WEST VIRGINIA CODE: §16-46-3

§16-46-3. Licensed health care providers may prescribe opioid antagonists to initial responders and certain individuals; required educational materials; limited liability.

(a) The following individuals may prescribe an opioid antagonist in the manner prescribed by this subsection:

(1) A licensed health care provider acting in good faith and exercising good reasonable care may directly or by standing order prescribe an opioid antagonist to:

(A) A person at risk of experiencing an opioid-related overdose; or

(B) A family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

(2) A licensed health care provider acting in good faith and exercising reasonable care may directly or by standing order prescribe an opioid antagonist to any governmental or non-governmental organization, including a local health department, a law enforcement agency, or an organization that promotes scientifically proven ways of mitigating health risks associated with substance use disorders and other high risk behaviors, for the purpose of distributing, through its agents, the opioid antagonist, to:

(A) A person at risk of experiencing an opioid-related overdose or

(B) A family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

(b) A pharmacist may dispense an opioid antagonist to a person or organization pursuant to a prescription issued in accordance with subsection (a) of this section.

(c)(1) A governmental or non-governmental organization, including a local health department, a law enforcement agency, or organization that promotes scientifically proven ways to mitigate health risks associated with substance use disorders and other high-risk behaviors may, through its trained agents, distribute an opioid antagonist obtained pursuant to a prescription issued in accordance with this section to:

(A) A person at risk of experiencing an opioid-related overdose or

(B) A family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

(2) An organization, through its trained agents, shall include with any distribution of an opioid antagonist pursuant to this subsection required education including opioid-related overdose prevention and treatment programs and instruction on how to administer the

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opioid antagonist.

(d) A person who receives an opioid antagonist that was prescribed pursuant to subsection (a) or distributed pursuant to subsection (c) may administer an opioid antagonist to another person if:

(1) The person has a good faith belief that the other person is experiencing a drug-related overdose; and

(2) The person exercises reasonable care in administering the drug to another person.

(e) A person and organization acting in good faith under the provisions of this section are immune from civil or criminal liability.

(f) A person and organization may possess an opioid antagonist, regardless of whether the person or organization holds a prescription for the opioid antagonist.

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