WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3184

By Delegates Dillon, Foggin, Kirby, Ross, Butler, and Longanacre

[Introduced January 31, 2023; Referred to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §16-29A-1, relating to creating the Medical Information Confidentiality and Anti-Discrimination Act.

Be it enacted by the Legislature of West Virginia:

Article 29A. Medical Information Confidentiality and Anti-discrimination act.

§16-29A-1. Medical information confidentiality and anti-discrimination.

(a) Findings. The Legislature finds that:

Whereas the risk levels of vaccines and other medical treatment/procedures may vary substantially;

Whereas the potential benefits of individual vaccines and other medical treatment/procedures may be disputed;

Whereas the doctrine of informed consent depends upon individuals having a full understanding of the risks associated with a medical treatment/procedure and also having the freedom of conscience and agency to make such decisions as they may deem necessary for their own health and welfare;

Whereas receiving a vaccination by injection or any other means is a form of medical treatment/procedure;

Whereas the imposition of force, coercion, or conditionality by an employer or government agency into an individual’s decisions regarding a medical treatment/procedure violates the principle of informed consent;

Whereas confidentiality regarding medical statuses and treatment/procedures is a fundamental principle of modern healthcare; and

Whereas requiring an individual to provide such information, or obtaining such information by other means without individual’s consent constitutes a discriminatory and punitive act.

(b) Confidentiality. All information related to the medical status or treatment/procedures of individuals, including vaccinations, shall be considered confidential in the State of West Virginia.

(1) Personal, medical status, treatment/procedure information, and/or vaccination status information shared between individuals and their physicians or medical service providers shall be considered confidential. No such information may be solicited from an individual by an employer or government agency through the use of force, coercion, or conditionality for any reason. Any information concerning an individual's medical status, treatment/procedure information, and/or vaccination status intended to be shared by a physician or medical service provider for any reason shall require written consent from the individual.

(2) No employee or other individual in the State of West Virginia shall be compelled to release their medical status, treatment/procedure information, and/or vaccination status to an employer or government agency.

(A) In the case that the medical and/or vaccination status of an employee or other individual should become known by employer or government agency, such employer or government agency must notify employee of their knowledge of such information.

(B) Employers and government agencies which come into information regarding an individual’s medical and/or vaccination status must destroy any record of such information and maintain complete confidentiality.

(c) Anti-discrimination. No public or private employer or government agency of the State of West Virginia may discriminate against any individual on the basis of medical and/or vaccination status, including but not limited to:

(1) Actions of a disciplinary nature, wearing additional apparati or identifying symbols or labels, changes of workplace duties or assignments, or any other means of treating an employee differently as a result of employer’s knowledge of an employee’s medical or vaccine status.

(2) Denial of government-related services or benefits of any kind, or the addition of extra requirements to receive such services or benefits.

NOTE: The purpose of this bill is to create the Medical Information Confidentiality and Anti-Discrimination Act.

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