

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5618**

By Delegate Pushkin

[Introduced February 16, 2026; referred to the  
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16B-13-12 of the Code of West Virginia, 1931, as amended,  
2 relating to removing the Certificate of Need moratorium on opioid treatment facilities.

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

**ARTICLE 13. MEDICATION-ASSISTED TREATMENT PROGRAM LICENSING ACT.**

**§16B-13-12. Moratorium; certificate of need; end date.**

1 ~~There is a moratorium on the licensure of new opioid treatment programs which do not~~  
2 ~~have a certificate of need as of the effective date of the enactment of this section during the 2016~~  
3 ~~regular session of the Legislature which shall continue until the Legislature determines that there~~  
4 ~~is a necessity for additional opioid treatment programs in West Virginia.~~

5 (a) The Legislature finds that

6 (1) A recent federal court decision in *Slaughter v. Edney*, No. 3:20-CV-789-CWR-ASH,  
7 2024, that found that longstanding moratoria such as the 2016 moratorium against new certificates  
8 of need for opioid treatment centers violates the Fourteenth Amendment by maintaining a  
9 perpetual and absolute ban on new market entrants lacked a rational relationship to legitimate  
10 governmental interests such as cost control, quality assurance, or access to care.

11 (2) The same federal district court found that a longstanding moratorium can indicate Equal  
12 Protection considerations by categorically prohibiting new providers while allowing existing  
13 providers to continue operating, the moratorium effectively protected incumbent market  
14 participants and excluded similarly situated applicants without a sufficiently rational justification,  
15 functioning as a permanent barrier to market entry.

16 (b) For these reasons, the moratorium on the licensure of new opioid treatment programs  
17 which do not have a certificate of need that passed during the 2016 regular session of the  
18 Legislature which shall cease on July 1, 2026.

NOTE: The purpose of this bill is to provide an end date for the moratorium on the licensure of new opioid treatment programs which do not have a certificate of need.

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