

E N R O L L E D

H. B. 2669

(BY DELEGATE(S) ELLINGTON,
HOUSEHOLDER AND PASDON)

[Passed February 25, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §16-3D-2 and §16-3D-3 of the Code of West Virginia, 1931, as amended, all relating to compulsory tuberculosis testing; defining terms; removing requirement for compulsory tuberculosis testing for school children transferring from outside this state; removing the requirement for recording test results, immediate evaluations by a physician of positive reactors, and X rays upon a positive test; omitting the requirement for all school personnel to have one tuberculin test at the time of employment; and eliminating the requirement that local health officers be responsible for arranging follow-up of school personnel and students who are not able to get a physician evaluation for a positive tuberculin skin test.

Be it enacted by the Legislature of West Virginia:

That §16-3D-2 and §16-3D-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 3D. TUBERCULOSIS TESTING, CONTROL, TREATMENT AND COMMITMENT.

§16-3D-2. Definitions.

1 As used in this article:

2 (1) “Active Tuberculosis” or “Tuberculosis” means a
3 communicable disease caused by the bacteria, *Mycobacterium*
4 tuberculosis, which is demonstrated by clinical, bacteriological,
5 radiographic or epidemiological evidence. An infected person
6 whose tuberculosis has progressed to active disease may
7 experience symptoms such as coughing, fever, fatigue, loss of
8 appetite and weight loss and is capable of spreading the disease
9 to others if the tuberculosis germs are active in the lungs or
10 throat.

11 (2) “Bureau” means the Bureau for Public Health in the
12 Department of Health and Human Resources;

13 (3) “Commissioner” means the Commissioner of the Bureau
14 for Public Health, who is the state health officer;

15 (4) “Local board of health,” “local board” or “board” means
16 a board of health serving one or more counties or one or more
17 municipalities or a combination thereof;

18 (5) “Local health department” means the staff of the local
19 board of health; and

20 (6) “Local health officer” means the individual physician
21 with a current West Virginia license to practice medicine who
22 supervises and directs the activities of the local health
23 department services, staff and facilities and is appointed by the
24 local board of health with approval by the commissioner.

25 (7) “Tuberculosis suspect” means a person who is suspected
26 of having tuberculosis disease due to any or all of the following

27 medical factors: the presence of symptoms, the result of a
28 positive skin test, risk factors for tuberculosis, or findings on an
29 abnormal chest x ray, during the time period when an active
30 tuberculosis disease diagnosis is pending.

**§16-3D-3. Compulsory testing for tuberculosis of school children
and school personnel; commissioner to approve the
test; X rays required for reactors; suspension from
school or employment for pupils and personnel found
to have tuberculosis.**

1 (a) Pupils found or suspected to have active tuberculosis
2 shall be temporarily removed from school while their case is
3 reviewed and evaluated by their personal physician and the local
4 health officer. Pupils shall return to school when their personal
5 physician and the local health officer, in consultation with the
6 commissioner, indicate that it is safe and appropriate for them to
7 return.

8 (b) School personnel found or suspected to have active
9 tuberculosis shall have their employment suspended until the
10 local health officer, in consultation with the commissioner,
11 approves a return to work.

12 (c) The commissioner may require selective testing of
13 students and school personnel for tuberculosis when there is
14 reason to believe that they may have been exposed to the
15 tuberculosis organism or they have signs and symptoms
16 indicative of the disease. School nurses shall identify and refer
17 any students or school personnel to the local health department
18 in instances where they have reason to suspect that the individual
19 has been exposed to tuberculosis or has symptoms indicative of
20 the disease.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

