

Bill 1772



# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



# ENROLLED

HOUSE BILL No. 1772

(By # Del. Brown & Del. Chambers)



Passed March 6, 1986

In Effect Ninety Days From Passage

**ENROLLED**  
**H. B. 1772**

(By DELEGATE BROWN AND DELEGATE CHAMBERS)

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[Passed March 6, 1986; in effect ninety days from passage.]

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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 the department of health and providing programs of treatment for youths with drug and alcohol problems.

*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 HEALTH.**

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

1       (a) The division on alcoholism, heretofore established  
2       in the department of health, shall continue and be  
3       known as the division on alcoholism and drug abuse.

4       (1) The supervisor and personnel of this division shall  
5       assist the director of the department of health in the  
6       establishment of a program for the care, treatment and  
7       rehabilitation of alcoholics and drug abusers; for  
8       research into the causes, prevention and treatment of  
9       alcoholism and drug abuse; for the training of personnel  
10      to provide the requisite rehabilitation of alcoholics and  
11      drug abusers; and for the education of the public  
12      concerning alcoholism and drug abuse.

13       (2) The department's program for the care, treatment  
14 and rehabilitation of alcoholics and drug abusers may  
15 include, when intended for such purposes, the establish-  
16 ment of special clinics or wards within, attached to, or  
17 upon the grounds of one or more of the state hospitals  
18 under the control of the department of health; the  
19 acquisition in the name of the department of real and  
20 personal property and the construction of buildings and  
21 other facilities; the leasing of suitable clinics, hospitals  
22 or other facilities; and the utilization, through contracts  
23 or otherwise, of the available services and assistance of  
24 any professional or nonprofessional persons, groups,  
25 organizations or institutions in the development,  
26 promotion and conduct of the department's program.

27       (3) Neither the department of health nor the division  
28 on alcoholism and drug abuse shall be required to accept  
29 any alcoholic or drug abuser voluntarily seeking  
30 hospitalization for clinical or hospital care, treatment or  
31 rehabilitation; but the department may accept, pursuant  
32 to its adopted and promulgated rules and regulations,  
33 responsibility for clinical or hospital care, treatment or  
34 rehabilitation of any alcoholic or drug abuser through  
35 arrangements made voluntarily with the department by  
36 him or some person acting in his behalf: *Provided*, That  
37 any such person accepted by the department on a  
38 voluntary basis shall be charged a minimum fee unless  
39 he shows, to the satisfaction of the department, that he  
40 is unable to pay the fee: *Provided, however*, That the  
41 department shall accept all alcoholics and drug abusers  
42 committed by a mental hygiene commissioner or judicial  
43 officer in accordance with the procedures established by  
44 article six-a of this chapter: *Provided further*, That  
45 notwithstanding any provision in article five of this  
46 chapter which may be to the contrary, the supervisor of  
47 the division on alcoholism and drug abuse may specify  
48 the clinic or hospital to which the alcoholic or drug  
49 abuser shall be committed after a final commitment  
50 hearing provided in section four, article five of this  
51 chapter.

52       (4) The department's program of research into the  
53 causes, prevention and treatment of alcoholism and drug

54 abuse may include the utilization, through contracts or  
55 otherwise, of the available services and assistance of any  
56 private and public professional or nonprofessional  
57 persons, groups, organizations or institutions, as well as  
58 cooperation with private and public agencies engaged in  
59 research in alcoholism or drug abuse or rehabilitation  
60 of alcoholics or drug abusers.

61 (5) (A) The department's programs shall also provide  
62 for the training of personnel to work with alcoholics and  
63 drug abusers and the informing of the public as well as  
64 interested groups and persons concerning alcoholism  
65 and drug abuse and the prevention and treatment  
66 thereof.

67 (B) The department shall train counselors who shall  
68 be responsible for working with youth and developing  
69 community programs for youth with drug and alcohol  
70 problems. Personnel shall be available to work with  
71 these youth in their community and school settings.

72 (C) The department shall provide at least two compre-  
73 hensive outpatient programs for youth whose drug or  
74 alcohol problems make them a candidate for such  
75 programs as determined by qualified mental health  
76 professionals. At least one program shall serve a rural  
77 area. These programs shall include, at minimum:  
78 Educational lectures; co-dependency, peer group,  
79 individual and family counseling; services for at risk  
80 population; and relapse, prevention and after care  
81 programs. One such program shall be established by the  
82 first day of January, one thousand nine hundred eighty-  
83 seven, and a second program by the first day of July,  
84 one thousand nine hundred eighty-seven.

85 (6) The department may employ such medical, psychi-  
86 atric, psychological, secretarial and other assistance as  
87 may be necessary to carry out the provisions of this  
88 section.

89 (b) As used in this chapter or in section ten, article  
90 one, chapter sixteen of the code:

91 (1) "Alcoholic" means a person who suffers from  
92 alcoholism as defined in subdivision (2) of this

93 subsection.

94 (2) "Alcoholism" means a disease or illness character-  
95 ized by psychological or physiological addiction to  
96 alcoholic beverages as manifested by: (A) The inability  
97 to control one's consumption of alcoholic beverages  
98 except through total abstinence, or (B) the inability to  
99 control one's behavior when consuming alcoholic bever-  
100 ages, or (C) both.

101 (3) "Alcohol abuser" means a person whose use of  
102 alcohol has produced any of the effects described in  
103 subdivision (4) of this subsection.

104 (4) "Alcohol abuse" means the periodic, frequent or  
105 constant consumption of alcoholic beverages to the  
106 extent that one's health is substantially impaired or  
107 endangered or one's social or economic functioning is  
108 substantially disrupted.

109 (5) "Drug abuser" means a person who is in a state  
110 of psychic or physical dependence, or both, arising from  
111 the administration of any controlled substance, as that  
112 term is defined in chapter sixty-a of this code, on a  
113 continuous basis.

114 (6) "Drug abuse" means the use of any controlled  
115 substance as that term is defined in said chapter sixty-  
116 a, until such time as the user has become dependent  
117 upon or addicted to the same.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Bruce O. Whitcomb*  
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Chairman Senate Committee

*Floyd Fells*  
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Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Judd C. Stiles*  
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Clerk of the Senate

*Donald J. Hoop*  
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Clerk of the House of Delegates

*Alan Tomlinson*  
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President of the Senate

*Joseph P. Allright*  
-----  
Speaker of the House of Delegates

The within *approved* this the *26th*  
*hand*  
day of \_\_\_\_\_, 1986.

*Arch A. Moore, Jr.*  
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Governor

PRESENTED TO THE  
GOVERNOR

Date 3/21/86

Time 4:55 p.m.

RECEIVED

1986 MAR 29 AM 11:01

SECRETARY OF STATE

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/86