

Senate Bill No. 7

(By Senators Stollings, Jenkins, Miller, Plymale, Foster, Klempa
and Kirkendoll)

[Introduced January 11, 2012; referred to the Committee on Health
and Human Resources; and then to the Committee on the Judiciary.]

A BILL to amend and reenact §15-2-10 of the Code of West Virginia,
1931, as amended; and to amend said code by adding thereto a
new section, designated §16-4C-24, all relating to allowing
police, fire and emergency service providers to possess
Naloxone to administer in suspected narcotic drug overdoses.

Be it enacted by the Legislature of West Virginia:

That §15-2-10 of the Code of West Virginia, 1931, as amended,
be amended and reenacted; and that said code be amended by adding
thereto a new section, designated §16-4C-24, all to read as
follows:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

**§15-2-10. Uniforms; authorized equipment, weapons and supplies;
local headquarters; quarters for members; life**

1 **insurance; medical and hospital fees for injuries and**
2 **illnesses of members incurred in line of duty.**

3 (a) The standard uniform to be used by the West Virginia State
4 Police after the effective date of this article shall be as
5 follows: Forestry green blouse with West Virginia State Police
6 emblem on sleeve; black shoulder strap one-inch black stripe around
7 sleeve, four inches from end of sleeve; forestry green breeches
8 with one-inch black stripe down the side; trousers (slacks) with
9 one-inch black stripe down the side for officers and clerks
10 regularly enlisted in the State Police; forestry green shirts with
11 West Virginia State Police emblem on sleeve; black shoulder straps;
12 forestry green mackinaw with West Virginia State Police emblem on
13 sleeve; black shoulder straps; one-inch black stripe around sleeve
14 four inches from end of sleeve; campaign hat of olive drab color;
15 black Sam Browne belt with holster; black leggings and shoes; the
16 officer's uniform will have one and one-quarter inch black stripe
17 around the sleeve of blouse and mackinaw four inches from end of
18 sleeve circumposed with one-half inch gold braid, also black
19 collars on blouse, with two silver shoulder bars for captains, one
20 silver shoulder bar for first lieutenant, one gold shoulder bar for
21 second lieutenant. For noncommissioned officers the uniform blouse
22 and shirt will have thereon black chevrons of the appropriate rank.

23 (b) The superintendent shall establish the weapons, opioid
24 antidote administration device, if the officer has received

1 training in accordance with §16-4C-24, and enforcement equipment
2 which are authorized for use by members of the State Police and
3 shall provide for periodic inspection of the weapons and equipment.
4 He or she shall provide for the discipline of members using other
5 than authorized weapons and enforcement equipment.

6 (c) The superintendent shall provide the members of the State
7 Police with suitable arms and weapons and, when he or she considers
8 it necessary, with suitably equipped automobiles, motorcycles,
9 watercraft, airplanes and other means of conveyance to be used by
10 the West Virginia State Police, the Governor and other officers and
11 executives in the discretion of the Governor, in times of flood,
12 disaster and other emergencies, for traffic study and control,
13 criminal and safety work and in other matters of official business.
14 He or she shall also provide the standard uniforms for all members
15 of the State Police, for officers, noncommissioned officers and
16 troopers provided for in this section. All uniforms and all arms,
17 weapons and other property furnished the members of the State
18 Police by the State of West Virginia are and remain the property of
19 the state.

20 (d) The superintendent may purchase and maintain on behalf of
21 members group life insurance not to exceed the amount of \$5,000 on
22 behalf of each member.

23 (e) The superintendent may contract and furnish at State
24 Police expense medical and hospital services for treatment of

1 illness or injury of a member which shall be determined by the
2 superintendent to have been incurred by the member while engaged in
3 the performance of duty and from causes beyond control of the
4 members. Notwithstanding any other provision of this code, the
5 superintendent has the right of subrogation in any civil action or
6 settlement brought by or on behalf of a member in relation to any
7 act by another which results in the illness, injury or death of a
8 member. To this end, the superintendent may initiate an action on
9 behalf of the State Police in order to recover the costs incurred
10 in providing medical and hospital services for the treatment of a
11 member resulting from injury or illness originating in the
12 performance of official duties. This subsection shall not affect
13 the power of a court to apply ordinary equitable defenses to the
14 right of subrogation.

15 The superintendent may also consult with the Executive
16 Director of the Workers' Compensation Commission in an effort to
17 defray the cost of medical and hospital services. In no case will
18 the compensation rendered to health care providers for medical and
19 hospital services exceed the then current rate schedule in use by
20 the Workers' Compensation Commission.

21 Third-party reimbursements received by the superintendent
22 after the expiration of the fiscal year in which the injury,
23 illness or death occurred will be deposited to a nonexpiring
24 special revenue account. Funds deposited to this account may be

1 used solely for defraying the costs of medical or hospital services
2 rendered to any sworn members as a direct result of an illness,
3 injury or death resulting from the performance of official duties.

4 (f) The superintendent shall establish and maintain local
5 headquarters at those places in West Virginia that are in his or
6 her judgment suitable and proper to render the West Virginia State
7 Police most efficient for the purpose of preserving the peace,
8 protecting property, preventing crime, apprehending criminals and
9 carrying into effect all other provisions of this article. The
10 superintendent shall provide, by acquisition, lease or otherwise,
11 for local headquarters, for housing and quarters for the
12 accommodation of the members of the West Virginia State Police, and
13 for any other facilities necessary or useful for the effective
14 operation of the West Virginia State Police and shall provide all
15 equipment and supplies necessary for the members of the West
16 Virginia State Police to perform their duties.

17 **CHAPTER 16. PUBLIC HEALTH.**

18 **ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.**

19 **§16-4C-24. Administration of an opioid antidote in an emergency**
20 **situation.**

21 (a) For purposes of this section:

22 (1) "Opioid antagonist" means naloxone hydrochloride that is
23 approved by the federal Food and Drug Administration for the
24 treatment of a drug overdose.

1 (2) "Opioid overdose prevention and treatment training
2 program" or "program" means any program operated by a local health
3 jurisdiction or that is registered by a local health jurisdiction
4 to train individuals to prevent, recognize, and respond to an
5 opiate overdose, and that provides, at a minimum, training in all
6 of the following:

7 (A) The causes of an opiate overdose;

8 (B) Mouth-to-mouth resuscitation;

9 (C) How to contact appropriate emergency medical services; and

10 (D) How to administer an opioid antagonist.

11 (b) A licensed health care provider who is permitted by law to
12 prescribe an opioid antagonist may, if acting with reasonable care,
13 prescribe and subsequently dispense or distribute an opioid
14 antagonist in conjunction with an opioid overdose prevention and
15 treatment training program, without being subject to civil
16 liability or criminal prosecution. This immunity shall apply to the
17 licensed health care provider even when the opioid antagonist is
18 administered by and to someone other than the person to whom it is
19 prescribed.

20 (c) A person who is not otherwise licensed to administer an
21 opioid antidote, specifically emergency responders covered under
22 this article, State Police and both volunteer and paid
23 firefighters, may administer an opioid antidote in an emergency
24 without fee if the person has received the training information

1 specified in paragraph (2) of subdivision (a) and believes in good
2 faith that the other person is experiencing a drug overdose. The
3 person is not, as a result of his or her acts or omissions, liable
4 for any violation of any professional licensing statute, or subject
5 to any criminal prosecution arising from or related to the
6 unauthorized practice of medicine or the possession of an opioid
7 antidote.

NOTE: The purpose of this bill is to allow police, fire and emergency service providers, to possess Naloxone to administer in suspected narcotic drug overdoses.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§16-4C-24 is new; therefore, strike-throughs and underscoring have been omitted.