

Bill No. 7893 Committee Substitute, As Amended

Introduced in Council:

January 19, 2021

Introduced by:

**Sam Minardi, Adam Knauff, Pat Jones
Shannon Snodgrass, Bruce King,
Deanna McKinney, Jennifer Pharr,
Jeanine Faegre and Chuck Overstreet**

Adopted by Council:

April 19, 2021

Referred to:

Public Safety

1 **Bill No. 7893 Committee Substitute, As Amended** - A BILL to amend and reenact
2 Sections 78-381, 78-382, and 78-383 of the Municipal Code of the City of Charleston; to
3 amend said code by adding thereto a new section, designated Section 78-384; and to
4 repeal Sections 78-396 and 78-397 of said Code, all relating to requiring any distribution of
5 hypodermic needles within the City of Charleston to be performed by persons or entities
6 that have a certification as a Harm Reduction Program from the State of West Virginia in
7 addition to any required state license; creating certain requirements for Harm Reduction
8 Programs operating within the City; setting forth a process for Council to approve
9 applications for syringe services programs; eliminating the ability for the Chief of Police to
10 provide exceptions, and establishing penalties for violations.

11
12 **Now, therefore, be it ordained by the Council of the City of Charleston:**

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14 That Sections 78-381, 78-382, and 78-383 of the Municipal Code of the City of Charleston
15 is amended and reenacted; that said Code is amended by adding thereto a new section,
16 designated Section 78-384; and that Sections 78-396 and 78-397 of said Code are
17 repealed, all to read as follows:

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19 **Subdivision II. - Distribution of Hypodermic Needles and Syringes**

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21 **Sec. 78-381. - Distribution of hypodermic needles; state certification required.**

22
23 It shall be unlawful for any person or persons as principal, clerk, agent servant or otherwise
24 acting individually or on behalf of any entity, organization or group to operate a harm
25 reduction program that includes the distribution of any hypodermic syringes, needles and
26 other similar objects used or designed for injecting substances into the human body,
27 without obtaining and having a syringe services program license from the West Virginia
28 Office for Health Facility Licensure and Certification, pursuant to Chapter 16, Article 63 of
29 the Code of the State of West Virginia and any other licenses required under state law to
30 do so. *Provided*, That between the effective date of this bill and January 1, 2022, all harm
31 reduction programs that include the distribution of any hypodermic syringes, needles and
32 other similar objects operating within the City of Charleston shall be certified by the West
33 Virginia Bureau for Public Health within the West Virginia Department of Health and Human

34 Resources or has obtained a syringe services program license from the West Virginia
35 Office for Health Facility Licensure and Certification.

36

37 **Sec. 78-382. - Compliance with state law and regulations.**

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39 Every person, entity, organization, or group certified or licensed to sell, market, or distribute
40 hypodermic needles shall comply with all applicable state law and regulations, pursuant to
41 Chapter 16, Article 63, Section 3 of the Code of State of West Virginia: *Provided*, every
42 Harm Reduction Program offering a syringe services program and operating in the City of
43 Charleston shall (1) individually mark each syringe dispensed with identifying information
44 that clearly allows for the identification of each syringe dispensed by the program; and (2)
45 distribute syringes with a goal of a 1:1 model, where “goal of a 1:1 model” means returning
46 a minimum of 90% of the syringes distributed.

47

48 **Sec. 78-383. - Penalty.**

49 Any person violating any provision of this subdivision shall, if convicted, be guilty of a
50 misdemeanor and be fined not less than five hundred dollars nor more than one thousand
51 dollars for the first offense and succeeding offenses. Each day that such violation shall
52 continue shall be deemed a separate and distinct offense.

53

54 **Sec. 78-384 - Council Approval of Application for State License to Offer Syringe
55 Services Program.**

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57 Upon receipt of an application for a license to offer a syringe services program, Council will
58 schedule at least one public hearing near the applicant’s proposed location, to solicit and
59 accept public input on the program, as well as provide the applicant an opportunity to
60 provide information on its program. Two weeks before the scheduled date of the public
61 hearing, the applicant shall mail notice of the public hearing and a copy of its application to
62 residents and businesses within a two-block radius of the applicant’s proposed location;
63 and notice shall be published by the City on its website and provide the program’s
64 application online, with additional printed copies provided upon request and available at the
65 public hearing. The hearing will be recorded and made available online to the public. The
66 public may submit written comments to Council regarding the program up until the time of
67 the Council meeting at which Council will be voting on whether to issue a letter of support.
68 Under no circumstances shall Council vote on a program prior to the holding of the public
69 hearing required herein and for one week after the public hearing.