

FILED

2001 MAY 1 P 2: 18

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2871

(By Delegates Amores, Compton and Leach)



Passed April 13, 2001

In Effect Ninety Days from Passage

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FOR

H. B. 2871

(BY DELEGATES AMORES, COMPTON AND LEACH)

[Passed April 13, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section two-a, article five-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to expanding the existing cancer registry to include the collection of medical information concerning intracranial and central nervous system tumors; requiring reports and maintaining confidentiality.

Be it enacted by the Legislature of West Virginia:

That section two-a, article five-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended, to read as follows:

ARTICLE 5A. CANCER CONTROL.

§16-5A-2a. Cancer and tumor registry.

1 (a) To the extent funds are available, the director of the
2 division of health shall establish a cancer and tumor registry for
3 the purpose of collecting information concerning the incidence
4 of cancer and non-malignant intracranial and central nervous
5 system tumors. The information collected by the registry shall
6 be analyzed to prepare reports and perform studies as necessary
7 when such data identifies hazards to public health. Pending
8 appropriate funding, a statewide system shall be phased in and
9 be fully operational by the first day of July, two thousand two,
10 pursuant to the enactment of this section in two thousand one.

11 (b) All reporting sources, including hospitals, physicians,
12 laboratories, clinics or other similar units diagnosing or
13 providing treatment for cancer and non-malignant intracranial
14 and central nervous system tumors, shall provide a report of
15 each cancer or tumor case to the cancer and tumor registry in a
16 format specified by the director. The reporting sources shall
17 grant the director or an authorized representative of the registry
18 access to all records which would identify cases of cancer or
19 non-malignant intracranial and central nervous system
20 tumors or would establish characteristics of cancer or non-
21 malignant intracranial or central nervous system tumors.

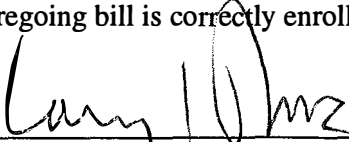
22 (c) All information reported pursuant to this section is
23 confidential and shall be used for the purpose of determining
24 the sources of malignant neoplasms and non-malignant
25 intracranial and central nervous system tumors and evaluating
26 measures designed to eliminate, alleviate or ameliorate their
27 effect. A report provided to the cancer and tumor registry
28 disclosing the identity of an individual who was reported as
29 having cancer or tumors shall only be released to reporting
30 sources and persons demonstrating a need which is essential to
31 health related research, except that the release shall be condi-
32 tioned upon the reporting source and personal identities
33 remaining confidential. No liability of any kind or character for
34 damages or other relief shall arise or be enforced against any

35 reporting source by reason of having provided the information
36 or material to the cancer and tumor registry.

37 (d) The director of the division of health shall appoint an
38 advisory committee on cancer and tumors with membership
39 consisting of representatives of appropriate agencies, including
40 the West Virginia hospital association; the American cancer
41 society, West Virginia division; the American lung association
42 of West Virginia; the West Virginia medical association; the
43 association of osteopathic medicine; the West Virginia nurses
44 association; the Mary Babb Randolph cancer center; and, at the
45 discretion of the director, any other individuals directly
46 involved. The advisory committee shall provide technical
47 guidance regarding the operation of the cancer registry and
48 shall provide such advice and assistance as needed to carry out
49 effective cancer prevention and control activities. The members
50 of the advisory committee shall serve four-year terms. Vacan-
51 cies shall be filled in a like manner for the unexpired term.

52 (e) The director shall promulgate rules related to: (1) The
53 content and design of all forms and reports required by this
54 section; (2) the procedures for disclosure of information
55 gathered by the cancer and tumor registry by monitoring and
56 evaluating health data and from completed risk assessments;
57 and (3) any other matter necessary to the administration of this
58 section.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



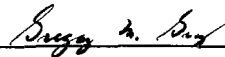
Chairman House Committee

Originating in the House.

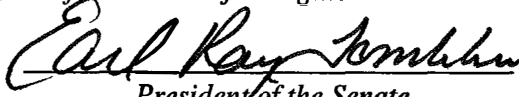
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Clerk of the Senate



Clerk of the House of Delegates

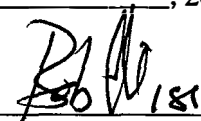


President of the Senate



Speaker of the House of Delegates

The within is approved this the 30th
day of April, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/27/01

Time 11:45am