

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 176

(By Mr. McCoyt, Mr. Drasider
AND Mr. Carrigan)

PASSED March 13
Ninety Days From Passage 1971

In Effect Ninety Days Passage
From

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

176
11

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
2 the department of mental health, shall continue and be
3 known as the division on alcoholism and drug abuse.

4 The supervisor and personnel of this division shall
5 assist the director of the department in the establish-
6 ment of a program for the care, treatment, and reha-
7 bilitation of alcoholics and drug abusers; for research
8 into the causes, prevention, and treatment of alcoholism
9 and drug abuse; for the training of personnel to work
10 with alcoholics and drug abusers; and for the education
11 of the public concerning alcoholism and drug abuse.

12 The department's program for the care, treatment, and
13 rehabilitation of alcoholics and drug abusers may in-
14 clude, when intended for such purposes, the establish-
15 ment of special clinics or wards within, attached to, or
16 upon the grounds of one or more of the state hospitals
17 under the control of the department of mental health;
18 the acquisition in the name of the department of real

19 and personal property and the construction of buildings
20 and other facilities; the leasing of suitable clinics, hos-
21 pitals, or other facilities; and the utilization, through
22 contracts or otherwise, of the available services and as-
23 sistance of any professional or nonprofessional persons,
24 groups, organizations or institutions in the development,
25 promotion and conduct of the department's program.

26 Neither the department of mental health nor the di-
27 vision on alcoholism and drug abuse shall be required
28 to accept any alcoholic or drug abuser voluntarily seeking
29 hospitalization for clinical or hospital care, treatment,
30 or rehabilitation; but the department may accept, pur-
31 suant to its adopted and promulgated rules and regu-
32 lations, responsibility for clinical or hospital care, treat-
33 ment, or rehabilitation of any alcoholic or drug abuser
34 through arrangements made voluntarily with the de-
35 partment by him or some person acting in his behalf:
36 *Provided*, That any such person accepted by the de-
37 partment on a voluntary basis shall be charged a mini-
38 mum fee unless he shows, to the satisfaction of the de-
39 partment, that he is unable to pay the fee.

40 The department shall accept all alcoholics and drug
41 abusers committed by a county mental hygiene com-
42 mission in accordance with the procedure of article
43 six of this chapter; but notwithstanding any provision
44 in said article six which may be to the contrary, the
45 supervisor of the division on alcoholism and drug abuse
46 may, in his discretion, specify the clinic or hospital to
47 which the alcoholic or drug abuser shall be committed.

48 The department's program of research into the causes,
49 prevention, and treatment of alcoholism and drug abuse
50 may include the utilization, through contracts or other-
51 wise, of the available services and assistance of any pro-
52 fessional or nonprofessional persons, groups, organizations
53 or institutions, as well as cooperation with private and
54 public agencies engaged in research in alcoholism or
55 drug abuse or rehabilitation of alcoholics or drug abusers.

56 The department's programs shall also provide for the
57 training of personnel to work with alcoholics and drug
58 abusers and the informing of the public as well as in-
59 terested groups and persons concerning alcoholism and
60 drug abuse and the prevention and treatment thereof.

61 The department may employ such medical, psychi-
62 atric, psychological, secretarial and other assistance as
63 may be necessary to carry out the provisions of this
64 section.

65 As used in this section:

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

72 (b) "Alcoholism" shall mean the condition of abnor-
73 mal behavior or illness resulting directly or indirectly
74 from the chronic and habitual use of alcoholic beverages.

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

80 (d) "Drug abuse" shall mean the use of any controlled
81 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.

Russell G. Beall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Thomas M. Keenan
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

E. Hans McEwitt
President of the Senate

Lewis N. McManus
Speaker House of Delegates

The within *approved* this the *1st*
day of *April*, 1971.

Arch A. Moore, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/19/71

Time 11:00a.m.

RECEIVED

APR 2 11 59 PM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA