

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

MILAN PUSKAR HEALTH RIGHT,
LAWSON KOEPPPEL, ALINA LEMIRE,
and CARRIE WARE,

Plaintiffs,

v.

BILL J. CROUCH, in his official capacity as
Cabinet Secretary of the West Virginia
Department of Health and Human Resources,
JOLYNN MARRA, in her official capacity as
Interim Inspector General and Director of the
Office of Health Facility Licensure and
Certification, and STEVE HARRISON, in his
official capacity as Clerk of the House of
Delegates and Keeper of the Rolls,

Defendants.

Civil Action No.

Hon _____

I, Carrie Ware, declare under penalty of perjury of the laws of the United States of America that the following is true and correct, and state:

1. I do outreach work in Huntington, West Virginia, with people who are low-income and marginalized, including people who use drugs.
2. Much of my work requires that I go to where the people that I serve are. Some of my clients are unhoused and live in tent encampments. The work is “boots on the ground.”
3. My outreach has included a number of people-focused services, including naloxone training and recovery coaching.
4. In the past, I have provided sterile syringes to people who use drugs, and have worked with a nurse and recovery coach to talk to people about how to safely use sterile syringes.

5. Meeting people where they are at and providing these services in a low-barrier environment free from judgment, has allowed me to build a relationship and build trust with people who are often marginalized and feel failed by the system.
6. Many of the people I work with do not have IDs, so they may not be able to receive services from other organizations.
7. Some fear going into more “formal” environments where trust has not been established because they fear negative interaction with law enforcement or other professionals that they have not worked with before.
8. I stopped offering syringe service distribution around the time that Senate Bill 334 passed.
9. There was a lot of confusion for me as to whether the legislation would apply to me and when it would go into effect.
10. My understanding initially is that that it would go into effect at the time it passed, and so I stopped providing these services immediately out of fear of significant fines. It is still unclear to me as to when the effective date was supposed to be.
11. Because I have stopped providing syringe service distribution, most, if not all, of the clients I previously worked with are not accessing sterile syringes.
12. The provision of sterile syringes to people who use drugs is important because it helps stop the spread of infectious diseases. My clients face serious health risks if they use one syringe multiple times.
13. If Senate Bill 334 did not go into effect I would go back to providing sterile syringes to the people I work with because I would not have fear of substantial financial penalties or the threat of an injunction.

Executed on June 25, 2021.

/s/ Carrie Ware