

**WHEELING-OHIO COUNTY BOARD OF HEALTH  
WHEELING-OHIO COUNTY HEALTH DEPARTMENT**

**TITLE**

OHIO COUNTY NEEDLE EXCHANGE PROGRAM FOR COMMUNICABLE DISEASE PREVENTION

**AUTHORITY**

This Regulation is adopted in accordance with the authority contained in West Virginia Code §16-2-11 et seq.

**PURPOSES**

The Wheeling-Ohio County Health Department finds the sharing of intravenous injection apparatus among injecting drug users a threat to public health. Sharing injection apparatus is a significant factor in the transmission of infectious diseases, including HIV and Hepatitis B and C. Providing clean injection apparatus and biohazard containers through a sanctioned needle exchange program, educating injecting drug users as to the dangers of sharing injection apparatus and continued drug abuse, and providing condoms to prevent sexual transmission of infectious diseases have been shown to reduce the incidence of infectious disease transmission among injecting drug users. Repeated offerings of drug rehabilitation services have also been demonstrated to increase the likelihood that injecting drug users will enter treatment, and through one or more attempts, become drug-free.

**STATEMENT OF POLICY**

The regulation of needle exchange program(s) is necessary to assure that the distribution of clean injection apparatus and biohazard containers is carried out in a manner consistent with the goal of preventing infectious disease transmission among injecting drug users, and to encourage the provision of the greatest number of treatment and prevention strategies possible, with the ultimate goal of reducing the incidence of HIV and Hepatitis B and C among injecting drug users, their sexual partners, and their offspring. Such prevention will promote the health, safety and welfare of the community.

**DEFINITIONS**

The following terms when used in this Article have the meanings indicated in this section, except where the context indicates a clearly different meaning.

1. "Biohazard Containers" shall mean approved, limited access, puncture-proof receptacles to be used for the safe storage of used needles or sharps.
2. "Board of Health" shall mean the Wheeling-Ohio County Board of Health.
3. "Department" shall mean the Wheeling-Ohio County Health Department.
4. "Health Officer" shall mean the Health Officer of the Wheeling-Ohio County Health Department or his or her authorized representative.
5. "Infectious Disease Screening" or "IDS" shall mean testing blood or other tissue for HIV and Hepatitis B and C, by a Clinical Laboratory Improvement Amendments (CLIA) approved method.

6. Intravenous drug users or IUD.
7. "Injection Apparatus" shall mean syringes, needles, and alcohol wipes.
8. "Program Participant" shall mean any individual receiving services, materials, or referrals from a needle exchange program.
9. "Program Location" shall mean the specific address at which a Needle Exchange Program provides any materials or services to any Program Participant(s), whether inside a building or at a temporary facility, including but not limited to tents, outdoor tables, or mobile facilities.
10. "Key Individuals" shall mean individuals with actual authority over the day-to-day operations of Needle Exchange Programs.
11. "Needle Exchange Program" shall mean a public or private enterprise with the goal of reducing the incidence of infectious disease transmission among, Program Participants, their sexual partners, and their offspring, approved by the Board of Health, through the provision of education on safe practices, counseling opportunities, clean Injection Apparatus, Biohazard Containers, and condoms or other barrier methods of preventing sexually transmitted diseases.
12. "Person" shall mean any natural person, corporation, partnership or association.

#### **NEEDLE EXCHANGE PROGRAM REQUIREMENTS**

- A. The Department shall, subject to the approval of the Board of Health, devise operating procedures for the Needle Exchange Program in Ohio County, West Virginia.
  - a. At a minimum the program shall offer:
    - i. Education, testing and counseling for HIV/AIDS, hepatitis B, hepatitis C, and other infection(s)
    - ii. Condom distribution to prevent sexual transmission of HIV and other sexually transmitted diseases (STDs)
    - iii. Referrals to substance abuse treatment and other medical and social services
    - iv. Distribution of alcohol swabs to help prevent abscesses and other bacterial infections
    - v. Tuberculosis (TB) screening (applicable)
    - vi. Vaccinations
- B. Only the Health Department Needle Exchange Program or a program designated by the Health Department shall operate within Ohio County.
- C. Persons wishing to create and operate Needle Exchange Programs shall submit to the Health Department written statements of their intent to promulgate such a program. Each statement shall include a rationale for the necessity for the program, the intended program location(s), days and hours of operations, and the proposed method for tracking program users. Any changes in this identifying information or the identity of Key Individuals shall be sent to the Health Department within thirty days. All Needle Exchange Programs shall maintain continuously updated records of the full names, addresses and telephone numbers of all individuals providing services to or having contact with Program Participants at any Program Location.

- D. The Health Department shall review each proposal for a Needle Exchange Program, and shall forward proposals to the Board of Health at least ninety (90) days before the Program proposes to begin operations.
- E. No Needle Exchange Program shall operate in any location until the address of the Program Location is specifically approved by the Board of Health and the proposed site's municipality through legislative action.
- F. Under no circumstances shall the Department approve any future Program Location proposed to be within 1500 feet of any elementary, primary school, secondary school, licensed daycare facility, or drug treatment facility (unless approved by such facility).
- G. The Department shall not approve any temporary facility, including but not limited to tents, outdoor tables, or mobile units, as a Program Location.
- H. Each Needle Exchange encounter shall be documented with the unique identifier and the date and time of the encounter. Documentation shall be retained by the Needle Exchange Program for at least three (3) years.
- I. IDUs presenting with one or more symptoms of HIV or Hepatitis B or C shall be informed that they should follow up immediately with their primary care provider or the Department.
- J. IDUs shall be counseled on safe sex practices.
- K. Needle Exchange Programs shall be primarily for the use of Ohio County Residents, but non-residents may participate if there are available resources.
- L. The number of Injection Apparatus and Biohazard Containers dispensed shall be no more than are reasonably necessary for one month's worth of injections at an IDU's first interaction with the Needle Exchange Program.
- M. Each IDU shall be offered a referral to drug treatment and counseling services at each Needle Exchange Encounter. Such referral shall be documented with the initials of the person who made the referral and the IDU's response.
- N. Whenever possible, the Department shall provide infectious disease testing materials as requested by Needle Exchange Programs.

## **VIOLATIONS**

Any Needle Exchange Program approved by the Board of Health that violates any of the sections contained herein, shall lose its authorization to continue to operate as a Needle Exchange Program, subject to the discretion of the Department.

## **SEVERABILITY**

If any portion of the Regulation or the application thereof shall be held to be invalid, the other provisions of the Regulation shall not be affected, and to this end the provisions of this Regulation are declared to be severable.

## **EFFECTIVE DATE**

The provisions of this Regulation will become effective following approval by the Wheeling-Ohio County Board of Health. **(Approved September 15, 2015)**