

HOUSE BILL NO. HB0162

Malt beverage tax.

Sponsored by: Representative(s) Warren, Anderson, R.,
 Davison, Edwards and Goggles and Senator(s)
 Aullman, Job, Johnson and Massie

A BILL

for

1 AN ACT relating to the malt beverage excise tax; increasing
 2 the malt beverage excise tax; providing for distribution of
 3 the malt beverage excise tax as specified; providing for
 4 state payment for substance abuse assessments required
 5 after convictions of driving under the influence of alcohol
 6 as specified; providing for rules; providing for a report;
 7 and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 9-2-2701 by creating a new subsection
 12 (g), 12-2-302(a) and by creating a new subsection (c),
 13 12-3-101 by creating a new subsection (f) and 31-5-233(e)
 14 are amended to read:

15

16 **9-2-2701. Substance abuse control plan.**

1

2 (g) The department of health shall have the authority
3 to contract with substance abuse providers certified under
4 this section to conduct substance abuse assessments
5 required under W.S. 31-5-233(e). The department of health
6 shall establish a uniform schedule of fees which will act
7 as a guideline for state purchased service for substance
8 abuse assessments required under W.S. 31-5-233(e). The
9 schedule shall accurately reflect a patient's ability to
10 pay.

11

12 **12-2-302. Collection of excise taxes; disposition of**
13 **revenue and fees.**

14

15 (a) Except as provided in this section, the
16 commission shall collect all excise taxes provided by this
17 title relating to alcoholic and malt beverages for deposit
18 into the general fund.

19

20 (c) The excise taxes collected by the commission
21 under W.S. 12-3-101(f) shall be transferred to the state
22 treasurer who shall deposit the tax into the general fund
23 to the credit of the department of health, substance abuse
24 division, for contracting for substance abuse assessments

1 required under W.S. 31-5-233(e) as provided in W.S.
2 9-2-2701(g).

3

4 **12-3-101. Excise tax to be paid; limitation on liquor**
5 **or malt beverage importation; penalties.**

6

7 (f) On and after July 1, 2007, in addition to the
8 excise tax on malt beverages assessed under subsection (a)
9 of this section, an excise tax of one and one-half cent
10 (\$.015) per liter (33.8 ounces) or fraction thereof on malt
11 beverages is assessed and shall be collected by the
12 commission.

13

14 **31-5-233. Driving or having control of vehicle while**
15 **under influence of intoxicating liquor or controlled**
16 **substances; penalties.**

17

18 (e) Except as otherwise provided, a person convicted
19 of violating this section shall be ordered to or shall
20 receive a substance abuse assessment conducted by a
21 substance abuse provider certified by the department of
22 health pursuant to W.S. 9-2-2701(c) at or before
23 sentencing. The cost of the substance abuse assessment
24 ~~shall~~may be assessed to and paid by the offender or may be

1 assessed to and paid by the department of health in
2 accordance with the uniform schedule of fees created by the
3 department of health pursuant to W.S. 9-2-2701(g). Except
4 as otherwise provided in this subsection or subsection (h)
5 of this section, a person convicted of violating this
6 section is guilty of a misdemeanor punishable by
7 imprisonment for not more than six (6) months, a fine of
8 not more than seven hundred fifty dollars (\$750.00), or
9 both. On a second conviction within five (5) years after a
10 conviction for a violation of this section or other law
11 prohibiting driving while under the influence, he shall be
12 punished by imprisonment for not less than seven (7) days
13 nor more than six (6) months, he shall be ordered to or
14 shall receive a substance abuse assessment conducted by a
15 substance abuse provider certified by the department of
16 health pursuant to W.S. 9-2-2701(c) before sentencing and
17 shall not be eligible for probation or suspension of
18 sentence or release on any other basis until he has served
19 at least seven (7) days in jail. In addition, the person
20 may be fined not less than two hundred dollars (\$200.00)
21 nor more than seven hundred fifty dollars (\$750.00). On a
22 third conviction within five (5) years after a conviction
23 for a violation of this section or other law prohibiting
24 driving while under the influence, he shall be punished by

1 imprisonment for not less than thirty (30) days nor more
2 than six (6) months, shall receive a substance abuse
3 assessment pursuant to W.S. 7-13-1302 and shall not be
4 eligible for probation or suspension of sentence or release
5 on any other basis until he has served at least thirty (30)
6 days in jail except that the court shall consider the
7 substance abuse assessment and may order the person to
8 undergo outpatient alcohol or substance abuse treatment
9 during any mandatory period of incarceration. The minimum
10 period of imprisonment for a third violation shall be
11 mandatory, but the court, having considered the substance
12 abuse assessment and the availability of public and private
13 resources, may suspend up to fifteen (15) days of the
14 mandatory period of imprisonment if, subsequent to the date
15 of the current violation, the offender completes an
16 inpatient treatment program approved by the court. In
17 addition, the person may be fined not less than seven
18 hundred fifty dollars (\$750.00) nor more than three
19 thousand dollars (\$3,000.00). The judge may suspend part or
20 all of the discretionary portion of an imprisonment
21 sentence under this subsection and place the defendant on
22 probation on condition that the defendant pursues and
23 completes an alcohol education or treatment program as
24 prescribed by the judge. Notwithstanding any other

1 provision of law, the term of probation imposed by a judge
2 under this section may exceed the maximum term of
3 imprisonment established for the offense under this
4 subsection provided the term of probation together with any
5 extension thereof, shall not exceed three (3) years for up
6 to and including a third conviction. On a fourth or
7 subsequent conviction within five (5) years for a violation
8 of this section or other law prohibiting driving while
9 under the influence, he shall be guilty of a felony and
10 fined not more than ten thousand dollars (\$10,000.00),
11 punished by imprisonment for not more than two (2) years,
12 or both.

13

14 **Section 2.** The department shall report to the joint
15 labor, health and social services interim committee not
16 later than December 1, 2008, providing information with
17 respect to the amounts spent under this act and measurable
18 evidence of the department's effectiveness in addressing
19 substance abuse with the funds spent.

20

21 **Section 3.** This act is effective July 1, 2007.

22

23

(END)