

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **Senate Bill 534**

BY SENATORS BALDWIN, HAMILTON, ROMANO, BEACH,

AND LINDSAY

[Introduced February 6, 2019; Referred  
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-5A-2a of the Code of West Virginia, 1931, as amended, relating  
2 to requiring collection of additional information for cancer and tumor registry; and requiring  
3 seeking and recording of information on where subjects spent most of their lives.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 5A. CANCER CONTROL.**

### **§16-5A-2a. Cancer and tumor registry.**

1 (a) To the extent funds are available, the director of the division of health shall establish a  
2 cancer and tumor registry for the purpose of collecting information concerning the incidence of  
3 cancer and nonmalignant intracranial and central nervous system tumors. The information  
4 collected by the registry shall be analyzed to prepare reports and perform studies as necessary  
5 when such data identifies hazards to public health. Pending appropriate funding, a statewide  
6 system shall be phased in and be fully operational by July 1, 2002, pursuant to the enactment of  
7 this section in 2001.

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

15 (c) All information reported pursuant to this section is confidential and shall be used for  
16 the purpose of determining the sources of malignant neoplasms and nonmalignant intracranial  
17 and central nervous system tumors and evaluating measures designed to eliminate, alleviate or  
18 ameliorate their effect. A report provided to the cancer and tumor registry disclosing the identity  
19 of an individual who was reported as having cancer or tumors shall only be released to reporting  
20 sources and persons demonstrating a need which is essential to health related research, except

21 that the release shall be conditioned upon the reporting source and personal identities remaining  
22 confidential. No liability of any kind or character for damages or other relief shall arise or be  
23 enforced against any reporting source by reason of having provided the information or material to  
24 the cancer and tumor registry.

25 (d) The director of the division of health shall appoint an advisory committee on cancer  
26 and tumors with membership consisting of representatives of appropriate agencies, including the  
27 West Virginia Hospital Association; the American Cancer Society, West Virginia division; the  
28 American Lung Association of West Virginia; the West Virginia Medical Association; the  
29 Association of Osteopathic Medicine; the West Virginia Nurses Association; the Mary Babb  
30 Randolph Cancer Center; and, at the discretion of the director, any other individuals directly  
31 involved. The advisory committee shall provide technical guidance regarding the operation of the  
32 cancer registry and shall provide such advice and assistance as needed to carry out effective  
33 cancer prevention and control activities. The members of the advisory committee shall serve four-  
34 year terms. Vacancies shall be filled in a like manner for the unexpired term.

35 (e) The director shall ~~promulgate rules~~ propose rules for legislative approval in accordance  
36 with the provisions of §29A-3-1 et seq. of this code related to: (1) The content and design of all  
37 forms and reports required by this section; (2) the procedures for disclosure of information  
38 gathered by the cancer and tumor registry by monitoring and evaluating health data and from  
39 completed risk assessments; and (3) any other matter necessary to the administration of this  
40 section.

1 (f) Beginning July 1, 2019, the director shall provide that in addition to information being  
2 collected for cancer reporting statistics, such as a cancer subject's place of birth or current  
3 residence, the interviewer shall ask and make available to include in any appropriate form and  
4 report required by this section information on where the subject spent the most of his or her life.

NOTE: The purpose of this bill is to require the state's cancer and tumor registry to collect and record information on where subjects spent the most of their lives.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.