

Senate Bill No. 526

(By Senators Stollings, Foster, Jenkins and Kessler (Acting
President))

[Introduced February 16, 2011; referred to the Committee on
Health and Human Resources; and then to the Committee on the
Judiciary.]

A BILL to amend and reenact §15-2-10 of the Code of West Virginia,
1931, as amended; and to amend said code by adding thereto a
new section, designated §16-4C-24, all relating to allowing
police, fire and emergency service providers to possess
Naloxone to administer in suspected narcotic drug overdoses.

Be it enacted by the Legislature of West Virginia:

That §15-2-10 of the Code of West Virginia, 1931, as amended,
be amended and reenacted; and that said code be amended by adding
thereto a new section, designated §16-4C-24, all to read as
follows:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

**§15-2-10. Uniforms; authorized equipment, weapons and supplies;
local headquarters; quarters for members; life
insurance; medical and hospital fees for injuries and**

1 **illnesses of members incurred in line of duty.**

2 (a) The standard uniform to be used by the West Virginia State
3 Police after the effective date of this article shall be as
4 follows: Forestry green blouse with West Virginia State Police
5 emblem on sleeve; black shoulder strap one-inch black stripe around
6 sleeve, four inches from end of sleeve; forestry green breeches
7 with one-inch black stripe down the side; trousers (slacks) with
8 one-inch black stripe down the side for officers and clerks
9 regularly enlisted in the State Police; forestry green shirts with
10 West Virginia State Police emblem on sleeve; black shoulder straps;
11 forestry green mackinaw with West Virginia State Police emblem on
12 sleeve; black shoulder straps; one-inch black stripe around sleeve
13 four inches from end of sleeve; campaign hat of olive drab color;
14 black Sam Browne belt with holster; black leggings and shoes; the
15 officer's uniform will have one and one-quarter inch black stripe
16 around the sleeve of blouse and mackinaw four inches from end of
17 sleeve circumposed with one-half inch gold braid, also black
18 collars on blouse, with two silver shoulder bars for captains, one
19 silver shoulder bar for first lieutenant, one gold shoulder bar for
20 second lieutenant. For noncommissioned officers the uniform blouse
21 and shirt will have thereon black chevrons of the appropriate rank.

22 (b) The superintendent shall establish the weapons, opiod
23 antidote administration device, if the officer has received
24 training in accordance with §16-4C-24, and enforcement equipment
25 which are authorized for use by members of the State Police and
26 shall provide for periodic inspection of the weapons and equipment.

1 He or she or she shall provide for the discipline of members using
2 other than authorized weapons and enforcement equipment.

3 (c) The superintendent shall provide the members of the State
4 Police with suitable arms and weapons and, when he or she considers
5 it necessary, with suitably equipped automobiles, motorcycles,
6 watercraft, airplanes and other means of conveyance to be used by
7 the West Virginia State Police, the Governor and other officers and
8 executives in the discretion of the Governor, in times of flood,
9 disaster and other emergencies, for traffic study and control,
10 criminal and safety work and in other matters of official business.

11 He or she or she shall also provide the standard uniforms for all
12 members of the State Police, for officers, noncommissioned officers
13 and troopers provided for in this section. All uniforms and all
14 arms, weapons and other property furnished the members of the State
15 Police by the State of West Virginia are and remain the property of
16 the state.

17 (d) The superintendent may purchase and maintain on behalf of
18 members group life insurance not to exceed the amount of \$5,000 on
19 behalf of each member.

20 (e) The superintendent may contract and furnish at State
21 Police expense medical and hospital services for treatment of
22 illness or injury of a member which shall be determined by the
23 superintendent to have been incurred by the member while engaged in
24 the performance of duty and from causes beyond control of the
25 members. Notwithstanding any other provision of this code, the
26 superintendent has the right of subrogation in any civil action or

1 settlement brought by or on behalf of a member in relation to any
2 act by another which results in the illness, injury or death of a
3 member. To this end, the superintendent may initiate an action on
4 behalf of the State Police in order to recover the costs incurred
5 in providing medical and hospital services for the treatment of a
6 member resulting from injury or illness originating in the
7 performance of official duties. This subsection shall not affect
8 the power of a court to apply ordinary equitable defenses to the
9 right of subrogation.

10 The superintendent may also consult with the executive
11 director of the Workers' Compensation Commission in an effort to
12 defray the cost of medical and hospital services. In no case will
13 the compensation rendered to health care providers for medical and
14 hospital services exceed the then current rate schedule in use by
15 the Workers' Compensation Commission.

16 Third-party reimbursements received by the superintendent
17 after the expiration of the fiscal year in which the injury,
18 illness or death occurred will be deposited to a nonexpiring
19 special revenue account. Funds deposited to this account may be
20 used solely for defraying the costs of medical or hospital services
21 rendered to any sworn members as a direct result of an illness,
22 injury or death resulting from the performance of official duties.

23 (f) The superintendent shall establish and maintain local
24 headquarters at those places in West Virginia that are in his or
25 her judgment suitable and proper to render the West Virginia State
26 Police most efficient for the purpose of preserving the peace,

1 protecting property, preventing crime, apprehending criminals and
2 carrying into effect all other provisions of this article. The
3 superintendent shall provide, by acquisition, lease or otherwise,
4 for local headquarters, for housing and quarters for the
5 accommodation of the members of the West Virginia State Police, and
6 for any other facilities necessary or useful for the effective
7 operation of the West Virginia State Police and shall provide all
8 equipment and supplies necessary for the members of the West
9 Virginia State Police to perform their duties.

10 **CHAPTER 16. PUBLIC HEALTH.**

11 **ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.**

12 **§16-4C-24. Administration of an opioid antidote in an emergency**
13 **situation.**

14 (a) For purposes of this section:

15 (1) "Opioid antagonist" means naloxone hydrochloride that is
16 approved by the federal Food and Drug Administration for the
17 treatment of a drug overdose.

18 (2) "Opioid overdose prevention and treatment training
19 program" or "program" means any program operated by a local health
20 jurisdiction or that is registered by a local health jurisdiction
21 to train individuals to prevent, recognize, and respond to an
22 opiate overdose, and that provides, at a minimum, training in all
23 of the following:

24 (A) The causes of an opiate overdose;

25 (B) Mouth-to-mouth resuscitation;

26 (C) How to contact appropriate emergency medical services; and

1 (D) How to administer an opioid antagonist.

2 (b) A licensed health care provider who is permitted by law to
3 prescribe an opioid antagonist may, if acting with reasonable care,
4 prescribe and subsequently dispense or distribute an opioid
5 antagonist in conjunction with an opioid overdose prevention and
6 treatment training program, without being subject to civil
7 liability or criminal prosecution. This immunity shall apply to the
8 licensed health care provider even when the opioid antagonist is
9 administered by and to someone other than the person to whom it is
10 prescribed.

11 (c) A person who is not otherwise licensed to administer an
12 opioid antidote, specifically emergency responders covered under
13 this article, State Police and both volunteer and paid
14 firefighters, may administer an opioid antidote in an emergency
15 without fee if the person has received the training information
16 specified in paragraph (2) of subdivision (a) and believes in good
17 faith that the other person is experiencing a drug overdose. The
18 person is not, as a result of his or her acts or omissions, liable
19 for any violation of any professional licensing statute, or subject
20 to any criminal prosecution arising from or related to the
21 unauthorized practice of medicine or the possession of an opioid
22 antidote.

NOTE: The purpose of this bill is to allow police, fire and
emergency service providers, to possess Naloxone to administer in
suspected narcotic drug overdoses.

Strike-throughs indicate language that would be stricken from

the present law, and underscoring indicates new language that would be added.

§16-4C-24 is new; therefore, strike-throughs and underscoring have been omitted.