

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 204

By Senator Tarr

[Introduced February 12, 2025; referred
to the Select Committee on Substance Use Disorder
and Mental Health; and then 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 §16-5EE-1, §16-5EE-2, §16-5EE-3, and §16-5EE-4, relating to opioid
3 treatment programs; defining terms; making opioid treatment programs unlawful; allowing
4 for an administrative time frame for referral; requiring the imposition of fees for
5 noncompliance; and permitting injunctive relief.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5EE. OPIOID TREATMENT PROGRAMS ARE UNLAWFUL.

§16-5EE-1. Definitions.

1 As used in this article:
2 "Director" means the director of the Office of Health Facility Licensure and Certification.
3 "Opioid treatment program" means a program or practitioner engaged in the treatment of
4 individuals with substance use disorder through an on-site administration or dispensing of an
5 opioid treatment medication in the form of an opioid agonist or partial agonist, typically methadone.
6 This does not include programs or practitioners that issue prescriptions for partial opioid agonist
7 medications.

§16-5EE-2. Opioid Treatment Programs Unlawful.

1 (a) Opioid treatment programs shall be considered unlawful in the State of West Virginia;
2 and
3 (b) An owner, operator, or other individual shall cease and desist operations of opioid
4 treatment programs on the effective date of this article.

§16-5EE-3. Care transition.

1 (a) Notwithstanding the provisions of this article, an opioid treatment 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 opioid
4 treatment program service during this administrative timeframe.

§16-5EE-4. Civil penalties and injunctive relief.

1 (a) If an owner, operator, or other individual operates an opioid treatment 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.
4 (b) The Office of Health Facilities Licensure and Certification may seek injunctive relief to
5 enforce the provisions of this article.

NOTE: The purpose of this bill is to make opioid treatment programs unlawful and provide for penalties for violation of the article, permit an administrative timeframe for the transition of care, require the Office for Health Facilities Licensure and Certification to seek penalties, and providing for 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.