

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4896**

BY DELEGATE MANDT

[Introduced February 11, 2020; Referred to the  
Committee on Prevention and Treatment of  
Substance Abuse then Health and Human  
Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §16-59-1 and §16-59-2, all relating to oversight of syringe exchange programs  
 3 by the Department of Health and Human Resources; providing syringe exchange program  
 4 requirements for operation; requiring the Department of Health and Human Resources to  
 5 incorporate operational requirements into grant agreements; providing for rulemaking; and  
 6 providing for civil penalties and other remedies at law.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 59. OVERSIGHT OF SYRINGE EXCHANGE PROGRAMS.**

**§16-59-1. Department of Health and Human Resources.**

1 (a) Syringe exchange programs operating in West Virginia, on and after the effective date  
 2 of passage of this article, are subject to the following provisions:

3 (1) All patients of the program must be personally present and submit a valid identification  
 4 issued by the State of West Virginia in order to be served;

5 (2) The program shall dispense syringes with unique serial numbers;

6 (3) The program shall operate a 1:1 exchange program meaning that one syringe shall be  
 7 dispensed only if one syringe is received from an individual;

8 (4)The program shall offer treatment at every visit including, but not limited to, counseling,  
 9 birth control, and detoxification services and rehabilitation placement;

10 (5) The program shall test program patients for human immunodeficiency virus and  
 11 Hepatitis every three months, or more often as necessary;

12 (6) The program shall make available services or provide coordination for participants to  
 13 obtain assistance regarding entering rehabilitation or detoxification on a 24/7 basis;

14 (7) The program shall keep a record of syringes issued, and the number of syringes  
 15 received from each individual for seven years;

16 (8) The program shall have a dedicated staff member or members to recover syringes in  
 17 the service area. This staff member shall be available within one hour to recover discarded

18 syringes and shall document the time of the call, the response time to the call, the number of calls  
19 received, and the number of syringes recovered on a monthly basis.

20 (b) The Department of Health and Human Resources is required to incorporate these  
21 requirements into the scope of work of any grant document with a syringe exchange program and  
22 to conduct monthly audits of the programs to determine compliance with the scope of work. If any  
23 grantee is determined to be out of compliance with the scope of work the Department of Health  
24 and Human Resources shall determine if the program shall be placed on an improvement plan, if  
25 funds shall be returned, if funds shall cease, or another remedy available to it.

26 (c) The Bureau for Public Health is responsible for enforcing this article and shall develop  
27 rules pursuant to §29A-3-I et seq. of this code to implement the provisions of this article.

**§16-59-2. Civil Penalties.**

1 The Bureau for Public Health shall assess a civil penalty of not less than \$5,000 per day,  
2 nor more than \$25,000 for a violation of this article. The Bureau for Public Health may seek  
3 injunctive relief to enforce the provisions of this article.

NOTE: The purpose of this bill is to create oversight of syringe exchange programs by the Department of Health and Human Resources. The bill provides syringe exchange program requirements for operation. The bill requires the Department of Health and Human Resources to incorporate operational requirements into grant agreements. The bill provides for rulemaking. The bill provides for civil penalties and other remedies at law.

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