

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 719

By Senators Chapman, Azinger, Hunt, Karnes,
Martin, Maynard, Roberts, Rucker, Smith, Taylor, and
Woelfel

[Introduced February 8, 2024; referred
to the Committee on Health and Human Resources;
and then to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §16-5EE-1, relating to clarifying parent and legal guardian access to a minor
 3 child's medical records.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5EE. PARENT AND LEGAL GUARDIAN ACCESS TO MINOR CHILD'S
MEDICAL RECORDS.

§16-5EE-1. Parent and Legal Guardian Access to Minor Child's Medical Records.

1 (a) Absent a court order pursuant to Chapter 48 of this code that prohibits parental access,
 2 no parent or legal guardian of an unemancipated minor child shall be denied access to paper and
 3 electronic medical records of his or her minor child.

4 (b) Medical providers are prohibited from requiring the signature of any minor to consent to
 5 providing his or her parent or guardian access to electronic records.

6 (c) If the minor child's medical records are only stored by paper, a parent or guardian must
 7 be provided a paper copy within three days of a request to the minor child's medical provider and
 8 must be provided at no cost to the parent or guardian.

NOTE: The purpose of this bill is to clarify that neither a parent nor legal guardian of a minor child shall be denied access to the minor child's medical records without requiring a child to sign a document permitting his or her parents to see the records.

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