WEST VIRGINIA CODE: §15-9-7

§15-9-7. Coordinated program for substance abuse treatment referral.

(a) The committee shall, on or before December 31, 2020, establish a program to coordinate with state, county, and local law enforcement, the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Pharmacy to develop policies and protocols for law enforcement and medical professionals to create treatment referral programs for persons suffering from substance use disorder which:

(1) Allow for the surrender of illegal controlled substances or unlawfully possessed controlled substances to law enforcement or medical professionals for destruction; and

(2) Establish a confidential treatment referral program for persons presenting themselves as suffering from substance use disorder.

(b) A person voluntarily seeking assistance through a program developed pursuant to this section shall:

(1) Not be placed under arrest;

(2) Not be prosecuted for the possession of any controlled substance or drug paraphernalia already ingested or surrendered; and

(3) Be promptly referred to a community-based mental health center, medical provider, or other entity in substance use treatment.

(c) Nothing in this section may be construed to effect criminal charges which may exist independent of the controlled substance ingested or surrendered or paraphernalia surrendered.

(d) Except for willful misconduct, any law-enforcement officer or medical professional providing services or a referral under this section is immune from criminal or civil liability.

(e) The committee and the medical professional boards referenced in this section shall propose rules for legislative approval pursuant to §29A-3-1 *et seq*. of this code and may promulgate emergency rules pursuant to §29A-3-15 of this code to effectuate the purposes of this section.

WV Legislature