

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 538

BY SENATORS TRUMP, STOLLINGS, CLINE AND WELD

[Originating in the Committee on the Judiciary;

reported on March 21, 2017]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §62-12-17a, relating generally to creating special conditions of parole;
3 authorizing the Board of Parole to require parolees to engage in alcohol or antagonist drug
4 opioid therapy as a special condition of parole if recommended by the Commissioner of
5 Corrections; and establishing conditions for imposition and maintenance of the special
6 condition.

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 §62-12-17a, to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-17a. Participation in alcohol or opioid antagonist therapy as a special condition of parole.

1 (a) Notwithstanding any provision of this code to the contrary, the board may, as a special
2 condition of parole, require a parolee to participate in a treatment program using an opioid or
3 alcohol antagonist drug.

4 (b) The board may impose the special condition of parole only upon determining:

5 (1) That the inmate has a documented history of opioid or alcohol abuse;

6 (2) That the inmate's participation in the treatment program is recommended by the
7 Commissioner of Corrections based upon a physician recommendation;

8 (3) That there exists a funding source for the treatment program independent of the board
9 or the Division of Corrections including, but not limited to, the parolee being responsible for all or
10 part of the treatment cost, participation in a manufacturer's sponsored program or through a
11 government or private health insurance program; and

12 (4) That the inmate does not have a medical condition or conditions for which an opioid or
13 alcohol antagonist is contraindicated.

14 (c) A special condition of parole imposed pursuant to subsection (a) of this section, shall
15 be rescinded upon a finding by a licensed physician that the use of the opioid or alcohol antagonist
16 drug is causing an adverse side effect or effects which significantly and adversely affect the
17 parolee's health.

18 (d) Any treatment program utilized pursuant to the provisions of this section shall include
19 the parolee's participation in all treatment modalities associated with the alcohol or opioid
20 antagonist recommended by the manufacturer of the alcohol or opioid antagonist drug by the
21 board or by the physician dispensing said antagonist.

22 (e) As used in this section, "antagonist drug" is a drug that blocks or reduces the effect of
23 a neurotransmitter and does not contain an addictive substance. The alcohol or opioid treatment
24 program may use any form of administration, oral, injectable or implantable, if it is medically
25 approved.

26 (f) The Board of Parole and the Division of Corrections shall promulgate a joint policy
27 directive to effectuate the provisions of this section.

28 (g) Nothing in this section may be construed to prohibit an inmate or parolee from
29 voluntarily participating in an alcohol or opioid treatment 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.