WEST VIRGINIA LEGISLATURE 2024 REGULAR SESSION

Committee Substitute

for

House Bill 4667

By Delegate Chiarelli

[Originating in the Committee on the Judiciary;

Reported on February 21, 2024]

A BILL to amend and reenact §16-64-3 of the Code of West Virginia, 1931, as amended, relating to syringe services programs; and prohibiting syringe services programs from distributing listed smoking devices.

Be it enacted by the Legislature of West Virginia:

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	ARTICLE	64.	SYRINGE	SERVICES	PROGRAMS.
	§16-64-3.		Program		requirements.
1	(a) To be	approved for	r a license, a syringe	services program shal	l be part of a harm
2	reduction prograr	n which offer	s or refers an individu	al to the following serv	vices which shall be
3	documented in th	e application:			
4	(1) HIV, he	epatitis, and s	exually transmitted dis	eases screening;	
5	(2) Vaccin	ations;			
6	(3) Birth c	ontrol and lon	g-term birth control;		
7	(4) Behav	ioral health se	ervices;		
8	(5) Overdo	ose prevention	n supplies and educati	on;	
9	(6) Syring	e collection ar	nd sharps disposal;		
10	(7) Educa	tional services	s related to disease tra	nsmission;	
11	(8) Assist	or refer an inc	dividual to a substance	use treatment program	1 ;
12	(9) Refer t	o a health car	re practitioner or treat r	medical conditions; and	I
13	(10) Progr	ammatic guid	lelines including a shar	os disposal plan, a staff	training plan, a data
14	collection and pro	gram evaluat	ion plan, and a commu	ınity relations plan.	
15	(b) A syrir	nge services p	orogram:		
16	(1) Shall o	offer services,	at every visit, from a q	ualified licensed health	care provider;
17	(2) Shall	exclude mino	ors from participation i	n the syringe exchang	je, but may provide
18	minors with harm	reduction ser	vices;		
19	(3) Shall e	nsure a syrin	ge is unique to the syri	nge services program;	
20	(4) Shall c	listribute syrin	nges with a goal of a 1:	1 model;	

21	(5) May substitute weighing the volume of syringes returned versus dispensed as
22	specified. This substitution is only permissible if it can be done accurately and in the following
23	manner:
24	(A) The syringes shall be contained in a see-through container; and
25	(B) A visual inspection of the container shall take place prior to the syringes being weighed;
26	(6) Shall distribute the syringe directly to the program recipient;
27	(7) Proof of West Virginia identification upon dispensing of the needles;
28	(8) Shall train staff on:
29	(A) The services and eligibility requirements of the program;
30	(B) The services provided by the program;
31	(C) The applicant's policies and procedures concerning syringe exchange transactions;
32	(D) Disposing of infectious waste;
33	(E) Sharps waste disposal education that ensures familiarity with the state law regulating
34	proper disposal of home-generated sharps waste;
35	(F) Procedures for obtaining or making referrals;
36	(G) Opioid antagonist administration;
37	(H) Cultural diversity and sensitivity to protected classes under state and federal law; and
38	(I) Completion of attendance logs for participation in mandatory training;
39	(9) Maintain Shall maintain a program for the public to report syringe litter and shall
40	endeavor to collect all syringe litter in the community;
41	(10) Shall not distribute any smoking devices, including, but not limited to, hand pipes,
42	bubblers, bongs, dab rigs, hookahs, crack pipes, or disposable smoking devices.
43	(c) Each syringe services program shall have a syringe dispensing plan which includes,
44	but is not limited to the following:
45	(1) Maintaining records of returned syringes by participants for two years;
46	(2) Preventing syringe stick injuries;

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47	(3) Tracking the number of syringes dispensed;
48	(4) Tracking the number of syringes collected;
49	(5) Tracking the number of syringes collected as a result of community reports of syringe
50	litter;
51	(6) Eliminating direct handling of sharps waste;
52	(7) Following a syringe stick protocol and plan;
53	(8) A budget for sharps waste disposal or an explanation if no cost is associated with
54	sharps waste disposal; and
55	(9) A plan to coordinate with the continuum of care, including the requirements set forth in
56	this section.
57	(d) If an applicant does not submit all of the documentation required in §16-63-2 of this
58	code, the application shall be denied and returned to the applicant for completion.
59	(e) If an applicant fails to comply with the program requirements, the application shall be
60	denied and returned to the applicant for completion.
61	(f) A license is effective for one year.