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HOUSE BILL NO. 318

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact § 4.1-614 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 37.2-310.1, relating to Peer Recovery Support Fund; established.

Patron—Freitas

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-614 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 37.2-310.1 as follows:

§ 4.1-614. Disposition of moneys collected by the Board.

A. All moneys collected by the Board shall be paid directly and promptly into the state treasury, or shall be deposited to the credit of the State Treasurer in a state depository, without any deductions on account of salaries, fees, costs, charges, expenses, refunds, or claims of any description whatever, as required by § 2.2-1802.

All moneys so paid into the state treasury, less the net profits determined pursuant to subsection C, shall be set aside as and constitute an Enterprise Fund, subject to appropriation, for the payment of (i) the salaries and remuneration of the members, agents, and employees of the Board and (ii) all costs and expenses incurred in the administration of this subtitle.

B. The net profits derived under the provisions of this subtitle shall be transferred by the Comptroller to the general fund of the state treasury quarterly, within 50 days after the close of each quarter or as otherwise provided in the appropriation act. As allowed by the Governor, the Board may deduct from the net profits quarterly a sum for the creation of a reserve fund not exceeding the sum of \$2.5 million in connection with the administration of this subtitle and to provide for the depreciation on the buildings, plants, and equipment owned, held, or operated by the Board. After accounting for the Authority's expenses as provided in subsection A, net profits shall be appropriated in the general appropriation act as follows:

1. ~~Forty~~ *Thirty-seven and one-half* percent to pre-kindergarten programs for at-risk three-year-olds and four-year-olds;

2. ~~Thirty~~ *Twenty-seven and one-half* percent to the Cannabis Equity Reinvestment Fund established pursuant to § 2.2-2499.8;

3. ~~Twenty-five~~ *Twenty-two and one-half* percent to the Department of Behavioral Health and Developmental Services, which shall distribute such appropriated funds to community services boards for the purpose of administering substance use disorder prevention and treatment programs; ~~and~~

4. ~~Five~~ *Ten* percent to the Peer Recovery Support Fund established pursuant to § 37.2-310.1; ~~and~~

5. *Two and one-half* percent to public health programs, including public awareness campaigns that are designed to prevent drugged driving, discourage consumption by persons younger than 21 years of age, and inform the public of other potential risks.

C. As used in this section, "net profits" means the total of all moneys collected by the Board, less local marijuana tax revenues collected under § 4.1-1004 and distributed pursuant to § 4.1-614 and all costs, expenses, and charges authorized by this section.

D. All local tax revenues collected under § 4.1-1004 shall be paid into the state treasury as provided in subsection A and credited to a special fund, which is hereby created on the Comptroller's books under the name "Collections of Local Marijuana Taxes." The revenues shall be credited to the account of the locality in which they were collected. If revenues were collected from a marijuana establishment located in more than one locality by reason of the boundary line or lines passing through the marijuana establishment, tax revenues shall be distributed pro rata among the localities. The Authority shall provide to the Comptroller any records and assistance necessary for the Comptroller to determine the locality to which tax revenues are attributable.

On a quarterly basis, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper amount in favor of each locality entitled to the return of its tax revenues, and such payments shall be charged to the account of each such locality under the special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall be corrected and adjustments made in the payments for the next quarter.

§ 37.2-310.1. Peer Recovery Support Fund.

INTRODUCED

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59 A. There is hereby created in the state treasury a special nonreverting fund to be known as the Peer
60 Recovery Support Fund, referred to in this section as "the Fund." The Fund shall be established on the
61 books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants,
62 bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the
63 Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any
64 moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert
65 to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the
66 purposes of providing payment for the cost of peer-to-peer substance abuse recovery support services
67 provided by individuals other than state or local government employees in accordance with regulations
68 of the Board. Expenditures and disbursements from the Fund shall be made by the State Treasurer on
69 warrants issued by the Comptroller upon written request signed by the Commissioner.
70 B. The Board shall adopt regulations setting forth criteria for payments for peer-to-peer substance
71 abuse recovery support services provided by individuals other than state or local government employees
72 from the Fund.