

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article
 2 designated §16-29A-1, relating to creating the Medical Information Confidentiality and
 3 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.

1 (a) Findings. The Legislature finds that:
 2 Whereas the risk levels of vaccines and other medical treatment/procedures may vary
 3 substantially;
 4 Whereas the potential benefits of individual vaccines and other medical
 5 treatment/procedures may be disputed;
 6 Whereas the doctrine of informed consent depends upon individuals having a full
 7 understanding of the risks associated with a medical treatment/procedure and also having the
 8 freedom of conscience and agency to make such decisions as they may deem necessary for their
 9 own health and welfare;
 10 Whereas receiving a vaccination by injection or any other means is a form of medical
 11 treatment/procedure;
 12 Whereas the imposition of force, coercion, or conditionality by an employer or government
 13 agency into an individual's decisions regarding a medical treatment/procedure violates the
 14 principle of informed consent;
 15 Whereas confidentiality regarding medical statuses and treatment/procedures is a
 16 fundamental principle of modern healthcare; and
 17 Whereas requiring an individual to provide such information, or obtaining such information
 18 by other means without individual's consent constitutes a discriminatory and punitive act.

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

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

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

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

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

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

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

43 (2) Denial of government-related services or benefits of any kind, or the addition of extra
44 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.