

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §15-9D-1 and §15-9D-2, all relating to sexual assault forensic examinations;
3 defining terms; requiring hospitals to have on call, available health care providers to
4 conduct sexual assault forensic examinations and to collect sexual assault forensic
5 examination kits; requiring that the health care providers shall be trained and properly
6 qualified by the Sexual Assault Forensic Examination Commission; and providing for
7 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:

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

5 "Sexual offense" means any offense or attempted offense in the jurisdiction of the state in
6 which a sexual assault forensic examination kit is collected, also as further defined in §15-9B-
7 1a(5) of this code.

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

§15-9D-2. Required staff.

1 (a) Every hospital, as defined in this article, shall have on-call, available health care
2 providers 24 hours each day to conduct examinations, including, but not limited to the collection of
3 the sexual assault forensic examination kit of persons seeking treatment as victims of sexual

4 offenses as defined in this article. The health care providers shall be trained and properly qualified
5 by the Sexual Assault Forensic Examination Commission, as established in §15-9B-1 et seq. of
6 this code to conduct the required forensic examination and to properly collect the sexual assault
7 forensic examination kit.

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