

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3159

By Delegate Flanigan

[Introduced March 05, 2025; referred to the
Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §16-64A-1, §16-64A-2, §16-64A-3, and §16-64A-4; and to repeal §16-64-1,
 3 §16-64-2, §16-64-3, §16-64-4, §16-64-5, §16-64-6, §16-64-7, §16-64-8, §16-64-9, and
 4 §16-64-10, relating to syringe service programs; providing definitions; establishing syringe
 5 service programs are unlawful; authorizing harm reduction services and care transition;
 6 providing an effective date; and creating civil penalties..

Be it enacted by the Legislature of West Virginia:

ARTICLE 64A. SYRINGE SERVICE PROGRAM 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 for a referral to substance use disorder treatment programs, screenings, vaccinations,
 6 education about overdose prevention, wound care, opioid antagonist distribution and education,
 7 and other medical services.

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

§16-64A-2. Syringe Service Program 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 providing syringe service programs in the State
 2 of West Virginia shall cease and desist operations of the syringe services program on the effective
 3 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.

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.]

NOTE: The purpose of this bill is to make syringe service programs unlawful and replace syringe service programs with harm reduction service 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.