

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 296

By Senators Tarr and Stuart

[Introduced January 11, 2024; referred
to the Committee on the Health and Human
Resources]

1 A BILL to repeal §16-64-1, §16-64-2, §16-64-3, §16-64-4, §16-64-5, §16-64-6, §16-64-7, §16-64-
 2 8, §16-64-9, and §16-64-10 of the Code of West Virginia, 1931, as amended; and to amend
 3 said code by adding thereto a new article, designated §16-64A-1, §16-64A-2, §16-64A-3,
 4 and §16-64A-4, all relating to syringe exchange services programs; defining terms; making
 5 syringe exchange service programs unlawful; setting date for closure of existing programs;
 6 permitting harm reduction services to continue to operate provided no syringe services are
 7 provided; allowing for an administrative time frame for referral; requiring the imposition of
 8 fees for noncompliance; and permitting injunctive relief.

Be it enacted by the Legislature of West Virginia:

ARTICLE 64. SYRINGE SERVICES PROGRAMS.

§16-64-1. Definitions.

1 [Repealed.]

§16-64-2. Application for license to offer a syringe services program.

1 [Repealed.]

§16-64-3. Program requirements.

1 [Repealed.]

§16-64-4. Procedure for revocation or limitation of the syringe services programs.

1 [Repealed.]

§16-64-5. Administrative due process.

1 [Repealed.]

§16-64-6. Administrative appeals and judicial review.

1 [Repealed.]

§16-64-7. Reporting requirements; renewal; rulemaking.

1 [Repealed.]

§16-64-8. Immunity.

1 [Repealed.]

§16-64-9. Civil penalties and injunctive relief.

1 [Repealed.]

§16-64-10. Coordination of care.

1 [Repealed.]

ARTICLE 64A. SYRINGE SERVICES PROGRAMS ARE UNLAWFUL.

§16-64A-1. Definitions.

1 As used in this article:

2 "Director" means the director of the Office of Health Facility Licensure and Certification.

3 "Harm reduction program" means a program that provides services intended to lessen the
4 adverse consequences of drug use and to protect public health and safety, by providing direct
5 access to a referral to substance use disorder program treatment programs, screenings,
6 vaccinations, education about overdose prevention, wound care, opioid antagonist distribution
7 and education, and other medical services.

8 "Syringe services program" means a program, whether offered by an individual or a
9 provider, where an individual can access sterile syringes or needles and other injection
10 paraphernalia without a prescription.

§16-64A-2. Syringe Service Programs Unlawful.

1 (a) Syringe services programs shall be considered unlawful in the State of West Virginia;
2 and

1 (b) An owner, operator, or other individual shall cease and desist operations of the syringe
2 services program on the effective date of this article.

§16-64A-3. Harm reduction services and care transition.

1 (a) An owner, operator, or individual may offer harm reduction services after the effective
2 date of this article: *Provided*, That the owner, operator or individual does not offer a syringe
3 services program.

1 (b) Notwithstanding the provisions of this article, a syringe services program may remain
 2 open for an administrative transition timeframe of 120 days after the effective date of this article, to
 3 assist patients in the transition of care. In no event may any patient be provided any syringe
 4 exchange service during this administrative timeframe.

§16-64A-4. Civil penalties and injunctive relief.

1 (a) If an owner, operator, or other individual operates a syringe services program after the
 2 effective date, the Director shall impose a civil money penalty upon the owner, operator, or
 3 individual not to exceed \$2,500 per day.

1 (b) The Office of Health Facilities Licensure and Certification may seek injunctive relief to
 2 enforce the provisions of this article.

NOTE: The purpose of this bill is to make syringe services unlawful and provide for penalties for violation of the article. The proposed bill permits the provision of harm reduction services not associated with a syringe exchange program and permits an administrative timeframe for the transition of care. Requiring the Office for Health Facilities Licensure and Certification to seek penalties and the ability to seek injunctive relief for violations of the article.

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