

# WEST VIRGINIA CODE: §16-64-3

## §16-64-3. Program requirements.

(a) To be approved for a license, a syringe services program shall be part of a harm reduction program which offers or refers an individual to the following services which shall be documented in the application:

- (1) HIV, hepatitis, and sexually transmitted diseases screening;
- (2) Vaccinations;
- (3) Birth control and long-term birth control;
- (4) Behavioral health services;
- (5) Overdose prevention supplies and education;
- (6) Syringe collection and sharps disposal;
- (7) Educational services related to disease transmission;
- (8) Assist or refer an individual to a substance use treatment program;
- (9) Refer to a health care practitioner or treat medical conditions; and
- (10) Programmatic guidelines including a sharps disposal plan, a staff training plan, a data collection and program evaluation plan, and a community relations plan.

(b) A syringe services program:

- (1) Shall offer services, at every visit, from a qualified licensed health care provider;
- (2) Shall exclude minors from participation in the syringe exchange, but may provide minors with harm reduction services;
- (3) Shall ensure a syringe is unique to the syringe services program;
- (4) Shall distribute syringes with a goal of a 1:1 model;
- (5) May substitute weighing the volume of syringes returned versus dispensed as specified. This substitution is only permissible if it can be done accurately and in the following manner:
  - (A) The syringes shall be contained in a see-through container; and
  - (B) A visual inspection of the container shall take place prior to the syringes being weighed;

- (6) Shall distribute the syringe directly to the program recipient;
- (7) Proof of West Virginia identification upon dispensing of the needles;
- (8) Shall train staff on:
  - (A) The services and eligibility requirements of the program;
  - (B) The services provided by the program;
  - (C) The applicant's policies and procedures concerning syringe exchange transactions;
  - (D) Disposing of infectious waste;
  - (E) Sharps waste disposal education that ensures familiarity with the state law regulating proper disposal of home-generated sharps waste;
  - (F) Procedures for obtaining or making referrals;
  - (G) Opioid antagonist administration;
  - (H) Cultural diversity and sensitivity to protected classes under state and federal law; and
  - (I) Completion of attendance logs for participation in mandatory training;
- (9) Shall maintain a program for the public to report syringe litter and shall endeavor to collect all syringe litter in the community;
- (10) Shall not distribute any smoking devices, including, but not limited to, hand pipes, bubblers, bongs, dab rigs, hookahs, crack pipes, or disposable smoking devices.
- (c) Each syringe services program shall have a syringe dispensing plan which includes, but is not limited to the following:
  - (1) Maintaining records of returned syringes by participants for two years;
  - (2) Preventing syringe stick injuries;
  - (3) Tracking the number of syringes dispensed;
  - (4) Tracking the number of syringes collected;
  - (5) Tracking the number of syringes collected as a result of community reports of syringe litter;
  - (6) Eliminating direct handling of sharps waste;

- (7) Following a syringe stick protocol and plan;
  - (8) A budget for sharps waste disposal or an explanation if no cost is associated with sharps waste disposal; and
  - (9) A plan to coordinate with the continuum of care, including the requirements set forth in this section.
- (d) If an applicant does not submit all of the documentation required in §16-63-2 of this code, the application shall be denied and returned to the applicant for completion.
- (e) If an applicant fails to comply with the program requirements, the application shall be denied and returned to the applicant for completion.
- (f) A license is effective for one year.