

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 183

An Act to amend and reenact § 54.1-3467 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-45.4, relating to harm reduction programs; public health emergency; dispensing and distributing needles and syringes.

[H 2317]

Approved February 23, 2017

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3467 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-45.4 as follows:

§ 32.1-45.4. Comprehensive harm reduction programs.

A. The Commissioner may establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include the provision of sterile hypodermic needles and syringes and disposal of used hypodermic needles and syringes. The objectives of such programs shall be to reduce the spread of HIV, viral hepatitis, and other blood-borne diseases in Virginia; reduce the transmission of blood-borne diseases through needlestick injuries to law-enforcement and other emergency personnel; and provide information to individuals who inject drugs regarding addiction recovery treatment services. Such programs shall be located in communities where data indicate, in accordance with criteria established pursuant to subsection B, a risk of transmission of, or increases in the transmission of, HIV, viral hepatitis, or other blood-borne disease as a result of injection drug use. Such programs shall be operated by local health departments or affiliated organizations with which the Department contracts.

B. The Department shall establish criteria to determine the level of risk and the level of readiness for comprehensive harm reduction of a community. Such criteria shall address the extent to which unsafe injection of drugs is occurring, socioeconomic factors, and readiness for comprehensive harm reduction and shall utilize data that address, at a minimum, (i) HIV and hepatitis disease morbidity, (ii) drug overdose deaths, (iii) poverty level, (iv) unemployment rate, (v) prescription opioid volume, (vi) potential to provide medication-assisted treatment, (vii) prevalence of treatment for drug overdose, (viii) emergency medical services utilization for drug overdose, (ix) administration of naloxone, (x) substance-use disorder admissions to behavioral health facilities, (xi) arrests for drug possession or sales or other drug related crime, (xii) the support of the local governing body, (xiii) the support of law enforcement, (xiv) the existence of a local entity with programmatic administrative capacity, and (xv) access to health care and behavioral health care services.

C. Comprehensive harm reduction programs established pursuant to this section shall be administered pursuant to standards and protocols established by the Commissioner after the declaration of a public health emergency and approved by the Secretary of Health and Human Resources and the Secretary of Public Safety and Homeland Security. Such standards and protocols shall address (i) the disposal of used hypodermic needles and syringes; (ii) the provision of hypodermic needles and syringes and other injection supplies at no cost and in quantities sufficient to ensure that needles, hypodermic syringes, and other injection supplies are not shared or reused; (iii) reasonable and adequate security of program sites, equipment, and personnel; (iv) the provision of educational materials concerning prevention and treatment; (v) access to overdose prevention kits; (vi) individual harm reduction counseling; and (vii) verification that a hypodermic needle or syringe or other injection supplies were obtained from a comprehensive harm reduction program established pursuant to this section.

D. The Commissioner may authorize persons who are not otherwise authorized by law to dispense or distribute hypodermic needles and syringes to dispense or distribute hypodermic needles and syringes as part of a comprehensive harm reduction program during a declared public health emergency and in accordance with standards and protocols established pursuant to subsection C. The provisions of §§ 18.2-250, 18.2-265.3, and 54.1-3466 shall not apply to such authorized persons who are acting in accordance with the standards and protocols of a comprehensive harm reduction program for the duration of the declared public health emergency.

§ 54.1-3467. Distribution of hypodermic needles or syringes, gelatin capsules, quinine or any of its salts.

A. Distribution by any method, of any hypodermic needles or syringes, gelatin capsules, quinine or any of its salts, in excess of one-fourth ounce shall be restricted to licensed pharmacists or to others who have received a license or a permit from the Board.

B. Nothing in this section shall prohibit the dispensing or distributing of hypodermic needles and syringes by persons authorized by the State Health Commissioner pursuant to a comprehensive harm reduction program established pursuant to § 32.1-45.4 who are acting in accordance with the standards

and protocols of such program for the duration of the declared public health emergency.

2. That the Virginia Department of Health shall submit, to the Governor and to the General Assembly, a progress report concerning any program established pursuant to this act by October 1, 2018, and a report evaluating the effectiveness of any program established pursuant to this act by October 1, 2019.

3. That the provisions of this act shall expire on July 1, 2020.