WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 176

(By Mr. McPeek, Mr. President,
AND MR. CARRISON

PASSED
March 13

In Effect
Ninety Days from Passage

FILED IN THE OFFICE
JOHN D. ROYALFELLER, IV
SECRETARY OF STATE
THIS DATE 4-2-71
ENROLLED

Senate Bill No. 176
(By Mr. McCourt, Mr. President, and Mr. Carrigan)

[Passed March 13, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article one-a, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to designation, powers and duties of a division on alcoholism and drug abuse within the department of mental health; definitions of terms.

Be it enacted by the Legislature of West Virginia:

That section eleven, article one-a, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
ARTICLE 1A. DEPARTMENT OF MENTAL HEALTH.

§27-1A-11. Division on alcoholism and drug abuse; powers and duties; definitions.

1. The division on alcoholism, heretofore established in the department of mental health, shall continue and be known as the division on alcoholism and drug abuse.

2. The supervisor and personnel of this division shall assist the director of the department in the establishment of a program for the care, treatment, and rehabilitation of alcoholics and drug abusers; for research into the causes, prevention, and treatment of alcoholism and drug abuse; for the training of personnel to work with alcoholics and drug abusers; and for the education of the public concerning alcoholism and drug abuse.

3. The department's program for the care, treatment, and rehabilitation of alcoholics and drug abusers may include, when intended for such purposes, the establishment of special clinics or wards within, attached to, or upon the grounds of one or more of the state hospitals under the control of the department of mental health; the acquisition in the name of the department of real
and personal property and the construction of buildings
and other facilities; the leasing of suitable clinics, hos-
pitals, or other facilities; and the utilization, through
contracts or otherwise, of the available services and as-
sistance of any professional or nonprofessional persons,
groups, organizations or institutions in the development,
promotion and conduct of the department's program.

Neither the department of mental health nor the di-
vision on alcoholism and drug abuse shall be required
to accept any alcoholic or drug abuser voluntarily seeking
hospitalization for clinical or hospital care, treatment,
or rehabilitation; but the department may accept, pur-
suant to its adopted and promulgated rules and regu-
lations, responsibility for clinical or hospital care, treat-
ment, or rehabilitation of any alcoholic or drug abuser
through arrangements made voluntarily with the de-
partment by him or some person acting in his behalf:

Provided, That any such person accepted by the de-
partment on a voluntary basis shall be charged a mini-
mum fee unless he shows, to the satisfaction of the de-
partment, that he is unable to pay the fee.
The department shall accept all alcoholics and drug abusers committed by a county mental hygiene commission in accordance with the procedure of article six of this chapter; but notwithstanding any provision in said article six which may be to the contrary, the supervisor of the division on alcoholism and drug abuse may, in his discretion, specify the clinic or hospital to which the alcoholic or drug abuser shall be committed.

The department's program of research into the causes, prevention, and treatment of alcoholism and drug abuse may include the utilization, through contracts or otherwise, of the available services and assistance of any professional or nonprofessional persons, groups, organizations or institutions, as well as cooperation with private and public agencies engaged in research in alcoholism or drug abuse or rehabilitation of alcoholics or drug abusers.

The department's programs shall also provide for the training of personnel to work with alcoholics and drug abusers and the informing of the public as well as interested groups and persons concerning alcoholism and drug abuse and the prevention and treatment thereof.
The department may employ such medical, psychiatric, psychological, secretarial and other assistance as may be necessary to carry out the provisions of this section.

As used in this section:

(a) "Alcoholic" shall mean any person who chronically and habitually uses alcoholic beverages to the extent that he has lost the power of self-control as to the use of such beverages, or, while chronically and habitually under the influence of alcoholic beverages, endangers public morals, health, safety or welfare.

(b) "Alcoholism" shall mean the condition of abnormal behavior or illness resulting directly or indirectly from the chronic and habitual use of alcoholic beverages.

(c) "Drug abuser" shall mean a person who is in a state of psychic or physical dependence, or both, arising from the administration of any controlled substance, as that term is defined in chapter sixty-a of this code, on a continuous basis.

(d) "Drug abuse" shall mean the use of any controlled substance, as that term is defined in said chapter sixty-a,
82 until such time as the user has become dependent upon
83 or addicted to the same.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

[Signatures]

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______ approved ______ this the _______ day of _______ _______, 1971.

[Signature]

Governor