WEST virginia legislature

2023 regular session

Committee Substitute

for

Senate Bill 89

By Senators Woelfel, Grady, Woodrum, Hamilton, Rucker, and Plymale

[Originating in the Committee on Health and Human Resources; reported on January 18, 2023]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9D-1 and §15-9D-2, all relating to sexual assault forensic examinations; defining terms; requiring hospitals to have on call, available health care providers to conduct sexual assault forensic examinations and to collect sexual assault forensic examination kits; requiring that the health care providers shall be trained and properly qualified by the Sexual Assault Forensic Examination Commission; and providing for effective date.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 9D. SEXUAL ASSAULT FORENSIC EXAM STAFF.**

**§15-9D-1. Definitions.**

As used in this section:

"Sexual assault forensic examination kit" or "kit" means a set of materials, including, but not limited to, swabs and tools for collecting blood samples, clothing, or other materials used to gather forensic evidence from a victim of a reported sexual offense and the evidence obtained with the materials, as also defined in §15-9B-1a(4) of this code.

"Sexual offense" means any offense or attempted offense in the jurisdiction of the state in which a sexual assault forensic examination kit is collected, also as further defined in §15-9B-1a(5) of this code.

"Hospital" means a facility licensed pursuant to the provisions of §16-5B-1 *et seq*. of this code that primarily provides inpatient diagnostic, treatment, or rehabilitative services to the injured, disabled, or sick persons under the supervision of physicians with a 24-hour emergency department.

**§15-9D-2. Required staff.**

(a) Every hospital, as defined in this article, shall have on-call, available health care providers 24 hours each day to conduct examinations, including, but not limited to the collection of the sexual assault forensic examination kit of persons seeking treatment as victims of sexual offenses as defined in this article. The health care providers shall be trained and properly qualified by the Sexual Assault Forensic Examination Commission, as established in §15-9B-1 *et seq*. of this code to conduct the required forensic examination and to properly collect the sexual assault forensic examination kit.

(b) This article shall be effective July 1, 2024.