reward if one is approved by the  
5 secretary.

6 (b) The following individuals are not eligible for participation in the rewards program:

7 (1) Persons who are paid informants with the state and local law enforcement; and

8 (2) Employees of any local, county, or state law enforcement entity.

**§15-1L-6. Operating fund for program.**

1 Pursuant to §11-18-4 of this code, there is created in the State Treasury a fund known as  
2 the "Neighborhood Assistance and Rejuvenation Compact" fund. Proceeds from the fund shall be  
3 used to provide monetary rewards for citizens of this state who provide assistance to state law  
4 enforcement officers in investigating violations of §60A-4-401 *et seq.* of this code. The secretary is  
5 authorized to expend up to 10 percent of the balance of the fund for purposes of administration.

**§15-1L-7. Application for reward.**

1 (a) Only individuals who are natural persons and residents of the State of West Virginia at  
2 the time the information is provided to the West Virginia State Police are eligible for a reward.

3 (b) An application for a reward pursuant to this article must be received by the secretary on  
4 a form and in accordance with a procedure set in rules promulgated pursuant to §15-1L-8 of this  
5 article.

**§15-1L-7. Other process.**

1 A reward made by the state police or the secretary pursuant to this article is not subject to  
2 execution, attachment, garnishment, or other process, except those executions, attachments,  
3 garnishments, or other processes brought by or on behalf of the State of West Virginia. A reward  
4 issued pursuant to this section is not subject to the personal income tax as set forth in §11-21-1 *et*

5 seq. of this code.

**§15-1L-8.** **Rulemaking.**

1 The Secretary shall propose rules for legislative approval in accordance with the  
2 provisions of §29-3-1 et seq. of this code. Such rules shall provide for:

3 (1) A process for reporting information to the state police;

4 (2) An application form to receive the reward authorized pursuant to this article;

5 (3) A process for approval and denial of an application;

6 (4) Criteria for approval of an application;

7 (5) A determination as to what constitutes credible information;

8 (6) A process for submission of an application form that provides for a means to protect the  
9 identity of the individual providing information leading to an arrest and conviction;

10 (7) The amounts of rewards to be paid pursuant to the provisions of this article;

11 (8) A means to advertise the program both within this state and in other states; and

12 (9) Anything additional deemed necessary by the secretary to effectuate the provisions of  
13 this article.

NOTE: The purpose of this bill is to create a program to reward citizens for information on drug trafficking; to create an excise tax on opioid antagonists and test strips; create a special revenue account; to establish a program for providing rewards for pertinent information; placing the program with the State Police; giving the Secretary of Homeland Security jurisdiction over the program; set out privacy requirements; providing exclusions; authorizing funding; requiring an application; exempting the reward from taxation and other legal processes.

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