Judge Puts a Hold on West Virginia's New Law to Restrict Syringe Services

Despite a surge in HIV cases linked to injection drug use, the syringe exchange regulations were to take effect July 9.

July 14, 2021 By Trent Straube

A federal judge put a temporary restraining order on a controversial West Virginia law that critics say would limit access to syringe services programs at a time when HIV rates are spiking due to injection drug use, reports The Associated Press. Signed by Republican Governor Jim Justice in April, the law was to take effect Friday, July 9.

The temporary hold will allow U.S. District Judge Chuck Chambers to hear arguments by the American Civil Liberties Union's West Virginia chapter that the law is unconstitutional.

The law requires existing syringe service programs to obtain specific licenses and to offer health services, such as overdose protection and referrals to recovery programs for substance use. What's more, the law also requires participants to show identification in order to receive a syringe.

The concern is that these restrictions will make people who inject drugs more likely to reuse and share syringes, leading to more transmissions of HIV as well as hepatitis B and hepatitis C.

New HIV cases related to injection drug use are most pronounced in Kanawha County, which includes the state capital, Charleston. HIV transmissions linked to injection drug use increased from two in 2018 to at least 35 in 2020. This compares with 36 in New York City, which has over 8 million more residents than Kanawha County (population: 178,000). Another surge in HIV cases occurred in Huntington.

As reported in February, Demetre Daskalakis, MD, MPH, a federal health official with the Centers for Disease Control and Prevention (CDC), characterized the HIV outbreak as the "most concerning in the United States among people who inject drugs." He told BuzzFeed News, "It is possible the current case count represents the tip of the iceberg."

Those who support the restrictive law say that existing syringe services were "operating so irresponsibly," according to the AP, that needles were being left in public spaces. Supporters also want people who inject drugs to be provided with referrals to addiction recovery programs instead of syringe services.

However, the CDC also points out that syringe exchange programs are “safe, effective, and cost-saving,” the AP reports.

In related news, federal funds were recently directed to West Virginia to address the link between opioid misuse and HIV and hepatitis. For more, see “Hepatitis Detection Efforts in West Virginia Get Nearly $400K Boost.”

And check out the AIDS United blog post titled “We Can’t Beat HIV, Hepatitis and Overdoses if We Close Syringe Services.”

Hepatitis simply refers to inflammation of the liver. There can be many causes, but hepatitis C is the result of a virus and can result in a lifelong infection, mild to serious scarring of the liver (fibrosis and cirrhosis, respectively), liver cancer, liver failure and death. The good news is that hep C is curable in most cases. To learn more, see the Hepatitis C section of Hep magazine’s Hepatitis Basics, which includes an introduction to viral hepatitis as well as other forms of hepatitis and liver disease such as non-alcoholic fatty liver disease (NAFLD), non-alcoholic steatohepatitis (NASH), alcoholic liver disease, autoimmune hepatitis and primary biliary cholangitis (PBC). And for a collection of articles in POZ about the intersections of hep C virus and HIV, click the hashtag #Hepatitis C.

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