

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4344

BY DELEGATES ROHRBACH, STANSBURY, BATES, BYRD,

PERDUE, WAXMAN AND B. WHITE

[Introduced February 1, 2016; referred to the Select

Committee on Prevention and Treatment of

Substance Abuse then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §16-2-17, relating to establishing local needle exchange programs; providing
 3 for administration by local public health official; declaring exemption from certain liabilities;
 4 and requiring annual reporting.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §16-2-17, to read as follows:

ARTICLE 2. LOCAL BOARDS OF HEALTH.

§16-2-17. Needle Exchange Program.

1 (a) A local board of health may establish a needle exchange program, which may provide
 2 clean hypodermic needles and syringes. Counseling on substance abuse addiction and
 3 information on appropriate referrals to drug treatment programs shall be made available to each
 4 person to whom a hypodermic needle and syringe is provided. Counseling and information on the
 5 communicable diseases and appropriate referrals for testing and services shall be made available
 6 to each person to whom a hypodermic needle and syringe is provided.

7 (b) The program shall be administered by the local public health official. The local public
 8 health official shall designate individuals to exchange hypodermic needles and syringes.

9 (c) It is not unlawful for any person who is participating in the program to possess or for
 10 any person to deliver any hypodermic syringe or needle distributed as part of the program.

11 (d) (1) A municipality, local board of public health, its officers, or employees are not to be
 12 liable for any injury or damage resulting from use of, or contact with, any needle exchanged as
 13 part of the program.

14 (2) A community based organization or other individuals designated by the local health
 15 officer are not to be liable for any injury or damage resulting from the use of, or contact with, any
 16 needle exchanged as part of the program, unless such injury or damage is a direct result of the
 17 gross negligence or intentional misconduct.

18 (e) Needles and syringes distributed by the program shall be made identifiable through
19 the use of permanent markings, or color coding, or any other method determined by the local
20 public health officer to be effective in identifying the needles and syringes.

21 (f) The local public health official shall issue an annual evaluation report on the program.
22 The report shall address the following components:

23 (1) Number of Program participants served daily;

24 (2) Demographics of Program participants, including age, sex, ethnicity, address or
25 neighborhood of residence, education, and occupation;

26 (3) Number of materials distributed, including needles, bleach kits, alcohol swabs, and
27 educational materials; and

28 (4) Other information the local public health official finds important.

NOTE: The purpose of this bill is to permit a local board of public health to establish a needle exchange program.

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