

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4401**

By Delegates Kimble and Jeffries

[Introduced January 10, 2024; Referred  
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to  
 2 the Commissioner of the Bureau for Public Health; and requiring medical professionals to  
 3 report to the Bureau for Public Health all injuries and side effects from vaccines and  
 4 produce an annual report for the Legislature; requiring medical professionals that deliver  
 5 vaccines to receive educational materials from the Bureau for Public Health about negative  
 6 side effects from vaccines and to be formally trained every five years; and requiring the  
 7 Commissioner to make available a mechanism for individuals, including parents, to report  
 8 adverse impact from vaccines.

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

**ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.**

**~~§16-1-6. Commissioner of the Bureau for Public Health; powers and duties.~~ Powers and  
duties of the commissioner.**

1 (a) The commissioner is the chief executive, administrative and fiscal officer of the Bureau  
2 for Public Health and has the following powers and duties:

3 (1) To supervise and direct the fiscal and administrative matters of the bureau, and in that  
4 regard and in accordance with law, employ, fix the compensation of, and discharge all persons  
5 necessary for the proper execution of the public health laws of this state and the efficient and  
6 proper discharge of the duties imposed upon, and execution of powers vested in the commissioner  
7 by law and as directed by the secretary;

8 (2) To enforce all laws of this state concerning public health.

9 (3) To investigate the cause of disease, especially of epidemics and endemic conditions,  
10 and the means of prevention, suppression, or control of those conditions; the source of sickness  
11 and mortality, the effects of environment, employment, habits, and circumstances of life on the  
12 public health.

13 (4) To inspect and examine food, drink, and drugs offered for sale or public consumption in  
14 the manner the commissioner considers necessary to protect the public health and shall report all

15 violations of laws and rules relating to the law to the prosecuting attorney of the county in which the  
16 violations occur;

17 (5) To make complaint or cause proceedings to be instituted against any person,  
18 corporation, or other entity for the violation of any public health law before any court or agency,  
19 without being required to give security for costs; the action may be taken without the sanction of  
20 the prosecuting attorney of the county in which the proceedings are instituted or to which the  
21 proceedings relate;

22 (6) To promote the provision of essential public health services to citizens of this state;

23 (7) To monitor the operation and coordination of the local boards of health and local health  
24 officers;

25 (8) To develop and maintain a state plan of operation that sets forth the needs of the state  
26 in the areas of public health; goals and objectives for meeting those needs; methods for achieving  
27 the stated goals and objectives; and needed personnel, funds, and authority for achieving the  
28 goals and objectives;

29 (9) To collect data as may be required to foster knowledge on the citizenry's health status,  
30 the health system, and costs of health care;

31 (10) To delegate to any appointee, assistant, or employee any and all powers and duties  
32 vested in the commissioner, including, but not limited to, the power to execute contracts and  
33 agreements in the name of the bureau: *Provided*, That the commissioner is responsible for the  
34 acts of his or her appointees, assistants, and employees;

35 (11) To transfer any patient or resident between hospitals and facilities and, by agreement  
36 with the state Commissioner of Corrections and Rehabilitation and otherwise in accord with law,  
37 accept a transfer of a resident of a facility under the jurisdiction of the state Commissioner of  
38 Corrections and Rehabilitation;

39 (12) To make periodic reports to the Governor and to the Legislature relative to specific  
40 subject areas of public health, or other matters affecting the public health of the people of the state;

41           (13) To accept and use for the benefit of the health of the people of this state, any gift or  
42   devise of any property or thing which is lawfully given: *Provided*, That if any gift is for a specific  
43   purpose shall be used as specified. Any profit which may arise from any gift or devise of any  
44   property or thing shall be deposited in a special revenue fund with the State Treasurer and shall be  
45   used only as specified by the donor or donors;

46           (14) To inspect and enforce rules to control the sanitary conditions of and license all  
47   institutions and health facilities as set forth in this chapter, including, but not limited to, schools,  
48   whether public or private, public conveyances, dairies, slaughterhouses, workshops, factories,  
49   labor camps, places of entertainment, hotels, motels, tourist camps, all other places open to the  
50   general public and inviting public patronage or public assembly, or tendering to the public any item  
51   for human consumption and places where trades or industries are conducted;

52           (15) To make inspections, conduct hearings, and to enforce the legislative rules  
53   concerning occupational and industrial health hazards, the sanitary condition of streams, sources  
54   of water supply, sewerage facilities, and plumbing systems, and the qualifications of personnel  
55   connected with the supplies, facilities or systems without regard to whether they are publicly or  
56   privately owned; and to make inspections, conduct hearings and enforce the legislative rules  
57   concerning the design of chlorination and filtration facilities and swimming pools;

58           (16) To provide in accordance with this subdivision for a program for the care, treatment,  
59   and rehabilitation of the parents of sudden infant death syndrome victims; for the training and  
60   employment of personnel to provide the requisite rehabilitation of parents of sudden infant death  
61   syndrome victims; for the education of the public concerning sudden infant death syndrome; for  
62   the education of police, employees, and volunteers of all emergency services concerning sudden  
63   infant death syndrome; and for requesting appropriation of funds in both federal and state budgets  
64   to fund the sudden infant death syndrome program;

65           (17) To establish and maintain a state hygienic laboratory as an aid in performing the duties  
66   imposed upon the commissioner, and to employ employees that may be necessary to properly

67 operate the laboratory. The commissioner may establish branches of the state laboratory within  
68 the state that are necessary in the interest of the public health;

69 (18) To expend, for the purpose of performing the public health duties imposed on the  
70 bureau, or authorized by law, any sums appropriated by the Legislature. The commissioner may  
71 make advance payments to public and nonprofit health services providers when the commissioner  
72 determines it is necessary for the initiation or continuation of public health services. The advance  
73 payments, being in derogation of the principle of payment only after receipt of goods or services,  
74 shall be authorized only after serious consideration by the commissioner of the necessity of the  
75 advance payments and shall be for a period no greater than 90 days in advance of rendition of  
76 service or receipt of goods and continuation of health services; and

77 (19) To exercise all other powers delegated to the commissioner by the secretary or by this  
78 chapter or otherwise in this code, to enforce all health laws, and to pursue all other activities  
79 necessary and incident to the authority and area of concern entrusted to the bureau or the  
80 commissioner;

81 (20) To require medical professionals to report all injuries and side effects from vaccines to  
82 the Bureau for Public Health, from which the commissioner shall produce an annual report for the  
83 Legislature, and to be made public via the Public Health website, concerning injuries and negative  
84 side effects from vaccines;

85 (21) To require that medical professionals that deliver vaccines be required to receive  
86 educational materials from the Bureau for Public Health about negative side effects from vaccines  
87 and to be formally trained every five years;

88 (22) The commissioner shall make available a mechanism for individuals, including  
89 parents, to report adverse impact from vaccines.

90 (b) The commissioner shall establish within the Bureau for Public Health, a Center for  
91 Local Public Health. The center shall:

92 (1) Enhance the quality and availability of essential public health services throughout the

- 93 state provided by local boards of health;
- 94 (2) Provide technical assistance and consultation to a local board of health agency;
- 95 (3) Allocate and distribute funding based upon performance based standards;
- 96 (4) Provide technical assistance to the local public health workforce;
- 97 (5) Facilitate bi-directional communication;
- 98 (6) Establish a uniform state-wide computer system for the reporting of public health data;
- 99 (7) Inventory the services provided by a local boards of health;
- 100 (8) Support sharing of services between local boards of health;
- 101 (9) Create a performance-based evaluation system based on standards established by
- 102 legislative rule;
- 103 (10) Provide a quarterly training to ensure consistency in the application of state laws,
- 104 legislative rules, and local health department rules; and
- 105 (11) Enforce compliance with performance standards.

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NOTE: The purpose of this bill is to require medical professionals to report to the Bureau for Public Health all injuries and side effects from vaccines. And requiring the Commissioner of the Bureau for Public Health to produce an annual report for the Legislature. The bill also requires medical professionals to receive periodic training relating to side effects from vaccines, and that the Commissioner make reports available to individuals and parents concerning adverse impact from vaccines.

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